

**Application No:** 21/02191/FUL Author: Maxine Ingram  
Date valid: 14 October 2021 ☎: 0191 643 6322  
Target decision date: 13 January 2022 Ward: Valley

Application type: full planning application

**Location: Land South Of, Roddam Close, Backworth, NEWCASTLE UPON TYNE,**

**Proposal: Change of use of land and construction of extra care facilities (Class C2), health and wellbeing hub (Use Classes E(b), E(d), E(g)(i), F2(a), F2(b) and ancillary uses), integrated frailty hub (Use Classes C2, E(e) and E(g)(i) with E(d) and other ancillary uses), a children's nursery (Use Class E(f)) and residential dwellings for people in later life (Use Class C3(a)) together with access roads, car parking areas, landscaping areas, SuDS basins and other ancillary works - amended description and revised plans and documents received 08.04.2022**

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

Agent: Northumberland Estates, Mr Barry Spall Estates Office Alnwick Castle Alnwick NE66 1NQ

## **RECOMMENDATION:**

**The Committee is recommended to:**

- a) indicate that it is minded to grant this application subject to an Agreement under Section 106 of the Town and Country Planning act 1990 and the addition, omission or amendment of any other conditions considered necessary; and
- b) to grant delegated powers to the Director of Regeneration and Economic Development to determine the application following the completion of the Section 106 Legal Agreement to secure the following:
  - Affordable housing provision
  - Travel Plan Bond £75,000
  - Travel Plan Monitoring Fee £3,000
  - Coastal Mitigation £11,795

# INFORMATION

## 1.0 Summary Of Key Issues & Conclusions

1.1 Planning law requires that applications for planning permission must be determined in accordance with the development plan, unless material considerations indicate otherwise. Members need to consider whether this application accords with the development plan and also take into account any other material considerations in reaching their decision.

### 2.0 Description of the Site

2.1 The site to which this application relates is a parcel of land measuring approximately 4.8 hectares (ha). The site is relatively flat, with a 2m cross fall from south to north. Currently four stockpiles of soil are located on the site. Most recently the site has been used as a materials storage area associated with the construction of the housing to the north of the site. Immediately to the south of the site is the Metro line beyond which lies local services (retail and leisure uses). To the north the site is bound by existing housing and a public house (The Pavilion). To the east the site is bound by the A186 beyond which lies housing and Northumberland Park Metro Station and local services (retail provision). To the west the site is bound by the A19.

2.2 The site accessed from Hotspur South off the A186 via a roundabout.

2.3 Some of the surrounding topography is higher than the application site.

2.4 The site is allocated as housing land with existing planning permission and available employment land in the Council's Local Plan. The site is part of a wider site that is currently being developed for housing (Ref: 14/01930/FUL). The application site also includes dwellings permitted under 16/01952/OUT, which lapsed on 20.05.2020.

### 3.0 Description of the Proposed Development

3.1 Planning permission is sought for a change of use of land and construction of extra care facilities (Class C2), health and wellbeing hub (Use Classes E(b), E(d), E(g)(i), F2(a), F2(b) and ancillary uses), integrated frailty hub (Use Classes C2, E(e) and E(g)(i) with E(d) and other ancillary uses), a children's nursery (Use Class E(f)) and residential dwellings for people in later life (Use Class C3(a)) together with access roads, car parking areas, landscaping areas, SuDS basins and other ancillary works.

3.2 The proposed development is a mixed-use scheme.

3.3 The proposed extra care facility (Use Class C2) will be a three storey building accommodating 52 apartments with supporting spaces such as communal lounges, staff offices, laundry facilities etc. This building is to be managed by Age UK North East and will provide supported living for people over the age of 55.

3.4 The proposed health and well-being hub (Use Classes E (d), E (g) (i), F2(a), F2 (b) and ancillary uses) will be a two-storey building. The community hub for the site will include a restaurant to serve the immediate site only, staff offices,

salon, small shop, therapy rooms (for treatments such as massage, facials, chiropody etc), hydrotherapy pool, gym, and various multi-functional spaces which can cater for classes, talks and hobby groups etc.

3.5 The proposed integrated frailty hub (Use Classes C2, E(e) and E (g) (i) and other ancillary uses) will be a three-storey building. This building will accommodate a variety of functions including residential care with patient bedrooms, staff support facilities, a dining room and kitchen space, clinical, strength and balance and multi-functional rooms for patient rehabilitation with a research diagnostics area for strength and balance classes and office accommodation.

3.6 The proposed nurseery (Use Class E (f)) will be a single storey building.

3.7 The proposed older persons apartment block with extra care facilities (Use Class C2) will be a three and four storey building. It will accommodate 52 apartments.

3.8 The proposed residential dwellings (Use Class C3 (a)). The applicant has advised that all the residential units will be for people mainly over 55 depending on care requirements (for example some people below 55 may have severe mobility restrictions following a stroke). A total of 35 residential dwellings are proposed 2 bed bungalows and two and three bed two storey houses.

3.9 Car parking provision will be provided onsite and further parking provision will be made available for use at the Northumberland Park Multi-Storey car park.

#### 4.0 Relevant Planning History

4.1 The site has an extensive planning history. The most recent applications are set out below:

17/01501/FUL - Variation of condition 1 of planning approval 15/00514/REM - revision to affordable housing layout and road alignment – Permitted 02.05.2018

16/00826/FUL - Variation of condition 12 of planning approval 15/00514/REM - to provide details of informal play area – Permitted 09.06.2017

16/01952/OUT - Outline planning permission with all matters reserved for the development of approximately 53 residential dwellings including 25% affordable housing with associated infrastructure – Permitted 19.05.2017

15/00514/REM - Application for reserved matters relating to outline permission 14/01930/FUL: Details of layout, scale, landscaping and appearance of 200 residential dwellings (Phase B) (Amended Plans Received 15.07.15) - Permitted 05.08.2015

14/01930/FUL - Variation of conditions 5, 7, 8, 11, 12, 14 - 26, 28 - 33, 41 - 46, 49 and 50 of planning application 13/00781/OUT: To enable development to be implemented in accordance with an agreed phasing plan - Permitted 02.04.15

13/00781/OUT - Outline planning permission for the construction of 590 residential dwellings (including affordable housing), new primary school building

and separate building for the local community with all matters reserved except access. (Additional Biodiversity Information received 02.08.19) (Amended Description 02.09.13). (Amended Plans received 02.09.13) - Permitted 22.11.2013

## 5.0 Development Plan

5.1 North Tyneside Local Plan (2017)

## 6.0 Government Policy

6.1 National Planning Policy Framework (NPPF) (July 2021)

6.2 National Planning Practice Guidance (NPPG) (As amended)

6.3 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**

### 7.0 Main Issues

7.1 The main issues for Members to consider in this case are:

- Principle of the development,
- Impact on the character and appearance of the site and the surrounding area,
- Impact upon the amenity of existing and future residents,
- Impact on highway safety,
- Impact on ecology; and,
- Other issues.

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

### 8.0 Principle of development

8.1 Paragraph 7 of NPPF states that the purpose of the planning system is to contribute to the achievement of sustainable development.

8.2 Paragraph 8 of NPPF states that a social objective is one of the three overarching objectives of the planning system and that amongst other matters it should seek to support a sufficient number and range of homes to meet present and future needs which support communities' health, social and cultural well-being.

8.3 Paragraph 11 of NPPF introduces a presumption in favour of sustainable development, which amongst other matters states that decision takers should approve development proposals that accord with an up-to-date development plan without delay; or where there are no relevant development plan policies or the

policies which are most important are out-of-date grant planning permission, unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits when assessed against the policies in the Framework taken as a whole. This is known as the 'titled balance.'

8.4 Paragraph 60 of NPPF states that to support the Government's objective to significantly boost the supply of homes, it is important that sufficient amount and variety of land can come forwards where it is needed, that the needs of groups with specific housing requirements are addressed and that land with permission is developed without unnecessary delay.

8.5 Paragraph 74 of the NPPF requires Local Planning Authorities to identify and update annually a supply of specific deliverable sites sufficient to provide a minimum of five years' worth of housing against their housing requirement set out in adopted strategic policies, or against their local housing needs where the strategic policies are more than five years old. The supply of specific deliverable sites should in addition include a buffer of 5% to ensure choice and competition in the market for land. Where there has been a significant under delivery of housing over the previous three years, the buffer should be increased by 20%.

8.6 The purpose of the planning system is to contribute to the achievement of sustainable development. This purpose is key to the role of the planning system in the development process. The aims of how the Local Plan contributes towards achieving sustainable development for North Tyneside are set out under Policy S1.1 'Spatial Strategy for Sustainable Development'. This policy sets out the broad spatial strategy for the delivery of the objectives of the Plan.

8.7 Strategic Policy S1.4 'General Development Principles' states "Proposals for development will be considered favourably where it can be demonstrated that they would accord with strategic, development management and other area specific policies in the Plan." Amongst other matters, this includes considering flood risk, impact on amenity, impact on existing infrastructure and making the most effective and efficient use of land.

8.8 The overarching spatial strategy for housing is to protect and promote cohesive, mixed and thriving communities, offering the right kind of homes in the right locations. The scale of housing provision and its distribution is designed to meet the needs of the existing community and to support economic growth of North Tyneside. Strategic Policy S4.1 'Strategic Housing' sets out the broad strategy for delivering housing.

8.9 LP Policy S4.3 Distribution of Housing Development Sites states: "The sites allocated for housing development are identified on the Policies Map of the North Tyneside Local Plan 2017, including those identified for both housing and mixed-use schemes."

8.10 LP Policy DM1.3 'Presumption in Favour of Sustainable Development' states: "The Council will work pro-actively with applicants to jointly find solutions that mean proposals can be approved wherever possible that improve the economic, social and environmental conditions in the area...."

8.11 LP Policy DM4.6 'Range of Housing Types and Sizes' seeks to ensure that new residential development provides a mix of homes, to meet current and future demand, and to create sustainable communities, applications for new housing development will be considered with regard to the Council's most up-to-date evidence, including housing need and local housing market conditions.

8.12 LP Policy DM4.8 'Specialist Housing' states "The Council will support proposals for specialist housing, including extra care and supported housing, where the development: a. Is integrated into the local residential community; b. Is located where local traffic and connectivity are not detrimental to the local community; and, c. Is considered acceptable against other policies in this Local Plan. Accommodation should seek to deliver and promote independent living and will include extensions and adaptations to existing homes as well as new build properties".

8.13 LP policies S7.10 'Community Infrastructure' seeks to ensure that local provision and resources for cultural and community activities are accessible to the neighbourhoods that they serve and DM3.6 'Local Facilities' seeks to permit small-scale out of centre facilities serving local retail and leisure needs.

8.14 LP Policy S2.2 'Provision of Land for Employment Development' seeks to ensure an attractive and flexible supply of employment land is available to deliver the Council's strategy for economic prosperity, job growth and investment over the plan period.

8.15 LP Policy DM2.3 'Development Affecting Employment Land and Buildings' states "The Council will support proposals on employment land, as shown on the Policies Map, for new or additional development for uses within use classes B1, B2 or B8 or that which is deemed ancillary.

Proposals on identified employment land or other buildings in use-class B1, B2 or B8, for uses that could conflict with the development and regeneration of sites for economic development, will be permitted where these proposals would not:

- Result in the unacceptable loss of operating businesses and jobs; and,
- Result in an excessive reduction in the supply of land for development for employment uses, taking into account the overall amount, range, and choice available for the remainder of the plan period; and,
- Have an adverse impact upon the amenity and operation of neighbouring properties and businesses."

8.16 The site is part of a wider site that is currently being development for approximately 590 residential dwellings under planning permission 14/01930/FUL. The applicant has advised that approximately 210 residential dwellings remain to be built. The previous grant of planning permission relates to land allocated under Policy S4.2 (b), housing land with existing planning permission. The application site also includes land that is allocated as employment land under Policy S2.2. Members are advised that planning permission has previously been granted for the construction of 53 dwellings on the employment land (Ref: 16/01952/OUT) however, this permission has lapsed.

8.17 This proposal provides a multi-generational living and wellbeing complex. It will include extra care and assisted living facilities, a health and wellbeing hub (hydrotherapy pool, restaurant, hair salon, small shop, therapy rooms, office space and multi-functional rooms), an integrated frailty hub (residential care, medical and health services, offices, and other ancillary uses), a children's nursery, and residential dwellings for people in later life. The scheme will accommodate a range of housing options from single occupancy bedrooms, two-bedroom apartments, houses and bungalows. The scheme is being developed in partnership between Northumberland Estates, Age UK North-East and other specialist health and social care providers. The overall vision for the site, to create a multi-generational living and wellbeing development with a range of services to support people in later life, is supported. The principle of the proposal supports the requirements of Policy DM4.8 of the Local Plan. The specialist housing will be integrated into an existing built environment that will provide access to a range of facilities on-site whilst also being able to utilise existing facilities within close proximity to the site, including adjacent retail provision and public transport.

8.18 The proposed development includes a variety of uses that would all be defined as main town centre uses in the NPPF. It is noted that as per the requirements of the NPPF that the applicant should submit a sequential assessment to outline why these uses could not be located in an existing centre. However, the NPPF encourages local authorities to take a flexible approach when considering edge of centre or out of centre proposals and it is clear from the planning policy comments received that the main town centre elements of the scheme are ancillary to the residential accommodation and form part of the unique business case for the development and cannot be disaggregated.

8.19 The applicant has advised that all Class E uses proposed are linked/ancillary to the overall residential care, health, and social care provision for people in later life. These ancillary uses are mostly small in nature/size and are also included within and are integral to the main buildings. Therefore, they could not easily be changed or altered to other uses permitted within Use Class E. Except for the nursery, the town centre uses proposed within the buildings will serve the needs of future residents of this scheme.

8.20 The proposed development includes office accommodation. Part of the site incorporates the allocated employment site (E020) that supports office accommodation on the site, as listed in Policy S2.2. The site is also within the A19 Economic Corridor (Policy AS2.6), which again promotes office development on the site.

8.21 Members need to determine whether the principle of the proposed development is acceptable. Officers have applied a flexible approach to this proposal as it provides a range of uses including residential accommodation and office accommodation on a site that traverses sites designated for such land uses within the Local Plan and would therefore be in accordance with Policy S1.2, S4.1, DM4.8 and Policy S2.2 of the Local Plan (2017). The proposal also includes elements of main town centre uses that are subject to a sequential assessment, however officers are satisfied that these elements are ancillary to the overall development, could not be disaggregated and designed in such a

manner that they are primarily to serve the residents within the scheme. Policies DM3.6 and S7.10 support the provision of appropriate local facilities and community infrastructure. Having regard to the above, it is officer advice that, the principle of the proposed development is considered acceptable subject to consideration of the following matters.

#### 9.0 North Tyneside Council Housing Land Supply

9.1 The most up to date assessment of housing land supply informed by the five-year housing land summary included within the Housing Land Availability Assessment, September 2021. It identifies the total potential 5-year housing land supply in the borough at 4,012 additional dwellings, a total which includes delivery from sites yet to gain planning permission. This represents a shortfall against the Local Plan requirement or approximately a 4-year supply of housing land. It is important to note that this assessment of five-year land supply includes over 2,000 homes at proposed housing allocations within the Local Plan (2017). The potential housing land supply from this proposal is included in this assessment. It is officer opinion that the proposed 35 dwellings (Use Class C3) will make a valuable contribution towards the borough achieving a five-year housing land supply.

#### 10.0 Impact on character and appearance of the site and the surrounding area

10.1 Paragraph 126 of the NPPF recognises that the creation of high-quality buildings and places is fundamental to what the planning and development process should achieve. Good design is a key aspect of sustainable development, creates better places in which to live and work and helps make development acceptable to communities.

10.2 Paragraph 130 of the NPPF states “Decisions should ensure that developments: will function well and add to the overall quality of the area, not just for the short term but over the lifetime of the development; are visually attractive as a result of good architecture, layout and appropriate and effective landscaping; are sympathetic to local character and history, including the surrounding built environment and landscape setting, while not preventing or discouraging appropriate innovation or change (such as increased densities); establish or maintain a strong sense of place, using the arrangement of streets, spaces, building types and materials to create attractive, welcoming and distinctive places to live, work and visit; optimise the potential of the to accommodate and sustain an appropriate amount and mix of development (including green and other public space) and support local facilities and transport networks; and create places that are safe, inclusive and accessible and which promote health and well-being, with a high standard of amenity for existing and future users; and where crime and disorder, and the fear of crime, do not undermine the quality of life or community cohesion and resilience.”

10.3 Paragraph 92 of the NPPF, amongst other matters, seeks to promote health and safe communities. Decisions should aim to achieve healthy, inclusive and safe places which: promote social interaction....street layouts that allow for easy pedestrian and cycle connections within and between neighbourhoods, and active street frontages; are safe and accessible....enable and support healthy lifestyles, especially where this would address identified local health and well-being needs – for example through the provision of safe and accessible green

infrastructure, sports facilities, local shops, access to healthier food, allotments and layouts that encourage walking and cycling.

10.4 Paragraph 131 of the NPPF states “Trees make an important contribution to the character and quality of urban environments and can also help to mitigate climate change.” It goes on to state that decisions should ensure that new streets are tree-lined (unless, in specific cases, there are clear, justifiable and compelling reasons why this would be inappropriate). Opportunities should be taken to incorporate trees elsewhere into developments, secure measures to ensure the long-term maintenance of newly planted trees and that existing trees are retained wherever possible.

10.5 Paragraph 134 of the NPPF makes it clear that development that is not well-designed, especially where it fails to reflect local design policies and government guidance on design should be refused. Significant weight should be given to development which reflects local design policies etc. and development which promote high levels of sustainability or help raise the standard of design more generally in an area, so long as they fit in with the overall form and layout of the surroundings.

10.6 LP Policy DM6.1 Design of Development states: “Applications will only be permitted where they demonstrate high and consistent design standards. Designs should be specific to the place, based on a clear analysis the characteristics of the site, its wider context and the surrounding area. Proposals are expected to demonstrate:

- a. A design responsive to landscape features, topography, wildlife habitats, site orientation and existing buildings, incorporating where appropriate the provision of public art;
- b. A positive relationship to neighbouring buildings and spaces;
- c. A safe environment that reduces opportunities for crime and antisocial behaviour;
- d. A coherent, legible and appropriately managed public realm that encourages accessibility by walking, cycling and public transport;
- e. Sufficient car parking that is well integrated into the layout; and,
- f. A good standard of amenity for existing and future residents and users of buildings and spaces.”

LP Policy DM7.9 ‘New Development and Waste’ states “All developments are expected to:

- a. Provide sustainable waste management during construction and use.
- b. Ensure a suitable location for the storage and collection of waste.
- c. Consider the use of innovative communal waste facilities where practicable.”

10.7 The Council has produced an SPD on Design Quality. It states that the Council will encourage innovation in design and layout, provided that the existing quality and character of the immediate and wider environment are respected and enhanced, and local distinctiveness is generated. It also states that all new buildings should be proportioned to have a well-balanced and attractive external appearance.

10.8 The applicant has advised that the vision for the site is to design and build a multi-generational living and wellbeing development, with a range of services to support people in later life and to make more of life. It will incorporate medical and rehabilitation facilities in addition to outdoor shared spaces to allow residents to engage with the community and services provided through the accommodation.

10.9 The site constraints, including mine shafts and associated no build zones, the high wall structure remaining from the open cast mining excavation and the easement area associated with the overhead pylons, have informed the site layout. The proposed layout also takes into consideration noise constraints from both road and rail and existing retail services. The layout also considers the proximity of the proposed built form in relation to the existing housing.

10.10 The submitted information shows that the scale and mass of some parts of the development is higher than the surrounding buildings. The scheme will accommodate single storey up to four storeys. Members are advised that the applicant has amended their scheme to address concerns raised about building heights, residential amenity and the amount of open space and its useability in terms of overshadowing and sun light levels. These revisions included reducing the height of the extra care facility from four storeys to three storeys, reducing the north wing of the older persons apartment block with extra care facilities from four storeys to three storeys and re-organisation of bungalows within the layout to increase the central area of open space.

10.11 The location of the site lends itself to a higher density development. The tallest buildings are positioned along the metro line to mitigate the acoustic issues associated with the overground line. The only remaining four storey element, within the scheme is part of the older persons apartment block. The reduced scale and massing of the development is acceptable. Visuals have also been submitted demonstrating the shadow path in summer and winter which shows acceptable overshadowing to the public open space.

10.12 The proposed nursery, a single storey building, will be positioned at the site entrance. The building elevations are playful and colourful, appropriate to a nursery building. Feature windows and window surrounds add visual interest to the outer facing elevations. The building utilises natural materials and will accommodate a green roof providing biodiversity benefits and improving the outlook when viewed from neighbouring upper floor windows.

10.13 The proposed integrated frailty hub, a three-storey building, sits prominently at the entrance to the site and provides a visitor's first point of contact, housing the main pedestrian site entrances. It will accommodate sections of pitched roofs with adjoining single storey flat roof projections.

10.14 The proposed health and wellbeing hub, a two-storey building, will be used as the community hub for the site. It will accommodate mono-pitch green roofs with a single storey offshoot with a flat green roof. The applicant has advised that this building's central location will allow it to support and enhance the uses of the buildings within the site.

10.15 The proposed extra car building, a three-storey building, will be positioned in the southeast corner of the site. Its massing is considered appropriate in this part of the site as it will be viewed in the context of an existing retail park, adjacent multi-storey car park and overhead pylons. Its height also allows for the building to act as an acoustic buffer to the noise generated by the adjacent metro line and road. To break down the vertical mass design features such as balconies and projecting window details have been incorporated into the design.

10.16 The proposed older persons apartment block, a three and four storey building, will be positioned against the southern edge of the site and relates to the scale of the adjacent retail park whilst also acting as an acoustic buffer to the noise generated by the metro line. Balconies and vertical garden spaces have been introduced to mitigate the buildings mass and proportions. A variety of materials have also been used to assist in breaking up the mass of this building.

10.17 The development has a distinctive contemporary architecture which is different to its surroundings. A mixture of materials are proposed and consideration has been given to their placement and use in order to reduce the scale and mass. The materials are a mixture of traditional and contemporary and relate the scheme to the surrounding area while also creating a distinct character for the development. Materials are also used to identify each building with a slightly different character. The design of the wellbeing hub has been revised and now has a mixture of materials to link it better to the rest of the site. House types have also been revised although the overall design approach remains similar. These changes are acceptable.

10.18 The amount of public open space has been increased due to a reduction in the number of residential units proposed. Increasing the public open space ensures that all residents have easy and immediate access to green spaces within the site. Movement patterns have been well considered and the site is connected to the surrounding area with pedestrian routes. The proposed movements throughout the site are considered to address the Public Rights of Way comments set out in the appendix to this report.

10.19 LP DM5.9 'Trees, Woodland and Hedgerows' supports the protection and management of existing woodland trees, hedgerow and landscape features. It seeks to secure new tree planting and landscaping scheme for new development, and where appropriate, promote and encourage new woodland, tree and hedgerow planting schemes and encouraging native species of local provenance.

10.20 The Council's Landscape Architect has been consulted. She has reviewed the revised landscape proposals plan which has been amended in line with design alterations (the omission of the continuous swale along the southern and eastern boundary and inclusion of smaller swales areas). The two larger Sustainable Urban Drainage (SuDS) features to the north of the site have been retained. She has advised that the changes to the layout still achieve biodiversity net gain and contribute to a high quality and sustainable scheme. In terms of landscape and visual amenity further enhancements have been made to the overall layout with the addition of hedgerow and tree planting alongside the main access route. The overall expanse of the car parking area to the north-east is

broken up visually by a combination of trees, hedgerow planting, wildflower seeding and ornamental/herbaceous planting which will help reduce the visual impact of the car parking area and help improve connectivity with hedgerows and planting to the wider site.

10.21 The Landscape Architect has advised that the 2.5m high acoustic fence to the southern boundary appears to be installed within the protective fence of the retained trees which may impact on tree roots. This is addressed in the submitted Arboricultural Method Statement which seeks to minimise damage. To install this fence, it will be necessary to remove the tree protective barrier to allow access and installation and as such, this work will be undertaken at the end of the project when all other construction activity has been completed.

10.22 Due to the proximity of the site to the rail line Network Rail have advised that a landscaping condition will be required to ensure appropriate planting is secured that will not impact on their assets.

10.23 Members need to consider whether the layout is appropriate and whether this complies with current policy. Officer advice is that the proposed site layout, the height and design of the buildings can be comfortably accommodated within the site without a significant adverse impact on the character and appearance of the area or significantly affect the residential amenity of the existing residential properties located immediately to the north of the site. Subject to the imposition of the suggested conditions, it is officer opinion that the site is capable of being developed in a manner which will comply with the relevant national and local planning policies.

#### 11.0 Impact upon future occupants and existing occupants

11.1 Paragraph 185 of the NPPF states that planning decisions should ensure that new development is appropriate for its location taking into account the likely effects (including cumulative effects) of pollution on health, living conditions and the natural environment, as well as the potential sensitivity of the site or the wider area to impacts that could arise from the development. In doing so, they should amongst other matters; mitigate and reduce to a minimum potential adverse impact resulting from new development – and avoid noise giving rise to significant adverse impacts on health and quality of life.

11.2 LP Policy S1.4 of the Local Plan states that development proposals should be acceptable in terms of their impact upon local amenity for new or existing residents and businesses, adjoining premises and land uses.

11.3 LP Policy DM5.19 'Pollution' states, amongst other matters, development that may cause pollution will be required to incorporate measures to prevent or reduce pollution so as not to cause unacceptable impacts to the environment, to people and to biodiversity. Potentially polluting development will not be sited near to sensitive areas unless satisfactory mitigation measures can be demonstrated.

11.4 LP Policy DM6.1 of the Local Plan states that proposals are expected to demonstrate a positive relationship to neighbouring buildings and spaces; a safe environment that reduces opportunities for crime and antisocial behaviour; and a

good standard of amenity for existing and future residents and users of buildings and spaces.

11.5 LP Policy DM 4.9 sets out housing and accessibility standards.

11.6 The Design Quality SPD states that the quality of accommodation provided in residential development contributes significantly to the quality of life of residents. Residential schemes should provide accommodation of a good size, a good outlook, acceptable shape, and layout of rooms and with main habitable rooms receiving daylight and adequate privacy.

11.7 The site is in an area subject to several different noise sources road (A19 and A186) and rail (Metro) and associated noise from the nearby retail uses. There will also be noise arising from the proposal itself such as external plant and delivery noise and noise from any play areas provided by the nursery.

11.8 The Manager for Environmental Health has been consulted. She has reviewed the air quality assessment which has considered the potential impact arising from road traffic related emissions from the A19 affecting the proposed development. This assessment concluded that there will be negligible impact from both nitrogen dioxide and particulates. Regarding PM2.5 levels it is recognised that there are no safe levels for particulates and that Local Authorities must have policies in place to reduce the levels to as low a level as possible. Any new development will contribute to the overall air quality levels within an area and therefore although the overall impacts on the new development are considered to be negligible there will still be impacts and therefore it recommended that some mitigation measures are incorporated within the scheme to address air pollutants, e.g. such as the provision of electric car charging points, travel plans and use of low NOx boilers.

11.9 The proposed development will accommodate a restaurant. The kitchen ventilation system has been considered within the air quality and odour assessment report. The Manager for Environmental Health has advised that a high level of odour control will be required to ensure a good dispersal of cooking odours and any external flue will be required to discharge 1m above eaves. It is clear from her comments that conditions can be imposed requiring these details to control odour and noise.

11.10 The submitted noise report has considered noise arising from road traffic, Metro line and noise from adjacent retail uses. It also assessed noise from new external plant. The Manager for Environmental Health has advised that conditions are recommended to ensure the noise rating level is met for all new external plant for the development, control the hours of deliveries to the site and to restrict the hours of use and any external play areas for the nursery.

11.11 With regard to the proposed residential properties as part of this development, the Manager for Environmental Health has recommended conditions to ensure the noise scheme provided is in accordance with the submitted noise report to achieve good standards of internal noise levels in accordance with the relevant British Standards. She has advised that the properties located adjacent to the A19 and Metro line will not achieve the

recommended internal noise levels with windows open and an appropriate ventilation scheme will be required. It is considered that passive ventilation will be ineffective for properties that are subject to overheating. It is therefore recommended that a condition be attached for the ventilation scheme to require an overheating assessment for those properties where the recommended internal noise levels cannot be achieved to verify that there is a low risk of overheating if passive ventilation is to be installed. If properties are subject to overheating, then an alternative ventilation or cooling system will need to be provided.

11.12 The gardens and areas of public open space will be screened by the proposed buildings. The Manager for Environmental Health has advised that the noise modelling demonstrates compliance with the recommended noise level for outdoor areas within the WHO guidance.

11.13 The Manager for Environmental Health has viewed the lighting assessment. This suggests that the lighting levels arising from the commercial buildings forming part of this development will comply with the ILE guidance for reducing obtrusive light for pre-curfew levels at the nearest sensitive residential receptors. She has recommended a condition to ensure the lighting scheme is installed in accordance with the submitted details.

11.14 The NPPF, paragraph 55 states "Local Planning Authorities should consider whether otherwise unacceptable development could be made acceptable through the use of conditions or planning obligations." Paragraph 56 states "Planning conditions should be kept to a minimum and only imposed where they are necessary, relevant to planning and to the development to be permitted, enforceable, precise and reasonable in all other respects." The NPPF paragraph 185 aims to "avoid noise from giving rise to significant adverse impacts on health and quality of life". Members are advised that it is clear from the environmental health comments set out in the appendix to this report that appropriate mitigation to reduce the impacts arising from the identified noise sources can be secured by conditions.

11.15 The planning system cannot protect open views. However, the outlook of the development when viewed from neighbouring properties must be considered to establish whether the proposed development would have an overbearing or oppressive effect on nearby properties.

11.16 The proposed frailty hub building will be the closest building to the existing residential properties sited to the north of the application site. Due to the orientation of Nos. 12, 14 and 15 Roddam Close obscure views of the proposed building will be afforded from their rear habitable windows and views of the proposed building will be afforded from their garden areas. Due to the siting of the proposed building in relation to these neighbouring properties, it is not considered that it will significantly affect its residential amenity in terms of loss of outlook, light or privacy to such an extent that will sustain a recommendation of refusal.

11.17 The proposed residential units will be located to the south of the existing residential properties. It is not considered that this part of the proposal will significantly affect their residential amenity in terms of loss of light, outlook or privacy.

11.18 The proposed nursery will be separated from the existing residential properties by a road. Taking into consideration the design and location of the proposed nursery, it is not considered that this part of the proposal will significantly affect their residential amenity in terms of loss of light, outlook or privacy.

11.19 The site is relatively flat however four stockpiles of soil are located on the site. Some of the surrounding infrastructure sits at a higher level than the application site. Therefore, a levels condition to ensure that the heights of the proposed buildings are acceptable in relation to surrounding infrastructure and existing residential properties is considered to be reasonable and necessary.

11.20 The proposed layout demonstrates that appropriate privacy distances can be achieved within the site. The layout also achieves acceptable impacts in terms of outlook and light. Each residential dwelling has its own outdoor amenity space, refuse store and parking. The applicant has confirmed that all residential properties have been designed to NDSS and as such offer well considered living spaces that can be adapted to the residents varying needs as time progresses. The other buildings can adequately accommodate refuse storage and any required plant and equipment. There is also access to areas of public open space within the site.

11.21 Members need to consider whether the proposal will have an adverse impact on residential amenity. It is officer advice that subject to conditions, the impacts on residential amenity are acceptable. As such, the proposed development is considered to comply with the relevant national and local planning policies.

## 12.0 Highways

12.1 The NPPF paragraph 111 makes it clear that development should only be prevented or refused on highway grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.

12.2 The NPPF paragraph 112 states, amongst other matters, that applications for development should give priority first to pedestrian and cycle movements both within the scheme and with neighbouring areas and address the needs of people with disabilities and reduced mobility in relation to all modes of transport.

12.3 The NPPF paragraph 113 sets out guidance on sustainability and connectivity.

12.4 LP Policy S7.3 states that the Council, will support its partners, who seek to provide a comprehensive, integrated, safe, accessible and efficient public transport network, capable of supporting development proposals and future levels of growth.

12.5 LP Policy DM7.4 'New Development and Transport' makes it clear that the Council will ensure that the transport requirements of new development, commensurate to the scale and type of development, are taken into account and seek to promote sustainable travel to minimise environmental impacts and support resident's health and well-being.

12.6 The Council's maximum parking standards are set out in the Transport and Highways SPD (LDD12).

12.7 The objection received regarding the impact on highway safety and an increase in traffic is noted.

12.8 A Transport Assessment (TA) and Travel Plan (TP) have been submitted to accompany this application. The Highways Network Manager has considered this information and he has advised that impact on the local highway network will not be severe and as such no off-site mitigation will be required.

12.9 The site will be accessed via the existing residential development from Hotspur South and there are also good pedestrian and cycle links already in place serving the wider area which this development will connect into.

12.10 Parking will be provided to meet the needs of the site by a combination of on-site parking and partial use of the multi-storey car park at Northumberland Park Interchange. This parking will be subject to a robust parking management plan and alongside the TP, it is anticipated that the demand for spaces will be reduced in years to come, given the good links to public transport, incentives to reduce reliance on car-borne journeys and a significant Travel Plan Bond if targets are not met.

12.11 The NPPF makes it clear that development should only be prevented or refused on highway grounds if there would be an unacceptable impact on highway safety or the residual impacts on the road network would be severe. In this case, it is clear from the Highway Network Managers comment that, in their opinion, the proposed development would not result in any unacceptable or severe impacts.

12.12 The site is located within walking distance of bus and Metro services. Pedestrian and cycle links have been incorporated into the layout and provide appropriate connections to the surrounding area. The Sustainable Transport Team Leader considers these connections to be acceptable. They have requested a detailed TP to be submitted and a TP Bond to be secured via a S106 Agreement.

12.13 Nexus has been consulted. They welcome the pedestrian and cycle links and have advised that a full and comprehensive Travel Plan is submitted. These comments are consistent with the Sustainable Transport Officer's comments. The applicant has advised that they will meet their requirements regarding the bus shelters and they will provide a reduced Travel Ticket which can be secured as part of the Travel Plan condition.

12.14 National Highways have been consulted. They have recommended conditional approval.

12.15 Members need to consider whether the proposal is acceptable in terms of its impact on highway safety and the wider highway network. It is officer advice that subject to conditions the proposal is acceptable. As such, the proposed development is considered to accord with both national and local planning policy.

### 13.0 Biodiversity

13.1 An environmental role is one of the three dimensions of sustainable development according to NPPF, which seeks to protect and enhance our natural environment.

13.2 Paragraph 174 of the NPPF states that the planning policies and decisions should contribute to and enhance the natural and local environment. Amongst other matters, this includes minimising the impacts of biodiversity and providing net gains for biodiversity, including by establishing coherent ecological networks that are more resilient to current and future pressures.

13.3 Paragraph 179 of the NPPF states that when determining planning applications LPAs should aim to protect and enhance biodiversity and geodiversity by following the principles set out in paragraph 180 which includes, amongst other matters, if significant harm cannot be avoided, adequately mitigated, or as a last resort, compensated from the planning permission should be refused.

13.4 LP Policy S5.4 Biodiversity and Geodiversity seeks to protect, create, enhance and manage sites within the borough relative to their significance.

13.5 LP DM5.5 'Managing effects on Biodiversity and Geodiversity', amongst other matters, seeks to protect the biodiversity and geodiversity value of land, protected and priority species and buildings and minimise fragmentation of habitats and wildlife links. Proposals should maximise opportunities to create, restore, enhance, manage and connect natural habitat. Net gains to biodiversity should be considered, unless otherwise shown to be inappropriate. Proposals that are likely to significantly affect nationally or locally designated sites, protected species, or priority species and habitats (as identified in the BAP), identified within the most up to date Green Infrastructure Strategy, would only be permitted where: the benefits of the proposal clearly demonstrably outweigh any adverse impacts, applications are accompanied by the appropriate ecological surveys that are carried out to industry guidelines, and for all adverse impacts of the development appropriate on site mitigation measures, reinstatement of features, or, as a last resort, off site compensation to enhance or create habitats must form part of the proposals. This must be accompanied by a management plan and monitoring schedule, as agreed by the Council.

13.6 An Ecological Appraisal and Biodiversity Net Gain (BGN) Assessment have been submitted to accompany this application. This information has been considered by the Council's Biodiversity Officer.

13.7 The accompanying surveys advise that habitats within the site consisted predominantly of bare ground with small areas of semi-improved grassland. A pond and hedgerow were located within the eastern part of the site, with woodland present to the western and southern boundaries outside of the site. Habitats were assessed as being important at the site level. The habitats within the site were assessed as being generally poor for nesting birds with only two bird territories recorded within the site. Great crested newt eDNA survey was negative for both ponds surveyed and therefore, no impacts on this species were anticipated. The site lacked any trees or structures with potential bat roosting features and supported a limited range of bat species with low levels of bat activity recorded. No butterflies were recorded within the site and no other protected or S.41 species were considered likely to be present.

13.8 There are two sites of European importance located at the coast approximately 5.5 km to the east. These are the Northumbria Coast SPA and the Northumbria Coast Ramsar. The Site falls within Natural England's Impact Risk Zone (IRZ) associated with these European sites. The IRZ within which the site falls indicates that any residential development of 50 or more units outside existing settlements/urban areas requires that the local planning authority consults with Natural England regarding potential adverse impacts on the statutory designated sites. Whilst the proposed development falls beneath this threshold, the IRZ also notes that contributions to the North Tyneside Council (NTC) Coastal Mitigation Strategy are required for any residential development within the location of the Site. A financial contribution will therefore be required in accordance with the North Tyneside Council Coastal Mitigation Strategy SPD. The applicant has agreed to pay the required coastal mitigation contribution.

13.9 Impacts associated with the scheme include loss of habitat, risk of damage to roots and crowns of existing trees adjacent to the site boundary, potential loss or disturbance of nesting bird habitat as a result of construction activities and lighting-related impacts on bats during the operational (occupation) phase of the development. The Biodiversity Officer has suggested conditions to mitigate these impacts.

13.10 Natural England has been consulted. They have raised no objections to the proposed development subject to securing appropriate mitigation. As already discussed, the applicant has agreed to pay the relevant coastal mitigation contribution.

13.11 Members need to consider whether the proposal is acceptable in terms of its impact on biodiversity and landscaping. It is officer advice that, subject to conditions and securing the coastal mitigation contribution, it is acceptable.

#### 14.0 Other issues

##### 14.1 Flooding

14.2 Paragraph 167 of the NPPF states "When determining any planning applications, local planning authorities should ensure that flood risk is not increased elsewhere. Where appropriate, applications should be supported by a site-specific flood-risk assessment...."

14.3 LP Policy DM5.14 states that applicants will be required to show, with evidence, they comply with the Defra technical standards for sustainable drainage systems (unless otherwise updated and/or superseded). A reduction in surface water run off rates will be sought for all new development. On brownfield sites, surface water run off rates post development should be limited to a maximum of 50% of the flows discharged immediately prior to development where appropriate and achievable. For greenfield sites, surface water run off post development must meet or exceed the infiltration capacity of the greenfield prior to development incorporating an allowance for climate change.

14.4 LP Policy DM5.15 states that applicants will be required to show, with evidence, they comply with the Defra technical standards for sustainable drainage systems (unless otherwise updated and/or superseded).

14.5 A Flood Risk Assessment (FRA) has been submitted to accompany this planning application.

14.6 The submitted information has been considered by the Lead Local Flood Authority (LLFA). They have advised that surface water attenuation will be provided within the site for a 1 in 100yr + 40% allocation for climate change via the use of permeable paving, attenuation ponds, upsized sewers and swales. The applicant is proposing to discharge the surface water from the development via two separate manholes at restricted rates of 12.5l/s which will discharge into a 225mm diameter sewer in the north west of the development and 144 l/s which will discharge into Northumbrian Water's 600mm dia. surface water sewer located to the south of the mini roundabout. Both surface water sewers in turn discharge into the Brierdene Burn. On this basis, the LLFA has recommended conditional approval.

14.7 Network Rail has been consulted. They have confirmed that their revisions to the proposed drainage scheme are acceptable. On this basis, they have recommended conditional approval and advised informatives are attached should planning permission be granted.

14.8 Members need to consider whether the proposal is acceptable in terms of its impact on flooding. It is officer advice that subject to conditions it is acceptable.

#### 14.9 Contaminated Land and ground conditions

14.10 Paragraph 183 of the NPPF states planning policies and decisions should ensure that a site is suitable for its proposed use taking account of ground conditions and any risks arising from land instability and contamination i.e. mining or land remediation.

14.11 Paragraph 184 of the NPPF goes on to say that where a site is affected by contamination or land instability issues, responsibility for securing a safe development, rests with the developer and/or landowner.

14.12 The NPPF sets out that LPAs should define Mineral Safeguarding Areas (MSAs), with further detail included in National Planning Practice Guidance (2014). The whole of the local plan area has been identified as a MSA. Policy DM5.17 Minerals is considered to be relevant.

14.13 LP Policy DM5.18 “Contaminated and Unstable Land” seeks to ensure that the future users or occupiers of a development would not be affected by contamination or stability issues.

14.14 The Contaminated Land Officer has been consulted. She has recommended conditional approval.

14.15 The application site is located within a coal referral area. The Coal Authority has been consulted. It is clear from their comments set out in the appendix to this report that they do not object to this planning application subject to imposing their suggested conditions.

14.16 Members need to consider whether the proposal is acceptable in terms of its impact on ground conditions. It is officer advice that subject to conditions it is acceptable.

#### 14.17 Archaeology

14.18 Paragraph 205 of the NPPF states “Local planning authorities should require developers to record and advance understanding of the significance of any heritage assets to be lost (wholly or in part) in a manner proportionate to their importance and the impact and to make this evidence (and any archive generated) publicly accessible. However, the ability to record evidence of our past should not be a factor in deciding whether such loss should be permitted.”

14.19 LP Policy DM6.7 ‘Archaeological Heritage’ seeks to protect, enhance and promote the borough’s archaeological heritage and where appropriate, encourage its interpretation and presentation to the public.

14.20 Previous planning applications (Re: 14/01930/FUL and 16/01952/OUT) confirmed that no further archaeological works are required and that parts of the site have previously been subject to opencast mining, which will have destroyed any archaeological remains.

#### 14.21 Aviation

14.22 Newcastle International Airport Limited (NIAL) has been consulted. They have considered the impacts of the proposed surface water attenuation, landscaping and solar panels. Subject to the imposing their suggested conditions relating to Bird Strike Risk Assessment, Glint and Glare Assessment and landscaping details they have raised no objections to the proposed development.

#### 14.23 Northern Powergrid

14.24 Northern Powergrid have been consulted. They have raised no objections to the proposed development.

#### 15.0 S106 Contributions

15.1 Paragraph 55 of NPPF states that planning obligations should only be used where it is not possible to address unacceptable impacts through a planning condition.

15.2 Paragraph 57 of NPPF states that planning obligations must only be sought where they meet all of the following tests:

- 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.

15.3 LP Policy S7.1 'General Infrastructure and Funding Statement' states that the Council will ensure appropriate infrastructure is delivered so it can support new development and continue to meet existing needs. Where appropriate and through a range of means, the Council will seek to improve any deficiencies in the current level of provision.

15.4 LP Policy DM7.2 'Development Viability' states that the Council is committed to enabling a viable and deliverable sustainable development. If the economic viability of a new development is such that it is not reasonably possible to make payments to fund all or part of the infrastructure required to support it, applicants will need to provide robust evidence of the viability of the proposal to demonstrate this. When determining the contributions required, consideration will be given to the application's overall conformity with the presumption in favour of sustainable development.

15.5 LP Policy DM7.5 'Employment and Skills' states that the Council will seek applicants of major development proposals to contribute towards the creation of local employment opportunities and support growth in skills through an increase in the overall proportion of local residents in education or training.

15.6 LP Policy DM4.7 'Affordable Housing' sets out that to meet the Borough wide housing target, the Council will seek provision of 25% affordable homes on new housing developments.

15.7 The Council's adopted SPD on Planning Obligations (2018) states that the Council takes a robust stance in relation to ensuring new development appropriately mitigates its impact on the physical, social and economic infrastructure of North Tyneside. Notwithstanding that, planning obligations should not place unreasonable demands upon developers, particularly in relation to the impact upon the economic viability of development. The Council will consider and engage with the applicants to identify appropriate solutions where matters of viability arise and require negotiation.

15.8 The applicant has confirmed that they are agreeable to the following financial contributions: and off-site mitigation requested by service areas:

- Affordable housing provision
- Travel Plan Bond £75, 000.00
- Travel Plan Monitoring Fee £3, 000.00
- Coastal Mitigation £11, 795.00

15.9 These contributions are considered necessary, directly related to the development and fairly and reasonable relate in scale and kind to the development and therefore comply with the CIL Regulations.

15.10 A CIL payment will be required in respect of this development.

## 16.0 Local Financial Considerations

16.1 Section 70(2) of the Town and Country Planning Act 1990 (as amended) provides that a local planning authority must have regard to local finance considerations as far as it is material. Section 70(4) of the 1990 Act (as amended) defines a local financial consideration as a grant or other financial assistance that has been, that will or could be provided to a relevant authority by a Minister of the Crown (such as New Homes Bonus payments).

16.2 The proposal involves the creation of 35 new dwellings and extra care accommodation. Granting planning permission for new dwellings therefore increases the amount of New Homes Bonus, which the Council will potentially receive. The New Homes Bonus is a government grant for each home built equivalent in value to the average Band D Council Tax charge in England in the preceding year. New Homes Bonus is paid to the Authority each year for new homes completed for a period of four years from the completion of each new home. An additional sum is paid for each empty home brought back in to use and for each affordable home delivered.

16.3 In addition, the new homes will bring additional revenue in terms of Council Tax and jobs created during the construction period.

16.4 Members should give appropriate weight to amongst all other material considerations to the benefit of the Council as a result of the monies received from central Government.

## 17.0 Conclusions

17.1 Members should consider carefully the balance of issues before them and the need to take in account national policy within NPPF and the weight to be accorded to this as well as current local planning policy.

17.2 Specifically, NPPF states that LPA's should look for solutions rather than problems, and decision-takers at every level should seek to approve applications for sustainable development where possible. A core planning principle within NPPF requires that every effort should be made objectively to identify and then meet the housing, business and other development needs of an area, and respond positively to wider opportunities for growth.

17.3 The site is allocated for housing with existing planning permission and employment land in the Local Plan. This development will make a positive contribution towards the Borough's identified housing needs and contribute towards the requirement for the council to have a 5-year supply of deliverable housing sites and generate employment. These are significant material considerations which weigh in favour of the proposal.

17.4 The design and layout of the proposal has been amended so that it would not have an adverse impact upon the character and appearance of the site or its immediate surroundings.

17.5 The proposal would ensure a sufficient separation distances to neighbouring properties so as to not adversely affect their residential amenity.

17.6 The proposal would provide parking in accordance with the Council adopted standards and would not have an unacceptable impact on highway safety or result in a residual cumulative impact that would be severe.

17.7 Appropriate mitigation can be secured by conditions to ensure that the proposal will not adversely affect biodiversity.

17.8 The site is of no/low archaeological value.

17.9 Issues to do with flooding and contaminated land can be dealt with via conditions

17.10 The applicant has agreed to provide planning obligations in accordance with what the Council is seeking.

17.11 The Council does not have a 5-year supply of deliverable housing sites. It therefore follows that planning permission should be granted unless the impacts of the development significantly and demonstrably outweigh the benefits. In the opinion of officers, the proposal is acceptable. It is therefore recommended that planning permission should be granted subject to a S106 Legal Agreement and conditions.

## **RECOMMENDATION:**

**The Committee is recommended to:**

- a) indicate that it is minded to grant this application subject to an Agreement under Section 106 of the Town and Country Planning act 1990 and the addition, omission or amendment of any other conditions considered necessary; and**
- b) to grant delegated powers to the Director of Regeneration and Economic Development to determine the application following the completion of the Section 106 Legal Agreement to secure the following:**
  - Affordable housing provision**
  - Travel Plan Bond £75, 000.00**
  - Travel Plan Monitoring Fee £3, 000.00**
  - Coastal Mitigation £11, 795.00**

## **Conditions/Reasons**

1. The development to which the permission relates shall be carried out in complete accordance with the following approved plans and specifications:
  - NEB-PHS-XX-XX-DR-A-9001-P2 Existing site plan
  - NEB-PHS-XX-XX-DR-A-9008-P1 Phasing plan
  - NEB-PHS-XX-XX-DR-A-9007-P8 Colour coded site plan
  - NEB-PHS-XX-XX-DR-A-9004-P10 Proposed site plan
  - NEB-PHS-EC-00-DR-A-2000-P7 Extra care ground floor plan

NEB-PHS-EC-01-DR-A-2001-P7 Extra care first floor plan  
NEB-PHS-EC-02-DR-A-2002-P6 Extra care second floor plan  
NEB-PHS-EC-XX-DR-A-1000-P6 Extra care elevations 1-2  
NEB-PHS-EC-XX-DR-A-1001-P5 Extra care elevations 3-4  
NEB-PHS-EC-XX-DR-A-1002-P5 Extra care elevations 5-8  
NEB-PHS-EC-XX-DR-A-9000-P2 Extra care site roof plan  
NEB-PHS-WH-00-DR-A-2000-P8 Health and wellbeing hub ground floor  
plan  
NEB-PHS-WH-01-DR-A-2001-P8 Health and wellbeing hub first floor plan  
NEB-PHS-WH-XX-DR-A-1000-P3 Health and wellbeing hub elevations  
NEB-PHS-WH-XX-DR-A-9003-P2 Health and wellbeing hub site roof plan  
NEB-PHS-FH-00-DR-A-2000-P3 Frailty hub ground floor plan  
NEB-PHS-FH-01-DR-A-2001-P3 Frailty hub first floor plan  
NEB-PHS-FH-02-DR-A-2002-P3 Frailty hub second floor plan  
NEB-PHS-FH-XX-DR-A-1000-P2 Frailty hub elevations 1-4  
NEB-PHS-FH-XX-DR-A-1001-P2 Frailty hub elevations 5-8  
NEB-PHS-FH-XX-DR-A-9005-P2 Frailty hub site roof plan  
NEB-PHS-NU-00-DR-A-2000-P4 Nursery ground floor plan  
NEB-PHS-NU-XX-DR-A-1000-P3 Nursery elevations 1-3  
NEB-PHS-NU-XX-DR-A-1001-P3 Nursery elevations 4-6  
NEB-PHS-NU-XX-DR-A-9002-P2 Nursery site roof plan  
NEB-PHS-PA-00-DR-A-2000-P2 Apartment block ground floor plan  
NEB-PHS-PA-01-DR-A-2001-P3 Apartment block first floor plan  
NEB-PHS-PA-02-DR-A-2002-P3 Apartment block second floor plan  
NEB-PHS-PA-03-DR-A-2003-P3 Apartment block third floor plan  
NEB-PHS-PA-XX-DR-A-1000-P3 Apartment block elevations 1-2  
NEB-PHS-PA-XX-DR-A-1001-P3 Apartment block elevations 3-4  
NEB-PHS-PA-XX-DR-A-9000-P2 Apartment block site roof plan  
NEB-PHS-HT1-XX-DR-A-1001-P3 House type 1 elevations  
NEB-PHS-HT1-XX-DR-A-2000-P3 House type 1 plans  
NEB-PHS-HT2-XX-DR-A-1001-P3 House type 2 elevations  
NEB-PHS-HT2-XX-DR-A-2000-P2 House type 2 plans  
NEB-PHS-HT3-XX-DR-A-1001-P3 House type 3 elevations  
NEB-PHS-HT3-XX-DR-A-2000-P2 House type 3 plans  
NEB-PHS-HT4-XX-DR-A-1000-P2 House type 4 elevations  
NEB-PHS-HT4-XX-DR-A-2000-P1 House type 4 plans  
NEB-PHS-HT5-XX-DR-A-1001-P2 House type 5 elevations  
NEB-PHS-HT5-XX-DR-A-2000-P2 House type 5 plans  
NEB-PHS-HT6-XX-DR-A-1001-P3 House type 6 elevations  
NEB-PHS-HT6-XX-DR-A-2000-P3 House type 6 plans  
NEB-PHS-HT7-XX-DR-A-1001-P1 House type 7 elevations  
NEB-PHS-HT7-XX-DR-A-2000-P1 House type 7 plans

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

2. The development hereby permitted shall be begun before the expiration of three years from the date of this permission.

Reason: To comply with the requirements of Section 91 of the Town and Country Planning Act 1990.

3. Notwithstanding Condition 1, no part of the development within each phase

shall be occupied until the new means of access has been laid out in accordance with the approved plans. Thereafter, the site accesses shall not be used for any other purpose and retained thereafter.

Reason: In the interests of highway safety and of the development having regard to policy DM7.4 of the North Tyneside Local Plan (2017).

4. Notwithstanding Condition 1, no part of the development within each phase shall be occupied or brought into use until the scheme for cycling and pedestrian links within the site and connecting into the wider network has been laid out in accordance with the approved plans. These links shall not be used for any other purpose and retained thereafter.

Reason: In the interests of highway safety and of the development having regard to policy DM7.4 of the North Tyneside Local Plan (2017).

5. Notwithstanding Condition 1, no part of the development within each phase shall be occupied until the scheme for refuse vehicles to turn has been laid out in accordance with the approved plans. These turning areas shall not be used for any other purpose and retained thereafter.

Reason: In the interests of highway safety and of the development having regard to policy DM7.4 of the North Tyneside Local Plan (2017).

6. Notwithstanding Condition 1, no part of the development within each phase shall be occupied until the scheme for on-site parking has been laid out in accordance with the approved plans. These parking areas shall not be used for any other purpose and retained thereafter.

Reason: In the interests of highway safety and of the development having regard to policy DM7.4 of the North Tyneside Local Plan (2017).

7. Notwithstanding Condition 1, no part of the development within Phase 1 shall be occupied or brought into use until the scheme for off-site parking at Northumberland Park multi-storey car park has been laid out in accordance with the approved plans. These parking areas shall not be used for any other purpose and retained thereafter.

Reason: In the interests of highway safety and of the development having regard to policy DM7.4 of the North Tyneside Local Plan (2017).

8. Notwithstanding Condition 1, no part of the development within each phase shall be occupied or brought into use until a scheme for Electric Vehicle (EV) has been submitted to and approved in writing by the Local Planning Authority. These EV charging areas shall not be used for any other purpose and retained thereafter.

Reason: In the interests of highway safety and of the development having regard to policy DM7.4 of the North Tyneside Local Plan (2017).

9. Notwithstanding Condition 1, no part of the development within each phase shall be occupied or brought into use until the scheme for undercover cycle storage has been laid out in accordance with the approved plans. These cycle storage areas shall not be used for any other purpose and retained thereafter.

Reason: In the interests of highway safety and of the development having regard to policy DM7.4 of the North Tyneside Local Plan (2017).

10. Notwithstanding Condition 1, no part of the development within each phase shall be occupied or brought into use until the scheme for the provision of and storage of refuse has been laid out in accordance with the approved plans. These refuse storage areas shall not be used for any other purpose and retained thereafter.

Reason: In the interests of highway safety and of the development having regard to policy DM7.4 of the North Tyneside Local Plan (2017).

11. Notwithstanding the details submitted in the Framework Travel Plan, no part of the development within Phase 1 shall be occupied or brought into use until a Full Travel Plan has been submitted to and approved by in writing the Local Planning Authority. The Travel Plan will require the Travel Plan Coordinator to be in place prior to first occupation until at least five years from occupation of the final unit and will also include an undertaking to conduct annual travel surveys to monitor whether the Travel Plan targets are being met and be retained thereafter.

Reason: To accord with Central Government and Council Policy concerning sustainable transport having regard to policy DM7.4 of the North Tyneside Local Plan (2017).

12. Notwithstanding the details submitted in the Framework Parking Management Plan, no part of the development within Phase 1 shall be occupied or brought into use until a Full Parking Management Plan has been submitted to and approved by in writing the Local Planning Authority. The Parking Management Plan will require all the agreed measures to be in place prior to first occupation. The plan will be monitored every 6 months until at least five years from occupation of the final unit or building and will also include any measures deemed necessary by the Local Highway Authority.

Reason: To accord with Central Government and Council Policy concerning sustainable transport having regard to policy DM7.4 of the North Tyneside Local Plan (2017).

13. Notwithstanding Condition 1, no part of the development within Phase 1 shall be occupied or brought into use until a methodology for monitoring parking on the surrounding highways has been agreed and approved in writing by the Local Planning Authority. This methodology shall include the scope and frequency of the monitoring and any measures deemed necessary by the Local Highway Authority to resolve any issues identified, which will be provided at the applicant's expense.

Reason: In the interests of highway safety and of the development having regard to policy DM7.4 of the North Tyneside Local Plan (2017).

14. Notwithstanding Condition 1, no development shall commence until a Construction Method Statement and Construction Traffic Management Plan (CTMP) for the duration of the construction period has been submitted to and approved in writing by the Local Planning Authority in consultation with National Highways. The approved statement shall: include details of the proximity of operations vehicles and operatives to the Strategic Road Network (SRN); noise management plan; impact of any constructions works on embankments or cuttings; details of delivery arrangements; measures to limit and manage transfer of debris onto the highway; identify the access to the site for all site operatives (including those delivering materials) and visitors, provide for the parking of

vehicles of site operatives and visitors; details of the site compound for the storage of plant (silos etc) and materials used in constructing the development; provide a scheme indicating the route for heavy construction vehicles to and from the site; a turning area within the site for delivery vehicles; dust suppression scheme (such measures shall include mechanical street cleaning, and/or provision of water bowsers, and/or wheel washing and/or road cleaning facilities, and any other wheel cleaning solutions and dust suppressions measures considered appropriate to the size of the development). The scheme must include a site plan illustrating the location of facilities and any alternative locations during all stages of development. The approved statement shall be implemented and complied with during and for the life of the works associated with the development.

Reason: This information is required pre-development to ensure that the site set up does not impact on highway safety, pedestrian safety, retained trees (where necessary) and residential amenity having regard to policies DM5.19 and DM7.4 of the North Tyneside Local Plan (2017) and National Planning Policy Framework.

15. Notwithstanding Condition 1, no development shall commence until a scheme to show wheel washing facilities and mechanical sweepers to prevent mud and debris onto the public highway has been submitted to and approved in writing by the Local Planning Authority. This scheme shall include details of the location, type of operation, maintenance/phasing programme. Construction shall not commence on any part of the development other than the construction of a temporary site access and site set up until these agreed measures are fully operational for the duration of the construction of the development hereby approved. If the agreed measures are not operational then no vehicles shall exit the development site onto the public highway.

Reason: This information is required pre-development to ensure that the site set up does not impact on highway safety, pedestrian safety, retained trees (where necessary) and residential amenity having regard to policies DM5

16. Notwithstanding Condition 1, prior to the commencement of any development within each phase plans of the site showing the existing and proposed ground levels and levels of thresholds and floor levels of all proposed buildings has been submitted to and approved in writing by the Local Planning Authority. Such levels shall be shown in relation to a fixed and known datum point. Thereafter, the development shall not be carried out other than in accordance with the approved details.

Reason: This needs to be pre-commencement condition to ensure that the work is carried out at suitable levels in relation to adjoining properties and highways, having regard to amenity, access, highway and drainage requirements having regard to policy DM6.1 of the North Tyneside Local Plan (2017).

17. The construction site subject of this approval shall not be operational and there shall be no construction, deliveries to, from or vehicle movements within the site outside the hours of 0800-1800 Monday - Friday and 0800-1400 Saturdays with no working on Sundays or Bank Holidays.

Reason: To safeguard the amenity of nearby residents having regard to policy DM5.19 of the North Tyneside Local Plan (2017) and National Planning Policy Framework.

18. Notwithstanding Condition 1, prior to the installation of any chimney or extraction vent to be provided in connection with any part of the development hereby approved details of the height, position, design and materials shall be submitted and approved in writing by the Local Planning Authority. The agreed scheme shall thereafter be implemented prior to the occupancy of the relevant building in accordance with the approved details and permanently retained.

Reason: In order to safeguard the amenities of adjoining properties having regard to policy DM5.19 and DM6.1 of the North Tyneside Local Plan (2017).

19. Notwithstanding Condition 1, prior to the installation of any required air ventilation systems details of such system(s) shall be submitted to and approved in writing by the Local Planning Authority. The agreed scheme shall thereafter be implemented prior to the occupancy of the relevant building in accordance with the approved details and permanently retained.

Reason: In order to safeguard the amenities of adjoining properties having regard to policy DM5.19 and DM6.1 of the North Tyneside Local Plan (2017).

20. Notwithstanding Condition 1, prior to the installation of any required refrigeration plant to be installed in connection with the development details shall be submitted to and approved in writing by the Local Planning Authority. The plant shall thereafter only be installed in accordance with the approved details and permanently retained as such.

Reason: To protect the amenities of the occupiers of residential accommodation in the vicinity having regard to policy DM5.19 and DM6.1 of the North Tyneside Local Plan (2017).

21. Notwithstanding Condition 1, prior to any commercial kitchen equipment being brought into use details of an odour suppression system for the arrestment of food odours shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall thereafter be implemented before the development or use commences in accordance with the approved details and permanently retained.

Reason: To protect the amenities of the occupiers of residential accommodation in the vicinity having regard to policy DM5.19 and DM6.1 of the North Tyneside Local Plan (2017).

22. Any outdoor seating areas associated with the restaurant shall be restricted for use to 0800-21:00 hours Monday to Saturday and 0900-2100 hours on Sundays and Bank Holidays.

Reason: To protect the amenities of the occupiers of residential accommodation in the vicinity having regard to policy DM5.19 and DM6.1 of the North Tyneside Local Plan (2017).

23. All deliveries and collections to the approved nursery, frailty hub and the health and wellbeing hub hereby approved shall be restricted to the hours of 0700-2300.

Reason: To protect the amenities of the occupiers of residential accommodation in the vicinity having regard to policy DM5.19 and DM6.1 of the North Tyneside Local Plan (2017).

24. Prior to the installation of any external plant and equipment noise scheme shall be submitted to and approved in writing by the Local Planning Authority. This noise schemes shall be carried out in accordance with BS4142 to ensure that the rating level at the boundary of the nearest residential premises does not exceed the background noise level of 43 dB LA90 during the daytime period (0700-2300 hours) and 32 dB LA90 at night (2300-0700 hours) for the representative operating times of the plant and equipment by more than 5 dB. Thereafter the development shall be carried out in accordance with these agreed details and verification details pursuant to condition 25.

Reason: In order to safeguard the amenities of adjoining properties having regard to policy DM5.19 of the North Tyneside Local Plan (2017).

25. Within one month of the installation of any plant and equipment acoustic testing shall be undertaken to verify compliance with condition 24. These details shall be submitted to and approved in writing by the LPA prior to the operation of the plant and equipment being brought into permanent use. Thereafter the plant and equipment shall be operated and maintained in full working order.

Reason: In order to safeguard the amenities of adjoining properties having regard to policy DM5.19 of the North Tyneside Local Plan (2017).

26. The following uses shall only be operational between the following times:

-Use Class E(d) indoor sport, recreation, or fitness Mondays to Fridays 08:00-21:00; Saturdays and Sundays 09:00-18:00.

-Use Class E (f) nursery 07:00 - 18:00 Monday to Fridays; 09:00-12noon Saturdays and no operation on any Sunday.

-Use Class E(g) (i) offices for operational and administrative functions 08:00-18:00 Mondays to Fridays; 09:00-12noon Saturdays and no operation on any Sunday.

-Use Class F2(a) shop selling goods/foods 08:00-21:00 Mondays to Fridays and 09:00-18:00 Saturdays and Sundays.

-Use Class F2 (b) meeting places for use by local community 08:00-21:00 Mondays to Fridays and 09:00-18:00 Saturdays and Sundays.

Reason: To safeguard the occupiers of adjacent properties from undue noise of other associated disturbance having regard to policy DM5.19 of the North Tyneside Local Plan (2017).

27. Outdoor play areas for the nursery shall be permitted for use between 08:00 hours and 18:00 hours Monday to Saturdays, no use of the outdoor areas on Sundays and Bank Holidays.

Reason: To safeguard the occupiers of adjacent properties from undue noise of other associated disturbance having regard to policy DM5.19 of the North Tyneside Local Plan (2017).

28. No sound reproduction equipment which is audible outside the curtilage of the premises shall be operated on the site.

Reason: In order to protect the amenities of occupiers of nearby properties having regard to policy DM5.19 of the North Tyneside Local Plan (2017).

29. Notwithstanding Condition 1, prior to the commencement of any residential unit (use class C3 and C2) hereby approved above damp proof course level a

noise scheme providing details on a plot by plot basis of the window glazing to be provided to habitable rooms in accordance to noise report reference NJD21-0041-003R to meet the good internal equivalent standard of 30 dB LAeq at night and prevent the exceedance of LMAX of 45 dB(A) and living rooms meet an internal equivalent noise level of 35 dB LAeq as described in BS8233:2014 and the World Health Organisation community noise guidelines shall be submitted to and approved in writing by the Local Planning Authority. Thereafter, the glazing shall be installed in full accordance with these agreed details prior to occupation and permanently maintained. Gardens to achieve a noise level less than 50 dB LAeq 16 hours.

Reason: To safeguard the occupiers of adjacent properties from undue noise of other associated disturbance having regard to policy DM5.19 of the North Tyneside Local Plan (2017).

30. Notwithstanding Condition 1, prior to the commencement of any residential unit (use class C3 and C2) hereby approved above damp proof course level a noise scheme providing details of the ventilation scheme to ensure an appropriate standard of ventilation, with windows closed, is provided shall be submitted to and approved in writing by the Local Planning Authority. Where the internal noise levels specified in BS8233 are not achievable, with window open, due to the external noise environment, an overheating assessment must be provided to verify that there is no overheating risk. The overheating assessment must be carried out by a qualified ventilation engineer in accordance to the current CIBSE guidance. Where the property is subject to a risk of overheating an alternative ventilation or cooling system designed to achieve the levels in the current CIBSE guidance. Thereafter, the ventilation shall be installed in full accordance with these agreed details prior to occupation and permanently maintained.

Reason: To safeguard the occupiers of adjacent properties from undue noise of other associated disturbance and ensure acceptable internal living conditions can be achieved having regard to policy DM5.19 of the North Tyneside Local Plan (2017).

31. The development hereby permitted within each phase shall not be constructed above damp proof course level until the details of a scheme of site investigation and assessment to test for the presence and likelihood of gas emissions from underground workings, historic landfill, unknown filled ground or made ground has been submitted to and agreed in writing by the Local Planning Authority.

Upon approval of the method statement:

a) A detailed site investigation should be carried out to establish the degree and nature of the gas regime, and whether there is a risk likely to arise to the occupants of the development. The results and conclusions of the detailed site investigations should be submitted to and the conclusions approved in writing by the Local Planning Authority. The Ground Gas Assessment Report should be written using the current government guidelines.

b) In the event that remediation is required following the assessment of the ground gas regime using current guidelines, then a method statement must be submitted to and approved in writing by the Local Planning Authority.

The detailed design and construction of the development shall take account of the results of the site investigation and the assessment should give regard to results showing depleted oxygen levels or flooded monitoring wells. The method of construction shall also incorporate all the measures shown in the approved assessment.

This should provide details of exactly what remediation is required and how the remediation will be implemented on site; details including drawings of gas protection scheme should be included.

c) Where remediation is carried out on the site then a validation report will be required. This report should confirm exactly what remediation has been carried out and that the objectives of the remediation statement have been met.

The validation report should include cross sectional diagrams of the foundations and how any gas protection measures proposed in the remediation method statement are incorporated. In the event that integrity testing of membranes is required then any test certificates produced should also be included.

A verification report shall be submitted to and approved in writing by the Local Planning Authority before the development is occupied/brought into use.

d) In the event that there is a significant change to the ground conditions due to the development, for example grouting or significant areas of hard standing; then additional gas monitoring should be carried out to assess whether the gas regime has been affected by the works carried out. In the event that the gas regime has been altered then a reassessment of remediation options shall be submitted to the Local Planning authority to be agreed in writing before the development is occupied/brought into use.

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

Reason: In order to safeguard the development and/or the occupants thereof from possible future gas emissions from underground and or adverse effects of landfill gas which may migrate from a former landfill site having regard to policy DM5.18 of the North Tyneside Local Plan (2017) and National Planning Policy Framework.

32. No development shall take place, until an appropriate scheme of assessments, investigations and remediation has been carried out on the stockpiles. These shall specifically include a risk assessment that adopts the Source-Pathway-Receptor principle, in order that any potential risks are adequately assessed, taking into account the site's existing status and proposed new use. The stockpile testing investigation and findings shall be submitted to the Local Planning Authority without delay upon completion. b. Thereafter, a written Method Statement (or Remediation Strategy) detailing the remediation requirements for the land contamination and / or pollution of controlled waters affecting the site shall be submitted to and approved by the Local Planning

Authority.

Reason: This information is required from the outset to ensure that the potential contamination of the site is properly investigated and its implication for the development approved fully taken into account having regard to policy DM5.18 of the North Tyneside Local Plan (2017) and National Planning Policy Framework.

33. No development shall commence until the remediation works and any further remediation works/or mitigation measures to address land instability arising from coal mining legacy, as may be necessary, have been implemented on site in full in order to ensure that the site is made safe and stable for the development proposed. These details shall be submitted to and approved in writing by the Local Planning Authority in consultation with the Coal Authority. The remedial works shall be carried out in accordance with authoritative UK guidance.

Reason: The undertaking of remedial works, prior to the commencement of development, is considered to be necessary to ensure the safety and stability of the development, in accordance with paragraphs 183 and 184 of the NPPF.

34. Prior to the occupation of the development, or it being taken into a beneficial use, a signed statement or declaration prepared by a suitably competent person confirming that the site is, or has been made, safe and stable for the approved development shall be submitted to the Local Planning Authority for approval in writing in consultation with the Coal Authority. This document shall confirm the completion of the remedial works and any further remediation works/or mitigation necessary to address the risks posed by past coal mining activity.

Reason: To ensure the safety and stability of the development, in accordance with paragraphs 183 and 184 of the NPPF.

35. No vegetation removal shall take place during 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: To ensure that local wildlife populations are protected in the interests of ecology having regard to the NPPF and Policy DM5.5 of the North Tyneside Local Plan (2017).

36. Notwithstanding Condition 1, prior to the commencement of any part of the development hereby approved above damp proof course level details of 16no. integral bird boxes to be installed on buildings within the development site, including specifications and locations, shall be submitted to and approved in writing by the Local Planning Authority. Thereafter, these agreed details shall be installed prior to the occupation of the dwelling(s) or the building on which it is to be sited being brought into use and permanently retained.

Reason: To ensure that local wildlife populations are protected in the interests of ecology having regard to the NPPF and Policy DM5.5 of the North Tyneside Local Plan (2017).

37. Notwithstanding Condition 1, prior to the commencement of any part of the development hereby approved above damp proof course level details of 16no. bat boxes to be positioned within buildings on the periphery of the site, close to

areas of adjacent woodland habitat, including specifications and locations, shall be submitted to and approved in writing by the Local Planning Authority. Thereafter, these agreed details shall be installed prior to the occupation of the dwelling(s) or the building on which it is to be sited being brought into use and permanently retained.

Reason: To ensure that local wildlife populations are protected in the interests of ecology having regard to the NPPF and Policy DM5.5 of the North Tyneside Local Plan (2017).

38. Notwithstanding Condition 1, prior to the commencement of any development within Phase 1, detailed plans of the SUDs features within the site shall be submitted to and approved in writing by the Local Planning Authority. The plans should detail the size, depths, profiles and planting designs of the SUDs. It is imperative that drainage associated with the site does not impact on or cause damage to adjacent railway assets. Surface water must flow away from the railway, there must be no ponding of water adjacent to the boundary and any attenuation scheme within 30m of the railway boundary must be approved by Network Rail in advance. There must be no connection to existing railway drainage assets without prior agreement with Network Rail. Thereafter, the SUDs shall be carried out in accordance with the agreed details

Reason: This information is required from the outset to ensure that local wildlife populations are protected and areas of ecology value are enhanced having regard to the NPPF and Policy DM5.5 of the North Tyneside Local Plan (2017).

39. Any excavations left open overnight will have a means of escape for mammals that may become trapped in the form of a ramp at least 300mm in width and angled no greater than 45°.

Reason: To ensure that local wildlife populations are protected in the interests of ecology having regard to the NPPF and Policy DM5.5 of the North Tyneside Local Plan (2017).

40. Notwithstanding Condition 1, prior to the commencement of any part of the development within Phase 1 above damp proof course level a fully detailed landscape plan shall be submitted to and approved in writing by the Local Planning Authority in consultation with Network Rail and Newcastle International Airport Limited (NIAL) and shall be in accordance with the Biodiversity Net Gain Assessment & Metric (BSG Ecology April 2022) and the EclA Report (BSG Ecology April 2022). The landscape scheme shall include a detailed specification and proposed timing of all new tree, shrub, hedgerow and wildflower planting. All new standard trees are to be a minimum 12-14cm girth. The landscaping scheme shall be implemented in accordance with the approved details within the first available planting season following the approval of details. Any trees and shrubs that die or are removed within five years of planting shall be replaced in the next available planting season with others of similar size and species.

Reason: In the interests of amenity and to ensure a satisfactory standard of landscaping having regard to Policies DM6.1 and DM5.9 of the North Tyneside Local Plan (2017).

41. Notwithstanding Condition 1, prior to the commencement of any part of the development hereby approved above damp proof course level a 'Landscape

Ecological Management & Monitoring Plan' (LEMMP) shall be submitted to and approved in writing by the Local Planning Authority. The Plan shall be in accordance with the details set out within the Biodiversity Net Gain Report/Biodiversity Metric (BSG April 2022) and approved Landscape Plan and shall be implemented on site before the first occupation of any of the residential/building units and thereafter for a minimum period of 30 years. The Management Plan will be a long-term management strategy and will set out details for the creation, enhancement, management and monitoring of landscaping and ecological habitats within the site for a minimum period of 30 years. The Plan will also include details of regular Net Gain Assessment monitoring updates that include habitat condition assessments to evidence the success of the scheme and net gain delivery as well as details of corrective actions if target condition is not being achieved. Thereafter, these areas shall be managed and maintained in full accordance with these agreed details unless first agreed in writing by the Local Planning Authority.

Reason: In the interests of amenity and to ensure a satisfactory standard of landscaping having regard to Policies DM6.1 and DM5.9 of the North Tyneside Local Plan (2017).

42. Prior to the commencement of any site clearance works (including demolition works, tree works, soil moving, hardstandings, temporary access construction and / or widening or any operations involving the use of motorised vehicles or construction machinery, site security fencing, services), tree protection fencing is to be installed in accordance with All About Trees AIA tree protection plan (Rev C) and AMS tree protection plan (Rev C). The tree protection fence is to be of a type and height as described in the AMS. The area surrounding each tree group within the approved protective fencing shall be protected for the full duration of the development and shall not be removed or repositioned without the prior written approval of the Local Planning Authority. Photographic evidence is to be submitted on completion of the installation of the fence.

Reason: This information is required from the outset to ensure that all landscape features to be retained area adequately protected during construction having regard to Policies DM6.1 and DM5.9 of the North Tyneside Local Plan (2017).

43. All works within the RPA of retained trees involving excavation of soil, including the installation of all services, construction for vehicular drives, parking areas, acoustic fencing, foundations, lighting and other activities requiring excavation are to be installed in accordance with BS5837:2012 'Trees in relation to design, demolition and construction - Recommendations', the National Joint Utilities Group (NJUG) 'Guidelines for the Planning, Installation and Maintenance of Utility Apparatus in Proximity To Trees') and the following information:

Landscape proposals plan (142123/8002F)

Arboricultural impact assessment (AIA) report Rev C, 12th May 2022

AIA tree protection plan Rev C

Arboricultural method statement (AMS) report Rev C, 12th May 2022

AMS tree protection plan Rev C

Reason: To ensure that all landscape features to be retained area adequately protected during construction having regard to Policies DM6.1 and DM5.9 of the North Tyneside Local Plan (2017).

44. The acoustic fencing is to be installed in accordance with the AMS and undertaken at the end of the project when all other construction activity has been completed unless with the written agreement of the Local Planning Authority. All works where they impact on retained trees are to be carried out by hand in accordance with BS 5837:2012 and AMS.

Reason: To ensure that all landscape features to be retained area adequately protected during construction having regard to Policies DM6.1 and DM5.9 of the North Tyneside Local Plan (2017).

45. Any pruning works shall be carried out in full accordance with the approved specification and the requirements of British Standard 3998: 2010 - Recommendations for Tree Works, detail of which are to be submitted for approval.

Reasons: To ensure that all landscape features to be retained area adequately protected during construction having regard to Policies DM6.1 and DM5.9 of the North Tyneside Local Plan (2017).

46. Development shall not commence until a construction methodology has been submitted to and approved in writing by the Local Authority. The construction methodology shall demonstrate consultation with the Asset Protection Project Manager at Network Rail. The development shall thereafter be carried out in accordance with the approved construction methodology unless otherwise agreed in writing by the Local Planning Authority.

Reason: To ensure Network's Rails assets are protected.

47. Notwithstanding Condition 1, prior to the commencement of any part of the development hereby approved within each phase above damp proof course level details of all boundary treatments, including details of the acoustic fence and trespass proof fence adjacent to Network Rail's boundary and provision for its future renewal and maintenance, shall be submitted to and approved in writing by the Local Planning Authority in consultation with Network Rail. The development shall thereafter only be carried out in accordance with the approved details and the buildings hereby approved shall not be occupied until the details have been fully implemented.

Reason: To ensure that the proposed development does not adversely affect the privacy and visual amenities at present enjoyed by the occupiers of neighbouring properties, and to ensure a satisfactory environment within the development having regard to policies DM6.1 and DM5.19 of the North Tyneside Local Plan (2017).

48. Notwithstanding Condition 1, prior to the commencement of any part of the development hereby approved within each phase above damp proof course level details to prevent vehicles driving into or roll onto the railway or damage the lineside fencing shall be submitted to and approved in writing by the Local Planning Authority in consultation with Network Rail. Thereafter, these agreed details shall be installed and permanently retained prior to first occupation.

Reason: To ensure the safety, operational needs and integrity of the railway.

49. Prior to installation of any floodlighting or other form of external lighting , a lighting scheme shall be submitted to and approved in writing by the Local Planning Authority in consultation with Network Rail. This shall include the following information:

- a statement of frequency of use, and the hours of illumination;
- a site plan showing the area to be lit relative to the surrounding area, indicating parking or access arrangements where appropriate, and highlighting any significant existing or proposed landscape or boundary features;
- details of the number, location and height of the proposed lighting columns or other fixtures;
- the type, number, mounting height and alignment of the luminaires;
- the beam angles and upward waste light ratio for each light;
- an isolux diagram showing the predicted illuminance levels at critical locations on the boundary of the site and where the site abuts residential properties or the public highway to ensure compliance with the institute of lighting engineers Guidance Notes for the reduction of light pollution to prevent light glare and intrusive light for agreed environmental zone ; and
- where necessary, the percentage increase in luminance and the predicted illuminance in the vertical plane (in lux) at key points.

The lighting shall be installed and maintained in accordance with the approved scheme.

Reason: In the interest of visual amenity and/or highway safety having regard to policy DM5.19 of the North Tyneside Local Plan (2017).

50. Notwithstanding Condition 1, prior to the commencement of any part of the development hereby approved within Phase 1 above damp proof course level a Bird Hazard Management Plan and a Bird Strike Risk Assessment shall be submitted to and approved in writing by the Local Planning Authority in consultation with Newcastle International Airport Limited (NIAL). This assessment must set out any required mitigation measures which can be undertaken to prevent a large increase in bird activity to the area. Thereafter, the SUDS shall be implemented in full accordance with these agreed details.

Reason: In the interests of aviation safety.

51. Notwithstanding Condition 1, prior to the installation of any solar PV panels within the development site a Glint and Glare Assessment shall be submitted to and approved in writing by the Local Planning Authority in consultation with Newcastle International Airport Limited (NIAL). Thereafter, all solar PV panels shall be installed and maintained in full accordance with these agreed details.

Reason: In the interests of aviation safety.

52. Notwithstanding Condition 1, prior to the construction of any part of the development hereby approved above damp proof course within Phase 1, details of the bus shelters to be provided to the existing bus stops on Hotspur North and a timescale for their implementation shall be submitted to and approved in writing by the Local Planning Authority in consultation with Nexus. Thereafter the shelters shall be constructed only in accordance with these approved details and timescales.

Reason: In the interests of promoting sustainable transport having regard to NPPF

53. Notwithstanding Condition 1, prior to the commencement of any part of the development hereby approved within each phase above damp proof course level details of all construction materials and hard 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 secure a satisfactory external appearance having regard to policy DM6.1 of the North Tyneside Local Plan (2017).

54. Notwithstanding Condition 1, prior to the commencement of any part of the development hereby approved within each phase above damp proof course level details of the design of communal bin stores, gas store and design and locations of sheds in communal garden 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 secure a satisfactory external appearance having regard to policy DM6.1 of the North Tyneside Local Plan (2017).

55. Notwithstanding Condition 1, prior to the commencement of any part of the development hereby approved within Phase 1 above damp proof course level details of the SUDS Maintenance regime and contact details of the company appointed to undertake SUDs maintenance shall be submitted to and approved in writing by the Local Planning Authority in consultation with the Lead Local Flood Authority. Thereafter the development shall take place in accordance with the approved details.

Reason: To prevent the increased risk of flooding from any sources in accordance with the NPPF.

56. Notwithstanding the provisions of the Town and Country Planning (Use Classes) Order 1987 (or any Order revoking or re-enacting that Order), the buildings hereby approved shall only be used for the purposes applied for and for the uses as shown on the approved drawings set out in Condition 1 and shall not be used for any other purpose within the Use Classes Order 1987 (or any Order revoking or re-enacting that Order).

Reason: To enable the Local Planning Authority to retain control over the use and to protect the vitality and viability of the local centres and local residents from undue noise and disturbance having regard to policy DM3.6 of the North Tyneside Local Plan (2017).

**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 Paragraph 38 of the National Planning Policy Framework.

## **Informatives**

Building Regulations Required (I03)

Consent to Display Advertisement Reqd (I04)

The applicant is advised that a license must be obtained from the Highways Authority before any works are carried out on the footway, carriageway verge or other land forming part of the highway. Contact [Streetworks@northtyneside.gov.uk](mailto:Streetworks@northtyneside.gov.uk) for further information

The applicant is advised that it is an offence to obstruct the public highway (footway or carriageway) by depositing materials without obtaining beforehand, and in writing, the permission of the Council as Local Highway Authority. Such obstructions may lead to an accident, certainly cause inconvenience to pedestrians and drivers, and are a source of danger to children, elderly people and those pushing prams or buggies. They are a hazard to those who are disabled, either by lack of mobility or impaired vision. Contact [Highways@northtyneside.gov.uk](mailto:Highways@northtyneside.gov.uk) for further information.

The applicant is advised that requests for Street Naming & Numbering must be submitted and approved by the Local Highway Authority. Any complications, confusion or subsequent costs that arise due to non-adherence of this criteria will be directed to applicant. Until a Street Naming and Numbering & scheme been applied for and approved by the Local Highway Authority it will not be officially registered with either the council, Royal Mail, emergency services etc. Contact [Streetworks@northtyneside.gov.uk](mailto:Streetworks@northtyneside.gov.uk) for further information.

The applicant is advised that free and full access to the Public Right of Way network is always to be maintained. Should it be necessary for the protection of route users to temporarily close or divert an existing route during development, this should be agreed with the council's Public Rights of Way Officer. Contact [Highways@northtyneside.gov.uk](mailto:Highways@northtyneside.gov.uk) for further information.

The applicant is advised to contact the council's Public Rights of Way Officer prior to construction arrange s joint inspection of the Public Right of Way network on and adjacent to the site. If this inspection is not carried out, the Local Highway Authority may pursue the developer for any costs to repair damage to these routes. Contact [Highways@northtyneside.gov.uk](mailto:Highways@northtyneside.gov.uk) for further information.

The applicant is advised that no part of the gates or garage doors may project over the highway at any time. Contact [New.Developments@northtyneside.gov.uk](mailto:New.Developments@northtyneside.gov.uk) for further information.

Advice All Works Within Applicants Land (I29)

## Take Care Proximity to Party Boundary (I21)

## Coal Mining Referral Area , (FULH) (I43)

The Developer should be aware that any development for residential or noise sensitive use adjacent to an operational railway may result in neighbour issues arising. Consequently, every endeavour should be made by the developer to provide adequate soundproofing for each dwelling. Please note that in a worst-case scenario there could be trains running 24 hours a day and the soundproofing should take this into account.

Network Rail have requested the following informatives be attached to protect their asset: Standard Drainage Requirements We ask that all surface and foul water drainage from the development area be directed away from Network Rail's retained land and structures into suitable drainage systems, the details of which are to be approved by Network Rail before construction starts on site. Water must not be caused to pond on or near railway land either during or after any construction-related activity. The construction of soakaways for storm or surface water drainage should not take place within 20m of the Network Rail boundary. Any new drains are to be constructed and maintained so as not to have any adverse effect upon the stability of any Network Rail equipment, structure, cutting or embankment. The construction of soakaways within any lease area is not permitted. The construction of surface water retention ponds/tanks, SuDS or flow control systems should not take place within 20m of the Network Rail boundary where these systems are proposed to be below existing track level. Full overland flow conditions should be submitted to Network Rail for approval prior to any works on site commencing. The construction of surface water retention ponds/tanks, SuDS or flow control systems should not take place within 30m of the Network Rail boundary where these systems are proposed to be above existing track level. Full overland flow conditions should be submitted to Network Rail for approval prior to any works on site commencing. If a Network Rail-owned underline structure (such as a culvert, pipe or drain) is intended to act as a means of conveying surface water within or away from the development, then all parties must work together to ensure that the structure is fit for purpose and able to take the proposed flows without risk to the safety of the railway or the surrounding land. Wayleaves and or easements for underline drainage assets The position of any underline drainage asset shall not be within 5m of drainage assets, sensitive operational equipment such as switches and crossings, track joints, welds, overhead line stanchions and line side equipment, and not within 15m of bridges, culverts, retaining walls and other structures supporting railway live loading. Protection of existing railway drainage assets within a clearance area There are likely to be existing railway drainage assets in the vicinity of the proposed works. Please proceed with caution. No connection of drainage shall be made to these assets without Network Rail's prior consent to detailed proposals. Any works within 5m of the assets will require prior consent. There must be no interfering with existing drainage assets/systems without Network Rail's written permission. The developer is asked to ascertain with Network Rail the existence of any existing railway drainage assets or systems in the vicinity of the development area before work starts on site. Please contact Asset Protection ([assetprotectioneastern@networkrail.co.uk](mailto:assetprotectioneastern@networkrail.co.uk)) for further information and assistance. Fail Safe Use of Crane and Plant All operations, including the use of

cranes or other mechanical plant working adjacent to Network Rail's property, must at all times be carried out in a "fail safe" manner such that in the event of mishandling, collapse or failure, no materials or plant are capable of falling within 3.0m of the nearest rail of the adjacent railway line, or where the railway is electrified, within 3.0m of overhead electrical equipment or supports. With a development of a certain height that may/will require use of a crane, the developer must bear in mind the following. Crane usage adjacent to railway infrastructure is subject to stipulations on size, capacity etc. which needs to be agreed by the Asset Protection Project Manager prior to implementation.

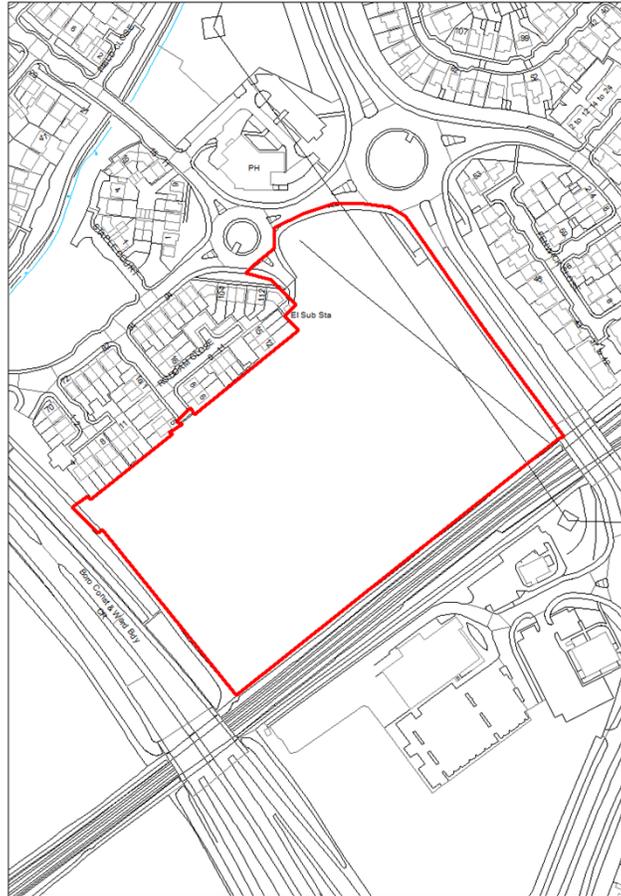
**Excavations/Earthworks** All excavations/ earthworks carried out in the vicinity of Network Rail property/ structures must be designed and executed such that no interference with the integrity of that property/ structure can occur. If temporary works compounds are to be located adjacent to the operational railway, these should be included in a method statement for approval by Network Rail. Prior to commencement of works, full details of excavations and earthworks to be carried out near the railway undertaker's boundary fence should be submitted for the approval of the Local Planning Authority acting in consultation with the railway undertaker and the works shall only be carried out in accordance with the approved details. Where development may affect the railway, consultation with the Asset Protection Project Manager should be undertaken. Network Rail will not accept any liability for any settlement, disturbance or damage caused to any development by failure of the railway infrastructure nor for any noise or vibration arising from the normal use and/or maintenance of the operational railway. No right of support is given or can be claimed from Network Rail's infrastructure or railway land. **Security of Mutual Boundary** Security of the railway boundary will need to be maintained at all times. If the works require temporary or permanent alterations to the mutual boundary the applicant must contact Network Rail's Asset Protection Project Manager. **Demolition** Any demolition or refurbishment works must not be carried out on the development site that may endanger the safe operation of the railway, or the stability of the adjoining Network Rail structures. The demolition of buildings or other structures near to the operational railway infrastructure must be carried out in accordance with an agreed method statement. Approval of the method statement must be obtained from Network Rail's Asset Protection Project Manager before the development can commence. **Vibro-impact Machinery** Where vibro-compaction machinery is to be used in development, details of the use of such machinery and a method statement should be submitted for the approval of the Local Planning Authority acting in consultation with the railway undertaker prior to the commencement of works and the works shall only be carried out in accordance with the approved method statement. **Scaffolding** Any scaffold which is to be constructed within 10 metres of the railway boundary fence must be erected in such a manner that at no time will any poles over-sail the railway and protective netting around such scaffold must be installed. **Bridge Strikes** Applications that are likely to generate an increase in trips under railway bridges may be of concern to Network Rail where there is potential for an increase in 'Bridge strikes'. Vehicles hitting railway bridges cause significant disruption and delay to rail users. Consultation with the Asset Protection Project Manager is necessary to understand if there is a problem. If required there may be a need to fit bridge protection barriers which may be at the developer's expense. **Abnormal Loads** From the information supplied, it is not clear if any abnormal loads will be using routes that include any Network Rail assets (e.g. bridges and level crossings). We would have serious

reservations if during the construction or operation of the site, abnormal loads will use routes that include Network Rail assets. Network Rail would request that the applicant contact our Asset Protection Project Manager to confirm that any proposed route is viable and to agree a strategy to protect our asset(s) from any potential damage caused by abnormal loads. I would also like to advise that where any damage, injury or delay to the rail network is caused by an abnormal load (related to the application site), the applicant or developer will incur full liability. Two Metre Boundary Consideration should be given to ensure that the construction and subsequent maintenance can be carried out to any proposed buildings or structures without adversely affecting the safety of, or encroaching upon Network Rail's adjacent land, and therefore all/any building should be situated at least 2 metres from Network Rail's boundary. This will allow construction and future maintenance to be carried out from the applicant's land, thus reducing the probability of provision and costs of railway look-out protection, supervision and other facilities necessary when working from or on railway land.

**ENCROACHMENT** The developer/applicant must ensure that their proposal, both during construction, and after completion of works on site, does not affect the safety, operation or integrity of the operational railway, Network Rail and its infrastructure or undermine or damage or adversely affect any railway land and structures. There must be no physical encroachment of the proposal onto Network Rail land, no over-sailing into Network Rail airspace and no encroachment of foundations onto Network Rail land and soil. There must be no physical encroachment of any foundations onto Network Rail land. Any future maintenance must be conducted solely within the applicant's land ownership. Should the applicant require access to Network Rail land then must seek approval from the Network Rail Asset Protection Team. Any unauthorised access to Network Rail land or airspace is an act of trespass and we would remind the council that this is a criminal offence (s55 British Transport Commission Act 1949). Should the applicant be granted access to Network Rail land then they will be liable for all costs incurred in facilitating the proposal. Access to the Railway All roads, paths or ways providing access to any part of the railway undertaker's land shall be kept open at all times during and after the development.

As the owner of adjacent railway line to the development site, and the operator of the Tyne and Wear Metro, the following points have been written in consultation with Nexus Rail and the developer/applicant should take steps to carry out mitigations to absolve the threat of risk to Nexus infrastructure. Waste management: Good housekeeping is to be observed during development to prevent items blowing onto the Nexus Electrified Overhead Line Equipment resulting in the Metro service being stopped which will incur large costs for disruption. Enclosed skips should be used to mitigate this from happening. Railway line: As the railway line located closest to the development is the heavy rail line between Blyth and Tyne, Network Rail should be consulted as part of this application as they own and maintain this line.

The applicant is advised that no part of site will be eligible for adoption by the Local Highway Authority. Contact [New.Developments@northtyneside.gov.uk](mailto:New.Developments@northtyneside.gov.uk) for further information.



**Application reference: 21/02191/FUL**

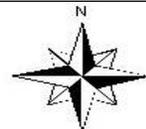
**Location: Land South Of, Roddam Close, Backworth, NEWCASTLE UPON TYNE**

**Proposal: Change of use of land and construction of extra care facilities (Class C2), health and wellbeing hub (Use Classes E(b), E(d), E(g)(i), F2(a), F2(b) and ancillary uses), integrated frailty hub (Use Classes C2, E(e) and E(g)(i) with E(d) and other ancillary uses), a children's nursery (Use Class E(f)) and residential dwellings for people in later life (Use Class C3(a)) together with access roads, car parking areas, landscaping areas, SuDS basins and other ancillary works - amended description and revised plans and documents received 08.04.2022**

Not to scale

Date: 23.06.2022

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## **Appendix 1 – 21/02191/FUL Item 1**

### **Consultations/representations**

#### 1.0 Internal Consultees

##### 1.1 Planning Policy

1.2 The proposal is for a mixed multi-generational and wellbeing development for older people. It includes a variety of uses including (but limited to) residential care home, nursery, salon, training facilities and offices.

1.3 The site is in a prominent location along the A186 opposite the Pavilion close to Northumberland Park Metro Station. Surrounding the site is a recently completed residential development to the north and a retail and leisure development immediately to the south. The site itself was part of the outline planning application 14/01930/FUL which granted permission for 590 dwellings. Whilst this application has been part implemented an application for reserved matters for this portion of the larger site has never been submitted and thus this outline planning permission has lapsed and is no longer extant.

##### 1.4 Care Facility

1.5 At the time of adoption of the North Tyneside Local Plan the site had permission for residential so was not allocated for another use and is considered an unallocated site. Nevertheless, the development of an extra care facility is supported by a number of policies within the Local Plan including S1.2 Spatial Strategy for Health and Well-being, S4.1 Strategic Housing and DM4.8 Specialist Housing. The scheme supports the local authorities policy aspiration to integrate care facilities into existing communities and to create inclusive and diverse neighbourhoods.

##### 1.6 Main Town Centre Uses

1.7 The proposed development includes a variety of different uses that would all be defined as main town uses in the National Planning Policy Framework (NPPF), such as a shop, gym, restaurant and office accommodation. Paragraph 87 of the NPPF states that 'Local planning authorities should apply a sequential test to planning applications for main town centre uses which are neither in an existing centre nor in accordance with an up-to-date plan. Main town centre uses should be located in town centres, then in edge of centre locations; and only if suitable sites are not available (or expected to become available within a reasonable period) should out of centre sites be considered.'

1.8 The proposed development includes uses that are defined as a main town centre use and therefore the applicant should include a sequential assessment to outline why these uses could not be located in an existing centre. However, the NPPF encourages local authorities to take a flexible approach when considering edge of centre or out of centre proposals and it is the officers' opinion that the main town centre elements of the scheme are ancillary to the residential accommodation and form part of the unique business case for the development and cannot be disaggregated.

1.9 The majority of the main town centre uses are to be located in a 'well-being hub' within the centre of the site, which is not immediately accessible by car, as typical with many main town centre proposals in edge of centre or out of centre locations. The 'wellbeing hub' is only accessible by paths that connect to the surrounding accommodation and the accompanying planning statement refers to the use of the restaurant as for those only on site.

1.20 The application lists the 'shop' element of the scheme as Planning use class F2 that is for shops selling essential goods, including food where the shops premises do not exceed 280m<sup>2</sup> (listed in the application as 76m<sup>2</sup>). However, it would be inaccurate to determine the retail element of the shop as F2 because there are other retail stores selling goods, including food within 1000m of the development and it should be referred to as E(a) and include the floorspace of the salon which does not appear to be listed in the application but is referred to in the description.

1.21 It is unclear of floorspace figures for the separate elements within a use class e.g. E(a), E(d) and E(e) that would be incorporated in the 'well-being hub'. If the applicant could supply this information, it would help to determine if the gross floorspace of retail and leisure units were less than 500m<sup>2</sup> when considering Policy DM3.6 of the Local Plan (2017). Additionally, it would be beneficial if the applicant could clarify if the various multifunctional spaces in the 'well-being hub', defined by planning use class F2(b) (776m<sup>2</sup>) would be available for the local community outside of the development or just those within the scheme when considering Policy S7.10 of the Local Plan (2017).

1.22 It is recommended the local authority considers placing a restriction on the floorspace associated with each element of the E use classes as listed, including a figure for the E(a) use class, within any conditions and whether the restriction of use of certain facilities, such as the restaurant would be limited to residents and guests of the scheme as indicated in the planning statement. This would be to ensure the vitality and viability of the Borough's existing centres and to ensure that any potential changes to the proposal would be rigorously tested by the appropriate policies.

1.23 The development would include 1,828m<sup>2</sup> of office accommodation (E(g)(i)). Part of the site incorporates the allocated employment site (E020) that supports office accommodation on the site, as listed in Policy S2.2 of the Local Plan (2017). The site is also within the A19 Economic Corridor (Policy AS2.6), which again promotes office development on the site.

1.24 Conclusion:

1.25 Applying a flexible approach to the development proposal the scheme appears to provide residential accommodation and office accommodation on a site that traverses sites designated for such land uses within the Local Plan and would therefore be in accordance with Policy S1.2, S4.1, DM4.8 and Policy S2.2 of the Local Plan (2017). The proposal does include elements of main town centre uses that are subject to a sequential assessment, but the officer is satisfied that these elements are ancillary to the overall development, could not be disaggregated and designed in such manner that they are primarily to serve and the residents within the scheme, although conditions to ensure this remains

the case would be recommended. The provision of appropriate local facilities and community infrastructure could be supported in Policy DM3.6 and S7.10 of the Local Plan (2017).

1.26 There are no objections raised.

#### 1.27 Highways Network Manager

1.28 This application is for a change of use of land and construction of extra care facilities, health and wellbeing hub, integrated frailty hub with other ancillary uses, children's nursery, and residential dwellings for people in later life, together with access roads, car parking areas, landscaping areas, SUDS basins and other ancillary works.

1.29 A Transport Assessment (TA) was submitted that assessed the development against the local highway network. It is considered that the impact on the local highway network will not be severe and as such no off-site mitigation will be required. A Framework Travel Plan (TP) was also submitted that seeks to reduce car trips associated with the site.

1.30 The site is accessed via the existing residential development from Hotspur North and will not be eligible for adoption by the Local Highway Authority and there are also good pedestrian and cycle links already in place serving the wider area.

1.31 Parking will be provided to meet the needs of the site by a combination of on-site parking and partial use of the multi-storey car park at Northumberland Park Interchange. This parking will be subject to a robust parking management plan and alongside the TP, it is anticipated that the demand for spaces will be reduced in years to come, given the good links to public transport, incentives to reduce reliance on car-borne journeys and a significant Travel Plan Bond if targets are not met.

1.32 For the reasons outlined above and on balance, conditional approval is recommended.

1.33 Recommendation - Conditional Approval.

1.34 Conditions:

Notwithstanding the details submitted, no part of the development shall be occupied until the new means of access has been laid out in accordance with the approved plans. This scheme shall not be used for any other purpose and retained thereafter.

Reason: In the interests of highway safety and of the development having regard to policy DM7.4 of the North Tyneside Local Plan (2017).

Notwithstanding the details submitted, no part of the development shall be occupied until the scheme for cycling & pedestrian links within the site and connecting into the wider network has been laid out in accordance with the approved plans. This links shall not be used for any other purpose and retained thereafter.

Reason: In the interests of highway safety and of the development having regard to policy DM7.4 of the North Tyneside Local Plan (2017).

Notwithstanding the details submitted, no part of the development shall be occupied until the scheme for refuse vehicles to turn has been laid out in accordance with the approved plans. These turning areas shall not be used for any other purpose and retained thereafter.

Reason: In the interests of highway safety and of the development having regard to policy DM7.4 of the North Tyneside Local Plan (2017).

Notwithstanding the details submitted, no part of the development shall be occupied until the scheme for on-site parking has been laid out in accordance with the approved plans. These parking areas shall not be used for any other purpose and retained thereafter.

Reason: In the interests of highway safety and of the development having regard to policy DM7.4 of the North Tyneside Local Plan (2017).

Notwithstanding the details submitted, no part of the development shall be occupied until the scheme for off-site parking at Northumberland Park multi-storey car park has been laid out in accordance with the approved plans. These parking areas shall not be used for any other purpose and retained thereafter.

Reason: In the interests of highway safety and of the development having regard to policy DM7.4 of the North Tyneside Local Plan (2017).

Notwithstanding the details submitted, no part of the development shall be occupied until a scheme for Electric Vehicle (EV) has been submitted to and approved in writing by the Local Planning Authority. These EV charging areas shall not be used for any other purpose and retained thereafter.

Reason: In the interests of highway safety and of the development having regard to policy DM7.4 of the North Tyneside Local Plan (2017).

Notwithstanding the details submitted, no part of the development shall be occupied until the scheme for undercover cycle storage has been laid out in accordance with the approved plans. These cycle storage areas shall not be used for any other purpose and retained thereafter.

Reason: In the interests of highway safety and of the development having regard to policy DM7.4 of the North Tyneside Local Plan (2017).

Notwithstanding the details submitted, no part of the development shall be occupied until the scheme for the provision of and storage of refuse has been laid out in accordance with the approved plans. These refuse storage areas shall not be used for any other purpose and retained thereafter.

Reason: In the interests of highway safety and of the development having regard to policy DM7.4 of the North Tyneside Local Plan (2017).

Notwithstanding the details submitted in the Framework Travel Plan, no part of the development shall be occupied until a Full Travel Plan has been submitted to and approved by in writing the Local Planning Authority. The Travel Plan will require the Travel Plan Coordinator to be in place prior to first occupation until at least five years from occupation of the final unit and will also include an

undertaking to conduct annual travel surveys to monitor whether the Travel Plan targets are being met and be retained thereafter.

Reason: To accord with Central Government and Council Policy concerning sustainable transport having regard to policy DM7.4 of the North Tyneside Local Plan (2017).

Notwithstanding the details submitted in the Framework Parking Management Plan, no part of the development shall be occupied until a Full Parking Management Plan has been submitted to and approved by in writing the Local Planning Authority. The Parking Management Plan will require all the agreed measures to be in place prior to first occupation. The plan will be monitored every 6 months until at least five years from occupation of the final unit or building and will also include any measures deemed necessary by the Local Highway Authority.

Reason: To accord with Central Government and Council Policy concerning sustainable transport having regard to policy DM7.4 of the North Tyneside Local Plan (2017).

Notwithstanding the details submitted, no part of the development shall be occupied until a methodology for monitoring parking on the surrounding highways has been agreed and approved in writing by the Local Planning Authority. This methodology shall include the scope and frequency of the monitoring and any measures deemed necessary by the Local Highway Authority to resolve any issues identified, which will be provided at the applicant's expense.

Reason: In the interests of highway safety and of the development having regard to policy DM7.4 of the North Tyneside Local Plan (2017).

Notwithstanding Condition 1, no development shall commence until a Construction Method Statement for the duration of the construction period has been submitted to and approved in writing by the Local Planning Authority. The approved statement shall: identify the access to the site for all site operatives (including those delivering materials) and visitors, provide for the parking of vehicles of site operatives and visitors; details of the site compound for the storage of plant (silos etc) and materials used in constructing the development; provide a scheme indicating the route for heavy construction vehicles to and from the site; a turning area within the site for delivery vehicles; dust suppression scheme (such measures shall include mechanical street cleaning, and/or provision of water bowsers, and/or wheel washing and/or road cleaning facilities, and any other wheel cleaning solutions and dust suppressions measures considered appropriate to the size of the development). The scheme must include a site plan illustrating the location of facilities and any alternative locations during all stages of development. The approved statement shall be implemented and complied with during and for the life of the works associated with the development.

Reason: This information is required pre-development to ensure that the site set up does not impact on highway safety, pedestrian safety, retained trees (where necessary) and residential amenity having regard to policies DM5.19 and DM7.4 of the North Tyneside Local Plan (2017) and National Planning Policy Framework.

Notwithstanding Condition 1, no development shall commence until a scheme to show wheel washing facilities and mechanical sweepers to prevent mud and debris onto the public highway has been submitted to and approved in writing by the Local Planning Authority. This scheme shall include details of the location, type of operation, maintenance/phasing programme. Construction shall not commence on any part of the development other than the construction of a temporary site access and site set up until these agreed measures are fully operational for the duration of the construction of the development hereby approved. If the agreed measures are not operational then no vehicles shall exit the development site onto the public highway.

Reason: This information is required pre-development to ensure that the site set up does not impact on highway safety, pedestrian safety, retained trees (where necessary) and residential amenity having regard to policies DM5.

### 1.35 Informatives:

The applicant is advised that a license must be obtained from the Highways Authority before any works are carried out on the footway, carriageway verge or other land forming part of the highway. Contact [Streetworks@northtyneside.gov.uk](mailto:Streetworks@northtyneside.gov.uk) for further information

The applicant is advised that it is an offence to obstruct the public highway (footway or carriageway) by depositing materials without obtaining beforehand, and in writing, the permission of the Council as Local Highway Authority. Such obstructions may lead to an accident, certainly cause inconvenience to pedestrians and drivers, and are a source of danger to children, elderly people and those pushing prams or buggies. They are a hazard to those who are disabled, either by lack of mobility or impaired vision. Contact [Highways@northtyneside.gov.uk](mailto:Highways@northtyneside.gov.uk) for further information.

The applicant is advised that requests for Street Naming & Numbering must be submitted and approved by the Local Highway Authority. Any complications, confusion or subsequent costs that arise due to non-adherence of this criteria will be directed to applicant. Until a Street Naming and Numbering & scheme been applied for and approved by the Local Highway Authority it will not be officially registered with either the council, Royal Mail, emergency services etc. Contact [Streetworks@northtyneside.gov.uk](mailto:Streetworks@northtyneside.gov.uk) for further information.

The applicant is advised that free and full access to the Public Right of Way network is always to be maintained. Should it be necessary for the protection of route users to temporarily close or divert an existing route during development, this should be agreed with the council's Public Rights of Way Officer. Contact [Highways@northtyneside.gov.uk](mailto:Highways@northtyneside.gov.uk) for further information.

The applicant is advised to contact the council's Public Rights of Way Officer prior to construction arrange s joint inspection of the Public Right of Way network on and adjacent to the site. If this inspection is not carried out, the Local Highway Authority may pursue the developer for any costs to repair damage to these routes. Contact [Highways@northtyneside.gov.uk](mailto:Highways@northtyneside.gov.uk) for further information.

The applicant is advised that no part of the gates or garage doors may project over the highway at any time. Contact [New.Developments@northtyneside.gov.uk](mailto:New.Developments@northtyneside.gov.uk) for further information.

The applicant is advised that no part of site will be eligible for adoption by the Local Highway Authority. Contact [New.Developments@northtyneside.gov.uk](mailto:New.Developments@northtyneside.gov.uk) for further information.

### 1.36 Sustainable Transport

1.37 This application is for a change of use of land and construction of extra care facilities, health and wellbeing hub, integrated frailty hub with other ancillary uses, children's nursery, and residential dwellings for people in later life, together with access roads, car parking areas, landscaping areas, SUDS basins and other ancillary works.

1.38 A Travel Plan (TP) was submitted that assessed the development against the local network with plans on reducing vehicle trips to the site following substantial completion of the development.

1.39 The site is accessed via the existing residential development. There are also good pedestrian and cycle links already in place serving the wider area and Northumberland Park Interchange is within a suitable walking distance from the site. Parking provision within the development is not in line with LDD12 meaning the successful implementation of a TP for this site will be critical to its success.

1.40 Parking will be provided to meet the needs of the site by a combination of on-site parking and partial use of the multi-storey car park at Northumberland Park Interchange. This parking will be subject to a robust parking management plan and alongside the TP, it is anticipated that the demand for spaces will be reduced in years to come, given the good links to public transport, incentives to reduce reliance on car-borne journeys and a significant Travel Plan Bond if targets are not met.

### 1.41 Travel Plan

1.42 A Full Mixed Use Travel Plan is required for this development covering both the residential and care facilities for this site.

1.43 A £75,000 Travel Plan Bond is required, to be included as a Section 106 Agreement. This is broken down as follows:

£50,000 for residential dwellings / apartment block

£20,000 for Integrated Frailty Hub

£5,000 for the Nursery

1.44 This will have to be paid if the Travel Plan Targets are not met.

1.45 Annual North Tyneside Council Engagement & Monitoring Fee of £3000 is required (£1000 in year 1 and £500 per annum for the following 4 years). This is for North Tyneside Council (NTC) Officer time spent engaging with the Travel Plan Coordinator (TPC), monitoring the travel plan delivery by the TPC, attending Stakeholder/Steering Group Meetings if applicable, evaluating and reviewing/approving annual travel plan progress reports produced by the TPC

and annual survey results as submitted by the TPC. To be included as Section 106.

1.46 For the reasons outlined above and on balance, conditional approval is recommended.

1.47 Recommendation - Conditional Approval

1.48 Conditions:

Notwithstanding the details submitted in the Framework Travel Plan, no part of the development shall be occupied until a Full Travel Plan has been submitted to and approved by in writing the Local Planning Authority. The Travel Plan will require the Travel Plan Coordinator to be in place prior to first occupation until at least five years from occupation of the final unit and will also include an undertaking to conduct annual travel surveys to monitor whether the Travel Plan targets are being met and be retained thereafter.

Reason: To accord with Central Government and Council Policy concerning sustainable transport having regard to policy DM7.4 of the North Tyneside Local Plan (2017).

Notwithstanding the details submitted, no part of the development shall be occupied until the number of spaces and type for undercover cycle storage has been laid out in accordance with the approved plans. These cycle storage areas shall not be used for any other purpose and retained thereafter.

Reason: In the interests of highway safety and of the development having regard to policy DM7.4 of the North Tyneside Local Plan (2017).

1.49 Manager for Environmental Health (Pollution)

1.50 I have concerns with regard to noise from road and rail traffic from the A19 and the Metro and also associated noise from the nearby Aldi foodstore and Costa Coffee drive through with the Northumberland Retail Park slightly further south of the site including delivery and external plant noise affecting the proposed residential development. There will also be noise arising from the extra care facilities and the nursery such as external plant and delivery noise that will need to be considered and also noise from any play areas provided for the nursery.

1.51 I have reviewed the air quality assessment that has considered the potential impact arising from road traffic related emissions from the A19 road affecting the proposed development. The principal pollutants of concern are nitrogen dioxide and particulates, arising from road traffic vehicles. The air quality assessment has concluded that there will be a negligible impact from both nitrogen dioxide and particulates and overall air pollutant levels will be below the air quality objective levels for NO<sub>2</sub> and PM<sub>10</sub> if the development was to occur. With regard to PM<sub>2.5</sub> levels it is recognised that there are no safe levels for particulates and that Local Authorities must have policies in place to reduce the levels to as low a level as possible. Any new development will contribute to the overall air quality levels within an area and therefore although the overall impacts on the new development are considered to be negligible there will still be impacts and therefore it recommended that some mitigation measures are incorporated within

the scheme to address air pollutants, e.g. such as the provision of electric car charging points, travel plans and use of low NOx boilers.

1.52 The development is to include for a restaurant and the kitchen ventilation system has been considered within the air quality and odour assessment report. A commercial kitchen extraction system will give rise to potential noise from the fan and exhaust flue and potential cooking odours that may affect amenity of the proposed residential apartments. An odour risk score has been provided in accordance with the EMAQ 2018 updated guidance based on the former DEFRA report "Guidance and Control of Odour and Noise from Commercial Kitchen Exhaust Systems", which has determined that a high level of odour control will be required. To ensure good dispersal of cooking odours I would recommend that any flue discharges 1m above eaves. If planning consent is to be given, then conditions can be attached to require details to be submitted for the kitchen ventilation system to address the odour control and noise.

1.53 The noise report has considered noise arising from road traffic and the metro rail line affecting the proposed residential properties. In addition, noise from the Aldi Food store and from Costa Coffee such as external plant and delivery noise was also considered but was not evident during the noise monitoring and were therefore not considered further within the report. Noise from any new external plant was assessed and a noise emission limit calculated based on no more than 5 dB above the existing background which was 43 dB LA90 during the day and 32 dB LA90 at night. A condition is recommended to ensure the noise rating level is met for all new external plant for the development for the commercial buildings and that this is validated following installation. Noise from deliveries can be conditioned to restrict this activity to between 0700-2300 hours.

1.54 Conditions are also recommended to restrict the hours of use and any external play areas for the nursery.

1.55 I have viewed the lighting assessment which would suggest that the lighting levels arising from the commercial buildings forming part of this development will comply with the ILE guidance for reducing obtrusive light for pre-curfew levels at the nearest sensitive residential receptors. A condition is recommended to ensure the lighting scheme is installed in accordance with the submitted details.

1.56 With regard to the proposed residential properties as part of this development, I would recommend conditions to ensure the noise scheme is provided in accordance to the noise report to achieve good standards of internal noise levels in accordance with BS8233 to give a resultant noise level of below 30 decibels and maximum noise level of 45dB for bedrooms and 35 decibels for living rooms. It is noted that properties located adjacent to the A19 and metro rail line will not achieve the recommended internal noise levels with window open and an appropriate ventilation scheme will be required. It is considered that passive ventilation will be ineffective for properties that are subject to overheating. It is therefore recommended that a condition be attached for the ventilation scheme to require an overheating assessment for those properties where the recommended internal noise levels cannot be achieved to verify that there is a low risk of overheating if passive ventilation is to be installed. If

properties are subject to overheating, then an alternative ventilation or cooling system will need to be provided.

1.57 It is noted that the gardens will be screened by the buildings as they will be located to the rear with the noise modelling showing that the gardens will achieve a level of 50dB LAeq16hr or less and the courtyard gardens will achieve below 55 dB LAeq16hr as recommended within the WHO guidance for outdoor areas.

1.58 If planning consent is to be given, I would recommend the following conditions:

#### Restaurant and Nursery Kitchens

EPL01

EPL02

EPL03

EPL04

The applicant shall maintain the odour suppression system as approved in accordance with the details provided by the manufacturer and submitted by the applicant for the purposes of demonstrating compliance with Standard Condition EPL04.

Restaurant outdoor seating areas shall be restricted for use to between 0800-21:00 hours Monday to Saturday and 0900-2100 hours on Sundays and Bank Holidays.

#### Frailty Hub, Nursery and Health and Wellbeing Hub

Deliveries and collections shall be restricted to 0700-2300 hours

#### Noise from External Plant and Equipment

A noise scheme must be submitted in accordance with BS4142 to ensure that the rating level at the boundary of the nearest residential premises does not exceed the background noise level of 43 dB LA90 during the daytime period (0700-2300 hours) and 32 dB LA90 at night (2300-0700 hours) for the representative operating times of the plant and equipment by more than 5 dB. It will be necessary following installation of the plant and equipment that acoustic testing is undertaken to verify compliance with this condition within one month of its installation and submitted for written approval prior to the operation of the plant and thereafter maintain in working order.

NO104 this will include details of the noise levels expected to be created by the combined use of external plant and equipment to ensure compliance with the noise rating level.

HOU03 to those specified within the application.

NOI02

Nursery: Outdoor play areas for the nursery shall be permitted for use between 08:00 hours and 18:00 hours Monday to Saturdays, no use of the outdoor areas on Sundays and Bank Holidays.

Submit for approval prior to implementation and use details of any outdoor play areas and a noise scheme outlining the outdoor play activity management plan and retained to minimise noise from any outdoor play at the site.

### Residential Properties

Prior to occupation submit and implement on approval of the local Planning Authority a noise scheme providing details on a plot by plot basis of the window glazing to be provided to habitable rooms in accordance to noise report reference NJD21-0041-001R to meet the good internal equivalent standard of 30 dB LAeq at night and prevent the exceedance of LMAX of 45 dB(A) and living rooms meet an internal equivalent noise level of 35 dB LAeq as described in BS8233:2014 and the World Health Organisation community noise guidelines. Gardens to achieve a noise level less than 50 dB LAeq 16 hours.

Prior to occupation, submit details, on a plot by plot basis, of the ventilation scheme for approval in writing and thereafter implemented to ensure an appropriate standard of ventilation, with windows closed, is provided. Where the internal noise levels specified in BS8233 are not achievable, with window open, due to the external noise environment, an overheating assessment must be provided to verify that there is no overheating risk. The overheating assessment must be carried out by a qualified ventilation engineer in accordance to the current CIBSE guidance. Where the property is subject to a risk of overheating an alternative ventilation or cooling system designed to achieve the levels in the current CIBSE guidance.

Other conditions

REF01

REF02

HOU04

SIT03

LIG01 - in accordance to submitted details.

### 1.59 Manager for Environmental Health (Contaminated Land)

1.60 The site investigations carried out on the application area has highlighted several areas that will require works.

“Sirius Geotechnical and Environmental Ltd. Report: C8253 - Backworth Park (Parcel 2), Shiremoor

Sampling and testing the stockpile materials within the site was outwith of the scope of works undertaken, however the materials appear to natural in origin. Furthermore, Sirius has previously sampled and tested the material for a third party, and whilst no reliance can be placed on these results, no significant contamination was identified.

However, if these materials are to be re-used on site further analysis is recommended.

Risk from potential contamination in the stockpiled materials is considered low, but further sampling and testing which can be relied upon is recommended prior to re-use and/or disposal offsite.

## 10.5. Soil and Groundwater Contamination

### Risk Evaluation for the Proposed Land Use (Residential with Gardens)

The revised CSM indicates that no potentially unacceptable contaminant linkages exist for the proposed site end-use. Contaminant linkages assessed as a Low or Negligible risk are not considered significant or requiring remedial action and are not discussed further. However, it is recommended that the stockpile material on site is tested prior to re-use and/or offsite disposal.

Sirius Geotechnical and Environmental Ltd. Supplementary Geoenvironmental Appraisal, Report Ref. C6910, November 2014.

On the basis of the identified proposed end use, environmental setting and the results of laboratory testing undertaken as part of this investigation, no perceived significant soil contaminant sources have been identified which could give rise to a risk to human health or environmental receptors. As there is no source of contamination, there is no perceived risk to human health or controlled waters.

Sirius Geotechnical and Environmental Ltd. Report: C8253 - Backworth Park (Parcel 2), Shiremoor

All individual borehole Qhg values, and worst case check Qhg values, fall comfortably below the 0.07litres/hour threshold for a CS2 classification, and a precautionary approach has been taken in categorising the site as CS2 based on the presence of elevated carbon dioxide and low oxygen concentrations.”

1.61 As gas protection measures are required and there are grouting works proposed the following must be applied: Gas 06

1.62 It has been recommended that the stockpiles be tested prior to reuse and/or disposal. Therefore, the following non- standard condition must be applied:

No development shall take, until an appropriate scheme of assessments, investigations and remediation has been carried out on the stockpiles. These shall specifically include a risk assessment that adopts the Source-Pathway-Receptor principle, in order that any potential risks are adequately assessed, taking into account the site's existing status and proposed new use. The stockpile testing investigation and findings shall be submitted to the Local Planning Authority without delay upon completion. b. Thereafter, a written Method Statement (or Remediation Strategy) detailing the remediation requirements for the land contamination and / or pollution of controlled waters affecting the site shall be submitted to and approved by the Local Planning Authority.

### 1.63 Lead Local Flood Authority (LLFA)

1.64 I have carried out a review of the surface water drainage proposals in planning application 21/02191/FUL. I can confirm in principle I have no objections to the proposals as the applicant will be providing surface water attenuation within the site for a 1in100yr + 40% allocation for climate change via the use of permeable paving, attenuation ponds, upsized sewers & swales. The applicant is proposing to discharge the surface water from the development via two separate manholes at restricted rates of 12.5l/s which will discharge into a 225mm dia.

sewer in the North West of the development and 144 l/s which will discharge into Northumbrian Water's 600mm dia. surface water sewer located to the South of the mini roundabout. Both surface water sewers in turn discharges into the Brierdene Burn.

1.65 I would recommend that the following conditions are placed on the application;

- Details of Suds Maintenance regime & contact details of the company appointed to undertake Suds Maintenance.

#### 1.66 Public Rights of Way Officer (PRoW)

1.67 There is an opportunity to create a diagonal ped cycle line through the site away from large roundabouts and connecting to and via provision we have installed (crossings and new paths etc). This would advance connections to the Metro and shops and mitigate against car journeys.

1.68 The NCN Reivers has been diverted into new site (Pavilion) but currently runs on a shared path to the front of properties which is not ideal and, the new motor vehicle movements from with this site uses those access points and thereby more traffic to contend with. We could tie into the cycle path running parallel with the A19 and to the underpass linking into Holystone Village where there will be another path delivered as part of Pavilion would tie into future planning west of A19.

1.69 Access to local amenities is highlighted but there are no paths linking to them from within the site. Routes and pathways are shown with access guide but no layout or ref to what type. Proposed cycle routes are referenced but again no detail, they do not connect to crossings on main road it appears. Loads of visionary drawings with bikes in but if the links are not there then they will not deliver. It looks very nice but the detail is required on connectivity for wider community through site and if LTN 1/20 standards are being utilised. Offers impressions the site will be a utility for those who may not live or work there, very welcome but the connections from surroundings need to be carefully positioned.

#### 1.70 Landscape Architect and Biodiversity Officer

##### 1.71 Existing Site Context

1.72 The proposed site application area is located north-east of the A19 and to the south-west of the A186 in Shiremoor, North Tyneside. The site is rectangular and relatively flat however four stockpiles of soil are located on the site which vary from 1.5 to 2m high and take up a large proportion of the site. Recently the site has been used as a materials storage area associated with the construction of new residential houses to the north. There are two existing hedgerows that run within the site, both of which are to the eastern area of the site under the overhead cables. There is an existing established tree group which is located adjacent to the western and southern boundaries outside of the red line site boundary which offers visual buffering from both the adjacent carriageways, established and ongoing development.

1.73 The following Local Plan policies apply to this application:  
DM 5.9 Trees, woodland and hedgerows

## S5.4 Biodiversity and Geodiversity

### DM5.5 Managing effects on Biodiversity and Geodiversity

1.74 Earlier comments requested more information in relation to drainage, BNG details in relation to the landscape plan and the full impacts of the proposal relative to the AIA. New/revised information has been submitted which includes the following:

Landscape proposals plan (142123/8002F)

Arboricultural impact assessment (AIA) report Rev C, 12<sup>th</sup> May 2022

AIA tree protection plan Rev C

Arboricultural method statement (AMS) report Rev C, 12<sup>th</sup> May 2022

AMS tree protection plan Rev C

1.75 A revised landscape proposals plan (142123/8002F) and AIA and AMS (rev C), have been amended in line with design alterations (the omission of the continuous swale along the southern and eastern boundary and inclusion of smaller swale areas). The two larger suds features to the north of the site have been retained. Overall, the changes to the layout still maintain a BNG which is acceptable and helps contribute to a high quality and sustainable scheme. In terms of landscape and visual amenity further enhancements have been made to the overall layout with the addition of hedgerow and tree planting alongside the main access route (behind VP parking bays). The overall expanse of the car parking area to the north-east is broken up visually by a combination of trees, hedgerow planting, wildflower seeding and ornamental/herbaceous planting which will help reduce the visual impact of the car parking area and help improve connectivity with hedgerows and planting to the wider site. A gap in the hedge line on the very eastern corner of the site been included to allow visibility towards the communal garden area however trees have been planted along the frontage which is an acceptable alternative.

1.76 A 1.5m gap along the southern boundary fence has been included for maintenance, as well as some other gaps in the planting along this boundary. However, a cross section to show native shrub planting and secondary tree planting was requested but this can be provided on condition.

1.77 The 2.5m high acoustic fence to the southern boundary appears to be installed within the protective fence of the retained trees (CEZ). Whilst this is a necessary requirement, the installation of the fence could potentially damage tree roots. The revised Arboricultural Method Statement (AMS) report Rev C, 12<sup>th</sup> May 2022 from All About trees addresses the installation and details works to minimize damage. However, in order to install the fence, it will be necessary to remove the tree protective barrier to allow access and installation and as such, this works will be undertaken at the end of the project when all other construction activity has been completed.

1.78 An Ecological Impact Assessment (EclA) and BNG Assessment (BSG Ecology) have been submitted to support the application.

### 1.79 Ecological Impact Assessment

1.80 A Phase 1 habitat survey was carried out in April 2020, and this was extended to include an assessment of habitat suitability for protected species. Breeding bird characterisation surveys were completed in April, May and June 2020 whilst static monitoring surveys for bats were completed in June, July and September. An environmental DNA (eDNA) survey for great crested newt (GCN) was completed in April 2020. Butterfly survey was completed in May and June 2021.

1.81 Habitats within the site consisted predominantly of bare ground with small areas of semi-improved grassland. A pond and hedgerow were located within the eastern part of the site, with woodland present to the western and southern boundaries outside of the site. Habitats were assessed as being important at the site level. The habitats within the site were assessed as being generally poor for nesting birds with only two bird territories recorded within the site. Great crested newt eDNA survey was negative for both of the ponds surveyed and therefore, no impacts on this species were anticipated. The site lacked any trees or structures with potential bat roosting features and supported a limited range of bat species with low levels of bat activity recorded. No butterflies were recorded within the site and no other protected or S.41 species were considered likely to be present.

1.82 There are two sites of European importance located at the coast approximately 5.5 km to the east. These are the Northumbria Coast SPA and the Northumbria Coast Ramsar. The Site falls within Natural England's Impact Risk Zone (IRZ) associated with these European sites. The IRZ within which the site falls indicates that any residential development of 50 or more units outside existing settlements/urban areas requires that the local planning authority consults with Natural England regarding potential adverse impacts on the statutory designated sites. Whilst the proposed development falls beneath this threshold, the IRZ also notes that contributions to the North Tyneside Council (NTC) Coastal Mitigation Strategy are required for any residential development within the location of the Site. A financial contribution will therefore be required in accordance with the North Tyneside Council Coastal Mitigation Strategy SPD.

1.83 Impacts associated with the scheme include loss of habitat, risk of damage to roots and crowns of existing trees adjacent to the site boundary, potential loss or disturbance of nesting bird habitat as a result of construction activities and lighting-related impacts on bats during the operational (occupation) phase of the development.

1.84 Impacts will be addressed through a number of mitigation measures including landscaping, tree protection measures, sensitive lighting scheme and avoiding disturbance to nesting birds. Conditions will be attached to the application to address these impacts. In addition, a financial contribution should be secured to mitigate any recreational impacts on coastal designated sites from an increase in residential units, in accordance with the Coastal Mitigation SPD.

### 1.85 Biodiversity Net Gain Assessment

1.86 The BNG Assessment and associated Metric calculation show that general habitats lost within the site include derelict land, poor semi-improved grassland

and native hedgerow. The proposed habitat creation post development includes wildflower grassland, mixed native scrub, green roofs, urban trees and SUDs which will result in a 6.09% biodiversity net gain in habitat. New mixed native species hedgerows within the site will also deliver a net gain in hedgerow habitat.

1.87 The scheme is considered to be acceptable and overall offers a variety of landscape characters and habitats which is welcome. The following conditions should, therefore, be applied to the application:

All lighting will be undertaken in accordance with the submitted lighting details including the 'External Lighting Plan' (Dwg No: NEB-SINE-ZZ-EX-DR-E-0002)

No vegetation removal shall take place during 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.

16no. integral bird nest boxes (at a ratio of one for each building) will be provided within the scheme. Details of the bird boxes including specifications and locations, shall be submitted to and approved in writing by the Local Planning Authority. Thereafter, these agreed details shall be installed prior to the first occupation of the dwelling/buildings(s) on which they are to be installed and permanently retained.

16no. bat boxes (at a ratio of one for each building) will be provided within the scheme. These should be positioned within properties on the periphery of the site, close to areas of adjacent woodland habitat. Details of the bat boxes including specifications and locations, shall be submitted to and approved in writing by the Local Planning Authority. Thereafter, these agreed details shall be installed prior to the first occupation of the dwelling/buildings(s) on which they are to be installed and permanently retained.

Prior to the commencement of development, detailed plans of the SUDs features within the site shall be submitted to and approved in writing by the Local Planning Authority. The plans should detail the size, depths, profiles and planting designs of the SUDs. Thereafter, the SUDs shall be carried out in accordance with the agreed details.

Any excavations left open overnight will have a means of escape for mammals that may become trapped in the form of a ramp at least 300mm in width and angled no greater than 45°.

Within one month from the start on site of any operations such as site excavation works, site clearance (including site strip) for the development, a fully detailed landscape plan shall be submitted to and approved in writing by the Local Planning Authority and shall be in accordance with the Biodiversity Net Gain Assessment & Metric (BSG Ecology October 2021) and the EclA EclA Report (BSG Ecology April 2022). The landscape scheme shall include a detailed specification and proposed timing of all new tree, shrub, hedgerow and wildflower planting. All new standard trees are to be a minimum 12-14cm girth. The landscaping scheme shall be implemented in accordance with the approved details within the first available planting season following the approval of details.

Any trees and shrubs that die or are removed within five years of planting shall be replaced in the next available planting season with others of similar size and species.

Within 4 weeks of any of the development hereby approved commencing on site, a 'Landscape Ecological Management & Monitoring Plan' (LEMMP) shall be submitted to and approved in writing by the Local Planning Authority. The Plan shall be in accordance with the details set out within the Biodiversity Net Gain Report/Biodiversity Metric (BSG Oct 2022) and approved Landscape Plan and shall be implemented on site before the first occupation of any of the residential/building units and thereafter for a minimum period of 30 years.

The Management Plan will be a long-term management strategy and will set out details for the creation, enhancement, management and monitoring of landscaping and ecological habitats within the site for a minimum period of 30 years. The Plan will also include details of regular Net Gain Assessment monitoring updates that include habitat condition assessments to evidence the success of the scheme and net gain delivery as well as details of corrective actions if target condition is not being achieved. Thereafter, these areas shall be managed and maintained in full accordance with these agreed details unless first agreed in writing by the Local Planning Authority.

No trees, shrubs or hedges within the site which are shown as being retained on the submitted plans shall be felled, uprooted, wilfully damaged or destroyed, cut back in any way or removed during the development phase other than in accordance with the approved plans or without the prior written consent of the Local Planning Authority.

Prior to the commencement of any site clearance works (including demolition works, tree works, soil moving, hardstandings, temporary access construction and / or widening or any operations involving the use of motorised vehicles or construction machinery, site security fencing, services), tree protection fencing is to be installed in accordance with All About Trees AIA tree protection plan (Rev C) and AMS tree protection plan (Rev C). The tree protection fence is to be of a type and height as described in the AMS. The area surrounding each tree group within the approved protective fencing shall be protected for the full duration of the development and shall not be removed or repositioned without the prior written approval of the Local Planning Authority. Photographic evidence is to be submitted on completion of the installation of the fence.

All works within the RPA of retained trees involving excavation of soil, including the installation of all services, construction for vehicular drives, parking areas, acoustic fencing, foundations, lighting and other activities requiring excavation are to be installed in accordance with BS5837:2012 'Trees in relation to design, demolition and construction – Recommendations', the National Joint Utilities Group (NJUG) 'Guidelines for the Planning, Installation and Maintenance of Utility Apparatus in Proximity To Trees') and the following information:

Landscape proposals plan (142123/8002F)  
Arboricultural impact assessment (AIA) report Rev C, 12<sup>th</sup> May 2022  
AIA tree protection plan Rev C

The acoustic fencing is to be installed in accordance with the AMS and undertaken at the end of the project when all other construction activity has been completed unless with the written agreement of the LPA. All works where they impact on retained trees are to be carried out by hand and in accordance with BS 5837:2012 and AMS.

Any pruning works shall be carried out in full accordance with the approved specification and the requirements of British Standard 3998: 2010 - Recommendations for Tree Works, detail of which are to be submitted for approval.

The contractor's construction method statement relating to traffic management/site compounds/contractor access, temporary parking, on site welfare facilities, loading, unloading and storage of equipment, materials, fuels and waste as well as concrete mixing and use of fires must be submitted in writing and approved by the Local Planning Authority and include tree protection measures for the trees to be retained. Cabins, storage of plant and materials, parking are to be shown on a plan and not to be located within the RPA of the retained trees as defined by the Tree Protection Plan and maintained for the duration of the works.

An arboricultural consultant is to be appointed by the developer to advise on the tree management for the site and to undertake regular supervision visits to monitor and oversee the implementation of the works as set out in the AMS. This condition may only be fully discharged on completion of the development subject to satisfactory written and photographic evidence of regular monitoring and compliance by the pre-appointed tree specialist during construction.

#### 1.88 Design

1.89 Following comments dated 29<sup>th</sup> November 2021 and 26<sup>th</sup> April 2022 which raised some concerns, revised plans and further information has been submitted. Particular concerns were raised about building heights, residential amenity and the amount of open space and its useability in terms of overshadowing and sun light levels. The revised plans address these concerns, and the changes include:

- Extra Care facility reduced from 4 storeys to 3 storeys.
- Older persons apartment block with extra care facilities – north wing reduced from 4 storeys to 3 storeys.
- Re-organisation of bungalows within the layout to increase the central area of open space.

1.90 The only remaining 4 storey element within the scheme is the long wing of the Older Persons Apartment Block. The reduced scale and massing of the development is acceptable. Visuals have also been submitted demonstrating the shadow path in summer and winter which shows acceptable overshadowing to the public open space. Overall, the application is acceptable subject to the recommended conditions set out below.

Suggested conditions:  
Materials of construction  
Boundary walls and fences  
Hard surfacing  
Design of cycle stores, bin stores and gas store  
Design and location of sheds in communal garden

1.91 Initial design comments:

1.92 The proposal is for an Ageing Well Village, providing a multi-generational living and wellbeing complex. The Ageing Well Village will include extra care and assisted living facilities, a health and wellbeing hub (hydrotherapy pool, restaurant, hair salon, small shop, therapy rooms, office space and multi-functional rooms), an integrated frailty hub (residential care, medical and health services, offices, and other ancillary uses), a children's nursery, and residential dwellings for people in later life (a range of housing options from single occupancy bedrooms, two-bedroom apartments, houses, bungalows and three-bedroom houses). The scheme is being developed in partnership between Northumberland Estates, Age UK North-East and other specialist health and social care providers. The overall vision for the site, to create a multi-generational living and wellbeing development with a range of services to support people in later life, is supported.

1.93 The scheme has been developed with pre-application engagement with the local authority. As part of previous discussions, concerns were raised about the scale and massing. The Design and Access Statement includes a Landscape and Visual Impact Assessment of the development in the context of key views. The assessment shows that the scale and mass is higher than the surrounding buildings which has building heights up to three storeys, although two storeys is the predominant building type. While it is considered that the development would relate better to its surroundings if it was a maximum height of 3 storeys, the Landscape and Visual Impact Assessment demonstrates that the impact is not significant enough to be unacceptable. Well-designed building facades with interesting detailing also helps to mitigate some of the impact of the scale and mass. There are, however, still some concerns about the height of the buildings and how it impacts on surrounding public and private amenity areas which is discussed further below.

1.94 The tallest buildings are positioned along the metro line in order to mitigate the acoustic issues associated with the overground line. Proposed bungalows and 2-storey houses are located close to the 4-storey apartment block and there are concerns that there could be an overbearing appearance on the residential amenity from these properties. There are similar concerns about the impact on existing properties adjacent to the 3-storey Frailty Hub. These issues should be fully considered by the applicant.

1.95 The location of the site does lend itself to a higher density development, however this should be balanced with the provision of useable amenity space which can enhance the 'liveability' and enjoyment of people's homes. The proposals show several landscaped areas which include some community gardens, SuDS basins and native trees and shrub planting. Amenity space should be attractive and inviting to use. The main area of open space is located

to the south west of the centre of the site. This is surrounded on two sides by a 4-storey building and there are concerns about overshadowing and sun light levels in relation to its useability. The central amenity open space would benefit from being increased in size which could be achieved by relocating some parking adjacent to the open space and relocating and/or reducing the number of bungalows adjacent to the space. Further consideration should be given to this.

1.96 The development has a distinctive contemporary architecture which is different to its surroundings. A mixture of materials are proposed and consideration has been given to their placement and use in order to reduce the scale and mass. The materials are a mixture of traditional and contemporary and relate the scheme to the surrounding area while also creating a distinct character for the development. Materials are also used to identify each building with a slightly different character. There is a concern for how successfully the proposed materials for the wellbeing hub, which is proposed to be clad in timber, will sit alongside the other buildings. This should be considered further. In addition, it would also be useful if materials were identified on all elevations.

1.97 Movement patterns have been well considered and the site is connected to the surrounding area with pedestrian routes. A large proportion of car parking is provided off site, within Northumberland Park Multi-storey car park. Although this is close to the application site, there are concerns that if car parking is not conveniently sited, it could lead to on-street problems such as pavement parking or congested streets. This would affect the quality of the public realm and the overall function of the place. This issue is referred to the Highways Team to assess further.

1.98 Boundary treatments and surface materials are discussed in the design and access statement but are not shown on a plan. This could be conditioned, or further information submitted with the application.

1.99 Site levels are not clear and further information should be provided, particularly in relation to the site levels and the surrounding area.

1.100 The further information and/or amendments requested above should be provided to the planning case officer within a timescale that would allow for the case to be determined within its deadline.

## 2.0 Representations

### 2.1 Objections

2.2 One objection has been received. This has been set out below:

As a disabled resident of Roddam Close, I am worried about the risks posed by the traffic that will be coming through Roddam Close when the construction of the extra care facilities is operational.

Could you please advise how much extra traffic will be coming down Roddam Close, and how you will be protecting the children from the dangers of the traffic.

Also, as this will no longer be a close how will you be addressing this issue when we become a road?

### 3.0 External Consultees

#### 3.1 The Coal Authority

3.2 I have reviewed the proposals and confirm that the application site falls within the defined Development High Risk Area.

3.3 The Coal Authority records indicate that within the application site and surrounding area there are coal mining features and hazards which need to be considered in relation to the determination of this planning application, specifically both actual and shallow coalmine workings, probable shallow coalmine workings associated with a thick seam outcrop and recorded mine entries (shafts). Our records also indicate that the site has been subject to past surface mining operations.

3.4 The Coal Authority notes the submitted Geo-environmental Appraisal (November 2019, prepared by Sirius Geotechnical Ltd) and the two Supplementary Ground Investigation Reports (dated April 2021 and October 2021, prepared by Sirius Geotechnical Ltd). All of the reports have been informed by an appropriate range of sources of information, including the results of intrusive site investigations.

3.5 On the basis that the Geo-environmental Appraisal confirms that identified shallow coalmine workings will require consolidation, prior to development, to ensure a stable building platform, the Coal Authority considers that such risks posed by shallow coalmine workings can be addressed by the imposition of suitable planning conditions on any permission granted.

3.6 In terms of the recorded mine entries, the Geo-environmental Appraisal confirms that three of the four shafts have been disproved from being within the site and a no build zone of 25m from all built development must be maintained. In this regard, the built development layout appears to adhere to this recommendation and we acknowledge the confirmation also made within the report that the mine entry conjectured to be within the site has been removed by the past surface mining operations.

3.7 In terms of the mine entry that has been identified, whilst there does not appear to be any commitment to remediate this coal mining hazard, which is disappointing, we acknowledge that the shaft straddles the planning boundary and is only partially within the site. Consequently, and whilst our preference would be for the mine entry to be fully remediated, we acknowledge that it would be unreasonable to impose a condition to secure the undertaking of remedial works on third party land. Consequently, and given that the stand-off distance of 13m to any built development appears to have been complied with, together with the shaft being located in an area where public access would be very minimal (landscaping etc), the Coal Authority is satisfied that every effort has been made to minimise the risks posed by this coal mining hazard.

3.8 Finally, and in terms of the risks posed the high wall of the former surface extraction, the two supplementary reports confirm the location of the high wall. Having assessed drawing no. C8253.04, which appends the October 2021 report, it is evident that every effort has been to locate the vast majority of buildings away from it. However, where buildings do straddle the high wall, the

information presented by Sirius Geotechnical Ltd confirms that bespoke foundations will be required to safeguard their structural integrity. The installation of these foundations will be a matter for the Building Regulations process to ensure.

3.9 The application should note that permission is required from the Coal Authority and Licensing Team before undertaking any activity, such a ground investigation and ground works, which may disturb coal property. Please note that any comments that the Coal Authority may have made in a Planning context are without prejudice to the outcomes of a permit application.

### 3.10 SUDS

3.11 It should be noted that were SUDs are proposed as part of the development scheme consideration will need to be given to the implications of this in relation to the stability and public safety risks posed by coal mining legacy. The developer should seek their own advice from a technically competent person to ensure that a proper assessment has been made of the potential interaction between hydrology, the proposed drainage system and ground stability, including the implications this may have for any mine workings which may be present beneath the site.

### 3.12 Mine Gas

3.13 It should be noted that wherever coal resources or coal mine features exist at shallow depth or at the surface, there is the potential for mine gases to exist. These risks should always be considered by the LPA. The Planning and Development team at the Coal Authority, in its role of statutory consultee in the planning process, only comments on gas issues if our data indicates that gas emissions have been recorded on the site. However, the absence of such a comment should not be interpreted to imply that there are no gas risks present. Whether or not specific emissions have been noted by the Coal Authority, LPA's should seek their own technical advice.

### 3.14 The Coal Authority's recommendation to the LPA

3.15 Coal mining legacy poses a risk to the proposed development and remedial works to ensure safety and stability will be required to be undertaken prior to commencement of the development.

3.16 Accordingly, the Coal Authority recommends the imposition of the following conditions:

No development shall commence until the remediation works and any further remediation works/or mitigation measures to address land instability arising from coal mining legacy, as may be necessary, have been implemented on site in full in order to ensure that the site is made safe and stable for the development proposed.

The remedial works shall be carried out in accordance with authoritative UK guidance.

Prior to the occupation of the development, or it being taken into a beneficial use, a signed statement or declaration prepared by a suitably competent person

confirming that the site is, or has been made, safe and stable for the approved development shall be submitted to the Local Planning Authority for approval in writing. This document shall confirm the completion of the remedial works and any further remediation works/or mitigation necessary to address the risks posed by past coal mining activity.

3.17 The Coal Authority therefore has no objection to the proposed development subject to the imposition of a condition or conditions to secure the above. This is our recommendation for condition wording. Whilst we appreciate that you may wish to make some amendment to the choice of words, we would respectfully request that the specific parameters to be satisfied are not altered by any changes that may be made.

3.18 The following statement provides the justification why the Coal Authority considers that a pre-commencement condition is required in this instance:

The undertaking of remedial works, prior to the commencement of development, is considered to be necessary to ensure the safety and stability of the development, in accordance with paragraphs 183 and 184 of the NPPF.

### 3.19 Nexus

3.20 Nexus previously responded to this application dated May 2022. Further information has been provided to Nexus regarding the application via the Local Planning Authority. Further comments are given below:

### 3.21 Travel Ticketing

The guidance within the Nexus Planning Liaison Policy states the following: "For larger residential developments of 50 or more dwellings, Nexus will request via the LPA that the applicants meet the costs of two introductory tickets per dwelling to the equivalent of four weeks travel per ticket. These tickets should be offered to residents as part of the Welcome Pack with the onus on the residents to apply for these through the necessary process....The tickets required are two Pop Pay as You Go cards per dwelling with £50 worth of credit preloaded to each of them".

3.22 This policy is also similar for applications where there is commercial usage, for new employees travelling to and from the development site.

3.23 The Nexus Planning Liaison Policy is upheld by Nexus in regard to all development planning applications in order to increase the awareness and provision of sustainable travel across Tyne and Wear. Sustainable travel should be encouraged through the availability of frequent public transport services, and through means of people accessing these services. Nexus views that the provision of introductory travel tickets encourage greater take up of public transport in the long term for new residents or new employees at any given site.

3.24 At present, two zones travel on Metro for four weeks is £61.50 which exceeds the introductory ticket requirement. This is the price a resident of Backworth would expect to pay if they were to travel frequently between Northumberland Park and Newcastle City Centre, as an example. The developer's offer of £20.00 per ticket would fall below the threshold for one zone

monthly ticket, meaning the resident would have to meet the additional cost in their introductory month.

3.25 Similarly, as Pop PAYG Cards can be used to purchase tickets on board all bus services within Tyne and Wear and beyond, £20 worth of credit would not be sufficient to meet the costs of one month's travel for new residents as introductory provision. At present, Arriva charge £68.00 for an adult 4-week travel session ticket for within Tyne and Wear. Arriva weekly tickets are priced at £19.00 meaning that a £20 PAYG Card would only provide the resident with one week's introductory travel on bus.

3.26 Taking the above pricing into account, Nexus sees that it is therefore entirely within reason to ask the developer to meet the costs of two £50 introductory travel tickets in order to meet the needs of residents or employees over the course of four weeks. Nexus is also mindful that new residents as part of this development are likely to opt to travel to other areas across North Tyneside or neighbouring Newcastle on a somewhat regular basis for employment, healthcare, leisure and other services.

3.27 Bus stops and shelters

3.28 Nexus welcomes the developer/applicant's acceptance to include bus shelter provision at bus stops closest to the development site. This will enhance the accessibility and appeal of public transport overall within immediate proximity of the development site.

3.29 Bus services

3.30 Nexus does recognise that the location of this development is well served by Metro and will be further well served on the advent of passenger services returning to the Northumberland Line in 2024. At present, it is also well served due to the operation of the bus service number 19 which is secured by a consortium of local bodies.

As this location is well served by Metro which makes this development acceptable in line with the Nexus Planning Liaison Policy, Nexus views that the bus service provision adds to the sustainable transport offering within Backworth.

3.31 Access to Public Transport

3.32 Nexus continues to view the site as being well served by public transport. As it stands, the development site is located within 650 metres of Northumberland Park Metro Station, giving residents, employees and visitors the opportunity to travel regularly to other parts of Tyne and Wear; including to other communities of North Tyneside and to Newcastle City Centre. In addition, this development site has two bus stops located within 400 metres walking distance of the eastern in/out access point.

3.33 Moreover, on the advent of the Northumberland Rail Line reopening in 2024, this development site will be further well served by sustainable transport options and will allow visitors and employees the opportunity to travel regularly between Northumberland Park and areas of Northumberland by rail.

### 3.34 Travel Plan and Information

3.35 The range of options within the immediate proximity of the development site means that visitors, residents and employees will be well served to travel regularly and accessibly by sustainable modes. Nexus recommends that a comprehensive and regularly updated Travel Plan should be provided to all users of the development, so that they are best informed with appropriate and up to date information on how to travel.

3.36 Nexus recommends that notwithstanding the details submitted within the Framework Travel Plan, but that a full and comprehensive Travel Plan should be submitted to the LPA before occupation of the development site. The developer / applicant should also ensure that travel surveys and monitoring of the Travel Plan is conducted on an annual basis to ensure that targets are being met and retained going forward. Nexus recommends that the LPA mandate this as condition of granted permission.

### 3.37 Active Travel

3.38 Nexus welcomes any development and improvement to cycling and pedestrian links within the development site, and between the development site and Northumberland Park Metro station. Appropriate and accessible pedestrian links will increase the likelihood of people opting to use public transport or active travel modes on a regular basis. This will also ensure accessibility so that persons of all walking abilities are well placed to use public transport.

### 3.39 Neighbouring Land

3.40 As the owner of adjacent railway line to the development site, and the operator of the Tyne and Wear Metro, the following points have been written in consultation with Nexus Rail and the developer/applicant should take steps to carry out mitigations to absolve the threat of risk to Nexus infrastructure.

3.41 Waste management: Good housekeeping is to be observed during development to prevent items blowing onto the Nexus Electrified Overhead Line Equipment resulting in the Metro service being stopped which will incur large costs for disruption. Enclosed skips should be used to mitigate this from happening.

3.42 Railway line: As the railway line located closest to the development is the heavy rail line between Blyth and Tyne, Network Rail should be consulted as part of this application as they own and maintain this line.

### 3.43 National Highways

3.44 We have reviewed the revised Transport Assessment (TA) and Travel Plan (TP) submitted in support of the above application.

### 3.45 Collision Data Analysis

3.46 The proposed collision data analysis utilises data from 2022. This is not robust because traffic levels in 2020 were materially difference to other years as a result of the Covid-19 pandemic. Notwithstanding this, we have reviewed the collision information provided, excluding the 2020 information. Overall, we would agree that there are no existing safety concerns at the A19 Holystone junction in terms of collision trends.

### 3.47 Impact at the Strategic Road Network

3.48 Whilst we have identified several minor deficiencies with the proposed analysis, we would agree that the proposed development will not materially impact upon the safe and efficient operation of the Strategic Road Network (SRN).

### 3.49 Proximity to the Strategic Road Network and Construction Impacts

3.50 National Highways would note the scale and proximity of the development to the SRN and this gives rise to concerns of potential impacts during the construction phase of the development. Therefore, National Highways would request that the following planning condition is placed on this planning application:

No development shall commence on each phase of the development until a Construction Traffic Management Plan (CTMP) for the development has been submitted to and approved in writing by the Local Planning Authority, in consultation with National Highways. The CTMP shall include: a dust management plan; noise management plan; pollution prevention measures; proximity of operations, vehicles and operatives to the SRN; impact of any construction works on embankments or cuttings; contractor parking; details of delivery arrangements; and measures to limit and manage transfer of debris on to the highway.

### 3.51 Travel Plan

3.52 National Highways have reviewed the proposed Travel Plan (TP) and would state that the content is largely acceptable. Given the impact of this site at the SRN, we would suggest that the TP is a matter for the LPA to agree upon.

### 3.53 Summary

3.54 On the basis of our review, National Highway's formal response recommends that a CTMP condition should be attached to any planning permission that may be granted for this planning application.

### 3.55 Natural England

3.56 Internationally and nationally designated sites – no objection subject to appropriate mitigation.

3.57 This development falls within the 'zone of influence' for coastal sites designated at international level as Sites of Special Scientific Interest and Special Protection Areas/Special Areas of Conservation/Ramsar sites. Since this application will result in a net increase in residential accommodation, impacts to the designated sites may result from increased recreational disturbance.

3.58 Northumberland and North Tyneside Councils operate a Coastal Mitigation Service to mitigate for potential impacts from increased recreational disturbance resulting from increased residential development and tourism activities within this zone.

3.59 Subject to appropriate mitigation being secured in line with the details of this Service, Natural England is satisfied there will be no damage or disturbance to the interest features of these sites.

3.60 Although your authority has measures in place to manage these potential impacts through the agreed strategic solution which we consider to be ecologically sound, Natural England's advice is that this proposed development, and the application of these measures to avoid or reduce the likely harmful effects from it, may need to be formally checked and confirmed by your Authority, as the competent authority, via an appropriate assessment in view of the European Site's conservation objectives and in accordance with the Conservation of Habitats Species Regulations 2017 (as amended).

3.61 This is because Natural England notes that the recent People Over Wind Ruling by the Court of Justice of the European Union concluded that, when interpreting article 6(3) of the Habitats Directive, it is not appropriate when determining whether or not a plan or project is likely to have a significant effect on a site and requires an appropriate assessment, to take account of measures intended to avoid or reduce the harmful effects of the plan or project on that site. The ruling also concluded that such measures can, however, be considered during an appropriate assessment to determine whether a plan or project will have an adverse effect on the integrity of the European site. Your Authority should have regard to this and may wish to seek its own legal advice to fully understand the implications of this ruling in this context.

3.62 Natural England advises that it is a matter for your Authority to decide whether an appropriate assessment of this proposal is necessary in light of this ruling. In accordance with the Conservation of Habitats and Species Regulations 2017 (as amended), Natural England must be consulted on any appropriate assessment your Authority may decide to take.

3.63 Sites of Special Scientific Interest Impact Risk Zones

3.64 The Town and Country Planning (Development Management Procedure) (England) Order 2015 requires local planning authorities to consult Natural England on "Development in or likely to affect a SSSI" (Schedule 4, w). Our SSSI Impact Risk Zones are a GIS dataset designed to be used during the planning application validation process to help LPA's decide when to consult Natural England on developments likely to affect a SSSI.

3.65 Landscape

3.66 Paragraph 174 of the NPPF highlights the need to protect and enhance valued landscapes through the planning system. This application may present opportunities to protect and enhance locally valued landscapes, including any local landscape designations. You may want to consider whether any local landscape features or characteristics (such as ponds, woodland or dry-stone walls) could be incorporated into the development in order to respect and enhance local landscape character and distinctiveness, in line with any local landscape character assessments. Where the impacts of development are likely to be significant, a Landscape and Visual Impact Assessment should be provided with the proposal to inform decision making. We refer you to the Landscape

Institute Guidelines for Landscape and Visual Impact Assessment for further guidance.

3.67 Best and most versatile agricultural land and soils

3.68 LPA's are responsible for ensuring that they have sufficient detailed agricultural land classification (ALC) information to apply NPPF policies (Paragraphs 174 and 175). This is the case regardless of whether the proposed development is sufficiently large to consult Natural England. Further information is contained in GOV.UK guidance. ALC information is available on the Magic website on the Data.Gov.uk website. If you consider the proposal has significant implications for further loss of 'best and most versatile' agricultural land, we would be pleased to discuss this matter further.

3.69 Guidance on soil protection is available in the Defra Construction Code of Practice for the Sustainable Use of Soils on Construction Sites, and we recommend its use in the design and construction of development, including any planning conditions. Should the development proceed, we advise that the developers use an appropriately experienced soil specialist to advise on, and supervise soil handling, including identifying when soils are dry enough to be handled and how to make the best use of soils on site.

3.70 Protected Species

3.71 Natural England has produced standing advice to help planning authorities understand the impact of particular developments on protected species. We advise you to refer to this advice. Natural England will only provide bespoke advice on protected species where they form part of a SSSI or in exceptional circumstances.

3.72 Local sites and priority habitats and species

3.73 You should consider the impacts of the proposed development on any local wildlife or geodiversity sites, in line with paragraphs 175 and 179 of the NPPF and any relevant development plan policy. There may also be opportunities to enhance local sites and improve their connectivity. Natural England does not hold locally specific information on local sites and recommends further information is obtained from appropriate bodies such as the local records centre, wildlife trust, geo-conservation groups or recording societies.

3.74 Priority habitats and species are of particular importance for nature conservation and included in the England Biodiversity List published under section 41 of the Natural Environment and Rural Communities Act 2006. Most priority habitats will be mapped as either SSSI, on the Magic website or as Local Wildlife Sites (LWS). Lists of priority habitats and species can be provided. Natural England does not routinely hold species data, such data should be collected when impacts on priority habitats or species are considered likely. Consideration should also be given to the potential environmental value of brownfield sites, often found in urban areas and former industrial land, further information including links to the open mosaic habitats inventory can be provided.

3.75 Ancient woodland and veteran trees

3.76 You should consider any impacts on ancient woodland and veteran trees in line with paragraph 180 of the NPPF. Natural England maintains the Ancient

Woodland Inventory which can help identify ancient woodland. Natural England and the Forestry Commission have produced standing advice for planning authorities when determining relevant planning applications. It should be taken into account by planning authorities when determining relevant planning applications. Natural England will only provide bespoke advice on ancient woodland/veteran trees where they form part of a SSSI or in exceptional circumstances.

### 3.77 Environmental gains

3.78 Development should provide net gains for biodiversity in line with the NPPF paragraphs 174 (d), 179 and 180. Development provides opportunities to secure net gains for biodiversity and wider environmental gains as outlined in the NPPF (paragraphs 8, 73, 104, 120, 174, 175 and 180). We advise you to follow the mitigation hierarchy set out in paragraph 180 of the NPPF and firstly consider what existing environmental features on and around the site can be retained or enhanced or what new features could be incorporated into the development proposal. Where on site measures are not possible, you may wish to consider off site measures, including sites for biodiversity offsetting. Opportunities for enhancement might include:

- Providing a new footpath through the new development to link into existing rights of way.
- Restoring a neglected hedgerow.
- Creating a new pond as an attractive feature on site.
- Planting trees characteristic to the local area to make a positive contribution to the local landscape.
- Using native plants in landscaping schemes for better nectar and see sources for bees and birds.
- Incorporating swift boxes and bat boxes into the design of new buildings.
- Designing lighting to encourage wildlife.
- Adding a green roof to new buildings.

3.79 Natural England's Biodiversity Metric 3.0 may be used to calculate biodiversity losses and gains for terrestrial and intertidal habitats and can be used to inform any development project. For small development sites the Small Sites Metric may be used. This is a simplified version of Biodiversity Metric 3.0 and is designed for use where certain criteria are met. It is available as a beta test version.

3.80 You could also consider how the proposed development can contribute to the wider environment and help implement elements of any Landscape, Green Infrastructure or Biodiversity Strategy in place in your area. For example:

- Links to existing greenspace and/or opportunities to enhance and improve access.
- Identifying new opportunities for new greenspace and managing existing (and new) public spaces to more wildlife friendly (e.g. by sowing wild flower strips).
- Planting additional street trees.
- Identifying any improvements to the existing public rights of way network or using the opportunity of new development to extend the network to create missing links.
- Restoring neglected environmental features (e.g. coppicing a prominent hedge that is in poor condition or clearing away an eyesore).

3.81 Natural England's Environmental Benefits from Nature tool may be used to identify opportunities to enhance wider benefits from nature and to avoid and minimise any negative impacts. It is designed to work alongside Biodiversity Metric 3.0 and is available as a beta test version.

#### 3.82 Access and recreation

3.83 Natural England encourages any proposal to incorporate measures to help improve people's access to the natural environment. Measures such as reinstating existing footpaths together with the creation of new footpaths and bridleways should be considered. Links to other green networks and, where appropriate, urban fringe areas should also be explored to help promote the creation of wider green infrastructure. Relevant aspects of local authority green infrastructure strategies should be delivered where appropriate.

#### 3.84 Rights of Way, Access land, Coastal access and National Trails

3.85 Paragraph 100 and 174 of the NPPF highlights the important of public rights of way and access. Development should consider potential impacts on access land, common land, rights of way, coastal access routes and coastal margin in the vicinity of the development and the scope to mitigate any adverse impacts. Consideration should also be given to the potential impacts on the any nearby National Trails, including the England Coast Path. The National Trails website provides information including contact details for the National Trail Officer.

#### 3.86 Biodiversity duty

3.87 Your authority has a duty to have regard to conserving biodiversity as part of your decision making. Conserving biodiversity can also include restoration or enhancement to a population or habitat. Further information can be provided.

#### 3.88 Network Rail

3.89 Network Rail own, operate and develop Britain's railway infrastructure. Our role is to deliver a safe and reliable railway. All consultations are assessed with the safety of the operational railway in mind and responded to on this basis.

3.90 Following assessment of the details provided to support the above application, we note that the proposed drainage scheme has been revised and removes the swale along the top of the railway embankment which we appreciate and consider addresses the concerns relating to the drainage scheme that we raised in our previous response. Please note our standard drainage requirements are attached for guidance. The further comments in our previous response remain applicable.

#### 3.91 Drainage

3.92 We have concerns about the proximity of the proposed swale to the railway embankment and consider that it may adversely impact on operational railway safety. Further to this, from the detail provided, we have been unable to establish where the outfall is and require clarity on this point. However, given the proximity of the swale to the railway embankment, we have concerns about the scheme irrespective of this detail. I have included for reference our standard drainage requirement and condition below and attached our standard guidance for drainage in proximity to the operational railway boundary.

3.93 It is imperative that drainage associated with the site does not impact on or cause damage to adjacent railway assets. Surface water must flow away from the railway, there must be no ponding of water adjacent to the boundary and any attenuation scheme within 30m of the railway boundary must be approved by Network Rail in advance. There must be no connection to existing railway drainage assets without prior agreement with Network Rail. Please note, further detail on Network Rail requirements relating to drainage and works in proximity to the railway infrastructure is attached for your reference.

#### 3.94 Condition

It is expected that the preparation and implementation of a surface water drainage strategy addressing these above points will be conditioned as part of any approval.

3.95 Notwithstanding the above, the following are further requirements that must also be met;

#### 3.96 Works in Proximity to the Operational Railway Environment

##### 3.97 Development Construction Phase and Asset Protection

3.98 Due to the proximity of the proposed development to the operational railway boundary, it will be imperative that the developer liaise with our Asset Protection Team (contact details below) prior to any work taking place on site to ensure that the development can be undertaken safely and without impact to operational railway safety. Details to be discussed and agreed will include construction methodology, earthworks and excavations, use of crane, plant and machinery, drainage and boundary treatments. It may be necessary for the developer to enter into a Basic Asset Protection Agreement (BAPA) with Network Rail to ensure the safety of the operational railway during these works.

#### 3.99 Condition

Development shall not commence until a construction methodology has been submitted to and approved in writing by the Local Authority. The construction methodology shall demonstrate consultation with the Asset Protection Project Manager at Network Rail. The development shall thereafter be carried out in accordance with the approved construction methodology unless otherwise agreed in writing by the Local Planning Authority.

3.100 Contact details for Asset Protection are supplied below and we would draw the developers' attention to the attached guidance on Network Rail requirements.

#### 3.101 Boundary Treatments, Landscaping and Lighting

##### 3.102 Trespass Proof Fencing

3.103 Trespass onto the railway is a criminal offence. It can result in costly delays to rail traffic, damage to the railway infrastructure and in the worst instances, injury and loss of life. Due to the nature of the proposed development we consider that there will be an increased risk of trespass onto the railway.

#### 3.104 Condition

The developer must provide a suitable trespass proof fence adjacent to Network Rail's boundary (approx. 1.8m high) and make provision for its future renewal

and maintenance. Network Rail's existing fencing/wall must not be removed or damaged. We note that the proposals include a 2.4m acoustic fence to the railway boundary, which dependent upon design may well meet this requirement.

### 3.105 Vehicle Incursion Measures

3.106 An Armco or similar barrier should be located in positions where vehicles may be in a position to drive into or roll onto the railway or damage the lineside fencing. Network Rail's existing fencing / wall must not be removed or damaged. Given the considerable number of vehicle movements likely provision should be made at each turning area/roadway/car parking area adjacent to the railway. This is in accord with the new guidance for road/rail vehicle incursion NR/LV/CIV/00012 following on from DfT advice issued in 2003, now updated to include risk of incursion from private land/roadways.

### 3.107 Condition

Given the nature of the proposals and location of turning areas/car parking, we would expect that a condition securing the design and installation of suitable vehicle incursion measures by the developer is included in any consent. This is for the safety, operational needs and integrity of the railway.

### 3.108 Landscaping

3.109 It is imperative that planting and landscaping schemes near the railway boundary do not impact on operational railway safety. Where trees and shrubs are to be planted adjacent to boundary, they should be positioned at a minimum distance greater than their height at maturity from the boundary. Certain broad leaf deciduous species should not be planted adjacent to the railway boundary. Any hedge planted adjacent to the railway boundary fencing for screening purposes should be placed so that when fully grown it does not damage the fencing, provide a means of scaling it, or prevent Network Rail from maintaining its boundary fencing. Below is a list of species that are acceptable and unacceptable for planting in proximity to the railway boundary;

### 3.110 Acceptable:

Birch (*Betula*), Crab Apple (*Malus Sylvestris*), Field Maple (*Acer Campestre*), Bird Cherry (*Prunus Padus*), Wild Pear (*Pyrus Communis*), Fir Trees – Pines (*Pinus*), Hawthorn (*Cretaeagus*), Mountain Ash – Whitebeams (*Sorbus*), False Acacia (*Robinia*), Willow Shrubs (*Shrubby Salix*), Thuja Plicatata "Zebrina"

### 3.111 Not Acceptable:

Acer (*Acer pseudoplatanus*), Aspen – Poplar (*Populus*), Small-leaved Lime (*Tilia Cordata*), Sycamore – Norway Maple (*Acer*), Horse Chestnut (*Aesculus Hippocastanum*), Sweet Chestnut (*Castanea Sativa*), Ash (*Fraxinus excelsior*), Black poplar (*Populus nigra* var, *betulifolia*), Lombardy Poplar (*Populus nigra* var, *italica*), Large-leaved lime (*Tilia platyphyllos*), Common lime (*Tilia x europea*)

### 3.112 Condition

Landscaping detail should be submitted to the Local Planning Authority and approved in conjunction with Network Rail.

### 3.113 Lighting

3.114 Where lighting is to be erected adjacent to the operational railway, the potential for train drivers to be dazzled must be eliminated. In addition, the location and colour of lights must not give rise to the potential for confusion with the signalling arrangements on the railway.

### 3.115 Condition

Detail of any external lighting should be provided to the Local Planning Authority to be approved in conjunction with Network Rail.

### 3.116 Additional Requirements

#### 3.117 Railway Noise Mitigation

3.118 The Developer should be aware that any development for residential or noise sensitive use adjacent to an operational railway may result in neighbour issues arising. Consequently, every endeavour should be made by the developer to provide adequate soundproofing for each dwelling. Please note that in a worst-case scenario there could be trains running 24 hours a day and the soundproofing should take this into account.

#### 3.119 Reason for above conditions:

3.120 The safety, operational needs and integrity of the railway.

#### 3.121 Informatives set out below:

##### Standard Drainage Requirements

We ask that all surface and foul water drainage from the development area be directed away from Network Rail's retained land and structures into suitable drainage systems, the details of which are to be approved by Network Rail before construction starts on site.

Water must not be caused to pond on or near railway land either during or after any construction-related activity.

The construction of soakaways for storm or surface water drainage should not take place within 20m of the Network Rail boundary. Any new drains are to be constructed and maintained so as not to have any adverse effect upon the stability of any Network Rail equipment, structure, cutting or embankment.

The construction of soakaways within any lease area is not permitted.

The construction of surface water retention ponds/tanks, SuDS or flow control systems should not take place within 20m of the Network Rail boundary where these systems are proposed to be below existing track level. Full overland flow conditions should be submitted to Network Rail for approval prior to any works on site commencing.

The construction of surface water retention ponds/tanks, SuDS or flow control systems should not take place within 30m of the Network Rail boundary where these systems are proposed to be above existing track level. Full overland flow conditions should be submitted to Network Rail for approval prior to any works on site commencing.

If a Network Rail-owned underline structure (such as a culvert, pipe or drain) is intended to act as a means of conveying surface water within or away from the development, then all parties must work together to ensure that the structure is fit for purpose and able to take the proposed flows without risk to the safety of the railway or the surrounding land.

Wayleaves and or easements for underline drainage assets

The position of any underline drainage asset shall not be within 5m of drainage assets, sensitive operational equipment such as switches and crossings, track joints, welds, overhead line stanchions and line side equipment, and not within 15m of bridges, culverts, retaining walls and other structures supporting railway live loading.

Protection of existing railway drainage assets within a clearance area

There are likely to be existing railway drainage assets in the vicinity of the proposed works. Please proceed with caution.

No connection of drainage shall be made to these assets without Network Rail's prior consent to detailed proposals. Any works within 5m of the assets will require prior consent.

There must be no interfering with existing drainage assets/systems without Network Rail's written permission.

The developer is asked to ascertain with Network Rail the existence of any existing railway drainage assets or systems in the vicinity of the development area before work starts on site. Please contact Asset Protection ([assetprotectioneastern@networkrail.co.uk](mailto:assetprotectioneastern@networkrail.co.uk)) for further information and assistance.

#### Fail Safe Use of Crane and Plant

All operations, including the use of cranes or other mechanical plant working adjacent to Network Rail's property, must at all times be carried out in a "fail safe" manner such that in the event of mishandling, collapse or failure, no materials or plant are capable of falling within 3.0m of the nearest rail of the adjacent railway line, or where the railway is electrified, within 3.0m of overhead electrical equipment or supports.

With a development of a certain height that may/will require use of a crane, the developer must bear in mind the following. Crane usage adjacent to railway infrastructure is subject to stipulations on size, capacity etc. which needs to be agreed by the Asset Protection Project Manager prior to implementation.

#### Excavations/Earthworks

All excavations/ earthworks carried out in the vicinity of Network Rail property/ structures must be designed and executed such that no interference with the integrity of that property/ structure can occur. If temporary works compounds are to be located adjacent to the operational railway, these should be included in a method statement for approval by Network Rail. Prior to commencement of works, full details of excavations and earthworks to be carried out near the railway undertaker's boundary fence should be submitted for the approval of the Local Planning Authority acting in consultation

with the railway undertaker and the works shall only be carried out in accordance with the approved details. Where development may affect the railway, consultation with the Asset Protection Project Manager should be undertaken. Network Rail will not accept any liability for any settlement, disturbance or damage caused to any development by failure of the railway infrastructure nor for any noise or vibration arising from the normal use and/or maintenance of the operational railway. No right of support is given or can be claimed from Network Rail's infrastructure or railway land.

#### Security of Mutual Boundary

Security of the railway boundary will need to be maintained at all times. If the works require temporary or permanent alterations to the mutual boundary the applicant must contact Network Rail's Asset Protection Project Manager.

#### Demolition

Any demolition or refurbishment works must not be carried out on the development site that may endanger the safe operation of the railway, or the stability of the adjoining Network Rail structures. The demolition of buildings or other structures near to the operational railway infrastructure must be carried out in accordance with an agreed method statement. Approval of the method statement must be obtained from Network Rail's Asset Protection Project Manager before the development can commence.

#### Vibro-impact machinery

Where vibro-compaction machinery is to be used in development, details of the use of such machinery and a method statement should be submitted for the approval of the Local Planning Authority acting in consultation with the railway undertaker prior to the commencements of works and the works shall only be carried out in accordance with the approved statement.

#### Bridge Strikes

Applications that are likely to generate an increase in trips under railway bridges may be of concern to Network Rail where there is potential for an increase in 'Bridge strikes'. Vehicles hitting railway bridges cause significant disruption and delay to rail users. Consultation with the Asset Protection Project Manager is necessary to understand if there is a problem. If required there may be a need to fit bridge protection barriers which may be at the developer's expense.

#### Abnormal Loads

From the information supplied, it is not clear if any abnormal loads will be using routes that include any Network Rail assets (e.g. bridges and level crossings). We would have serious reservations if during the construction or operation of the site, abnormal loads will use routes that include Network Rail assets. Network Rail would request that the applicant contact our Asset Protection Project Manager to confirm that any proposed route is viable and to agree a strategy to protect our asset(s) from any potential damage caused by abnormal loads. I would also like to advise that where any damage, injury or delay to the rail network is caused by an abnormal load (related to the application site), the applicant or developer will incur full liability.

#### Two Metre Boundary

Consideration should be given to ensure that the construction and subsequent maintenance can be carried out to any proposed buildings or structures without adversely affecting the safety of, or encroaching upon Network Rail's adjacent land, and therefore all/any building should be situated at least 2 metres from Network Rail's boundary. This will allow construction and future maintenance to be carried out from the applicant's land, thus reducing the probability of provision and costs of railway look-out protection, supervision and other facilities necessary when working from or on railway land.

#### Encroachment

The developer/applicant must ensure that their proposal, both during construction, and after completion of works on site, does not affect the safety, operation or integrity of the operational railway, Network Rail and its infrastructure or undermine or damage or adversely affect any railway land and structures. There must be no physical encroachment of the proposal onto Network Rail land, no over-sailing into Network Rail airspace and no encroachment of foundations onto Network Rail land and soil. There must be no physical encroachment of any foundations onto Network Rail land. Any future maintenance must be conducted solely within the applicant's land ownership. Should the applicant require access to Network Rail land then must seek approval from the Network Rail Asset Protection Team. Any unauthorised access to Network Rail land or airspace is an act of trespass and we would remind the council that this is a criminal offence (s55 British Transport Commission Act 1949). Should the applicant be granted access to Network Rail land then they will be liable for all costs incurred in facilitating the proposal.

#### Access to the Railway

All roads, paths or ways providing access to any part of the railway undertaker's land shall be kept open at all times during and after the development.

#### 3.122 Northern Powergrid

3.123 The enclosed Mains Records only give the approximate location of known Northern Powergrid apparatus in the area. Great care is therefore needed and all cables and overhead lines must be assumed to be live.

3.124 Please note that while all efforts are made to ensure the accuracy of data, no guarantee can be given. We would refer you to the Health and Safety Executives publication HS(G) 47 "Avoiding Danger from Underground Services" which emphasises that:

- Plans must only be used as a guide in the location of underground cables. The use of suitable cable-tracing device is essential and careful hand digging of trial holes must be carried out to positively identify and mark the exact route of the cable. You should also bear in mind that a cable is unmistakably located only when it has been safely exposed.
- Cable depths are not generally indicated on our records and can vary considerably even when shown.
- Great caution must be exercised at all times when using mechanical plant. Careful trial digging should always be carried out on the whole route of the planned excavation to ascertain no cables exist.

3.125 The Health and Safety Executive have another publication, GS6 "Avoidance of Danger from Overhead Electric Lines" that you should be aware of if your work is near overhead power lines. Both of these documents provided comprehensive guidance for observance of statutory duties under the Electricity at Work Regulations 1989 and the Health and Safety at Work Act 1974. Our provision of these records is based upon the assumption that people using them will have sufficient competence to interpret the information given. Any damage or injury caused will be the responsibility of the organisation concerned who will be charged for any repairs.

3.126 Please note ground cover must not be altered either above our cables or below overhead lines, in addition no trees should be planted within 3 meters of existing underground cables or 10m of overhead lines. All our apparatus is legally covered by wayleaves agreement, lease or deed or alternatively protected under the Electricity Act 1989. Should any alteration/diversion of our company's apparatus be necessary to allow your work to be carried out, budget costs can be provided by writing to Network Connections, Alix House, Falcon Court, Stockton On Tees, TS18 3TU. Tel 0800 011 3433.

3.127 All future works that we may have will be included on the quarterly NRSWA coordination return for discussion at the quarterly meeting of authorities/utilities in order to minimise disruption to the public.

#### 3.128 Newcastle International Airport Limited (NIAL)

3.129 In relation to the Airport's considerations to the above written application, we have the following points to raise.

3.130 A SUDS pond is proposed as part of the development site. This has the potential to attract birds to the area within the flight path of Aircraft due to its size and location. A Bird Hazard Management Plan and a Bird Strike Risk Assessment should be conditioned to assess the potential mitigation measures which can be undertaken to prevent a large increase in bird activity to the area.

3.131 The applicant is to note that 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. Species which provide a food supply in the form of fruits, nuts and berries should not be used on site in quantities greater than 10%. This should be conditioned as part of the planning permission.

3.132 Solar PV panels are proposed across the roofs of a significant area of the development. The provision of PV panels can cause safety issues to Aircraft in the form of glint and glare reflecting from sunlight towards pilots. A Glint and Glare Assessment should be conditioned as part of any potential permission to assess the potential levels of glint and glare and mitigation measures proposed.