

Application No: 20/00004/FUL

Author: Will Laing

Date valid: 19 February 2020

☎: 0191 643 6320

Target decision date: 20 May 2020

Ward: Collingwood

Application type: full planning application

Location: Site Of Former NHS Flats, Rake Lane, North Shields, Tyne And Wear,

Proposal: Erection of a new discount foodstore (Class A1) with new access, associated car park and landscaping

Applicant: Lidl GB Ltd, c/o Agent

Agent: Rapleys LLP, Mr Marcin Koszyczarek 55 Spring Gardens Manchester M2 2BY

RECOMMENDATION: Application Permitted

INFORMATION

1.0 Summary Of Key Issues & Conclusions

1. Main Issues

1.1 Members are advised that the main issues with this application are as follows:

- Principle of Development;
- Sequential Assessment;
- Impact on Housing Provision;
- Parking and Highway Safety;
- Residential Amenity;
- Character and Appearance;
- Loss of Open Space;
- Impact on Ecology and Biodiversity;
- Contaminated land;
- Flooding and Drainage; and
- Employment and Training.

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. Description of the Site

2.1 This application refers to a site to the east of the North Tyneside General Hospital entrance roundabout, and to the south of Rake Lane. The site has a section of designated open space to the northwest corner of the site, with the southern half of the site comprising of previously developed land.

2.2 The application site is located with the North Tyneside General Hospital to the west, housing to the south, a school to the southeast and a care home and a children's nursery to the east. Rake Lane is along the northern boundary and there is a shared road along the western boundary that provides access to the hospital and the housing estate to the south.

2.3 The site is predominantly a previously developed site, with the southern parcel of land hard-surfaced in an area that formerly contained nurses housing, with a car park to the northeast. The northwest corner has a section of grassed landscaping that is allocated as open space in the Council's Local Plan and the section of land to the south of the open space and abutting the west boundary is an allocated housing site.

2.4 The site falls within an area of contaminated land and a High Risk Coal Referral Area with a potential surface coal resource. In addition to this, the site falls within a wildlife corridor.

3. Description of the Proposal

3.1 This application seeks full planning permission for the erection of a supermarket, service area, car park and landscaping scheme.

3.2 The proposed supermarket would have a gross floor area of 2,149sqm and a net sales area (A1) of 1,380sqm. The building would have the main entrance to the northwest corner of the southwest elevation and a service area to the southeast elevation of the building.

3.3 The proposed building would be approximately 69m long by 41.5m wide, including the canopies and the loading bay. The proposal would have a 7.3m high mono-pitched roof, with a 5m high canopy along the northwest and southwest elevations.

3.4 The proposed car park would be located along the west and north boundaries, providing a total 116No parking spaces, including 6No disabled spaces, 6No staff spaces, 9No parent and child spaces and 2No electric charging bays.

3.5 There is an existing road along southern boundary of the site. The proposal seeks alterations to the entrance to facilitate to a new wider access to the site that can accommodate delivery traffic.

3.6 The proposal would remove an area of embanked grass space to the west corner of the site which would be replaced by a grass verge and parking, and a soft landscaped grassed area shall be installed to the east of the proposed building.

3.7 The site would have an open boundary along Rake Lane and the west boundary, with a 3m high acoustic fence along the service yard, a 2m high paladin (wire mesh fence) along the north boundary and a 0.45m high timber knee rail between the rear elevation and the entrance to the carehome.

4. Relevant Planning History

20/00780/ADV

The proposal comprises 7 signs: 2no. Canopy Signs, 2no. Small Billboard Signs, 1 no. Poster Display Unit, 1no. Directional Sign and 1no. Flagpole Sign Permitted 14.08.20

5. Development Plan

5.1 North Tyneside Local Plan 2017

6. Government Policy

6.1 National Planning Policy Framework (February 2019)

6.2 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. Main Issues

7.1 Members are advised that the main issues with this application are as follows:

- Principle of Development;
- Sequential Assessment;
- Impact on Housing Provision;
- Parking and Highway Safety;
- Residential Amenity;
- Character and Appearance;
- Loss of Open Space;
- Impact on Ecology and Biodiversity;
- Contaminated land;
- Flooding and Drainage; and
- Employment and Training.

7.2 Principle of Development

7.3 The National Planning Policy Framework (NPPF) states 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, which are interdependent and need to be pursued in mutually supportive ways. These relate to economic, social and environmental objectives. 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. At the heart of the Framework is a presumption in favour of sustainable development.

7.4 The NPPF paragraph 11 states that for decision making development proposals that accord with an up-to-date development plans should be approved without delay.

7.5 NPPF paragraph 88 states that local planning authorities 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.

7.6 Policy S1.1 'Spatial Strategy for Sustainable Development' seeks to ensure North Tyneside's requirements for homes and jobs can be met with adequate provision of infrastructure, and in a manner that enables improvements to quality of life, reduces the need to travel and responds to the challenges of climate change, the Spatial Strategy for the location and scale of development is that:

- c. Most retail, and leisure activities will be focused:
 - i. within the main town centres of Wallsend, North Shields and Whitley Bay, as well as Killingworth town centre, taking advantage of the excellent accessibility, services and infrastructure invested in those locations.

7.7 Policy DM1.3 'Presumption in Favour of Sustainable Development' states the Council will work pro-actively with applicants to jointly find solutions that mean proposals can be approved wherever possible that improve the economic, social and environmental conditions in the area through the development management process and application of the policies of the Local Plan. Where there are no policies relevant to the application, or relevant policies are out of date at the time of making the decision, then the Council will grant permission unless material considerations indicate otherwise – taking into account whether:

- a. Any adverse impacts of granting permission would significantly and demonstrably outweigh the benefits when assessed against the policies in the NPPF taken as a whole; or
- b. Specific policies in the NPPF indicate that development should be restricted.

7.8 Local Plan Policy DM3.4 states that proposals for main town centre uses on sites not within the town centres will be permitted where they meet the following criteria:

- a. In order of priority, there are no sequentially preferable sites in-centre, then edge of centre, and then existing out-of-centre development sites previously occupied by appropriate main town centre uses that are readily accessible to Metro stations or other transport connections to the town centres and then finally existing out-of-centre locations;
- b. The suitability, availability and viability of sites should be considered in the sequential assessment, with particular regard to the nature of the need that is to be addressed, edge-of-centre sites should be of a scale that is appropriate to the existing centre;
- c. There is flexibility in the business model and operational requirements in terms of format; and
- d. The potential sites are easily accessible and well connected to town centres.

7.9 Policy S2.1 'Economic Growth Strategy' states proposals that make an overall contribution towards sustainable economic growth, prosperity and employment in North Tyneside will be encouraged.

7.10 Policy DM3.4 further states proposals for retail development outside a town centre will require an impact assessment where they would provide 500m² gross of comparison retail floorspace. The proposal would be supported when the Impact Assessment has shown:

- g. The proposal would have no significant adverse impacts, either individually or cumulatively, on existing, committed and planned public and private investment in a centre or centres in the catchment area of the proposal; and
- h. The proposal would have no significant adverse impact on the vitality and viability of a town centre, including consumer choice and trade in the town centre and wider area, up to five years from the time the application is made. For schemes where the full impact will not be realised in five years, the impact should also be assessed up to ten years from the time the application is made.

7.11 The applicant has submitted a town centre impact assessment of the proposal, which includes the same centres as the sequential assessment (assessed later in this report), with the addition of the undeveloped local centre at Murton, which would form part of the strategic development site at Murton Gap. A health check of each town centres found that all the centres were in good health and the trade diversion caused as a result of the proposed development was not considered to have a significant impact to the vitality or viability of the centres, including local consumer choice.

7.12 The Planning Policy team has reviewed the submitted Town Centre Impact Assessment and has advised that the North Shields town centre would experience an 2.86% trade diversion as a result of the proposed development, which would be primarily from the Asda store in the town centre. This is not a significant impact. The trade diversion of small-scale local shops is calculated to be 0.19%, which is also not significant. The calculations for trade diversion at Whitley Bay, Monkseaton and Preston Grange revealed similar results (1.53%, 2.29% and 3.6% respectively). As such the impact assessment demonstrates that the proposed development would not have a significant adverse impact on the vitality or viability of the Town Centres or District Centres within the catchment area of the proposed store.

7.13 It is noted that the impact assessment shows the greatest impact on trade diversion would be on existing out of centre supermarkets such as Morrisons at Hillheads (23%) and Aldi at Foxhunters (23%) however, these are not protected by planning policy.

7.14 Having regard to the above, in terms of its impact on town centres, the proposal is deemed to comply with policy DM3.4 of the Local Plan.

7.15 The proposed store would be located a previously developed site in close proximity to an established residential area, with good access to bus routes. As such, the proposal is considered to be sited within a sustainable location and a sustainable reuse of a previously developed site that would provide retail services and 40 full-time equivalent employment opportunities.

7.16 It is acknowledged that the part of the application site is a small allocated housing in the Local Plan. The impact on housing provision shall be assessed later within this report.

7.17 It is the view of officers that the principle of the development is acceptable, subject to the proposal being acceptable in terms of the other key sections of this report. As such, the proposal is deemed to comply with policies S1.1, DM1.3 and DM3.4 of the North Tyneside Local Plan 2017.

7.18 Members are to determine whether the principle of the development is acceptable.

8. Sequential Test

8.1 NPPF paragraph 89 states that when assessing applications for retail and leisure development outside town centres, which are not in accordance with an up-to-date plan, local planning authorities should require an impact assessment if the development is over a proportionate, locally set floorspace threshold.

8.2 NPPF Paragraph 90 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 89, it should be refused.

8.3 National Planning Practice Guidance (NPPG) advises that the application of the test will need to be proportionate and appropriate to any given proposal. NPPG also states that there is a requirement to demonstrate flexibility. If there are no suitably sequentially preferable locations, the sequential test is passed.

8.4 Local Plan Policy DM2.1 states that proposals that make an overall contribution towards sustainable economic growth, prosperity and employment in North Tyneside will be encouraged.

8.5 Policy DM3.4 'Assessment of Town Centre Uses' states that proposals for main town centre uses on sites not within the town centres will be permitted where they meet the following criteria:

a. In order of priority, there are no sequentially preferable sites in-centre, then edge of centre, and then existing out-of-centre development sites previously

occupied by appropriate main town centre uses that are readily accessible to Metro stations or other transport connections to the town centres and then finally existing out-of-centre locations;

b. The suitability, availability and viability of sites should be considered in the sequential assessment, with particular regard to the nature of the need that is to be addressed, edge-of-centre sites should be of a scale that is appropriate to the existing centre;

c. There is flexibility in the business model and operational requirements in terms of format; and

d. The potential sites are easily accessible and well connected to town centres. Proposals for retail development outside a town centre will require an impact assessment where they would provide either:

e. 500m² gross of comparison retail floorspace, or more; or

f. 1,000m² gross of retail floorspace for supermarkets/superstores, or more. The proposal would be supported when the necessary Impact Assessment has shown that:

g. The proposal would have no significant adverse impacts, either individually or cumulatively, on existing, committed and planned public and private investment in a centre or centres in the catchment area of the proposal; and

h. The proposal would have no significant adverse impact on the vitality and viability of a town centre, including consumer choice and trade in the town centre and wider area, up to five years from the time the application is made. For schemes where the full impact will not be realised in five years, the impact should also be assessed up to ten years from the time the application is made.

Where an application fails to satisfy the sequential test or is likely to have significant adverse impact on one or more of the above factors, it should be refused.

8.6 The applicant has submitted a revised Sequential Assessment looking at sites within the North Shields and Whitley Bay town centres, and the Preston Grange and Monkseaton District Centres. The scope of the of the sequential assessment was set at a 5-minute drive time. Wallsend Town Centre and Killingworth Centre were discounted from the Sequential Assessment due to the close proximity of the existing Lidl stores at the Coastway Shopping Centre (Battle Hill) and at George Court (west of Southgate).

8.7 The applicant has identified the following requirements of the proposed store:

- A minimum total site area of 0.94ha (excluding the future expansion land area), reflecting the need to provide the store, warehousing area and associated servicing,

parking and landscaping requirements, as well as the additional road network;

- A site that can accommodate a minimum store size of 2,149 sq. m (GIA);

- A site that can allow for the safe manoeuvring of customer vehicles;

- A prominent site with the ability to attract passing trade;

- A site that is easily accessible by a choice of means of transport;

- A site that is able to offer adjacent surface level car parking, so that customers can easily transfer goods to their vehicles;

- A site that can accommodate a dedicated service area to the rear of the store and associated HGV's deliveries and manoeuvres; and

- A single storey, open and unrestricted sales floor area which benefits from a generally level/flat topography, or which has the ability to be developed as such.

8.8 The initial sequential assessment considered 13 No sites within the identified scope, which were all discounted as unsuitable.

8.9 An objection was received by New River, nominating The Beacon Centre for consideration. This site has been considered and the applicant has submitted a rebuttal for the New River objection. The applicant states that discussions between Lidl and the Beacon Centre have taken place in 2017. However, it should be noted that these discussions were purely theoretical and were based on comprehensive redevelopment of the shopping centre.

8.10 It has been established by various planning Case Law (most notably Tesco Stores Ltd v Dundee City Council and Aldergate Properties Limited v Mansfield DC), local planning authorities are required to consider the development proposed, and not some form of alternative development that can be accommodated at another location. Whilst case law does call for a degree of flexibility in terms requirements such as site size and store size, flexibility should not form a completely different format to what is being proposed.

8.11 The applicant has confirmed that the Beacon Centre in its current form cannot accommodate the required size of the proposed Lidl Store and cannot provide the required parking at grade level. The existing parking is over more than one floor level and is not serviced by lifts designed to be large enough for multiple shopping trolleys.

8.12 It should be noted that for a site to be considered as viable for a sequential assessment, the proposal needs to be able to come forward in a reasonable time. There is currently no application for the redevelopment of the Beacon Centre and as such, it cannot be considered a sequentially preferable site.

8.13 Having regard to the above, it is the view of officers that the submitted Sequential Assessment has sufficiently demonstrated that there are no sequentially preferable sites within the catchment area of the proposed development. The sequential test is passed.

8.14 Considering national guidance and the need for the Council to support sustainable economic growth, the application would be in accordance with Policy S2.1, DM3.4 of the Local Plan (2017). Members need to consider whether they agree.

9. Impact on Housing Provision

9.1 Paragraph 59 of NPPF states that to support the Government's objective to significantly boost the supply of homes, it is important that sufficient amount and variety of land can come forwards where it is needed, that the needs of groups with specific housing requirements are addressed and that land with permission is developed without unnecessary delay.

9.2 Paragraph 73 of National Planning Policy Framework (NPPF) requires local planning authorities to identify and maintain a rolling five-year supply of

deliverable housing land. This includes an additional buffer of at least 5%, in order to ensure choice and competition in the market for housing land.

9.3 Policy S4.1 states that the full objectively assessed housing needs of North Tyneside will be met through the provision of sufficient specific deliverable housing sites, including the positive identification of brownfield land and sustainable greenfield sites that do not fall within the Borough's Green Belt, whilst also making best use of the existing housing stock.

9.4 The application site is identified for housing under Policy S4.3 of the North Tyneside Local Plan (2017). The application site includes allocated housing site 124 along the western boundary. The Local Plan suggests that the allocated site could accommodate around 10no. dwellings in total. It should be noted that site 124 forms an area along the western boundary but does not occupy the entirety of the application site (Site 124 covers less than 25% of the total application site).

9.5 The proposed retail store does not comply with the allocation of the site for housing within the Local Plan and reduces the number of houses that can be delivered. However, the Council is dependent upon the delivery of housing on allocated sites in order to meet its future housing needs. The most up to date assessment of housing land supply informed by the March 2019 five-year Housing Land Supply Summary identifies the total potential five-year housing land supply in the borough at 5,396 new homes (a total which includes delivery from sites yet to gain planning permission). This represents a surplus against the Local Plan requirement (or a 6.1 year supply of housing land). It is important to note that this assessment of five-year land supply includes just over 2,000 homes at proposed housing allocations within the Local Plan (2017). The application site (10no. units) form part of the 5-year housing land supply.

9.6 The proposal results in a reduction of 10no. units from the potential housing numbers indicated in the Local Plan and the 5-year housing land supply. It should also be noted that housing allocations within the Local Plan are a guide to development rather than a safeguarding policy and Local Plan Policies do not preclude other forms of development on housing sites.

9.7 It is noted that objections have been received on the grounds that site is allocated for housing.

9.8 It is the view of officers that the proposal would not have a significant detrimental impact on overall housing land supply given the current surplus. As such, the loss of housing land would not be as significant to warrant refusal of the application in this instance.

9.9 Members must determine whether the proposal to develop an allocated housing site for other purposes in acceptable.

10. Parking and Highway Safety

10.1 National Planning Policy Framework paragraph 109 states that development should only be prevented or refused on highways grounds if there would be an

unacceptable impact on highway safety, or if the residual cumulative impacts on the road network would be severe.

10.1 Policy S1.4 'General Design Principles' stipulate that proposed development 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.

10.2 Policy S7.3 'Transport' states future transport provision should reflect existing demand and also take account of planned economic and housing growth to ensure an integrated approach to sustainable development and travel patterns. Through the objective to deliver a modal shift to more sustainable modes of transport, there is an emphasis on increasing the modal share of public transport, walking, cycling and other non-motorised modes for journeys both within the Borough and beyond. This recognises the requirement to reduce impacts that contribute to climate change and encourage active and healthier lifestyles.

10.3 Policy DM7.4 states that the Council and its partners 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.

10.4 The North Tyneside Transport and Highways SPD stipulates that A1 Foodstores will require 1 space per 14m², in addition 1 disabled space per 20 spaces. Parent and child spaces and Electric Vehicle (EV) charging points to be provided by negotiation. Furthermore, electric charging spaces will be at a minimum rate of 1% of the overall total number of spaces on developments with more than 100 spaces.

10.5 The proposed development would provide a total of 118No parking spaces in proposed car park, of those spaces there would be 6No disabled bays, 2No electric charging bays, 9No parent and child bays and 6No staff parking bays.

10.6 A Transport Assessment and Framework Travel Plan has been submitted to support the application. The Transport Statement analysed the highway network in the vicinity of the site as well as the proposed site access. The Highways Network Manager supports the conclusion of the Transport Statement that effects of development traffic on the network are not considered to be severe and the site has reasonable links with public transport. Furthermore, a Travel Plan has been submitted as part of the application whereby alternative modes of transport will be promoted.

10.7 The vehicular access would be southern corner of the site utilising and improving the existing access that would be shared with existing care home and nursery to the east of the site.

10.8 It is noted that multiple objections have been received on the grounds of increased traffic congestion, insufficient parking and highway safety having regard to the existing uses of the car home and nursery to the east and the existing parking issues and overspill from the hospital to the west. Objections

have also raised concerns regarding the existing congestion on Rake Lane. It is also noted that letters of support of have been received, stating that those who support the application do not consider that the proposed development would lead to a significant increase in traffic or congestion.

10.9 The Highways Network Manager states that sufficient parking has been provided for the development and that the Travel Plan and Transport Assessment are acceptable. As such the Highway Network Manger has recommended approval subject to conditions for a full travel plan, site service plan, construction method statement, car park management scheme and detail of a taxi and private hire scheme.

10.10 While it is acknowledged that the Rake Lane is a heavily trafficked road during rush hour, the scale and nature of the proposal would not have an adverse impact on highway safety or result in a residual cumulative impact that would be severe.

10.11 Having regard to the above, officers consider the proposed development to be acceptable in terms of its impact on parking and highway safety and as such officer consider the proposal to comply with policies S1.4, S7.3 and DM7.4 of the North Tyneside Local Plan and Transport and Highways SPD.

10.12 Members are to determine whether the proposal would be acceptable in terms of parking and highway safety.

11. Residential Amenity

11.1 NPPF paragraph 180 states that planning 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 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.

11.2 Policy S1.4 of the Local Plan 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.

11.3 Policy DM5.19 states that 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 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.

11.4 Policy DM6.1 of the Local Plan states that proposals are expected to demonstrate a positive relationship to neighbouring buildings and spaces; a safe environment that reduces opportunities for crime and antisocial behaviour; and a good standard of amenity for existing and future residents and users of buildings and spaces.

11.5 The Design Quality SPD states that the quality of accommodation provided in residential development contributes significantly to the quality of life of residents.

11.6 The applications site has a row of dwellings along the southeast boundary of the vehicular access, which would have the service area and loading bay to the north of the access road. The service area would be set approximately 20m to the rear boundary of the dwellings to the south and 30m to the rear elevation of those dwellings.

11.7 It is acknowledged that concerns regarding noise and disturbance from the proposed use were raised in the submitted objections.

11.8 The Environmental Health (Pollution) Team has raised some concerns with the potential noise impact of the proposed development, given the proximity of the dwellings at Rosewood Close, but they do not object. Particular concerns have been raised regarding the proposed 24/7 delivery times and non-anonymous noise from customers, staff and vehicles/vehicle radios.

11.9 In order to mitigate the potential impact of the proposed it is officer advice that proposed acoustic fencing will need to be installed prior to the first use of the retail unit and that delivery hours area restricted to ensure no night-time deliveries are undertaken in the interest of protecting the residential amenity of the nearby occupiers. The Environmental Health team have requested further conditions additional mitigation, including 2m high double boarded fence installed to protect the rear amenity spaces of the dwellings to the south.

11.10 The application has been submitted with a noise assessment in accordance with BS4124, which gives a predicted rating level at the residential properties has determined that the noise will be greater than -10dB below the existing background. The Environmental Health team has stated that a validation noise assessment will be required to ensure the new external plant does not exceed the existing background noise levels and to ensure that there will be no deterioration in the existing background noise levels. This condition needs to be applicable to all external plant including air conditioning units, extraction units and refrigeration plant.

11.11 It is noted that Lidl stores often contain bakeries and as such the proposal will need to condition for full details of the odour abatement equipment proposed, prior to any cooking/baking operations on site.

11.12 The proposed development has the potential to cause dust and noise disturbance during the construction phase of the development. While the construction phase of the development would inevitably lead to some

disturbance, a Construction Method Plan shall be conditions to ensure that the disturbance on the surrounding units is minimised.

11.13 With above conditions imposed, it is the view of case officers that the development would not have a significant detrimental impact on the residential amenities of the nearby occupiers and as such, the proposal is deemed to comply with the policies S1.4, DM5.19 and DM6.1 of the North Tyneside Local Plan 2017.

11.14 Members are to determine whether the application is acceptable in terms of residential amenity.

12. Character and Appearance

12.1 The National Planning Policy Framework states that the creation of high-quality buildings and places is fundamental to what the planning and development process should achieve. It states that developments should be visually attractive as a result of good architecture, layout and appropriate and effective landscaping; be sympathetic to local character and history, including the surrounding built environment and landscape setting; and establish or maintain a strong sense of place.

12.2 Planning permission should be refused for development of poor design that fails to take the opportunities available for improving the character and quality of an area and the way it functions, taking into account any local design standards or style guides in plans or supplementary planning documents (para.130). In determining applications, great weight should be given to outstanding or innovative designs which promote high levels of sustainability, or help raise the standard of design more generally in an area, so long as they fit in with the overall form and layout of their surroundings.

12.3 Policy DM6.1 of the Local Plan states that 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 the characteristics of the site, its wider context and the surrounding area.

12.4 The Council has produced an SPD on Design Quality (2018), it states that the Council will encourage innovation in the design and layout, and that contemporary and bespoke architecture is encouraged. The chosen design approach should respect and enhance the quality and character of the area and contribute towards creating local distinctiveness.

12.5 The proposed store would be typical of Lidl stores throughout the surrounding area. The proposal would be set back from the Rake Lane highway and would be constructed from cladding panels coloured an off-white around the lower two thirds of the elevations and grey above the eaves and around the canopies and roofing. The northwest elevation, facing onto Rake Lane would be predominantly glazed.

12.6 It is acknowledged that objections have been received on the inappropriate design and materials, and that the proposed building would be out of character with the surrounding red brick buildings.

12.7 The proposed building would be a single storey building with a mono-pitch roof and neutral colours in the context of the North Tyneside General Hospital to the west and nursery and care home to west. While the hospital buildings are red brick, the care home and nursery are red brick with large amount of cream render.

12.8 While the objections are noted it should be noted that letters of support for the design were submitted. It is the view of officers that the design of the proposed store is considered acceptable. As such, the proposal is deemed to comply with policies DM4.9 and DM6.1 of the Local Plan 2017.

12.9 Members are to determine whether the proposal is acceptable in terms of character and appearance.

13. Loss of Open Space

13.1 Paragraph 97 of the NPPF states that existing open space, sports and recreational buildings and land, including playing fields, should not be built on unless:

- a) an assessment has been undertaken which has clearly shown the open space, buildings or land to be surplus to requirements; or
- b) the loss resulting from the proposed development would be replaced by equivalent or better provision in terms of quantity and quality in a suitable location;
- c) the development is for alternative sports and recreational provision, the benefits of which clearly outweigh the loss of the current or former use.

13.2 Policy DM5.2 sets out that the loss of any part of the green infrastructure network will only be considered in the following exceptional circumstances:

- a. Where it has been demonstrated that the Site no longer has any value to the community in terms of access and function;
- b. If it is not a designated wildlife Site or providing important biodiversity value;
- c. If it is not required to meet a shortfall in the provision of that green space type or another green space type;
- d. The proposed development would be ancillary to use of the green infrastructure and the benefits to green infrastructure would outweigh any loss of open space.

13.3 Policy DM5.3 sets out Green Space Provision and Standards. It states that within North Tyneside, accessible green space will be protected and enhanced. New development should sustain the current standards of provision, quality and value as recorded in the most up-to-date Green Space Strategy. Opportunities should be sought to improve provision for new and existing residents.

13.4 The application site has an existing large grass verge to the western boundary of the site that faces onto the Rake Lane roundabout. The grass verge is allocated as open space and the Green Space Audit allocates the site as of an

area of amenity space medium value and unlimited access. It should be noted that this refers to the grass verge at the western corner of the site and not the entire site.

13.5 The Landscape Architect and Biodiversity Officer initially objected to the loss of open space. However, the applicant has included a replacement area of grassed open space to the east of the proposed building and is willing to agree to restrictions on the future development of this land without written consent from the local planning authority. This shall be controlled by the restriction of permitted development rights to ensure that future building work requires planning permission.

13.6 The replacement grassed area is accompanied by an indicative landscaping scheme. The Landscape Officer and Biodiversity Officer have requested a condition for a fully detailed landscaping plan.

13.7 It should be noted that the existing grass embankment is a mound and has limited use outside of visual amenity.

13.8 It is the view of officers that the replacement grassed area, in addition to a condition for an integrated landscaping plan would ensure the proposed development would not result in the unacceptable loss of open space, and as such, the proposal is deemed to comply with DM5.2 and DM5.3 of the Local Plan 2017.

14. Impact on Ecology and Biodiversity

14.1 An environmental role is one of the three dimensions of sustainable development according to NPPF, which seeks to protect and enhance our natural, built and historic environment as part of this helping to improve biodiversity amongst other matters.

14.2 Para.175 of the NPPF states that when determining planning applications, local planning authorities should apply the following principles:

- a) if significant harm to biodiversity resulting from a development cannot be avoided (through locating on an alternative site with less harmful impacts), adequately mitigated, or, as a last resort, compensated for, then planning permission should be refused;
- b) development on land within or outside a Site of Special Scientific Interest, and which is likely to have an adverse effect on it (either individually or in combination with other developments), should not normally be permitted. The only exception is where the benefits of the development in the location proposed clearly outweigh both its likely impact on the features of the site that make it of special scientific interest, and any broader impacts on the national network of Sites of Special Scientific Interest;
- c) development resulting in the loss or deterioration of irreplaceable habitats (such as ancient woodland and ancient or veteran trees) should be refused, unless there are wholly exceptional reasons and a suitable compensation strategy exists;
- and d) development whose primary objective is to conserve or enhance biodiversity should be supported; while opportunities to incorporate biodiversity improvements in and around developments should be

encouraged, especially where this can secure measurable net gains for biodiversity.

14.3 Para. 177 states that the presumption in favour of sustainable development does not apply where development requires appropriate assessment because of its potential impact on a habitats site is being planned or determined.

14.5 Policy DM5.5 of the Local Plan 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.

14.6 Policy DM5.6 of the Local Plan states that proposals that are likely to have significant effects on features of internationally designated sites, either alone or in-combination with other plans and projects, will require an appropriate assessment. Proposals that adversely affect a site's integrity can only proceed where there are no alternatives, imperative reasons of overriding interest are proven and the effects are compensated. If necessary, developer contributions or conditions secured to implement measures to ensure avoidance or mitigation of, or compensation for, adverse effects. Such measures would involve working in partnership with the Council (and potentially other bodies) and could include a combination of mitigation measures.

14.7 Policy DM5.7 states that 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.

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

14.9 The application site falls within a wildlife corridor and paragraph 170 of NPPF states that planning decisions should minimise impacts on and provide net gains for biodiversity. The applicant has submitted an Ecological Report and an Arboricultural Survey, Impact Assessment and Method Statement with the proposal.

14.10 Initially the Landscape Architect and the Biodiversity Officer objected to proposal, since the initial objection revised plans have been submitted to ensure the proposed grass space is not earmarked for future expansion and

retained as open space, which shall be secured by the removal of permitted development rights. The applicant has agreed to condition for a revised landscaping plan to include replacement tree planting for the 5No trees that would be lost on site and the use of native species to enhance biodiversity.

14.11 It should be noted that the majority of the site is previously developed land and as such a suitable landscaping plan, controlled by means of condition.

14.12 It is the view of officers, that subject to conditions for a revised landscaping plan and a for the development to be carried out in accordance with the mitigation measures identified within Ecological Assessment, the proposal is considered to be acceptable in terms ecology and biodiversity. As such, the proposal is deemed to comply with policies DM5.5, DM5.6, DM5.7 and DM5.9 of the North Tyneside Local Plan 2017.

15. Contaminated Land

15.1 Paragraph 178 of the NPPF states planning policies and decisions should ensure that a site is suitable for its proposed use taking account of ground conditions and any risks arising from land instability and contamination i.e. mining or land remediation. Paragraph 179 of the NPPF goes onto say that where a site is affected by contamination or land instability issues, responsibility for securing a safe development, rests with the developer and/or landowner. In addition, NPPG makes it clear that planning applications in the defined Coal Mining High Risk Area must be accompanied by a Coal Mining Risk Assessment.

15.2 LP Policy DM5.18 Contaminated and Unstable Land states “Where the future users or occupiers of a development would be affected by contamination or stability issues, or where contamination may present a risk to the water environment, proposals must be accompanied by a report which:

- a. Shows that investigations have been carried out to assess the nature and extent of contamination or stability issues and the possible effect it may have on the development and its future users, biodiversity, the natural and built environment; and
- b. Sets out detailed measures to allow the development to go ahead safely and without adverse affect, including, as appropriate:
 - i. Removing the contamination;
 - ii. Treating the contamination;
 - iii. Protecting and/or separating the development from the effects of the contamination;
 - iv. Validation of mitigation measures; and
 - v. Addressing land stability issues.

Where measures are needed to allow the development to go ahead safely and without adverse affect, these will be required as a condition of any planning permission.”

The application site falls within an area of Contaminated Land and the applicant has submitted a Phase 1 Contamination Assessment. The Contaminated Land Officer has reviewed the submitted details and finds the principle of the development to be acceptable subject to conditions for further investigation and mitigation measures.

15.3 Members need to determine if the proposal would be acceptable in terms of potential ground contamination and ground gas. It is officer opinion that subject to the imposition of the conditions recommended by the Contaminated Land Officer, the proposal is deemed to comply with policy DM5.18 of the Local Plan 2017.

16. Flooding

16.1 Paragraph 157 of the NPPF advises that all plans should apply a sequential, risk-based approach to the location of development – taking into account the current and future impacts of climate change – so as to avoid, where possible, flood risk to people and property.

16.2 The National Planning Policy Framework states that when determining any planning applications, local planning authorities should ensure that flood risk is not increased elsewhere. Where appropriate, applications should be supported by a site-specific flood-risk assessment.

16.3 LP Policy DM5.12 of the Local Plan 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.

All new development should contribute positively to actively reducing flood risk in line with national policy, through avoidance, reduction, management and mitigation.

In addition to the requirements of national policy, development will avoid and manage flood risk by:

- a. Helping to achieve the flood management goals of the North Tyneside Surface Water Management Plan and Northumbria Catchment Flood Management Plans; and
- b. According with the Council's Strategic Flood Risk Assessment, including meeting the requirement for a Flood Risk Assessment for sites over 0.5ha in identified Critical Drainage Areas.

16.4 LP Policy DM5.14 states that applicants will be required to show, with evidence, they comply with the Defra technical standards for sustainable drainage systems (unless otherwise updated and/or superseded). A reduction in surface water run off rates will be sought for all new development. On brownfield sites, surface water run off rates post development should be limited to a maximum of 50% of the flows discharged immediately prior to development where appropriate and achievable. For greenfield sites, surface water run off post development must meet or exceed the infiltration capacity of the greenfield prior to development incorporating an allowance for climate change.

16.5 LP Policy DM5.15 states that applicants will be required to show, with evidence, they comply with the Defra technical standards for sustainable drainage systems (unless otherwise updated and/or superseded).

16.6 The Local Lead Flood Authority (LLFA) officer has reviewed the submitted Flood Risk Assessment and Drainage Impact Assessment. The LLFA officer

does not object to the principles of the development and the site is not vulnerable to flood risk. However, the LLFA have requested the imposition of a condition for a drainage scheme for the development.

16.7 It is the view of officers that the proposal would comply with policies DM5.12, DM5.14 and DM5.15 of the Local Plan subject to the imposition of the requested drainage conditions.

16.8 Members are to determine whether the development is acceptable in terms of flood risk and drainage.

17. Employment and Training

17.1 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. Applicants are encouraged to agree measures with the Council to achieve this, which could include:

- a. The development or expansion of education facilities to meet any identified shortfall in capacity arising as a result of the development; and/or,
- b. Provision of specific training and/or apprenticeships that:
 - i. Are related to the proposed development; or,
 - ii. Support priorities for improving skills in the advanced engineering, manufacturing and the off-shore, marine and renewables sector where relevant to the development.

17.2 The Business Development team have request a scheme of apprenticeships to be conditions for the proposed development. As the construction phase of the development would be limited, it would not meet the required two years for a full apprenticeship ship. As such, the applicant is willing to provide 3No apprenticeship opportunities in agreement with the Business Development Team to be controlled through means of condition in lieu of a s.106.

17.3 It is the view of officers that the proposed condition for a scheme of apprenticeships would be acceptable, and with this condition imposed, the proposal would comply with Policy DM7.5 of the Local Plan 2017. Member are to determine whether this is acceptable.

18. Conclusion

18.1 Members need to consider whether the proposal will impact on the adjoining properties, whether the development would have an acceptable impact on the character of the area, existing town centres, ecology, biodiversity, flood risk, drainage and the highway network.

18.2 The proposed development would not have a significant impact on the character of the area and would provide 40 full time employment opportunities on a previously developed site. It is officer advice that the proposed development is acceptable in terms of its impact on the existing town and district centres, residential amenity, character of the area, ecology, biodiversity, flood risk, drainage and the highway network.

18.3 It is acknowledged that the proposal would result in the loss of a small allocated housing site, however, this would not have an unacceptable impact on the North Tyneside housing land supply.

18.4 The development is considered to comply with relevant national and local plan policy and is therefore recommended for conditional approval.

RECOMMENDATION: Application Permitted

Conditions/Reasons

1. The development to which the permission relates shall be carried out in complete accordance with the approved plans and specifications. For the avoidance of doubt the approved plans are as follows:
 - Application Form (dated 23.12.2019)
 - ZZ-XX-DR-A-91-0009 Rev P15: Proposed Site Layout (dated 14.07.2020)
 - ZZ-XX-DR-A-02-0001 Rev P1: General Arrangement Elevations (dated 12.12.19)
 - ZZ-XX-DR-A-01-0002 Rev P1: Proposed Roof Plan (dated 12.12.19)
 - ZZ-XX-DR-A-91-0010 Rev P5: Boundary Treatment Plan (dated 14.02.20)
 - ZZ-XX-DR-A-91-0009 P14: Wheel Washing facilities (submitted 13.07.2020)
 - DWG 01 Rev 0: Proposed Lighting Layout (dated 11/01/2020)
 - R/2307/1C Rev C: Landscape Master Plan (dated Apr 20)
 - R/2307/1D Rev D: Landscape Details (dated July 20)
 - MAN.1230.014.Ar.R001.A BS 5837:2012 Arboricultural Survey. Impact Assessment and Method Statement by Enzygo Environmental Consultants (dated Jan 2020)
 - MAN.1230.014.EC.R.001 Rev A - Ecological Impact Assessment by Enzygo Environmental Consultants (dated 7th Jan 2020)
 - 19-02881: Design and Access Statement for Lidl Great Britain Limited (Lidl) (dated January 2020).
 - 2019108 Revision A: Flood Risk and Drainage Assessment by Portland Consulting Engineers (dated May 2020)
 - Noise Impact Assessment by SLR (dated February 2020)
 - D-337900: Outdoor Lighting Report prepared by Philips Lighting UKI (dated 11.01.2020)
 - D9862/00: Preliminary Investigation of Land at Rake Lane, North Shields (dated 21.11.19)
 - 19-02881: Planning and Retail Statement (dated February 2020)
 - Sustainability Statement Rev B (dated Jan 2020)
 - T001 Issue 3: Transport Assessment by CoraiHt (dated 06.02.2020)
 - T002 Issue 3: Travel Plan by CoraiHt (dated 06.02.2020)
 - T003 Issue 1: Delivery and Service Management Plan by CoraiHt (dated 02.02.2020)
 - T004 Issue 1: Car park Management Plan by CoraiHt (dated 02.06.2020)
 - M0154/19/A.0: Phase II GeoEnvironmental Investigation by Earth

Environmental & Geotechnical Ltd (dated March 2020).

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

2. Standard Time Limit 3 Years FUL MAN02 *

3. Altered Access Access Alt Prior to Occ ACC01 *
5

4. Turning Areas Before Occ ACC02 *
5

5. The scheme for parking, garaging and manoeuvring indicated on the approved plans shall be laid out prior to the initial occupation of the development hereby permitted and these areas shall not thereafter be used for any other purpose.

Reason: To enable vehicles to draw off, park and turn clear of the highway to minimise danger, obstruction and inconvenience to users of the adjoining highway having regard to policy DM7.4 of the North Local Plan 2017.

7. Construction Method Statement - Major SIT007 *

8. The hereby approved food store shall be implemented and operate in full accordance, the service management plan (T003 Issue 1: Delivery and Service Management Plan by CoraiHt (dated 02.02.2020)). The operation of the hereby approved development shall not deviate from the approve management plan.

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

9. The hereby approved development shall be operated in strict accordance with the approved car park management plan. For the avoidance of doubt the approved car park management plan is:

- T004 Issue 1: Car park Management Plan by CoraiHt (dated 02.06.2020)

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

10. Notwithstanding the Framework Travel Plan submitted, a full Travel Plan shall be submitted within 6 months of first opening to customers. The full Travel Plan shall take into account staff surveys and travel patterns. Thereafter the hereby approved store shall be operated in accordance with the approved Travel Plan.

Reason: In the interest of promoting sustainable transport and reducing traffic congestion having regard to policies S7.3 and DM7.4 of the Local Plan 2017.

11. The development shall be carried out in full accordance with the submitted wheel wash facility details and retained for the full duration of construction. For the avoidance of doubt the approved wheel washing facilities are as follows:

- ZZ-XX-DR-A-91-0009 P14: Wheel Washing facilities (submitted 13.07.2020)

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

include cross sectional diagrams for the site and detailed plans of the site. This report should be submitted before the contaminated land condition can be removed from the planning application.

e) If any unexpected contamination or hotspots are encountered during the investigation and construction phases it will be necessary to inform the Local Authority then cease development and carry out additional investigative works and subsequent remediation if any unexpected contamination or underground storage tanks are discovered during the development. Work should be ceased until any risk is assessed through chemical testing and analysis of the affected soils or waters.

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

Reason: To ensure that the potential contamination of the site is properly investigated and its implication for the development approved fully taken in to account having regard to Policy DM5.18 of the North Tyneside Local Plan (2017).

18. Prior to the commencement of development, fully detailed drainage design and details of proposed petrol inceptor shall be submitted to and approved by the Local Planning Authority. The development shall be implemented in accordance with the approved drainage and petrol interceptor details and retained thereafter.

Reason: In the interest of drainage and pollution control having regard to policies DM5.14, DM5.15 and DM5.18 of the North Tyneside Local Plan 2017.

19. Prior to the first operation of the hereby approved store, a scheme for three (3) apprenticeships for North Tyneside residents shall be submitted to and approved in writing by the Local Planning Authority. The apprenticeship schemes shall be run in full accordance with the agreed details.

Reasons: To contribute towards the creation of local employment opportunities and support growth in skills inline with policy DM7.5 of the North Tyneside Local Plan 2017.

20. Notwithstanding the submitted details, deliveries to and from the loading bay shall be restricted to 07:00 hours and 23:00 hours Monday to Saturdays and between 09:00 hours and 22:00 hours on Sundays and Bank Holidays.

Reason: In the interest of residential amenity with regards to policies DM6.1 and DM5.19 of the North Tyneside Local Plan 2017.

21. Prior to the first operation of the hereby approved development, full details shall be given of all extraction equipment, chimneys, air ventilation systems and refrigeration plant associated with development shall be submitted to and approved in writing by the Local Planning Authority. The submitted details shall include the height, position, design and specifications of the proposed systems. Thereafter the proposed systems shall be installed in accordance with the approved plans and retained thereafter.

Reason: In this interest of residential and visual amenity having regard to policies DM6.1 and DM5.19 of the North Tyneside Local Plan 2017.

22. Prior to the cooking, baking or heating of any foods on site, full details of an odour suppression system for the arrestment of cooking and baking odours shall

be submitted to and approved in writing by the Local Planning Authority. The scheme shall include a maintenance scheme for proposed odour abatement system and thereafter be implemented approved details and permanently retained.

Reason: To protect the amenities of the occupiers of residential accommodation in the vicinity having regard to policy DM6.1 and DM5.19 of the North Tyneside Local Plan 2017.

23. The premises shall only be open for business between the hours of 1000hrs and 1800hrs on any Sunday and only between the hours of 0700hrs and 2300hrs on any other day including bank holidays. Reason: To safeguard the occupiers of adjacent properties from undue noise of other associated disturbance having regard to policy DM5.19 and DM6.1 of the North Tyneside Local Plan 2017.

- | | | |
|---|--------|---|
| 24. Restrict Hours No Construction Sun BH | HOU00 | * |
| | 4 | |
| 25. Flood Lighting Scheme Details | LIG001 | * |
| 26. Noise No Tannoys Externally Audible | NOI002 | * |

27. Prior to the first operation of the hereby approved unit, an acoustic investigation shall be carried out with respect to the residential properties of Rosewood Court. The investigation shall be submitted to and approved in writing by the Local Planning Authority. The approved investigation shall confirm what existing acoustic fencing, if any, is in place to protect the rear amenity spaces of the dwellings of Rosewood Court to the immediate south of the site. Should no suitable acoustic fencing be in place then a fully detailed scheme of 1.8m high acoustic fencing shall be included within the report and installed prior to the first use of the hereby approved store.

fence shall be installed in accordance with the approved details prior to the first use of the store and retained thereafter.

Reason: In the interest of residential amenity having regard to policies DM5.19 and DM6.1 of the North Tyneside Local Plan 2017.

28. Following the installation of any external plant, a noise scheme shall be carried out in accordance with Noise Impact Assessment by SLR (dated February 2020) to ensure that the rating level at the boundary of the nearest residential premises does not exceed the background noise level for the representative operating times of the plant and equipment. Within one month of the installation of the plant and/or equipment an acoustic test shall be undertaken to verify compliance with this condition and submitted for written approval. The thereby approved plant shall be retained and maintained in accordance with approved details.

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

Informatives

Contact ERH Construct Highway Access (I05)

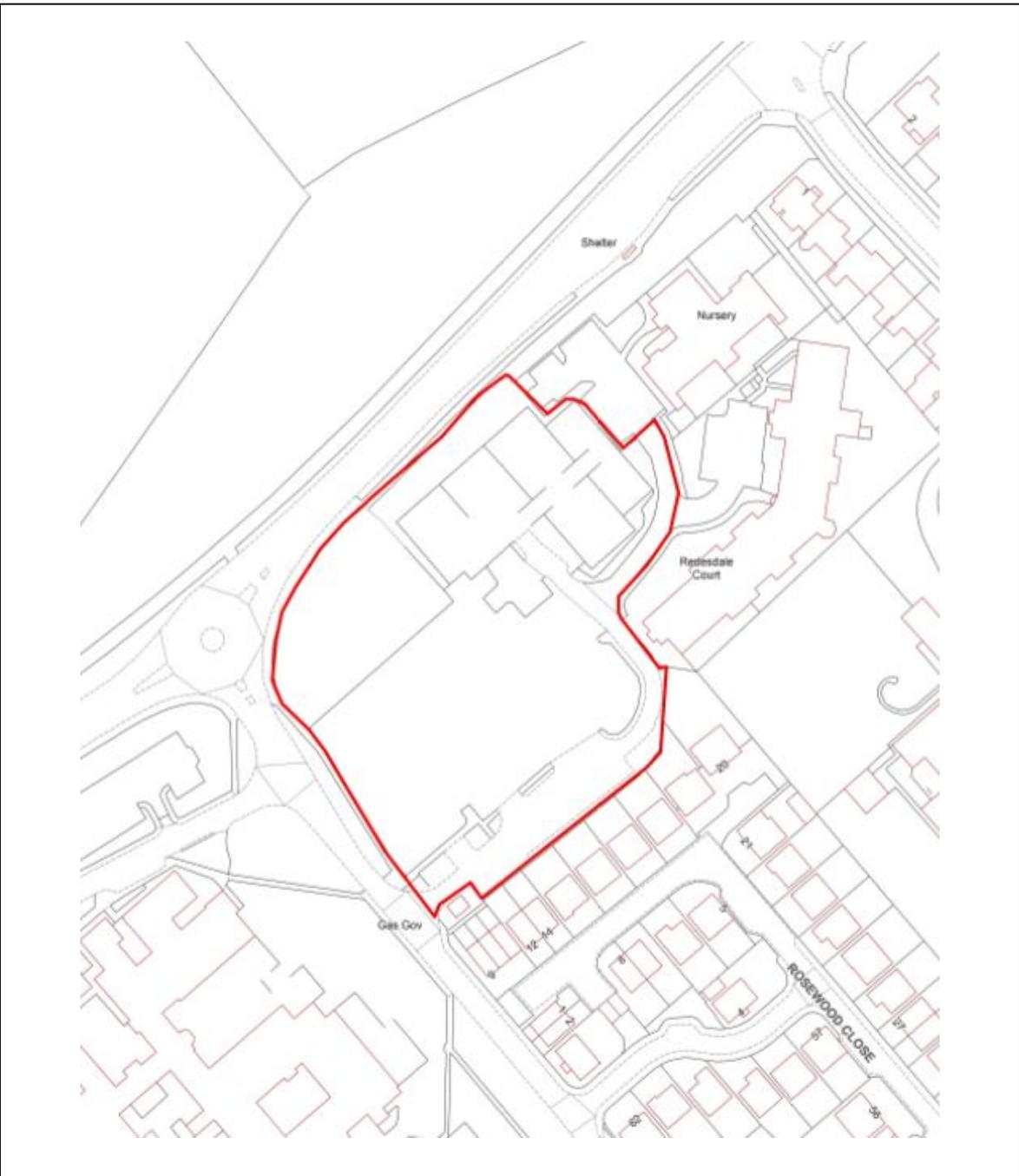
Contact ERH Works to Footway (I08)

No Doors Gates to Project Over Highways (I10)

Do Not Obstruct Highway Build Materials (I13)

Street Naming and numbering (I45)

Highway Inspection before dvlpt (I46)



Application reference: 20/00004/FUL

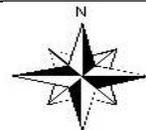
Location: Site Of Former NHS Flats, Rake Lane, North Shields, Tyne And Wear

Proposal: Erection of a new discount foodstore (Class A1) with new access, associated car park and landscaping

Not to scale

Date: 20.08.2020

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



Appendix 1 – 20/00004/FUL Item

Consultations/representations

Internal Consultees

1. Highways Network Manager

1.1 This application is for the erection of a new discount food store (Class A1) with new access, associated car park & landscaping. The site is accessed from the existing eastern hospital access road from Rake Lane.

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

1.3 Parking has been provided to meet the needs of the development and is at comparable levels to the existing Lidl store at Killingworth as well as stores in the wider area.

1.4 Servicing is carried out via the main access and the service area is located to the south east of the site in a layout that is very similar to the existing Killingworth store.

1.5 For these reasons and on balance, conditional approval is recommended.

1.6 Recommendation - Conditional Approval

1.7 Conditions:

ACC15 - Altered Access Access Alt Prior to Occ

ACC25 - Turning Areas: Before Occ [refuse vehicle & HGV]

PAR04 - Veh: Parking, Garaging before Occ

SIT07 - Construction Method Statement (Major)

1.8 Notwithstanding the details submitted, the proposed service management plan shall be implemented in accordance with the agreed document and retained thereafter

Reason: In the interests of highway safety

1.9 Notwithstanding the details submitted, the proposed car park management plan shall be implemented in accordance with the agreed document and retained thereafter

Reason: In the interests of highway safety

1.10 Notwithstanding the Framework Travel Plan submitted, a full Travel Plan shall be submitted within 6 months of opening to customers, that takes into account staff surveys and travel patterns. Thereafter the retail development will be operated in accordance with the approved Travel Plan.

1.11 Notwithstanding the details submitted, the proposed wheel wash facility shall be implemented in accordance with the agreed document and retained for the full duration of construction.

Reason: In the interests of highway safety

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

Reason: In the interests of highway safety

1.13 Informatives:

I05 - Contact ERH: Construct Highway Access

I08 - Contact ERH: Works to footway.

I10 - No Doors/Gates to Project over Highways

I13 - Don't obstruct Highway, Build Materials

I45 - Street Naming & Numbering

I46 - Highway Inspection before dvlp

2. Planning Policy

2.1 The site is in a prominent location on the corner of Rake Lane (A191) and the access road to North Tyneside General Hospital and Rosewood Close. The site was previously used as residential accommodation for hospital staff and is adjacent to Rosewood Close, to the south, which is a modern residential development. Redesdale Court care home and Kids First Nursery are to the east, with the hospital to the west. The site overlooks open fields to the north, which is a strategic allocation for residential development in the North Tyneside Local Plan (2017). Part of the proposed site is allocated for residential development (Site 124) in the North Tyneside Local Plan (2017), with an indicative number of ten dwellings estimated to be developed on the site.

2.2 The proposed development is for an out of centre convenience retail store covering an area of 10,815m² with a net internal floor area of 1,380m².

2.3 Paragraph 86 of NPPF and Policy DM3.4 of the Local Plan (2017) requires a sequential test to be submitted with an application of a town centre use in an out of town location. Paragraph 89 of NPPF and Policy DM3.4 of the Local Plan (2017) also requires an impact assessment to be submitted when a development is above a locally set threshold. Policy DM3.4 of the Local Plan (2017) sets this local threshold at 1,000m² for proposed supermarkets within North Tyneside. The impact assessment should consider the potential impact on existing, committed and planned public and private investment in a centre or centres; and the impact on town centre vitality and viability and consumer choice.

2.4 The sequential assessment considered a catchment area of a 5-minute drive time from the site. This covers a large area of the Borough, but due to the existing Lidl stores at Battle Hill and Killingworth the focus of search was on potential sites to the east of the Borough. This was considered acceptable. The

assessment concluded that there were no alternative sites that were either suitable, available or viable.

2.5 The impact assessment of the proposal included the same centres as the sequential assessment, with the addition of the undeveloped local centre at Murton, which will form part of the strategic development site at Murton Gap. A health check of each town centres found that all the centres were in good health and the trade diversion caused as a result of the proposed development was not considered to have a significant impact to the vitality or viability of the centres, including local consumer choice. The impact of the proposed development on existing committed and planned public and private investment in a centre would need to be clarified by the Council Regeneration team, who have a greater understanding of the planned investment coming forward in the Borough, especially the North Shields Masterplan.

2.6 North Shields would experience an 2.86% trade diversion as a result of the proposed development, which would be primarily from the Asda store in the town centre. The trade diversion of small scale local shops is calculated to be 0.19%. Calculations for trade diversion at Whitley Bay, Monkseaton and Preston Grange revealed similar results (1.53%, 2.29% and 3.6% respectively). The impact assessment does not consider the proposed development to have a significant adverse impact on the vitality or viability of the centres studied. The greatest impact on trade diversion would be on existing out of centre supermarkets such as Morrisons at Hillheads (23%) and Aldi at Foxhunters (23%), but the impact of trade diversion to these stores are not subject to local or national policy.

2.7 Conclusion:

2.8 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, DM3.4 of the Local Plan (2017).

2.9 There are no objections raised.

3. Manager of Environmental Health (Pollution)

3.1 Thank you for consulting Pollution with regard to this application for the development of an Aldi store, associated car parking and landscaping; outline application (with means of access) for residential use. I have concerns with regard to potential noise arising from the foodstore development affecting neighbouring residential properties in close proximity to this site consisting of a carehome to the eastern boundary and residential hours of Rosewood Close to the south of the site.

3.2 I have viewed the noise assessment report. I would have concerns with regard to noise from deliveries affecting the residential properties of Rosewood Close to the south of the site that would be adjacent to the delivery bay as 24/7 deliveries is proposed. The BS4142 assessment of the delivery noise has shown that there will be an adverse impact of +6 dB above background affecting the

houses resulting in a level of +6 dB above the background at night. Background noise levels during the night will be in the region of 39 dBLA90.

3.3 I therefore disagree that night-time deliveries would give rise to negligible noise for neighbouring existing residential properties adjacent to the delivery bay. It is not considered acceptable to permit 24/7 deliveries to the store. The delivery vehicles would need to reverse back into the loading bay, even with reversing alarms switched off there will be associated noise from the delivery vehicle, such as engine noise. This is based on 3m high acoustic fencing around the site but this will not mitigate noise from the deliveries for first floor bedrooms. I would therefore recommend a condition to restrict the times deliveries are permitted at the site.

3.5 There will also be associated noise arising from the loading of goods by customers which will occur in the car park e.g. clashing of trolleys, slamming of car boots and doors etc. that has been considered within the noise report with maximum noise levels during the day considered. The provision of a supermarket in this area will result in an intensification of use of the area from customers using the car park and as such there will be associated impact noise from slamming doors and trolleys. The noise assessment has considered the maximum noise levels from this activity and determined that the noise levels will be below the existing ambient L_{Amax} levels and therefore not give rise to significant adverse impacts. However, impact noise will occur from slamming doors, rattling of trolleys over the ground, car radios and shouting by customers and staff it is not anonymous noise like passing traffic which is considered less intrusive than unfamiliar distinct noise such as bangs and clatters. I would therefore recommend consideration should be given to additional mitigation for residents of Rosewood Close by the provision of a double boarded close fitting fence of at least 2 metres high to protect the amenity of rear gardens as well as providing privacy.

3.6 Noise from external refrigeration plant has been considered within the assessment, and have been assessed in accordance to BS4124. A predicted rating level at the residential properties has determined that the noise will be greater than -10dB below the existing background. A validation noise assessment will be required if planning consent is to be given to ensure the new external plant does not exceed the existing background noise levels to ensure no deterioration in the existing background noise levels. This condition needs to be applicable to all external plant including air conditioning units, extraction units and refrigeration plant.

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

3.8 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.

3.9 Deliveries to and from the loading bay shall be restricted to 07:00 hours and 23:00 hours Monday to Saturdays and between 09:00 hours and 22:00 hours on Sundays and Bank Holidays.

3.10 HOU03 07:00 to 23:00 hours Monday to Saturday and 10:00 - 18:00 Sundays and Bank Holidays.

3.11 Prior to operation, provide details to the Local Planning Authority for written approval of the acoustic fence to be provided to the delivery bay to protect the residential properties to the south of the site and the care home and thereafter install and retain.

3.12 Provide details of an acoustic fence to the access road and car park to protect residential houses of Rosewood Close.

3.13 Noise from External Plant and Equipment

For external plant and equipment a noise scheme must be submitted in accordance with noise report reference 405.06660.00004 to ensure that the rating level at the boundary of the nearest residential premises does not exceed the background noise level for the representative operating times of the plant and equipment. 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
LIG01

4. Landscape and Biodiversity Officers

4.1 The main issues associated with this application:

The loss of open space and any financial contribution

The details of the landscape scheme that meets that requirements of the wildlife corridor

4.2 Loss of Open Space

On the 2nd July 2020, the Biodiversity Officer and myself responded with the following:

4.3 'I have noted from the pre application advice provided to the applicant that they were informed that there could be 'scope to accommodate any lost open space to the rear of the site'.

Can it be agreed with the applicant to protect this land to the east of the site as open space, in perpetuity (marked as 'future expansion land' on the plans), via a legal agreement?

Final comments can be provided based on this feedback'.

4.4 Paragraph 97 of the NPPF sets out the framework for the exceptional circumstances when such provisions may be lost: "Existing open space, sports and recreational buildings and land, including playing fields, should not be built on unless: an assessment has been undertaken which has clearly shown the open space, buildings or land to be surplus to requirements; or the loss resulting from the proposed development would be replaced by equivalent or better provision in terms of quantity and quality in a suitable location; or the development is for alternative sports and recreational provision, the needs for which clearly outweigh the loss".. NPPF clearly states that any loss should be replaced by equivalent or better provision in terms of quantity and quality. Local Plan Policy DM5.2 also states that " where development proposals are considered to meet the exceptional circumstances above (DM5.2 A-D), permission will only be granted where alternative provision, equivalent to or better in terms of quantity and quality, can be provided in equally accessible locations that maintain or create new green infrastructure connections". In this case there is clearly a net loss of open space that cannot be adequately addressed. We would therefore expect the developer to provide this replacement open space to mitigate the loss of open space and comply with NPPF and Local Plan policy.

4.5 Under the 'North Tyneside Council Green Space Strategy February 2015', the open space is categorised as 'A' High Value/High Quality to Medium Value/Medium Quality. This means that these areas would not necessarily require any large-scale investment unless it would be to provide a high-quality space for an area which at present is lacking provision. Whilst the land has little biodiversity value, it is designated as open space and its loss would mean the council would lose any opportunity to upgrade the quality of the open space if required.

4.6 Only sites that fall into category B and C are low quality/low value. Category D sites are those whose future role needs to be carefully considered, whether through investment to provide a type of open space that would be valued in that area, or by making it available for other uses. In this case, the open space associated with this site has value and not surplus to requirement.

4.7 There are concerns about a financial contribution to mitigate the loss of open space and would require the council to find suitable land and deliver a scheme, rather than requiring the developer to do so. This 'solution' also does not address the issue of the net loss of land/open space. This has been documented in previous emails and often proves difficult to find suitable land which is why retaining existing open space in the first place is an important requirement.

4.8 However, it is noted that the current landscape plan has now removed the note '*future expansion land*' to the east of the building from the plans and this area would now be potentially acceptable as mitigation for the loss of open space to the north west of the site, subject to its re-designation as open space. The designation of this area of land as open space would address Local Plan policies

in relation to the loss of open space and would offer some protection to this area, particularly for any future expansion or development into this area. It would ensure that any loss of this open space land in the future would require adequate mitigation in line with open space policies or would not be supported.

4.9 Landscape scheme

4.10 The submitted revised landscape plan (DWG: R/2307/1D): July 2020 includes:

Native hedge planting along the frontage, to the south and to the rear of the proposed store;

Wildflower planting to the rear of the store; and

New trees to the rear and in the north east corner of the site which includes *Acer campestre*

4.11 Notwithstanding the comments relating to open space, and as per previous comments, the landscape scheme is heavily biased towards low growing ornamental planting which would not be acceptable in a wildlife corridor. It is noted that the applicant is unable to increase the landscaping area in the north west corner of the site as this is to maintain sufficient aisle widths for car manoeuvring. The landscape scheme should therefore acknowledge its location within the wildlife corridor and incorporate more native species in the planting mix, including the use of native mixed species hedgerows, native trees and native shrub groups as recommended by the Ecological Impact Assessment. The hedgerow shown around parts of the east, west and southern boundary, should be extended around the entire site boundary to provide connectivity. The hedge mix should be amended to the following mix:-

Hawthorn 30%; Blackthorn 25%; Hazel 15%; Dog Rose 20%; Guelder Rose 10%

In addition to the hedge planting, some native scrub and standard native trees should be planted along the length of the north and north west boundary where space allows to enhance the wildlife corridor, benefit biodiversity and enhance visual amenity within the site. There is also the opportunity to plant native trees and scrub along the southern boundary adjacent to the internal access road.

In conclusion, the following is required for the application:-

Amendments to the landscaping scheme as set out above

Confirmation that land to the east of the Lidl building (previously shown as 'future expansion land') can be protected or designated as open space as part of this application to ensure there is no net loss of open space and the application meets Local Plan Policy DM5.2

5. Contaminated Land Officer

5.1 I have read the Phase 2 report and I note it states the following:

Based on the results of the chemical testing, 1 No. of the samples analysed contained concentrations of contaminants in exceedance of their screening criteria relevant to a commercial end use. This is sample S01 which is of the car park gravel road planings which contain elevated concentrations of Benzo(b)fluoranthene.

Five (5 No.) additional samples of car park gravel road planings and asphalt were tested for Speciated PAH(17) principally for waste classification purposes to see if they contained coal tar.

Two (2 No.) of these samples both of car park gravel were found to have concentrations of benzo(a)pyrene and/or Benzo(b)fluoranthene, above their respective human health screening criteria.

The car park gravel made ground is therefore considered a risk to human health in the context of the commercial end use.

No other concentrations of contaminants have been found to be elevated above their respective screening value for a commercial end use.

Asbestos has not been identified in the samples tested.

In the absence of any significant sources or evidence of gross soil contamination and the low sensitivity of the underlying Secondary A Aquifer within the coal measures, chemical analysis of groundwater samples was not considered appropriate.

Monitoring is still ongoing and the final assessment will be made upon its completion. However, it is recommended that CS2 gas protective measure are assumed at this time.

5.2 With regards to the report this would fulfil parts a and b of Con 001.

However, it is unclear from the report what measure are to take place.

Therefore, the following must be placed on the application:

c) If remediation is required following the assessment of the chemical results under current guidelines, then a method statement should be provided for comment. This should provide details of exactly how the remediation works are to be carried out, detailed site location plan of where material is to be deposited and details including drawings of gas protection scheme should be included

d) If remediation is carried out on the site then a validation report will be required. This should provide evidence of what remediation has been carried out over the site. This report should confirm exactly what remediation has been carried out and that the objectives of the remediation statement have been met. This report should verification of the type, source, depth, location and suitability (to include any test certificates for material to be imported on site to ensure it is not contaminated) of the imported materials for their use on site. This should include cross sectional diagrams for the site and detailed plans of the site. This report should be submitted before the contaminated land condition can be removed from the planning application.

e) If any unexpected contamination or hotspots are encountered during the investigation and construction phases it will be necessary to inform the Local Authority then cease development and carry out additional investigative works and subsequent remediation if any unexpected contamination or underground storage tanks are discovered during the development. Work should be ceased until any risk is assessed through chemical testing and analysis of the affected soils or waters.

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

Reason: To ensure that the potential contamination of the site is properly investigated and its implication for the development approved fully taken in to account having regard to policy DM5.18 of the North Tyneside Local Plan (2017).

5.3 As there are outstanding gas readings to be carried out and a report to be submitted gas 006 will need to be applied in its entirety. There was no indication on the existing readings whether the atmospheric pressure was rising or falling. This is required information.

6. Local Lead Flood Authority

6.1 I have carried out a review of the submitted FRA and surface water drainage proposals for planning application 20/00004, I can confirm in principle I have no objections to the proposals. The development will be providing surface water attenuation for up to a 1in100yr rainfall event inc 40% climate change via the developments surface water drainage network, a 399Cu.m underground storage tank and part of the car parking areas. The surface water from the development will connect to the adjacent local sewer network at a restricted discharge rate equivalent to the greenfield run-off rate.

6.2 I would recommend a condition is placed on the application if successful requiring a copy of the detailed drainage design & details of proposed petrol inceptor to be submitted to the LLFA for approval prior to commencement of works on site.

External Consultees

7. The Coal Authority

7.1 As you are aware, the Coal Authority objected to this planning application as whilst an appropriate assessment of the coal mining risks had been undertaken by the applicant's technical consultants: Dunelm Geotechnical & Geoenvironmental Ltd, we considered that as one of the coal mining legacy features was opencast workings, further assessment and / or site investigations should be undertaken in order to establish the position of the opencast highwall and how this impacts on the layout of the development.

7.2 The planning application is now accompanied by a Phase 2 Geoenvironmental Assessment, dated March 2020 prepared for the proposed development by Earth Environmental & Geotechnical Ltd. This Report has been informed by a review of the previously submitted Preliminary Investigation Report, dated 21 November 2019 prepared by Dunelm Geotechnical & Environmental Ltd, opencast abandonment plans, and the results of further ground investigations in the form of 3no. additional rotary boreholes drilled to a maximum depth of 33m. Borehole logs and a plan illustrating where the boreholes were drilled are appended to the Report.

7.3 Based on the in-depth review of the available evidence together with the results of the additional site investigations, the report author considers that whilst coal workings were encountered at shallow depth, there is sufficient competent rock cover between the base of the opencast and the workings in the Bensham seam (also known as the Maudlin), and also between the Bensham and underlying Durham Low Main should both seams have been worked. The report author identifies that the application site boundary lies wholly within the opencast site area and therefore does not 'straddle' the highwall.

7.4 Recommendations have been made that foundation design (reinforced strips or ring beam foundations on improved made ground or a Raft.) will mitigate any residual risk to the proposed development.

7.5 We note that monitoring is still ongoing and the final assessment will be made upon its completion. However, recommendations have been made that CS2 gas protective measure are assumed at this time (Section 10).

7.6 The Coal Authority considers that the content and conclusions of the Phase 2 Geoenvironmental Assessment, March 2020 are sufficient for the purposes of the planning system in demonstrating (based on the professional opinion of Earth Environmental & Geotechnical Ltd) that the application site is safe and stable for the proposed development. The Coal Authority therefore withdraws its objection to the proposed development.

7.7 However, furthermore detailed considerations of ground conditions and/or foundation design may be required as part of any subsequent building regulations application.

8. Police Architectural Liaison Officer

8.1 I have looked through the documents from a crime prevention point of view and can find no grounds, from that point of view, on which to object to it.

8.2 I would normally encourage the applicant to build in line with the police approved security scheme Secured by design (SBD) but I know from previous experience that they build all their units in a similar way and have a specific set of standards.

9. Representations

14No of objections from 14No addresses have been received and 29No letters of support from 26No (3No unaddressed). The objections are based on the following grounds:

- Inadequate drainage.
- Inappropriate design.
- Inappropriate materials.
- Out of keeping with surroundings.
- Will result in visual intrusion.
- Grey cladding would be unsightly and contrary to the surrounding red brick.
- Precedent will be set.
- Nuisance – disturbance.
- Nuisance – fumes.
- Nuisance – noise.
- Noise from the loading bay and general operation would impact on residential amenity.
- Loss of residential amenity.
- Inadequate parking provision.
- Poor/unsuitable vehicular access.
- Traffic congestion.

- Poor traffic/pedestrian safety.
- Increased traffic congestion on an already busy road next to a main hospital, a care home and a children's nursery.
- Cumulative impact with the proposed Murton Gap housing development on the roundabout on Rake Lane.
- Constant deliveries and waste removal will add to health hazards especially as it is next to a main hospital.
- Existing traffic congestion would be exacerbated.
- Exacerbation of traffic and parking issues caused by the hospital, Kid's First Nursery and Care Home.
- Residents have experienced issues with the parking issues related to the hospital which has not been resolved.
- Unsuitable HGV access for the proposed store.
- Vehicles damaging the grass verges in the vicinity.
- Transport Survey not conducted at peak times.
- Opportunity to improve the access road shared by the nursery and care home.
- Reduction in parking for care home functions.
- Proximity to the nursery
- Reduced visibility along access road to nursery and care home due to proposed building.
- Not in accordance with the development plan/approved policy.
- Housing would preferable given the site history.
- Oversaturation of supermarkets/sufficient supermarkets in the surrounding area, with 2No supermarkets within 15 min walk of the site.
- Lidl store already planned nearby (Hawkeys Lane)
- The proposed cycle parking should be near the entrance with a direct (cycle) access to this/the store from Rake Lane.
- Impact of the competition on the local economy and town centres.
- Several empty shops in the Collingwood Centre (local retail centre).
- Within greenbelt/no special circumstance.
- Loss of greenspaces (site and cumulative).
- Could result in abandoned/derelict units elsewhere, that would attract crime.
- The site should come forward as a play site or community site, if not the allocated housing.

1No neutral comment:

- No objection in principle, subject to the car parking spaces being a suitable size, giving an example of insufficient space sizes within the recent retail development.

29No letters of support from 26No (3No unaddressed) have been received on the following grounds:

- The development will support the new housing development and staff finishing work at the nearby hospital.
- Would be within walking/cycling distance, encouraging sustainable transport.
- Would not problems with increased traffic, noise or pollution (limited size of store).
- Need for a supermarket on the estate.
- Unlikely to make a significant increase to the traffic using Rake Lane.
- Existing traffic infrastructure in place (roundabout).
- Brownfield site.

- New employment opportunities.
- Great addition to local shops.
- Current situation has highlighted a need for local shops.
- Would be visually in keeping with the care home and hospital.
- Current site is an eyesore/unsightly wasteland.
- Positive impact on local area.
- The traffic from the site would be equal or less than if housing was permitted.
- Welcome addition to retail provision and competition to other supermarkets.
- Environmentally conscious company.
- Daytime parking should be strictly controlled to avoid overspill parking from the hospital.
- Good location (close but not too close to residential estates).
- 1No letter of support but raises concern of additional traffic.