

Item No: 4
Application No: 24/00076/FULM Author: Maxine Ingram
Date valid: 13 March 2024 ☎: 0191 643 6322
Target: 12 June 2024 Ward: Shiremoor
decision date:

Application type: Full Major application

Location: Boundary Mill, Park Lane, Shiremoor, Newcastle Upon Tyne, NE27 0BS

Proposal: Extension to front of retail unit providing 1767m² of replacement floor space to an existing retail store. Demolition of a detached retail unit totalling 2043m². Remodelling the existing car park

Applicant: Libra Textiles LTD

Agent: CRC Design

RECOMMENDATION: Application Permitted

INFORMATION

1.0 Summary Of Key Issues & Conclusions

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

- The principle of the development, including the impact on existing town centres,
- The impact on amenity,
- The impact on character and appearance,
- The impact on highway safety; 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 consider any other material considerations in reaching their decision.

2.0 Description of the Site

2.1 This application site is located to the east of Park Lane. The site comprises of two retail buildings along with associated parking and landscaping. One of the buildings is in use, Boundary Mills, and the other is vacant.

2.2 The Boundary Mills store is sited adjacent to the eastern boundary of the site. The land to the east of this is designated as a strategic housing allocation –

Murton (Local Plan (LP) S4.4 (a)). To the front of this building is a large car park. The vacant building is located to the south of the residential properties of Angerton Avenue. An existing car park separates this building from these properties. To the west the site is bound by Park Lane, beyond which lies residential properties.

2.3 To the south of the site is a parcel of land that forms part of the wider strategic housing allocation. Members are advised that planning permission has been granted to construct a food store on this land (Ref: 21/01513/FUL).

2.4 The main vehicular access for customers is to the south of the vacant building from Park Lane. A further access is located to the north of this.

3.0 Description of the Proposed Development

3.1 Planning permission is sought for an extension to the front of the existing Boundary Mills store (approximately 1767sqm) and demolition of the currently vacant retail unit. The proposed works also include alterations to the existing car park and soft and hard landscaping.

3.2 The proposed extension will measure approximately 23.4m x 79.8m accommodating a flat roof. It will be sited on the front elevation of the Boundary Mills store to the south of the main entrance.

4.0 Relevant Planning History

4.1 The site has an extensive planning history dating back to 1975. The most recent planning history is set out below:

4.2 Vacant unit

23/00352/FUL – Demolition of the existing single storey entrance and stock room area, installation of new shopfronts and entrance porches, subdivision of the building to form 2no. retail units, making good cladding where building demolished and modifications to the car parking arrangements – Permitted 10.05.2023

4.3 Land adjacent to the site – east

23/00241/FULES - Residential development of up to 2,700 dwellings comprising: Full planning application for 683 residential dwellings, a new spine road, road bridge, and associated highways, drainage infrastructure and landscaping. Outline planning application sought for up to 2,017 dwellings, a primary school, up to 1000sqm of retail floorspace, new metro station and associated highways, drainage, site wide servicing, landscaping infrastructure and demolition works (Amended description and revised plans/documents November 2023) – Pending consideration

4.4 Land adjacent to the site – south

21/01513/FUL - Erection of a new discount foodstore (Use Class E) with access, car parking and landscaping and other associated works (Amended plans received 28.06.2022) – Permitted

24/00341/FULM - Variation of condition 1 of planning approval 21/01513/FUL to increase the floor area to 1,949sqm (gross internal area) and amend the car parking layout to remove nine car parking spaces – Pending consideration

5.0 Development Plan

5.1 North Tyneside Local Plan (2017)

6.0 Government Policy

6.1 National Planning Policy Framework (December 2023)

6.2 National Planning Practice Guidance (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 LPAs to apply a presumption in favour of sustainable development in determining development proposals. Due weight should still be attached to Development Plan policies according to the degree to which any policy is consistent with the NPPF.

PLANNING OFFICERS REPORT

7.0 Detailed Planning Considerations

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

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

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

8.0 Principle of the development, including the impact on existing town centres

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

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

only if material considerations in a particular case indicate that the plan should not be followed”.

8.3 The NPPF paragraph 85 states “Planning policies and decisions should help create the conditions in which businesses can invest, expand and adapt. Significant weight should be placed on the need to support economic growth and productivity, taking into account both business needs and wider opportunities for development”.

8.4 Paragraph 91 of the NPPF states that ‘Local Planning Authority’s (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.’

8.5 Paragraph 92 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.’

8.6 Paragraph 95 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 94, it should be refused.’

8.7 The National Planning Practice Guidance (NPPG) provides advice on the evidence to be submitted with a sequential test and an impact assessment. For the sequential test there should be flexibility shown by both the authority and the applicant and authority needs to be realistic in applying the test. For an impact assessment the authority has to consider the health of the existing centres and the potential impact of trade diversion and impact on future investment proposals resulting from the development.

8.8 Local Plan (LP) policy S2.1 states that proposals that make an overall contribution towards sustainable economic growth, prosperity and employment in North Tyneside will be encouraged.

8.9 LP Policy DM3.4 ‘Assessment of Town Centre Uses’ includes in its sequential assessment a requirement for existing out-of-centre development sites, previously occupied by appropriate main town centre uses, to be considered before looking at other out of centre locations. The assessment must provide sufficient evidence that the development would not have an adverse impact on the centres within the catchment of the development and that no suitable, available, or viable sites were sequentially preferable.

8.10 In accordance with paragraph 91 and 94 of the NPPF and LP Policy DM3.4 this application is supported by a sequential test and an impact assessment.

8.11 The use proposed is a town centre use in an out of centre location. In accordance with the NPPF (paras. 91 and 94) and LP Policy DM3.4 this

application requires a sequential and impact assessment to be submitted for consideration.

8.12 The consultee comments, Planning Policy, advise that the sequential test and the impact assessment, provide 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. The consultee does not raise any objection. It is officer advice that the sequential test and impact assessment are both passed.

8.13 Members need to determine whether this development is acceptable in terms of its impact on existing town centres. The proposal has not been able to identify any sequentially preferable sites and the impact assessment has concluded that the development would not have significant adverse impact on the viability or vitality of the relevant town centres. It is officer advice, considering national guidance and the Council support for sustainable economic growth, the proposed development would be in accordance with Policy S2.1 and DM3.4 of the LP.

9.0 Impact on amenity

9.1 Paragraph 191 of the NPPF seeks to ensure that new development is appropriate for its location and ensuring where necessary that any impacts from the development are adequately mitigated for.

9.2 LP Strategic Policy S1.4 'General Development Principles' of the LP states that development proposals should be acceptable in terms of their impact upon local amenity for new or existing residents and businesses, adjoining premises, and land uses.

9.3 LP Policy DM5.19 'Pollution' states, amongst other matters, development that may cause pollution will be required to incorporate measures to prevent or reduce pollution so as not to cause unacceptable impacts to the environment, to people and to biodiversity. Potentially polluting development will not be sited near to sensitive areas unless satisfactory mitigation measures can be demonstrated.

9.4 LP Policy DM6.1 'Design of Development' states: "Applications will only be permitted where they demonstrate high and consistent design standards. Designs should be specific to the place, based on a clear analysis of the characteristics of the site, its wider context and the surrounding area." Amongst other matters proposals should demonstrate a positive relationship to neighbouring buildings and spaces and a good standard of amenity for existing and future residents and users of buildings and spaces.

9.5 LP DM5.9 'Trees, Woodland and Hedgerows' supports the protection and management of existing woodland trees, hedgerow, and landscape features. It seeks to secure new tree planting and landscaping scheme for new development, and where appropriate, promote and encourage new woodland, tree and hedgerow planting schemes and encouraging native species of local provenance.

9.6 The objections regarding the impacts on landscaping and residential amenity are noted, particularly the proposed lighting and loss of privacy. The objection regarding the removal of trees from the northern boundary is particularly noted. Members are advised that residents have been in discussions with the applicant for several years regarding the maintenance of these trees. These trees have been removed prior to the submission of this application and the issues of costs to remove these and the amount removed are not a material planning consideration in the determination of this application.

9.7 The residential properties of Angerton Avenue are located to the north of the site. Immediately to the south of the rear gardens serving these properties an area of landscaping is proposed. Parking in this area will be retained and further car parking provision is proposed to the area where the vacant building is to be demolished. Lighting is proposed within the car parking areas. Due to the layout of the parking bays and siting of the lighting, it is considered that a sufficient distance will be retained between these parts of the development and these residential dwellings. The existing boundary treatments enclosing the rear gardens of these properties will further screen the parking bays.

9.8 Due to the siting of the proposed extension in relation to the residential properties of Angerton Avenue, it is not considered that it would significantly affect their residential amenity on terms of loss of outlook, privacy, and light.

9.9 To the west of the site are the residential properties of Park Lane. These properties afford views towards the site. Existing trees are sited adjacent to the western boundary of the site. These trees assist in screening the site, particularly during the spring and summer months. Due to the siting of the proposed extension in relation to these neighbouring properties, it is not considered that it would significantly affect their residential amenity in terms of outlook, privacy, and light.

9.10 The alterations to the parking arrangements adds further pockets of soft landscaping. The trees, outside of the application site, are to be retained.

9.11 Landscape comments have been provided and conditional approval is recommended.

9.12 The Manager for Environmental Health (Pollution) has been consulted. She has advised that any plant and equipment installed would require assessment as plant noise arising from pumps and fans can result in tonal noise that can travel some distance. Noise from plant and equipment will therefore require a noise scheme to be provided to ensure that noise is adequately mitigated to ensure nearby residential properties are not affected by noise. These details can be secured by a planning condition. She has also recommended further conditions to address any new external flues, kitchen extraction systems, chiller units or air conditioning units.

9.13 She has also advised that a lighting assessment of the new car parking lighting will be required. This assessment can be secured by a planning condition and will ensure that that the new lighting does not cause an adverse impact upon neighbours.

9.14 The NPPF paragraph 54 states “Local Planning Authorities should consider whether otherwise unacceptable development could be made acceptable through the use of conditions or planning obligations.” Paragraph 55 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.” The NPPF paragraph 191 aims to “avoid noise from giving rise to significant adverse impacts on health and quality of life”. It is clear from the consultee comments set out in the appendix to this report that appropriate mitigation to reduce the impacts arising from noise and lighting can be secured by conditions.

9.15 Due to the siting of the proposed development in relation to the strategic housing allocation and the possible future development of a food store to the south of the site, it is not considered that it would prejudice the delivery of the strategic housing allocation or the proposed food store.

9.16 Members need to determine whether the proposed development is acceptable in terms of its impact on residential amenity is acceptable. It is officer advice that the proposed development is acceptable in terms of its impact on residential amenity, subject to conditions. As such, it is officer advice that the proposed development does accord with paragraph 191 of the NPPF and LP policies DM5.19 and DM6.1. Members need to weight this in their decision.

10.0 Impact on character and appearance

10.1 Paragraph 131 of the NPPF encourages good design stating this is a key aspect of sustainable development, creates better places in which to live and work and helps make development acceptable to communities.

10.2 Paragraph 139 of the NPPF makes it clear that development, which is not well designed should be refused, especially where it fails to reflect local design policies and government guidance on design.

10.3 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.

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

10.5 The design of the proposed extension is in keeping with the character and appearance of the existing Boundary Mills store.

10.6 Views of the proposed extension from the east will be screened by the existing building. When viewed from the north, east, and south the proposed extension will be seen against the existing Boundary Mills store. It is not

considered that proposed extension will significantly detract from the character and appearance of the immediate surrounding area.

10.7 Alterations to the layout of existing parking provision is proposed and additional parking is proposed where the current vacant building is located. Pockets of soft landscaping are proposed throughout the car parks. The additional soft landscaping is welcomed.

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

11.0 Impact on highway safety

11.1 The NPPF paragraph 115 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 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 residents health and well-being.

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

11.4 The objection regarding traffic congestion is noted.

11.5 The site is located adjacent to bus stops on Park Lane. Shiremoor Metro Station is located to the north of the site.

11.6 The proposed development would utilise existing access/egress arrangements. The most northern access would be used by staff, deliveries, and coaches. The southern access would be used by customers. Parking provision, including disabled parking provision, has been provided to meet the needs of the site. Pedestrian routes and circulation have also been considered.

11.7 The Team Leader – New Developments (Highways) has been consulted. He has reviewed the Travel Plan Statement and supporting information. He has recommended conditional approval.

11.8 Northumbria Police have been consulted. They have raised no objection but have recommended cycle storage is provided to a specific standard. A condition is recommended to secure cycle storage.

11.9 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 Other Issues

12.1 Contaminated Land

12.2 NPPF paragraph 189 seeks to ensure that planning decisions have regard to ground conditions and any risks arising from land instability and contamination.

12.3 NPPF paragraph 190 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”.

12.4 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.

12.5 The site is located within a coal referral area.

12.6 The Contaminated Land Officer has been consulted. She has advised that any spoil arising from the carpark reconfiguration must be disposed of at a suitably licensed facility. She has suggested a condition to secure gas protection measures, if required, as part of the site is within a coal referral area and there may be a risk of mine gas.

12.7 The Coal Authority has been consulted. They have reviewed the supporting information which confirms that the recorded mine entries pose no undue risk to the development due to them being located away from the of the proposed extension. It also confirms that the shallow mine workings will have sufficient competent rock cover above them to afford ground stability. The Coal Authority has raised no objections.

12.8 Members need to determine whether the proposed development is acceptable in terms of ground conditions. Subject to imposing the suggested condition, it is officer advice that it is. The proposed development accords with both national and local planning policies.

12.9 Flood Risk

12.10 The NPPF paragraph 173 makes it clear that “When determining planning applications, LPA’s should ensure that flood risk is not increased elsewhere and only consider development appropriate in areas at risk of flooding where informed by a site specific flood risk assessment (FRA) following the sequential test.”

12.11 The objection regarding inadequate drainage is noted.

12.12 The Lead Local Flood Authority (LLFA) have been consulted. They have advised that the surface water drainage proposals are acceptable. The development will be providing surface water attenuation on site via the use of an underground storage crate designated to accommodate a 1 in 100 year rainfall event including an 40% increase for climate change. The discharge rate from the site will be restricted to 134.5 l/s before it enters the local Northumbrian sewer

network. These proposals will help reduce the potential flood risk both on and off site by holding surface water within the site during heavy rainfall events and by reducing the impact on the local sewer network by restricting the flows from site.

12.13 Members need to determine whether the proposed development is acceptable in terms of flood risk. It is office advice that, subject to imposing a condition for the development to be constructed in accordance with the submitted drainage details, the development is acceptable in terms of flood risk. As such, the proposed development accords with the advice in the NPPF.

12.14 Biodiversity

12.15 The National Planning Policy Framework states that the planning system should contribute to and enhance the natural and local environment.

12.16 LP Policy DM5.5 'Managing effects on Biodiversity and Geodiversity' states that all development proposals should:

- a. Protect the biodiversity and geodiversity value of land, protected and priority species and buildings and minimise fragmentation of habitats and wildlife links; and,
- b. Maximise opportunities for creation, restoration, enhancement, management and connection of natural habitats; and,
- c. Incorporate beneficial biodiversity and geodiversity conservation features providing net gains to biodiversity, unless otherwise shown to be inappropriate.

12.17 The objection regarding adverse effect on wildlife is noted.

12.18 The site also includes areas of grassland and mature landscaping. The trees along Park Lane are not located within the application site and are to be retained.

12.19 The Principal Ecologist has been consulted. They have considered the submitted Biodiversity Net Gain (BNG) Report and BNG Metric. This information shows there would be a 10.55% gain in biodiversity on-site post development. The submitted landscape plan shows how this will be achieved through new areas of introduced shrub, neutral grassland, trees, and species rich hedgerows. The proposed layout includes a gain in grassland habitat, introduced shrub, trees and species rich hedgerows.

12.20 There will be no impacts on protected or priority species or habitats.

12.21 Members need to determine whether the proposed development is acceptable in terms of its impact on biodiversity. It is office advice that subject to imposing the suggested condition the proposed development would provide a biodiversity net gain and deliver an appropriate landscape scheme. As such, the proposed development accords with the NPPF and Local Plan policies.

12.22 Employment and training

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

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

12.25 The proposed extension will provide replacement floor space to an existing retail unit. The Business Development Officer has advised in this case that a financial contribution towards employment and training will not be necessary.

13.0 Local Financial Considerations

13.1 Paragraph 11 of National Planning Practice Guidance states that Section 70(2) of the Town and Country Planning Act 1990 (as amended) provides that a local planning authority must have regard to a local financial consideration as far as it is material. Section 70(4) of the 1990 Act (as amended) defines a local financial consideration as a grant or other financial assistance that has been, will or that could be provided to a relevant authority by a Minister of the Crown (such as New Homes Bonus payments) or sums that a relevant authority has received, or will or could receive, in payment of Community Infrastructure Levy.

13.2 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.

14.0 Human Rights Act

14.1 The development has been assessed against the provisions of the Human Rights Act, and in particular Article 1 of the First Protocol and Article 8 of the Act itself. This Act gives further effect to the rights included in the European Convention on Human Rights. In arriving at this recommendation, due regard has been given to the applicant's reasonable development rights and expectations which have been balanced and weighed against the wider community interests, as expressed through third party interests / the Development Plan and Central Government Guidance.

15.0 Equalities and Diversities

15.1 Due regard has been had in considering this application to Section 149 of the Equality Act with regard to the Public Sector Equality Duty and the case officer has concluded that in so far as they are aware the application does not cause discrimination.

16.0 Conclusion

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

16.2 Specifically, NPPF states that LPA's should look for solutions rather than problems, and decision-takers at every level should seek to approve applications for sustainable development where possible. A core planning principle within NPPF requires that every effort should be made objectively to identify and then meet the housing, business and other development needs of an area, and respond positively to wider opportunities for growth.

16.3 Members need to consider whether the principle of this development and its impact on existing town centres is acceptable. It is officer advice that it is acceptable.

16.4 Members need to consider whether this development is acceptable in terms of its impact on residential amenity having regard to the NPPF (paragraph 191) and LP Policies DM6.1 and DM5.19. It is officer that it is acceptable subject to imposing the suggested conditions.

16.5 Members need to consider whether the proposed layout and design of the proposed extension is acceptable. It is officer advice that it is.

16.6 Members need to consider whether this development is acceptable in terms of its impacts on highway safety and whether sufficient parking is provided. Sufficient parking is proposed, it will utilise existing access/egress, and it will not result in a residual cumulative impact that will be severe. It is officer advice that it is acceptable.

16.7 Members need to consider whether this development is acceptable in terms of biodiversity. The proposed development will deliver 10% net gain for biodiversity and additional soft landscaping is proposed throughout the site. Subject to conditions, it is officer advice that it is acceptable.

16.8 Members need to consider whether this development is acceptable in terms of flood risk and ground conditions. Subject to conditions, it is officer advice that it is acceptable.

16.9 It is recommended that planning permission should be granted subject to conditions.

RECOMMENDATION: Application Permitted

Conditions/Reasons

1. The development to which the permission relates shall be carried out in complete accordance with the following approved plans and specifications.
 - Proposed site plan hard and soft landscaping Dwg No. 1514-16B
 - Proposed site plan car park lighting Dwg No. 1514-17A

Proposed site plan (part) planning application Dwg No. 1514-13D

Proposed site plan planning submission Dwg No. 1515-15C

Existing store elevations Dwg No. 1514-7A

Existing site plan Dwg No. 1514-5

Existing store plan ground floor Dwg No. 1514-6

Existing floor elevations and roof plan Unit 2 Dwg No. 1514-8

Existing and proposed roof plans Dwg No. 1514-12

Existing site and location plan Dwg No. 1514-14

Proposed elevations and sectional details Dwg No. 1514-11B

Proposed ground floor plan Dwg No. 1514-9A

Proposed elevations and section Dwg No. 1514-10A

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. There shall be no demolition activity or vehicle movements to, from or within the site outside the hours of 0800-1800 Monday to Friday, 0800-1400 Saturday with no working on Sundays or Bank Holidays.

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

4. 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.

5. 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; storage of plant 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; a detailed scheme to prevent the deposit of mud and debris onto the highway and a 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. If the

agreed measures are not operational, then no vehicles shall exit the development site onto the public highway.

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. No part of the development shall be occupied until the scheme for parking has been laid out in accordance with the approved details and retained thereafter.

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

7. No part of the development shall be occupied until the scheme for Electric Vehicle (EV) charging has been laid out in accordance with the approved details and retained thereafter.

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

8. No part of the development shall be occupied until the scheme for refuse storage has been laid out in accordance with the approved plans 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. No part of the development shall be occupied until the scheme for the provision of cycle storage has been laid out in accordance with the approved plans 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. The proposed Travel Plan Statement shall be implemented in accordance with the details submitted and retained thereafter.

Reason: In the interests of promoting sustainable transport having regard to policy DM7.4 of the North Tyneside Local Plan (2017).

11. 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.

12. Prior to installation of any floodlighting or other form of external lighting, a lighting scheme shall be submitted to and approved in writing by the Local Planning Authority. This 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 the interest of visual amenity and/or highway safety having regard to policy DM5.19 of the North Tyneside Local Plan (2017).

13. Prior to the installation of any new external plant or equipment to be installed at the premises a noise scheme shall be submitted to and approved in writing by the Local Planning Authority. This noise scheme shall be carried out full in accordance with BS4142 to determine the background noise levels for daytime, evening and night. The rating level for all plant must not exceed current background noise levels. Thereafter, the development hereby approved shall be carried out in accordance with these agreed details and any details pursuant to Condition 14 which shall be permanently retained and maintained.

Reason: To protect the amenity of neighbouring premises against noise having regard to Policy DM5.19 of the North Tyneside Local Plan (2017).

14. Within one month of the installation of the plant and equipment acoustic testing shall be undertaken to verify compliance with Condition 13. This testing shall be submitted to and approved in writing by the Local Planning Authority prior to the operation of the plant.

Reason: To protect the amenity of neighbouring premises against noise having regard to Policy DM5.19 of the North Tyneside Local Plan (2017).

15. Prior to the installation of any chimney or extraction vents details of their height, position, design and materials 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.

Reason: In order to safeguard the amenities of adjoining properties and protecting the heritage asset having regard to policies DM6.6 and DM5.19 of the North Tyneside Local Plan (2017).

16. Prior to the installation of any air ventilation systems details of this system(s) shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall thereafter be implemented before the development is first occupied in accordance with the approved details and permanently retained.

Reason: To protect the amenities of the occupiers of residential accommodation in the vicinity having regard to policy DM5.19 of the North Tyneside Local Plan (2017).

17. Prior to the installation of any refrigeration plant to be installed in connection with the development these details shall be submitted to and approved in writing by the Local Planning Authority. The plant shall thereafter only be installed in accordance with the approved details and permanently retained as such.

Reason: To protect the amenities of the occupiers of residential accommodation in the vicinity having regard to policy DM5.19 of the North Tyneside Local Plan (2017).

18. Prior to the building being brought into use details of an odour suppression system for the arrestment of odours shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall thereafter be implemented before the development or use commences in accordance with the approved details and permanently retained.

Reason: To protect the amenities of the occupiers of residential accommodation in the vicinity having regard to policy DM5.19 of the North Tyneside Local Plan (2017).

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

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

20. All plant and machinery shall be enclosed with sound insulation materials in accordance with a scheme to be submitted to and agreed by the Local Planning Authority in writing and the plant and machinery shall not be used until the approved soundproofing has been implemented.

Reason: To protect the occupants of nearby residential properties from noise and disturbance having regard to policy DM5.19 of the North Tyneside Unitary Development Plan 2002.

21. 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).

22. Prior to the commencement of development, a fully detailed hard and soft landscape plan, including boundary treatments, shall be submitted to and approved in writing by the Local Planning Authority and shall be in accordance with the details provided within the Statutory Biodiversity Metric (Ecology Services UK Ltd, 1st March 2024). The landscape scheme shall include a detailed specification (including size, species, planting heights, densities, and position), and proposed timing of all new tree, shrub, hedgerow planting and grassland seeding. 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 conducted 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 S5.4, DM5.5 and DM5.9 of the North Tyneside Local Plan (2017).

23. Prior to the commencement of development, a scheme for the protection of the trees within the vicinity of the site, in accordance with BS 5837:2012 (dimensioned tree protection plan in accordance with Section 5.5 with an impact assessment and method statement detailing precautions to minimise damage to trees in accordance with Section 6.1 of British Standard BS5837: 2012 (Trees in relation to design, demolition and construction - Recommendations), including a tree protection plan (TPP) and an arboricultural method statement (AMS) shall be submitted to and approved in writing by the Local Planning Authority. The development thereafter shall be implemented in strict accordance with the approved details.

Reason: This information is required from the outset to ensure that existing woodland, trees and biodiversity value of the site are protected in the interests of ecology having regard to the NPPF and Policy DM5.5 and DM5.9 of the North Tyneside Local Plan (2017).

24. A Construction Environmental Management Plan (CEMP) shall be submitted to the Local Planning Authority for approval prior to development commencing on site. The works shall be undertaken in accordance with the approved CEMP.

Reason: This information is required from the outset to ensure that local wildlife populations are protected in the interests of ecology and biodiversity having regard to the NPPF and Policy DM5.5 of the North Tyneside Local Plan (2017).

25. The development hereby approved shall be carried out in full accordance with the submitted Drainage Maintenance Strategy (Doc Ref 24052-DMS-001) and Proposed Drainage Plan (Dwg No. DR-C-0103).

Reason: To prevent flood risk having regard to the NPPF (December 2023).

26. Any required tree works shall be pruned in accordance with the recommendations in British Standard BS3998:2010 (Recommendations for Tree work).

Reason: To protect existing trees in the interests of amenity and wildlife value to comply with Policy DM5.5, DM5.9 and DM6.1 of the North Tyneside Local Plan (2017).

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

Informatives

Building Regulations Required (I03)

Consent to Display Advertisement Reqd (I04)

Advice All Works Within Applicants Land (I29)

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

CIL information (I50)

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

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

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

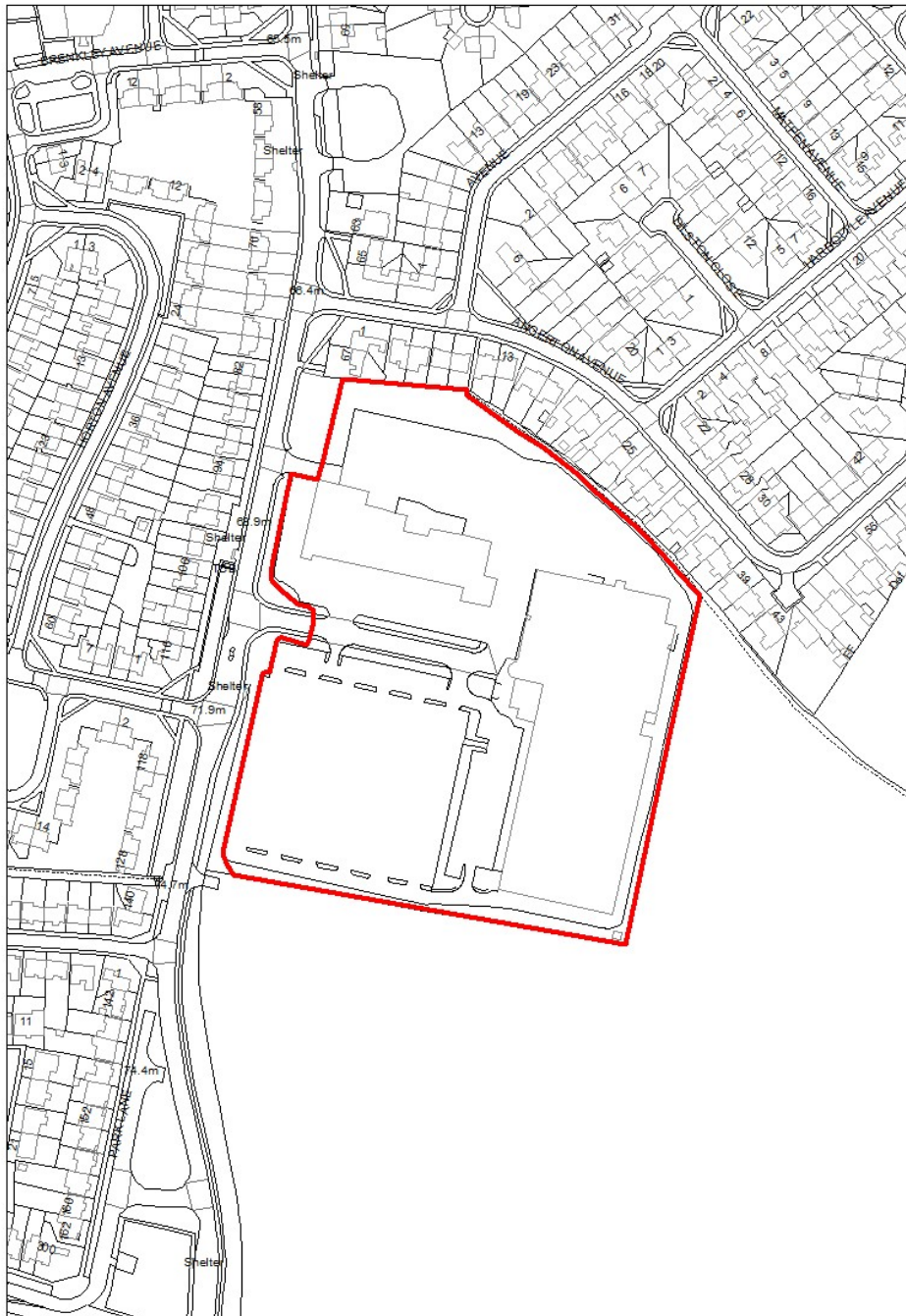
The applicant is advised that a license must be obtained from the Highways Authority for any scaffold placed on the footway, carriageway verge or other land forming part of the highway. Contact Streetworks@northtyneside.gov.uk for further information

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

The applicant is advised that it is an offence under the Highways Act 1980 to deposit mud or debris on the highway and reasonable measures must be in place to prevent this occurrence in the first instance and to remove any occurrences, should they occur. Contact New.Developments@northtyneside.gov.uk for further information.

The applicant is advised that it is an offence under the Highways Act 1980 to store refuse or refuse bins on the highway other than on designated collection days. Contact New.Developments@northtyneside.gov.uk for further information.

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



Application reference: 24/00076/FULM

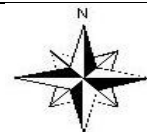
Location: Boundary Mill, Park Lane, Shiremoor, Newcastle Upon Tyne

Proposal: Extension to front of retail unit providing 1767m² of replacement floor space to an existing retail store. Demolition of a detached retail unit totalling 2043m². Remodelling the existing car park

Not to scale

Date: 23.05.2024

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Appendix 1 – 24/00076/FULM Item 4

Consultations/representations

1.0 Alan Campbell MP

1.1 A number of constituents have been in contact regarding this application.

1.2 By way of background, the residents have been greatly impacted for over 15 years by a line of tree's planted to screen them from Boundary Mills and wasteland at the back of their properties that Boundary Mills will not look after. They also had problems with the lighting from the car park in their back gardens which Environmental Health managed to sort out for them.

1.3 Boundary Mills have now put in an another application to demolish what was Great Outdoors and move the car park to where it was - nearer their properties. We're told the application includes 108 floodlights.

1.4 In light of previous issues residents have been trying to get in touch with the planning office without success. They would like to speak to the planning team early in the process to try and pre-empt some of the issues that happened the last time.

1.5 Request that the application goes before full committee to try and make sure residents voices are heard.

2.0 Internal Consultees

2.1 Planning Policy

2.2 The site consists of two large out of centre retail units within a semi urban area. The site is predominantly surrounded by residential development but borders agricultural land to the south and east. The proposed development would result in the demolition of one vacant unit (former Great Outdoors store) to increase car parking on site and increase the floor area of the existing Boundary Outlet store by 1767m².

2.3 In accordance with paragraph 91 and 94 of National Planning Policy Framework (NPPF) and Policy DM3.4 of the Local Plan (2017) the agent has submitted a sequential test and an impact assessment (because the size of the development is greater than a locally set threshold set in Policy DM3.4 of the Local Plan).

2.4 National Planning Practice Guidance (PPG) provides guidance on the evidence to be submitted with a sequential test and an impact assessment. For the sequential test there should be flexibility shown by both the authority and the applicant and authority needs to be realistic in applying the test. For an impact assessment the authority has to consider the health of the existing centres and the potential impact of trade diversion and impact on future investment proposals resulting from the development. The sequential assessment has sought to identify any sequentially preferable sites based on the total site area required by the applicant, which includes the associated car parking and landscaping.

2.5 From the evidence submitted, additional information covering the range of sites discounted in the sequential test, flexibility on size of sites considered and greater detailed analysis of the impact assessment, outlining the significance of additional retail spending from the application against current and projected retail spending across the Borough, would have been welcomed. However, it is the officer's opinion that the sequential test and the impact assessment, provide 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.

2.6 Conclusion:

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

2.8 There are no objections raised.

2.9 Team Leader – New Developments (Highways)

2.10 Access remains unchanged, and parking will be provided to meet the needs of the site. Conditional Approval is recommended.

2.11 Recommendation - Conditional Approval

2.12 Conditions:

No part of the development shall be occupied until the scheme for parking has been laid out in accordance with the approved details and retained thereafter.

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

No part of the development shall be occupied until the scheme for Electric Vehicle (EV) charging has been laid out in accordance with the approved details and retained thereafter.

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

No part of the development shall be occupied until the scheme for refuse storage has been laid out in accordance with the approved plans and retained thereafter.

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

No part of the development shall be occupied until the scheme for the provision of cycle storage has been laid out in accordance with the approved plans 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).

The proposed Travel Plan Statement shall be implemented in accordance with the details submitted and retained thereafter.

Reason: In the interests of promoting sustainable transport having regard to policy DM7.4 of the North Tyneside Local Plan (2017).

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; storage of plant 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; a detailed scheme to prevent the deposit of mud and debris onto the highway and a 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. If the agreed measures are not operational, then no vehicles shall exit the development site onto the public highway.

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

2.13 Informatives:

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

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

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

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

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

The applicant is advised that it is an offence under the Highways Act 1980 to deposit mud or debris on the highway and reasonable measures must be in place to prevent this occurrence in the first instance and to remove any occurrences, should they occur. Contact New.Developments@northtyneside.gov.uk for further information.

The applicant is advised that it is an offence under the Highways Act 1980 to store refuse or refuse bins on the highway other than on designated collection days. Contact New.Developments@northtyneside.gov.uk for further information.

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

2.14 Manager for Environmental Health (Pollution)

2.15 The site is located adjacent to residential properties on Park Lane, any plant and equipment installed would require assessment as plant noise arising from pumps and fans can result in tonal noise that can travel some distance. Noise from plant and equipment will therefore require a noise scheme to be provided via a planning condition to ensure that noise is adequately mitigated to ensure nearest residential properties are not affected by noise. Conditions are also recommended to address any new external flues, kitchen extraction systems, chiller units or air conditioning units.

2.16 A lighting assessment of the new car parking lighting will be required and a condition is recommended for this to be submitted. Lighting must be in accordance to the Institute of Lighting Professionals guidance for the reduction of obtrusive light.

2.17 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

A noise scheme must be submitted in accordance with BS4142 to determine the current background noise levels for daytime, evening and night. The rating level for all plant must not exceed the current background noise levels. It will be necessary for flues to be acoustically mounted to the wall to prevent vibration noise. 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.

NO104 this will include details of the noise levels expected to be created by the combined use of external plant and equipment to ensure compliance with the noise rating level.

NOI02 for the new extension area.

LIG01 New external lighting for carpark and building.

HOU04

HOU05

SIT03

2.18 Manager for Environmental Health (Contaminated Land)

2.19 I note the carpark is to be reconfigured. If any spoil arises from this then it should be tested for Waste Acceptance criteria to ensure it is disposed of at a suitably licensed facility. Part of the site is within a coal referral area and there are mine shafts identified on site. There may be a risk of mine gas. The following should be attached:

Gas 006

2.20 Principal Ecologist

2.21 The proposals would involve the demolition of a detached retail unit totalling 2048m² and the extension of the existing retail store to provide 1767m² of replacement floor space. It also requires the remodelling of the existing car park.

2.22 The site comprises of two buildings along with associated parking, hardstanding and landscaping. The site also includes areas of grassland and mature landscaping and trees on the boundary with Park Lane which is to the west of the site.

2.23 A Biodiversity Net Gain Report has been submitted (Ecology Services UK Ltd, No:5329675, March 2024). This report, along with the BNG Metric (Ecology Services UK Ltd, March 2024) shows there would be a 10.55% gain in biodiversity on-site post development.

2.24 The proposed Hard & Soft Landscaping plan (CRC Design, Drawing No:1514-16A, Feb 2024) shows this will be achieved through new areas of introduced shrub, neutral grassland, trees and species rich hedgerows. The proposed layout includes a gain in grassland habitat, introduced shrub, trees and species rich hedgerows and a decrease in hard standing and buildings.

2.25 There will be no impacts on protected or priority species or habitats.

2.26 I therefore have no ecological objections as the development complies with the NPPF and Local Plan policies. However, planning permission should only be approved if the following conditions and informative are applied:

Prior to the commencement of development, a fully detailed landscape plan shall be submitted to and approved in writing by the Local Planning Authority and shall be in accordance with the details provided within the Statutory Biodiversity Metric (Ecology Services UK Ltd, 1st March 2024). The landscape scheme shall include a detailed specification and proposed timing of all new tree, shrub, hedgerow planting and grassland seeding. 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 conducted 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 S5.4, DM5.5 and DM5.9 of the North Tyneside Local Plan (2017).

Prior to the commencement of development, a scheme for the protection of the trees within the vicinity of the site, in accordance with BS 5837:2012, including a tree protection plan (TPP) and an arboricultural method statement (AMS) shall be submitted to and approved in writing by the Local Planning Authority. The development thereafter shall be implemented in strict accordance with the approved details.

Reason: This information is required from the outset to ensure that existing woodland, trees and biodiversity value of the site are protected in the interests of ecology having regard to the NPPF and Policy DM5.5 and DM5.9 of the North Tyneside Local Plan (2017).

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 the long-term management and monitoring of landscaping and wildlife habitats and species within the application site shall be submitted to and approved in writing by the Local Planning Authority. This plan shall include details of long-term design, 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 on the creation, enhancement and management of all habitats identified within the Biodiversity Net Gain Report (Ecology Services UK Ltd, No:5329675, March 2024), Statutory Biodiversity Metric (Ecology Services UK Ltd, 1st March 2024) and approved Landscape Plans. 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. Any changes to

habitat management as part of this review will require approval in writing from the LPA.

Reason: This information is required from the outset to ensure that local wildlife populations are protected in the interests of ecology having regard to the NPPF and Policy S5.4, DM5.5 of the North Tyneside Local Plan (2017).

A Construction Environmental Management Plan (CEMP) shall be submitted to the Local Planning Authority for approval prior to development commencing on site. The works shall be undertaken in accordance with the approved CEMP.

Reason: This information is required from the outset to ensure that local wildlife populations are protected in the interests of ecology and biodiversity having regard to the NPPF and Policy DM5.5 of the North Tyneside Local Plan (2017).

2.27 Informative:

The applicant is reminded that, under the Wildlife and Countryside Act 1981, as amended (section 1), it is an offence to remove, damage or destroy the nest of any wild bird while that nest is in use or being built. Planning consent for a development does not provide a defence against prosecution under this act. Trees, scrub and the building are likely to contain nesting birds between 1st March and 31st August inclusive.

If areas cannot be cleared and undertaken outside of this time, they should be checked for breeding birds by a suitably qualified ecologist, and if appropriate, an exclusion zone set up. No work shall be undertaken within the exclusion zone until birds and any dependant young have vacated the area.

2.28 Landscape

2.29 No objection, subject to conditions.

2.30 Reasons for Recommendation

2.31 The Council seeks to protect tree coverage in the Borough, sympathetically incorporating existing features into the overall design of the scheme including measures taken to ensure their continued survival.

2.32 The application is for the extension of the existing Boundary Outlet store and the demolition of the adjacent retail unit (formerly occupied by Great Outdoors Superstore) to create additional vehicle parking.

2.33 The submitted 'Proposed Site Plan – Hard and Soft Landscaping Planning Application' (Drawing Reference 1514-16B) details the overview of landscaping, but there are no details of boundary treatments or a planting schedule listing the size, density and species of plants to be planted. If the officer were minded to grant permission for the application, details of landscaping and boundary treatments should be secured by condition prior to commencement to be in accordance with Policy DM5.5, DM5.9 and DM6.1 of the Local Plan (2017).

2.34 The submitted 'Proposed Site Plan – Hard and Soft Landscaping Planning Application' (Drawing Reference 1514-16B) details the existing trees and shrubs within and adjacent to the site, but there are no details of tree protection measures. If the officer were minded to grant permission for the application, details of an up to date tree survey with tree protection measures should be

secured by condition prior to commencement to be in accordance with Policy DM5.5, DM5.9 and DM6.1 of the Local Plan (2017).

2.35 Approval subject to the following conditions;

Pruning works:

Any required tree works shall be pruned in accordance with the recommendations in British Standard BS3998:2010 (Recommendations for Tree work).

Reason: To protect existing trees in the interests of amenity and wildlife value to comply with Policy DM5.5, DM5.9 and DM6.1 of the North Tyneside Local Plan (2017).

Tree protection measures:

No development, including site clearance, shall commence on the site until a dimensioned tree protection plan in accordance with Section 5.5 with an impact assessment and method statement detailing precautions to minimise damage to trees in accordance with Section 6.1 of British Standard BS5837: 2012 (Trees in relation to design, demolition and construction - Recommendations) have been submitted to and approved in writing by the Local Planning Authority.

Reason: To protect existing trees in the interests of amenity and wildlife value to comply with Policy DM5.5, DM5.9 and DM6.1 of the North Tyneside Local Plan (2017).

Landscaping:

A scheme of hard and soft landscaping, including boundary treatments, and details of existing trees to be retained and size, species, planting heights, densities and positions of any soft landscaping, shall be submitted to and agreed in writing by the Local Planning Authority prior to commencement of the hereby approved development. All work comprised in the approved scheme of landscaping shall be carried out before the end of the first planting and seeding season following occupation of any part of the buildings or completion of the development, whichever is sooner, or commencement of the use. Any existing tree shown to be retained or trees or shrubs or hedgerow to be planted as part of the approved landscaping scheme which are removed, die, become severely damaged or diseased within five years of the completion of development shall be replaced with trees or shrubs or hedgerow of appropriate size and species in the next planting season.

Reason: To ensure the continuity of amenity and wildlife value afforded by the trees and hedgerow in question and in accordance with Policy DM5.5, DM5.9 and DM6.1 of the North Tyneside Local Plan (2017).

2.36 Lead Local Flood Authority

2.37 I can confirm that the surface water drainage proposals for the Boundary Mills development are acceptable as the development will be providing surface water attenuation on site via the use of an underground storage crate designed to accommodate a 1 in 100 year rainfall event including an 40% increase for climate change. The discharge rate from the site will be restricted to 134.5 l/s before it enters the local Northumbrian sewer network. These proposals will help reduce the potential flood risk both on and off site by holding surface water within the site during heavy rainfall events and by reducing the impact on the local sewer network by restricting the flows from site.

3.0 Representations

Two objections have been received. These objections are set out below:

- Adverse effect on wildlife
- Inadequate drainage
- Loss of privacy
- Traffic congestion
- Impact on landscape

I am worried that the trees on our side of the property have already been removed. If the existing building is removed directly behind our house, we are open to the elements strong winds etc. We already suffer with light pollution from Boundary Mills too so the back of our homes are going to be open to all weathers and lit up like Blackpool illuminations. We will once again be at risk of flooding. If all our concerns have been addressed and solutions made, we will feel more at ease with the plans

Plans are meticulous but I draw attention to landscaping on northern perimeter border. For the past thirty years or more the adjacent residents to existing border have made various complaints about maintenance of the trees. To no avail wasted time and effort.

Look at diversity report page 12 of 26 note 24 trees removed as they were a concern to adjacent neighbours. This statement incorrect 41 trees were removed, and adjacent neighbours paid for them Boundary Mills did investigate our concerns and agreed the problems caused. 70ft high trees density and proximity to the said properties. They even went as far to get quotes from tree surgeons. The outcome delivered was due to the economy they were unable to pay for the removal. Now according to plans wonderful landscaping is to be planted. Were the residents scammed into spending their savings. If planning is approved is there any guarantee this work is completed. After all its private land.

4.0 External Consultees

4.1 Northumbria Police

4.2 Thank you for sending through the above application, we have no objections, however, we have the following comments:

4.3 Cycle Parking

4.4 We have noted the location for the cycle parking, however there is no detail of what type of cycle parking this will be. We would recommend cycle storage is certified to Sold Secure Silver.

4.5 The Coal Authority

4.6 The Coal Authority response: Material Consideration

4.7 The application site falls within the defined Development High Risk Area. The Coal Authority information indicates that within the application site and surrounding area there are coal mining features and hazards which need to be considered in relation to the determination of this planning application.

4.8 The Coal Authority records indicate the presence of two recorded mine entries (shafts) within, or within close proximity of the planning boundary. An

untreated mine entry and its resultant zone of influence pose a significant risk not only to surface stability but also public safety.

4.9 The Coal Authority notes the supporting CMRA (dated 9 February 2024) of which confirms that the recorded mine entries pose no undue risk to the development due to them being located away from the area of the proposed extension.

4.10 Based on a review of existing sources of geological and mining information, and with the report also confirming that any shallow mine workings will have sufficient competent rock cover above them to afford ground stability, the Coal Authority has no objection to this planning application.

4.11 Mine Gas

4.12 It should be noted that wherever coal resources or coal mine features exist at shallow depth or at the surface, there is the potential for mine gases to exist. These risks should always be considered by the LPA. The Planning & Development team at the Coal Authority, in its role of statutory consultee in the planning process, only comments on gas issues if our data indicates that gas emissions have been recorded on the site. However, the absence of such a comment should not be interpreted to imply that there are no gas risks present. Whether or not specific emissions have been noted by the Coal Authority, local planning authorities should seek their own technical advice on.

4.13 SUDS

4.14 It should be noted that where SUDs are proposed as part of the development scheme consideration will need to be given to the implications of this in relation to the stability and public safety risks posed by coal mining legacy. The developer should seek their own advice from a technically competent person to ensure that a proper assessment has been made of the potential interaction between hydrology, the proposed drainage system and ground stability, including the implications this may have for any mine workings which may be present beneath the site.

4.15 The Coal Authority Recommendation to the LPA

4.16 The Coal Authority considers that the content and conclusions of the information provided is sufficient for the purposes of the planning system in demonstrating that the application site is safe and stable for the proposed development. The Coal Authority therefore has no objection to the proposed development.

