

Application No: 21/01513/FUL Author: Maxine Ingram
Date valid: 30 June 2021 ☎: 0191 643 6322
Target decision date: 29 September 2021 Ward: Valley

Application type: full planning application

Location: Land South of Boundary Mills, Park Lane, Shiremoor, NEWCASTLE UPON TYNE

Proposal: Erection of a new discount foodstore (Use Class E) with access, car parking and landscaping and other associated works (Amended plans received 28.06.2022)

Applicant: Lidl Great Britain Limited

Agent: Rapleys LLP

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 £10,000 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).
 - A £25,580 farmland bird mitigation contribution is required towards implementing a scheme at the Rising Sun Country Park or alternative site.

-A £13,476 employment and training contribution is required to deliver employability interventions to upskill local residents to take advantage of apprenticeships/job opportunities.

- c) the Assistant Chief Executive and the Director of Regeneration and Economic Development be authorised to undertake all necessary procedures under Section 278 of the Highways Act 1980 to secure the following highway improvements:**
- New site access on Park Lane**
 - Shared path links into the site**
 - Localised road widening**
 - Localised shared path widening**
 - Right turning pocket**
 - Upgrade of footpath abutting the site**
 - Light-controlled crossing on Park Lane**
 - Associated highway drainage**
 - Associated street lighting**
 - Associated road markings**
 - Associated signage**
 - Associated Traffic Regulation Orders**
 - Detailed highway design**
 - Road safety audit**

INFORMATION

1.0 Summary Of Key Issues & Conclusions

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

- The principle of the development including the impact on existing town centres and the strategic allocation,
- The impact on amenity,
- The impact on character and appearance,
- The impact on highway safety,
- The impact on biodiversity; and,
- Other issues.

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

2.0 Description of the Site

2.1 The application site measures approximately 0.95 hectares, and it is currently used for agricultural purposes. It is bound to the west by Park Lane and to the south by New York Road. Immediately to the east of the site is agricultural land. To the north of the site is the car park serving Boundary Mills, beyond which lies a vacant premises that was formerly occupied by The Great Outdoors.

2.2 To the west of the site beyond Park Lane are residential properties. To the south of the site beyond New York Road is an industrial estate. The site sits at a lower level than Park Lane.

2.3 The site is bound by a hedgerow to the west and south of the site.

2.4 The site is designated as part of the Strategic Allocation – Murton Gap.

3.0 Description of the Proposed Development

3.1 Planning permission is sought for the construction of a new food store with associated car parking and landscaping.

3.2 The applicant had advised the following:

-a Lidl food store of 1,851 square metres (sqm) Gross Internal Area with a net sales area of 1,251 sqm; of which 1, 001 sqm will be for convenience good sales. A figure of 250 sqm has been identified for comparison goods sales.

3.3 The proposed food store will be located on the eastern part of the site and it will be orientated north-southwards. The car parking area will be located in the western part of the site. The delivery bay will be located adjacent to the northern elevation of the building.

3.4 Vehicular access to the food store will be off Park Lane via a new priority junction. Both customers and heavy goods vehicles (HGV) will share the same vehicular access. The proposed car park will include disabled parking bays, parent and child bays and active electric vehicle (EV) charging bays.

3.5 Pedestrian and cyclist access will be provided through a dedicated access off New York Road and at the junction between New York Road and Park Lane; along with pavements on both sides of the vehicular access road off Park Lane.

3.6 The proposed food store will have a clean contemporary design featuring a single height glazed entrance as well as a glazed elevation along the south elevation facing onto New York Road.

4.0 Relevant Planning History

Adjacent land

23/00241/FULES - Residential development of up to 2, 700 dwellings comprising: Full planning application for 508 residential dwellings, a new spine road, road bridge, and associated highways, drainage infrastructure and landscaping. Outline planning application sought for up to 2,192 dwellings, a 2-form entry primary school, up to 1000sqm of retail floorspace, new metro station and associated highways, drainage, site wide servicing, landscaping infrastructure and demolition works – Pending consideration

Case officer note: Members are advised that a planning application has been submitted on the land adjacent to this site. This application relates to the wider strategic allocation.

5.0 Development Plan

5.1 North Tyneside Local Plan (2017)

6.0 Government Policies

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

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

6.3 Planning applications must be determined in accordance with the development plan unless material considerations indicate otherwise. The NPPF is a material consideration in the determination of all applications. It requires Local Planning Authorities (LPAs) to apply a presumption in favour of sustainable development in determining development proposals. Due weight should still be attached to Development Plan policies according to the degree to which any policy is consistent with the NPPF.

PLANNING OFFICERS REPORT

7.0 Detailed Planning Considerations

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

The principle of the development including the impact on existing town centres and the strategic allocation,

- The impact on amenity,
- The impact on character and appearance,
- The impact on highway safety,
- The impact on biodiversity; and,
- Other issues.

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

8.0 Principle of the development including the impact on existing town centres and the strategic allocation

8.1 The NPPF makes it clear that the purpose of the planning system is to contribute to the achievement of sustainable development. Achieving sustainable development means that the planning system has three overarching objectives: an economic objective; a social objective; and an environmental objective. Planning policies and decisions should play an active role in guiding development towards sustainable solutions, but in doing so should take local circumstances into account, to reflect the character, needs and opportunities of each area.

8.2 The NPPF paragraph 11 makes it clear that plans and decisions should apply a presumption in favour of sustainable development. However, the presumption in favour of sustainable development does not change the statutory status of the development plan as the starting point for decision making. The NPPF paragraph 12 states “Where a planning application conflicts with an up-to-date development plan permission should not normally be granted. Local Planning Authorities (LPA’s) may take decisions that depart from an up-to-date development plan, but only if material considerations in a particular case indicate that the plan should not be followed”.

8.3 Members are advised that the application site forms part of the wider strategic allocation – Murton Gap. LP Policy S4.3 Distribution of Housing Development Sites states: “The sites allocated for housing development are identified on the Policies Map of the North Tyneside Local Plan 2017, including those identified for both housing and mixed-use schemes. The Strategic Housing Land Availability Assessment 2016 outlines that these sites have an overall capacity of approximately 8, 838 homes, assessed as being deliverable and developable over the plan period to 2032.”

8.4 There are two policies in the LP which are directly related to the Murton Gap Strategic Allocation. These policies are S4.4(a) and S4.4(c).

8.5 LP Policy S4.4 (a) Murton Strategic Allocation Concept Plan states: “A strategic allocation is identified at Murton (Sites 35 to 41) to secure the delivery of approximately 3,000 homes during the plan period in a mix of housing tenures, types and sizes, informed by available evidence of the housing needs of the Borough, convenience retail provision of approximately 1000m² net.

The key principles for development of the Murton strategic allocation are illustrated on the Policies Map through an indicative Concept Plan, to be delivered where necessary in accordance with the requirements of the Infrastructure Delivery Plan, include provision of:

- a. New housing, employment, retail and community facilities in the general development locations identified; and,
- b. Primary and secondary access points suitable to accommodate evidence-based traffic flows to, from and through the sites as appropriate; and,
- c. Strategic transport route connecting Earsdon by-pass with New York Road and Norham Road; and,
- d. Education provision delivered in agreement with the Local Education Authority, at locations indicatively identified on the Policies Map providing a primary school located broadly to the south west of the site; and,
- e. A network of green and blue infrastructure that:
 - i. Enables provision of strategic open space breaks to avoid the joining together of Shiremoor with Monkseaton, whilst integrating with existing communities; and,
 - ii. Provides safe and secure cycle and pedestrian links through the site that ensure appropriate connectivity with the existing network; and,
 - iii. Retains, connects and enhances the biodiversity of each site; and,
 - iv. Retains and enhances any important hedgerows or trees; and,
 - v. Provides well-integrated and strategic green spaces for recreation, which includes ‘Suitable Accessible Natural Green Space’ (SANGS); and,
 - vi. Incorporates sustainable drainage systems.”

8.6 LP S4.4 (c) Applications for Delivery of the Strategic Allocations states: “At the identified strategic allocations of Killingworth Moor (Sites 22 to 26) and Murton (Sites 35 to 41) a comprehensive masterplan for each allocation must be prepared collaboratively, and agreed, by the relevant development consortia and North Tyneside Council. Applications for planning permission will be granted where:

- a. They are consistent with the comprehensive masterplan, which itself must demonstrate its general conformity with the key principles of the Concept Plans for Killingworth Moor and for Murton.

- b. The application relates to the whole allocated site or if less does not in any way prejudice the implementation of the whole allocation.
- c. Provision of any development that would exceed the approximate capacity for housing, retail and employment indicated by this Local Plan, within and beyond the plan period, must demonstrate its continued conformity with the principles of the Concept Plan and the infrastructure capacity of the site and Borough.
- d. The application is in accordance with a phasing and delivery strategy, prepared as part of the detailed masterplan, that identifies the timing, funding and provision of green, social and physical infrastructure.
- e. An access and transport strategy is developed that maximises the potential for walking, cycling and use of public transport (including the potential provision, subject to overall feasibility and economic viability, of new Metro stations), as demonstrated through the detailed masterplans, and the application provides a connected, legible network of streets with the proposed primary routes and public transport corridors.
- f. A heritage management strategy is provided that is informed by the mitigation measures proposed in the Local Plan Heritage Assessment and Sustainability Appraisal.
- g. A landscape and visual amenity impact assessment is provided identifying key features of note on each site, demonstrating an appropriate design response (e.g. the location, orientation, density of development and landscape/planting treatment). Design quality will be secured through the application and use of appropriate design standards agreed as part of the masterplans.
- h. Appropriate remediation and mitigation measures are agreed to address any potentially harmful impacts of development upon the environmental or social conditions of North Tyneside, delivering solutions on site wherever possible unless demonstrated through suitable evidence to be more appropriately delivered off-site. Such remediation and mitigation are expected to include but not necessarily limited to consideration of:
 - i. The net biodiversity value of the site,
 - ii. Ground conditions, (e.g. areas of previous open cast mining and any identified contamination of land),
 - iii. Flood risk and water quality,
 - iv. Air quality and noise pollution.”

8.7 The indicative concept plan adopted as part of the LP sets the core principles that future development at Murton Gap should respond to. The approach identified within the concept plan provided flexibility for future development of the Masterplan. The Murton Gap Masterplan and associated guidance was adopted in December 2017. The Masterplan provides a framework for all future development on the sites and is a material consideration in the determination of any application.

8.8 Objections have been received regarding non-compliance with the Murton Gap Masterplan and the need for a further food store in this area.

8.9 The application site is part of the Murton Gap strategic allocation. Policy S4.4(a) identifies this strategic allocation to secure a predominantly residential led development, approximately 3, 000 homes, and convenience retail provision of approximately 1, 000 sqm net. The key principles for development on this strategic allocation are illustrated on the Policies Map through an indicative

Concept Plan. Policy S4.4 (c) required a comprehensive Masterplan to be prepared collaboratively, and agreed by the relevant development consortia and North Tyneside Council. Policy S4.4(c) states that applications for planning permission will be granted where they are consistent with the comprehensive masterplan and that the application does not in any way prejudice the implementation of the whole allocation. Members need to consider whether bringing this part of the strategic allocation forward to deliver a food store complies with Policy S4.4(c) and the Masterplan and will not prejudice the wider development of the strategic site.

8.10 Policy S4.4(c) part b allows for separate applications to be submitted so long as it does not in any way prejudice the implementation of the whole allocation. This is reflected in the Masterplan which, whilst noting a preference for an outline application for the whole site, states that “the Council will expect planning applications for individual phases/parcels of land to demonstrate how their proposals would be integrated with the wider site” and is clear that “the Council will need to be satisfied that development of individual parcels will not sterilise or frustrate delivery of other parts of the site”. Members are advised that it is important to ensure that this development does not harm the delivery of the wider strategic allocation or prejudice the ability to provide the necessary infrastructure for the wider strategic site and this will be further considered in the following sections of this report.

8.11 The Murton Gap Masterplan identifies character areas. The application site falls within Character Area 6: Western Edge which is identified for built development (housing) in the Masterplan. The applicant accepts that the site is located within an area earmarked for residential use within the Masterplan, which forms part of the adopted Local Plan. However, the applicant has made the point that the Masterplan is still a guidance document, and the Council should demonstrate a certain level of flexibility when applying the objectives set out in this document. The applicant considers that the Council should seek to support alternative development opportunities providing they do not compromise the feasibility of the wider Masterplan. The applicant has advised that this development will provide an opportunity for food shopping provision that will serve existing and future residents, without compromising the delivery of the housing development in this area or within the Borough as a whole.

8.12 Policy S4.4 (b) in particular stipulates that a set criterion must be met for development of sites in the Masterplan area to be deemed acceptable. In particular development must: be consistent with a comprehensive Masterplan; and, conform with the principles of the Masterplan, including a phasing and delivery strategy and transport strategy. In this context, the applicant considers that this development would; provide employment opportunities and a new convenience retail outlet for present and future local residents and act as a catalyst for Phase 1 (a) of the Masterplan. The applicant considers the retail use is deemed acceptable within the overall Masterplan area, and they consider this development would not impede on the overarching vision of the wider Masterplan or the ‘Western Edge’. Furthermore, the applicant considers the proposed development would be in line with all the principles of the Masterplan, as set out at Section 2, and the Phasing Plan set out at Section 9.

8.13 The applicant has acknowledged that the retail development should be directed to the mixed-use zone in the Masterplan. At this time, the applicant considers the site in question is a more suitable location for a retail use given its proximity to other retail/commercial uses and being in a sustainable location which can accommodate direct access to a highway network and public transport infrastructure. Currently the commercial hub, as outlined in the Masterplan documents, does not yet exist, and its delivery is reliant on other aspects of the Masterplan being brought forward i.e. highway infrastructure. Therefore, a retail development, at this time, in that location would not be a feasible position to the applicant or indeed any other retailer.

8.14 The proposed development will be located next to an established commercial area to the south, and it will be immediately accessible to existing residents and cater for future occupants of Murton Gap. The required infrastructure is already in place meaning that the development can be built out in the immediate future without relying on the infrastructure required to bring forward Murton Gap. The applicant considers that the proposed development represents a positive and sustainable investment in the Shiremoor and the Murton Gap growth area.

8.15 The Masterplan sets the parameters for development areas including the general extent and location of built development and key infrastructure. To help create recognisable areas with individual identities the Masterplan includes six character areas each with associated design guidance. The application site falls within Character Area 6: Western Edge. The Masterplan identifies the application site as an area for built development. Albeit, the Masterplan vision for this character area is housing, Members must have regard to the fact that this part of the wider strategic allocation is for built development. Therefore, officers consider, that the principle of bringing this site forward for development is acceptable, subject to the site layout not prejudicing the physical implementation of the wider strategic allocation Masterplan requirements. Members are advised that this development is not reliant on key infrastructure requirements expected to bring forward the wider strategic allocation i.e. highway infrastructure, drainage, school provision or greenspace.

8.16 The applicant has advised that they have been in dialogue with the relevant development consortia. The applicant advises that the consortia has confirmed that bringing this site forward for development would not have an adverse impact on the delivery of housing nor would it prejudice the implementation of the wider allocation. Members are advised that the Local Planning Authority has not been involved in this dialogue between the applicant and consortia.

8.17 The applicant has advised that as result of this development the planned residential development in this area would result in the loss of 14 homes. Given that the Murton Gap Masterplan seeks to develop approximately 3, 000 homes, it is calculated that this loss only represents around 0.5% of the total new houses proposed. As such, the applicant considers that the impact of this development on housing targets would be negligible. They also consider there to be ample land identified to bring forward builtis not considered to be an issue for the consortia.

8.18 The applicant has also considered the potential impacts on the proposed commercial hub. They do not consider that there would be any adverse impact on this part of the wider strategic allocation. The proposed scale of the retail provision within the commercial hub is approximately 1, 000 sqm. The Masterplan advises that apart from Class E(a) shops and retail, other appropriate uses would also include professional services, food and drink establishments, health clinics, GP, pharmacy or nurseries. In that context, the applicant considers that the primary objective of the new retail floorspace is to cater for 'day to day' and 'top up' retail, leisure and community needs, of the Murton Gap growth area, which they consider their development is unlikely to impact on given the difference in the retail offer and business model. The applicant also considers that it is unlikely that the full 1, 000 sqm would be taken up by a single convenience retail operator, given the fact that other commercial/leisure uses should be acceptable in principle.

8.19 The applicant's business model is distinct from 'traditional' convenience retail; and is, to some extent, reliant on 'traditional' retailers to fill the gaps in their product range. As such, the applicant considers this development would not necessarily reduce the feasibility of the local centre, as the schemes may complement one another and ensure that the convenience spending in the locality is maximised.

8.20 Officers maintain the view that this development does not accord with the preferred vision of the Masterplan or fully comply with Policy S4.4(c). However, based on the type of development proposed and the information provided by the applicant regarding housing delivery, it is not considered that the overall objectives of the Masterplan regarding housing delivery and key infrastructure are harmed. Whilst the proposal risks future viability of similar retail stores at the proposed local centre, the level of risk is uncertain. In the meantime, the potential for this development to serve the surrounding area, including new development at Murton Gap is recognised. Other key issues regarding biodiversity, highway impacts and residential amenity of existing and future residents will be considered in the latter parts of this report.

8.21 Members need to determine whether the principle of this development is acceptable. The loss of this agricultural land has already been accepted as part of the Local Plan. The site forms part of a strategic allocation and the Masterplan vision is to bring this part of the site forward for built development. Taking the above into consideration, whilst the scheme itself does not fully comply with Local Plan policy, it conforms with many of the requirements of planning policy and approval, on balance, would not be so harmful as to prejudice the delivery of the Murton Gap Masterplan if it is established all other impacts are adequately addressed.

8.22 Paragraph 87 of the NPPF states that 'Local Planning Authority's should apply a sequential test to planning applications for main town centre uses which are neither in an existing centre nor in accordance with an up-to-date plan. Main town centre uses should be located in town centres, then in edge of centre locations; and only if suitable sites are not available (or expected to become available within a reasonable period) should out of centre sites be considered.'

8.23 Paragraph 88 of the NPPF states 'When considering edge of centre and out of centre proposals, preference should be given to accessible sites which are well connected to the town centre. Applicants and LPA's should demonstrate flexibility on issues such as format and scale, so that opportunities to utilise suitable town centre or edge of centre sites are fully explored.'

8.24 Paragraph 91 of the NPPF states 'Where an application fails to satisfy the sequential test or is likely to have significant adverse impact on one or more of the considerations in paragraph 90, it should be refused.'

8.25 The National Planning Practice Guidance (NPPG) provides advice on how the sequential test should be applied to development proposals. The NPPG states that it is for the applicant to demonstrate compliance with the sequential test and sets out the key considerations that be taken into account in determining whether a proposal complies with the sequential test:

-With due regard to the requirement to demonstrate flexibility, has the suitability of more central sites to accommodate the proposal been considered? Where the proposal would be located in an edge of centre or out of centre location, preference should be given to accessible sites that are well connected to the town centre. Any associated reasoning should be set out clearly.

-Is there scope for flexibility in the format and/or scale of the proposal? It is not necessary to demonstrate that a potential town centre or edge of centre site can accommodate precisely the scale and form of a development being proposed, but rather to consider what contribution more central sites are able to make individually to accommodate the proposal.

-If there are no sequentially preferable locations, the sequential test is passed.

8.26 The use proposed is a town centre use in an out of centre location. In accordance with the NPPF (paras. 87 and 90) and LP Policy DM3.4 this application requires a sequential and impact assessment to be submitted for consideration. The LP includes in its sequential assessment a requirement for existing out-of-centre development sites, previously occupied by appropriate main town centre uses, to be considered before looking at other out of centre locations. The assessment must provide sufficient evidence that the development would not have an adverse impact on the centres within the catchment of the development and that no suitable, available, or viable sites were sequentially preferable.

8.27 The objections received regarding the need for another food store is noted. Members are advised that support has also been received a food store in this location.

8.28 The applicant has submitted an impact test along with a sequential assessment. This has information has been considered by Planning Policy.

8.29 The applicant has advised that visual prominence is a key factor in the business model for Lidl when investing in a new store. The vacant Great Outdoors store 200m to the north of the site has been included in the sequential assessment. This site is the same size as the application site (1.0ha) on a brownfield site, in close proximity to another retail development, encouraging linked trips, and occupies a position that is visible from the highway. The

applicant states that the Great Outdoors store is not considered visually prominent or accessible from a major road and this makes the site unsuitable. The NPPF does guide applicants and LPA's to demonstrate flexibility in their approach to fully explore alternative sites. The Planning Policy comments do not consider the location of the vacant Great Outdoor to be so obscure or so inaccessible from a major road that it should be discounted when allowing for a small degree of flexibility in the applicant's business model. However, the site is not considered to be sequentially preferable as it is not available. Since the Great Outdoors store has been closed the site is not being marketed and therefore is not considered to be available. The sequential assessment concludes there are no sequentially preferable sites that are available, suitable or viable.

8.30 Planning Policy comments advise that the assessment concludes that there would be no significant adverse impact on the existing local centres for existing, committed and planned public and private investment and it would also not undermine the future retail offer identified in the Masterplan.

8.31 Members need to determine whether the principle of the proposed development, in terms of its impact on the delivery of the wider strategic allocation. It is officer advice, that whilst this application does not fully comply with the requirements of S4.4(c), the Masterplan identifies this part of the wider strategic allocation as delivering built development, it is not reliant on the delivery of infrastructure required to bring forward the wider strategic allocation i.e. highways, and it would have a minimal impact on the overall housing delivery of the wider strategic allocation, the principle of this development is acceptable.

8.32 Members need to determine whether this development is acceptable in terms of its impact on existing town centres. It is officer advice that the impacts on existing town centres is acceptable and the development complies with Policy DM3.4 of the North Tyneside LP.

9.0 Impact on amenity

9.1 Paragraph 185 of the NPPF states "Planning policies and decisions should also ensure that new development is appropriate for its location taking into account the likely effects (including cumulative effects) of pollution on health, living conditions and the natural environment, as well as the potential sensitivity of the site or the wider area to impacts that could arise from the development. In doing so they should: a) mitigate and reduce to a minimum potential adverse impacts resulting from noise from new development – and avoid noise giving rise to significant adverse impacts on health and the quality of life; b) identify and protect tranquil areas which have remained relatively undisturbed by noise and are prized for their recreational amenity value for this reason; and c) limit the impact of light pollution from artificial light on local amenity, intrinsically dark landscapes and nature conservation".

9.2 LP Policy S1.4 "General Development Principles" states "Proposals for development will be considered favourably where it can be demonstrated that they would accord with the strategic, development management or area specific policies of this Plan." Amongst other matters this includes be acceptable in terms of their impact upon local amenity for new or existing residents and businesses,

adjoining premises and land uses; and be accommodated by, and make best use of, existing facilities and infrastructure, particularly in encouraging accessibility and walking, cycling and public transport, whilst making appropriate provision for new or additional infrastructure requirements”.

9.3 LP Policy DM5.19 Pollution states “Development proposals that may cause pollution either individually or cumulatively of water, air or soil through noise, smell, smoke, fumes, gases, steam, dust, vibration, light, and other pollutants will be required to incorporate measures to prevent or reduce their pollution so as not to cause nuisance or unacceptable impacts on the environment, to people and to biodiversity.

Development proposed where pollution levels are unacceptable will not be permitted unless it is possible for mitigation measures to be introduced to secure a satisfactory living or working environment.

Development that may be sensitive (such as housing, schools and hospitals) to existing or potentially polluting sources will not be sited in proximity to such sources. Potentially polluting development will not be sited near to sensitive areas unless satisfactory mitigation measures can be demonstrated.....”

9.4 The objections received regarding the impacts on residential amenity in terms of noise, disturbance, dust, dirt, fumes and impacts from lighting are noted.

9.5 The Manager for Environmental Health (Pollution) has been consulted. She has raised concerns regarding potential noise arising from this development affecting residential properties located on Park Lane to the west of the site (approximately 45m to 70m from the site boundary).

9.6 The site is located in a mixed-use area. As already discussed, residential properties are located to the west of the site. Immediately to the north of the site is an area of agricultural land, beyond which lies the car park serving Boundary Mills (retail store). To the south of the site, beyond New York Road, is Algernon Industrial Estate. Immediately to the east of the is agricultural land.

9.7 A noise assessment has been submitted and this has been considered by the Manager for Environmental Health. Members are advised that since the submission of this application the external plant area has been relocated from the northeast corner of the building to the roof. The relocation of the external plant to the roof has been raised with the Manager for Environmental Health. She has advised that the noise assessment has not been updated to reflect this and the calculated noise levels in the noise assessment will differ. She is concerned that the calculated noise levels for the scheme may not achieve the noise levels specified within the noise report. She has advised that a noise scheme can be conditioned to demonstrate that the noise rating level from the plant and equipment does not exceed the background noise levels. The applicant has also advised that the plant roof location will be enclosed by a wall from four sides with ventilation louvres.

9.8 The Manager for Environmental Health has advised that noise arising from the loading of goods by customers will occur in the car park, but its use can be

controlled via a condition restricting operating hours to no later than 22:00 hours. The delivery bay is located to the north side of the building away from the residential properties on Park Lane, but the delivery vehicles will need to reverse into the bay. The Manager for Environmental Health has advised that the noise assessment states deliveries will only occur during daytime hours. The noise assessment has calculated the noise levels to be below the existing daytime noise levels and will not result in significant adverse impacts. She has recommended conditions to mitigate the impacts on noise and disturbance including controlling the hours of operation and deliveries and requested further information in relation to lighting and external plant.

9.9 The NPPF, paragraph 55 states “Local Planning Authorities should consider whether otherwise unacceptable development could be made acceptable through the use of conditions or planning obligations.” Paragraph 56 states “Planning conditions should be kept to a minimum and only imposed where they are necessary, relevant to planning and to the development to be permitted, enforceable, precise and reasonable in all other respects.” Although concerns have been raised by the Manager of Environmental Health it is clear from her comments that she does not object to this proposal on noise grounds as appropriate mitigation to reduce such impacts arising can be secured by conditions. The agent has advised that all waste is kept internally within the warehouse area and is then removed during the deliveries to the store. The suggested refuse condition is not considered necessary. The agent has confirmed there is a bakery section, but no external extraction/ventilation is required. The suggested odour abatement condition is not considered necessary.

9.10 Members need to determine whether the proposed development is acceptable in terms of its impact on the amenity (noise and other disturbance) of neighbouring and nearby properties. It is officer advice that the proposed development is acceptable, subject to the imposition of the suggested conditions. As such, it is officer advice that the proposed development accords with the advice in paragraph 185 of the NPPF and LP policies S1.4 and DM5.19.

10.0 Impact on character and appearance

10.1 Paragraph 134 of the NPPF states that development that is not well designed should be refused.

10.2 LP Policy DM6.1 ‘Design of Development’ makes it clear that applications will only be permitted where they demonstrate high and consistent design standards. Amongst other matters proposed developments are responsive to their location, including topography, wildlife habitats, site orientation and existing buildings; ensuring a positive relationship to neighbouring buildings and spaces; ensuring sufficient parking is well integrated into the layout; and a good standard of amenity for existing and future residents.

10.3 The ‘Design Quality’ SPD applies to all planning applications that involve building works.

10.4 The objections received regarding the impacts on visual amenity, the impact on outlook from residential properties, the development being out of keeping with surroundings and visual intrusion are noted.

10.5 As already discussed, this site is located in a mixed-use area. Two storey residential properties are located to the west of the site. Retail premises, Boundary Mills and the vacant Great Outdoors, are located to the north of the site. Algernon Industrial Estate is located to the south of the site. It is officer opinion that the built form immediately adjacent to the site varies, including a range of commercial premises.

10.6 The proposed building will be sited adjacent to its eastern edge. It will be set back from Park Lane and New York Road. Vehicular access will be provided from Park Lane. Car parking is proposed to the western and southern parts of the site. Areas of soft landscaping are proposed along the eastern, western, and southern boundaries. Soft landscaping is also proposed to either side of the vehicular access. Due to the positioning of the building within the site, the site sitting at a lower level than Park Lane, and the types of buildings that exist within the vicinity of the site, it is not considered that it will significantly detract from the character and appearance of the immediate surrounding area or significantly affect the residential amenity of the residential properties located opposite the site.

10.7 Members need to consider whether the impact on the character and appearance of the immediate surrounding area is acceptable. It is officer advice that, the proposed development would not result in a significant visual impact on the character or appearance of the immediate surrounding area or significantly affect the amenity of nearby residential properties in terms of loss of outlook. As such, the proposed development accords with national and local planning policies.

11.0 Impact on highway safety

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

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

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

11.4 The Council's maximum parking standards are set out in the Transport and Highways SPD.

11.5 The objections received regarding the impacts of the proposed development on highway safety and adding to existing traffic congestion are noted.

11.6 The Highways Network Manager has been consulted. He has considered the submitted Transport Assessment (TA) and Travel Plan (TP). These supporting documents have analysed junctions in the vicinity of the site as well as the proposed site access. He has also advised that this development was also assessed in the A191 corridor model which formed part of the LP transport study. The impact of this development on the adjacent highway network is not considered to be severe.

11.7 The applicant is proposing off-site highway mitigation on Park Lane at the approach to the junction with New York Road to increase capacity and light-controlled crossing on Park Lane to the north of the site to improve pedestrian and cycling connectivity. The off-site highway works will be secured via a S278 Agreement.

11.8 Vehicular access and pedestrian access will be provided at the northwest corner of the site from Park Lane. A pedestrian crossing will be provided at the southwest corner of the site close to the existing signalised crossing. A further pedestrian link is proposed to the southern boundary which will provide access to users from New York Road. Parking is proposed to the west and south of the building. The Highways Network Manager has advised that the level of parking provision has been provided to meet the needs of the development and is at comparable levels to existing Lidl stores at Killingworth and North Shields. A parking study from the Killingworth store has also been provided that demonstrates the suitability of the amount of parking proposed.

11.9 Servicing is carried out via the main access. The service area is located to the northeast of the site. This layout is similar to existing stores at Killingworth and North Shields.

11.10 The NPPF clearly states development should only be prevented or refused on highway grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe. The Highways Network Manager considers the proposal to be acceptable subject to imposing the suggested conditions. His comments are clear that this development will not result in an unacceptable impact on highway safety.

11.11 The Sustainable Transport Team Leader has requested a Travel Plan Bond and Monitoring Fee. The bond will be required to be paid if the TP targets are not met. These financial contributions will be secured by a S106 Agreement. It is noted that the consultee comments refer to a detailed Travel Plan Scope being included in the S106 Agreement. It is considered that this can be included in the Travel Plan condition as some of the requirements may not be able to be met due to the site constraints i.e. the requirements of LTN 1/20.

11.12 The Public Right of Way Officer's comments are noted. Some of the points raised are not feasible to action and the applicant has considered existing connections. The applicant can only reasonably be requested to mitigate the impacts of the proposed development. It is officer advice that there are sufficient pedestrian and cycle connections being provided from Park Lane and New York Road.

11.13 Members need to determine whether the proposed development is acceptable in terms of its impact on the highway network and existing parking provision. It is officer advice that it is. The proposed development accords with both national and local planning policies.

12.0 Impacts on Biodiversity

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

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

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

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

12.5 LP Policy DM5.5 'Managing effects on Biodiversity and Geodiversity' states, amongst other matters, that development proposals should: protect the biodiversity and geodiversity value of land, protected and priority species and buildings and minimise fragmentation of habitats and wildlife links; maximise opportunities for creation, restoration, enhancement, management and connection of natural habitats; incorporate beneficial biodiversity features providing net gains. It goes on to state that proposals which are likely to significantly affect protected species or priority species must, amongst other matters, be accompanied by appropriate ecological surveys, and for all adverse impacts of the development secure appropriate mitigation measures or as a last resort off-site compensation.

12.6 The objections received regarding impacts on wildlife and loss of trees are noted.

12.7 The Landscape Architect and Biodiversity Officer have been consulted. It is clear from their comments they have concerns regarding this development as they consider it to be a departure from the Murton Gap Masterplan. The Masterplan offered areas of informal structure planting, that would have provided well connected and more extensive woodland and semi-natural buffer planting around the boundary for more effective screening and green links. The landscape planting associated with a commercial/retail development is more formal in character with emphasis on the visual prominence of the development and providing a reduced planting boundary that is interrupted by footpaths and access road. They have also expressed concerns regarding how the housing

numbers allocated for this site will be accommodated on the land already allocated for housing on the wider strategic allocation. Consideration regarding the principle of the development on this part of the wider strategic allocation has already been discussed in Section 8 of this report. The Planning Policy comments clearly concluded that the development would have a minimal impact on the overall housing delivery of the wider strategic allocation, and it will not prejudice the delivery of the Murton Gap masterplan. Members need to consider whether this development, when assessed on its own merits, is acceptable in terms of the landscaping provision being proposed.

12.8 It is clear from the consultee comments that the applicant has tried to address many of their previous concerns in relation to the landscape scheme and Biodiversity Net Gain.

12.9 None of the trees on the site are protected by a Tree Preservation Order (TPO). A managed hawthorn hedge is located to the south and occasional trees and shrubs are sited along the western boundary. An Arboricultural Report and Impact Assessment has been submitted. This assessment surveyed 12no. individual trees and 1no. hedge and all were category 'C'. The supporting information advises that three trees and one tree group are required to be removed to accommodate this development (T10, T11, T12 and G13). However, following various discussions, it is now proposed to retain G13 with only a small section to be removed for access. A condition is recommended to secure the submission of a revised Arboricultural Impact Assessment (AIA).

12.10 The applicant has worked proactively with the consultees, and they have made improvements to the landscape scheme to meet the requirements of Biodiversity Net Gain (BNG). The landscape plan proposes 52no. extra heavy standard trees, native scrub and hedgerow, ornamental shrub planting and wildflower planting. This will provide some structural diversity around the boundaries and entrances of the site and contribute to green links. The consultees consider there are still opportunities for additional planting to further improve visual amenity and reduce the visual impact of the development. This will improve visual amenity and green corridor links for wildlife along this boundary. These improvements/enhancements can be included via a suitably worded landscape condition.

12.11 The submitted Ecological Impact Assessment (EclA) advises that this development will result in the loss of arable habitat and small sections of native species hedgerow. No protected species issues have been identified as part of the EclA with the arable habitat providing limited or no opportunities for the majority of species. No ground nesting farmland birds such as skylark were recorded within the proposed development site, although 2 territories were recorded within the wider field adjacent. The scheme therefore has the potential to impact ground nesting birds (skylark territories) through disturbance impacts and the applicant has acknowledged this and agreed to pay a financial contribution towards off-site farmland bird compensation to be delivered on land within North Tyneside. The consultees consider that the landscaping scheme associated with the development, such as native scrub and hedgerows will provide additional valuable habitat for farmland birds and foraging/commuting habitat for bats.

12.12 A Biodiversity Net Gain Assessment has not been submitted. However, the Biodiversity Officer has advised that the results of the Biodiversity Metric 3.1 calculation show that all the habitats within the site boundary will be lost as part of the scheme. Post development habitat creation indicates creation of mixed native scrub, other neutral grassland and urban trees which will result in a 22.58% net gain. Some existing hedgerows will be lost to accommodate the scheme. New species rich hedgerow will be created within the site along with enhancement of the existing hedgerow which results in a large increase in hedgerow units. The consultee has advised that the Biodiversity Metric needs to be updated to reflect the changes to the landscape proposals. It is clear from their comments that this can be conditioned.

12.13 Members need to consider whether the impacts of the development on existing landscape features is acceptable, whether the landscape proposals are acceptable and whether the impacts on biodiversity are acceptable. The consultees have advised that this development will deliver a net gain in biodiversity and offers a higher quality landscape proposal in terms of planting associated with this type of commercial/retail development, and on this basis, they have advised the landscape is acceptable. Subject to imposing the suggested conditions and securing the farmland bird mitigation contribution via a S106 Agreement, it is the officer's advice that the proposed development is acceptable in terms of meeting the requirements of the NPPF and LP Policies.

13.0 Other Issues

13.1 Contaminated Land

13.2 NPPF paragraph 183 seeks to ensure that planning decisions have regard to ground conditions and any risks arising from land instability and contamination.

13.3 NPPF paragraph 184 states "Where a site is affected by contamination or land stability issues, responsibility for securing a safe development rests with the developer and/or landowner".

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

13.5 The application site is located within a coal referral area. The Coal Authority has been consulted. They note that a Phase II GeoEnvironmental Investigation Report has been submitted which confirms site investigations across the site. This report confirms that only thin intact coal seams were encountered, which will not have been worked due to their uneconomical characteristics. Taking this into account and on the basis that the report confirms that all other seams have sufficient competent rock cover above them to afford ground stability, the Coal Authority is satisfied that the issue of the potential for coal mining legacy to affect the proposed development has been adequately investigated.

13.6 The Coal Authority has not objected to this application.

13.7 The Contaminated Land Officer has been consulted. She has considered the Phase II GeoEnvironmental Investigation Report and noted that no elevated

levels of contaminants were found. Therefore, no remediation is required relating to contamination.

13.8 The Contaminated Land Officer has advised that the gas monitoring readings cannot be accepted. However, it is clear from her comments that this can be conditioned.

13.9 Members need to consider whether the proposed development is acceptable in terms of its impact on ground conditions. It is officer advice that it is.

13.10 Flooding

13.11 The NPPF paragraph 159 makes it clear that development should not increase flood risk elsewhere and only consider development in appropriate areas.

13.12 LP Policy “DM5.12 Development and Flood Risk” states that all major developments will be required to demonstrate that flood risk does not increase as a result of the development proposed, and that options have been taken to reduce overall flood risk from all sources, taking into account the impact of climate change over its lifetime.

13.13 The objections received regarding increased flood risk and inadequate drainage are noted.

13.14 The Lead Local Flood Authority (LLFA) has been consulted. They have considered the surface water drainage proposals and have not raised any objections. It is proposed to provide surface water drainage via the use of permeable paving which will connect to an underground storage tank which will provide surface water attenuation within the site suitable for a 1in100 year rainfall event including a 40% increase for climate change. The surface water discharge rate from the site will be restricted to the equivalent greenfield QBAR rate of 3.2l/s which pass through a by-pass separator before discharging into the existing highway drainage system to the west of the site via a pump station. The LLFA have recommended conditional approval.

13.15 Northumbrian Water (NWL) has been consulted. They have not raised any objection to this application providing the application is carried out in accordance with the submitted Flood Risk Assessment and Drainage Strategy. This drainage scheme ensures that foul discharges to the combined sewer and ensures that surface water discharges into the existing highways drainage system. NWL have recommended conditional approval.

13.16 Members need to determine whether the proposed development is acceptable in terms of flood risk. It is officer advice that it is, and it would accord with both national and local planning policies.

13.17 Police

13.18 Northumbria Police have been consulted. They have raised no objection to the proposed development from a crime prevention point of view.

14.0 S106 Contributions

14.1 Paragraph 55 of NPPF states that local planning authorities should consider whether otherwise unacceptable development could be made acceptable through the use of conditions or planning obligations. Planning obligations should only be used where it is not possible to address unacceptable impacts through a planning condition.

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

- a) Necessary to make the development acceptable in planning terms;
- b) Directly related to the development; and
- c) Fairly and reasonably related in scale and kind to the development.

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

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

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

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

14.7 The applicant is proposing to provide an employment and training contribution, a farmland bird mitigation contribution and a Travel Plan Bond and Monitoring Fee. These contributions are considered necessary and directly related to the development. As such, the development complies with the CIL Regulations, the NPPF and LP policies.

15.0 Local Financial Considerations

15.1 Paragraph 11 of National Planning Practice Guidance states that Section 70(2) of the Town and Country Planning Act 1990 (as amended) provides that a

local planning authority must have regard to a local financial consideration as far as it is material. Section 70(4) of the 1990 Act (as amended) defines a local financial consideration as a grant or other financial assistance that has been, will or that could be provided to a relevant authority by a Minister of the Crown (such as New Homes Bonus payments) or sums that a relevant authority has received, or will or could receive, in payment of Community Infrastructure Levy.

15.2 Whether or not 'a local financial consideration' is material to a particular decision will depend on whether it could help make the development acceptable in planning terms. It is not considered that New Homes Bonus or CIL contributions are material in terms of making this development acceptable in planning terms.

16.0 Conclusions

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

16.2 Specifically, NPPF states that LPA's should look for solutions rather than problems, and decision-takers at every level should seek to approve applications for sustainable development where possible. A core planning principle within NPPF requires that every effort should be made objectively to identify and then meet the housing, business and other development needs of an area, and respond positively to wider opportunities for growth. The site is allocated as part of the wider Murton Strategic Site. Ideally the development of the wider strategic site would have come forward in its entirety and the approved masterplan sought to encourage this. However, it is considered that it would be difficult to resist this development as it is not reliant on the key infrastructure i.e. highway infrastructure, drainage, greenspace, required to bring forward the wider strategic allocation nor would it prejudice the delivery of the wider strategic allocation. It is officer advice that this development is acceptable, albeit it does not fully comply with Policy S4.4(c).

16.3 Members need to consider whether the proposal is acceptable in terms of its impact on existing town centres. It is officer advice that it is acceptable.

16.4 Members need to consider whether this development is acceptable in terms of its impact on the amenity of nearby residential properties. It is officer advice that it is acceptable subject to imposing the suggested conditions.

16.5 Members need to consider whether the design and layout of the proposal is acceptable in terms of its impact on existing residential dwellings and existing commercial premises and the character and appearance of the immediate surrounding area. It is officer advice that it is acceptable.

16.6 Members need to consider whether this development is acceptable in terms of its impacts on highway safety and whether sufficient parking is provided. The proposal will provide parking to meet the needs of this development and will not have an unacceptable impact on highway safety or result in a residual cumulative impact that will be severe. It is officer advice that it is acceptable.

16.7 Members need to consider whether this development is acceptable in terms of biodiversity and landscaping. Subject to a legal agreement to secure the farmland bird mitigation contribution and imposing the suggested conditions the proposal would provide biodiversity net gain, which is encouraged by NPPF, and secure appropriate mitigation. The development will not significantly impact on biodiversity. It is officer advice that is acceptable.

16.8 Issues to do with flooding and ground conditions (gas) can be dealt with via conditions.

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

16.10 It is therefore recommended that planning permission should be granted subject to a S106 Legal Agreement and conditions.

RECOMMENDATION:

It is recommended that:

- c) the Committee indicates that it is minded to grant the application; and**
- d) the Director of Regeneration and Economic Development be authorised to issue a notice of grant of planning permission subject to:**
 - iv) the conditions set out in the planning officers report and addendum;**
 - v) the addition, omission or amendment of any other conditions considered necessary by the Director of Regeneration and Economic Development; and**
 - vi) 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 £10,000 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).**
 - A £25,580 farmland bird mitigation contribution is required towards implementing a scheme at the Rising Sun Country Park or alternative site.**
 - A £13,476 employment and training contribution is required to deliver employability interventions to upskill local residents to take advantage of apprenticeships/job opportunities.**
- c) the Assistant Chief Executive and the Director of Regeneration and Economic Development be authorised to undertake all necessary procedures under Section 278 of the Highways Act 1980 to secure the following highway improvements:**

- New site access on Park Lane
- Shared path links into the site
- Localised road widening
- Localised shared path widening
- Right turning pocket
- Upgrade of footpath abutting the site
- Light-controlled crossing on Park Lane
- Associated highway drainage
- Associated street lighting
- Associated road markings
- Associated signage
- Associated Traffic Regulation Orders
- Detailed highway design
- Road safety audit

Conditions/Reasons

1. The development to which the permission relates shall be carried out in complete accordance with the following approved plans and specifications:
 - Location plan Dwg No. ZZ-XX-DR-A-900001 P2
 - Existing site plan Dwg No. ZZ-XX-DR-A-900002 P2
 - Proposed site plan Dwg No. ZZ-XX-DR-A-910010 P13
 - General Arrangement Elevations Dwg No. ZZ-XX-DR-A-020001 P4
 - General Arrangement Ground Floor Plan Dwg No. ZZ-XX-DR-A-010001 P6
 - General Arrangement Roof Plan Dwg No. ZZ-XX-DR-A-010001 P5
 - Access Arrangements Dwg No. 001 B

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

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

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

3. Notwithstanding Condition 1, the scheme for off-site highway works as set out in drawing number 16 -1176 - 001 - Revision B shall be carried out prior to occupation in and subject to Technical Approvals and Road Safety Audits and includes the following measures:
 - New site access on Park Lane
 - Shared path links into the site
 - Localised road widening
 - Localised shared path widening
 - Right turning pocket
 - Upgrade of footpath abutting the site
 - Light-controlled crossing on Park Lane
 - Associated highway drainage
 - Associated street lighting
 - Associated road markings

Associated signage
Associated Traffic Regulation Orders
Detailed highway design
Road safety audit

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

4. No part of the development shall be occupied until the new means of access has been laid out in accordance with the approved details and retained thereafter.

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

5. Notwithstanding Condition 1, the scheme for cycling and pedestrian links within the site and connecting into the wider network shall be laid out in accordance with the approved plans. This scheme shall be implemented in accordance with the approved details and retained thereafter.

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

6. Notwithstanding Condition 1, the scheme for Heavy Goods Vehicles (HGV's) to turn shall be laid out in accordance with the approved plans. These turning areas shall not be used for any other purpose and retained thereafter.

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

7. Notwithstanding Condition 1, the scheme for parking shall be laid out in accordance with the approved plans. These parking areas shall not be used for any other purpose and retained thereafter.

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

8. Notwithstanding Condition 1, the scheme for Electric Vehicle (EV) charging shall be laid out in accordance with the approved plans. These EV charging areas shall not be used for any other purpose and retained thereafter.

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

9. Notwithstanding Condition 1, the scheme for undercover cycle storage shall be laid out in accordance with the approved plans. This cycle storage shall not be used for any other purpose and retained thereafter.

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

10. Notwithstanding Condition 1, prior to the commencement of any part of the development hereby approved above damp proof course details of a taxi and private hire servicing plan shall be submitted to and approved in writing by the Local Planning Authority. This plan shall include details of drop off and pick up points and allocated parking bays as necessary. Thereafter the taxi and private hire servicing plan shall be implemented in accordance with the approved details and retained thereafter.

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

11. Notwithstanding Condition 1, prior to the commencement of any part of the development hereby approved above damp proof course details of a car park management plan shall be submitted to and approved in writing by the Local Planning Authority. This plan shall be implemented in accordance with the approved details and retained thereafter.

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

12. Notwithstanding Condition 1, prior to the commencement of any part of the development hereby approved above damp proof course details of a service management plan shall be submitted to and approved in writing by the Local Planning Authority. This plan shall be implemented in accordance with the approved details and retained thereafter.

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

13. Notwithstanding Condition 1, no development shall commence until a Construction Method Statement for the duration of the construction period has been submitted to and approved in writing by the Local Planning Authority. The approved statement shall: identify the access to the site for all site operatives (including those delivering materials) and visitors, provide for the parking of vehicles of site operatives and visitors; details of the site compound for the storage of plant (silos etc) and materials used in constructing the development; provide a scheme indicating the route for heavy construction vehicles to and from the site; a turning area within the site for delivery vehicles; dust suppression scheme (such measures shall include mechanical street cleaning, and/or provision of water bowsers, and/or wheel washing and/or road cleaning facilities, and any other wheel cleaning solutions and dust suppressions measures considered appropriate to the size of the development). The scheme must include a site plan illustrating the location of facilities and any alternative locations during all stages of development and include tree protection measures for the trees to be retained and maintained for the duration of the works. Cabins, storage of plant and materials, parking are not to be located within the root protection areas (RPA's) of the retained trees as defined by the Tree Protection Plan to be submitted pursuant to condition 33. The approved statement shall be implemented and complied with during and for the life of the works associated with the development.

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

14. Notwithstanding Condition 1, no development shall commence until a scheme to show wheel washing facilities and mechanical sweepers to prevent mud and debris onto the public highway has been submitted to and approved in writing by the Local Planning Authority. This scheme shall include details of the location, type of operation, maintenance/phasing programme. Construction shall

not commence on any part of the development other than the construction of a temporary site access and site set up until these agreed measures are fully operational for the duration of the construction of the development hereby approved. If the agreed measures are not operational then no vehicles shall exit the development site onto the public highway.

Reason: This information is required pre development to ensure that the site set up does not impact on highway safety, pedestrian safety, retained trees (where necessary) and residential amenity having regard to policies DM5.9, DM5.19 and DM7.4 of the North Tyneside Local Plan (2017) and National Planning Policy Framework.

15. Notwithstanding Condition 1, prior to the installation of any chimney or extraction vent to be provided in connection with the development details of the height, position, design and materials shall be submitted to and approved in writing by the Local Planning Authority. Any flues required for odour abatement purposes to 1 m above roof ridge of the buildings. Thereafter, the development shall not be carried out other than in accordance with the approved details which shall be permanently maintained.

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

16. Notwithstanding Condition 1, prior to the installation of any air ventilation systems to be provided in connection with the development details shall be submitted to and approved in writing by the Local Planning Authority. Thereafter, the development shall not be carried out other than in accordance with the approved details which shall be permanently maintained and retained.

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

17. Notwithstanding Condition 1, prior to the installation of any refrigeration plant to be provided in connection with the development details shall be submitted to and approved in writing by the Local Planning Authority. Thereafter, the development shall not be carried out other than in accordance with the approved details which shall be permanently maintained and retained.

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

18. Notwithstanding Condition 1, prior to the commencement of any part of the development hereby approved damp proof course level a noise scheme shall be submitted to and approved in writing by the Local Planning Authority (LPA). The noise scheme must be submitted in accordance with BS4142 to ensure the noise rating level from the combined plant and equipment installed at the site does not exceed the background noise level of 31 dB LAeq for the night period and 48 dB LAeq for daytime at the nearest sensitive receptor located on Park Road. Within one month of the installation of any plant and equipment acoustic testing shall be undertaken to verify compliance with the background noise levels set out in this condition. These details shall be submitted to and approved in writing by the Local Planning Authority prior to the operation of the plant and equipment being brought into permanent use. Thereafter the plant and equipment shall be operated and maintained in full working order.

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

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

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

20. Deliveries and collections to the site shall be restricted to between 07:00 and 23:00 hours on any day.

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

21. The premises/buildings hereby approved shall only be open for business in accordance with the following:

08:00 to 22:00 hours Monday to Saturday and Bank Holidays

10:00 to 18:00 hours Sundays

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

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

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

23. 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. 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. The 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.

Reason: In order to safeguard the amenities of neighbouring properties, and to protect existing landscape features and biodiversity having regard to policies DM5.19, DM5.7 and DM5.9 of the North Tyneside Local Plan (2017).

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

Upon approval of the method statement:

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

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

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

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

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

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

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

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

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

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

25. No development shall take place until plans of the site showing the existing and proposed ground levels and levels of thresholds and floor levels of all proposed buildings has been submitted to and approved in writing by the Local Planning Authority. Such levels shall be shown in relation to a fixed and known datum point. Thereafter, the development shall not be carried out other than in accordance with the approved details.

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

26. Development shall be implemented in line with the drainage scheme contained within the submitted document entitled "Flood Risk Assessment" dated "June 2021". The drainage scheme shall ensure that foul flows discharge to the combined sewer at manhole 7404 and ensure that surface water discharges into the existing highways drainage system as per agreement with the Lead Local Flood Authority (LLFA). Surface water flows shall not enter our public wastewater network.

Reason: To prevent the increased risk of flooding from any sources and ensure foul is appropriately disposed of in accordance with the NPPF.

27. Notwithstanding Condition 1, prior to any works commencing onsite a full condition survey of the highway drain that this development proposes to connect into for its full length from point of connection through to point of discharge into highway drain/sewer network shall be submitted to and approved in writing by the Local Planning Authority in consultation with the Lead Local Flood Authority (LLFA). Any remedial works identified within the highway drain to be agreed with the LLFA and all agreed works shall be carried out in full accordance with these agreed details and LLFA requirements prior to formal connection from the development.

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

28. Notwithstanding Condition 1, prior to the commencement of any part of the development hereby approved above damp proof course level a detailed surface water drainage design and discharge rates, including pollution control measures and details of the appointed SUDS management company, shall be submitted to and approved in writing by the Local Planning Authority in consultation with the Lead Local Flood Authority. Thereafter, the surface water drainage, including pollution control measures, shall be installed in accordance with these agreed details prior to any unit hereby approved being brought into use and permanently maintained and retained by the agreed management company.

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

29. 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 (Use Class E (a)) 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).

30. 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 landscape plans or without the prior written consent of the Local Planning Authority. G13 is to be retained, contrary to the Arboricultural Impact Assessment. 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 adequately protected during construction having regard to Policy DM5.9 of the North Tyneside Local Plan (2017).

31. Notwithstanding Condition 1, prior to the commencement of any works starting on site, an Arboricultural Method Statement and Tree Protection Plan showing the retention and protection of G13 shall be submitted to and approved in writing by the Local Planning Authority. 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 existing landscape features are adequately protected during construction having regard to Policy DM5.9 of the North Tyneside Local Plan (2017).

32. Notwithstanding Condition 1, prior to the commencement of any works starting on site, the trees or hedgerows 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 pursuant to condition 33 shall be installed. 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 to and approved in writing by the Local Planning Authority. 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: This information is required from the outset to ensure existing landscape features are adequately protected having regard to Policy DM5.9 of the North Tyneside Local Plan (2017).

33. All works within the root protection area (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'.

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

34. Notwithstanding Condition 1, prior to the construction of any part of the development hereby approved above damp proof course level 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).

35. Notwithstanding Condition 1, prior to the construction of any part of the development hereby approved above damp proof course level a

a fully detailed landscape plan and specification, based on R/2498/1G, shall be submitted to and approved in writing by the Local Planning Authority and shall be in accordance with an approved Biodiversity Net Gain Assessment Report and updated Biodiversity Metric required to be submitted pursuant to condition

38. The landscape scheme shall also include the following:

- Native shrub mix to extend behind the car parking bays located in the south-west corner of the site, behind the sign and extending to link with the new steps.

- Hibernacula will be created within landscaped areas of the site for wildlife. Locations of the hibernacula and their specification, including a timetable for implementation, shall be included on the landscape plan.

Any trees, shrubs or grasslands 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 DM5.5 and DM5.9 of the North Tyneside Local Plan (2017).

36. Notwithstanding Condition 1, prior to the construction of any part of the development hereby approved above damp proof course level, an updated Biodiversity Metric 3.1 and a Biodiversity Net Gain (BNG) Report, based on an approved Landscape Plan pursuant to condition 37, shall be submitted to and approved in writing by the Local Planning Authority.

Reason: To ensure the development provides an appropriate level of mitigation having regard to Policies DM5.5 and DM5.9 of the North Tyneside Local Plan (2017).

37. 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. The plan will include details of the following:

- Details on the creation, enhancement and management of all habitats identified within an approved Biodiversity Net Gain Report/Biodiversity Metric and approved Landscape Plan pursuant to conditions 37 and 38.

- Survey and monitoring details for all target habitats identified within the approved Net Gain Assessment Report/Biodiversity Metric. 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 pursuant to condition 38.

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 DM5.5 and DM5.9 of the North Tyneside Local Plan (2017).

38. 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 (2017).

39. 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 etc) 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 DM5.5 of the North Tyneside Local Plan (2017).

40. Notwithstanding Condition 1, prior to the construction of any part of the development hereby approved above damp proof course level details of 4no. bird boxes/features and 2no. 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 DM5.5 of the North Tyneside Local Plan (2017).

41. 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 DM5.5 of the North Tyneside Local Plan (2017).

42. Notwithstanding condition 1, prior to the commencement of any part of the development hereby approved above damp proof course level details of details of all screen and boundary walls, fences and any other means of enclosure boundary treatments, including details of the locations and specification of hedgehog gaps (13cm x 13cm) shall be submitted to and approved in writing by the Local Planning Authority. The development shall thereafter only be carried out in accordance with the approved details and the development hereby approved shall not be occupied until the details have been fully implemented and shall be fully maintained and retained.

Reason: To ensure a satisfactory environment within the development and to ensure that protected/priority species are appropriately mitigated for having regard to Policies DM5.5 and DM6.1 of the North Tyneside Local Plan (2017).

43. No part of the development hereby approved shall be occupied until a Full Travel Plan in accordance with the Council's Travel Plan Scope (to be agreed), has been submitted to and approved in writing by the Local Planning Authority. Thereafter, the development shall be carried out in full accordance with the agreed Travel Plan. The Travel Plan will require the Travel Plan Coordinator to

be in place three months prior to first occupation until at least five years from first occupation and will also include an undertaking to conduct annual travel surveys to monitor whether the Travel Plan targets are being met with a Monitoring Report submitted to the Council within two months of surveys being undertaken.

Reason: To accord with Central Government concerning sustainable transport.

Statement under Article 35 of the Town & Country (Development Management Procedure) (England) Order 2015):

The Local Planning Authority worked proactively and positively with the applicant to identify various solutions during the application process to ensure that the proposal comprised sustainable development and would improve the economic, social and environmental conditions of the area and would accord with the development plan. These were incorporated into the scheme and/or have been secured by planning condition. The Local Planning Authority has therefore implemented the requirements in Paragraph 38 of the National Planning Policy Framework.

Informatives

Building Regulations Required (I03)

Consent to Display Advertisement Reqd (I04)

Take Care Proximity to Party Boundary (I21)

Advice All Works Within Applicants Land (I29)

Coal Mining Standing Advice (FUL,OUT) (I44)

CIL information (I50)

The applicant is advised that the vehicular access to the highway must be constructed by or to the satisfaction of the Local Highway Authority. Contact Highways@northtyneside.gov.uk for further information.

The applicant is advised that a licence must be obtained from the Local Highway Authority before any works are carried out on the footway, carriageway verge or other land forming part of the highway. Contact Highways@northtyneside.gov.uk for further information.

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

The applicant is advised that a license must be obtained from the Highways Authority for any scaffold placed on the footway, carriageway verge or other land forming part of the highway. Contact Streetworks@northtyneside.gov.uk for further information

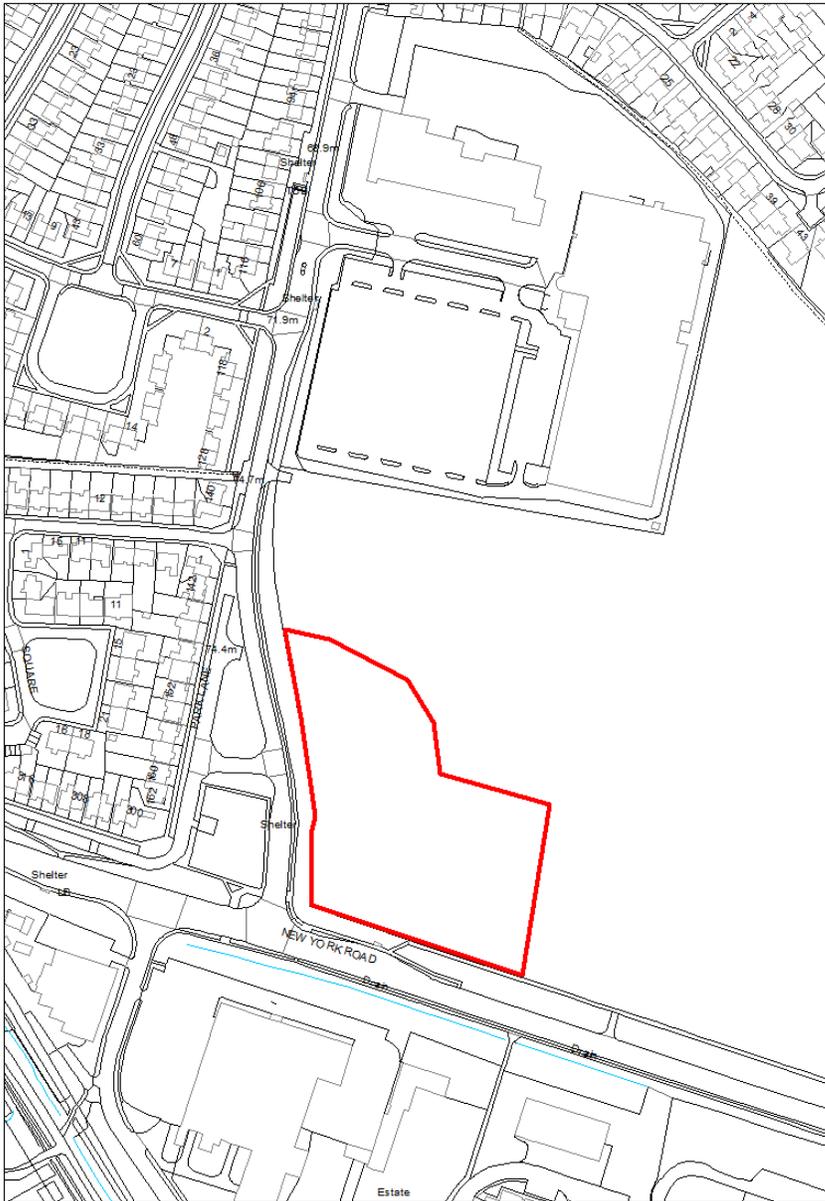
The applicant is advised that no part of the gates or garage doors may project over the highway at any time. Contact New.Developments@northtyneside.gov.uk for further information.

The applicant is advised to contact Highway Maintenance to arrange for an inspection of the highways adjacent to the site. The applicant should be aware that failure to do so may result in the Council pursuing them for costs of repairing any damage in the surrounding area on completion of construction. Contact Highways@northtyneside.gov.uk for further information.

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

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

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



Application reference: 21/01513/FUL

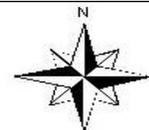
**Location: Land South Of Boundary Mills, Park Lane, Shiremoor,
NEWCASTLE UPON TYNE**

**Proposal: Erection of a new discount foodstore (Use Class E) with access,
car parking and landscaping and other associated works (Amended plans
received 28.06.2022)**

Not to scale

Date: 02.03.2023

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**Appendix 1 – 21/01513/FUL
Item 5**

Consultations/representations

1.0 Member of Parliament (MP)

1.1 Alan Campbell MP, Tynemouth

- Adverse effect on wildlife
- Impact on landscape
- Loss of visual amenity
- None compliance with approved policy
- Nuisance - noise
- Poor traffic/pedestrian safety
- Traffic congestion

1.2 Access onto Park Lane will cause additional traffic and congestion to a road that already suffers from heavy traffic.

1.3 Wildlife will be adversely affected, and the removal of hedgerows will reduce nesting sites for birds and habitat for many vertebrates and invertebrates.

1.4 Residents living in the area will suffer increased noise levels due to an increase in traffic.

1.5 Overall, the negative impact on the wellbeing of local residents is a cause for great concern.

1.6 I request that this application is not approved.

2.0 Councillor Brian Burdis

2.1 I wish to ask for the right to speak at the Planning Committee.

2.2 I will be objecting to the application on a number of issues surrounding the proposed development.

- Adverse effect on wildlife
- Impact on landscape
- Inadequate drainage
- Nuisance - disturbance
- Nuisance - noise
- Poor traffic/pedestrian safety
- Poor/unsuitable vehicular access
- Traffic congestion
- Will result in visual intrusion
- Pressure on wildlife habitat
- Pollution and noise levels
- Visual amenity
- Concerns around drainage and flooding

2.3 Councillor Tommy Mulvenna

2.4 I request to speak due to the level of objection.

3.0 Internal Consultees

3.1 Planning Policy

3.2 The site is in a prominent location on the corner of New York Road (A191) and Park Lane in Shiremoor. The site is in an out of centre location for a main town centre use on an area of land that is currently agricultural land but allocated in the North Tyneside Local Plan (2017) as a strategic housing site.

3.3 Policy S4.4(a) identifies the strategic site of Murton Gap principally for residential development but allows for 1,000m² (net) of retail development. Policy S4.4 (c) requires a comprehensive masterplan to be prepared for the strategic site that is agreed by the relevant development consortia and North Tyneside Council. In accordance with this a jointly prepared Murton Gap Masterplan was adopted by the Council in December 2017. Policy 4.4(c) states that planning permission would be granted on the site for proposals that are consistent with the comprehensive masterplan and it does not prejudice the implementation of the whole allocation.

3.4 Although the net floorspace of the proposal 1,414m² is greater than that identified in the Masterplan (1,000m²), the principle of 1,414m² net of convenience retail development on the site is considered acceptable. The Masterplan states that a planning application for all or any part of the Murton Gap Strategic allocation will need to demonstrate that it meets the requirements of the Masterplan to ensure consistency and delivery of the key policy and design objectives for Murton Gap. Through cooperative working with the agent the plans indicate potential future locations for pedestrian links that could connect the site to the wider Masterplan area. These potential links illustrate an integration of the site with the Masterplan that would support the connectivity between existing and future communities.

3.5 Due to the development being an out of centre convenience store that is above the local threshold for an impact test (1,000m²) (Local Plan Policy DM3.4), the applicant has submitted an impact test along with a sequential assessment. The impact assessment has concluded that there would be no significant adverse impact on the existing local centres for existing, committed and planned public and private investment and it would also not undermine the future retail offer identified in the Masterplan.

3.6 Policy DM3.4 of the Local Plan (2017) also requires a sequential test to be submitted with an application of a town centre use in an out of town location. The Local Plan includes in its sequential assessment a requirement for existing out-of-centre development sites, previously occupied by appropriate main town centre uses, to be considered before looking at other out of centre locations. The vacant Great Outdoors Store 200m north of the site has been included in the sequential assessment, but it is not considered suitable, available or viable. The vacant Great Outdoors Store is the same size (1.0ha), on a brownfield site, in close proximity to another retail development, encouraging linked trips, and occupies a position that is clearly visible from the highway.

3.7 Visual prominence is a key factor in the business model for Lidl when investing in a new store. The applicant states that the Great Outdoors store is not considered visually prominent or accessible from a major road and this makes the site unsuitable, but the NPPF does guide applicants and Local Planning Authorities to demonstrate flexibility in their approach to fully explore alternative sites (accepting that this refers principally to utilise town centre or edge of centre sites, but the spirit of flexibility between both parties is clear). The location of the vacant Great Outdoor store is not considered to be so obscure or so inaccessible from a major road that it should be discounted when allowing for a small degree of flexibility in the Lidl business model. However, the site is not considered to be sequentially preferable as it is not believed to be available. Since the Great Outdoors store closed the site is not being marketed and therefore is not considered to be available. The sequential assessment therefore concludes there are no sequentially preferable sites that are available, suitable or viable.

3.8 Conclusion: The proposal would have a minimal impact on the overall housing delivery of the site and would not prejudice delivery of the Murton Gap Masterplan. The application has satisfied the sequential and impact test as outlined in Policy DM3.4.

3.9 Highways Network Manager

3.10 A Transport Assessment (TA) and Framework Travel Plan (TP) were submitted as part of the planning application that analysed junctions in the vicinity of the site as well as the proposed site accesses. The store was also assessed in the A191 corridor model which formed part of the Local Plan transport study and the impact of the development on the adjacent highway network is not considered to be severe.

3.11 As part of the proposal, the developer has proposed off-site mitigation on Park Lane at the approach to the junction with New York Road to increase capacity and a light-controlled crossing on Park Lane to the north of the site to improve pedestrian and cycling connectivity.

3.12 The site will be accessed from Park Lane and parking has been provided to meet the needs of the development and is at comparable levels to the existing Lidl stores at Killingworth and North Shields, as well as stores in the wider area. A parking study from the Killingworth store has also been provided that demonstrates the suitability of number of spaces in the proposed car park.

3.13 Servicing is carried out via the main access and the service area is located to the north-east of the site in a layout that is very similar to the existing Killingworth and North Shields stores.

3.14 Conditional approval is recommended.

3.15 Recommendation - Conditional Approval

3.16 The applicant will be required to enter into a Section 278 agreement for the off-site highway works set out in drawing number 16 - 1176 - 001 - Revision B, which is subject to Technical Approvals and Road Safety Audits and includes the following measures:

- New site access on Park Lane
- Shared path links into the site
- Localised road widening
- Localised shared path widening
- Right turning pocket
- Upgrade of footpath abutting the site
- Light-controlled crossing on Park Lane
- Associated highway drainage
- Associated street lighting
- Associated road markings
- Associated signage
- Associated Traffic Regulation Orders
- Detailed highway design
- Road safety audit

3.17 Conditions:

Notwithstanding the details submitted, the scheme for off-site highway works as set out in drawing number 16 -1176 - 001 - Revision B shall be carried out prior to occupation in and subject to Technical Approvals and Road Safety Audits and includes the following measures:

- New site access on Park Lane
- Shared path links into the site
- Localised road widening
- Localised shared path widening
- Right turning pocket
- Upgrade of footpath abutting the site
- Light-controlled crossing on Park Lane
- Associated highway drainage
- Associated street lighting
- Associated road markings
- Associated signage
- Associated Traffic Regulation Orders
- Detailed highway design
- Road safety audit

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

No part of the development shall be occupied until the new means of access has been laid out in accordance with the approved details and retained thereafter.

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

Notwithstanding the details submitted, the scheme for cycling and pedestrian links within the site and connecting into the wider network shall be laid out in accordance with the approved plans. This scheme shall be implemented in accordance with the approved details and retained thereafter.

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

Notwithstanding the details submitted, the scheme for Heavy Goods Vehicles (HGV's) to turn shall be laid out in accordance with the approved plans. These turning areas shall not be used for any other purpose and retained thereafter.
Reason: In the interests of highway safety and of the development having regard to policy DM7.4 of the North Tyneside Local Plan (2017).

Notwithstanding the details submitted, the scheme for parking shall be laid out in accordance with the approved plans. These parking areas shall not be used for any other purpose and retained thereafter.

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

Notwithstanding the details submitted, the scheme for Electric Vehicle (EV) charging shall be laid out in accordance with the approved plans. These EV charging areas shall not be used for any other purpose and retained thereafter.

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

Notwithstanding the details submitted, the scheme for undercover cycle storage shall be laid out in accordance with the approved plans. This cycle storage shall not be used for any other purpose and retained thereafter.

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

Notwithstanding the details submitted, the scheme for the provision of and storage of refuse shall be laid out in accordance with the approved plans and prior to the occupation. These storage areas shall not be used for any other purpose and retained thereafter.

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

No development above ground floor level shall take place until details of a taxi and private hire servicing plan have been submitted to and approved in writing by the Local Planning Authority. This plan shall include details of drop off and pick up points and allocated parking bays as necessary. Thereafter the taxi and private hire servicing plan shall be implemented in accordance with the approved details and retained thereafter.

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

No development above ground floor level shall take place until details of a car park management plan has been submitted to and approved in writing by the Local Planning Authority. This plan shall be implemented in accordance with the approved details and retained thereafter.

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

No development above ground floor level shall take place until details of a service management plan has been submitted to and approved in writing by the

Local Planning Authority. This plan shall be implemented in accordance with the approved details and retained thereafter.

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

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

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

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

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

3.18 Informatives:

The applicant is advised that the vehicular access to the highway must be constructed by or to the satisfaction of the Local Highway Authority. Contact Highways@northtyneside.gov.uk for further information.

The applicant is advised that a licence must be obtained from the Local Highway Authority before any works are carried out on the footway, carriageway verge or other land forming part of the highway. Contact Highways@northtyneside.gov.uk for further information.

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

The applicant is advised that a license must be obtained from the Highways Authority for any scaffold placed on the footway, carriageway verge or other land forming part of the highway. Contact Streetworks@northtyneside.gov.uk for further information

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

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

The applicant is advised to contact Highway Maintenance to arrange for an inspection of the highways adjacent to the site. The applicant should be aware that failure to do so may result in the Council pursuing them for costs of repairing any damage in the surrounding area on completion of construction. Contact Highways@northtyneside.gov.uk for further information.

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

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

The applicant is advised to contact the council's Public Rights of Way Officer prior to construction arrange s joint inspection of the Public Right of Way network

on and adjacent to the site. If this inspection is not carried out, the Local Highway Authority may pursue the developer for any costs to repair damage to these routes. Contact Highways@northtyneside.gov.uk for further information.

3.19 Manager for Environmental Health (Pollution)

3.20 I have concerns with regard to potential noise arising from the foodstore development affecting neighbouring residential properties located on Park Lane adjacent to the site.

3.21 I have reviewed the noise assessment which has considered noise from new plant and equipment to be installed at the site and from delivery noise.

Associated noise

arising from the loading of goods by customers will occur in the car park e.g. clashing of trolleys, slamming of car boots and doors etc, and its use can be controlled via a condition to restrict operating hours to no later than 22:00 hours. The noise assessment for the external plant has determined that the predicted noise level will be 24 dB LAeq,T and is below the existing background noise levels for both the day and night period and will not give rise to significant adverse impacts. A validation assessment will need to be carried out following installation. It is noted that the delivery bay is located to the eastern area of the site away from the residential properties on Park Lane. However, delivery vehicles will need to reverse into the bay. I note that the noise assessment states deliveries will only occur during daytime hours and the assessment has been based on this. The noise rating level was calculated as 39 dB and would be below the existing daytime noise level of 48 dB LA90 and will not result in significant adverse impacts. A condition to restrict deliveries to daytime hours will be required.

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

Odour Abatement Controls: (If the provision of any bakery or cooking facilities is to be provided).

EPL01

EPL02

EPL03

EPL04

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

Deliveries and collection must not be permitted between 23:00 and 07:00 hours.

HOU03 08:00 to 22:00 hours Monday to Saturday and 10:00 - 18:00 Sundays and Bank Holidays.

Noise from External Plant and Equipment

The noise rating level from the combined plant and equipment installed at the site shall not exceed the background noise level of 31 dB LAeq for the night period and 48 dB LAeq for daytime at the nearest sensitive receptor located on Park

Road. It will be necessary following installation of the plant and equipment that acoustic testing is undertaken to verify compliance with this condition within one month of its installation and submitted for written approval prior to the operation of the plant and thereafter maintain in working order.

NOI02
HOU04
SIT03
REF01
REF02
LIG01

3.23 Manager for Environmental Health (Contaminated Land)

3.24 I have read the Phase 2 Geoenvironmental report and note that no elevated levels of contaminants were found. No remediation is required for this site and no further conditions relating to contamination are required.

3.25 The gas monitoring was only carried out on two occasions. On both occasions there was a high atmospheric pressure, and all the monitoring wells were flooded. Ciria c665 states:

"if the groundwater rises there is a potential for the response zone to be saturated (flooded) and inhibit gas flow into the monitoring well."

3.26 I cannot accept readings taken in flooded wells as a true representation of the ground gas regime.

3.27 As no readings were taken at falling atmospheric pressure and the boreholes were flooded further monitoring is required. Therefore Gas 006 must be applied.

3.28 Lead Local Flood Authority (LLFA)

3.29 I have carried out a review of the surface water drainage proposals for planning application 21/01513/FUL, I can confirm in principle I have no objections to the proposals as the applicant will be providing surface water drainage via the use of permeable paving which will connect to an underground storage tank which will provide 773 sqm of surface water attenuation within the site suitable for a 1in100 year rainfall event including a 40% increase for climate change. The surface water discharge rate from the site will be restricted to the equivalent greenfield QBAR rate of 3.2l/s which will pass through a by-pass separator before discharging into the existing highway drainage system to the west of the site via a pump station.

3.30 I would recommend the following conditions are placed on the application.

-Full condition survey of highway drain this development intends to connect into for its full length from point of connection through to point of discharge into highway drain / sewer network to be provided to LLFA prior to formal connection. Any remedial works identified within the highway drain to be agreed with LLFA and works carried out in accordance with LLFA requirements prior to connection from development.

-A detailed drainage design to be provided to LLFA prior to commencement on site.

3.31 Sustainable Transport

3.32 Travel Plan Summary

3.33 A £10, 000.00 Travel Plan Bond is required, to be included as a Section 106 Agreement. This will have to be paid if the Travel Plan targets are not met.

3.34 A £1, 250.00 TP Monitoring Fee (£250.00 per annum) is required, to be included as a Section 106 Agreement. This is for North Tyneside Council (NTC) Officer time spent engaging with the Travel Plan Coordinator (TPC), monitoring the travel plan delivery by the TPC, evaluating and reviewing/approving annual travel plan progress reports produced by the TPC and annual survey results as submitted by the TPC.

3.35 The Travel Plan Scope will be included in the S106 Agreement and the following condition is recommended:

No part of the development hereby approved shall be occupied until a Full Travel Plan in accordance with the Council's Travel Plan Scope, has been submitted to and approved in writing by the Local Planning Authority. Thereafter, the development shall be carried out in full accordance with the agreed Travel Plan. The Travel Plan will require the Travel Plan Coordinator to be in place three months prior to first occupation until at least five years from first occupation and will also include an undertaking to conduct annual travel surveys to monitor whether the Travel Plan targets are being met with a Monitoring Report submitted to the Council within two months of surveys being undertaken.
Reason: To accord with Central Government concerning sustainable transport.

3.36 Biodiversity Officer and Landscape Architect

3.37 Following from various discussions with the applicant in relation to the landscape scheme and Biodiversity Net Gain, a revised landscape plan (R/2498/1 Rev G) has been submitted that addresses many previous concerns in relation to environmental Local Plan policies. There are still however concerns relating this scheme to the Murton Gap Masterplan.

3.38 This scheme is a departure from the approved Murton Gap Masterplan which offered areas of informal structure planting, that would have provided well connected and more extensive woodland and semi-natural buffer planting around the boundary for more effective screening and green links. The landscape planting associated with a commercial/retail development is more formal in character with emphasis on the visual prominence of the development and providing a reduced planting boundary that is interrupted by footpaths and access road. There are also uncertainties regarding how the housing numbers allocated for this site will be accommodated on the land already allocated for housing at Murton Gap and if this will impact on the approved green infrastructure on the wider Murton site.

3.39 Arboricultural survey

3.40 The tree cover within the survey area comprises of a small group of trees at the northern boundary of the site (likely planted as screening of the commercial

unit north of the survey area), with a managed hawthorn hedge to the south and occasional trees and shrubs along the western boundary. The central and eastern areas of the site contain little of arboricultural significance, consisting of arable farmland. None of the trees on the site are protected by a Tree Preservation Order (TPO).

3.41 The application is supported by an Arboricultural Report and Impact Assessment prepared by FDA Landscapes Ltd (dated May 2021). The trees have been evaluated for the purposes of British Standard 5837:2012 Trees in relation to design, demolition and 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.

3.42 The Arboricultural Impact Assessment (AIA) surveyed 12no. individual trees and 1no. hedge. Of the trees surveyed, all 13 trees and groups are retention category 'C'.

3.43 The sites most significant tree is T9, a semi-mature Whitebeam situated to the north of the site and is visually prominent throughout the entire site and surrounding area and provides a moderate level of amenity value. In the northern corner of the survey area are a small group of screening trees (T1-T8). Individually these trees are of no arboricultural interest with low amenity values, but as a group they effectively contribute to the screening of a large commercial site and carpark. The western boundary is primarily made up of dense brambles and a small group of shrubby Berberis. At the south western corner are 2no. Hawthorn (T10 and T11) and a small Apple (T12). These trees are of low value and should not pose any significant constraint on the development potential of the site. The southern boundary hedge (G13) is of equally low amenity.

3.44 The current AIA states that 3 trees and one tree group will require removal as they are situated in the footprint of the structure or their retention and protection throughout the development is not suitable. The trees that require removal are T10, T11, T12 and G13, all which have a low retention value (category 'C'). T10 and T11 are semi-mature Hawthorn with little visual amenity. T12 is an Apple that has a significant north westerly lean and G13 is a managed boundary hedge consisting primarily of Hawthorn. However following various discussions, it is now proposed to retain G13 with only a small section to be removed for access.

3.45 Landscape Plan R/2498/1G

3.46 Following discussions with the applicant, improvements have been made to the 'Landscape Details Plan' (R/2498/1G Rev G) that meet the requirements of Biodiversity Net Gain. The landscape plan proposes 52no. extra heavy standard trees, native scrub and hedgerow, ornamental shrub planting and wildflower planting. This will provide some structural diversity around the boundaries and entrances of the site and contribute to green links. However, there are still opportunities for additional planting to improve visual amenity and reduce the visual impact of the development, specifically in the south-west corner of the site, by linking up the native scrub planting proposed between the southern and

western boundary. This will improve visual amenity and green corridor links for wildlife along this boundary. These improvements/enhancements can be included via a suitably worded landscape condition. The Landscape Plan will therefore need to be updated to address this which can be submitted via a landscape condition.

3.47 Updated Ecological Impact Assessment (EclA)

3.48 An updated Ecological Impact Assessment (May 2022) has been submitted to support the application. The scheme will result in the loss of arable habitat and small sections of native species rich hedgerow. No protected species issues have been identified as part of the EclA with the arable habitat providing limited or no opportunities for the majority of species. Surveys for breeding birds confirmed a typical assemblage of common bird species at the site, including nine priority and amber/red list species mainly associated with the boundary hedgerows. No ground nesting farmland birds such as skylark were recorded within the proposed development site, although 2 territories were recorded within the wider field adjacent. The scheme therefore has the potential to impact ground nesting birds (skylark territories) through disturbance impacts and the applicant has acknowledged this and agreed to pay a financial contribution towards off-site farmland bird compensation to be delivered on land within North Tyneside. It is considered that the landscaping scheme associated with the development, such as native scrub and hedgerows will provide additional valuable habitat for farmland birds and foraging/commuting habitat for bats.

3.49 Biodiversity Net Gain/Metric

3.50 A Biodiversity Metric 3.1 calculation (Enzygo June 2022 Rev A) has been submitted which sets out the baseline value of the site (before development) and the post-development habitat value. The metric calculation provides the raw data for a Biodiversity Net Gain (BNG) Assessment which was requested to support the application and should typically outline how the site has been assessed using the Defra Biodiversity Metric including information on the condition scoring criteria for each habitat type as set out in the Technical Guidance documents. A BNG Assessment Report has not been submitted, however, the Metric calculation does provide some additional limited information within the 'Comments' section (Assessor Comments) of the calculation tool.

3.51 The results of the metric show that all the habitats within the site boundary (arable land, species poor neutral grassland and bramble scrub) will be lost as part of the scheme. Post development habitat creation indicates creation of mixed native scrub, other neutral grassland and urban trees which will result in a 22.58% net gain.

3.52 The hedgerow baseline information indicates that some existing hedgerow will be lost to accommodate the scheme. New species rich hedgerow will be created within the site along with enhancement of the existing hedgerow which results in a large increase in hedgerow units.

3.53 The submitted Biodiversity Metric needs to be updated to take into account the changes that have been made in the updated 'Landscape Details Plan' (R/2498/1G Rev G) as the Metric data is no longer correct. These changes are unlikely to reduce the net gain of 22.58% as additional habitat has been provided

as part of the updated Landscape Plan. It will, therefore, be acceptable for an updated Biodiversity Metric to be conditioned as part of the application. Similarly, a Biodiversity Net Gain (BNG) Report will also need to be provided by way of condition to support the findings of the Metric and ensure habitat condition assessment information is provided that will then form the basis for an ongoing 30 year management plan (LEMMP) for this site.

3.54 The scheme (Landscape Proposal DWG: R/2498/1G Rev G) will deliver a net gain in biodiversity on site in accordance with Local Plan Policy and the NPPF and offers a higher quality landscape proposal in terms of planting associated with this type of commercial/retail application, and on this basis the landscape scheme is acceptable. Should the application be approved, the following conditions should be applied:

3.55 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 landscape plans or without the prior written consent of the Local Planning Authority. G13 is to be retained, contrary to the AIA. 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, an Arboricultural Method Statement and Tree Protection Plan is to be submitted for approval showing the retention and protection of G13.

Prior to commencement of works starting on site, the trees or hedgerows 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, to be submitted. 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 Planning 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 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'.

The contractor's construction method statement relating to traffic management/site compounds/contractor access, temporary parking, on site welfare facilities, loading, unloading and storage of equipment, materials, fuels and waste as well 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 and specification, based on R/2498/1G, shall be submitted to and approved in writing by the Local Planning Authority and shall be in accordance with an approved Biodiversity Net Gain Assessment Report and updated Biodiversity Metric. The landscape scheme shall also include the following:

- Native shrub mix to extend behind the car parking bays located in the south-west corner of the site, behind the sign and extending to link with the new steps.

Any trees, shrubs or grasslands 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.

Within 4 weeks of development commencing on site, an updated Biodiversity Metric 3.1 and a Biodiversity Net Gain (BNG) Report, based on an approved Landscape Plan, shall be submitted to and approved in writing by the Local Planning Authority.

Within 4 weeks of development commencing on site, 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 an approved Biodiversity Net Gain Report/Biodiversity Metric and approved Landscape Plan.

- Survey and monitoring details for all target habitats identified within the approved Net Gain Assessment Report/Biodiversity Metric. 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.

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. 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. The 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.

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 etc) 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.

4no. bird boxes/features 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.

2no. bat boxes/features will be integrated into new buildings 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 and will be installed in accordance with the approved plans on completion of works and permanently retained.

Hibernacula will be created within landscaped areas of the site for wildlife. A Plan detailing the locations of the hibernacula and their specification shall be submitted to and approved in writing by the Local Planning Authority within 4 weeks of development commencing on site.

3.56 Public Rights of Way Officer (PRoW)

3.57 Is there any reason why the unit cannot come to the front and have the loading and parking to the rear?

3.58 Is that a signalised crossing over Park Lane? A parallel would suffice. There needs to be a constructed link into Brunswick to support cycling walking from there to the crossing.

3.59 The right turn pocket is going to further diminish on road space for cycling. There is an opportunity to construct links into the Park Lane (estate road) from New York Road and, to add another link at the north end to meet up with the crossing and link path set out above.

3.60 At the south end of the estate road there is a crossing but the link path from the west is very narrow, this needs to be widened and fully surfaced to create the links set out above. Also, we have a ramped access up to New York Road from the estate road - can this be newly constructed and widened with drops from the main road?

3.61 There is an opportunity in line with LTN 1/20 to create a stepped cycle track footway along the east side of Park Lane and to incorporate a priority crossing over the site road. Why does the footway not continue on the south side of the access road?

3.62 The two link paths to the south need to be splayed at both ends - line up and be fully continuous into entrance and cycle parking. I note one is to have

steps - for cycling there needs to be another that can fall gradually into site (if there are height level issues) - this would mean rearranging the false zebra. There also needs to be a same type link to the crossing on New York Road. This needs careful work.

3.63 The stepped track/footway should continue around bend to New York Road - and cycle element bypass the bus stop and tie into false zebra into site.

4.0 Representations

4.1 Objections: 74 representations objecting to this application have been received. These are summarised below:

- Adverse effect on wildlife
- Affect character of conservation area
- Impact on landscape
- Inadequate drainage
- Inadequate parking provision
- Traffic congestion
- Loss of visual amenity
- Nuisance: disturbance, dust/dirt, fumes, noise
- Out of keeping with surroundings
- Poor traffic/pedestrian safety
- Poor/unsuitable vehicular access
- Precedent will be set
- Will result in visual intrusion
- Loss of/damage to trees
- Loss of privacy
- Within greenbelt/no special circumstance
- Inappropriate in special landscape area
- Nowhere in the Murton Gap Masterplan of 2017 is there any mention of retail development on the land in question and this application should be refused.
- With two Morrison's and an Aldi store in very close proximity this store is just not needed other than to property developers and landowners making a fortune. Please withdraw permission.
- There's a huge issue of congestion on the main road that links Shiremoor to the coast especially during rush hours. Many school runs are done in morning to schools along coast and there's no alternative route that has same speed. There is already some congestion on Cobalt Business Park as well as people going to work or school in coastal areas. A separate lane off the main road or something like that would be needed on designs to stop major delays and congestion around that junction.
- There is absolutely no need for yet another Lidl in this area. Far too much of our farmland has already been taken away in the last decade or two. It will also create even more traffic chaos than we already have. Cobalt, new estates etc are just making enormous traffic problems and taking away the last few inches of whatever habitat we ever had for wildlife. This makes me so sad having lived here for 40 years and seen the detrimental impact it has had. There are already plans for a Lidl less than 1 mile away from this proposed site. I will also be writing to my MP about this.
- The Traffic congestion on Park Lane/New York Road/Cobalt is already bad enough with regular gridlock particularly at peak times. An additional store will further increase heavy traffic on this road creating problems for exiting housing

estates opposite as well as encouraging more traffic to cut through estates to try and beat the queue which happens regularly already.

-It appears over development of food stores as this area already as a Lidl on Rake Lane plus two nearby Aldi stores, two Sainsburys, Tesco Extra, Spar, Herons and a Farmfoods as well as several local general dealers. It appears to be overkill on the supermarket front and very much not required. If this and the proposed petrol station, M&S store and additional Costa application is approved, traffic will be at a virtual standstill. Very much over development of the area which is also a wildlife corridor area.

- Park Lane gets busy in rush hours - mornings and evenings with traffic queues at the lights already. I will most likely have to set off earlier for school run/work.

- I feel for the residents who live opposite the site who probably moved to the area because of the nice outlook they have but will now have to see a grey building in front of them rather than farmer's fields.

- Yes, it will create jobs, have nice landscaping around it and parking for customers but I really don't feel Shiremoor needs this at all.

- It is nigh on impossible to get out of my street and on the main road as it is. There is however a "Keep Clear" painted sign on the road that absolutely no one takes any notice of. I feel that creating another opening very near would make it impossible to get out of my estate and on the main road.

- The submitted plan does not deal adequately with the issues that a consequential increase in the volume of traffic will have on an area that is already overloaded, particularly at peak times.

- The junction between Park Lane and New York Road is exceptionally busy between the 'rush' hours of 08:00 to 09:00 and 16:00 to 17:30 as it serves as one of the main routes to and from the Cobalt Business Park. At these times traffic is often queued up Park Lane from the junction with New York Road, all of the way past the proposed junction for the proposed new store (and often backs up past the mini roundabout which forms the entrance to Boundary Mill Stores).

Customers of the new Lidl store will find it difficult to get both in and out of this new junction, particularly those coming from the New York Road direction who will have to turn right into the new store. Any Lidl customers queuing to turn right into the new junction will back traffic up Park Lane and impact the smooth operation of the Park Lane / New York Road Junction.

-I live in St. Albans View, which is a street that is accessed using the junction between the new proposed junction for the new Lidl store entrance and the main junction between Park Lane and New York Road. This junction is already extremely difficult at most times to turn right out of due to its close proximity to the main junction and the general volume of traffic. All of the points made earlier will make my exit from my street onto Park Lane unacceptably much more difficult than it already is.

- The vehicular access plan for the proposed Lidl store will have a severe cumulative impact on the effective operation of the surrounding road network, which is grounds for refusal under paragraph 109 of the National Planning Policy Framework 2019. I therefore formally object to the planning application and petition for its refusal.

- It should also be noted that I engaged with the developers during their pre-application consultation phase, making them aware of all of the points made in this objection. None of my concerns have resulted in any change to their original draft plan, leading me to believe it was simply a 'box ticking' exercise. Also, for information, another resident contacted the Mayor of North Tyneside during Lidl's

own pre-application consultation, expressing concern over the traffic situation. The Mayor offered the following response indicating the Local Planning Authority did not support the plan as it stood at the time (and it currently remains unchanged).

Case Officer Note: An objector has included a response from the Mayor as part of their objection. This correspondence advises that the Elected Mayor does not have any control over the quasi-judicial functions of the Authority and cannot intervene in planning decisions. It advises that no planning application had yet been submitted but confirmed the developer had carried out their own community engagement process. It advises that if a planning application is submitted the resident would be invited to make representations to the Council which the Planning Committee will be able to take into account as part of the formal planning decision making process. It advises that traffic impacts will be a key consideration and a Transport Assessment would be required to consider impact of traffic on the site access and other junctions on the A191. The letter advises that the LPA does not support the proposal and that Lidl should consider accessing any development via the new roads rather than via Park Lane. Residents were encouraged to respond to Lidl at this time but if an application were to be submitted, they would have a further opportunity to comment.

-There is already traffic congestion most of the day with the rat races to Silverlink/Cobalt as well as traffic to Boundary Mills. We have battled for years to get these rat races stopped and reduce traffic on Park Lane for this being a totally residential area and a lot of the houses not having parking onsite and having to park on road. Likely to become worse already when everyone returns to work and Sage move to Cobalt.

-Why can't the empty Great Outdoors be used which already has parking and access from Park Lane?

-If this is a tick box and council are already going to approve then seriously think of where the entrance will be, Park Lane a residential street, or New York Road, a bigger non-residential area that would be much better suited, plenty space to organise proper entrance, definitely not Park Lane, this will also have a huge impact onto the value of houses opposite which since being a resident for 30 years is not something we wish to have.

-Sending the odd person from the traffic department is a total waste of time as they only attend during quiet periods as they cannot cope if they had to attend during busy times morning and night on a regular basis to check traffic flow.

-At present Park Lane has 4 junctions between Boundary Mill site and New York Road which causes considerable congestion and makes access from our estate very difficult. According to the proposed site plan it would mean we have to cross two lanes of traffic to get to the third lane to access New York Road east bound. At the present time it is difficult to exit the estate even though there is a "keep clear" box on the road and the proposed plans to add another junction on this stretch would only compound the access problems and congestion.

-When the Murton Gap Masterplan was published in 2017, we were informed that a road was to be constructed between Earsdon roundabout and New York road to reduce the traffic flow on Park Lane. The proposed plans for the Lidl store appear to contradict the original plan and will increase traffic considerably.

-Noise levels. We are extremely concerned about the noise pollution from refrigeration equipment. The noise levels predicted at night could be a constant

30 db. We normally have our bedroom windows open at night for ventilation and this constant background noise could cause sleep deprivation. We are also concerned about the excessive noise levels when delivery vehicles are arriving, unloading and leaving the premises at any time between 7 a.m. and 11 p.m. seven days per week. These vehicles will also add to the traffic congestion on Park Lane.

-Obviously there has been no traffic survey carried out on Park Lane Shiremoor, in respect to the increased volume of traffic this development will bring to this area.

-We live at New York Road and find the traffic now without any increase to be at times far too heavy for the class of road.

-We live in a cul-de-sac with one way in /out, I would estimate about 100 to 200 metres from your proposed Entrance/Exit to the proposed site, We already experience lots of difficulty exiting from our estate at peak times of the day, there are times it takes between 5 to 10 minutes (depending on the generosity of other drivers) to exit the estate. With added increase of traffic along Park Lane I feel these times will increase.

Also, on Bank holidays and weekends when your car park is full there will be an overspill of vehicles into the surrounding housing areas, which we have experienced before and when everyone is at home there are no vacant parking spaces in our street as we have no drives and so have to park on the road.

-Pedestrian access to the store will also be problematical given that the pedestrian crossing at the end of Park Lane is a multi-way crossing, predominantly to control the traffic flow to the Cobalt. Given that the bulk of pedestrians who may use the proposed store will come from residences further down Park Lane and adjacent estates and they will need to cross Park Lane via the crossing located near the end of Brenkley Avenue, and so crossing the access road to Boundary Mills to reach the proposed Lidl. This access road is often extremely busy too, should people wish to visit the proposed store on foot.

-Shiremoor, and the surrounding area, already has issues regarding adequate drainage, over-congestion and over-development of green-spaces. And constantly the response by the council is to develop over more green space, against the wishes of those who live here. Over the last decade, the North Tyneside council has continually allowed the development of community enjoyed green spaces and necessary floodplains, for its own short-term profit. The absolute audacity of the council to allow another supermarket on one of the only untouched green space left in Shiremoor is embarrassing and insulting, when there is already an excessive abundance of supermarkets nearby already, (especially when considering the new Aldi that was built little over four years back).

-The reason people like the North Tyneside and want to live here is because it is a surprising blend of urban and rural living. If you want to destroy the entire appeal of your constituency by turning into a metropolitan cityscape with no greenspaces left, because they've all been built up by Lidl's and housing estates, go ahead. But know that this isn't setting a precedent, it's following a precedent set over a decade ago. If the current council leaders want to keep their jobs, I recommend they stop this foolish over-development, lest they all get rightfully voted out.

-The traffic assessment that has been submitted as part of this application is a work of fiction worthy of Hans Christian Andersen. It is an exercise in selecting the data and working assumptions required to give the outcome that the

developer wants, i.e. traffic flow is not severely impacted. Specifically: the traffic volumes used are from another junction and not based upon a survey of actual traffic volume at the proposed site. Not all of the impacted junctions have been included in the modelling, i.e. the junction that is an offshoot of Park Lane that leads around to St Albans View, or the Junction with Brunswick Road, which are both very difficult to get out from at peak times. The assumptions around volume of new traffic vs existing traffic using the store flatters the developer's case that traffic flow is not impacted. They choose to model based upon a high number of existing passers by using the store, so it looks like the overall increase in traffic is negligible. Strangely, they do not really include any significant volume of new customers who would use the store that otherwise would not drive on Park Lane. This is not reasonable given the number of directions traffic flows into the Cobalt business Park from. It is entirely reasonable to assume that vehicles that enter the Cobalt normally via the Silverlink end, or coming off the A19, or driving towards the Cobalt via New York Road, could make a diversion on their way to / from work or at lunch time to visit the Lidl store. The volume of these journeys is not adequately accounted for in the traffic modelling. In my view, the traffic assessment that has been submitted is completely inadequate and is there only to counter the inevitable opposition from frustrated residents who already have to live with the existing traffic nightmare day to day.

- While I appreciate that it will be hard for the local authority to turn down the additional rates revenue and one off environmental levy this development will put into the coffers, public servants need to remember who they are there to serve ... the people they represent, not the interests of big business. Do the right thing for the local residents and refuse this planning proposal!

- I am well aware of how my health suffers due to very slow-moving cars along Park Lane and this proposal will add to the problem. Residents, including many young children walking to and from school will have added burden of poor air quality due to car fumes, which will be negative for their long-term health.

- The store is likely to have a negative effect on local independent community shops whilst compared as equals sell a wider range of products including for example a full range of newspapers and ability to purchase single ice creams. A lifeline for residents in local estates.

- As a pedestrian the proposed development is a danger to me. There is no provision in the site plan of how to safely cross the entrance road into the store to continue to the A192. It also fails for pedestrians travelling up from Boundary Mill and into the store (a route likely to be the main route, even if the Puffin Crossing is used). As a pedestrian we are abandoned to soft landscaping and cannot walk traffic free to the store entrance. We have to contend with crossing the road and dodging incoming and outgoing traffic.

- The public consultation summary is erroneous at point 5.3 when the phrase Park Road is used. The summary presents a positive for the development without taking into account the thousands of residents who made no comment at all. Roughly 75% of residents made no comment. 60% of positive comments is only attributed to 25% of residents.

- The Murton Development Plan did not plan for an enterprise at this corner and should reject this application.

- There will be a loss of habitat if the hedgerows are removed. Even if they are kept, birds and small animals will be impacted by increased pollution/noise from cars and probably find new places to nest/live. Do we need a new construction on a greenfield site can we not find suitable brownfield development sites (for

example the old Go Outdoors unit is standing empty).

- There is no planned crossing of the new junction entrance into the supermarket, how are pedestrians meant to continue on foot to New York road, to the bus stop and Algernon Industrial Estate? This is a route I walk a few times a week. Safety is now going to be a concern, having to cross over two lanes of traffic without a safe means to do so, the junction looks to be 9m in length.

-When was the last traffic survey conducted that underpins the modelling? Has it taken into account the change to traffic as a result of Sage moving to the Cobalt and the development of the petrol station which has been approved? Also, in the report under the CAPITA section it also mentions Rake Lane in a number of sections (Part 2, 3 & 6) which implies that parts of this document are a copy and paste for the other new store on Rake Lane, which is disappointing and undermines the content.

- In the adopted Local Plan, Policy S4.4 (a) Murton strategic allocation concept plan and the image at section 7.46 totally contradict the siting of a retail unit at this location. It also shows the proposed highway routes and access points were not intended to be on Park Lane. Point B states; primary and secondary access points suitable to accommodate evidence-based traffic flows.

-Policy S1.1 Spatial Strategy for Sustainable Development states;

c. Most retail, and leisure activities will be focused:

i. within the main town centres of Wallsend, North Shields and Whitley Bay, as well as Killingworth town centre, taking advantage of the excellent accessibility, services and infrastructure invested in those locations. Section 4.10 states The emphasis on town centres reflects the retail guidance in the NPPF.

-I strenuously object to the placement of a crossing directly opposite my house. This will not only bring further noise disruption but will also bring about a decrease in privacy as people wait to cross. The siting will also make entry/exit from Brunswick Road increasingly dangerous. If such a crossing is required, it should be sited closer to the actual Lidl site where there is greater distance from residential dwellings. The current siting right next to a junction is ludicrous.

- The environmental report (which, I note, was undertaken solely by a company hired by Lidl) does not pay sufficient attention to visiting species such as Lapwing (which are regular visitors to the field in question and have been for many years) and Skylark (which have been present on site for at least the previous two summers). Far too little attention is also paid to the nearby hedgerows which would be destroyed and which host numerous small bird species (yes, all of them relatively common but still worthy of consideration given North Tyneside Council's promise to re-green the area).

I would ask that a separate and independent environmental impact report be undertaken, preferably by freelancers who do not (as the two gentlemen who compiled the report) do not have a history of working with companies seeking to develop land for commercial or industrial use.

-If the permission is given to Lidl (as I suspect) then I would very strongly request that a screen of trees and shrubs is demanded to screen the site from the residential properties on Park Lane and Brunswick Road. This screen should extend from the New York Road part of the site to the current entrance to the field opposite Brunswick Road. Such an undertaking by Lidl would not only be appreciated by residents but would also: 1. Encourage wildlife species, especially garden birds; 2. Would tie in with NTC's commitment to plant more trees in the area; 3. Prove Lidl's commitment to work alongside local residents rather than simply ignore.

- I also notice that the noise analysis was undertaken at one of the quietest points possible on the road (next to part of a car park which is often empty) and was not taken on the actual location of the site. Surely it would have been necessary for the sample to have been taken far closer to the junction of Park Lane and New York Road? As a resident of a corner property on Brunswick Road I can assure NTC that traffic noise is currently a problem and this would make things worse.
- The description of the site (2.1.1, p. 5) is incorrect in asserting that the site is currently 'vacant land', it is not. The site is currently actively farmed land and had been for decades.
- The accident analysis (2.2, p. 6) is lacking in thoroughness. Although the road may not be an accident blackspot, the analysis fails to take into account the added risk that the site would bring. The presence of three junctions in such close proximity would bring added risk as would the notable increase in traffic levels.
- I simply cannot agree with the wordy conclusion of the traffic impact survey (5.0, pp. 16-18). As a resident on this road for almost 50 years I can judge traffic levels for myself and, Covid aside, the levels have increased drastically over the last few years due to new housing developments, etc. This development would, no matter what models and theories show, increase traffic levels on both Park Lane and New York Road. This, without traffic calming measures to ease this is unacceptable.

4.2 Support: 25 representations supporting this application have been received.

- Support the need of this venture in this location as providing further residential support and competition to keep other suppliers focused on price control.
- Support, handy as next to Boundary Mills, but why not use the old Go Outdoors store sharing same entrance with Boundary Mills?
- A Lidl in Shiremoor would conveniently serve the local community and provide shoppers competition with Northumberland Park and more choice.
- Very simply I strongly support the application for the construction and opening of this Lidl store hence no ticks in the above list which only appear to be relevant for objections.
- I support the proposal especially when the adjoining land is a proposed housing development site, this means we will be needing the facility in this area. As an older resident being able to walk to the local supermarket is essential especially if you don't have access to transport.
- There are so many housing estates around that it would be very beneficial for the community at large to have an additional supermarket.
- I no longer drive, but living in Holyfields, I could walk to that location in 10 minutes and there is also a bus service towards Park Lane.
- This area of land has been designated for development for many years and Lidl's proposals would be very welcome. They construct attractive buildings and surroundings in addition to the job opportunities that they would create it is an opportunity not to be missed to improve this area. I hope you will approve this project. If I can add one request could you request a goodly number of trees be included in their landscaping proposals.
- We live directly opposite so get the whole traffic thing. However, we could walk over as could a lot of other people do our little bit for the environment by not having to drive to the nearest supermarket. It will also create more jobs for the area too.

-It brings great job prospects to the area with a lot more flexibility for part time hours which is lacking when looking to get back into the working world. Once the housing development progresses in the same area this will be a vital part of the community and provide affordable amenities.

-I am for this development. This land has stood empty for such a long time whereas "green space" is being taken instead.

-It is a welcomed addition to the area.

-I do not agree with a lot of the comments raised to date. The only concern is traffic which after a study, will hopefully show if this project is viable or not, everything else is a non-issue.

-The comments about house prices are laughable (visual amenity? really?). Pollution and noise levels when there is a massive switch to electric cars therefore in a few years to come that will have negated itself. Drainage and flooding are something that can be managed also.

-I think a lot of the comments are basically people clinging onto every opportunity for this development not to go ahead, rather than just focusing on the main one which is traffic. I for one, will be walking to this development if it was created, therefore saving myself going to Asda or Tesco and therefore creating more traffic.

-The area is lacking in adequate affordable amenities within a walkable distance. There is already access to Boundary Mills so don't see improving this part of the road as an issue. The traffic issues are only early morning but that's everywhere you go not just this junction. Not many people tend to be rushing to the supermarket in rush hour so I don't see there being any increase to traffic issues. The area needs expanding with good practical businesses so I do hope this goes ahead it will also bring much needed jobs to the area and as I understand Lidl pay is above average. This also helps to increase house prices in the area too, the houses by Rake Land Lidl went up approximately £10k unable to see a downside to this development.

5.0 External Consultees

5.1 Northumbria Police

5.2 We have no objections or comments from a crime prevention viewpoint.

5.3 The Coal Authority

5.4 The application site falls within the defined Development High Risk Area.

5.5 The Coal Authority information indicates that within the application site and surrounding area there are coal mining features and hazards, which need to be considered in relation to the determination of this planning application, specifically likely historic unrecorded underground coal mining at shallow depth associated with thick coal seam outcrops.

5.6 The Coal Authority notes the submitted Phase II GeoEnvironmental Investigation Report (dated April 2021) from Earth Environmental & Geotechnical Ltd, the content of which confirms site investigations across the site. In terms of the results, the Report confirms that only thin intact coal seams were encountered, which will not have been worked due to their uneconomical characteristics.

5.7 On account of the above, and on the basis that the Report confirms that all other seams have sufficient competent rock cover above them to afford ground stability, I can confirm that the Coal Authority is satisfied that the issue of the potential for coal mining legacy to affect the proposed development has been adequately investigated.

5.8 The Coal Authority considers that the content and conclusions of the information prepared by Earth Environmental & Geotechnical Ltd, are sufficient for the purposes of the planning system in demonstrating that the application site is safe and stable for the proposed development. The Coal Authority therefore has no objection to the proposed development.

5.9 Northumbrian Water

5.10 In making our response to the LPA Northumbrian Water will assess the impact of the proposed development on our assets and assess the capacity within Northumbrian Water's network to accommodate and treat the anticipated flows arising from the development. We do not offer comment on aspects of planning applications that are outside our area of control.

5.11 It should also be noted that, following the transfer of private drains and sewers in 2011, there may be assets that are the responsibility of Northumbrian Water that are not yet included on our records. Care should therefore be taken prior and during any construction work with consideration to the presence of sewers on site. Should you require further information, please visit <https://www.nwl.co.uk/developers.aspx>.

5.12 Having assessed the proposed development against the context outlined above we have the following comments to make:

5.13 We have no issues to raise with the above application, provided the application is approved and carried out in strict accordance with the submitted document entitled "Flood Risk Assessment and Drainage Strategy June 2021". This document is prepared in accordance with advice provided by NW in our pre-planning enquiry response.

5.14 We therefore request that the following condition be attached to any planning approval, so that the development is implemented in accordance with this document:

Condition: Development shall be implemented in line with the drainage scheme contained within the submitted entitled "Flood Risk Assessment and Drainage Strategy" dated June 2021. The drainage scheme shall ensure that foul flows discharge to the combined sewer at manhole 7404 and ensure that surface water discharges into the existing highways drainage system as per agreement with the Lead Local Flood Authority. Surface water flows shall not enter our public wastewater network.

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

5.15 It should be noted that we are not commenting on the quality of the Flood Risk Assessment as a whole or the developers approach to the hierarchy of

preference. The council, as the Lead Local Flood Authority, needs to be satisfied that the hierarchy has been fully explored and that the discharge rate and volume is in accordance with their policy.