



North Tyneside Council

Planning Committee

11 February 2022

Dear Councillor,

With reference to the agenda previously circulated for the Planning Committee to be held on Tuesday, 15 February 2022 I attach for your consideration addendums to the planning officer's reports in relation to the following items:

Agenda Item	Page
7. 21/02281/FUL, Land Adjacent to 36 Falkirk, Killingworth	3 - 14
To determine a full planning application from Mrs Jackson for change of use from open space to residential C3 garden space including the erection of a 1.8m fence.	
8. 21/02389/FUL, Whitley Bay High School, Deneholm, Whitley Bay	15 - 22
To determine a full planning application from the Department for Education for demolition of existing school buildings and development of a replacement school building and sports hall, along with car parking, hard and soft landscaping and access arrangements.	
12. 21/00920/FUL, Land At Former Tynemouth Victoria Jubilee Infirmary, Hawkeys Lane, North Shields	23 - 32
To determine a full planning application from Sea Island Developments for proposed 51no. of extra care accommodation, Use Class C2 (Residential Institutions).	

Circulation overleaf ...

Members of the Planning Committee:

Councillor Ken Barrie
Councillor Julie Cruddas
Councillor Margaret Hall
Councillor Chris Johnston
Councillor John O'Shea
Councillor Willie Samuel (Chair)

Councillor Trish Brady (Deputy Chair)
Councillor Muriel Green
Councillor John Hunter
Councillor Frank Lott
Councillor Paul Richardson

ADDENDUM 1 – 11.02.2022

Application No:	21/02281/FUL	Author:	Maxine Ingram
Date valid:	18 November 2021	☎:	0191 643 6322
Target decision date:	13 January 2022	Ward:	Camperdown

Application type: full planning application

Location: Land Adjacent To 36 Falkirk Killingworth NEWCASTLE UPON TYNE

Proposal: Change of use from open space to residential C3 garden space including the erection of a 1.8m fence. (Retrospective)

Applicant: Mrs Jackson, 36 Falkirk Killingworth NEWCASTLE UPON TYNE NE12 6QA

RECOMMENDATION: Minded to refuse on expiry of consultation

Recommendation

Officer comment: The recommendation has been amended from refused to minded to refuse on expiry of consultation.

The applicant has signed Certificate D which advises the Local Planning Authority (LPA) that they do not know the ownership of the land. They are required to publicise the application in the local press. Therefore, the recommendation has been amended to allow for this to be publicised by the applicant.

Representations

Members are advised that a total of 13 representations have been received. To confirm these are as follows:

- One representation from a Ward Councillor.
- Two representations supporting the application.
- Ten representations objecting to the application. Of these 10 representations five were received from two objector's, four from individual objector's and one from outside the administrative boundary of North Tyneside.

Applicant's comments

The applicant has submitted a further statement in response to the committee report. This statement is attached to this addendum.

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Response to Planning officers report

Ref: Application No: 21/02281/FUL – Change of use from open space to residential C3 garden space including the erection of a 1.8m fence. (retrospective)

Background to planning application

December 2014, we moved in to 36 Falkirk and at the point of sale had been advised that the piece of land in question was available if we wished to acquire it. Initially we did not look in to this but after regular anti-social behaviour in the form of dog fouling, drink related litter including broken bottles (broken against our gable end wall) being left at a weekend on a regular basis along with general litter build up and the issue of youths kicking our front door and using the piece of land as a quick getaway we decided to look in to the acquisition of a piece of this grassed area and not the whole of it.

Actions taken in regards to the acquisition.

- Ownership checked via the Land Registry (LR) – land was unregistered.
- Further investigations of the LR documents provided information relating to claiming unregistered land. – Adverse possession rule 5 requires unregistered land being claimed to be fenced off to prevent access to the world at large. It also advised checking with local authority (LA) and any previous known owners to try and find the deed holders of the property as only the deed holders can prevent the adverse possession of land taking place.
- Asked the council strategic property team if they had any ownership information, they confirmed it was not in council ownership.
- Enquired if no owners could be found and under the LR's adverse possession rule 5 what would happen if the land was fenced off? They advised that as the council did not own the land, they would not take any action. The land was not adopted either although there was an historic agreement between Greensit and Barratt and Longbenton Urban District Council where the council agreed they would on completion maintain the public highways and open space within the estate.
- As Greensit and Barratt no longer existed attempts were made to contact Barratts as they superseded Greensit and Barratt. Unfortunately, it took from 2015 until early 2021 to get a response despite the many calls and messages left with them every year in between.
- Barratts confirmed they had no interest in the land but had they an interest they would have happily sold it to us.
- Whilst waiting to speak to Barratts we contacted the council grounds team who had no concerns with us fencing off and maintain the land as our own as it was less for their teams to maintain.
- We also researched the process for acquiring the land in relation to planning, particularly the fence, and found that the information in the National Planning Policy Framework and the local planning policy confirmed that the fence was classed as permitted development. We also looked at the change of use guidance on both sites and despite there being plenty of information and guidance there was nothing relating to changing the use of open space to residential garden space and we were therefore not aware of this being required.
- We also checked both the NT local plan 2017 and the Green Space Strategy 2015 and found that the piece of land in question had no allocations under either and therefore had not been identified as having any value within either document.
- During the erection of the fence no one expressed any concerns however many comments of support were made and have been made since by regular users of the adjacent path. The comments made supported the fence as it, in their minds, tidied up what was a neglected area of grass used by dog owners to toilet their dogs without cleaning up the mess.

- Since the erection of the fence although there is still some littering taking place, the majority has stopped along with the dog fouling and the youths kicking our front door.
- We were visited by the planning enforcement officer after a resident complained to Cllr Alan. The enforcement officer confirmed that we were correct in that the fence was permitted development and was not the problem but he advised we may need a change of use which he would come back to us on.
- The planning enforcement officer contacted us to confirm his previous advice and that we would need to apply for planning permission for the change of use. Please see text copied from his email below.

Good Morning,

Thank you for seeing me on Friday. As discussed on Friday the fence height, in this instance, is not the current issue it is the placement. As it is erected onto open space it would require a change of use for the land.

I have discussed this with the area planning officer and although they have informed me that if a planning application was submitted it is likely that it would be refused from the planning department. However, this does not removed your right to submit plans and appeal the decision.

Therefore, this would now require either plans to be submitted to obtain permission, although we have advised our current view on the development or the fence would need to be removed and the land reinstated to its previous state.

If you have any further questions please do not hesitate to contact me. Please think about the options provided and inform me of your decision.

Thank You

Nathan

Nathan Millin
Planning Enforcement Officer
Planning



- After further emails between ourselves and Mr Millin we applied to planning for a change of use to the portion of land outlined in the planning application.
- The Strategic Property Team sent a letter asking that we removed the fence however when I advised we were dealing with planning on the matter we received no further letters.
- All due diligence has been undertaken during our research over the course of the time we had lived at 36 Falkirk, 2014 onwards, up to the erection of the fence in April 2021. Therefore, we came to the conclusion to acquire this land to reduce the negative impacts it was having on our quality of life and the wider communities, some of whom have complained to NT about the dog fouling around this location. The acquisition was lawful and in line with the LR's rules for the adverse possession of unregistered land.

Response to planning Officers report

After reviewing the report and taking in to account the officer's comments and recommendations our response is as follows.

The report raises 3 main issues that are repeatedly raised throughout the reported and are as follows, Design/Character, Visual Amenity and Physical amenity along with other matters.

The report seems to put great emphasis on the fence itself which we have already been advised by planning enforcement is permitted development, evidenced by the text copied above from an email we received and therefore is not the main issue here rather the application for a change of use of the space. Never the less we will endeavour to provide a response to each of the identified issues raised in their own right.

The consultation process did not receive a great number of comments from members of public with the comments against coming from only 4 different families one of whom lives down south, but there were 2 supporting comments one from a resident who has an actual view of the land in question unlike any of the complainants. However and most importantly the impartial professional expert internal consultees who make their comments with regard to the planning policies, both national and local, did not disagree with the application and saw no detrimental impact with regards to our application for a change of use or the fencing which has been erected.

Design/Character

It is alleged that the design of the fence is incongruous, not in harmony or keeping with the surroundings but we disagree as the rear boundary fences throughout the estate are of similar design although there are plenty of variations also. This has been identified in the report and the rationale is that this was the design of the original boundary treatments, however as this was in the early seventies it can also be argued that there is no original fencing left on the estate and therefore it cannot be evidenced that this is indeed the case and is merely speculation. You only need to look at the adjacent fencing of Flodden (over 7 feet tall directly opposite this piece of land) and the rear fencing of our neighbours from numbers 22 to 48 including our own rear fence to see that it is of similar design and in keeping with the existing boundary treatments. It has also been stated in 8.17 "Such Boundary treatments, adjacent to footpaths, would not be supported today as they result in poor design that detracts from the public realm".

We would like to bring the committee's attention to just a few recent planning applications, one of which, is located in our street. These examples show that the comment made is contradictory to the decisions which are actually being made bringing in to question the consistence of the implementation of the planning policies.

26 Garth Twenty-Four, Killingworth.

21/01218/FUL – Change of use from open space to enclosed garden space including the erection of 1.8m fence. Application permitted 21/07/21.

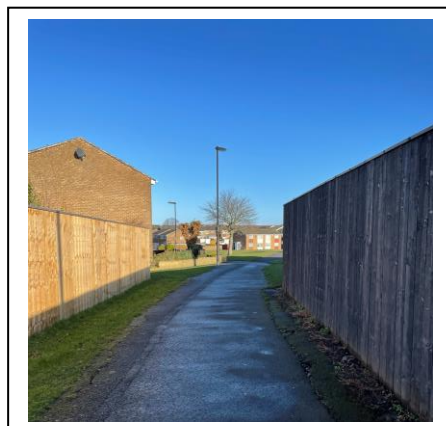


13 Falkirk, Garth Sixteen, Killingworth.

Application 21/01895/FULH - Erection of fence along the eastern boundary of the property with gated vehicular access to the garage at rear and pedestrian access to the front elevation.
Application permitted 29/09/21.



It has also been stated that the design has a detrimental impact on the natural light and street lighting posing a safety issue. Due to the location of the street lighting, east of the fence and the fact that the sun also rises in the east, the direction in which the properties gable end faces the shadows are in fact cast within the enclosed area from both and not the public realm. The Location is very well lite both day and night and not effected by the fence. Please see photo's below to evidence this.



I think it pertinent at this point to address the misleading information stated within one of the comments which were made in relation to an attempted mugging. The act actually took place at the entrance of the estate on the main road 80m away from our property, the map below shows the location.



A – 36 Falkirk fence

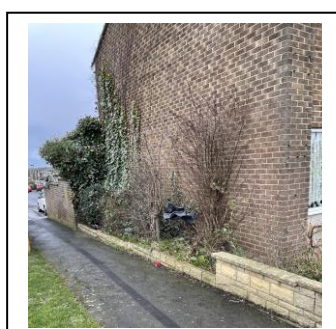
B – Location of attempted mugging

C – Route victim took

Visual amenity

The land in question is not allocated in the NT Plan or Green Space Strategy with the assumption that it provides no specific benefit to either the local community or the natural environment. It is therefore argued that the land being used in a different capacity to incidental open space will increase the quality of the land itself and provide increased ecological benefit through garden planting. There is no loss of visual amenity of the land as it is argued that the erection of the fence has actually hidden the unappealing brickwork gable ends of both 36 Falkirk to the south of the site and 38 Falkirk to the North of the site and does not impede any views to the north east, east or south of the site.

Photo's below show the gable end of both properties and the condition of the grass.



The design and construction of the fence are of a high quality and in keeping with the character of the surrounding boundary treatments.

The fence is a continuation of the existing rear fence of the property and in keeping with the front fence and if approved will be tret with the same colour fence preservative as the front fence and the adjacent fencing of neighbouring properties.

The boundary treatment design is in keeping with the surrounding boundary treatments of adjacent properties and properties throughout the estate including the recently afore mentioned permitted application at 13 Falkirk.

The views have not been impeded as you walk past as can be seen above in the lefthand picture which clearly shows the fence sits in line with the gable end of number 38 and does not protrude beyond it in to the view of the field. The fence line directs your eyesight towards the field rather it be drawn to the gable end of number 38 as previously. It is the same walking south on the way to the main road and subway with the fence line staying tucked in against the gable end of 36 and not protruding in to the view of the grassed area or obscuring the pathway. It is alleged that the fence has also impeded the use of the path running along the north of the site but there has been no encroachment over the path here either, this can be seen in the pictures provided above also.

Physical amenity

The area of fenced land has not been used by anyone during the period of time in which we have resided at 36 Falkirk, some 7 years now, and friends on the estate have also confirmed this piece of land was not used by anyone prior to us moving in either. The site also has a steep gradient falling away approximately 1 meter over 8 meters to the northern end of the site making it awkward to undertake any activities on. The land also represents only 0.003% of the available grassed open space on the estate excluding the grassed areas which surround the estate adjacent to the main road. The enclosed land is located within 20m of a large field and other open spaces which are heavily used by residents and appropriate for activities such as football etc.

Map below shows the location of the land in question and its relationship to the surrounding area.



The photo above shows the readily available grassed open space providing physical amenity on the estate; however, we have left a 1 metre strip and area of grass to the east of the fence to maintain a synergy with the surrounding area and wider green infrastructure as shown in the photo below.



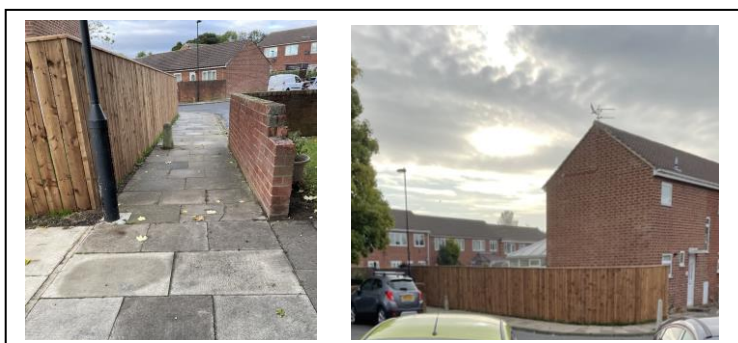
The aerial photographs in the officer's report do not provide sufficient detail to be able to determine if the grass was in a well-maintained state or not. The council cuts the grass 12 times per year when weather permits and in between it can get quite long although the condition of the land is not that good either, please see photo above which shows its condition. Since the erection of the fence, we have taken on the grass cutting to the grass buffer strip etc. left to the outside of the fence on a regular basis as required and have continued to maintain the grassed area inside the fence also. However, we have undertaken no other works to the area inside the fence until we know the outcome of application.

I would also like to point out that other applications of a similar nature that have enclosed both incidental and allocated open space with similar boundary treatments have been approved.

I refer to the specific following applications but there are many more throughout the borough some of which I have listed below also. The planning applications below clearly show that the comments relating to setting precedents are unfounded as precedents under the local plan have already been set on a regular basis.

126 Garth Twenty-Four, Killingworth.

21/01218/FUL – Change of use from open space to enclosed garden space including the erection of 1.8m fence. Application permitted 21/07/21.



1 Bannockburn Killingworth

14/00365/FUL – Change of use from public open space to private garden area for 1 Bannockburn (Re-submission) Application permitted 28/04/14.



32 Sam's Court, Dudley.

20/01280/FUL Change of use from open space to enclosed garden space including the erection of 1.8m fence. Application permitted 21/07/21.



20/01849/FUL - Rebuilding a timber fence with brick piers, to match existing boundary treatments, to provide a larger garden space. (Resubmission) application permitted 18/12/20.

20/01840/FUL - Change of use from public open space to Residential C3 garden space. Application permitted 21/12/20.

16/00036/FUL - Change of use to form extension to existing garden space including the repositioning of boundary fence. Application permitted 14/03/16.

08/00311/FUL - Retrospective planning consent for a change of use of land to use as garden space (Amended description 02.04.2008). Application permitted 14/04/08.

20/01959/FUL - Retrospective enclosure of public open space. Change of use to garden. Application permitted 18/01/21.

20/00260/FUL - Change of use from educational open space to private garden area. Application Permitted 27/04/20.

20/02025/FUL - Change of use of land adjacent to property for private garden purposes. Application permitted 08/02/21. (Conservation area?)

There has also been comments made referencing sections of the North Tyneside Local Plan DM 5.2 and 5.3, however as the land has no allocations within this plan it therefore cannot be used as terms of reference in this case.

Other matters

The objections received are not using the planning policy to provide impartial responses and are based on personal preferences from only 4 different families and weighted with a heavy personal bias against the application and should therefore not be used for informing the decision. The objections rather than the application for a change of use are directed towards the fence which I have been advised by planning is permitted development (text from email copied below for clarity) and therefore we believe does not require planning permission. The fence was included as part of the application to provide a fuller picture of the situation.

Good Morning,

Thank you for seeing me on Friday. As discussed on Friday the fence height, in this instance, is not the current issue it is the placement. As it is erected onto open space it would require a change of use for the land.

I have discussed this with the area planning officer and although they have informed me that if a planning application was submitted it is likely that it would be refused from the planning department. However, this does not removed your right to submit plans and appeal the decision.

Therefore, this would now require either plans to be submitted to obtain permission, although we have advised our current view on the development or the fence would need to be removed and the land reinstated to its previous state.

If you have any further questions please do not hesitate to contact me. Please think about the options provided and inform me of your decision.

Thank You

Nathan

Nathan Millin

Planning Enforcement Officer

Planning



The objectors have also alleged of gatherings of youths since the fence was built. This however is not the case and nor has been the case either over the 7 years we have resided here. The only issue we have had with youths in association with this land was with those who kept kicking our front door and escaping over the land to the side of our property. Behaviour which was causing my daughters fear and apprehension in case the door opened when they were home alone. Since the erection of the fence this behaviour has only occurred once with the individual almost being caught as he had to exit through the front garden gate. The dog fouling has also stopped along with the drink related debris although there is still occasionally beer cans left which we presume are littered by passer's by as there is no accumulations as before.

Conclusion

We believe the change of use of the land and the associated permitted development 1.8m fence is acceptable as it does not result in a loss of any publicly used or usable space. Neither does it impact on the visual amenity or the character of the surrounding area as it harmonises and is keeping with the surrounding boundary treatments and recent approved nearby planning applications. The current amenity grass has no ecological benefit but this will be increased and benefit from the introduction of garden planting providing a better link between the areas of wildlife corridor located nearby.

ADDENDUM

Application No: 21/02389/FUL
Date valid: 23 November 2021
Target decision date: 1 February 2022

Author: Julia Dawson
☎: 0191 643 6314
Ward: Monkseaton North

Application type: full planning application

Location: Whitley Bay High School Deneholm Whitley Bay Tyne And Wear NE25 9AS

Proposal: Demolition of existing school buildings and development of a replacement school building and sports hall, along with car parking, hard and soft landscaping and access arrangements

Applicant: Department For Education, C/o Agent

Agent: Lichfields, Mr Andrew Darby Saint Nicholas Building Saint Nicholas Street Newcastle Upon Tyne NE1 1RF

RECOMMENDATION: Minded to grant on expiry consultation

REPRESENTATIONS

5no. additional representations have been received of which 2no. are objections and 3no. are neutral (representations). The issues raised are as set out in the recommendation report, apart from the following additional matter:

- My position is neutral as I can't help but feel that much of the existing facilities are fit for purpose (albeit certain elements requiring refurbishment). However, I am supportive of the NZCiO strategy and BAMs commitment to embodied carbon. I object to the proposed demolition of the existing sports hall on the east of the site. I believe that this building is fit for purpose and demolition, its location does not interfere with the wider proposed building layout and its demolition and subsequent new construction will result in significant and unnecessary embodied carbon emissions.

- It is also not clear what (if any) BREEAM rating is targeted. I would be astounded and wholeheartedly disappointed if there is no target (I would expect Excellent as a minimum). If there is no such certification target, then I would strongly object to this application.

- The biodiversity net gain performance is positive, but I feel that the proposals could be more ambitious on this front.

EXTERNAL CONSULTTEES

Sport England

Sport England does not wish to raise an objection to this application as it is considered to meet exception 4 of the above policy. The absence of an objection is subject to the following conditions being attached to the decision notice should the local planning authority be minded to approve the application:

1)The new playing field and pitch shall be constructed and laid out in accordance with the STRI consultant's report no J003416 and with the standards and methodologies set

out in the guidance note "Natural Turf for Sport" (Sport England, 2011), and shall be made available for use in accordance with the timescale set out in the STRI report unless otherwise agreed in writing with the LPA

Reason: To ensure the quality of pitches is satisfactory and they are available for use within the best achievable timescale and to accord with NPPF para 99

2) Use of the development shall not commence until a scheme for the management and maintenance of the new playing field drainage, including a management and maintenance implementation programme, shall be submitted to and approved in writing by the Local Planning Authority [after consultation with Sport England]. The playing fields shall thereafter be managed and maintained in accordance with the approved scheme.

Reason: To ensure the quality of pitches is satisfactorily established

3) Use of the development shall not commence until a community use agreement prepared in consultation with Sport England has been submitted to and approved in writing by the Local Planning Authority, and a copy of the completed approved agreement has been provided to the Local Planning Authority. The agreement shall apply to the new and existing school sports facilities and include details of pricing policy, hours of use, access by non-school users, management responsibilities and a mechanism for review. The development shall not be used otherwise than in strict compliance with the approved agreement."

Reason: To secure well managed safe community access to the sports facilities, to ensure sufficient benefit to the development of sport.

Informative: Guidance on preparing Community Use Agreements is available from Sport England. <http://www.sportengland.org/planningapplications/>

Should conditions recommended above not be imposed on any planning consent, Sport England would consider the proposal to not meet exception 4 of our playing fields policy, and we would therefore object to this application.

INTERNAL CONSULTEES

Biodiversity and Landscape Officers (joint response)

1.0 Introduction

The site is located within the existing Whitley Bay High School. The application site is approximately 6.4 hectares comprising of mainly of two-storey buildings with associated playing fields, outdoor spaces and car parking. Valley Gardens Middle School and associated playing fields, outdoor spaces and car parking are immediately adjacent to the west of the site. To the east lies a public footpath and Churchill Playing Fields - an outdoor sporting facility which comprises of grass playing pitches (football and cricket), athletics tracks, tennis courts and children's play area. To the south lies a residential area including allotments.

The existing school blocks are made-up of a range of buildings varying in age and condition which are clustered on the site around the main teaching block, which provides the majority of the school's accommodation.

There is a Public Right of Way (PROW) that runs through the site which begins at Monkseaton Drive to the north joins Denholm to the south west corner. Currently vehicular site access is via Denholm to the south of the site.

The application is for the demolition of existing school buildings, design and build of a new teaching and sports block, along with associated external works and sport pitch replacement.

The site is located within open space and located within a wildlife corridor as defined by the Local Plan. Therefore the following Local Plan policies are relevant to this application:

- Policy DM6.6 Protection, Preservation and Enhancement of Heritage Assets
- Policy DM5.7 Wildlife Corridors
- DM5.2 Protection of Green Infrastructure
- S5.4 Biodiversity and Geodiversity
- DM5.5 Managing effects on Biodiversity and Geodiversity
- Policy DM 5.9 Trees, woodland and hedgerows

2.0 Ecological Impact Assessment (EclA)

An EclA has been submitted which includes a walkover survey of the site undertaken in Feb 2021 and bat activity survey on 7th May 2021. The results of the survey show that the site is dominated by school buildings and amenity grassland, with hard standing, tall ruderal/scrub, ornamental planting, and some trees along the northern boundary and scattered through the site. Overall, the site is considered of up to local value for the habitats it supports. A short Cotoneaster hedge lies on the southern boundary and Japanese rose was recorded within ornamental planting to the east; both species are listed as invasive, non-native on Schedule 9 of the Wildlife & Countryside act 1981 (as amended).

The buildings on site were considered to be of low or negligible suitability for bats. No evidence of a roost was recorded during the May 2021 survey. The site is considered of up to local value for nesting birds and hedgehog. Other species are likely to be absent.

The Report identifies a number of mitigation measures to address any impacts associated with the scheme. These should be conditioned as part of any planning approval.

3.0 Biodiversity Net Gain (BNG) Assessment

An updated BNG Assessment and Metric 3.0 calculation (E3 Ecology Feb 2022) has been submitted by the applicant along with updated landscape proposals (General Arrangement Overview plan DWG No. 5480-OBE-XX-XX-DR-L-001 Rev 03 and Planting Strategy DWG No. 5480-OBE-XX-XX-DR-L-051 Rev 03)

The Biodiversity Metric 3.0 calculation sets out baseline habitats within the school site, the extent of habitat that will be retained and lost and post development habitat creation. Habitat creation proposed within the site includes species rich grassland, bioswales with species rich damp grassland, amenity grass, mixed native scrub and hedgerows and 77no. trees. On-site baseline habitats for the site provide 19.77 habitat units (HU) and post-development landscaping within the site will provide 23.29 units for habitats, and 0.67 units for hedgerows. This equates to a net gain of 17.81% in habitats and 100% net gain in hedgerow which meets local and national planning policies in relation to net gain.

The landscaping proposals referenced in the BNG Assessment must be correctly implemented and managed through a 'Landscape and Ecology Management &

Monitoring Plan' (LEMMP) which will be secured via a condition attached to the application. The LEMMP will cover a minimum period of 30 years and identify the parties responsible for achieving the necessary post-development habitat conditions referenced in this document. The LEMP will also include monitoring of the success of habitat creation/enhancement measures and identify contingency measures to address any failures.

4.0 Tree Survey

An Arboricultural Survey, Arboricultural Impact Assessment, Arboricultural Method Statement and Tree Protection Plan has been submitted by Elliot Consultancy Ltd in accordance with British Standard 5837:2012 'Trees in Relation to Design, Demolition & Construction'. Tree cover within the site is mostly limited to trees on the present boundaries, with occasional small trees within the grounds themselves and within the central courtyard of the existing main building.

The impact of the development on trees and existing landscape features are:

- Loss of trees due to the construction of the new layout
- Damage to trees during the construction process
- Damage to trees during installation of utilities
- Damage to trees following construction due to landscaping

Trees 1-6, 13, 17-24, and 36-48 (28 trees in total) require removal to allow construction and to provide adequate clearances to new buildings. The trees are a mix of species including Laburnum, Swedish whitebeam, Cypress, pear, cherry, hawthorn, birch, and rowan. There are 13no. cypress trees to be removed and have all been categorised under BS 5837 as category C trees. Of the remaining trees to be removed 9no trees are category B and 6no trees are category C trees.

Trees 1-6 are all small trees located within a raised bed within the central courtyard of the existing main building which is to be demolished so any retention of these trees is impracticable. T13 is a small Silver Birch (category B) also to be removed although it is considered to have low arboricultural impact and any minor visual impact will be masked by the retained adjacent trees. Trees 17-24 are all Cherry trees located along the northern boundary to Monkseaton Drive. Unfortunately, these trees along with the linear line of conifer trees (T36 to 47) have been removed. Tree 48 is a mature Sycamore with a significant section of basal decay and compromised structural integrity which was classified as a Category U tree that requires removal in the interest of safety.

None of the trees are protected by a TPO or located within a conservation area, however trees are an important feature in urban environment and make a significant contribution to the character and quality of our landscape. The importance of retaining and protecting trees in the landscape is now recognised as playing an important role in absorbing and storing carbon emissions as well as providing screening, filtering traffic noise and absorbing dust and other pollutants. Trees are also important for biodiversity providing valuable habitat for a range of species including breeding birds, commuting and foraging bats and a range of invertebrates and amphibians.

Therefore, the development should, in the first instance, seek to retain, preserve and protect any existing healthy tree structure as first consideration in any design. Unfortunately, this proposal looks to remove a very large number of category B trees

and on a recent site visit it was noted that the majority of the category B trees along the northern boundary of the site had already been removed.

Details of the protective fencing to retained trees has been provided within the Tree Protection Plan (Appendix 7). Section 5.5 of the reports also includes the appointment of a delegated site representative at the beginning of the construction phase, who shall be responsible for checking the protective fencing to ensure it remains compliant with the exclusion zone

5.0 Drainage Strategy

A proposed drainage plan (079553 CUR XX XX DR C 92002 P04) has been submitted which shows that new drainage runs will impact on retained trees (north eastern corner of the site). As detail of the impacts have not been considered in the AIA, details will need to be submitted to include how new drainage runs or construction works for the SUD's area will be installed without impacting on retained trees. This information can be provided on condition.

6.0 Lighting Strategy

The Proposed Lighting Scheme indicated on DWG No. D44205/RD/B (10 November 2021) is broadly acceptable as it minimises light spill to around 1 to 2 lux adjacent to sensitive habitat areas along the northern and eastern boundaries and adjacent to tree planting areas as recommended within the Ecological Impact Assessment (EcIA) Report.

7.0 Landscape Plans

A 'General Arrangement Overview' plan (DWG No. 5480-OBE-XX-XX-DR-L-001 Rev 03) and 'Planting Strategy' (DWG No. 5480-OBE-XX-XX-DR-L-051 Rev 03) have been submitted to support the application. These plans indicate the locations of new habitats, trees and ornamental planting that will be delivered as part of the scheme to meet the requirements of biodiversity net gain. The Planting Strategy indicates specifications for tree, hedge and wildflower planting with standard trees specified as extra heavy standards. Some trees e.g *Quercus cerris*, indicated as a specimen native tree, will need to be replaced as this is not considered to be native and should be replaced with either *Q. robur* or *Q. petraea*. This can be addressed by way of a landscape condition that requires details to be submitted to the LPA for approval.

8.0 Conditions

- All lighting will be undertaken in accordance with the details provided within the External Lighting Statement (Ref:108638-BMD-00-XX-RP-E-48700 – Nov 2021); Proposed Lighting Scheme (DWG No. D44205/RD/B Nov 2021) and Proposed External Lighting Strategy 108638-BMD-ZZ-00-DR-E-40901-P02. Any changes to the lighting will be submitted to the LPA for approval prior to installation.
- All building works will be undertaken in accordance with the Bat Method statement In Appendix 3 of the Ecological Impact Assessment (EcIA) Report (E3 Ecology Nov 2021)
- 10 no. integrated bird nesting and bat roosting features (5 of each) will be provided in the new buildings on site. Details of the locations and specifications of the features will be submitted to the LPA for approval within 4 weeks of development commencing on site and will be implemented in accordance with the approved plans.
- 10 no. bird and bat boxes (5 of each) will be provided on suitable trees within the site. Details of the locations and specifications of the boxes will be submitted to the LPA for

approval within 4 weeks of development commencing on site and will be implemented in accordance with approved plans prior to the completion of the scheme .

- No vegetation removal or building works 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.
- Hedgehog gaps (13cmx13cm) will be provided within any new boundary fencing associated with the scheme. Details will be submitted to the LPA for approval prior to the installation of the fencing.
- 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 Report & Biodiversity Metric (E3 Ecology February 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. All hard and soft landscape works shall be carried out in accordance with the approved details and to a standard in accordance with the relevant recommendations of British Standard 8545:2014. Any trees or plants that, within a period of five years after planting, are removed, die or become seriously damaged or defective, shall be replaced with others of species, size and number as originally approved, by the end of the first available planting season thereafter.
- Details of hedgehog hibernacula/habitat piles will be identified on the detailed landscape plan submitted to the LPA for approval within 4 weeks of works commencing on site.
- 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 Assessment Report & Biodiversity Metric (E3 Ecology Feb 2022) and shall be implemented on site prior to the occupation of any new buildings 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 timescales, management responsibilities and regular Net Gain Assessment updates that include habitat condition assessments to evidence the success of the scheme and net gain delivery. Details of any corrective action that will be undertaken if habitat delivery fails to achieve the requirements set out in the approved Biodiversity Net Gain Report will also be provided.

- A Construction Method Statement/Construction Environmental Management Plan (CEMP) including methods to remove invasive species from the site will be submitted

to the Local Planning Authority for approval prior to development commencing. The contractors 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 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 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. All works will be undertaken thereafter, in accordance with the approved plan.

- Within 4 weeks of any of the development hereby approved commencing on site detailed drainage plans, including details of ditches, swales and attenuation ponds shall be submitted to and approved in writing by the Local Planning Authority. Details shall include profiles, cross sections and planting of SuDs features. Any ditches, swales or attenuation ponds shall be designed to provide ecological benefits, including appropriate native planting agreed 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 commencement of works starting on site, the trees within or adjacent to and overhang the site that are to be retained are to be protected by fencing and in the locations shown and detailed in the Tree Protection Plan submitted by Elliot Consultancy Ltd unless otherwise agreed in writing by the Local Planning Authority. No operational work, site clearance works or the development itself shall commence until the fencing is installed. The protective fence shall remain in place until the works are complete or unless otherwise agreed in writing with the Local Planning Authority. The protective fence is NOT to be repositioned without the approval of the Local Authority. Photographic evidence of the fence in place is to be submitted to allow discharge of this condition.
- All works to be carried out in accordance with the submitted Arboricultural Impact Assessment, Arboricultural Method Statement and Tree Protection Plan submitted by Elliot Consultancy Ltd and within the guidelines contained within BS5837:2012 and NJUG Volume 4. The AMS is to form part of the contractors method statement regarding the proposed construction works.
- No development or other operations shall commence on site until detailed plan showing services, drainage on site and off site and lighting that require excavations, which provides for the long term protection of the existing trees on the site and adjacent to the site has been submitted to and approved in writing by the Local Planning Authority. The layout shall demonstrate that any trenches will not cause damage to the root systems of the trees. Thereafter the services and drainage layout shall be implemented in accordance with the approved details unless approved in writing by the Local Planning Authority. Any excavations within the RPA (for example kerb edging, excavations) are not acceptable unless approved by the LPA prior to any works being undertaken and are to be undertaken by hand or suitable method such as an air spade.

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ADDENDUM 10.02.2022

Application No:	21/00920/FUL	Author :	Rebecca Andison
Date valid:	29 March 2021	☎:	0191 643 6321
Target decision date:	28 February 2022	Ward:	Riverside

Application type: full planning application

**Location: Land At Former Tynemouth Victoria Jubilee Infirmary
Hawkeys Lane, North ShieldsTyne And Wear**

**Proposal: Proposed 51no. of Extra care accommodation. Use Class C2
(Residential Institutions)**

Applicant: Sea Island Developments, Mr Mark Walton, 101 Percy Street,
Newcastle-upon-Tyne, NE1 7RY

Agent: JDDK Architects, Mr Oliver Hopwood, Jane Darbyshire & David
Kendall Ltd, Millmount, Ponteland Road, NEWCASTLE UPON TYNE, NE5
3AL

RECOMMENDATION: Minded to grant legal agreement req.

1.0 Biodiversity Update

1.1 As set out in paragraph 11.15 of the Officer Report the development results in a net habitat loss of 3.92 units (92.39%), which cannot be sufficiently off-set within the site.

1.2 To mitigate this loss the applicant has agreed to make a financial contribution of £46,368 towards off-site habitat creation, management and monitoring for a period of 30 years within the Rising Sun Country Park Farm. This would deliver a biodiversity net gain of 4.21%.

1.3 It is officer opinion that, subject to this contribution and the additional conditions recommended by Biodiversity Officer and Landscape, the proposal would avoid having an adverse impact in terms of landscaping and ecology, and therefore accords with the advice in NPPF, Policy DM5.5 and policy DM5.9 of the Local Plan.

2.0 Additional Consultee Comments

2.1 Landscape Architect and Biodiversity Officer

2.2 The application site is located to the east of Hawkeys Lane, North Shields and consists of approximately 0.4 - 0.5ha of brownfield land that supports

semi-improved grassland and trees/scrub. A new Aldi store has planning approval to the south of the site. The proposal is for an extra care housing development of 51 apartments.

2.3 The following Local Plan Policies are relevant to the application:

- S5.4 Biodiversity and Geodiversity
- DM5.5 Managing effects on Biodiversity and Geodiversity
- DM5.9 Trees, Woodland and Hedgerows

2.4 Paragraphs 170, 174 & 175 of NPPF (National Planning Policy Framework) are also relevant to this application.

2.5 Preliminary Ecological Assessment (PEA)

2.6 The PEA states that without appropriate avoidance measures, mitigation and/or compensation, the impacts of the scheme will result in: -

- The loss of an area of semi-improved neutral grassland considered to be of local value for ecology.
- Harm to hedgehog should they be present within the site;
- Harm to nesting birds should vegetation clearance take place during the bird nesting season (March to August inclusive).
- The spread of invasive species, namely snowberry and cotoneaster during site clearance.
- The low risk of the loss of habitat used by dingy skipper butterflies

2.7 Avoidance and mitigation measures are therefore set out in Section 6 of the Report to address these impacts and should be conditioned as part of the application.

2.8 Biodiversity Net Gain Assessment

2.9 The BNG Assessment (January 2022 OS Ecology) indicates that with on-site landscaping, there will be a net loss of 79.33% in habitat and a 100% gain in hedgerow units. In order to achieve an overall net gain in habitats in accordance with local and national policy, off-site compensation is proposed on an area of grassland within the Rising Sun Country Park Farm.

2.10 Approximately 0.6ha of modified grassland will be enhanced which will result in an overall net gain for the scheme of 4.21%. The off-site compensation will be delivered by the LPA and an appropriate S106 contribution has been agreed with the applicant for the enhancement and ongoing management of this area for 30 years.

2.11 Conditions will need to be attached to the application to ensure an updated landscape plan is provided for approval that is in accordance with the updated BNG Assessment (OS Ecology January 2022) as well as a 30 year Landscape and Ecological Management & Monitoring Plan (LEMMP).

2.12 Tree Survey Information

2.13 An arboricultural Impact Assessment, Method Statement and Tree Protection plan by All About Trees (May 2021) has been submitted and the

trees within the site have been assessed according to BS 5837:2012 'Trees in relation to construction – Recommendations'.

2.14 There are no restrictions protecting the trees within the site. The site is not within a Conservation area and there are no TPOs imposed on any trees within the site. Tree group 6 is located outside of the site boundary and within the gardens of Beech Court and are protected by a TPO 'The Chase North Shields TPO 1992'.

2.15 The site was previously Tynemouth Court (located in the south west of the site) which was demolished in August 2017. Following demolition, the site has been levelled and a variety of young saplings have emerged. The remainder of the site is open space, covered by a variety of pioneer species and which has not been used for a number of years. The site is relatively flat with no apparent drainage issues.

2.16 The AIA covers a wider site area but only trees 30, 31, 32, 33, 35, 36, 37 and 38, hedge 1, and groups 6 and 8 are relevant to this site. It will be necessary to remove tree group 8 to facilitate the construction of the new buildings and associated infrastructure. This tree group comprises of Lilac, laburnum, goat willow, holly, silver birch, apple, buddleja, sycamore, hawthorn and has been categorised under BS 5837 as category C, i.e trees of low quality with an estimated remaining life expectancy of at least 10 years.

2.17 The AIA details protective barriers (section 5.1) which is to be installed around all retained trees and is shown on the Tree Protection Plan. Temporary access and a seating area will be required within the RPA adjacent to group 6. Details for the installation of a 'no-dig' path have been included in the report.

2.18 By installing the protective elements as described in the report, no significant damage on retained trees should take place during the construction phase and it is anticipated that all of the retained trees can be incorporated into the site design.

2.19 The AIA highlights that no new utility runs should be located within any of the retained trees RPA's. Any works to create new utility runs or to existing utilities must be undertaken with regard for the retained tree cover and be in accordance with NJUG (National Joint Utility Groups) guidelines. Details of this to ensure impacts on retained vegetation can be covered by a condition.

2.20 Landscape Plans

2.21 The Landscape Strategy Plan (Dwg No. 1566-1-1) indicates a scheme with specimen trees, ornamental shrubs, native hedges, wildflower turf and rain garden planting. A detailed landscape plan and landscape specification will need to be submitted for approval via a planning condition that is in accordance with the updated BNG Assessment calculations submitted by OS Ecology (January 2022).

2.22 Conditions

- 10no. bird boxes and 10no. bat boxes will be installed in accordance with the details on the 'Bird & Bat Mitigation Plan' (OS Ecology Project Ref. No: 21135) within 4 weeks of the completion of building development. Bird and bat box specifications will be submitted for approval by the LPA within 4 weeks of development commencing on site.
- High intensity security lights will be avoided as far as practical and if required, these will be of minimum practicable brightness, be set on a short timer and will be motion sensitive only to larger objects. Lighting must be designed to minimise light spill to adjacent boundary features such as woodland, scrub, grassland and hedgerow habitats and should be less than 2 lux in these areas.
- No vegetation removal or building works 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.
- Hedgehog gaps (13cmx13cm) will be provided within any new boundary fencing associated with the scheme. Details will be submitted to the LPA for approval prior to the fencing installation.
- 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°.
- A Construction Method Statement/Construction Environmental Management Plan (CEMP) including methods to remove invasive species from the site will be submitted to the Local Planning Authority for approval prior to development commencing. The contractors 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 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 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. All works will be undertaken thereafter, in accordance with the approved plan.
- 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 Report (OS Ecology January 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. All hard and soft landscape works shall be carried out in accordance with the approved details and to a standard in accordance with the relevant recommendations of British Standard 8545:2014. Any trees or plants that, within a period of five years after planting,

are removed, die or become seriously damaged or defective, shall be replaced with others of species, size and number as originally approved, by the end of the first available planting season thereafter.

- Within 4 weeks of development commencing on site, a detailed 30 year 'Landscape & Ecology Management and Monitoring Plan' (LEMMP) for all landscaping/habitat creation within the application site shall be submitted to and approved in writing by the Local Planning Authority. This plan shall include long term design objectives, management responsibilities, timescales and maintenance schedules for all landscaped, grassed and paved areas. 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. The Plan will include the following:-

- Details on the creation and management of all target habitats identified within the Net Gain Assessment Report (OS Ecology January 2022) and approved Landscape Plan.
- Survey and monitoring details for all target habitats identified within the Net Gain Assessment Report (OS Ecology January 2022). –
- Monitoring Reports will be submitted to the LPA for review in years 3, 5 and 10 and 5 yearly thereafter, and will include a Net Gain Assessment update as part of the report to ensure the habitats are reaching the specified target condition. Any changes to habitat management as part of this review will require approval in writing from the LPA. The Plan will be reviewed every 5 years in partnership with the LPA.
- Details of any corrective action that will be undertaken if habitat delivery fails to achieve the requirements set out in the approved Biodiversity Net Gain Report
- A financial contribution for the delivery of off-site compensation and payment timescales will be agreed with the LPA prior to planning approval.
- Prior to commencement of works starting on site, the trees within or adjacent to and overhang the site that are to be retained are to be protected by fencing and in the locations shown and detailed in the Tree Protection Plan submitted by All About Trees unless otherwise agreed in writing by the Local Planning Authority. No operational work, site clearance works or the development itself shall commence until the fencing is installed. The protective fence shall remain in place until the works are complete or unless otherwise agreed in writing with the Local Planning Authority. The protective fence is NOT to be repositioned without the approval of the Local Authority. Photographic evidence of the fence in place is to be submitted.
- All works to be carried out in accordance with the submitted Arboricultural Impact Assessment, Arboricultural Method Statement and Tree Protection Plan submitted by All About Trees and within the guidelines contained within BS5837:2012 and NJUG Volume 4. The AMS is to form part of the contractors method statement regarding the proposed construction works.
- Any new service installations or service diversions which will impact on the retained trees is to be carried out in accordance with the Arboricultural Method Statement by All About Trees with works being undertaken by hand or suitable method such as an air spade to ensure works will not damage to the root systems of the retained trees. Confirmation of the proposed working method is to be submitted for approval.

3.0 Amended condition

3.1 The following condition is amended to include reference to hedgehog gaps:

Notwithstanding condition 1, prior to occupation of the development details of all screen and boundary walls, fences and any other means of enclosure must be submitted to and approved in writing by the Local Planning Authority.

Hedgehog gaps (13cmx13cm) will be provided within any new boundary fencing associated with the scheme. Thereafter, the development shall not be carried out other than in accordance with the approved details.

Reason: To ensure a satisfactory environment within the development; having regard to policy DM6.1 of the North Tyneside Local Plan 2017.

4.0 Additional conditions

10no. bird boxes and 10no. bat boxes must be installed in accordance with the details on the 'Bird & Bat Mitigation Plan' (OS Ecology Project Ref. No: 21135) within 4 weeks of the completion of building development.

Specifications for the bird and bat boxes must be submitted to and approved in writing by the Local Planning Authority within 4 weeks of development commencing. Thereafter, the development shall not be carried out other than in accordance with the approved details.

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.

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. High intensity security lights must be avoided as far as practical and if required, these will be of minimum practicable brightness, be set on a short timer and will be motion sensitive only to larger objects. Lighting must be designed to minimise light spill to adjacent boundary features such as woodland, scrub, grassland and hedgerow habitats and should be less than 2 lux in these areas. Thereafter, the development shall not be carried out other than in accordance with the approved details.

Reason: In the interest of visual amenity and to ensure local wildlife populations are protected having regard to policy DM5.19 and DM5.5 of the North Tyneside Local Plan (2017).

No vegetation removal or building works 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.

Any excavations left open overnight must 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.

Prior to development commencing a Construction Environmental Management Plan (CEMP) including methods to remove invasive species from the site must 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: This information is required prior to development commencing 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.

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 Report (OS Ecology January 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. All hard and soft landscape works shall be carried out in accordance with the approved details and to a standard in accordance with the relevant recommendations of British Standard 8545:2014. Any trees or plants that, within a period of five years after planting, are removed, die or become seriously damaged or defective, shall be replaced with others of species, size and number as originally approved, by the end of the first available planting season thereafter.

Reason: To ensure a satisfactory standard of landscaping having regard to policies DM5.5 and DM5.9 of the North Tyneside Local Plan (2017).

Within 4 weeks of development commencing on site, a detailed 30 year 'Landscape & Ecology Management and Monitoring Plan' (LEMMP) for all landscaping/habitat creation within the application site shall be submitted to and approved in writing by the Local Planning Authority. This plan shall include long term design objectives, management responsibilities, timescales and maintenance schedules for all landscaped, grassed and paved areas. 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. The Plan will include the following:-

- Details on the creation and management of all target habitats identified within the Net Gain Assessment Report (OS Ecology January 2022) and approved Landscape Plan.

- Survey and monitoring details for all target habitats identified within the Net Gain Assessment Report (OS Ecology January 2022). Monitoring Reports will be submitted to the LPA for review in years 3, 5 and 10 and 5 yearly thereafter, and will include a Net Gain Assessment update as part of the report to ensure the habitats are reaching the specified target condition. Any changes to habitat management as part of this review will require approval in writing from the LPA. The Plan will be reviewed every 5 years in partnership with the LPA.

- Details of any corrective action that will be undertaken if habitat delivery fails to achieve the requirements set out in the approved Biodiversity Net Gain Report

Reason: To ensure a satisfactory standard of landscaping having regard to policies DM5.5 and DM5.9 of the North Tyneside Local Plan (2017).

Prior to commencement of works starting on site, the trees within, adjacent to and overhanging the site that are to be retained are to be protected by fencing in the locations shown and detailed in the Tree Protection Plan submitted by All About Trees unless otherwise agreed in writing by the Local Planning Authority. No operational work, site clearance works or the development itself shall commence until the fencing is installed. The protective fence shall remain in place until the works are complete or unless otherwise agreed in writing with the Local Planning Authority. The protective fence is not to be repositioned without the approval of the Local Authority. Photographic evidence of the fence in place is to be submitted.

Reason: In order to safeguard existing trees, the amenity of the site and locality, and in the interests of good tree management having regard to Policy DM5.9 of the North Tyneside Local Plan (2017).

All works must be carried out in accordance with the submitted Arboricultural Impact Assessment, Arboricultural Method Statement and Tree Protection Plan submitted by All About Trees and within the guidelines contained within BS5837:2012 and NJUG Volume 4. The AMS is to form part of the contractors method statement regarding the proposed construction works.

Reason: In order to safeguard existing trees, the amenity of the site and locality, and in the interests of good tree management having regard to Policy DM5.9 of the North Tyneside Local Plan (2017).

Any new service installations or service diversions which will impact on the retained trees must be carried out in accordance with the Arboricultural Method Statement by All About Trees with works being undertaken by hand or suitable method such as an air spade to ensure works will not damage to the root systems of the retained trees. Confirmation of the proposed working method must be submitted submitted to and approved in writing by the Local Planning Authority prior to the work being carried out. Thereafter, the development shall not be carried out other than in accordance with the approved details.

Reason: In order to safeguard existing trees, the amenity of the site and locality, and in the interests of good tree management having regard to Policy DM5.9 of the North Tyneside Local Plan (2017).

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