

**Item No:** 5  
**Application No:** 23/00217/FUL  
**Date valid:** 17 February 2023  
**Target decision date:** 19 May 2023  
**Author:** Maxine Ingram  
**☎:** 0191 643 6322  
**Ward:** Weetslade

Application type: full planning application

**Location: Land East Of, Weetslade Depot, Great Lime Road, Dudley, Northumberland**

**Proposal: Erection of foodstore (Class E) with associated car parking; vehicular, pedestrian and cycle access; SuDs; and landscaping**

Applicant: Aldi Stores Ltd

Agent: Klr Planning Ltd

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

## **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,
- 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, measuring approximately 1.2ha, is located at the corner of Sandy Lane (A1056) and Great Lime Road (B1319), to the west of the Weetslade roundabout. The site is a parcel of agricultural land. Immediately to the west of the site is a petrol filling station and convenience store, a Greggs café and drive through. Beyond that is a car sales site and servicing facility. Trees are sited along this shared boundary which are protected by a Tree Preservation

Order (TPO). An established hedgerow with trees is sited along the eastern boundary. To the north, is a field and salvage yard beyond which lies Weetslade Country Park. The site is currently accessed off Great Lime Road.

2.2 The site is an allocated site (E003) for employment uses in the Local Plan (LP) (2017). The site is designated as a wildlife corridor.

### 3.0 Description of the Proposed Development

3.1 Planning permission is sought for the erection of foodstore (Class E) with associated car parking; vehicular, pedestrian and cycle access; SuDs; and landscaping.

3.2 The proposed food store is orientated with the shop frontage to Sandy Lane and Great Lime Road with the car parking area to the eastern side of the building. A wildlife corridor is proposed between the rear of the food store and the tree belt to the western boundary. The width of this corridor varies between 10.1m and 17.7m. A new vehicular access is proposed from Great Lime Road. Several pedestrian routes are proposed: one from Sandy Lane; one from the corner of Sandy Lane/Great Lime Road; and one alongside the new vehicular access road.

3.3 The food store would measure 1, 859 square metres (sqm) gross external (1, 783sqm gross internal) and 1,315sqm net sales area. A welfare block for staff for staff and plant room measures 121 sqm, with the remaining space made up of a bulk store and internal lobby. Car parking is provided for 121 customer vehicles, including accessible bays and parent and child bays and electric vehicles. Five parking bays are provided for staff parking in the service yard area. Eight Sheffield cycle stands are positioned next to the customer entrance.

3.4 A detention basin is proposed in the north-east corner of the site and filter trenches to the boundaries of the site.

3.5 The external plant equipment is positioned at ground level to the south of the loading pod on the western elevation. The equipment will be secured with a metal palisade fence.

### 4.0 Relevant Planning History

None

### 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,
- 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

8.1 The Local Plan (LP) was adopted in July 2017 to guide development in the period up to 2032. The council acknowledges that the policies contained within the LP predate the publication of the revised NPPF (July 2021) however, it is clear from paragraph 219 of the NPPF that: "However, existing policies should not be considered out-of-date simply because they were adopted or made prior to the publication of this Framework. Due weight should be given to them, according to their degree of consistency with this Framework (the closer the policies in the plan to the policies in the Framework, the greater the weight that may be given)." The council considers that the Local Plan policies set out in this report are consistent with the NPPF and can be afforded significant weight.

8.2 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.

8.3 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".

8.4 LP Policy S2.2 'Provision of Land for Employment Development' seeks to ensure an attractive and flexible supply of employment land is available to deliver the Council's strategy for economic prosperity, job growth and investment over the plan period.

8.5 LP Policy DM2.3 Development Affecting Employment Land and Buildings states "The Council will support proposals on employment land, as shown on the Policies Map, for new or additional development for uses within use classes B1, B2 or B8 or that which is deemed ancillary.

Proposals on identified employment land or other buildings in use-class B1, B2 or B8, for uses that could conflict with the development and regeneration of sites for economic development, will be permitted where these proposals would not:

- a. Result in the unacceptable loss of operating businesses and jobs; and,
- b. Result in an excessive reduction in the supply of land for development for employment uses, taking into account the overall amount, range, and choice available for the remainder of the plan period; and,
- c. Have an adverse impact upon the amenity and operation of neighbouring properties and businesses."

8.6 Paragraph 87 of the NPPF states that 'LPA'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.'

8.7 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.'

8.8 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.'

8.9 Paragraph 122 of the NPPF advises that planning policies and decisions need to reflect the changes in the demand for land. Where the LPA considers there to be no reasonable prospect of an application coming forward for the use allocated in a plan: in the interim, prior to updating the plan, applications for alternative uses on the land should be supported, where the proposed use would contribute to meeting an unmet need for development in the area.

8.10 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.

8.11 LP DM3.4 'Assessment of town centre uses' sets out the criteria proposal for main town centre uses on sites not within the town centres and sets out the criteria for when a retail impact assessment would need to be submitted. Where an application fails to satisfy the sequential test or is likely to have significant adverse impact on one or more of the factors set out in DM3.4, it should be refused.

8.12 Section 15 of the NPPF seeks to conserve and enhance the natural environment. Paragraph 174 of the NPPF encourages design to contribute to and enhance the local environment. Amongst other matters this includes recognising the intrinsic character and beauty of the countryside, and the wider benefits from natural capital and ecosystem services including the economic and other benefits of the best and most versatile agricultural land.

8.13 LP Policy DM5.8 'Soil and Agricultural Land Quality' states: "Development of "best and most versatile" agricultural land will only be permitted where it can be demonstrated that: a) the need for the development clearly outweighs the need to protect such land in the long term; or, b) in the case of temporarily/potentially reversible development (for example, minerals) that the land would be reinstated to its pre-working quality; and, c) there are no suitable alternative sites on previously developed land or lower quality land. The council will require all applications for development to include realistic proposals to demonstrate that soil resources were protected and used sustainably, in line with accepted best practice.

8.14 The NPPF glossary identifies that the best and most versatile land, of which safeguarding should be prioritised, if possible, is considered to be Grades 1, 2, 3a when using the Agricultural Land Classification (ALC).

8.15 43 representations supporting this application have been submitted. The reasons supporting this application are set out in the Appendix to this report.

8.16 The objection from The Northumberland and Newcastle Society (N&N) regarding the loss of green belt is noted. Members are advised that this site is not designated as green belt land. It is designated as employment site and wildlife corridor in the Council's LP. The loss of agricultural land is noted.

8.17 The site is agricultural land that borders A1056 to the south, mix of employment uses to the west and Great Lime Road and the A189 to the east. The northern section of the site is not part of this application and therefore would

still remain as agricultural land. The site is clearly visible from A1056 and Great Lime Road.

8.18 The site is an allocated employment site (E003 – Weetslade (31.86ha)) in the LP, which supports development in Use Classes former B1 (now Use Class E), B2 and B8 (Policy S2.2).

8.19 The use proposed is a town centre use in an out of centre location. In accordance with the NPPF (paragraphs. 87 and 90) and LP Policy DM3.4 this application requires a sequential and impact assessment to be submitted for consideration. 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. The Planning Policy comments received are clear that each assessment provides sufficient evidence that the development would not have a significant adverse impact on the centres within the catchment of the development and that no suitable, available or viable sites were sequentially preferable.

8.20 The other main consideration for Members to consider is the loss of allocated employment land for former B1 (now Use Class E), B2 and B8 uses to a supermarket. LP Policy DM2.3 does accept development for uses outside of former B1 (now Use Class E), B2 and B8 so long as the development meets certain criteria. These include ensuring the development would not result in an unacceptable loss of operating businesses and jobs, an excessive reduction in the supply of land for development in employment uses or have an adverse impact upon the amenity and operation of neighbouring uses.

8.21 The site is not previously developed therefore the proposal would not result in the loss of operating businesses and jobs as a result of new development. The applicant has confirmed that the proposed food store is an addition to the company's portfolio, rather than a replacement or relocation so no existing food stores would be closed. The proposed new food store would create between 30 and 50 new jobs. The proposal would satisfy the requirements of DM2.3 (a).

8.22 The site area measures 1.2ha which equates to 3.7% of the Weetslade employment site. The Planning Policy comments are clear that this proposal would not result in an excessive reduction in the supply of land for development in employment uses. The proposal would satisfy the requirements of DM2.3 (b).

8.23 The impacts upon the amenity and operation of neighbouring uses will be considered in a latter part of this report.

8.24 The applicant has advised that land has an ALC of grade 3 but the land has not had a post-1988, ALC, which would then break it down into a 3a and 3b classification.

As already, discussed the site is designated as employment therefore the loss of this agricultural land, approximately 1.2ha, has already been accepted as part of the allocation within the LP.

8.25 Members need to consider whether the development meets the requirements of national and local policy for retail, employment and agricultural land. The supporting information confirms no sequentially preferable sites within the catchment area and the impact assessment has proven the development would not have a significant adverse impact on the viability or vitality of the relevant town centres. It is not considered that the development would result in an excessive reduction in the supply of land for development in employment uses. It is not considered that the proposed development would result in a significant loss of agricultural land. Considering national guidance and the need for the Council to support sustainable economic growth, the application would be in accordance with LP Policies S2.1, DM2.3 and DM3.4. The loss of agricultural land has been accepted through its allocation as employment land. It is the view of officers that the principle of the proposed development is considered to be acceptable, subject to all other material considerations set out below being addressed.

### 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 Paragraph 186 of the NPPF advises that decisions should sustain and contribute towards compliance with relevant limit values or national objectives for pollutants. Opportunities to improve air quality or mitigate impacts should be identified. Such opportunities should be considered at the plan-making stage to limit the need for issues to be reconsidered when determining individual applications.

9.3 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”.

9.4 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.....”

9.5 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 and secure a positive relationship to neighbouring buildings and spaces and retain a good standard of amenity for existing and future residents.

9.6 The proposed opening hours of the store are 0800 to 2200 hours Monday to Saturday and for six consecutive hours between 1000 and 1800 hours on Sundays.

9.7 The Manager for Environmental Health has been consulted. She has raised concerns regarding potential noise arising from this proposal affecting neighbouring residential properties located on Sandy Lane located some 193m west of the site and Holly Court and Meadow Gardens located some 85m east of the site.

9.8 The submitted Noise Assessment has been considered by the Manager for Environmental Health. The noise assessment 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 would occur in the car park but its use can be controlled by a condition restricting its operating hours. The noise assessment for the external plant has determined that the predicted noise level will be below the existing background noise levels for both day and night period. The consultee has advised this would not give rise to significant adverse impacts. A condition is recommended to secure a validation assessment following the installation of any external plant. The delivery bay is located to the west side of the building away from the nearest sensitive residential properties on Holly Court and Meadow Gardens. The delivery bay is separated from the properties to the west by existing commercial uses. The noise assessment demonstrates the delivery area will not result in significant adverse impacts. A condition to restrict deliveries to daytime hours will not be required.

9.9 The submitted Air Quality Assessment has been considered by the Manager for Environmental Health. This assessment has determined the impact will be low adverse during construction if dust mitigation measures are employed to mitigate dust impacts. A condition is recommended to secure dust suppression measures during construction.



9.10 The Manager for Environmental Health has advised that the lighting levels would comply with the Institute of Lighting Professionals guidance for the reduction of obtrusive light.

9.11 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 conditions can be imposed to mitigate the impacts arising from this proposal. Conditions to control the hours of construction, hours of operation, odour abatement (if necessary), and noise from plant and equipment, and lighting are recommended.

9.12 The positioning of the proposed building would not significantly affect the residential amenity of residential properties located to the east and west of the site in terms of loss of light, outlook or privacy.

9.13 Members need to determine whether the proposed development is acceptable in terms of its impact on the amenity 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 DM5.19, DM2.3 (c) and DM6.1.

#### 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 application site adjoins a linear area of existing commercial development along Sandy Lane to the west.

10.5 The submitted Design and Access Statement advises that the key drivers for the proposed site layout were: retention of existing hedgerow and trees to the eastern boundary; inclusion of a wildlife corridor to provide connectivity between Gosforth Park to the south and Weetslade Country Park to the north; and vehicular access from Great Lime Road.

10.6 A wildlife corridor has been created between the rear elevation of the building and the existing tree belt to the western boundary. The width of the corridor varies between 10.1m and 17.7m. With the rear elevation of the building to the west, the food store is positioned in a north-south orientation with the shop front and store entrance to Sandy Lane and the customer parking between the store and Great Lime Road.

10.7 Customer car parking spaces are provided including accessible bays, parent and child bays, and bays for electric cars. Staff parking bays are also provided to the north of the store. Cycle stands are proposed to the south elevation where there will be natural surveillance.

10.8 Vehicular access is proposed from Great Lime Road. Pedestrian and cycle access is provided alongside the vehicular access road, and connections are provided from the southeast corner of the site. A pedestrian footway from the east through the car parking area to the store entrance is proposed.

10.9 The service area is located to the west side of the building with a dedicated goods vehicles route to the loading pod provided along the northern boundary.

10.10 To the eastern boundary, the existing hedgerow and trees have been incorporated into the layout with the detention basing alongside. Within this area of the site, additional native tree planting will be provided to enhance the biodiversity of the site.

10.11 The maximum height of the proposed building is to the front elevation approximately 6.25m. The height of the rear elevation is 5m from the ground. It is the view of officers that the scale of the proposed building is in keeping with the adjacent commercial buildings.

10.12 The overall design of the building is a modern, contemporary style with a simple palette of materials combining silver and grey cladding, powder coated aluminium windows, steel doors and glazing. There is a canopy to the east elevation over the customer entrance area which wraps around the corner of the building.

10.13 A timber knee rail is proposed to the northern, eastern, and southern boundaries. This low-level boundary treatment is considered to be acceptable as the site is prominently located and it would allow for increased natural surveillance.

10.14 Northumbria Police have not raised any objection to the proposed development. They have put forward a recommendation to enclose the side staff entrance or use a specific staff entrance door that is an enhanced standard. These options would need to be considered by the applicant.

10.14 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, particularly having regard to the linear commercial development immediately to the west of

the site along Sandy Lane. As such, the proposed development accords with national and LP Policy DM6.1.

#### 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 objection from the N&N regarding the inaccuracy of the image of the Sandy Lane roundabout and increase in traffic are noted.

11.6 As already discussed, customer car parking provision is located to the east side of the building and additional staff parking is located to the north of the building. Pedestrian and cycle access is provided along the vehicular access from Great Lime Road. Further pedestrian and cycle access is accommodated from the south side of the site. Cycle storage is proposed to the south side of the building.

11.7 The service area is located to the west side of the building with a dedicated goods vehicle route to the loading pod provided along the northern boundary. Access to the service area has been designed to accommodate the turning manoeuvres of 16.5m articulated goods vehicles, these being the largest delivery vehicles which will serve the food store.

11.8 The submitted Transport Assessment (TA) has been considered by the Highways Network Manager. This assessment has analysed junctions in the vicinity of the site as well as the proposed site accesses and the impact of the development on the adjacent highway network is not considered to be severe. In addition, the impact of traffic was also tested on the council's transport modelling for the scheme to signalise Sandy Lane roundabout. The Sandy Lane scheme also provides improved pedestrian and cycle access to the site and the wider network.

11.9 The Highways Network Manager considers the proposal to be acceptable subject to imposing the suggested conditions.

11.10 The submitted Travel Plan (TP) has been considered by the Sustainable Transport Team Leader. This TP provides ambitious targets for the reduction of vehicular use, whilst targeting an increase of walking and cycling trips. The TP commits to monitor the site for a 5 year period and produce an annual review report to help determine if any additional measures or interventions are required. A TP Bond is required to ensure if the TP Targets are not met alternative provision can be secured.

11.11 The applicant provided a response to Nexus' initial comments. The applicant advised that bus accessibility had been discussed with the focus being on the existing services utilising the stops on Killingworth Way. The current Weetslade roundabout improvement scheme includes controlled pedestrian crossing from Sandy Lane to Killingworth Way. Signal controlled access to the Avant Homes development provides additional controlled crossing facilities to access the eastbound bus stop. Members are advised that this highway improvement scheme is now complete and these improvements have been welcomed by Nexus.

11.12 Regarding Nexus' request for the provision of bus shelters on Sandy Lane the applicant did not consider this request to be reasonable or necessary to make their development acceptable in planning terms. The request for bus shelters on Sandy Lane should be considered if further development is brought forward on the wider employment site. Nexus confirmed that they had no further comments to make regarding bus shelters on Sandy Lane.

11.13 As already discussed, the TP has been considered by the Sustainable Transport Team Leader and they consider the measures put forward to be acceptable.

11.14 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 DM5.7 'Wildlife Corridors' states: "Development proposals within a wildlife corridor, as shown on the Policies Map, must protect and enhance the quality and connectivity of the wildlife corridor. All new developments are required to take account of and incorporate existing wildlife links into their plans at the design stage. Developments should seek to create new links and habitats to reconnect isolated sites and facilitate species movement."

12.6 Newcastle International Airport (NIA) has been consulted. They have advised that the amount of landscaping proposed and distance to the flight path it would not result in any detriment to the safe operation of the airport.

12.7 Northumberland Wildlife Trust has been consulted. They object to the proposed development as no appropriate on-site habitat would be retained for farmland and ground nesting birds and no appropriate off-site mitigation has been offered. The wildlife corridor to be retained is not sufficient and would be subjected to higher levels of human disturbance. Locally native species should be used, and no biodiversity net gain has been provided. This objection is noted.

12.8 The N&N Society have objected to the loss of a green corridor. This objection is noted.

12.9 The Landscape Architect and Biodiversity Officer have been consulted. They have considered the supporting information including Preliminary Ecological Assessment (PEA), Breeding Bird Survey, Wintering Bird Survey, Bat Survey, Biodiversity Net Gain (BNG) Assessment and Metric and landscaping proposal. The results/conclusions of these surveys are set out in greater detail in the Appendix to this report.

12.10 The PEA recommends that habitats are left in place/enhanced around the boundaries of the site to ensure that the wildlife corridor is not severed by the proposed development. It also recommends that trees and hedgerows are retained to maintain connectivity within the site and additional planting incorporated along the length of the site to increase the amount of habitat within the corridor.

12.11 As part of the mitigation/enhancement section the Breeding Bird Survey it recommends the retention of existing hedgerows so some natural foraging and nesting habitat can remain as well as off-site compensation for skylark, lapwing and grey partridge.

12.12 The Wintering Bird Survey advises that whilst the site is not considered of particular importance to maintain local populations of any of the wintering species identified, it does provide good connectivity to higher quality habitat to the north and the south, as well as, providing some foraging opportunities. It goes on to say that whilst it is expected that the site plans will likely reduce the species richness of the site overall, the retention and/or enhancement of existing hedgerows on site and the planting of additional hedgerows should be

considered to provide foraging habitat and maintain connectivity. The report also concludes that it is likely, given the nature of the development, that ground foraging species such as grey partridge and lapwing will not be retained as a wintering species given the reduction in foraging opportunity and disturbance from the change in site use. However, similar habitat is present within the wider landscape which can provide foraging opportunities to these species, particularly to the north of the site.

12.13 The Bat Survey advises bat activity was low. Commuting was most commonly recorded north to south and vice versa across site with some foraging towards the north-west of the site. No roosts were observed during the surveys. The submitted Landscape Plan shows that the hedgerow along the eastern boundary of the site will be retained and enhanced with species rich grassland to maintain habitat connectivity and new planting (hedgerows, trees, grassland) will also be provided, along the southern boundary which will also connect to the eastern boundary habitat. In addition, a corridor of landscaping (11m-17m wide) will be provided along the western boundary to provide a landscape buffer and enhance the existing woodland habitat along this boundary with additional woodland, scrub and species rich grassland. The provision of lighting will need to be minimised along this boundary with conditions attached to ensure any lighting within the site minimises light spill to valuable habitat along the boundaries of the site, particularly the western boundary 'wildlife corridor' buffer.

12.14 The BNG Assessment and Metric, indicates that post development and the implementation of the proposed landscaping scheme, there will be net loss. A BNG is required to meet local and national planning policies. To address this net loss the applicant has agreed to pay a financial contribution to address the shortfall in habitat units on site to achieve an overall 10% net gain in habitat on an appropriate area of land within Council ownership.

12.15 A landscape buffer to the western boundary is proposed. This area will accommodate a belt of mixed native scrub with standard trees adjacent to the existing established tree planting along the western boundary, with species rich grassland between the native scrub and the rear of the proposed foodstore. The native scrub extends along the northern boundary (adjacent to car parking) and contains several standard trees within the mix. The western buffer planting also connects with a new native species rich hedgerow with standard trees along the southern boundary. This landscape buffer is approximately 11m at its narrowest section increasing to approximately 17m. The north-west section of native scrub planting also widens out before narrowing along the northern boundary adjacent to car parking.

12.16 The existing hedge and trees along the eastern boundary are being largely retained except for a small section of hedge to facilitate the new access road into the site. This boundary is being enhanced with a belt of mixed native scrub and standard trees adjacent to the hedgerow along with species rich grassland either side of the hedge. A SUDs area is also provided to the northwest of the hedgerow, adjacent to the internal access road to address drainage requirements and this will be sown with an appropriate wetland species rich grassland.

12.17 The trees to the west of the site on neighbouring land are protected by a Tree Preservation Order (TPO). These trees are being retained. It is also proposed to retain all trees within the site except for the small section of hedge to facilitate the new pedestrian and vehicular access into the site. It is proposed to plant 66no. native standard trees of varying species that will improve the setting of the proposed building and contribute to the wildlife corridor and biodiversity.

12.18 A condition is recommended to ensure that appropriate boundary treatments are secured to ensure wildlife movement within the landscape buffer/corridor is maintained.

12.19 Concerns have been raised regarding light spill levels to sensitive areas within the site, mainly the landscape buffer/corridor. These habitats are being created to 'protect and enhance' the wildlife corridor, providing valuable habitat for commuting and foraging bats and nesting and roosting habitat for birds. The provision of lighting columns will need to be minimised or re-located/re-designed along these boundary features (particularly the western and north-west boundary) to ensure light spill is reduced in these areas and to meet the requirements of LP policies DM5.5 and DM5.7.

12.20 The consultees have advised that subject to some alterations to the scheme (lighting) which can be addressed via condition, the landscape scheme provides a high level of visual amenity and also provides biodiversity enhancements, including a habitat buffer along the western boundary, to maintain wildlife connectivity with the wider area. Whilst there is a very minor net loss of habitat units on site (0.03 habitat units) resulting in an overall -0.83% net loss, this will be addressed via a financial contribution to ensure that an overall 10% net gain will be delivered off-site on Council owned land. Impacts on farmland birds will also be addressed through a financial contribution to ensure enhancement of land within the Rising Sun Country Park/Farm or an alternative appropriate area. On this basis, they have recommended conditional approval.

12.21 Members need to consider whether the proposed development is acceptable in terms of its impact on biodiversity and landscaping. It is officer advice that it is, subject to imposing the suggested conditions and securing financial contributions to achieve BNG and mitigate impacts for farmland birds.

## 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 Contaminated Land Officer has been consulted. She has recommended conditional approval.

13.6 The Coal Authority has been consulted. They have confirmed that the site is not located within a coal referral area.

13.7 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.

#### 13.8 Drainage – foul and surface water

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

13.10 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.

13.11 The Lead Local Flood Authority (LLFA) has been consulted. The LLFA has raised no objections to the proposal as the applicant will be providing surface water attenuation within the site for up to a 1in100yr rainfall event + a 40% allocation for climate change and will be restricting the rate of surface water leaving the site to the equivalent greenfield run-off rates. The attenuation will be achieved via the use of underground cellular storage crates with a flow control device fitted on the outlet prior to the attenuation basin to restrict the surface water discharge rate to 3.6l/s before it discharges via a dedicated surface water sewer into the watercourse located to the north of the proposed development. The improvement in the surface water quality discharging from the development will be achieved via the form of filter trenches and swales and an attenuation basin. A petrol separator will be provided within the loading bay area to collect silts and hydrocarbons from this area of the site. The applicant has indicated the maintenance of the suds features and associated drainage infrastructure will be the responsibility of the applicant and an appointed building management company. A condition is required to secure the details of the appointed management company of the proposed drainage features.

13.12 The LLFA has noted that the applicant intends to discharge the site’s foul drainage system into the surface water drainage system via an onsite treatment plant. They do not consider this to be an ideal solution but accept that this is proposed as result of the lack of any foul drainage sewers in the vicinity of the proposed development. However, approval will be required from the Environment Agency as the surface water from the development will be discharging to a watercourse so an environmental permit will be required to allow this connection.

13.13 Northumbrian Water have been consulted. They have raised no objection to the proposed development as foul and surface water will not connect to existing mains drainage.



13.14 The Environment Agency has been consulted. They have considered the Foul Drainage Assessment Form and Foul Flow Calculations and consider that they satisfactorily address their earlier concerns.

13.15 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.

#### 13.16 Strategic Policy Area – North West Villages Sub Area

13.17 The application site is in an area identified as being in the northwest village sub area. The proposed development would not prevent the aims of Policy AS8.24 being met.

#### 14.0 Local Financial Considerations

14.1 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 assist 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 (CIL).

14.2 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.

#### 15.0 Conclusion

15.1 Members need to determine whether the proposed development is acceptable in terms of the principle of the development, including its impact on existing town centres, the loss of employment land, the loss of agricultural land, its impact on amenity (noise and odour), its impact on the character and appearance of the area and all other issues including its impact on highways, biodiversity, ground conditions and flood risk. It is the view of officers that the proposed development is acceptable. As such, officers consider that the proposed development does accord with national and local planning policies.

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

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

***It is recommended that:  
the Committee indicates that it is minded to grant the application; and***

***the Director of Regeneration and Economic Development be authorised to issue a notice of grant of planning permission subject to:  
the conditions set out in the planning officers report and any subsequent addendum(s);  
the addition, omission or amendment of any other conditions considered necessary by the Director of Regeneration and Economic Development;  
and,  
completion of a legal agreement under Section 106 of the Town and Country Planning Act 1990 to secure financial contributions for the following:  
-Farmland bird mitigation 45, 000.00 pounds  
-Biodiversity Net Gain 5, 850.00 pounds  
-Travel Plan Bond 10, 000.00 pounds  
-Travel Plan Monitoring Fee 1, 250.00 pounds (250.00 pounds per annum)  
-Employment and Training 10, 912.00 pounds***

***It is recommended that:  
the Committee authorises the Director of Law and Governance and the Director of Regeneration and Economic Development to undertake all necessary procedures (Section 278 Agreement) to secure:  
-New access  
-New pedestrian & cycle links to the site  
-Localised widening  
-Associated street lighting  
-Associated road markings  
-Associated signage  
-Associated Traffic Regulation Orders  
-Reduction in speed limit on Great  
-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, documents and specifications:

- Location plan Dwg No. 0001 P01
- Existing site plan Dwg No. 0008 P03
- Proposed site plan Dwg No. 0002 P05
- Floor plans as proposed Dwg No. 0003 P03
- Roof plan as proposed Dwg No. 0004 P02
- Elevations as proposed Dwg No. 0005 P04
- Proposed drainage layout Dwg No. 1000 P03
- Proposed drainage layout offsite surface water outfall Dwg No. 1001 P03
- Framework Travel Plan (January 2023)

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 PM\_00\_10\_00-0002 - Revision P03 shall be carried out prior to the occupation of the development hereby approved and subject to Technical Approvals and Road Safety Audits being submitted to and agreed by the Local Highway Authority in consultation with the Local Planning Authority and include the following measures:

- New access
- New pedestrian & cycle links to the site
- Localised widening
- Associated street lighting
- Associated road markings
- Associated signage
- Associated Traffic Regulation Orders
- Reduction in speed limit on Great
- 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. Notwithstanding Condition 1, the scheme for access shall be laid out in accordance with the approved plans prior to the occupation of any part of the development hereby approved. This access 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).

5. Notwithstanding Condition 1, the scheme for parking shall be laid out in accordance with the approved plans prior to the occupation of any part of the development hereby approved. 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).

6. Notwithstanding Condition 1, the scheme for Electric Vehicle (EV) charging shall be laid out in accordance with the approved plans prior to the occupation of the development hereby approved. 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).

7. Notwithstanding Condition 1, the scheme for secure cycle parking shall be laid out in accordance with the approved plans prior to the occupation of the development hereby approved. This cycle parking 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 the Condition 1, the scheme for servicing shall be laid out in accordance with the approved plans prior to the occupation of the development hereby approved. 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).

9. Notwithstanding Condition 1, 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 of the development hereby approved. 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).

10. 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. There shall be no cabins, storage of plant and materials, parking are not to be located within the Root Protection Area (RPA) of the retained trees as defined by the Tree Protection Plan. 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.

11. Notwithstanding Condition 1, prior to the installation of any air ventilation systems 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).

12. Notwithstanding Condition 1, all refrigeration plant shall be installed in accordance with the submitted Proposed Plant Layout 79-EXXXX-WAVE-XX-00-DR-R-En\_60\_60\_00-0001\_A5-P05 unless otherwise agreed in writing by the Local Planning Authority. Thereafter, the refrigeration plant 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).

13. Notwithstanding Condition 1, the noise rating level from the combined plant and equipment installed at the site shall not exceed the background noise level of 35dB LAeq for the night period and 59 dB LAeq for daytime at the nearest sensitive receptor located on Holly Court and Meadow Gardens. 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 shall submit this information to the Local Planning Authority for written approval prior to the operation of the plant and equipment. Thereafter the development shall be carried out in full accordance with these agreed details and shall be permanently retained and maintained in 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).

14. 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).

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

08:00 to 22:00 hours Monday to Saturday

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).

16. 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.

17. 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.

18. 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).

19. Notwithstanding the provisions of the Town and Country Planning (Use Classes) Order 1987 (or any Order revoking or re-enacting that Order), the land and/or building(s) shall be used only for the purpose of a food store and 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).

20. Notwithstanding Condition 1, prior to the development hereby approved being brought into use/occupied details of the appointed SUDS management company/companies responsible for managing all onsite drainage 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 shall be managed and maintained in accordance with these agreed details and the Local Planning Authority shall be notified in writing of any change to the management company/companies.

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

21. No vegetation removal or building works shall take place during the bird nesting season (March- August inclusive) unless a survey by a suitably qualified ecologist has confirmed the absence of nesting birds immediately prior to works commencing on site.

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

22. Notwithstanding Condition 1, prior to the construction of any part of the development hereby approved above damp proof course level details of 1no. integrated feature (e.g. bat brick, tile, bat box) and 2no. integrated bird features shall be provided on the new building hereby approved and 2no. bat boxes and 3no. bird boxes to be provided in suitable locations within the site including specifications, locations and a timetable for their implementation, shall be submitted to and approved in writing by the Local Planning Authority. Thereafter, the bird and bat boxes/features shall be installed in accordance with these agreed details and shall be permanently maintained and retained.

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

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

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

24. Notwithstanding Condition 1, prior to the installation of any boundary treatments or enclosures details, including measurements and materials and a timetable for its installation, shall be submitted to and approved in writing by the Local Planning Authority. These details shall include the locations and specification of hedgehog gaps (13cmx13cm). Thereafter, any boundary treatment/enclosures shall be installed in accordance with these agreed details and shall be permanently maintained and retained.

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

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

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

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

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

27. No trees, shrubs or hedges within the site which are shown as being retained on the submitted plans shall be felled, uprooted, wilfully damaged or destroyed, cut back in any way or removed during the development phase other than in accordance with the approved plans or without the prior written consent of the Local Planning Authority. Any trees, shrubs or hedges removed without such consent, or which die or become severely damaged or seriously diseased within three years from the completion of the development hereby permitted shall be



replaced with trees, shrubs or hedge plants of similar size and species until the Local Planning Authority gives written consent to any variation.

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

28. Notwithstanding Condition 1, prior to the construction of any part of the development hereby approved above damp proof course level details of an arboricultural consultant shall be appointed by the developer to advise on the tree management for the site and to undertake regular supervision visits to oversee the agreed tree protection and visit as required to oversee any unexpected works that could affect the trees. The supervision is to be undertaken in accordance with the Arboricultural Method Statement by All About Trees. These details shall be submitted to and approved in writing by the Local Planning Authority and shall include written evidence of regular monitoring and compliance by the pre-appointed tree specialist during construction.

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

29. Notwithstanding Condition 1, prior to the construction of any part of the development hereby approved above damp proof course level, a fully detailed landscape plan shall be submitted to and approved in writing by the Local Planning Authority and shall be in accordance with the details provided within the Biodiversity Metric 3.0 and BNG Assessment Report (Total Ecology Feb 2022). The landscape scheme shall include a detailed specification and proposed timing of all new tree, shrub, hedgerow and wildflower planting. All new standard trees are to be a minimum 12-14cm girth. The landscaping scheme shall be implemented in accordance with the approved details within the first available planting season following the approval of details. All hard and soft landscape works shall be carried out in accordance with the approved details and to a standard in accordance with the relevant recommendations of British Standard 8545:2014. Any trees or plants that, within a period of five years after planting, are removed, die or become seriously damaged or defective, shall be replaced with others of species, size and number as originally approved, by the end of the first available planting season thereafter. Any revisions to the landscape plan are to be submitted and approved by the local authority.

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

30. 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, as set out in the Biodiversity Metric and BNG Report (Total Ecology Feb 2022) and an approved Landscape Plan, shall be submitted to and approved in writing by the Local Planning Authority. This plan shall include details of site preparation, long-term design objectives, management and monitoring objectives, management responsibilities, timescales and maintenance schedules for all newly created and enhanced habitats within the site. Thereafter, these areas shall be managed and maintained in full accordance with these agreed details unless first agreed in

writing by the Local Planning Authority. The plan will include details of the following:

- Details on the creation, enhancement and management of all habitats identified within the Biodiversity Metric and BNG Assessment Report (Total Ecology Feb 2022) and approved Landscape Plan and how the condition criteria will be met through management;

- Survey and monitoring details for all for all target habitats identified within the Net Gain Assessment Report/Biodiversity Metric (Total Ecology 2022). Monitoring Reports will be submitted to the Local Planning Authority 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 Local Planning Authority. The Plan will be reviewed every 5 years in partnership with the LPA.

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

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

31. 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), removal of invasive species (Japanese Rose) and appropriate working methods including pollution control. Thereafter, the development hereby approved shall be carried out in full accordance with these agreed details.

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

32. Notwithstanding Condition 1, 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

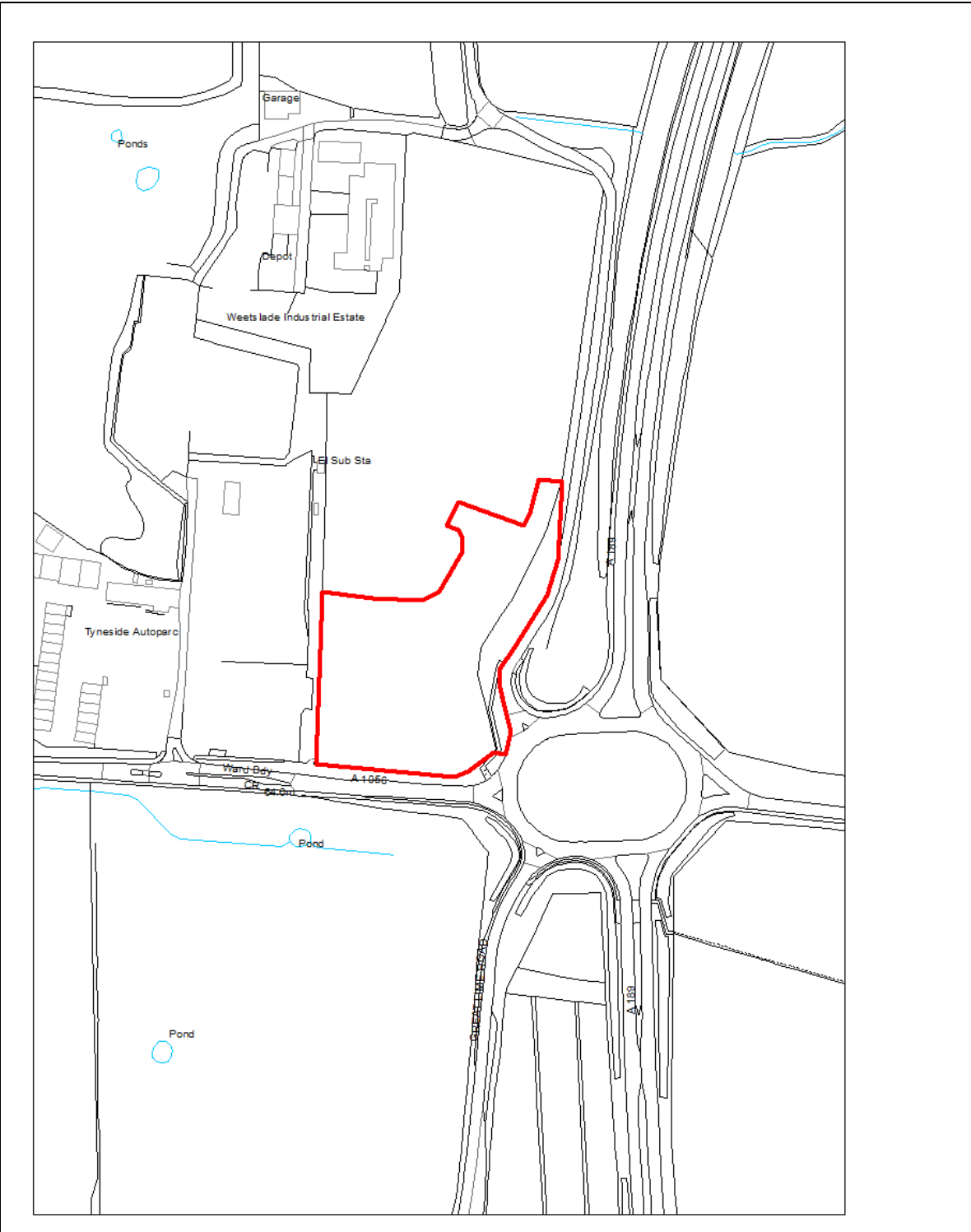
- where necessary, the percentage increase in luminance and the predicted illuminance in the vertical plane (in lux) at key points.

The lighting shall be installed and maintained in accordance with the approved scheme.

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

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

The proposal complies with the development plan and would improve the economic, social and environmental conditions of the area. It therefore comprises sustainable development and the Local Planning Authority worked proactively and positively to issue the decision without delay. The Local Planning Authority has therefore implemented the requirements in Paragraph 38 of the National Planning Policy Framework.



**Application reference: 23/00217/FUL**  
**Location: Land East Of, Weetslade Depot, Great Lime Road, Dudley**  
**Proposal: Erection of foodstore (Class E) with associated car parking; vehicular, pedestrian and cycle access; SuDs; and landscaping**

Not to scale  
 Date: 31.05.2023

© Crown Copyright and database right  
 2011. Ordnance Survey Licence Number  
 0100016801



**Appendix 1 – 23/00217/FUL  
Item 5**

**Consultations/representations**

1.0 Internal Consultees

1.1 Highways Network Manager

1.2 A Transport Assessment (TA) was submitted as part of the planning application that analysed junctions in the vicinity of the site as well as the proposed site accesses and the impact of the development on the adjacent highway network is not considered to be severe.

1.3 In addition, the impact of traffic was also tested on the council's transport modelling for the scheme to signalise Sandy Lane roundabout. The Sandy Lane scheme also provides improved pedestrian and cycle access to the site and the wider network.

1.4 The site will be accessed from the Great Lime Road and parking will be provided to meet the needs of the site. Cycle parking will also be provided, along with a Travel Plan and servicing will take place via a service yard to the north of the site.

1.5 Conditional approval is recommended.

1.6 Recommendation - Conditional Approval

1.7 The applicant will be required to enter into a Section 278 agreement for the off-site highway works set out in drawing number PM\_00\_10\_00-0002 - Revision P03, which is subject to Technical Approvals and Road Safety Audits and includes the following measures:

- New access
- New pedestrian & cycle links to the site
- Localised widening
- Associated street lighting
- Associated road markings
- Associated signage
- Associated Traffic Regulation Orders
- Reduction in speed limit on Great
- Detailed highway design
- Road safety audit

1.8 Conditions:

Notwithstanding the details submitted, the scheme for off-site highway works as set out in drawing number PM\_00\_10\_00-0002 - Revision P03 shall be carried out prior to the occupation of the development hereby approved and subject to Technical Approvals and Road Safety Audits being submitted to and agreed by the Local Highway Authority in consultation with the Local Planning Authority and include the following measures:

- New access

New pedestrian & cycle links to the site  
Localised widening  
Associated street lighting  
Associated road markings  
Associated signage  
Associated Traffic Regulation Orders  
Reduction in speed limit on Great  
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).

Notwithstanding the details submitted, the scheme for access shall be laid out in accordance with the approved plans prior to the development hereby approved being brought into use. This access shall not be used for any other purpose and shall be 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 prior to the development hereby approved being brought into use. These parking areas shall not be used for any other purpose and shall be 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 prior to the development hereby approved being brought into use. These EV charging areas shall not be used for any other purpose and shall be 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 taxi and private hire provision shall be laid out in accordance with the approved plans prior to the development hereby approved being brought into use. This taxi and private hire provision areas shall not be used for any other purpose and shall be 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 prior to the development hereby approved being brought into use. This cycle storage shall not be used for any other purpose and shall be 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 servicing shall be laid out in accordance with the approved plans prior to the development hereby approved

being brought into use. These turning areas shall not be used for any other purpose and shall be 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 development hereby approved being brought into use. These storage areas shall not be used for any other purpose and shall be 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).

Prior to the commencement of any part of the development hereby approved above damp proof course level 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 shall be 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).

Prior to the commencement of any part of the development hereby approved above damp proof course level 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 shall be 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 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. 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, shall be 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 pre-development to ensure that the site set up does not impact on highway safety, pedestrian safety, shall be retained trees (where necessary) and residential amenity having regard to policies DM5

#### 1.9 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](mailto: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](mailto: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](mailto: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](mailto: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](mailto: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](mailto: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](mailto: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](mailto: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](mailto:Highways@northtyneside.gov.uk) for further information.

#### 1.10 Sustainable Transport Team Leader

1.11 A comprehensive Travel Plan (TP) for this site was submitted as part of the application which provides ambitious targets for the reduction of vehicular use, whilst targeting an increase of walking and cycling trips. The TP commits to monitor the site for a 5 year period and produce an annual review report to help determine if any additional measures or interventions are required.

#### 1.12 Recommendation - Approval

Although the Travel Plan is approved, the developer will still be required to enter into a S106 agreement for the Travel Plan bond and monitoring requirements.

#### 1.13 Travel Plan:

A £10,000 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 5 years from first occupation.

A £1,250 Travel Plan Monitoring Fee (£500 per annum) is required, to be included as a Section 106 Agreement. 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).

#### 1.14 Lead Local Flood Authority (LLFA)

1.15 I have evaluated the flood risk and carried out a review of the surface water drainage proposals put forward as part of planning application 23/00217/FUL, I can confirm in principle I have no objections to the proposals as the applicant will be providing surface water attenuation within the site for up to a 1in100yr rainfall event + a 40% allocation for climate change and will be restricting the rate of surface water leaving the site to the equivalent greenfield run-off rates. The attenuation will be achieved via the use of underground cellular storage crates with a flow control device fitted on the outlet prior to the attenuation basin to restrict the surface water discharge rate to 3.6l/s before it discharges via a

dedicated surface water sewer into the watercourse located to the North of the proposed development. The improvement in the surface water quality discharging from the development will be achieved via the form of filter trenches and swales and an attenuation basin. A petrol separator will be provided within the loading bay area to collect silts and hydrocarbons from this area of the site. The applicant has indicated the maintenance of the suds features and associated drainage infrastructure will be the responsibility of Aldi and an appointed building management company.

1.16 I have noted that the applicant intends to discharge the site's foul drainage system into the surface water drainage system via an onsite treatment plant, this though not ideal is acceptable as a result of the lack of any foul drainage sewers in the vicinity of the proposed development. However, approval will be required from the Environment Agency as the surface water from the development will be discharging to a watercourse so an environmental permit will be required to allow this connection.

1.17 I will require a condition to be placed on the application requiring details of the appointed Management Companies responsible for the management of the SuDS features to be provided to the LLFA prior to the store opening for business.

#### 1.18 Manager for Environmental Health (Pollution)

1.19 I have concerns with regard to potential noise arising from the foodstore development affecting neighbouring residential properties located on Sandy Lane located some 193 m west of the site and Holly Court and Meadow Gardens located some 85m east of the site.

1.20 I have reviewed the air quality assessment which has considered the air quality impacts arising from the construction phase for the development. The air quality assessment has determined the impacts will be low adverse during construction if dust mitigation measures are employed to mitigate dust impacts. A condition is recommended to ensure dust mitigation measures are implemented during the construction phase.

1.21 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, but it is noted that the main part of the car park will be located to the northern elevation 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 20 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 western area of the site away from the nearest sensitive residential properties on Holly Court and Meadow Gardens. The noise rating level was calculated as 33 dB during the day and would be below the existing daytime noise level of 35 dB LA90 and will not result in significant adverse impacts. A condition to restrict deliveries to daytime hours will not be required.

1.22 The lighting report has been reviewed which has demonstrated that the lighting levels will comply with the Institute of Lighting Professionals guidance for the reduction of obtrusive light.

1.23 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 35 dB LAeq for the night period and 59 dB LAeq for daytime at the nearest sensitive receptor located on Holly Court and Meadow Gardens. 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 In accordance to lighting report reference 68342R1

1.24 Manager for Environmental Health (Contaminated Land)

1.25 I have read the Phase 2 report and am satisfied that there is no contamination on site, therefore no conditions relating to ground contamination are required.

1.26 However, there are still 4 round of gas monitoring to be carried out. Therefore, the following must be attached:

Gas 006

### 1.27 Planning Policy

1.28 The site is agricultural land that borders A1056 to the south, mix of employment uses to the west and Great Lime Road and the A189 to the east. The northern section of the site is not part of this application and therefore would still remain as agricultural land. The site is clearly visible from A1056 and Great Lime Road.

1.29 The site is an allocated employment site (E003) in the North Tyneside Local Plan (2017), which supports development in B2, B8 and the former B1 use class (Policy S2.2).

1.30 The application is for E use class for an Aldi supermarket (1,859m<sup>2</sup> gross) in an out of centre location and therefore paragraph 87 and 90 of National Planning Policy Framework (NPPF) and Policy DM3.4 of the Local Plan (2017) require a sequential and impact assessment to be submitted with the application. The applicant has submitted both. It is the officer's opinion that each assessment provides sufficient evidence that the development would not have a significant adverse impact on the centres within the catchment of the development and that no suitable, available, or viable sites were sequentially preferable.

1.31 Accepting the development meets the requirements of national and local retail policy the other main policy consideration is the loss of allocated employment land for B1, B2 and B8 uses to a supermarket. Policy DM2.3 of the Local Plan does accept development for uses outside of B1, B2 and B8 so long as the development meets certain criteria. These include ensuring the development would not result in an unacceptable loss of operating businesses and jobs, an excessive reduction in the supply of land for development in employment uses or have an adverse impact upon the amenity and operation of neighbouring uses.

1.32 The supporting evidence confirms that the site would support a growth in jobs and would not result in an excessive reduction in the supply of land for development in employment uses or have an adverse impact upon the amenity and operation of neighbouring uses. The proposed development would be in accordance with Policy DM2.3.

1.33 Conclusion:

1.34 The proposal has not been able to identify any sequentially preferable sites within the catchment area and the impact assessment has proven the development would not have a significant adverse impact on the viability or vitality of the relevant town centres. Considering national guidance and the need for the Council to support sustainable economic growth, the application would be in accordance with Policy S2.1, DM2.3 and DM3.4 of the Local Plan (2017).

1.35 There are no objections raised.

### 1.36 Landscape Architect and Biodiversity Officer

1.37 The site is located on a major junction with the A189 and the A1056 Sandy Lane. The site is part of the Indigo Park and allocated for employment use. To the west of the site is commercial use (car retail) and to the north are agricultural fields leading with Weetslade Country Park to the northwest. Gosforth Park lies to

the south, separated by Sandy Lane (A1056) with allotments and new residential housing to the southeast. The site covers approximately 1.3ha of agricultural land. The proposed development will include the construction of a retail store (Aldi) with associated car parking and landscaping. A detention basin is to be incorporated as part of a SUD's scheme. A new vehicular access to the store car park will be via a new access on the eastern boundary of the application site along with new pedestrian access to the site.

1.38 The site is allocated employment land and is also within a designated wildlife corridor as indicated on the North Tyneside Local Plan Policies Map (2017). The following policies apply to the scheme:

Policy S5.4 Biodiversity and Geodiversity

Policy DM5.5 Managing Effects on Biodiversity and Geodiversity

Policy DM5.7 Wildlife Corridors

Policy DM 5.9 Trees, woodland and hedgerows

1.39 Ecology

1.40 A number of ecology surveys have been submitted as set out below. The results/conclusions of each survey are summarised below:-

#### 1.41 Preliminary Ecological Appraisal (PEA)

1.42 Habitats identified within the site included arable, hedgerow with trees, species poor hedge, tall ruderal, and poor semi-improved grassland. Hedgerows on site are most likely to be utilised by protected species, providing breeding, nesting, roosting, and foraging habitat for birds, as well as shelter and foraging opportunities for mammals. Trees are also likely to be utilised by birds and tall ruderal and poor semi-improved grassland may also provide some foraging opportunities to birds and mammals. The arable habitat provides low ecological value but can provide habitat for ground nesting and wintering birds. The hedgerows and trees are likely to be used by bats as commuting habitat and the site forms part of a wildlife corridor as shown in the North Tyneside Local Plan. It is also part of an area of green space situated between Gosforth Park (and the numerous designated sites within it) and Weetslade Country Park, with the Newcastle Green Infrastructure Delivery Framework (2018) identifying Gosforth Park to the south, as part of a Wildlife Enhancement Corridor (WEC) with high biodiversity value. The Report, therefore, recommends that habitats are left in place/ enhanced around the boundaries of the site to ensure that the wildlife corridor is not severed by the proposed works which will cause a loss of arable land and will be replaced with hardstanding and buildings. It also recommends that trees and hedgerows are retained to maintain connectivity within the site and additional planting incorporated along the length of the site to increase the amount of habitat and enhance the wildlife corridor.

#### 1.43 Breeding Bird Survey

1.44 Breeding bird surveys were undertaken across the entire arable field (approx. 5ha) on 4 occasions between April-June 2021 including one nocturnal survey. A total of 34 bird species were recorded over the course of the breeding bird surveys with the site assessed of at least Local level of importance. Of the confirmed/potential/possible breeding species observed within the survey area, 7 are considered to be of high conservation concern (red list) and 7 are considered

to be of medium conservation concern (amber list). At a low-density threshold (e.g., 0.1-0.2/ha), the site has potential to support at least 1 pair of skylark, it is unlikely that this species would adapt to breeding on site post development and it should be assumed that this species will be displaced and lost as a breeding species. The report states that Lapwing may still utilise the wider site upon completion of works (the area that will not be subject to the new store) however, this would depend on how the remainder of site is to be managed. It concludes that it may be necessary to provide suitable mitigation off site for skylark and potentially lapwing, with other possible breeding species such as grey partridge benefiting from such measures.

1.45 The species identified are a typical assemblage for the habitats present across the site, with the vast majority associated with the boundary/field boundary habitats (e.g., hedgerows and woodland). Whilst the site valuation, based on the number of confirmed/probable/possible breeding species recorded, is of at least Local level importance, weight is added due to the fact red and amber species make up 38.24% of the confirmed/probable/possible breeding species observed. A small number of nationally declining farm bird species were recorded using the site.

1.46 As part of the mitigation/enhancement section, the Report recommends the retention and enhancement of existing hedgerows so some natural foraging and nesting habitat can remain as well as offsite compensation for skylark, lapwing and grey partridge.

#### 1.47 Wintering Bird Survey

1.48 Surveys were undertaken across the entire arable field (approx. 5ha) each month between December 2020 – March 2021 (inclusive). In summary, a total of 29 species were recorded with 20 species recorded on site and 17 recorded within the site buffer. Some species were recorded in more than one of these areas across the surveys. A total of 7 BoCC Red listed species (24.14%) were recorded and 3 BoCC Amber listed species (10.34%), giving a combined total of 10 notably listed species (34.48%). Based on the survey findings the site is considered to provide a Local level of importance for its winter avian assemblage.

1.49 The Report states that whilst it is not considered that the site is of particular importance to maintain local populations of any of the wintering species identified, however, it does provide good connectivity to higher quality habitat to the north and the south, as well as, providing some foraging opportunities. It goes on to say that whilst it is expected that the site plans will likely reduce the species richness of the site overall, the retention and/or enhancement of existing hedgerows on site and the planting of additional hedgerows should be considered to provide foraging habitat and maintain connectivity. The Report also concludes that it is likely, given the nature of the development, that ground foraging species such as grey partridge and lapwing will not be retained as a wintering species given the reduction in foraging opportunity and disturbance from the change in site use. However, similar habitat is present within the wider landscape which can provide foraging opportunities to these species, particularly to the north of the site.

#### 1.50 Bat Survey

1.51 Based on an initial preliminary ecological appraisal, trees were deemed to have moderate potential to contain roosting bats, therefore, in accordance with BCT guidance, 2 nocturnal surveys were undertaken on the trees on 20th August and 9th September 2020. In summary, activity was low during both surveys, with a total of 16 bats recorded in total. Most bats were common pipistrelle, with some soprano pipistrelle, and a single noctule. Commuting was most commonly recorded, north to south and vice versa across site with some foraging towards the north-west of the site. No roosts were observed during the surveys. The Landscape Plan (DWG No:0201-P03) shows that the hedgerow along the eastern boundary of the site will be retained and enhanced with species rich grassland to maintain habitat connectivity and new planting (hedgerows, trees, grassland) will also be provided along the southern boundary which will also connect to the eastern boundary habitat. In addition, a corridor of landscaping (11m-17m wide) will be provided along the western boundary to provide a landscape buffer and enhance the existing woodland habitat along this boundary with additional woodland, scrub and species rich grassland. The provision of lighting will need to be minimised along this boundary with conditions attached to ensure any lighting within the site minimises light spill to valuable habitat along the boundaries of the site, particularly the western boundary 'wildlife corridor' buffer, to less than 2 lux.

#### 1.52 Biodiversity Net Gain

1.53 The BNG Assessment and Biodiversity Metric indicate that post development and the implementation of the proposed landscaping scheme, there will be a minor shortfall of 0.03 habitat units which equates to a net loss of - 0.83%. A Biodiversity Net Gain is required to meet Planning Policy and the NPPF, with a target of 10%. As a result, the applicant has agreed to pay a financial contribution to the LPA to address the shortfall in habitat units on site to achieve an overall 10% net gain in habitat on an appropriate area of land within Council ownership.

#### 1.54 Planting Plan

1.55 A preliminary 'Planting Plan' (DWG No: N1119-ONE-ZZ-XX-DR-L-0201 Rev P05) and 'Proposed Site Plan' (DWG: PM\_00\_10\_00-0002 Rev P04) have been submitted to support the application. The 'Planting Plan' indicates a landscape buffer to the western boundary which includes a belt of mixed native scrub with standard trees adjacent to the existing established tree planting along the western boundary, with species rich grassland between the native scrub and the rear of the Aldi store. The native scrub extends along the northern boundary (adjacent to car parking) and also contains a number of standard trees within the mix. The western buffer planting also connects with a new native species rich hedgerow with standard trees along the southern boundary. The 'Proposed Site Plan' indicates the width of the western buffer planting corridor to be around 11m at its narrowest section up to around 17m along the south-west section. The north-west section of native scrub planting also widens out before narrowing along the northern boundary adjacent to car parking.

1.56 The existing hedge and trees along the eastern boundary are being largely retained with the exception of a small section of hedge to facilitate the new access road into the site. This boundary is being enhanced with a belt of mixed native scrub and standard trees adjacent to the hedgerow along with species rich grassland either side of the hedge. A SUDs area is also provided to the north

west of the hedgerow, adjacent to the internal access road to address drainage requirements and this will be sown with an appropriate wetland species rich grassland.

1.57 The 'Proposed Site Plan' (DWG: PM\_00\_10\_00-0002 Rev P04) previously indicated 2m high weldmesh fences along the northern boundary of the development and within 2 sections of the western buffer planting areas, which were considered to be detrimental to wildlife movement within this corridor and the overall aim to 'protect and enhance' the wildlife corridor in accordance with Planning Policy. Consequently, this plan has been updated (DWG No:PM\_00\_10\_00 0002 S4 REV P05) which now shows an absence of any fencing within the western buffer planting area and the 2m high weldmesh fence along the northern boundary replaced with a timber knee rail fence. These amendments are welcomed and considered acceptable.

#### 1.58 Lighting

1.59 The submitted Lighting Report (Tamlite Lighting) indicates light spill levels which are excessive into sensitive areas, in particular the western boundary wildlife corridor area and habitats along the eastern, northern and southern boundaries. The applicant has revised the lighting information ('External Services Layout' DWG No: Ss\_37\_16\_90 0001 D2 P03 which has reduced light spill levels but still indicates excessive light spill to some boundary planting areas, in particular, the western boundary (wildlife corridor buffer planting) and the north-west boundary, which is unacceptable. These habitats are being created to 'protect and enhance' the wildlife corridor, providing valuable habitat for commuting and foraging bats and nesting and roosting habitat for birds. The provision of lighting columns will need to be minimised or re-located/re-designed along these boundary features (particularly the western and north-west boundary) to ensure light spill is less than 2 lux in these areas and the scheme is in accordance with Planning Policies DM5.5 (Managing Effects on Biodiversity) and DM5.7 Wildlife Corridors.

#### 1.60 Wildlife Corridor

1.61 The PEA makes reference to the importance of the wildlife corridor, maintaining connectivity and enhancing planting within the corridor. The site forms part of the wildlife corridor as shown in the North Tyneside Local Plan connecting green space sites between Gosforth Park and Weetslade Country Park. The Newcastle Green Infrastructure Delivery Framework (2018) shows Gosforth Park as part of a wildlife enhancement corridor with high biodiversity value connecting to sites such as Weetslade Country Park. The PEA recommends that habitats are retained and enhanced around the boundaries of site to ensure that the wildlife corridor is not severed. The PEA and several of the other ecological reports (Wintering and Breeding Bird Surveys) also recommend the retention and enhancement of existing hedgerows to provide foraging and nesting habitat and maintain connectivity and to increase habitat to form a wildlife corridor.

1.62 The submitted Planting Plan' (DWG No: N1119-ONE-ZZ-XX-DR-L-0201 Rev P05) indicates a landscape buffer to the western boundary which includes a belt of mixed native scrub with standard trees adjacent to the existing established tree planting along the western boundary, with species rich grassland between



the native scrub and the rear of the Aldi store. The native scrub extends along the northern boundary (adjacent to car parking) and also contains a number of standard trees within the mix. The western buffer planting also connects with a new native species rich hedgerow with standard trees along the southern boundary. The 'Proposed Site Plan' indicates the width of the western buffer planting corridor to be around 11m at its narrowest section up to around 17m along the south-west section. The north-west section of native scrub planting also widens out before narrowing along the northern boundary adjacent to car parking.

1.63 The existing hedge and trees along the eastern boundary are being largely retained with the exception of a small section of hedge to facilitate the new access road into the site. This boundary is being enhanced with a belt of mixed native scrub and standard trees adjacent to the hedgerow along with species rich grassland either side of the hedge. A SUDs area is also provided to the north west of the hedgerow, adjacent to the internal access road to address drainage requirements and this will be sown with an appropriate wetland species rich grassland.

1.64 There are currently concerns regarding the light spill levels to boundary habitats indicated on the submitted lighting plans (see comments above). This will need to be addressed by re-designing the lighting scheme (locations of lighting columns, their design and lighting levels) to minimise light spill into boundary habitat areas, particularly the western buffer area, to less than 2 lux to ensure any lighting disturbance impacts are minimised within the wildlife corridor and the scheme meets Planning Policies DM5.5 (Managing Effects on Biodiversity) and DM5.7 Wildlife Corridors. A condition will therefore need to be attached to the application for a lighting strategy to be submitted that addresses this issue.

#### 1.65 Trees

1.66 The landscape proposals are provided on the Planting Plan N1119-ONE-ZZ-XX-DR-L-0201-P05. There is a 153m established hedgerow forming the eastern site boundary to Great Lime Road is being retained together with a number of trees. The trees to the west is on neighbouring land is also to be retained and are protected by a Tree Preservation Order (TPO).

1.67 A series of plans has been submitted that confirm the trees to be retained/removed, location of the tree protective fencing and any areas of special construction required. Although no supporting documentation or report has been submitted, it is proposed to retain all trees on the site with the exception of a small section of hedge to facilitate the new pedestrian and vehicular access into the site and T8 (C). The type, height and location of the tree protective fencing is shown on plan AMS/TPP rev A.

1.68 It is proposed to plant 66no native standard trees of varying species that will improve the setting of the building and contribute to the wildlife corridor and biodiversity.

#### 1.69 Conclusion

1.70 Subject to some alterations to the scheme (lighting) which can be addressed via a condition, the landscape scheme provides a high level of visual amenity and also provides biodiversity enhancements, including a habitat buffer along the western boundary, to maintain wildlife connectivity with the wider area. Whilst there is a very minor net loss of habitat units on site (0.03 habitat units) resulting in an overall -0.83% net loss, this will be addressed via a financial contribution to the LPA to ensure that an overall 10% net gain will be delivered off-site on Council owned land. Impacts on farmland birds will also be addressed through a financial contribution to ensure enhancement of land within the Rising Sun Country Park/Farm or an alternative appropriate area. On this basis the proposal meets the local plan policies in relation to landscape and biodiversity and should the application be approved, the following conditions should be applied:

1.71 Conditions:

No trees, shrubs or hedges within the site which are shown as being retained on the submitted plans shall be felled, uprooted, wilfully damaged or destroyed, cut back in any way or removed during the development phase other than in accordance with the approved plans or without the prior written consent of the Local Planning Authority. Any trees, shrubs or hedges removed without such consent, or which die or become severely damaged or seriously diseased within three years from the completion of the development hereby permitted shall be replaced with trees, shrubs or hedge plants of similar size and species until the Local Planning Authority gives written consent to any variation.

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

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

The contractors construction method statement relating to traffic management/site compounds/contractor access, temporary parking, on site welfare facilities, loading, unloading and storage of equipment, materials, fuels and waste as well concrete mixing and use of fires must be submitted in writing and approved by the Local Planning Authority and include tree protection measures for the trees to be retained. Cabins, storage of plant and materials, parking are not to be located within the RPA of the retained trees as defined by the Tree Protection Plan and maintained for the duration of the works

An arboricultural consultant is to be appointed by the developer to advise on the tree management for the site and to undertake regular supervision visits to oversee the agreed tree protection and visit as required to oversee any unexpected works that could affect the trees. 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 commencement of development on site, a fully detailed landscape plan shall be submitted to and approved in writing by the Local Planning Authority and shall be in accordance with the details provided within the Biodiversity Metric 3.0 and BNG Assessment Report (Total Ecology Feb 2022). The landscape scheme shall include a detailed specification and proposed timing of all new tree, shrub, hedgerow and wildflower planting. All new standard trees are to be a minimum 12-14cm girth. The landscaping scheme shall be implemented in accordance with the approved details within the first available planting season following the approval of details. All hard and soft landscape works shall be carried out in accordance with the approved details and to a standard in accordance with the relevant recommendations of British Standard 8545:2014. Any trees or plants that, within a period of five years after planting, are removed, die or become seriously damaged or defective, shall be replaced with others of species, size and number as originally approved, by the end of the first available planting season thereafter. Any revisions to the landscape plan are to be submitted and approved by the local authority.

Within one month from the commencement of any development on site, a detailed 30 year 'Landscape and Ecological Management and Monitoring Plan' (LEMMP) for all landscaping/habitat creation within the application site, as set out in the Biodiversity Metric and BNG Report (Total Ecology Feb 2022) and an approved Landscape Plan, shall be submitted to and approved in writing by the Local Planning Authority. This plan shall include details of site preparation, long-term design objectives, management and monitoring objectives, management responsibilities, timescales and maintenance schedules for all newly created and enhanced habitats within the site. Thereafter, these areas shall be managed and maintained in full accordance with these agreed details unless first agreed in writing by the Local Planning Authority. The plan will include details of the following:-

Details on the creation, enhancement and management of all habitats identified within the Biodiversity Metric and BNG Assessment Report (Total Ecology Feb 2022) and approved Landscape Plan and how the condition criteria will be met through management;

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

Details of any corrective action that will be undertaken if habitat delivery fails to achieve the requirements set out in the approved Biodiversity Net Gain Report/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, small mammals/hedgehog etc), removal of invasive species (Japanese Rose) and appropriate working methods including pollution control details. Details shall be submitted for approval by the LPA prior to works commencing on site.

No vegetation removal 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.

3no. bird boxes and 2no. bat boxes will be provided in suitable locations within the development site. Details of bird and bat box specification 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.

1no. integrated bat feature (e.g.bat brick, tile, bat box) and 2no. integrated bird features will be provided on new buildings within the development. Details of the specification and locations of the bird and bat features shall 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 to allow movement and dispersal of wildlife. 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.

## 2.0 Representations

### 2.1 Support

2.2 43 representations of support have been received: 41 generic responses and two individual representations.

2.3 41 representations of generic support have been received. This response is set out below:

- A new Aldi store at this location will increase choice for local residents, create much needed employment for local people and reduce travel times /
- If permission is granted, the Aldi store will offer high quality, discount goods to customers at a time when it is needed most.
- If the plans go ahead, the new store would be within five minutes walking distance of my house, as I live on Moorfields Bellway development.
- Also, because the council has made such a mess of the roads with all the traffic signals I can pop into Aldi and do my shopping whilst waiting for the lights to change.
- With the significant number of new properties being built in North Tyneside, this new Aldi store will help reduce traffic around the area as it is in close proximity to a number of housing developments.

2.4 Two individual representations supporting this application have been received. These are set out below:

- Fully support application for this Aldi store.
- I'm supportive of this proposal as it will enhance local choice for where to shop and provide employment. Regarding cycling infrastructure, the access road to the development is from the Great Lime Road which is a key local cycling route connecting National Cycleway number 10, The Reivers, to High Gosforth Park. As such can the development ensure that cyclists passing the entrance and exit from the car park are taken into consideration, perhaps by including a priority cycle lane that makes it obvious to cars entering and exiting the car park that cyclists have right of way on the Great Lime Road.

## 3.0 External Consultees

### 3.1 Northumberland Wildlife Trust

3.2 We have a number of significant concerns regarding the plans.

### 3.3 Breeding Birds

3.4 As identified in the Breeding Bird Survey Report provided by Total Ecology, a number of farmland and ground-nesting bird species were identified as utilising

the site. These include red-listed skylark and lapwing, both of which are confirmed to have been breeding on site. The proposed development and planting plans will leave no appropriate on-site habitat remaining for these species, meaning that they will be lost from site, and no appropriate off-site mitigation has been suggested. This is unacceptable.

### 3.5 Wildlife Corridor

3.6 The land for development is identified as a wildlife corridor in the North Tyneside Local Plan (2017) and provides a corridor of movement for wildlife between Gosforth Park Nature Reserve SSSI and Weetslade Country Park LWS. The ecological report recommends that habitats are left in place and/or enhanced around the boundaries of the development to prevent the corridor being severed. However, looking at the current site plan, the proposed areas of habitat are likely insufficient. A 10m corridor sandwiched between a supermarket, a petrol station and a food outlet is likely to be subjected to high levels of human disturbance and will not offer much biodiversity potential. The other remaining areas of habitat are mostly adjacent to well-used roads, with plans to sever them further with vehicle and pedestrian access.

### 3.7 Planting Schedule

3.8 As a site within a wildlife corridor, the planting on site should put an emphasis on *locally* native species. Species like *Carpinus betulus* and *Fagus sylvatica* are not native and should be replaced with something more appropriate. In addition, the hedgerow and scrub mixes would benefit from additional species to increase the species-richness.

### 3.9 Biodiversity Net Gain

3.10 The National Planning Policy Framework (NPPF)(paragraphs 174d, 179b, 180d) and the North Tyneside Local Plan (policy DM5.5c.) both state requirement for development to deliver net gain for biodiversity. The Biodiversity Metric report provided by Total Ecology indicates a -0.82% net loss of biodiversity, which is clearly contrary to both national and local planning policy, and therefore unacceptable.

3.11 Given the above concerns, Northumberland Wildlife Trust objects to this planning application.

### 3.12 The Coal Authority

3.13 The application site does not fall within the defined Development High Risk Area and is located instead within the defined Development Low Risk Area. This means that there is no requirement under the risk-based approach that has been agreed with the LPA for a Coal Mining Risk Assessment to be submitted or for The Coal Authority to be consulted.

3.14 In accordance with the agreed approach to assessing coal mining risks as part of the development management process, if this proposal is granted planning permission, it will be necessary to include The Coal Authority's Standing Advice within the Decision Notice as an informative note to the applicant in the interests of public health and safety.

### 3.15 Newcastle International Airport (NIA)

3.16 The proposal has been assessed by the Aerodrome Safeguarding Team.

### 3.17 Landscaping

3.18 When considering the proposed landscaping of the scheme, a large percentage of the species listed on both the native scrub mix and native hedge mix are listed on the hazard species list. This means that they have the potential to attract additional bird activity to the site due to their berry bearing features. While this would normally result in an objection to the scheme, when considering the amount of landscaping and distance to the flight path, it is not considered that this proposal would result in an unacceptable rise in potential birdstrike. As a result of this, given its location it is not considered that the proposal would result in any detriment to the safe operations of the Airport. NIA would not therefore offer any objection to this application.

### 3.19 Northumbria Police

3.20 Northumbria Police have no objection regarding this application, but we would make the following observation.

3.21 The Applicant's approach relies upon a modular and repeatable design, which serves them well in terms of development, but the modular design also repeats the same vulnerabilities across the applicant's estate. To address this, we would recommend that either the southwest line of 2m weldmesh fence is brought forward to enclose the side staff entrance, or the staff entrance door is specified to an enhanced standard. Given the location, likely response times and the nature of attacks we would recommend a door specified to LPS 1175 Issue 8.1 C10 as a minimum.

### 3.22 Northumbrian Water

3.23 In making our response to the local planning authority Northumbrian Water assesses the impact of the proposed development on our assets and assesses the capacity within our 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 of our area of control.

3.24 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/services/developers/>

3.25 I can confirm that at this stage we would have no comments to make, as no connections to the public sewerage network are proposed in the application documents. Should the drainage proposal change for this application, we request re-consultation.

### 3.26 The Northumberland and Newcastle Society (N&N)

3.27 The Northumberland and Newcastle Society (N&N) objects to grant of planning approval for this scheme.

3.28 The Society notes that in the final consultation of the draft North Tyneside Local Plan in November 2015, the site of this application was designated as Green Belt. It currently forms a green corridor from Gosforth Park to Weetslade Country Park. The proposed development would remove productive agricultural land at a time when it is needed for food production.

3.29 The design and access statement has a very old image of the Sandy Lane roundabout which is slightly misleading as it is now completely different and is currently being changed to light controlled intersection because of pressure due to increased traffic using this route. This is a major approach corridor to the A1 western Bypass and Newcastle to the south and to the coast and into Northumberland to the north. It is often very congested especially by traffic from all the new housing nearby.

3.30 A food-store in this location will simply create even more traffic on the junction as we would suggest that few people will travel to this outlet by foot or cycle, inevitably, most will use cars. Food outlets would be better sited within on the edge of local communities to reduce traffic movement and would ask the council to consider this site as inappropriate for further retail development and allow it to remain as designated green belt.

### 3.31 Nexus

*3.32 Case officer notes: The applicant provided a response to Nexus' initial comments.*

3.33 On the two points raised below, Nexus has no further comments to make and welcomes the improvements made to pedestrian routes on the Weetslade Roundabout to facilitate pedestrian access between the development site and the bus stop.

3.34 Additional to the below comments, Nexus would still recommend the provision of a Pop card with £50 of pre-loaded credit for each employee as per the Nexus Planning Liaison Policy, to be included in the Travel Plan.

### 3.35 Nexus initial comments

3.36 Despite there currently being no bus services on the A1056 Sandy Lane or Great Lime Road, the nearest accessible bus stops are located at the Western end of Killingworth Way, within the 400m walking distance as recommended within the Nexus Planning Liaison Policy. These stops are currently served by Arriva services X7 and X8, which operate a combined 15-minute frequency Monday – Saturday daytime, every 30 minutes Sunday daytime and hourly Sunday evening. These buses link with the surrounding local area (Burradon, Annitsford, Quorum Park, South Gosforth, and Newcastle City Centre) and Nexus therefore considers these services to be adequate for the development.

3.37 However, the access between the proposed new store and the bus stops located on Killingworth Way should be improved by the provision of a path, street lighting and controlled crossing points. Nexus accepts that some of these features may already be present due to the current upgrade of the roundabout and associated infrastructure alongside the new housing developments in the area, however the developer should ensure these provisions are in place to



encourage employees and customers to travel sustainably using the nearby bus links.

3.38 Moreover, as further developments at the adjacent Indigo Park continue, Nexus requests the provision of both westbound and eastbound bus shelters along Sandy Lane to support current and future developments in the area. This would increase the accessibility to the development alongside future additions at the site, making travelling via bus more attractive to those using the development and wider area. The bus shelter in question would need to meet Nexus standards with installation carried out by a specific contractor. Approximate costings for a bus shelter and installation can be provided to the developer/applicant.

3.39 Nexus welcomes the supporting Travel Plan for employees and supports the desire to promote bus services to staff and reduce the proportion of car journeys in the area. Within, Nexus additionally welcomes the promotion of active travel and the space to leave bicycles available in the store's storage area. However, the applicant must be mindful that including cycle-specific storage locations for staff with provision like Sheffield Stands may encourage an increased uptake of active travel within employees.

3.40 Furthermore, Nexus Planning Liaison recommends that if the development is the place of work for 50 or more employees, the applicant should meet the cost of one Pop Pay as You Go card per employee with £50 of credit preloaded onto it. This would encourage employees to build up sustainable travel habits and encourage the increased uptake of public transport. Nexus therefore requests that this be included within the employee travel plan, should the development be the place of work for 50 or more employees.

#### 3.41 Environment Agency

3.42 We have reviewed the provided Foul Drainage Assessment Form and Foul Flow Calculations and consider that they satisfactorily address our earlier concerns with this proposal. We therefore withdraw our previous objection, dated 14 April 2023.

3.43 As this development will be discharging less than 5 cubic metres to surface water in any 24 hour period, it must comply with General Binding Rules. Further information on treatment plants and General Binding Rules is detailed below.

#### 3.44 Environmental Permit – Advice to Applicant

3.45 Government guidance contained within the national Planning Practice Guidance (Water supply, wastewater and water quality – considerations for planning applications, paragraph 020) sets out a hierarchy of drainage options that must be considered and discounted in the following order:

1. Connection to the public sewer
2. Package sewage treatment plant (adopted in due course by the sewerage company or owned and operated under a new appointment or variation)
3. Septic Tank

3.46 Foul drainage should be connected to the main sewer. Where this is not possible, under the Environmental Permitting Regulations 2016 any discharge of

sewage or trade effluent made to either surface water or groundwater will need to be registered

as an exempt discharge activity or hold a permit issued by the Environment Agency, additional to planning permission. This applies to any discharge to inland freshwaters, coastal waters or relevant territorial waters.

3.47 Please note that the granting of planning permission does not guarantee the granting of an Environmental Permit. Upon receipt of a correctly filled in application form we will carry out an assessment. It can take up to 4 months before we are in a position to decide whether to grant a permit or not.

3.48 Domestic effluent discharged from a treatment plant/septic tank at 2 cubic metres or less to ground or 5 cubic metres or less to surface water in any 24 hour period must comply with General Binding Rules provided that no public foul sewer is available to serve the development and that the site is not within an inner Groundwater Source Protection Zone.

3.49 A soakaway used to serve a non-mains drainage system must be sited no less than 10 metres from the nearest watercourse, not less than 10 metres from any other foul soakaway and not less than 50 metres from the nearest potable water supply.

Where the proposed development involves the connection of foul drainage to an existing non-mains drainage system, the applicant should ensure that it is in a good state of repair, regularly de-sludged and of sufficient capacity to deal with any potential increase in flow and loading which may occur as a result of the development.

3.50 Where the existing non-mains drainage system is covered by a permit to discharge then an application to vary the permit will need to be made to reflect the increase in volume being discharged. It can take up to 13 weeks before we decide whether to vary a permit.

3.51 Further advice is available at:

Septic tanks and treatment plants: permits and general binding rules