

## ADDENDUM 10.02.2022

<b>Application No:</b>	<b>21/00920/FUL</b>	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 Shields Tyne 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 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).



