

## ADDENDUM 1 – 13.01.2023

<b>Application No:</b>	<b>22/01191/FUL</b>	Author	Maxine Ingram
Date valid:	27 June 2022	:	
Target decision date:	26 September 2022	☎:	0191 643 6322
		Ward:	Killingworth

Application type: full planning application

**Location: Unit C Bellway Industrial Estate Benton Newcastle Upon Tyne NE12 9SW**

**Proposal: Demolition of existing buildings and proposed retail development and drive through cafe with associated access, car parking, landscaping and all ancillary works**

Applicant: Northumberland Estates, Miss Shona Ferguson Estates Office  
Alnwick Castle Alnwick NE66 1NQ

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

### 1.0 Internal Consultees

#### 1.1 Landscape Architect and Biodiversity Officer

1.2 The application site is located within the Bellway Industrial Estate with the surrounding buildings utilized for industrial, commercial, and retail use. A pedestrian footpath extends along the perimeter of the site. The development site area is approximately 1.3 ha.

1.3 Existing buildings on the site are to be demolished, which comprise the 2 storey Mercedes Benz Bell Truck and Van Vehicle Garage and associated warehouse building. The development site will use the existing site entrance which is to be modified and a pedestrian crossing with tactile paving is to be instated to preserve the pedestrian footpath around the perimeter of the site. The existing site entrance to the north of the site is to be removed and the pavement is to be reinstated.

1.4 The Lidl store is proposed to the north of the site. The Design and Access statement confirms that the design proposals have been directly influenced and informed by Lidl's operational requirements which includes visual prominence for prospective customers who are '*offered a view of available car parking which is inviting and convenient*'. The Greggs building has a much smaller footprint and positioned closer to the front of the site. As the building height and scale of Greggs is smaller, a clear view to the Lidl unit will be maintained '*for prospective customers*'. A drainage proposal seeks to include underground attenuation which will be then connected into the existing

drainage system. The proposed drainage connections do not impact on existing tree groups.

1.5 The southern section of the site is located within a wildlife corridor as defined by the Local Plan. It is intended to retain the majority of planting to this area, however, the proposal also will require the removal of a number of trees elsewhere on the site. Therefore, the following Local Plan policies apply:

DM5.2 The Protection of Green Infrastructure

Policy S5.4 Biodiversity and Geodiversity

Policy DM5.5 Managing Effects on Biodiversity and Geodiversity

Policy DM 5.9 Trees, woodland and hedgerows

Policy DM 5.7 Wildlife Corridors

#### 1.6 Preliminary Ecological Appraisal (Revision A - July 2022)

1.7 A Preliminary Ecological Appraisal (PEA) has been submitted to support the application. Revision A (July 2022) is an updated version of the original PEA (April 2022) which includes the bat activity surveys recommended from the earlier PEA which had identified potential roost features within the buildings.

1.8 The PEA indicates that the site supports mixed woodland plantation to the south of the site, amenity grassland around the boundaries, scattered trees, introduced shrub, hardstanding areas and buildings. It states that no invasive species were found within the site.

1.9 Bat activity surveys of the buildings on site undertaken in May and June 2022 (3 surveys) identified very limited bat activity on site around the woodland to the south of the site (common pipistrelle and noctule) and no bat roosts were identified.

1.10 The Report concludes that the habitats present on site (mainly hardstanding, amenity/roadside and the woodland to the south) provide limited potential to support important or protected species or nesting birds due to the limited foraging habitat.

#### 1.11 Arboricultural survey

1.12 The application is supported by an Arboricultural Impact Assessment, Arboricultural Method Statement and Tree Protection Plan (June 2022 Rev B) from All About Trees. The trees have been evaluated for the purposes of British Standard 5837:2012 Trees in relation to design, demolition & construction, with regard to their quality and value. The type and size of the root protection area has also been calculated and the position of the protective barriers has been determined. The remaining contribution or safe useful life expectancy is estimated as an indication of the trees period of retention.

1.13 The AIA states that trees 1-10, 18 & 19 and groups 1-5 will be removed. Trees 1-10, 18 & 19 are mainly Category B trees and groups 1-5 are classed as category C trees. Tree groups 5 and 4 do not need to be removed and the tree group along the eastern boundary (northern end) could also be retained.

1.14 Trees are an important feature in urban landscapes and make a significant contribution to the character and quality of our landscape as well as complimenting and supporting the biodiversity of the immediate and wider area as well as helping to soften the visual impact of the building. On this basis trees should not be removed unnecessarily or if they need to be removed, adequately mitigated for.

#### 1.15 Landscape Plan 147517/8001 Rev G

1.16 Following discussions with the applicant, improvements have been made to the Landscape Proposals Plan (147517/8001 Rev G) that meet the requirements of BNG. New standard tree planting has been included to the western boundary and north-east corner of the site, and the existing woodland edge is enhanced with scrub and wildflower mix which would provide structural diversity, a mosaic of valuable habitat for wildlife and would also look visually appealing. However, there are still opportunities for additional planting to improve visual amenity and reduce the visual impact of the development. These improvements/enhancements can be included via a suitably worded landscape condition. In addition, there remains a minor discrepancy on the Landscape Plan ('wildflower neutral grassland' shown hatched purple on the key is not indicated on the landscape drawing). The Landscape Plan will therefore need to be updated to address this which can be submitted via a landscape condition.

#### 1.17 Biodiversity Net Gain

1.18 The submitted Biodiversity Metric and BNG Report (January 2023 Version 6 – All About Trees) indicates a biodiversity net gain will be delivered within the site of 40.82% based on the above Landscape Plan (DWG: 147517/8001 Rev G) which will be enhancing existing woodland and creating new habitat within the site including a small area of woodland, native scrub, wildflower grassland and trees.

1.19 Should the application be approved the following conditions should be applied:

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.

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 and photographs of the installed fencing have been submitted. 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.

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 submitted by All About Trees, BS 5837:2012 and the National Joint Utilities Group (NJUG) 'Guidelines for the Planning, Installation and Maintenance of Utility Apparatus in Proximity To Trees'

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

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 Arboricultural Method Statement by All About Trees. 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.

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. The landscape scheme shall include the following:

- A fully detailed specification
- Standard trees to be a minimum 12-14cm girth.
- Standard tree planting along the full length of the western boundary to reduce the visual impact of the car park and building.
- Hedgerow planting to the full length of eastern boundary of the site to meet the retained woodland planting.

Any trees and shrubs that die or are removed within five years of planting shall be replaced in the next available planting season with others of similar size and species. The landscaping scheme shall be implemented in accordance with the approved details within the first available planting season following the approval of details.

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, 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 Biodiversity Net Gain Report/Biodiversity Metric (All About Trees January 2023) and approved Landscape Plans/Strategies
- Survey and monitoring details for all for all target habitats identified within the Net Gain Assessment Report (All About Trees 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.

All works will be undertaken in accordance with an approved Construction Environmental Management Plan (CEMP) that includes method statements for protected/priority species (breeding birds, bats, hedgehog) and appropriate

working methods including pollution control. Details shall be submitted for approval by the LPA prior to works commencing on site.

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.

8no. 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.

6no. 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.

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°.

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.

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.

## 2.0 Officer advice

2.1 This application is accompanied by a Preliminary Ecological Appraisal (PEA), Arboricultural reports and a Biodiversity Net Gain Assessment (BNG). This information has been assessed by the Council's Landscape Architect and Biodiversity Officer.

2.2 It is clear from the consultee comments that they do not object to this proposal. Their comments regarding the loss of vegetation are noted however, it is clear that appropriate mitigation can be secured by condition. This proposal also delivers biodiversity net gain.

2.3 Members need to consider whether the proposed development is acceptable in terms of its impact on biodiversity and landscaping. Subject to imposing the suggested conditions, it is officer advice that it is.

### 3.0 Additional conditions

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.

Reason: To ensure existing landscape features are protected having regard to Policy DM5.9 of the North Tyneside Local Plan (2017).

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 and photographs of the installed fencing have been submitted. 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.

Reason: The tree protection measures are required from the outset to ensure existing landscape features are adequately protected during construction having regard to Policy DM5.9 of the North Tyneside Local Plan (2017).

All works within the root protection area (RPA's) 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 submitted by All About Trees, BS 5837:2012 and the National Joint Utilities Group (NJUG) 'Guidelines for the Planning, Installation and Maintenance of Utility Apparatus in Proximity To Trees'.

Reason: To ensure existing landscape features are adequately protected during construction having regard to Policy DM5.9 of the North Tyneside Local Plan (2017).

Notwithstanding Condition 1, prior to the construction of any part of the development hereby approved above damp proof course level details of an arboricultural consultant shall 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 Arboricultural Method Statement by All About Trees. These details shall be submitted to and approved in writing by the Local Planning Authority and shall include written evidence of regular monitoring and compliance by the pre-appointed tree specialist during construction.

Reason: To ensure existing landscape features are adequately protected having regard to Policy DM5.9 of the North Tyneside Local Plan (2017).

Notwithstanding Condition 1, prior to the construction of any part of the development hereby approved above damp proof course level a fully detailed landscape plan shall be submitted to and approved in writing by the Local Planning Authority. The landscape scheme shall include the following:

- A fully detailed specification.
- Standard trees to be a minimum 12-14cm girth.
- Standard tree planting along the full length of the western boundary to reduce the visual impact of the car park and building.
- Hedgerow planting to the full length of eastern boundary of the site to meet the retained woodland planting.

Any trees and shrubs that die or are removed within five years of planting shall be replaced in the next available planting season with others of similar size and species. The landscaping scheme shall be implemented in accordance with the approved details within the first available planting season following the approval of details.

Reason: To ensure the development provides an appropriate level of mitigation having regard to Policies DM5.7 and DM5.9 of the North Tyneside Local Plan (2017).

Notwithstanding Condition 1, prior to the construction of any part of the development hereby approved above damp proof course level, a detailed 30 year 'Landscape and Ecological 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 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 (LPA). The plan will include details of the following:-

-Details on the creation, enhancement and management of all habitats identified within the Biodiversity Net Gain Report/Biodiversity Metric (All About Trees January 2023) and approved Landscape Plans/Strategies

-Survey and monitoring details for all for all target habitats identified within the Net Gain Assessment Report (All About Trees 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.

Reason: To ensure the development provides an appropriate level of mitigation and to support and enhance existing biodiversity and landscape features having regard to Policies DM5.7 and DM5.9 of the North Tyneside Local Plan (2017).

Notwithstanding Condition 1, prior to any works commencing on site a Construction Environmental Management Plan (CEMP) shall be submitted to and approved in writing by the Local Planning Authority (LPA). The CEMP shall include method statements for protected/priority species (breeding birds, bats, hedgehog) and appropriate working methods including pollution control. Thereafter, the development hereby approved shall be carried out in full accordance with these agreed details.

Reason: This information is required from the outset to ensure that protected/priority species are adequately protected during construction having regard to Policy DM5.7 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 on site.

Reason: To ensure that protected/priority species are adequately protected having regard to Policy DM5.7 of the North Tyneside Local Plan (2017).

Notwithstanding Condition 1, prior to the construction of any part of the development hereby approved above damp proof course level details of 8no. bird boxes/features and 6no. bat boxes/features that include for a range of

features for various shall be integrated into new buildings and suitable habitat locations within the development site, including specifications, locations and a timetable for their implementation, shall be submitted to and approved in writing by the Local Planning Authority. Thereafter, the bird and bat boxes/features shall be installed in accordance with these agreed details and shall be permanently maintained and retained.

Reason: To ensure that protected/priority species are appropriately mitigated for having regard to Policy DM5.7 of the North Tyneside Local Plan (2017).

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

Reason: To ensure that protected/priority species are adequately protected during construction having regard to Policy DM5.7 of the North Tyneside Local Plan (2017).

Notwithstanding Condition 1, prior to the installation of any boundary treatments or enclosures details, including measurements and materials and a timetable for its installation, shall be submitted to and approved in writing by the Local Planning Authority. These details shall include the locations and specification of hedgehog gaps (13cmx13cm).

Thereafter, any boundary treatment/enclosures shall be installed in accordance with these agreed details and shall be permanently maintained and retained.

Reason: To ensure that protected/priority species are appropriately mitigated for having regard to Policy DM5.7 of the North Tyneside Local Plan (2017).

Notwithstanding the provisions of the Town and Country Planning (Use Classes) Order 1987 (or any Order revoking or re-enacting that Order), the land and/or building(s) shall be used only for the purpose of a food store and drive through and for no other purpose including any other purpose within the Town and Country Planning (Use Classes Order) 1987 (or any Order revoking or re-enacting that Order).

Reason: To enable the Local Planning Authority to retain control over the use to ensure an appropriate standard of amenity and parking provision is retained having regard to Policy DM6.1 of the North Tyneside Local Plan (2017).

#### 4.0 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:***
  - A £15,000 Travel Plan Bond is required. This will have to be paid if the Travel Plan Targets are not met 5 years from first occupation.***
  - A £2,500 Travel Plan Monitoring Fee (£500 per annum) is required. This is for North Tyneside Council (NTC) Officer time spent monitoring the travel plan delivery, evaluating annual travel plan progress reports and annual survey results as submitted by the Travel Plan Coordinator (TPC).***