

## ADDENDUM

**Application No:** 22/01122/FUL                      Author: Julia Dawson  
**Date valid:** 23 June 2022                      ☎: 0191 643 6314  
**Target decision date:** 22 September 2022                      Ward: Northumberland

Application type: full planning application

**Location: Land At Centurion Park Rheydt Avenue Wallsend Tyne And Wear NE28 8SU**

**Proposal: Full planning application for the erection of 215no. residential dwellings with access, landscaping, sustainable drainage and associated infrastructure (Archaeological Trenching Report uploaded 02.12.22)**

Applicant: Bellway Homes (North East), C/O Agent

Agent: Pegasus Group, Mr Jack Osgerby 3rd Floor Gainsborough House 34-40 Grey Street Newcastle Upon Tyne NE1 6AW

**RECOMMENDATION:** Minded to grant legal agreement req.

### INFORMATION

#### REVISED RECOMMENDATION

***It is recommended that:***

- a) the Committee indicates that it is minded to grant the application; and***
  
- b) the Director of Regeneration and Economic Development be authorised to issue a notice of grant of planning permission subject to:***
  - i) the conditions set out in the planning officers report and addendum;***
  - ii) the addition, omission or amendment of any other conditions considered necessary by the Director of Regeneration and Economic Development, and;***
  - iii) completion of a legal agreement under Section 106 of the Town and Country Planning Act 1990 to secure a financial contribution for the following:***
    - Affordable housing provision***
    - Allotments £21,600.00***
    - Ecology and Biodiversity £41,925.00***
    - Parks and Greenspace £114,421.00***
    - Built Sports Facilities £186,932.00***
    - Play/Multi Use Games Area £150,500.00***

- **Playing Pitches £162,219.00**
- **Primary Education £65,000**
- **Coastal mitigation £32,465.00**
- **Employment and Training £49,000.00**

## ADDITIONAL CONSULTEE COMMENTS

### Biodiversity Officer & Landscape Architect (joint comments)

The application site is for the erection of 215no dwellings (reduced from 233no.) on land at Centurion Park, Rheydt Avenue. The proposed land is approximately 9.6ha and consists of the sports centre and car park to the north east, driving range behind the sports centre to the west and a large area of amenity grass, semi-improved grassland and brownfield land to the south of this area which is currently used for recreation and dog walking. The site also supports hedgerows, scattered scrub and woodland/tree planting within the site. The site boundaries along the north, west and southern boundaries also support tree, woodland and hedgerow planting which appears to be outside of the red line boundary. The site is bounded by Rheydt Avenue and Wallsend Golf Course to the eastern boundary, the golf course to the northern boundary, Benfield School and playing fields to the western boundary and playing fields/Wallsend Boys Club and Kirkley Park to the south. The site is currently accessed via Rheydt Avenue, which leads from the southeast of the site to the northeast along the eastern boundary. This provides access to the Centurion Park Golf Course Club House, Golf Shop and Car Park.

The entire area proposed for development is designated as open space on the North Tyneside Local Plan Policies Map (2017) and is also within a designated wildlife corridor. The site is not allocated for housing within the Local Plan.

The proposed scheme which consists of the development of 215no. dwellings and include the demolition and removal of the existing buildings and structures within the application site. The site contains a number of trees protected by a TPO, which are to be retained, however, the proposal will result in the loss of approximately 10.35ha of designated open space containing habitats within a wildlife corridor as defined by the Local Plan.

With regard to landscape and ecology, NTC have been in discussion with the applicant, developer and agent in order to address design concerns and ensure the best solution in terms of landscape and ecology can be achieved.

The direct impacts associated with this scheme include: -

- The loss of approximately 10.35ha of designated open space and associated semi-natural habitats as defined by the Local Plan.

The potential indirect impacts include:-

- Impacts to a designated wildlife corridor as result of habitat loss and associated disturbance including noise and lighting.
- Impacts to wildlife as result of habitat loss, disturbance and fragmentation of the corridor

- Potential further impacts on existing trees resulting from construction works land level changes associated with the development.
- Impacts to adjacent Local Wildlife Sites and designated Coastal sites from increased recreational activity

The following plans have subsequently been revised and submitted:

- Landscape Masterplan (DWG no: 5962-99-01 Rev L)
- Biodiversity Net Gain Assessment (OS Ecology V9b January 2023)
- Biodiversity metric 3.1 (OS Ecology v13)
- BNG Measurements Plan (DWG No: 5962-91-01Rev F)

The revised landscape plan and associated documentation provides

- A Biodiversity Net Gain (BNG) of 10.83% provided by both on-site and off-site habitat mitigation
- The provision of new and enhanced semi-natural open space areas within the development site of approximately 2.5ha along with 1.147km (1,147 linear metres) of new native hedgerows and 132 urban trees that are calculated to provide 4.8ha of habitat for net gain. In addition 1ha of land is being provided off-site at Wideopen (1ha) to deliver net gain (species rich grassland) and compensate for the loss of open space as a result of the development.

Concerns related to the development include:

- Limited amenity green space provision within the development
- Limited buffer planting to the boundaries (south and west) to provide habitat connectivity
- Loss of hedgerows (shown as UK Priority Habitat) to accommodate the SUDs, drainage and road/footpath widening.
- Disturbance to habitats within the site associated with recreational use, lighting and noise.
- The majority of landscaping within the site being provided is to address net gain requirements. The lack of recreational open space will put pressure on these habitats which are likely to be used as recreational open space areas and subjected to disturbance and degradation. It will also put additional pressure on semi-natural open spaces (Local Wildlife Sites) within the vicinity of the site

### **Ecological Appraisal (EA) Report**

The EA indicates that the site comprises a mosaic of managed and unmanaged grassland interspersed with hedgerows, lines of trees, built development and woodland. Habitats on site are considered to be of local value. The site provides opportunities for bats which were recorded at low levels, with the site considered to be of local value to bats. No roosts were recorded within the club house building. A range of nesting bird species were recorded utilising the scrub and hedgerows and areas of open grassland were considered to provide foraging opportunities, although recreational activity on the site may dissuade usage. Due to the nature of the site and its location, other protected species were considered likely to be absent.

The scheme will result in the loss of habitats of local value within the site including species poor and amenity grassland, sections of native hedgerow, small area of woodland and scrub and some trees. Hedgerows provide valuable and important

habitat for wildlife as breeding, roosting, commuting and foraging habitat, particularly for birds and bats. The Bat Survey (OS Ecology) concludes that lines of trees and hedgerows throughout the site provide commuting routes that link the site to potential roosting opportunities in the wider area and the Breeding Bird Survey (OS Ecology) concludes that woodland, scrub and hedgerows on site provide nesting and foraging habitat for birds and are of greatest value during the breeding season. The site was found to support approximately 58 territories of 22 species some of which are UK Priority Species (Dunnock, Bullfinch, Linnet and Song Thrush) and all of these species were found breeding within the scrub, hedgerow and woodland habitats. The Territory Map shows hedgerows as particularly valuable for breeding birds.

Overall, the impacts of the scheme include:

- Loss of habitats considered to be of local value
- Loss of a building considered to be of low suitability to roosting bats and two considered to be of negligible suitability.
- Low risk of harm/disturbance to bats should they be present at the time of works.
- Loss/degradation of bat foraging/commuting habitat, through an increase in disturbance, habitat loss and lighting.
- Loss of nesting opportunities to a range of bird species, though both direct habitat loss and disturbance.
- Harm and/or disturbance to nesting birds, should works be undertaken in the breeding bird season (March to August inclusive).
- Low risk of impacts on amphibians.
- Impacts on the minor watercourse to the east as a result of increased run off and potential pollution events.
- Secondary impacts on the designated sites in the wider area as a result of increased recreational activity.

These impacts will be addressed by a number of measures that will be conditioned as part of the application, including working method statements (CEMP); an appropriate lighting strategy and appropriate planting and habitat creation on and off-site to mitigate impacts and deliver a biodiversity net gain.

The Ecological Assessment also identifies secondary impacts on designated sites in the wider area as a result of increased recreational activity from the housing scheme and this should be addressed by an appropriate financial contribution (S106) to address ongoing management of these sites in the future. It is understood that a financial contribution for this has been agreed.

The scheme will also result in increased recreational impacts on designated coastal sites, therefore, a financial contribution towards a coastal management scheme will be required in accordance with the LPA's Coastal Mitigation Strategy.

### **Arboricultural Assessment**

The proposed layout will necessitate the removal of nine individually surveyed trees (T33, 43, 35 36, 44, 45 46, 48 and 49), two entire groups of trees (G3 and 12) and sections of two other groups (G9 and G10) and sections of two hedgerows (H2 and H3).

Three individual trees, one group and two hedgerows that would need sections to be removed were classified as Category B. Five individual trees and three groups of trees affected were classified as Category C. One tree that would need to be removed was classified as Category U.

Group 3 and Trees 33-36 would need to be removed to construct proposed plots and roads. Trees 44-46, and sections of Groups 9 and 10 would need to be removed to construct proposed drainage infrastructure. Trees 48, 49 and Group 12 would need to be removed to construct the proposed SUDs basin. Sections of Hedgerow 2 would need to be removed to construct the SUDs basin and access road. A small section of Hedgerow 3 would need to be removed for the maintenance yard access.

The trees to be removed, 3no individual trees (T46(B) Poplar, 45(B) Poplar and 44(C) Poplar, are protected by the TPO.

From an arboricultural perspective, the magnitude of impact from the losses required is considered to be low/moderate and post-development tree planting would assist with mitigating the losses required.

An Arboricultural Method Statement has not been submitted but will be required to ensure that retained trees will be adequately protected.

### **Boundary Treatment Plan**

The submitted 'Boundary Treatment Plan' indicates 2m high security fencing along the eastern and northern boundary and a 6m high section (100m) of netting to address issues with golf balls. This fencing/netting is shown adjacent to existing hedgerows which could impact on retained hedgerows and their associated wildlife. Further details will be required via a suitable planning condition, in relation to the specification and location of the fence/netting to ensure its location does not impact the existing hedgerows adjacent or associated wildlife .

### **Wildlife Corridor**

The site is allocated as open space and is within a wildlife corridor. Planning Policy DM5.7 which states:

'Development proposals within a wildlife corridor, as shown on the Policies Map, must protect and enhance the quality and connectivity of the wildlife corridor. All new developments are required to take account of and incorporate existing wildlife links into their plans at the design stage. Developments should seek to create new links and habitats to reconnect isolated sites and facilitate species movement'.

The Landscape Plan shows some areas of habitat which are being retained (hedgerows and TPO tree groups) enhanced woodland and newly created habitats including native species rich hedgerows, native woodland structure planting, mixed native scrub, SuDs and some species rich grassland. Whilst the areas indicated for habitat creation and landscaping are limited within the site, with a predominance of built development, the habitats being created provide better quality and diversity of habitat within the site benefitting species identified in the ecology report (breeding bird and bats) for use as breeding, foraging and commuting habitat. The majority of habitats are located to the eastern, central and southern areas which, due to limited space, will function for both biodiversity and recreational use and are likely to be

exposed to disturbance as a result of lighting, noise and recreational activity (i.e dog walking) in these areas. The applicant has tried to mitigate this by providing hedgerows and scrub planting to protect some areas from disturbance (e.g around the SuDs area) and a lighting condition can be imposed to ensure lighting adjacent to semi-natural areas is designed to reduce light spill to these areas.

Habitat provision around the western and south-west boundary is limited, where habitats would be less disturbed and provide better connectivity for wildlife, however, the applicant has used what space is available to enhance these boundaries with native scrub and hedgerow to improve connectivity in these areas. The limitations of space within the site for habitat delivery are addressed by providing 1ha (10,000sqm) of neutral grassland habitat on land at Wideopen to provide an overall biodiversity net gain of 10% as part of the scheme. The land at Wideopen is also within a designated wildlife corridor and the enhancement of this area will benefit the wildlife corridor in this location and provide additional habitat for wildlife

### **Net Gain/Biodiversity Metric**

Biodiversity net gain for the development will be delivered off-site on 1ha of agricultural land at Wideopen as well as on-site as part of the scheme. The applicant has amended landscape plans to provide better quality habitats within the site (increased native woodland, scrub and wildflower grassland) and has designed some areas to protect landscaping from increased disturbance (i.e around the SuDs area). Additional small areas of planting have been provided along the western and south-west boundaries, to enhance existing landscaping and improve connectivity along these boundaries and 132no. native trees will be provided in areas of open space throughout the site. The information submitted shows that a biodiversity net gain of 10.83% will be achieved as part of the scheme through both on and off-site habitat creation and the habitats being created, if managed and maintained appropriately in the long term, will be more diverse and provide better-quality habitats on both sites. The land at Wideopen is also within a designated wildlife corridor that is connected to mature woodland and local wildlife sites (sacred heart fen and Weetslade country park) and the enhancement of this area with species rich grassland planting will benefit the wildlife corridor in this location and provide additional habitat for wildlife.

A BNG Measurement Plan has also been submitted and updated showing areas of new and enhanced habitat within the site to meet the requirements of biodiversity net gain. This shows the locations and extent of both retained and enhanced habitat as well as proposed new biodiversity habitat within the site.

### **Landscape Plan**

The revised Landscape Masterplan (DWG no: 5962-99-01 Rev L) includes native woodland and scrub, wildflower grassland, native hedgerows, and a SuDs area that contains wet grassland, scrub and hedgerows. Plans have also been amended to include additional planting along the south-west, western and northern boundaries to strengthen boundary planting and provide improved connectivity as well as additional hedgerow trees and boundary planting around the SuDs to reduce disturbance to this area. The masterplan also shows that a large number of standard tree planting will be incorporated within the curtilages of the properties and within open space areas. Section 131 of the NPPF ensures that new streets are tree-lined and although these

are not included in the highway as required by the NPPF, the trees will provide a 'tree lined' effect in the streetscape.

### **Open Space**

Open Space is protected by Local Plan policy DM5.2 which states:

The loss of any part of the green infrastructure network will only be considered in the following exceptional circumstances:

- a. Where it has been demonstrated that the site no longer has any value to the community in terms of access and function; or,
- b. If it is not a designated wildlife site or providing important biodiversity value; or,
- c. If it is not required to meet a shortfall in the provision of that green space type or another green space type; or,
- d. The proposed development would be ancillary to use of the green infrastructure and the benefits to green infrastructure would outweigh any loss of open space.

Policy S5.1 Strategic Green Infrastructure of the local plan states 'The Council will seek the protection, enhancement, extension and creation of green infrastructure in appropriate locations within and adjoining the Borough which supports the delivery of North Tyneside's Green Infrastructure Strategy. Where deficiencies in the quality of green infrastructure and in particular types of green infrastructure are identified in relevant up-to-date evidence, improvements will be targeted to those areas accordingly'.

An open space assessment has been submitted and considered Local Plan Policy DM5.2 which requires only one of the exceptional circumstances to be fulfilled for the loss of any part of the green infrastructure network to be considered. The open space assessment claims to have demonstrated that the redevelopment of the site fulfils all of the four exceptional circumstances outlined within Policy DM5.2.

Policy DM5.2 also requires "Where development proposals are considered to meet the exceptional circumstances above, permission will only be granted where alternative provision, equivalent to or better than in terms of its quantity and quality, can be provided in equally accessible locations that maintain or create new green infrastructure connections."

Local Plan policy DM5.2 looks to safeguard green spaces within the borough but, in addition, paragraph 99 of the NPPF also states that existing open space should not be built on unless the loss resulting from the proposed development would be replaced by equivalent or better provision in terms of quantity and quality in a suitable location.

The submitted open space assessment divides the land up into two areas; Parcel A and Parcel B. Both areas are covered by the Local Plan as designated open space.

Parcel A consists of the northern section of the site which measures 3.68ha. This area consists of Centurion Park Golf Course Club House, car park and driving range. Parcel B is approximately 6.67ha and comprises of land to the southern section of the site and comprises of a bowling green and pavilion; a disused artificial grass pitch

(AGP); 3 disused multi use games Areas (MUGAs); and vacant land which was formerly used as a playing field.

With regard to Parcel A, this area has no public access and is accessible only via the Golf Course Club House. With regard to Parcel B, whilst the "main purpose" (Green Space Strategy Paragraph 11.1) of the open space may not be relied upon any more (sport and recreation), the land is accessible by the public (i.e not fenced) and currently being used informally by the community for recreation and dog walking.

The open space assessment provides information to demonstrate that the criteria set out within Policy DM5.2 can be met and that the loss of open space is surplus to requirement. However, Policy DM5.2 also states that 'permission will only be granted where alternative provision, equivalent to or better than in terms of its quantity and quality, can be provided'.

The elements within Parcel A and B (green space, hardstanding etc), regardless of their quality make up over 10ha of open space and defined as opens space within the Local Plan. The quality of these elements is immaterial in terms of how it is viewed by a local community. The site contributes positively to the amenity of the area by providing greenery and the open nature of the site allows for extensive and attractive wide views, however the development will occupy a significant proportion of this green space.

Section 4.14 of the Open Space assessment states that 'With regards to the informal green space function of Parcel B, this area of the site extends to 6.67ha. However, it is considered that there are also areas within this parcel which are in reality not used for this purpose i.e. the bowling green (used formally and being retained), AGP and MUGAs. With this in mind, Parcel B is only considered to provide 4.18ha of informal green space'.

The proposed development will provide over 2.5ha of landscaping/informal green space within the application site, including a large number of urban trees in open spaces (132no.) and over 1km of native hedgerows. The 2.5ha comprises the retention of existing landscape features combined with new and enhanced on-site landscaping. In addition, 1ha of enhanced habitat will be provided off-site on land at Wideopen. Although these areas are less in terms of quantity, they provide a range of native habitats that are considered to be an enhancement of current semi-natural habitats within the site.

If the LPA is minded to approve the application, the following conditions should be attached to the application:-

**Protection of retained trees/shrubs/hedges**

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. Any trees, shrubs or hedges removed without such consent, or which die or become severely damaged or seriously diseased within three years from the completion of the development hereby permitted shall be replaced with trees, shrubs or hedge



plants of similar size and species until the Local Planning Authority gives written consent to any variation.

### **Arboricultural Impact Assessment and Arboricultural Method Statement**

Prior to any works starting on site, (including demolition and all preparatory work), an Arboricultural Method Statement (AMS) in accordance with the recommendations of BS5837:2012 'Trees in relation to design, demolition and construction – Recommendations' will be required in order to demonstrate that the proposed works are practical and can be undertaken without adverse impacts on retained trees. The Method Statement is to include a scheme for the protection of the retained trees (TPP), in accordance with BS 5837:2012, including the type of protective fencing and signage and details of any construction works and methods of installation required within the root protection area as defined by BS5837:2012 which make provision for protection and the long-term retention of the trees. The AMS is to include details for the installation of underground services, carriage way positions, parking areas and driveways, drainage and SuDs features, lighting, fence posts, installation of kerb lines or any structures within the root protection area and /or specialist foundations. Such areas are to be constructed using a 'No-dig' specification and to include works being undertaken by hand or suitable method such as an air spade along with any necessary ground treatments to deal with compacted areas of soil. Details shall demonstrate that any trenches or excavation works will not cause damage to the retained trees and /or root systems of the trees No services shall be dug or laid into the ground other than in accordance with the approved details. Thereafter all construction and excavation works shall be implemented in accordance with the approved details. Any variation to the approved AMS and TTP should be submitted in writing for approval.

### **Ground Level changes**

Details of any changes in ground level, including existing and proposed levels and any retaining structures required within the root protection area as defined by BS5837:2012. Thereafter no changes in levels shall be implemented unless wholly in accordance with the approved details or otherwise approved in writing by the Local Planning Authority. Any excavations within the RPA 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.

### **Tree Protective Fencing**

Prior to the commencement of any site clearance works in connection with the development hereby approved (including demolition/excavation 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), 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 in the Tree Protection Plan (TPP) to be submitted. 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.

### **Implementation of Tree Protection during development**

All works within the RPA of the retained trees that include (but not limited to) kerb installation, fence post installation, lighting and drainage, are to be carried out in complete accordance with the Arboricultural Method Statement (to be submitted), BS 5837:2012 and the National Joint Utilities Group (NJUG) 'Guidelines for the Planning, Installation and Maintenance of Utility Apparatus in Proximity To Trees'

### **TPO Replacement Tree(s)**

Details are to be submitted for approval relating to the number of protected trees to be removed and their replacement. Trees are to be replaced on a one for one basis at a minimum 14-16cm girth unless otherwise agreed with the LPA. If within a period of five years from the date of planting, the tree (or any other tree planted in replacement for it) is removed, uprooted or destroyed or dies, another tree of the same size and species shall be planted at the same place, unless otherwise agreed in writing with the Local Planning Authority.

Prior to the occupation of any dwelling, all trees on the site shall be subject of a post-construction re-assessment of the trees that documents locations, condition, and any immediate or expected future requirements, to be undertaken to safeguard the TPO on the site.

### **Arboricultural supervision**

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 oversee the agreed tree protection and visit as required to oversee any unexpected works that could affect the trees. The supervision is to be undertaken in accordance with the approved Arboricultural Method Statement. This condition may only be fully discharged on completion of the development subject to satisfactory written evidence of regular monitoring and compliance by the pre-appointed tree specialist during construction

### **Lighting**

Prior to the 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. 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. The lighting scheme 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.

### **Landscape scheme**

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 for on-site and off-site landscape mitigation/compensation 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 (OS Ecology January 2023). The landscape scheme shall include a full specification for all new tree, shrub, hedgerow and wildflower planting and shall be implemented in accordance with the approved details within the first available planting season following the approval of details by an approved contractor. 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.

### **Ecological Management & Monitoring Plan**

Prior to the commencement of any development, a detailed 30 year 'Landscape and Ecological Management and Monitoring Plan' (LEMMP) for all landscaping/habitat creation within the application site and the approved off-site compensation land, shall be submitted to and approved in writing by the Local Planning Authority. This plan shall include details of site preparation, long-term design objectives, management and monitoring objectives, management responsibilities, timescales and maintenance schedules for all newly created and enhanced habitats within the site. 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 details of the following:-

- Details on the creation, enhancement and management of all habitats identified within the Net Gain Report/Biodiversity Metric (OS Ecology January 2023) and approved Landscape Plans/Strategies
- Survey and monitoring details for all for all target habitats identified within the Net Gain Assessment Report (OS Ecology January 2023). 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/Biodiversity Metric.

## **CEMP**

All works will be undertaken in accordance with an approved Construction and Environmental Management Plan (CEMP) that includes; Method Statements for protected species (breeding birds, bats, hedgehog and amphibians); appropriate working methods and details of works that will be overseen by an Ecological Clerk of Works (ECoW). Details shall be submitted for approval by the LPA prior to works commencing on site.

## **Birds**

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 on site.

## **Bird Boxes**

22no. bird boxes/features that include a range of features for various species, will be integrated into new buildings and suitable habitat locations within the development site. Details of bird box/features specifications and locations must be submitted to and approved in writing by the Local Planning Authority within 4 weeks of development commencing on site and will be installed in accordance with the approved plans on completion of works and permanently retained.

## **Bat Boxes**

15no. bat boxes/features will be integrated into new buildings and suitable habitat locations within the development site. Details of bat box/features specifications and locations must be submitted to and approved in writing by the Local Planning Authority within 4 weeks of development commencing on site and will be installed in accordance with the approved plans on completion of works and permanently retained.

## **Mammal Protection**

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°.

## **Hedgehogs**

Hedgehog gaps (13cmx13cm) will be provided within any new fencing within the scheme. Details of the locations and specification of the hedgehog gaps shall be submitted to the LPA for approval within 4 weeks of development commencing on site.

## **Construction Management Plan**

The contractor's construction method statement relating to traffic management/site compounds/contractor access must be submitted in writing and approved by the Local Planning Authority and include tree protection measures for the trees to be retained and retention and protection of woodland, scrub and grassland habitat areas. Cabins, storage of plant and materials, and parking are not to be located within the RPA of the retained trees or woodland areas as defined by the Tree Protection Plan and maintained for the duration of the works.

## **Drainage**

Detailed drainage plans, including details of SuDs features (ditches, swales and attenuation ponds) must be submitted to the Local Authority for approval within 4 weeks of works commencing on site. Details will include profiles, cross sections and landscape planting of SuDs features. Any ditches, swales or attenuation ponds will be designed to provide ecological benefits, including appropriate native planting agreed by the LPA.

## **Pollution Control**

Prior to the commencement of any development, a detailed Pollution Control Plan shall be submitted to and approved in by the Local Planning Authority. This scheme shall include a timetable for its implementation and detail pollution prevention measures to ensure that there will be no contamination or pollutants entering nearby watercourses, wetlands or land. Thereafter, the development shall be carried out in accordance with these agreed details.

## Highway Network Manager

The New Developments Team Leader has reviewed Newcastle City Council's (NCC) request for a financial contribution of £100K for four Low Traffic Neighbourhood modal filters. The requested locations for the modal filters are - Appletree Gardens and Logan Road (eastern arm), Oaktree Avenue and Peartree Gardens, Oaktree Avenue and Yewtree Gardens and Rutland and Alderwood Crescent (eastern arm).

This request is part of a wider aspiration to reduce traffic through these residential streets. Whilst any scheme to improve highway safety is endorsed, the New Developments Team Leader considers the request, via this application to be unreasonable, as the amount of development traffic using those routes will be low and not considered to be severe under the guidance set out in the NPPF 2021. It is recommended that the financial contribution is not included as part of any planning approval if planning permission is granted.

*Planning Officer Comments:* Planning obligations may only be sought where they meet with the tests set out in regulation 122 of the CIL Regulations 2010 (as amended). In order to meet the tests the financial contribution requested by NCC must be:

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

The applicant has indicated their agreement to payment of the requested financial contribution. However, as set out by the NTC's Highways Network Manager, the contribution is not necessary as a result of the proposed development as it will not result in such severe residual cumulative impacts on the streets named by NCC that it will necessitate the works set out by NCC. These works are not necessary to address the highway impacts of the development. NCC have failed to provide adequate evidence to justify the financial contribution. Therefore, the financial contribution fails to meet the tests set out above and Members are advised that planning permission should be granted without this.

#### Tyne and Wear Archaeology Officer

The applicant has provided a report on archaeological trial trenching carried out in November 2022 by AD Archaeology, following the previous submission of an archaeological desk based assessment carried out in 2021 (HER event 5309 report 2021/94), and a report on an Archaeological Geophysical Survey carried out in September 2022 (HER event 5324 report 2022/34).

The trial trenching was carried out according to a specification provided by Tyne and Wear Archaeology in the available parts of the proposed development area, consisting of the north-east, south-east and south-west quadrants, and excluding the north-west quadrant which is currently in use as a driving range. A second phase of trial trenching will be required to evaluate this area.

The trial trenching identified two curvilinear features representing wall slots from a sub-circular structure, probably from either a prehistoric roundhouse or a fenced enclosure, in Trench 6. The remains of Coxlodge Waggonway and its successors were identified in Trench 2. The report recommends further archaeological investigation of these features. I consider the archaeological remains to be of regional significance and I agree with this recommendation. AD Archaeology have provided a Written Scheme of Investigation for this work to Tyne and Wear Archaeology, which is consistent with the NPPF requirement for developers to record and advance understanding of the significance of any heritage assets to be lost (para 205).

The remaining archaeological work consisting of a second phase of trial trenching and further investigation of the features in trenches 2 and 6 can be secured with the suggested conditions (as set out in the committee report).

#### ADDITIONAL REPRESENTATIONS

One additional objection has been received; this is attached to this addendum.