

Item No: 5.4
Application No: 15/01307/FUL Author: Julia Crebbin
Date valid: 14 August 2015 ☎: 0191 643 6314
Target decision date: 13 November 2015 Ward: Valley

Application type: full planning application

Location: Fenwick Colliery, East Holywell, Earsdon To Backworth Link Road, Backworth, NEWCASTLE UPON TYNE

Proposal: Proposed residential development for 18 dwellings

Applicant: The Northumberland Estates, FAO Mr Barry Spall Estates Office
Alnwick Castle Alnwick Northumberland NE66 1NQ

RECOMMENDATION: Minded to grant legal agreement req.

INFORMATION

1.0 Summary Of Key Issues & Conclusions

The main issues in this case are:

- Principle of the Proposed Development;
- Design and Layout;
- Impact on Surrounding Amenity and Amenity of Proposed Occupiers;
- Car Parking and Access;
- Ecology and Landscaping.

1.0 Description of the Site

1.1 The site to which the application relates is the former Fenwick Colliery, which is located on the Earsdon to Backworth Link Road in Backworth. The site comprises of two parcels land on either side of a sharp curve in the road. The western parcel of land contains a large industrial shed, and smaller sheds, relating to a builder's depot and former engineering works. This part of the application site is currently used for caravan storage. The eastern parcel of land contains the former large colliery buildings and previously contained the colliery railway lines. This part of the site has been largely vacant for approximately 40 years and the buildings are in a derelict state displaying evidence of vandalism and anti-social behaviour.

1.2 The application site is bounded to the east by the reclaimed former pit heap (which has undergone landscaping works), to the north by reclaimed land and agricultural land, to the west by the residential dwelling and stables at the Old School House Lodge, the wagonway (public right of way), agricultural land and

Backworth pond, and to the south by the Brierdene Burn (some 132m away at its closest point), reclaimed land and agricultural land.

1.3 The application site falls within designated general open space, green belt, a wildlife corridor and a site of archaeological interest. The land to the east of the site is a designated Site of Local Conservation Interest (SLCI), and Backworth Pond to the west is a Local Wildlife Site (LWS).

2.0 Description of the Proposed Development

2.1 The proposal relates to the demolition of most of the buildings on the site and the construction of 17no. new residential dwellings. The existing three storey 'Winding House' (building 5) is to be retained, extended and converted into a residential dwelling. This will result in 18no. residential dwellings on the site, with associated landscaping and highways works.

3.0 Relevant Planning History

75/00627/FUL – To erect a portal frame steel building and 10,000 sq ft office building - Refused 24.04.1975

78/02660/FUL – Production and testing of heavy mining machinery - Permitted 22.11.79

82/01136/FUL – Application for full planning permission for the production and testing of mining machinery superseding temp permission 78/02660/FUL and 80/0082/FUL - Permitted 26.08.92

82/01136A/FUL – Removal of condition 3 of planning permission NT/1136/82DM (application for full planning permission for the production and testing of mining machinery superseding temporary permissions NT/2600/78DM and NT/82/80/DM. This permission shall enure solely for the benefit of the applicant Lodna Construction Ltd - Refused 07.10.86.

90/01107/FUL – Change of use from maintenance of mining machinery to landscaping depot - Permitted 13.09.90.

98/01659/FUL – Change of use of land to travelling show people's site. - Refused 19.01.99.

98/01706/FUL – Change of use of vacant industrial unit to have indoor market and car boot sale event Sunday from 8am to 2pm and change of use of land to car park to serve same - Refused 19.01.99

03/03730/CLEXIS – Storage of woodchip and wood for logs. - Refused 15.03.04, Appeal withdrawn.

04/03985/CLEXIS – Storage of wood chip and wood for logs, access gained from southern corner of the site off main Backworth/Earsdon Road. - Permitted 10.01.05

4.0 Development Plan

4.1 North Tyneside Council Unitary Development Plan (adopted March 2002)

4.2 Direction from Secretary of State under Paragraph 1(3) of Schedule 8 to Town and Country Planning and Compulsory Purchase Act 2004 in respect of Policies in the North Tyneside UDP (August 2007)

5.0 Government Policy

5.1 National Planning Policy Framework (March 2012)

5.2 National Planning Practice Guidance (As Amended)

Planning applications must be determined in accordance with the development plan unless material considerations indicate otherwise. The NPPF is a material consideration in the determination of all applications. It requires LPAs to apply a presumption in favour of sustainable development in determining development proposals. Due weight should still be attached to Development Plan policies according to the degree to which any policy is consistent with the NPPF.

PLANNING OFFICERS REPORT

6.0 The main issues in this case are:

- Principle of the Proposed Development;
- Design and Layout;
- Impact on Surrounding Amenity and Amenity of Proposed Occupiers;
- Car Parking and Access;
- Ecology and Landscaping.

6.1 Consultations responses and representations received as a result of the publicity given to this application are set out in the appendix to this report.

7.0 Principle of the Proposed Development

7.1 Green Belt and Open Space

7.2 The NPPF confirms that local authorities should attach significant weight to the benefits of economic and housing growth and enable the delivery of sustainable developments. It identifies 12 core planning principles for Local Authorities that should underpin decision making. One of these is to encourage the effective use of land by reusing land that has been previously developed (brownfield land).

7.3 The application site is within the Green Belt. One of the 12 core planning principles is to protect the Green Belt. Paragraph 79 of NPPF states that the Government attaches great importance to Green Belts. The fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open. The essential characteristics of Green Belts are their openness and their permanence.

7.4 Paragraph 80 of NPPF states that the Green Belt serves five purposes;

- To check the unrestricted sprawl of large built up areas;
- To prevent neighbouring towns from merging into one another;
- To assist in safeguarding the countryside from encroachment;
- To preserve the setting and special character of historic towns; and
- To assist in urban regeneration, by encouraging the recycling of derelict and other urban land.

7.5 Paragraph 87 of NPPF states that inappropriate development in the Green Belt should not be approved except in very special circumstances, and paragraph 89 states that a local planning authority should regard the construction of new buildings as inappropriate in the Green Belt, except where amongst other matters, the redevelopment of previously developed sites whether redundant or in continuing use, which would not have a greater impact on the openness of the Green Belt and the purposes of including land within it than the existing development.

7.6 Policy E20 states that a Green Belt has been defined, which amongst other matters, maintains the separate character of Earsdon.

7.7 Policy E20/2 states that permission will not be given for any inappropriate development, which would be harmful to the Green Belt.

7.8 Policy E20/3 states that within the Green Belt, there will be a presumption against planning permission being given for new buildings. However, this policy is not consistent with the advice in NPPF, which states that new buildings are not inappropriate development where it involves the redevelopment of a previously developed site. Policy E20/3 therefore cannot be given full weight in this case.

7.9 The proposal would involve the redevelopment of a previously developed site and therefore, subject to it not having a greater impact on the openness of the Green Belt, would not constitute inappropriate development.

7.10 The site consists of vacant and derelict buildings which currently detract from the area. The proposed total building footprint of 4,386sqm would be 32% less than the total existing building footprint of 6,449sqm. The proposed total floor area of 5,660sqm is also substantially less than the total existing floor area of 9,404 sq m. The height massing and scale of the proposed housing would be less than the large colliery and industrial buildings and so will not have a greater impact on the openness of the Green Belt. It is officer advice therefore that the proposal would not constitute inappropriate development within the Green Belt and therefore there is no need to demonstrate very special circumstances.

7.11 In conclusion the proposal would encourage the recycling of derelict land. The proposal as it involves the construction of new buildings would be contrary to policy E20/3. However policy E20/3 is not consistent with the advice in NPPF, which states that new buildings are not inappropriate where it involves the redevelopment of a previously developed site. Members must determine whether the proposal complies with the advice in the NPPF and policies E20 and E20/2.

7.12 Housing

7.13 In relation to housing, NPPF states that the Government's key housing objective is to increase significantly the delivery of new homes. In order to achieve this objective Government requires that authorities should identify and maintain a rolling supply of specific deliverable sites to provide five years worth of housing against their housing requirements plus an additional buffer of 5% to

ensure choice and competition in the market for land. Where there has been a persistent under delivery, the buffer should be increased by 20%.

7.14 Paragraph 49 of the NPPF sets out that relevant development plan policies for the supply of housing will not be considered up-to-date if the local planning authority cannot demonstrate a 5-year supply of deliverable housing sites. Therefore, North Tyneside Council remains dependent upon approval of further planning permissions to achieve, and subsequently maintain, its housing supply. NPPF goes on to say that local planning authorities should plan for a mix of housing based on current and future demographic trends and market trends.

7.15 The NPPF states that housing applications should be considered in the context of the presumption in favour of sustainable development.

7.16 Policy H5 of the UDP states that proposals for housing development on sites not identified for this purpose will only be approved where all of the following criteria can be met: (i) The proposal is on a previously developed site and is within the built up area; (ii) It is acceptable in terms of its impact on its site, local amenity, the environment, and adjoining land uses; (iii) It can be accommodated within the existing infrastructure; (iv) It does not have an adverse impact on open space provision.

7.17 The development plan is out of date. The North Tyneside Unitary Development Plan was adopted in March 2002, over 14 years ago. The plan period ran until 2006 and we are now significantly (10 years) beyond this. Following the advice in paragraph 14 of NPPF it states that where the development is out of date, the presumption is that planning permission should be granted, unless any adverse effects of doing so would significantly and demonstrably outweigh, when assessed against policies in the NPPF taken as a whole or specific in the Framework indicate that development should be restricted.

7.18 With regards to the housing land supply, work is still ongoing to establish an adopted housing target for the borough. Latest evidence indicates a minimum potential five year housing land supply target between 2014/15 and 2018/19, including a 5% buffer, of 5,619 new homes. North Tyneside's total potential five year housing land supply identified within the January 2015 SHLAA and Housing Land Supply Assessment, is 3,438 homes (including delivery from sites yet to gain planning permission). There is therefore a shortfall of 2,181 homes. The Council therefore does not have an identified 5 year supply of housing land, and remains dependent upon further approvals of planning permission to achieve and subsequently maintain its housing supply.

7.19 The North Tyneside Local Plan Pre-Submission Draft 2015 establishes the Council's preferred level of future housing growth to 2032 based on the latest evidence of need. Reflecting this position, and after incorporating a 5% buffer, there is a minimum requirement for 6,109 new homes between 2015/16 and 2019/20.

7.20 The October 2015 Strategic Housing Land Availability Assessment (SHLAA) identifies the total potential 5-year housing land supply in the borough at 4,150

new homes. This figure comprises new homes expected to be delivered from sites which already have planning permission, sites which are yet to gain permission and a proportion of delivery from windfall sites. There is a shortfall of 1,929 homes against the Local Plan requirement. This means there is at present 3.40 years supply of housing land.

7.21 As set out in paragraph 7.9 of this report, the application is previously developed. It is considered that the application site is an appropriate site for residential development in accordance with the objectives of the NPPF and policy H5.

7.11 Members must determine whether or not the principle of residential development on this site is acceptable, and whether the contribution towards the five year housing land supply outweighs any harm arising from the development.

7.12 Officer advice is that the principle of residential development on the site is acceptable. This proposal for new housing accords with the Government's objectives, as set out in the NPPF, and should be considered on the basis of the presumption in favour of sustainable development.

8. Design and Layout

8.1 The National Planning Policy Framework states that good design is a key aspect of sustainable development and that permission should be refused for development of poor design. In respect of designated heritage assets the NPPF states that when determining the impact on the significance of a heritage asset great weight should be given to the assets conservation. The more important the asset the greater the weight should be. Significance can be harmed or lost through alteration or destruction of the heritage asset or development within its setting.

8.2 The NPPF also states that local planning authorities should take into account the desirability of new development making a positive contribution to local character and distinctiveness; and opportunities to draw on the contribution made by the historic environment to the character of a place.

8.3 LDD11 Design Quality provides guidance on layout and design for both new buildings and extensions to existing properties. This states that the context of the site itself, through to its immediate surroundings and to the wider local area should be taken into account in formulation of a design concept. In addition LDD11 provides that the scale, mass and form of a building are the most important factors in producing good design and ensuring development integrates into its setting in the wider environment.

8.4 Policy H11 Design Standards and Development Control Policy Statement No.14 'New Housing Estates - Design and Layout' of the North Tyneside UDP refer to design and layout standards for new residential development including, scale, density, massing, construction, landscaping and materials, provision for parking, access, pedestrian and vehicle circulation and the impact of the proposal on its site, local amenity, the environment and adjoining land uses.

8.5 In support of the application a Heritage, Design and Access Statement has been submitted. This states that former Fenwick Pit site is one of the most eye catching sites in North Tyneside. Dwarfed by its adjacent spoil heap, it dominates the surrounding landscape. However, it is an industrial brownfield site, which currently blights its immediate setting and presents a long term source of concern with regard to site management, safety and vandalism. It detracts in a major way, from the green belt which surrounds it. High aspirations are given to the regeneration of The Winding House, which is a major physical feature within the greenbelt, and also represents an important legacy to the coal mining community which lived there. The applicant's aim is to create an exemplar, sustainable executive housing scheme, which will achieve a number of important objectives for North Tyneside.

8.6 The proposed development will see the conversion and extension of the Winding House into a residential dwelling, which the applicant considers will enhance this building of significant visual and architectural interest. The architectural form of the proposed new 17no. detached dwellings has been informed by the existing Winding House, and the rural setting. The palette of materials will include brick, grey interlocking concrete tiles or similar, grey window and door frames, and timber boarding. Each dwelling will be set on an individual plot area of 1/8 acre to 1/4 acre. The proposed dwellings are a mix of one and a half storey and two storey.

8.7 The Council's Design Officer has advised that he is supportive of the scheme which will bring an unattractive site back into use. In accordance with advice provided by the Design Officer the applicant has made some revisions to the proposals including the omission of render, which was considered to be too dominant when viewed within the Landscape. The Design Officer advised that primary materials should be brick, timber and glass. The revised details now reflect this. The Design Officer has also suggested that concrete blocks should be used for visitor parking bays in order to avoid the highway appearing as too wide.

8.8 The Tyne and Wear Archaeology Officer has expressed her disappointment that the majority of the buildings are proposed for demolition, but has acknowledged that they are in a very poor condition. Indeed, the applicant has recently undertaken emergency demolition works on safety grounds. The Archaeology Officer is pleased to see the retention of the Winding House, as she considers this is the most attractive building on the site and will lend itself well to residential conversion using good quality materials. She is also supportive of the proposal for a small number of executive dwellings as this is more fitting with the historic layout of the site, rather than a large number of townhouses or similar.

8.9 Members must determine whether the proposed development is acceptable in terms of its design and layout. Officer advice is that the proposed scheme makes good use of the site, and has been sensitively designed to provide an attractive design and layout.

9.0 Impact on Surrounding Amenity and amenity of proposed occupiers

9.1 Paragraph 123 of NPPF states that planning decisions should aim to avoid noise from giving rise to significant adverse impacts on health and quality of life as a result of new development.

9.2 UDP Policy E3 seeks to minimise the impact of pollution on the environment, including existing land uses and on proposed development and will support and encourage measures including the monitoring of pollution to reduce it to the lowest practicable levels.

9.3 UDP Policy H11 states that in determining applications for residential development, the LPA will take into account the impact of the proposal on its site, local amenity, the environment and adjoining land uses.

9.4 Development Control Policy Statement No. 14 sets out criteria in determining applications for residential development. The criteria include general and detailed design guidance, parking space standards, privacy -distances (back to back 21.0m, back to gable 12.0m, front to front 21.0m), amenity space standards (minimum 50 square metres) and site development ratios (area of buildings should not exceed 50% of plot size). Further to the above, DCPS14 states that in fill sites within established residential areas may not be able to meet those standards relating to privacy distances and a reduced standard may be permissible.

9.5 The application site is located a significant distance from the nearest villages of Earsdon and Backworth, with the only nearby neighbouring dwelling being located at The Old School House Lodge, which is located to the west of the site. Due to the layout of the proposed dwelling, and the separation distances between these and The Old School House Lodge, the proposed development will not result in any loss of privacy, sunlight, or daylight. As the existing unsightly buildings will be removed, the outlook for the occupants of this property will be improved. The existing problems of anti-social behaviour and vandalism will also be reduced as the site will be permanently occupied which will result in natural surveillance.

9.6 The Council's Environmental Health Officer has raised no objection to the proposed development but has recommended that a condition is attached for a noise scheme to ensure that acceptable internal noise levels for the proposed dwellings can be achieved, with particular reference to noise disturbance from commercial activity at The Old School House Stables and the road.

9.7 She has also suggested conditions to control hours of demolition, construction and a method of dust suppression.

9.8 Members need to determine whether the proposal would have a detrimental impact on the amenity of existing properties and future occupants. It is Officer advice that, subject to the suggested conditions, the proposal is acceptable in terms of its impact on existing nearby occupants and future occupants of the proposed dwellings.

10.0 Car Parking and Access

10.1 The NPPF states that Transport policies have an important role to play in facilitating sustainable development and also in contributing to wider sustainability and health objectives. The NPPF also states that development should only be prevented or refused on transport grounds where residual cumulative impacts of development are severe.

10.2 Supplementary Planning Document, LDD12 Transport and Highways, sets out the Council's adopted car parking standards.

10.3 Policy H13 sets out the criteria on the impact of the intensification of existing residential uses on neighbouring occupiers.

10.4 Policy T11 states that parking requirements will in general be kept to the operational maximum.

10.5 The Highways Network Manager has raised no objections to the proposed development noting that the parking for the proposed residential development is in accordance with the maximum standards as set out in LDD12, and that the applicant has agreed to work with the Council to agree highway mitigation measures that are required as part of this application. These works include new footways and traffic calming and a condition is proposed to secure these.

10.6 Members must determine whether the proposal is acceptable in terms of its impact on highway safety, subject to the suggested conditions. The Highway Network Manager has recommended approval of the application subject to the suggested conditions.

11.0 Ecology and Landscaping

11.1 The NPPF states that the planning system should contribute to and enhance the natural and local environment by minimising impacts on biodiversity. When determining planning applications the NPPF states that local planning authorities should refuse planning permission if significant harm resulting from development cannot be avoided, adequately mitigated or compensated for.

11.2 UDP policy E14 requires the LPA to seek to protect and conserve existing trees and landscape features within the urban environment and will encourage new planting in association with development and wherever possible in other suitable locations.

11.3 UDP policy E12/6 states that development which would adversely affect the contribution of a site to biodiversity within a wildlife corridor will not be permitted unless appropriate mitigation is provided.

11.4 There are a number of established trees and hedgerows within the site and to the boundaries of the site. The application site is also located within a designated wildlife corridor and adjacent to a SLCI and a LWS.

11.7 Concerns were originally raised by the Council's Landscape Architect and Biodiversity Officer, with particular regard to the original landscape scheme and the potential impact of the proposed development on ecology, including as a result of the proposed drainage scheme. The Northumberland Wildlife Trust also

raised concerns with regard to the impact of the proposal on ecology and advised that further survey work should be undertaken. The applicant has worked with the Local Planning Authority and subsequently submitted a revised fully detailed landscape scheme and a Phase 1 Extended Habitat Survey.

11.6 The Landscape Architect has considered the revised details and has advised that overall the revised landscaping scheme is now acceptable. The Biodiversity Officer has also considered the revised and additional information and does not object to the proposed development, subject to several detailed conditions in relation to protected species, drainage and landscaping. She has also noted that the proposed landscaping scheme (DWG No:NT11232/12/002) includes native hedge planting, drainage basins, wildflower meadow creation and tree and scrub planting which will adequately mitigate for the loss of habitat on this site.

11.7 An informative is also suggested to ensure that the potential to utilise the existing drainage scheme on Fenwick Pit Heap is investigated as a possible drainage option in order to reduce additional impacts on Fenwick Pit Heap wildlife site.

11.8 Newcastle Airport have advised that a condition should be attached to the approval to ensure that the SUDS ponds and swales are designed in accordance with aerodrome safeguarding practices and should be agreed with the LPA. In addition the airport have provided advice on which species should not be included in the landscaping scheme in quantities greater than 10%. This has been taken into account by the applicant in preparing the proposed landscaping scheme, and will be attached to the approval as a condition.

11.9 Members must determine whether the proposed development is acceptable in terms of its impact on landscaping and ecology and complies with the NPPF and UDP policies E12/6 and E14.

12.0 Other Matters

12.1 Coal Mining Risk Assessment

12.2 Paragraphs 120-121 of the NPPF state that policies and decisions should ensure that new development is appropriate for its location in order to prevent unacceptable risks from pollution and land instability. Where a site is affected by contamination or land stability issues, responsibility for securing a safe development rests with the developer and/or landowner.

12.3 Policy E8 of the UDP provides that future dereliction or contamination should be prevented by imposing restoration and aftercare conditions on appropriate development permissions.

12.4 The application site is located within an area designated by The Coal Authority as being at high risk from previous coal mining activity. The applicant has submitted a Coal Mining Risk Assessment.

12.5 The Coal Authority has considered the Risk Assessment and raised no objection to the proposed development. It concurs with the recommendations of the risk assessment in that coal mining legacy potentially poses a risk to the

proposed development. As such, they have recommended that a condition be attached to require intrusive site investigation works, for the results to be submitted to the LPA and undertaking of any required remedial works. This will ensure that the application site is safe and stable for the proposed development.

12.6 The Council's Contaminated Land Officer has also provided comments on the application. Given the findings of the Coal Mining Risk Assessment and the proposed sensitive end use, and the location of the application site within the high risk area, she has requested that conditions be attached to the grant of approval requiring gas and contamination investigations to be undertaken at the site prior to the commencement of any development.

12.7 Members must determine whether the proposal is acceptable in terms of land stability and contamination matters. Officer advice is that, subject to the suggested condition, the proposal is acceptable in this regard.

13.0 Drainage and Flood Risk

13.1 NPPF states that when determining application, local planning authorities should ensure that flood risk is not increased elsewhere and only consider development appropriate in areas at risk of flooding where informed by a site specific flood risk assessment following the Sequential Test.

13.2 The application site is located within Flood Zone 1, the lowest risk. The applicant has submitted a Flood Risk Assessment (FRA)

13.3 Northumbrian Water has raised no objections to the proposed development, subject to the FRA forming part of the planning approval.

13.4 In addition, the Council's Local Lead Flood Engineer has advised that a condition is attached so that full drainage details are required to be submitted to the LPA for approval.

13.5 It is officer advice that subject to the suggested condition the proposal would accord with the advice in NPPF in terms of flood risk.

14.0 Archaeology

14.1 National Planning Policy Framework (NPPF) states that heritage assets are irreplaceable resource and should be conserved in a manner appropriate to its significance.

14.2 Paragraph 128 of NPPF states that in determining applications, local planning authorities should require an applicant to describe the significance of the any heritage assets affected.

14.3 Paragraph 129 of NPPF states that local planning authorities should identify and assess the particular significance of any heritage asset that may be affected by a proposal.

14.4 UDP policy E19/6 states that where assessment and evaluation have been established that a proposed development will affect a site of Archaeological Interest, the applicant will be required to preserve the archaeological remains in-

situ unless this is inappropriate or destruction of the remains is demonstrably unavoidable in which case a programme of archaeological works will be required.

14.5 The application site is a designated Site of Archaeological Importance. The applicant has submitted a desk based assessment and a building recording report.

14.6 The Tyne and Wear Archaeology Officer has raised no objection to the proposed development but has recommended conditions relating to archaeological excavation and recording, a post excavation report, plaques to be installed on the mine shafts, and an interpretation board to be installed at the entrance to the housing development to explain the history of the site.

15.0 Other Issues

15.1 The proposal involves the creation of 18 dwellings.

15.2 The Government pays New Homes Bonus to local authorities to assist them with costs associated with housing growth and payments were first received in the financial year 2011/12. The payments are based on the net addition to the number of dwellings delivered each year, with additional payments made to encourage bringing empty homes back into use, and the provision of affordable homes. Granting consent for new dwellings therefore increases the amount of New Homes Bonus, which the Council will potentially receive.

15.3 As the system currently stands, for North Tyneside, for the new increase in dwellings built in 2016/17, the Council will receive funding for the six years from 2018/19. It should be noted, however, that the Government are currently reviewing the operation of the New Homes Bonus Scheme, including reducing the numbers of years for which payments are made. This was outlined in the Government Consultation paper "New Homes Bonus: sharpening the incentive: technical consultation", which they issued in December 2015. This Consultation closed on 10 March 2016, and the Government are yet to report their findings.

15.4 In addition, the units will bring in revenue as a result of Council tax.

15.5 Members should give appropriate weight amongst all other material considerations, to the benefit accrued to the Council as a result of the monies received from central government.

16.0 Planning Obligations

16.1 Policy DC4 of the UDP identifies the need for developers to enter into a planning obligation or to make a financial contribution where necessary to facilitate the impact of new development on infrastructure or other essential elements including, amongst other things, access roads, open space, community facilities and affordable housing. Any contribution must fairly and reasonably be related to the scale of the proposed development, as well as being reasonable in all other respects. More recent Council policy is set out in Supplementary Planning Document LDD8 Planning Obligations (2009).

16.2 Regulation 122 Community Infrastructure Levy Regulations 2010 came into force in April 2010 and makes it unlawful for a planning obligation to be taken into

account in determining a planning application, if it does not meet the three tests of whether an obligation is:

- a) necessary to make the development acceptable in planning terms
- b) directly related to the development; and
- c) fairly and reasonably related in scale and kind to the development.

16.3 Contributions relating to affordable housing, parks and semi natural greenspace, playsites, education and employment and training have been requested.

16.4 The applicant has submitted a Viability Appraisal and, given the commercial sensitivity of the information it includes, it is confidential. However, the Viability Appraisal has been independently assessed by surveyors to verify its contents. The Viability Appraisal produced by the applicant concludes that the site is heavily constrained due to its previous use and the two mine shafts which remain on the site. The site will need to be remediated and this adds to the cost of developing this site. The costs are such that the full planning obligations cannot be secured, as to do so would render the scheme unviable.

16.5 A contribution of £12,978 to be used on existing provision in the ward for maintenance and improvements to existing playsite/equipment can be secured along with a condition requiring a scheme for an apprentice to be employed on the site.

17.0 Conclusion

17.1 In conclusion, Members must determine whether the proposal for the residential development of this previously developed site is acceptable in terms of its layout, design, scale, density, massing, privacy, outlook, parking and access, the openness of the Green Belt and ecology.

17.2 Members need to weigh the benefits of the proposal against the impacts and determine whether or not to grant planning permission.

17.3 It is the opinion of officers that the development would accord with relevant national and local policy and would therefore be acceptable. Members are recommended to approve the application, subject to the suggested conditions.

RECOMMENDATION: Minded to grant legal agreement req.

It is recommended that members indicate that they are minded to grant this application subject to the conditions set out (or any subsequent amendments, omissions or additional conditions) and to grant plenary powers to the Head of Environment, Housing and Leisure to determine the application following the completion of the S106 Agreement to secure the following:

- £12,978 for off-site children's play site equipment / maintenance

Members are requested to authorise that the Head of Law and Governance and the Head of Environment, Housing and Leisure to undertake all necessary procedures (Section 278 Agreement) to secure:

- Upgrade of footpaths surrounding the site**
- Provision of footway crossings**
- Associated street lighting**
- Associated drainage**
- Associated road markings**
- Associated Traffic Regulation Orders**
- Associated street furniture and signage**

Conditions/Reasons

1. The development to which the permission relates shall be carried out in complete accordance with the following approved plans and specification:

- Location Plan SL002
- Proposed Site Layout SL-01G
- Landscape Masterplan NT11232/12/002 revision B
- House Type Booklet December 2015
- Arboricultural Method Statement and Impact Assessment
- Flood Risk Assessment

Reason: To ensure that the development as carried out does not vary from the approved plans.

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|----|---------------------------------------|-------|------|
| 2. | Standard Time Limit 3 Years FUL | MAN02 | * |
| 3. | Restrict Hours No Construction Sun BH | HOU04 | * |
| 4. | Restrict Hours No Demolition Sun BH | HOU05 | * |
| 5. | Construction Method Statement | SIT05 | *H11 |

6. Notwithstanding the details to be submitted pursuant to condition 1, prior to the construction of any part of the development hereby approved above ground level a schedule and/or samples materials and finishes for the dwellings and garaging and all surfacing materials shall be submitted to and approved in writing by the Local Planning Authority. Thereafter, the development shall not be carried out other than in accordance with the approved details.

Reason: To ensure a satisfactory appearance having regard to Policy H11 of the North Tyneside Council Unitary Development Plan 200

7. Prior to the commencement of development the following details and a timescale for their implementation shall be submitted to and approved in writing by the Local Planning Authority:

- Upgrade of footpaths surrounding the site
- Associated drainage

- Associated street lighting
- Any associated road markings
- Any associated Traffic Regulation Orders
- Any associated street furniture & signage

Thereafter, these agreed works shall be carried out in accordance with the agreed timescales and retained thereafter.

Reason: This information is required at the outset, in order to minimise danger, obstruction and inconvenience to users of the highway and of the development having regard to policy H11 of the North Tyneside Unitary Development Plan 2002.

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|-----|-------------------------------------|-------|---------------------|
| 8. | Turning Areas Before Occ | ACC25 | *H11 and DCPS
14 |
| 9. | House Est Detail Adopt Roads No Occ | ACC02 | *H11 and DCPS
14 |
| 10. | Surface Water Drainage No Occ | DRN02 | *H11 and DCPS
14 |
| 11. | Veh Parking Garaging before Occ | PAR04 | *H11 and DCPS
14 |

12. Notwithstanding Condition 1, prior to the occupation of any dwelling details of facilities to be provided for the storage of refuse bins within the site shall be submitted to and approved in writing by the Local Planning Authority. The facilities which shall include the provision of wheeled refuse bins shall be provided in accordance with the approved details, prior to the occupation of any part of the development and thereafter permanently retained.

Reason: To ensure a satisfactory appearance and in the interests of the amenities of the occupiers and adjoining residents having regard to policy H11 of the North Tyneside Unitary Development Plan 2002.

13. Prior to the commencement of development, a noise scheme shall be submitted to and approved in writing by the Local Planning Authority. The submitted noise scheme must include a noise survey assessing both traffic noise from the C201 and commercial noise from the Old School House currently used as stabling. The noise mitigation measures shall ensure that with appropriate ventilation selection and suitable glazing the internal noise levels will comply with BS8233 showing resultant noise levels of below 30 dB LAeq for bedrooms with no exceedances of the Lmaximum of 45dB and a level of 35 dB LAeq for living rooms is achieved. This should include all domestic properties including the converted Winding House. The noise attenuation and mitigation measures shall be implemented prior to occupation and retained thereafter.

Reason: This is required from the outset of development in order to protect the amenity of the occupiers of the proposed units, having regard to policy H13 of the North Tyneside Unitary Development Plan 2002.

following:

- The undertaking of a scheme of intrusive site investigations;
- The submission of a report of findings arising from the intrusive site investigations;
- The submission of a scheme of remedial works for the mine entries and shallow coal mine workings; and
- Implementation of those remedial works.

The works shall be undertaken in accordance with the agreed details.

Reason: In the interests of land stability.

21. Notwithstanding Condition 1, no development shall commence until a detailed scheme for the management of surface water and drainage has been submitted to and approved by in writing the Local Planning Authority. This scheme shall include the following:

- Detail on how the drainage ponds will operate including how the drainage connects to the drainage network
- Details of the size, depth and cross sections through the ponds showing the depth of water during a 1in100yr rainfall event.
- Details of the drainage basins shown on the landscape drawings
- The route of the drainage scheme, extent of works, discharge /outfall details to the Brierdene Burn, working areas and site compound locations to ensure that any impacts on the Fenwick Pit Heap wildlife site are minimised.
- Details of an open ditch / watercourse with landscaping details to help filter the water from the site before it enters the Brierdene Burn.
- An assessment of the impact of the final drainage scheme on Fenwick Pit including details of the extent and type of habitat that will be lost or impacted upon.
- An appropriate mitigation scheme must be agreed with the Local Authority ecologist prior to the drainage scheme being approved.

The SUDS ponds and swales should be designed in accordance with aerodrome safeguarding best practices.

Reason: These details are required from the outset to ensure satisfactory means of surface water drainage can be accommodated within the site, in the interests of biodiversity and in the interests of aerodrome safeguarding having regard to policy H11 of the North Tyneside Unitary Development Plan 2002.

22. An otter and water vole checking survey must be undertaken prior to any drainage works being undertaken and submitted to and approved in writing by the Local Planning Authority to ensure there will be no impacts on protected species along the Brierdene Burn. The development shall be constructed in accordance with the mitigation measures set out in the approved surveys.

Reason: In the interests of wildlife protection having regard to policy E12/6 of the North Tyneside Unitary Development Plan 2002 and NPPF.

23. The development hereby approved shall not be commenced until a scheme for the details and design of a Great Crested Newt Working Method Statement have been submitted to and approved in writing by the Local Planning Authority. Thereafter, the development shall be carried out in accordance with the approved

scheme.

Reason: Required from the outset of development in the interests of wildlife protection having regard to policy E12/6 of the North Tyneside Unitary Development Plan 2002 and NPPF.

24. No demolition shall take place until a Protected Species Mitigation Licence has been obtained from Natural England prior to the demolition of any buildings on the site.

Reason: In the interests of wildlife protection having regard to policy E12/6 of the North Tyneside Unitary Development Plan 2002 and NPPF.

25. The development hereby approved shall not be constructed above damp proof course until a scheme for the details and design of 6 Schwegeler 1FD bat boxes to be provided on mature trees around the boundary of the site have been submitted to and approved in writing by the Local Planning Authority. Thereafter, the agreed bat boxes shall be installed by prior to the occupation of any dwelling and permanently retained.

Reason: In the interests of wildlife protection having regard to policy E12/6 of the North Tyneside Unitary Development Plan 2002 and NPPF.

26. The development hereby approved shall not be constructed above damp proof course until a scheme for the details and design of 4 bat bricks to be incorporated in the garages of two dwellings as well as bat access provision to the loft areas above the garages has been submitted to and approved in writing by the Local Planning Authority. Thereafter, the agreed details shall be installed prior to the occupation of any dwelling and permanently retained.

Reason: In the interests of wildlife protection having regard to policy E12/6 of the North Tyneside Unitary Development Plan 2002 and NPPF.

27. The measures outlined in the 'Working Method Statement' provided in Appendix C of the Total Ecology Report must be adhered to regarding the demolition of Building 9.

Reason: In the interests of wildlife protection having regard to policy E12/6 of the North Tyneside Unitary Development Plan 2002 and NPPF.

28. No vegetation removal will take place in the bird nesting season (March-August inclusive) unless a survey by a suitably qualified ecologist has confirmed the absence of nesting birds immediately prior to works commencing.

Reason: In the interests of wildlife protection having regard to policy E12/6 of the North Tyneside Unitary Development Plan 2002 and NPPF.

29. The development hereby approved shall not be constructed above damp proof course until a scheme for the details of 4 swallow nest cups to be provided on two garage units within the site as well as one little owl nest box on a retained tree have been submitted to and approved in writing by the Local Planning Authority. Thereafter, the agreed scheme shall be installed by prior to the occupation of any dwelling and permanently retained.

Reason: In the interests of wildlife protection having regard to policy E12/6 of the North Tyneside Unitary Development Plan 2002 and NPPF.

30. The development hereby approved shall not be constructed above damp proof course until a scheme for the details of 6 bird boxes of various designs to be erected in trees around the boundary of the site have been submitted to and approved in writing by the Local Planning Authority. Thereafter, the agreed bird boxes shall be installed by prior to the occupation of any dwelling and permanently retained.

Reason: In the interests of wildlife protection having regard to policy E12/6 of the North Tyneside Unitary Development Plan 2002 and NPPF.

31. The development hereby approved shall not be constructed above damp proof course until a scheme for the details of a detailed lighting scheme designed in accordance with published guidance detailing measures that minimise impacts on bats, reduce light spillage and show lighting located in areas that reduce impacts on biodiversity and adjacent wildlife sites has been submitted to and approved in writing by the Local Planning Authority. Thereafter, the scheme shall be installed by prior to the occupation of any dwelling and permanently retained.

Reason: In the interests of wildlife protection having regard to policy E12/6 of the North Tyneside Unitary Development Plan 2002 and NPPF.

32. The development hereby approved shall not be commenced until a scheme for the details of a Reptile Working Method Statement detailing the methods employed to ensure there will be no impacts on these species has been submitted to and approved in writing by the Local Planning Authority. Thereafter, the development shall be constructed in accordance with the agreed scheme.

Reason: Required from the outset of development in the interests of wildlife protection having regard to policy E12/6 of the North Tyneside Unitary Development Plan 2002 and NPPF.

33. A Badger checking survey shall be undertaken and the details must be submitted to and approved by the Local Planning Authority prior to the commencement of works on site. The works shall be undertaken in accordance with the approved surveys.

Reason: In the interests of wildlife protection having regard to policy E12/6 of the North Tyneside Unitary Development Plan 2002 and NPPF.

34. The development hereby approved shall not be commenced until details of tree protection measures have been submitted to and approved in writing by the Local Planning Authority. Thereafter, the development shall be carried out in accordance with the approved details.

Reason: Required from the outset of development in the interests of wildlife protection having regard to policy E12/6 of the North Tyneside Unitary Development Plan 2002 and NPPF.

35. The development hereby approved shall not be commenced until details of pollution prevention measures, in accordance with published guidance, are submitted to and approved in writing by the Local Planning Authority. Thereafter, the development shall be carried out in accordance with the approved details.

Reason: In the interests of wildlife protection having regard to policy E12/6 of the North Tyneside Unitary Development Plan 2002 and NPPF.

36. All street lighting associated should be fully cut off so as not to direct lighting up into the atmosphere with the potential to distract pilots flying aircraft overhead.

Reason: In the interests of aviation safety.

37. The development hereby permitted shall be landscaped and planted in accordance with a fully detailed scheme which shall be submitted to and approved in writing by the Local Planning Authority before occupation of the first dwelling on the site.

Reason: In the interests of amenity, biodiversity and aerodrome safeguarding and to ensure a satisfactory standard of landscaping having regard to policy H11 of the North Tyneside Unitary Development Plan 2002.

38. Landscape Scheme Implementation LAN06 *
Period

39. Prior to the commencement of the development, a scheme for the provision of an apprentice to be employment on the construction of the development shall be submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved scheme.

Reason: In order to comply with Supplementary Planning Document LDD8 Planning Obligations (2009).

Statement under Article 35 of the Town & Country (Development Management Procedure) (England) Order 2015):

The Local Planning Authority worked proactively and positively with the applicant to identify various solutions during the application process to ensure that the proposal comprised sustainable development and would improve the economic, social and environmental conditions of the area and would accord with the development plan. These were incorporated into the scheme and/or have been secured by planning condition. The Local Planning Authority has therefore implemented the requirements in Paragraphs 186-187 of the National Planning Policy Framework.

Informatives

Contact ERH Construct Highway Access (I05)

Contact ERH Works to Footway (I08)

No Doors Gates to Project Over Highways (I10)

Do Not Obstruct Highway Build Materials (I13)

Street Naming and numbering (I45)

Highway Inspection before dvlpt (I46)

The applicant is advised to contact the Council to arrange for an agreement indemnifying refuse vehicles that enter the development against any damage caused to the internal highways. Failure to do so may result in the non-collection of refuse when the development is occupied.

With regard to the proposed drainage scheme for this application, it is advised that the potential to utilise the existing drainage scheme on Fenwick Pit Heap is investigated as a possible drainage option in order to reduce additional impacts on Fenwick Pit Heap wildlife site.



Application reference: 15/01307/FUL

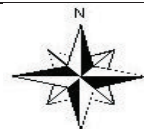
Location: Fenwick Colliery, East Holywell, Earsdon To Backworth Link Road, Backworth

Proposal: Proposed residential development for 18 dwellings

Not to scale

Date: 30.06.2016

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**Appendix 1 – 15/01307/FUL
Item 5.4**

Consultations/representations

1.0 Internal Consultees

1.1 Highway Network Manager

1.2 This application is for proposed residential development of 18 dwellings at Fenwick Colliery East Holywell Earsdon to Backworth Link Road Backworth. The site is the former East Holywell Colliery Site and has been vacant on and off for around the last 40 years. The development proposal involves the demolition of the majority of the existing buildings and development of 18no detached dwellings, as part of the proposal the former Winding House is to be retained and converted into a residential dwelling.

1.3 Existing vehicular access to both the north and south site is obtained directly of the Earsdon to Backworth link road which runs between the two sites. It is proposed to create new vehicular accesses to the site and close the redundant accesses and reinstate with footpaths. The site will have 10no units to the east and 8no units to the west with all residential dwellings having there own individual access point onto the proposed internal estate roads. The parking for the proposed residential development is in accordance with the maximum standards as set out in LDD12. The applicant has agreed to work with the Council to agree highway mitigation measures that might be required as part of this application.

1.4 It is for the above reasons and on balance conditional approval is recommended.

1.5 Recommendation – Conditional Approval

1.6 The applicant will be required to enter into a Section 278 Agreement for the following works:

Upgrade of footpath surrounding the site

Any associated street lighting

Any associated drainage

Any associated road markings

Any associated Traffic Regulation Orders

Any associated street furniture & signage

1.7 Conditions:

ACC02 - House Est: Details, Adopt Roads, No Occ

ACC25 – Turning Areas: Before Occ

DRN02 - Housing Est: Details, Road Drainage, No Occ

PAR04 - Veh: Parking, Garaging before Occ

REF02 - Refuse Bins: Details, Provide Before Occ

SIT05 – Construction Management

No development shall commence until a scheme for surface water management has been submitted to and approved by in writing the Local Planning Authority. Thereafter, this scheme shall be implemented in accordance with the approved details before the development is occupied.

Reason: In the interests of effective surface water management

1.8 Informatives:

I05 Contact Env Serv: Construct Highway Access

I08 - Contact Env Serv: Works to Footway

I10 - No Doors/Gates to Project over Highways

I13 - Don't Obstruct Highways: Build Materials

I45 - Street Naming and Numbering.

I46 - Highways Inspection before development

1.9 The applicant is advised to contact the Council to arrange for an agreement indemnifying refuse vehicles that enter the development against any damage caused to the internal highways. Failure to do so may result in the non-collection of refuse when the development is occupied.

1.10 Environmental Health (Pollution)

1.11 I have no objections in principle but would make the following comments:

1.12 All demolition work should take place between the times of 08:00 - 18:00 Monday to Friday and 08:00 - 14:00 Saturday with no working on Sundays or Bank Holidays.

1.13 HOU04 Restrict Hours: No Construction, Sun, BH

1.14 All construction work shall take place between the hour of 08:00- 18:00 Monday - Friday and 08:00 - 14:00 Saturdays with no working on Sundays or Bank Holidays.

1.15 SIT03 Prior to the development commencing a detailed scheme to prevent the deposit of mud and other debris onto the highway and to suppress dust arising from construction activities shall be submitted to and approved in writing by the Local Planning Authority. Such a scheme shall include details of the means proposed to remove debris arising from the construction from the highway, and the provision of suitable water spraying equipment to suppress dust in dry conditions. Thereafter development shall not be carried out other than in accordance with the approved details and the approved measures shall be retained on site for the duration of the works and used on all occasions when visible dust emissions are likely to be carried from the site eg during dry, windy conditions.

1.16 Prior to the commencement of development, a noise scheme shall be submitted to and approved in writing by the Local Planning Authority. The submitted noise scheme must include a noise survey assessing both traffic noise from the C201 and commercial noise from the Old School House currently used as stabling. The noise mitigation measures shall ensure that with appropriate ventilation selection and suitable glazing the internal noise levels will comply with BS8233 showing resultant noise levels of below 30 dB LAeq for bedrooms with no exceedances of the Lmaximum of 45dB and a level of 35 dB LAeq for living rooms is achieved. This should include all domestic properties including the converted Winding House. The noise attenuation and mitigation measures shall be implemented prior to occupation and retained thereafter.

1.17 Contaminated Land Officer

1.18 The Coal Mining Risk assessment report has identified the following potential risks:

4.1 The principal risks to the proposed development arise from:

The presence of two recorded mine shafts within the north-east of the site;

The potential presence of unrecorded shallow mine workings and mine entries associated with coal seams of workable thickness that are known to outcrop within the site area;

Mine gases which may be present within abandoned mine workings beneath the site, and;

The potential presence of poorly compacted colliery spoil deposits.

1.19 Any risks presented by shallow mine workings could be mitigated by designing and implementing a programme of mine working stabilisation by drilling and pressure grouting.

The Preliminary Environmental Risk Assessment states:

The specific aims of the investigation should be:

- to confirm the anticipated sequence of strata underlying the site and the thickness and distribution of any made ground (including colliery spoil) present;

- to investigate whether shallow perched groundwater is present within made ground deposits and if so to determine the direction of groundwater flow beneath the site;

- to quantitatively assess the presence and concentrations of potentially contaminative materials present within the deposits beneath the site;

- to assess the degree of leaching of any contaminants present into any groundwater beneath the site;

- to investigate the potential for volatilisation and vapour migration of any petroleum hydrocarbon contaminants that may be present;
to assess the potential for, and investigate where appropriate for the presence of other ground gases generated by colliery spoil or formed by the degradation of organic matter.

1.20 Taking into account the findings of the above reports the following should be attached:

1.21 If grouting is required then gas monitoring should be carried out post grouting to assess if the ground gas regime has been altered by the works. Confirmation should be submitted to the Local Planning Authority of gas monitoring carried out and any if any additional gas protection measures are required. Validation of such works should be submitted for approval.

1.22 Gas 01; Gas 02; Gas 03

1.23 No other part of the development shall be commenced until:-

- a) A detailed site investigation has been carried out to establish:
- i) If the site is contaminated;
 - ii) To assess the degree and nature of the contamination present, and whether significant risk is likely to arise to the residents and public use of land;
 - iii) To determine the potential for the pollution of the water environment by contaminants and;
 - iv) The implication for residential development of the site and the quality of the residential environment for future occupiers.

Such detailed site investigation to accord with a statement of method and extent which shall previously have been agreed in writing by the Local Planning Authority and

- b) The results and conclusions of the detailed site investigations referred to in (a) above have been submitted to and the conclusions approved in writing by the Local Planning Authority. The Phase 2 Report should be written using the current government guidelines.
- c) If remediation is required following the assessment of the chemical results under current guidelines, then a method statement should be provided for comment. This should provide details of exactly how the remediation works are to be carried out, detailed site location plan of where material is to be deposited and details including drawings of gas protection scheme should be included
- d) If remediation is carried out on the site then a validation report will be required. This should provide evidence of what remediation has been carried out over the site. This report should confirm exactly what remediation has been carried out and that the objectives of the remediation statement have been met. This report should verification of the type, source, depth, location and suitability (to include any test certificates for material to be imported on site to ensure it is not contaminated) of the imported materials for their use on site. This should include cross sectional diagrams for the site and detailed plans of the site. This report should be submitted before the contaminated land condition can be removed from the planning application.
- e) If any unexpected contamination or hotspots are encountered during the investigation and construction phases it will be necessary to inform the Local Authority then cease development and carry out additional investigative works and subsequent remediation if any unexpected contamination or underground storage tanks are discovered during the development. Work should be ceased until any risk is assessed through chemical testing and analysis of the affected soils or waters.

Thereafter the development shall not be implemented otherwise than in accordance with the scheme referred to in c) above.

Reason: To ensure that the potential contamination of the site is properly investigated and its implication for the development approved fully taken in to account having regard to policy E3 of the North Tyneside Unitary Development Plan 2002.

1.24 Lead Flood Authority

1.25 Drainage details can be conditioned.

1.26 I would require more detail on how the ponds will operate, I would require a long section/cross section through the ponds showing the depth of water in them during a 1in100yr rainfall event. The current drainage drawings do not show how the drainage network interacts with the ponds, there are no details on how the pond would operate during an exceedance event, there are no details on how this pond would drain back into the drainage network and we would also expect a treatment train so a pipe carrying water from the site would not be acceptable this will need to be an open ditch / watercourse planted with the appropriate planting to help filter the water from the site before it enters the Brierdene Burn.

1.27 Landscape Architect

1.28 Drawing no. NT11232/12/002 Rev B

The thickness of the hedges to the boundaries have been increased with additional planting proposed within the garden areas. Overall the landscape proposal is acceptable subject to extending the hedgerow to the west boundary of the site (depending on ownership) and drainage details.

1.29 Biodiversity Officer

1.30 The above application to develop 18 houses at Fenwick Colliery is within a wildlife corridor and adjacent to two wildlife sites, Backworth Pond Local Wildlife Site (LWS) to the west and Fenwick Pit Heap site of Local Conservation Interest (SLCI) to the east and south east. It is important that any potential impacts from this development on protected species, habitats of importance and adjacent wildlife sites are fully mitigated in order to ensure that this scheme does not have an adverse impact on the environment.

1. Protected Species

Great Crested Newt (GCN)

1.31 There are no ponds on the development sites, but there are 4 ponds within close proximity to the development, ranging from 74m to 210 m away from the site. A Habitat Suitability Index (HSI) which risk assesses ponds for GCN, was undertaken on these ponds in 2010 and subsequently updated in 2015.

1.32 Ponds 1 & 2 achieved an average HSI score in 2010 but were found to be dry during the 2015 visit so could not be assessed. It is concluded that these ponds have a low suitability for GCN due to their ephemeral nature. Pond 3 achieved a higher HSI score of 0.6 but was considered to be poor for GCN due to the large numbers of birds that use it and the extent of reed-mace coverage within the pond. Pond 4 which is to the south east of the colliery pond is a recently created settlement lagoon for drainage on the pit heap and whilst not surveyed, was considered unlikely to support GCN particularly due to the extent of disturbance on the Pit Heap in recent years.

1.33 The ecology report also concluded that it was unlikely that there would be any impacts on GCN due to the following:-

- The footprint of the development contains no aquatic features

- The south western site contains no suitable terrestrial habitat for GCN
- Better quality habitat exists in the vicinity of the ponds
- It was unlikely that if GCN did disperse along the waggonway, that they would not move onto a site containing hardstanding when there is better quality habitat along the route of the waggonway.

1.34 The report concludes that it is unlikely that GCN will be present within the site and considers that no mitigation is required.

1.35 Whilst I believe that the above information shows that it is unlikely that there would be any impacts on GCN, given the fact that full GCN surveys have not been undertaken, I would recommend that any work on site is undertaken to a GCN Working Method Statement .

1.36 Bats

1.37 Buildings within the site have been surveyed for bats in 2010, 2013 and 2015 and a small number of features have been identified that have some potential to support roosting bats. Bat activity surveys and fixed point monitoring surveys indicate that the site is used by small numbers of bats considered to be occasional roosts and therefore, of low conservation importance.

1.38 The bat activity surveys carried out in 2010 identified a small pipistrelle roost in Building 5 and surveys in 2013 and 2015 identified a small pipistrelle roost in Building 3. All the buildings will be demolished and therefore, there will be a direct impact on bats and their roosts . As a result, a Natural England licence will be required before demolition work can proceed that would impact on any bat roosts. Mitigation measures will be required to compensate fore the loss of these roosts and a Working Method Statement must also be adhered to regarding the demolition of Building 9.

1.39 Breeding birds

1.40 A breeding bird survey was not undertaken on this site as the report states there was limited potential to support breeding birds on site. Evidence of swallow nesting, however, was found in some of the buildings to be demolished as well as evidence of a roosting little owl. It is proposed to compensate for the loss of these nest sites by providing swallow nest cups and a little owl nest box within the development.

1.41 Reptiles

1.42 The report states that the site does have some potential for supporting reptiles and aerial records also show a good mosaic of habitats that could support reptiles. However, it was concluded that reptiles are unlikely to be present because the site has been subject to disturbance. The report has proposed that a precautionary approach will be undertaken that will involve a survey and capture approach to ensure there will be no impacts on reptiles.

1.43 Badger

1.44 No evidence of badger using the site was found.

1. Habitats

1.45 The proposed development will result in the loss of some semi-improved grassland and some trees. These habitat losses will be mitigated through the proposed landscaping scheme.

1. Impacts on adjacent local wildlife sites

1.46 Backworth Pond Local Wildlife site (LWS) lies directly adjacent to the western development site and Fenwick Pit heap SLCI lies adjacent to the eastern development site. The ecology report considers that as Backworth Pond is separated from the development site by a waggonway, that it is unlikely that there will be any impacts on this site. Impacts on Fenwick Pit Heap were also considered unlikely as existing trees will be retained along the boundary. As part of the proposed landscape scheme, additional planting will strengthen the waggonway and the existing planting adjacent to Fenwick Pit Heap helping to mitigate any potential impacts on these two sites.

2. Landscaping

1.47 The proposed landscaping scheme (DWG No:NT11232/12/002) includes native hedge planting, drainage basins, wildflower meadow creation and tree and scrub planting which will adequately mitigate for the loss of habitat on this site.

3. Drainage

1.48 An indicative drainage layout has been submitted for this development which will impact on the adjacent Site of Local Conservation Interest (SLCI), Fenwick Pit Heap.

As a result of this an additional Ecology report has been submitted to assess the impacts of this drainage scheme on Fenwick Pit Heap. The report indicates that the working area for the route of the drainage scheme will be approximately 6m in width with turning areas for plant at the discharge point. A small headwall installation at the watercourse will also be required. As a result of the scheme, the report states that the majority of the habitat that will be impacted upon will be semi-improved grassland and possibly some mature scrub. However, as the drainage scheme is indicative and not a detailed scheme, it is impossible to determine the total extent of habitat loss that this scheme will result in and what mitigation will be required to ensure any impacts are offset. I would, therefore, recommend that these issues are dealt with by way of condition to ensure that there are no impacts on the adjacent SLCI and this development complies with Council UDP Policy E12/4 which states that:-

1.49 *“The LPA will in determining planning applications take into account the effect of the proposal on any Site of Local Conservation Interest (SLCI) and the extent to which any adverse effects may be mitigated or compensated”*

1.50 Conditions

1.51 Protected Species

- A Great Crested Newt Working Method Statement must be submitted to the Local Authority prior to development commencing to ensure that there will be no impacts on protected species.
- A Protected Species Mitigation Licence will be required from Natural England prior to the demolition of any buildings that would impact on bat roosts.

- 6 Schwegeler 1FD bat boxes must be provided on mature trees around the boundary of the site. Location details to be submitted to the LA for approval prior to development commencing.
- 4 bat bricks will be incorporated in the garages of two dwellings as well as bat access provision to the loft areas above the garages. Details of the bricks, access provision and location to be submitted to the LA for approval prior to development commencing.
- The measures outlined in the 'Working Method Statement' provided in Appendix C of the Total Ecology Report must be adhered to regarding the demolition of Building 9.
- No vegetation removal will take place in the bird nesting season (March-August inclusive) unless a survey by a suitably qualified ecologist has confirmed the absence of nesting birds immediately prior to works commencing.
- 4 swallow nest cups will be provided on two garage units within the site as well as one little owl nest box on a retained tree. In addition, 6 bird boxes of various designs will be erected in trees around the boundary of the site. Details of all bird boxes/features and their location to be submitted to the LA for approval prior to development commencing.
- A detailed lighting scheme designed in accordance with published guidance must be submitted to the Local Authority for approval prior to development commencing detailing measures that minimise impacts on bats, reduce light spillage and show lighting located in areas that reduce impacts on biodiversity and adjacent wildlife sites.
- A Reptile Working Method Statement must be submitted to the Local Authority for approval prior to development commencing detailing the methods employed to ensure there will be no impacts on these species.
- A Badger checking survey must be undertaken prior to works commencing and details submitted to the Local Authority for approval.

1.51 Landscaping

- All landscaping will be carried out in accordance with the approved landscape masterplan as shown on DWG No: NT11232/12/002. Any changes to this landscape plan must be submitted to the Local Authority for approval prior to development commencing.
- Details of the drainage basins shown on the landscape drawings must be submitted to the Local Authority for approval prior to development commencing. Details should include the size, depth and cross sections of these features.
- Details of tree protection measures must be submitted to the Local Authority for approval to ensure there will be no impacts on retained trees within and surrounding the development.
- Details of pollution prevention measures, in accordance with published guidance, should be submitted to the LA for approval prior to development commencing to ensure there will be no impacts on adjacent wildlife sites.

1.52 Drainage Scheme

- A detailed drainage scheme must be submitted to the Local Authority for approval prior to development commencing detailing the route of the drainage scheme, extent of works, discharge /outfall details to the Brierdene Burn, working areas and site compound locations to ensure that any impacts on the Fenwick Pit Heap wildlife site are minimised.

- An assessment of the impact of the final drainage scheme on Fenwick Pit Heap must be submitted to the Local Authority for approval prior to development commencing. This must include details of the extent and type of habitat that will be lost or impacted upon. An appropriate mitigation scheme must be agreed with the Local Authority ecologist prior to the drainage scheme being approved.
- An otter and water vole checking survey must be undertaken prior to drainage works being undertaken to ensure there will be no impacts on protected species along the Brierdene Burn. Details to be submitted to the LA for approval.

1.53 Informative

1.54 With regard to the proposed drainage scheme for this application, it is advised that the potential to utilise the existing drainage scheme on Fenwick Pit Heap is investigated as a possible drainage option in order to reduce additional impacts on Fenwick Pit Heap wildlife site.

1.55 Tyne and Wear Archaeology Officer

1.56 I am disappointed that the majority of the buildings are proposed for demolition, although I acknowledge that they are in very poor condition. However I am delighted that the winding house will be retained. This is the most attractive building on the site and will lend itself well to a domestic conversion using good quality materials. Peter Derham could advise on this. I am also pleased that a small number of executive dwellings is proposed, rather than a large number of townhouses or similar. This is more fitting with the historic layout of the site.

1.57 I have read the submitted archaeological desk based assessment and building recording report.

1.58 East Holywell Colliery, Fenwick Pit, opened in 1828 and closed in 1973. In the 1850s the owners were Plummer, Taylor, Clark and Lamb. Later owners were Hugh Taylor & Co and then the east Holywell Coal Company Ltd. The colliery was served by the Backworth Colliery Waggonway, East Holywell Branch.

1.59 The colliery provided miners cottages. There were four rows (North Row, Office Row, Double Row and Burn Row). The houses in North Row were described in 1839 as comprising two rooms (a kitchen on the ground floor and a 'cold dismal garret' above, reached by a ladder. There were pantries at the rear but no privies. Double Row had two rooms on the ground floor with a garret above. In the angle between the rows of cottages there was a Wesleyan Chapel and an infant school (former reading room). In the 1920s, amazingly, 2000 people lived here.

1.60 In the 1930s a mechanical institute was built. Reservoirs were constructed. The pithead baths opened in 1939. A school was built to the west of the colliery.

1.61 The Old Shaft (A Shaft or Clennel Shaft) closed in the 1930s. Only Fenwick Shaft then remained in use.

1.62 The chapel and cottages were demolished by the 1960s.

1.63 Seven colliery buildings survive within the site:

Office building

An L-shaped brick block of late 1950s date. Has a projecting porch and tall chimney. All fittings have been removed.

Low shed on west boundary

Open-fronted shed, now roofless. 1960s in date.

Electrical transformer building

1940s brick building. Flat roof with louvred ventilator shafts. Steel doors have been removed. Ceramic ducts in walls for cables. Steel cabinets for switch gear.

Block of storage sheds or workshops

The largest building on site, dating from the late 1950s or early 1960s. Brick with open steel roof trusses. Altered after 1972.

Pithead baths

Dates from 1939. Long flat-roofed building with a tall chimney tower at the centre. Tiled walls in the former shower, a few fixtures survive in the changing rooms, lavatories and drying rooms.

Winding house and attached workshops

The tallest building on the site. Housed the engine that raised and lowered tubs of coal and miners in the Fenwick Shaft. Built in 1948, datestone on west face. Tall square brick building with a gabled roof. Tall metal-framed windows to upper storey. All the machinery has been removed. The winder and electric motor are now in the No. 2 winding house at Woodhorn Colliery. High on the east wall are two bells and a keps indicator (to show that the cage was locked in place at the top of the shaft for loading and unloading).

Garage or store

Brick building, roofless. Steel-framed windows and large door.

Unfortunately they are in a vandalised state.

The two mine shafts are covered by large octagonal concrete caps. A plaque marking the old shaft has been stolen.

Office Row and the Methodist chapel and infants school were located in the western part of the site.

1.64 I recommend that a small number (around 5) of archaeological trenches are excavated on the sites of Office Row, the Methodist chapel and several original colliery buildings. A trench was excavated over Burn Row in 2008 and the foundations of the 19th century cottages were found to survive in reasonable condition. This work can only take place after the demolition of the existing buildings. Foundations should **not** be grubbed up nor ground levels lowered until after the completion of the archaeological trenching. No reclamation work/removal of contaminated land can take place until after the archaeological work as this will destroy any surviving evidence of the original colliery buildings.

1.65 I would like to see, if possible, plaques installed on the mine shaft caps and maybe an interpretation board at the entrance to the housing estate to explain the history of the site. The applicant's archaeologists, Archaeological Services Durham University, could assist with the text and illustrations.

1.66 Archaeological Excavation and Recording Condition:

No groundworks or development shall commence until a programme of archaeological fieldwork (to include evaluation and where appropriate mitigation excavation) has been completed. This shall be carried out in accordance with a specification provided by the Local Planning Authority.

Reason: The site is located within an area identified as being of potential archaeological interest. The investigation is required to ensure that any archaeological remains on the site can be preserved wherever possible and recorded, in accordance with paragraph 141 of the NPPF, Local Plan S9.11, Policy DM9.12 and DM9.13 and saved UDP policy E19/6

1.67 Archaeological Post Excavation Report Condition

The building(s) shall not be occupied/brought into use until the final report of the results of the archaeological fieldwork undertaken in pursuance of condition () has been submitted to and approved in writing by the Local Planning Authority.

Reason: The site is located within an area identified as being of potential archaeological interest. The investigation is required to ensure that any archaeological remains on the site can be preserved wherever possible and recorded, in accordance with paragraph 141 of the NPPF, Local Plan S9.11, Policy DM9.12 and DM9.13 and saved UDP policy E19/6

1.68 Archaeological Publication Report Condition

The buildings shall not be occupied/brought into use until a report detailing the results of the archaeological fieldwork undertaken has been produced in a form suitable for publication in a suitable and agreed journal and has been submitted to and approved in writing by the Local Planning Authority prior to submission to the editor of the journal.

Reason: The site is located within an area identified in the Unitary Development Plan as being of potential archaeological interest and the publication of the results will enhance understanding of and will allow public access to the work undertaken in accordance with paragraph 141 of the NPPF, Local Plan S9.11, Policy DM9.12 and DM9.13 and saved UDP policy E19/6

1.69 Plus a Condition for heritage interpretation.

1.70 I can provide a specification for the archaeological trial trenching when required.

1.71 Design Officer

1.72 The scheme will bring an unattractive site back into use which is supported.

1.73 Two house types have been amended to provide a more attractive view along the road side. House type 7 has not been amended and still presents an unattractive rear triple garage elevation that sits forward from the main house – this should be amended to be more in keeping with the architectural design of the house type.

1.74 Render is not supported which is used on the ground floor of all house types and on the first floor of two house types. The Landscape and Visual Impact Assessment reports that there would be distant views and filtered views of the development from the surrounding area. This would be more prominent during the winter, when the trees are not in leaf. Mitigation measures are proposed to reduce adverse effects of the development. One of the mitigation measures, advised in the report, is the design of the proposed housing in terms of the colours proposed for the construction materials. This supports the fact that render will be too dominant when viewed within the landscape and should be removed from all house types with the primary materials being brick, timber and glass.

1.75 The landscape Masterplan should be amended to reflect previous comments about low hedging in front of the winding house.

1.76 Surface treatments should be a mix of block paving, bonded and unbonded gravel. This should be agreed as part of the application rather than conditioned.

1.77 External Consultees

1.78 Environment Agency

1.79 The Environment Agency has no objections to the proposed development but wishes to provide the following information:

1.80 Land Contamination

1.81 In relation to the proposed development, in so far as it relates to land contamination, we only consider issues relating to controlled waters <and relevance of regulatory regimes where we are the enforcing authority, such as environmental permitting>.

1.82 We consider that the controlled waters at this site are of low environmental sensitivity, therefore we will not be providing detailed site-specific advice or comments with regards to land contamination issues for this site.

1.83 The developer should address risks to controlled waters from contamination at the site, following the requirements of the National Planning Policy Framework and the Environment Agency 'Guiding Principles for Land Contamination'.

1.84 We recommend that developers should:

- 1) Follow the risk management framework provided in CLR11, Model Procedures for the Management of Land Contamination, when dealing with land affected by contamination.
- 2) Refer to the Environment Agency Guiding Principles for Land Contamination for the type of information that we require in order to assess risks to controlled waters from the site. The Local Authority can advise on risk to other receptors, such as human health.
- 3) Refer to our website at www.environment-agency.gov.uk for more information.

1.85 Disposal of Foul Sewage

1.86 As it is proposed to dispose of foul sewage via the mains system, the Sewerage Undertaker should be consulted by the Local Planning Authority and be requested to demonstrate that the sewerage and sewage disposal systems serving the development have sufficient capacity to accommodate the additional flows, generated as a result of the development, without causing pollution.

1.87 Northumbria Water

1.88 We would have no issues to raise with the above application, provided the application is approved and carried out in strict accordance with the submitted document entitled "Flood Risk Assessment." In this document it states that foul flows from the development will discharge without restriction to the existing combined sewer at manhole 1902. The document further states that surface water from the proposed development will discharge to Brierdene Burn.

1.89 We would therefore request that a Flood Risk Assessment form part of the approved documents as part of any planning approval and the development to be implemented in accordance with this document.

1.90 It should be noted that we are not commenting on the quality of the flood risk assessment as a whole or the developers approach to the hierarchy of preference. The Council as Lead Local Flood Authority, needs to be satisfied that the hierarchy has been fully explored.

1.91 The Coal Authority

1.92 The Coal Authority concurs with the recommendations of the Coal Mining Risk Assessment Report; that coal mining legacy potentially poses a risk to the proposed development. The Coal Authority considers that intrusive site investigation works should be undertaken prior to development in order to investigate the condition of the two recorded mine entries and establish if shallow coal mine workings are present beneath the site.

1.93 The Coal Authority recommends that the LPA impose a planning condition should planning permission be granted for the proposed development requiring these site investigation works prior to commencement of development.

1.94 In the event that the site investigations confirm the need for remedial works to treat the mine entries and areas of shallow coalmine workings to ensure the safety and stability of the proposed development, this should also be considered to ensure that any remedial works identified by the site investigation are undertaken prior to commencement of the development.

1.95 A condition should therefore require prior to the commencement of development:

The submission of a scheme of intrusive site investigations, for the mine entries and shallow coal mine workings, for approval;

The undertaking of that scheme of intrusive site investigations;

The submission of a report of findings arising from the intrusive site investigations;

The submission of a scheme of remedial works for the mine entries and shallow coal mine workings, for approval; and

Implementation of those remedial works.

1.96 Nexus

1.97 The housing development is relatively small in numbers, and there is currently no public transport on this road.

1.98 Nevertheless, we feel that it may be the first in a series of new developments in the area between Earsdon and Backworth?

1.99 Accordingly, we would suggest that it would be best practice to at least ensure that a modest space for a future bus stop (ie. a small hard-standing and a pole, with an associated short footway) be allocated on each side of the road outside this development site. There is no need for any actual installation of these at this stage.

2.0 Nexus would also make the point that there is a decent-quality 'Waggonways' cycle path directly to the western boundary of the site, which provides direct traffic-free access to the local centre at Northumberland Park (only about 2km away), for both shopping and also connection to the Metro for onward travel. Clearly cycling is an important sustainable transport option as the developers point out in their Transport Statement, so it is unfortunate that they seem to be proposing fencing off direct access onto this path. We would suggest that providing a direct access connection would meet both best practice and the Council's guidelines.

2.1 Newcastle International Airport

2.2 The proposal has been assessed by the Aerodrome Safeguarding Team and I have the following comment to make.

2.3 Physical development

2.4 The proposed physical development to the site would not result in any obstacle to overflying aircraft, or interference with navigational aids.

2.5 It is not considered that the proposed residential properties would be subject to undue levels of noise as result of NIA's activity.

2.6 SUDS Ponds

2.6 There is a general presumption against the creation of open water bodies within 13 km of an aerodrome, which in relation to this scheme is NIA. This is due to the increased likelihood of bird strike as a result of habitat formation within close proximity to the flight path, when aircraft are typically flying at lower level having departed or preparing for arrival at the aerodrome. NIA would therefore expect that all permanent open water bodies associated with the scheme be fully covered. This would take the form of reed beds and netting, with the netting proposed as a temporary measure until the reed beds become established.

Within this submission reference is made to the requirement of flood attenuation through SUDS. Within any further planning submission I would expect to see a detailed proposal for these works. The proposed SUDS Ponds should be designed in such a way that prevents them from becoming a bird attracting feature. The following condition, or something similar, should be attached to any planning permission;

2.6 Notwithstanding the approved plans, the proposed flood alleviation scheme in the form of SUDS Ponds and Swales, should be designed in accordance with aerodrome safeguarding best practices and should be approved in writing by the local planning authority, in consultation with Newcastle International Airport.

Reason

In the interests of aerodrome safeguarding

2.7 Landscaping

2.8 Certain types of landscaping can be bird attracting, providing a habitat/feeding source for birds with the potential to result in an increase in bird strike incidences. The following species should not be used on site in quantities greater than 10%, in order to prevent the creation of bird attracting features on site. This should be conditioned as part of the planning permission.

<i>Berberis spp</i> Barberry	<i>Ilex aquifolium</i> Holly
<i>Cotoneaster</i>	<i>Sorbus aucuparia</i> Rowan
<i>Crataegus monogyna</i> Hawthorn	<i>Viburnum</i>
<i>Aucuba</i>	<i>Pernettya</i> Prickly Heath
<i>Buddleia</i> ¹	
<i>Prunus avium</i> Wild Cherry	
<i>Callicarpa</i> Beauty Berry	<i>Pyracantha</i> Firethorn
<i>Chaenomeles Japonica</i>	<i>Rhus</i> Sumac
<i>Clerodendrum</i>	<i>Ribes</i> Ornamental Currant
<i>Danae</i> Butcher's Broom	<i>Rosa canina</i> Dog Rose
<i>Daphne</i>	<i>Sambucus nigra</i> Elder
<i>Euonymus</i> Spindle	<i>Skimmia</i>
<i>Hypericum</i> St John's Wort	<i>Stranvaesia</i>
<i>Lonicera</i> Honeysuckle	<i>Symphoricarpus</i> Snowberry
<i>Mahonia</i>	<i>Taxus</i> Yew
<i>Malus</i> Crab Apple	

2.8 Lighting

2.9 All street lighting associated with the development should be fully cut off so as not to direct lighting up into the atmosphere with the potential to distract pilots flying aircraft overhead. This should be conditioned as part of the planning permission.

2.10 Renewable energy sources

2.11 NIA would require information relating to any photovoltaic cells or micro wind turbines proposed for the development. It is not clear that this is proposed as part of the planning application.

2.12 Northumberland County Council

2.13 No objections.

2.14 Northumberland Wildlife Trust

2.15 Location of the proposed development is in designated green belt, the application should be refused on this basis as greenbelt is incredibly important for both people and wildlife. Development on green belt increases urban sprawl and has a negative impact on biodiversity. Such land should be enhanced for wildlife and/or recreation and developments located elsewhere.

2.16 The impact on adjacent sites of natural importance has not been considered (Backworth Pond Local Wildlife Site (LWS) and Fenwick Pit Heap Site of Local Conservation Importance (SLCI)).

2.17 It is recommended that the existing tree lined buffer between the site and Fenwick pit heap SLCI be enhanced with further planting of native tree species. Care should be taken to avoid water run off into adjacent watercourses.

2.18 Further survey work is required in terms of great crest newts, bat, invertebrates and breeding birds.

2.19 Representations

2.20 1 letter of support signed by 13 people stating;

2.21 The site has been in need of development for many years now causing all kinds of problems with vandalism etc. We all look forward to the proposal being approved. I know it is Green Belt, but let common sense prevail it is good for everyone. It would also be a great opportunity to close the link road to through traffic in doing so saving a fatal accident waiting to happen.