

Application No: 20/01741/FUL Author: Maxine Ingram
Date valid: 23 October 2020 ☎: 0191 643 6322
Target decision date: 22 January 2021 Ward: Valley

Application type: full planning application

Location: Plot 11, The Silverlink North, Cobalt Business Park, West Allotment, NEWCASTLE UPON TYNE

Proposal: Erection of petrol filling station (Sui Generis) with associated retail kiosk (Use Class E) and drive-thru coffee shop (Use Class E) with associated car parking, service arrangements, landscaping and access including the provision of a new roundabout (Additional information submitted 17.12.2020)

Applicant: BP Oil UK Ltd & Highbridge Business Park Ltd, C/o Agent

Agent: Lichfields, Mr Robert Dibden The St Nicholas Building St Nicholas Street
Newcastle Upon Tyne NE1 1RF

RECOMMENDATION:

The Committee is recommended to indicate that it is minded to approve the application and

a) authorise the Head of Environment, Housing and Leisure to determine the application subject to:

- i. the conditions set out below and the amendment to, addition or omission of any other condition considered necessary;**
- ii. the applicant entering into a legal agreement under Section 106 of the Town and Country Planning Act 1990 to secure the following:**
 - Travel Plan monitoring fee £1, 250.00 (£250.00 per annum)**
 - £18, 750.00 ecology and biodiversity: towards mitigating the impacts on the Local Wildlife Site.**

b) authorise that the Head of Law and Governance and the Head of Environment, Housing and Leisure to undertake all necessary procedures under Section 278 of the Highways Act 1980 to secure the following highways improvements:

Provision of roundabout new accesses

Improved footpath links

Associated street lighting

Associated drainage

Associated road markings

Associated Traffic Regulation Orders

Associated street furniture & signage

c) authorise that the Head of Law and Governance and the Head of Environment, Housing and Leisure to undertake all necessary procedures under Section 247 and 257 of the Town and Country Planning Act 1990 to formally close all roads and footpaths within the site that are no longer required.

INFORMATION

1.0 Summary Of Key Issues & Conclusions

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

- Principle of the development,
- Impact on the amenity of surrounding occupiers and businesses,
- Impact on the character and appearance of the site and the surrounding area,
- Impact on highway safety; and,
- Other issues.

1.1 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 take into account any other material considerations in reaching their decision.

2.0 Description of the Site

2.1 The site to which this application relates is an area of vacant land, measuring approximately 2.0 hectares (ha). It is designated as available employment land under policy S2.2 of the Local Plan (LP).

2.2 The site is located to the south of New York Road (A191) and east of The Silverlink North. Immediately to the east of the site is the Silverlink wagonway and a disused railway. A designated Local Wildlife Site (LWS) and Local Nature Reserve (LNR), Silverlink Park and Wagonway, lie adjacent to the site. Members are advised that part of the LWS is located within the redline boundary of this application.

2.3 The site itself sits at a lower level than New York Road with a steep embankment to the northern part of the site. Most of the site comprises mown semi-improved grassland, with boundary planting that includes ornamental planting and semi-mature trees along the western and northern boundary of the site. Hedgerow and trees are sited along the eastern boundary of the site, this landscaping is fragmented by informal routes from the site onto the adjacent wagonway. A strip of land along the southern boundary comprises of scattered and dense scrub, coarse grassland and marshy grassland. This area is within the boundary of the Silverlink Park LWS.

3.0 Description of the Proposed Development

3.1 Planning permission is sought for the construction of a petrol filling station (Sui Generis) with associated retail kiosk (Use Class E) and drive-thru coffee shop (Use Class E) with associated car parking, service arrangements, landscaping and access including the provision of a new roundabout.

4.0 Relevant Planning History

07/00959/FUL - The erection of 3 office buildings with associated car parking landscaping – Withdrawn 23.05.2007

07/00380/FUL - Access road and footpath – Withdrawn 02.04.2007

00/01111/OUT - Uses within classes B1(Business), B2(General Industry), B8 (Storage or Distribution) of the Town and Country Planning (Use of Classes) Order 1987 – Permitted 08.09.2000

5.0 Development Plan

5.1 North Tyneside Local Plan (2017)

6.0 Government Policies

6.1 National Planning Policy Framework (NPPF) (February 2019)

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

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

PLANNING OFFICERS REPORT

7.0 Detailed Planning Considerations

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

- Principle of the development,
- Impact on the amenity of surrounding occupiers and businesses,
- Impact on the character and appearance of the site and the surrounding area,
- Impact on traffic, parking and highway safety; and,
- Other issues.

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

8.0 Principle of the development

8.1 The Local Plan (LP) was adopted in July 2017 to guide development in the period up to 2032. The council acknowledges that the policies contained within the LP predate the publication of the revised NPPF however, it is clear from paragraph 213 of the NPPF that: “However, existing policies should not be considered out-of-date simply because they were adopted or made prior to the publication of this Framework. Due weight should be given to them, according to their degree of consistency with this Framework (the closer the policies in the plan to the policies in the Framework, the greater the weight that may be given).”

The council considers that the local plan policies set out in this report are consistent with the NPPF and can be afforded significant weight.

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

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

8.4 Loss of employment land

8.5 The NPPF paragraph 80 states that planning decisions should help create the conditions in which businesses can invest, expand and adapt. Significant weight should be placed on the need to support economic growth and productivity, considering both local business needs and wider opportunities for development.

8.6 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. Amongst other matters this includes locating employment development within the main urban area with access to existing infrastructure and locating most retail and leisure activities within town centres.

8.7 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.”

8.8 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.

8.9 Policy S2.2 'Provision of Land for Employment Development' seeks to ensure an attractive and flexible supply of employment land is available to deliver the Council's strategy for economic prosperity and job growth and investment a total of 822ha of currently occupied or available employment land is recognised of particular value to the economy. This policy identifies the 150ha land available for development to 2032. A further 30ha identified as reserved land, is within the curtilage of existing businesses and is therefore treated as potential expansion land for businesses.

8.10 Policy DM2.3 'Development Affecting Employment Land and Buildings' states: "The Council will support proposals on employment land, as shown on the Policies Map, for new or additional development for uses within use classes B1, B2 or B8 or that which is deemed ancillary. Proposals on identified employment land or other buildings in use-class B1, B2 or B8 for uses that could conflict with the development and regeneration of sites for economic development, will be permitted where these proposals would not: a. result in the unacceptable loss of operating businesses and jobs; and b. result in an excessive reduction in the supply of land for development for employment uses, taking into account the overall amount, range, and choice available for the remainder of the plan period; and, c. have an adverse impact upon the amenity and operation of neighbouring properties and businesses".

8.11 Objections have been received regarding non-compliance with policy.

8.12 Members are advised that this site is designated as available employment land. As with other employment land designated in the LP, the identified acceptable uses are Class B1, which now fall under use Class E as of September 2020, (offices, light industrial and Research and Development), B2 (general industrial) and B8 (storage and distribution). The explanatory text to Policy DM2.3 seeks to enable flexibility in the use and development of employment land whilst ensuring that developments support the overall growth and prosperity of North Tyneside.

8.13 To achieve this flexibility Policy DM2.3 seeks to ensure that applications for development on employment land are considered based on their impact on economic prosperity of North Tyneside, rather than whether the use proposed falls within the identified planning uses. This is to ensure sufficient flexible opportunities for businesses that are within the identified planning uses are retained, but also that full use can be made of the economic potential of land in highly sustainable and accessible locations across North Tyneside.

8.14 National policy is clear that local authorities need to plan for future needs of economic development, but a balance needs to be struck between making land available and reserving land that little likelihood of being taken up, where this is the case, other uses can be considered.

8.15 The applicant has submitted a Planning and Retail Statement to accompany their application. Within this statement the applicant considers that this development:

- Would not result in the loss of any existing businesses, jobs or operations within the area.
- Would generate employment opportunities in its own right (creation of direct and indirect jobs during construction and once complete generate approximately 41 full time jobs onsite).
- Would not undermine the quantitative supply of employment land within the Borough over the plan period given the need identified through the adopted Local Plan's evidence base and the supply identified.
- Would not result in a significant qualitative loss of employment land given that the site has remained vacant for over 20 years. The site's loss as employment land is recognised in the Council's Local Plan evidence (Housing Land Availability Assessment (HLAA) (Plot 137) as being suitable and available for residential development).
- Would not undermine the amenity of surrounding businesses and properties. Indeed, the uses proposed would be compatible with the neighbouring uses to the west of The Silverlink North and further south on Cobalt Business Park.

8.16 The site is designated as available employment land under Policy S2.2 of the LP. The site is located on the northern edge of the wider business park; sited on a corner plot adjacent to the local highway network (A191 and The Silverlink North). Whilst it would be preferable to retain this site for future employment uses as set out in Policy DM2.3, this site has been available for over 20 years with no employment development coming forward and the applicant suggests there is no indication of any interest in the immediate future.

8.17 The employment land to be lost because of this development, approximately 2ha, is relatively small in comparison to the overall land allocated for employment land (150ha). The applicant has advised that this would equate to less than approximately 2% of the total available employment land over the plan period. On top of this available employment land, the Council has identified a further 30ha of land as reserve employment sites of which this site is part of. It is the view of officers, that this is not an excessive reduction in the supply of land for development of employment uses, considering the overall amount, range and choice available for the remainder of the plan period. This development would not result in an unacceptable loss of operational businesses and jobs as the land is currently vacant. Consideration must also be given to the fact that this development would generate employment opportunities during construction and post construction. These employment opportunities tie in with the aims of the NPPF. On balance, the loss of employment to retail development would be in accordance with the criteria set out in Policy DM2.3. The criteria set out in Policy DM2.3 relating to impacts on neighbouring properties and businesses is considered in the latter sections of this report.

8.18 Impact on existing centres

8.19 NPPF paragraph 86 stipulates 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.

8.20 Paragraph 90 of NPPF states that where an application fails to satisfy the sequential test it should be refused.

8.21 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 aren't any suitably sequentially preferable locations, the sequential test is passed.

8.22 Policy DM3.4 provides relevant policy criteria in respect of the assessment of retail (and other town centre uses) which are proposed and within designated centres. This highlights that all such proposals need to pass a sequential test which requires the applicant to demonstrate that a proposed development cannot be accommodated on any identified sites/properties that are within designated centres and also edge of centres or out of centre sites previously occupied by appropriate main town centre uses that are readily accessible to Metro stations or other transport connections.

8.23 The NPPF sets out clear guidance for Local Authorities through the decision-making and plan-making process to ensure adequate provision of community services and to guard against unnecessary loss.

8.24 It is considered that Policy DM3.6 'Local Facilities' can be afforded some weight. The supporting text to this policy states "To support sustainable development in the Borough the Plan supports out-of-centre provision of small-scale local facilities that could support local communities in appropriate retail and leisure uses, without having a significant impact on nearby centres recognised in the Centres Hierarchy. Policy S7.10 Community Infrastructure recognises the importance of community facilities serving more localised neighbourhood catchments and proposals for the loss of such facilities are covered in that policy."

8.25 Objections have been received regarding the need for this type of development, non-compliance with policy and the site not being sustainable. It is clear from their comments that they consider that there are sufficient local facilities within the immediate vicinity of the site.

8.26 This proposal includes main town centre uses. The site lies in an out of centre location. The applicant has complied with the relevant policy requirements by submitting a sequential test within their supporting documents. This information has considered other suitable, available and viable alternatives within other centres, including Northumberland Park District Centre and expansion land to the west of this District Centre (subject to Policy S3.3), land adjacent to Holystone Roundabout, land west of the A19, land off Hotspur South, land west of the A186 and land adjacent to the Cobalt Exchange. At the time of carrying out their assessment there were no vacant units at the district centre and the vacant unit on the expansion land was discounted due to the operational needs of this proposal. The other sites within this assessment have been discounted due to

their size, location, availability, and policy designation within the LP. Based on the evidence provided, officers consider that the proposal would be in accordance with Policy DM3.4.

8.27 The applicant has defined their catchment as primarily localised focusing up on employees from Cobalt Business park and to some extent the nearby residential areas. It would also serve passers-by on the A191 and local road network.

8.28 In assessing the potential impact of this proposal on the vitality and viability of Northumberland Pak district centre the applicant considers that it is important to understand the operational requirements of their scheme. Their scheme is intended to attract customers from two key areas:

- Provide food and drink and petrol filling station for employees of the business park by providing facilities that are easily accessible and thus reduce the need to travel further afield to other such facilities; and,
- Attract more general 'pass-by' trade from those travelling on the A191 and The Silverlink North.

8.29 The applicant has advised that the above reasons underpin the viability of the scheme being in this location.

8.30 In considering the scale and turnover of the facilities proposed and the limited number of facilities which they would compete with within the district centre the application does not give rise to a significant adverse impact upon this centre. On this basis, this proposal will not impact on the vitality and viability of the district centre which is performing well.

8.31 Officers consider that from a retail planning perspective the development complies with Policy DM3.4 and paragraph 86 of the NPPF in terms of the sequential approach to site selection. However, consideration must also be given to meeting the requirements of Policy DM3.6. It is acknowledged that the site is not located within 300m of all buildings located on Cobalt Business Park. However, it is sited within reasonable walking distance of the existing buildings located to the west side of The Silverlink North and those located further south, as well as the existing commercial uses to the east of the site and residential estates located within the vicinity of the site. The impacts on neighbouring uses will be assessed later in this report however, the site is separated from existing commercial uses and residential properties by existing highway infrastructure and vegetation. The applicant considers that the development will contribute to social inclusion by virtue of its design and layout and compromises sustainable development. The issue of impacts on the vitality and viability of existing centres has already been addressed.

8.32 Objections have been received regarding climate change and the loss of open space for recreational activities.

8.33 The North Tyneside Climate Change Strategy sets out the Council's priorities and strategy for addressing climate change. LP Policies S1.1 and S1.4 also refer to climate change.

8.34 The applicant considers that this proposal will fulfil the social sustainability objectives of the NPPF, through the provision of local facilities intended to enhance the range of services available to employees of the business park and passers-by. The proposal also accommodates cycle storage for staff and cycle parking for customers to encourage and electric vehicle charging points. Landscaping and sustainable urban drainage systems (SuDS) also form part of the overall layout. Landscaping and drainage will be discussed in further detail throughout this report.

8.35 Whilst the site is currently undeveloped, it is not formally designated as open space. Therefore, the site is not required to meet any shortfall across the borough in terms of open space provision. The existing informal routes across the site are acknowledged and provision has been made to allow access for pedestrians and cyclists through the site onto the adjacent wagonway. However, a balance between the impacts of maintaining pedestrian and cyclist permeability through the site and the impacts on biodiversity, particularly the adjacent LWS and LNR, must be met.

8.36 Members need to determine whether the principle of the proposed development is acceptable. It is the view of officers that the principle of the proposed development is considered to be acceptable, subject to all other material considerations set out below being addressed.

9.0 Impact on amenity

9.1 Paragraph 180 of the NPPF states “Planning policies and decisions should also ensure that new development is appropriate for its location taking into account the likely effects (including cumulative effects) of pollution on health, living conditions and the natural environment, as well as the potential sensitivity of the site or the wider area to impacts that could arise from the development. In doing so they should: a) mitigate and reduce to a minimum potential adverse impacts resulting from noise from new development – and avoid noise giving rise to significant adverse impacts on health and the quality of life; b) identify and protect tranquil areas which have remained relatively undisturbed by noise and are prized for their recreational amenity value for this reason; and c) limit the impact of light pollution from artificial light on local amenity, intrinsically dark landscapes and nature conservation”.

9.2 LP Policy S1.4 “General Development Principles” states “Proposals for development will be considered favourably where it can be demonstrated that they would accord with the strategic, development management or area specific policies of this Plan.” Amongst other matters this includes: be acceptable in terms of their impact upon local amenity for new or existing residents and businesses, adjoining premises and land uses; and be accommodated by, and make best use of, existing facilities and infrastructure, particularly in encouraging accessibility and walking, cycling and public transport, whilst making appropriate provision for new or additional infrastructure requirements”.

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

to cause nuisance or unacceptable impacts on the environment, to people and to biodiversity.

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

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

9.4 Objections regarding noise, litter, disruption, additional traffic, impact on residential amenity have been received. These objections are noted.

9.5 The site is located approximately 130m south of residential properties located in St Albans View. These properties are separated from the site by the A191. The application site sits at a lower level than the A191.

9.6 Due to the siting of the proposal, it is not considered that the residential amenity of residential properties, in terms of loss of privacy and light, would be significantly affected.

9.7 The Manager for Environmental Health has been consulted. She has advised that a detailed noise assessment is not necessary for the determination of this application. However, it is clear from her comments set out in the appendix to this report paragraph 1.16 that a noise scheme for the installation of any noise generating external plant and equipment that may result in additional noise to the area would need to be considered. This can be secured via condition.

9.8 The applicant has advised that the retail kiosk and drive thru unit would not have any cooking of foods and for that reason no kitchen extraction or odour abatement equipment is required. The Manager for Environmental Health has advised that a condition will need to be imposed to prohibit cooking of foods and to only permit the reheating of foods.

9.9 The Manager of Environmental Health has advised that the applicant is informed of the necessity to meet the requirements of the Environmental Permitting Regulations 2010 for the petrol station. An informative is suggested to advise the applicant of these requirements.

9.10 The NPPF, paragraph 54 states “Local Planning Authorities should consider whether otherwise unacceptable development could be made acceptable through the use of conditions or planning obligations.” Paragraph 55 states “Planning conditions should be kept to a minimum and only imposed where they are necessary, relevant to planning and to the development to be permitted, enforceable, precise and reasonable in all other respects.” The NPPF paragraph 180 aims to "avoid noise from giving rise to significant adverse impacts on health and quality of life". Members are advised that it is clear from the environmental health comments set out in paragraphs 1.16-1.18 of the appendix to this report that appropriate mitigation to reduce the impacts arising from the identified noise

sources and odours can be secured by conditions. Further conditions are also suggested to control litter (litter management strategy) and lighting (lighting scheme). Subject to the imposition of the suggested conditions, it is not considered that this development would significantly impact on the residential amenity of nearby neighbouring properties, businesses or the LWS.

9.11 Members need to determine whether the proposed development is acceptable in terms of its impact on amenity. It is officer advice that the proposed development is acceptable in terms of its impact on residential amenity subject to the imposition of the suggested conditions. As such, it is officer advice that the proposed development does accord with the advice in paragraph 180 of the NPPF and LP policies DM5.19 and DM6.1.

10.0 Impact on character and appearance

10.1 Paragraph 124 of the NPPF encourages good design stating that “this is a key aspect of sustainable development, creates better places in which to live and work and helps make development acceptable to communities. Paragraph 130 of the NPPF makes it clear that “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”.

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

10.3 LDD11 ‘Design Quality’ applies to all planning applications that involve building works.

10.4 LP Policy DM5.9 ‘Trees, Woodlands and Hedgerows’ seeks to safeguard existing features such as trees.

10.5 The objections received regarding impact on visual amenity and loss of landscaping and open space are noted.

10.6 The proposed layout is largely dictated by the highway infrastructure required to provide a safe access/egress to and from the site. Other site constraints such as powerlines and an associated wayleave and the adjacent wagonway also dictate the positioning of the buildings. The proposed buildings are set back from the site boundaries to retain areas of landscaping between the adjacent road network and wagonway. The positioning of the buildings within the site, the difference in levels between the site and the A191 and the existing vegetation to the eastern and southern boundaries would reduce their visual prominence to the north, east and south. The buildings will be visible from The Silverlink North, as are most buildings located on this part of the business park.

10.7 The proposed buildings are single storey to ensure the scale of the development is not significantly obtrusive. The buildings are a simple contemporary design which maintains the ethos of the design of the office buildings located throughout the wider business park. A condition is recommended to ensure that the proposed materials complement the wider business park.

10.8 Members are advised that the applicant has worked with the council to amend the site layout. These amendments include positioning areas of parking along the eastern boundary further from the wagonway and removing parking from the central part of the site to accommodate additional landscaping.

10.9 A landscape strategy has been submitted for consideration. This strategy has been considered by the Council's Landscape Architect and Biodiversity Officer. The principles of the landscape strategy are considered to be acceptable subject to a condition to ensure that the following are secured:

- Western boundary to be replanted with a tree/shrub line similar to that which currently exists.

- Planting to the northern boundary of the site with native shrub planting or hedgerow with trees to mark the boundary of the site.

- Planting to the west of the SuDS basin to be less ornamental incorporating native tree and scrub planting and extend along the north of the SuDS area following the new access road and path. A fence would be required to restrict access and minimise disturbance to this part of the LWS and protect the planting as it becomes established.

10.10 Members are advised that it is clear from the Landscape Architect and Biodiversity Officer comments set out in paragraphs 1.23-1.57 of the appendix to this report that appropriate mitigation to reduce the visual impacts and impacts on the LWS arising from the proposed development can be secured by condition. Subject to the imposition of the suggested conditions, it is not considered that this development would significantly impact on the visual amenity of the immediate vicinity or the LWS.

10.11 The objections received regarding connectivity, footpath links and reference to LTN 1/20 are noted.

10.12 To the north of the site there is an existing footpath which leads onto the shared pedestrian/cycle path along the western edge of the site. To the east the site is bound by an existing wagonway. Further south of the site and to the west of The Silverlink North are existing pedestrian/cycle links.

10.13 The comments provided by the Public Rights of Way (PRoW) Officer are noted. Members are advised that at this time there are no definitive rights of way crossing this site. It is acknowledged that desire lines exist across this site and there are informal routes from the adjacent wagonway into the site. Members are advised that the existing footpath to the north of the site, part of the footpath to the west of the site and the wagonway do not fall within the red boundary line of the application site. Therefore, no works to existing footpaths outside of the redline boundary or the wagonway are proposed nor is this considered to be necessary. To retain permeability through the site for pedestrians/cyclists two

connections are proposed onto the adjacent wagonway (one in the north east corner of the site and one in south east corner of the site). The width of these connections must be balanced against the need to minimise impacts on biodiversity, so they would not meet the requirements of LTN 1/20 and they would be unlit. Other connections suggested by the PROW have not been pursued as they are not considered to be necessary and some of them would result in further impacts on landscaping, particularly due to level differences.

10.14 Members need to consider whether the impact on the character and appearance of the immediate surrounding area is acceptable and whether the proposed site layout is acceptable. It is officer advice that, the proposed development would not result in a significant visual impact on the character or appearance and an appropriate site layout has been achieved. As such, the proposed development accords with national and local planning policies.

11.0 Impact on highway safety

11.1 The NPPF paragraph 109 makes it clear that development should only be prevented or refused on highway grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.

11.2 The NPPF paragraph 110 states, amongst other matters, that applications for development should give priority first to pedestrian and cycle movements both within the scheme and with neighbouring areas and address the needs of people with disabilities and reduced mobility in relation to all modes of transport.

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

11.4 The Council's maximum parking standards are set out in the Transport and Highways SPD (LDD12).

11.5 Objections have been received regarding the impact on highway safety, including access/egress to the site and increase in traffic. These objections are noted.

11.6 The site is vacant and is located to the north of the business park and to the east of The Silverlink North. To provide access into this site a new roundabout is proposed that would also serve the existing hospital site opposite and act as a traffic calming feature on the existing road.

11.7 Servicing will take place wholly within the site and parking has been provided to meet the needs of the site with cycle parking and Electric Vehicle (EV) charging points included in the layout.

11.8 Pedestrian and cyclist access through the site has been maintained including the provision of two connections points along the eastern boundary to provide access onto the wagonway.

11.9 A Transport Assessment (TA) and a Framework Travel Plan have been submitted. This information has been considered by the relevant consultees. It is clear from the sustainable transport comments that the content of the Travel Plan can be secured via condition.

11.10 The Highways Network Manager has been consulted. He has advised that the proposal will not result in a severe impact on the adjacent highway network. On this basis, he has recommended conditional approval.

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

12.0 Other Issues

12.1 Contaminated Land and ground conditions

12.2 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.

12.3 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.

12.4 Local Plan Policy DM5.18 'Contaminated and Unstable Land' sets out guidance on these constraints.

12.5 The NPPF sets out that LPAs should define Mineral Safeguarding Areas (MSAs), with further detail included in National Planning Practice Guidance (2014). The whole of the local plan area has been identified as a MSA. Policy DM5.17 Minerals is considered to be relevant.

12.6 The Contaminated Land Officer has been consulted. She has raised no objection to the proposed development, subject to the imposition of the suggested conditions.

12.7 The Coal Authority has been consulted. They have raised no objection to the proposed development.

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

12.9 Flooding

12.10 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.

12.11 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.

12.12 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.

12.13 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).

12.14 A Flood Risk Assessment (FRA) and Drainage Strategy has been submitted. This has been considered by the Lead Local Flood Authority (LLFA). This proposal would provide surface water attenuation within the developments surface water drainage network and SuDS pond. These attenuation measures are designed to accommodate a 1in100yr storm event +40% increase for climate change. The surface water from the SuDS pond would then discharge into an existing highway drain which serves The Silverlink North. The rate of discharge from the site would be restricted to the equivalent to greenfield run-off rate of 3.9l/s and would be controlled via the use of a flow control device. The SuDS pond would be under the ownership of the developer and the future maintenance of these assets would be either carried out by the developer or an appointed management company. The proposed petrol station drainage would incorporate a forecourt separator which would help prevent pollutants from entering the site's surface water drainage system. On this basis, the LLFA has recommended conditional approval.

12.15 Northumbrian Water has been consulted. They have raised no objection to the proposed development.

12.16 The Environment Agency (EA) has been consulted. The details regarding the tank design, pipework, delivery arrangements, leak detection systems and two oil-water separators to be utilised to manage organic pollutants in surface water runoff are adequate. The proposal gives the EA confidence that these risks can be satisfactorily managed.

12.17 Biodiversity

12.18 The application site comprises of approximately 2ha of available employment land. Members are advised that the most southern part of the site is designated as a Local Wildlife Site and Local Nature Reserve (Silverlink Park and Wagonway LWS and LNR). The Silverlink wagonway lies adjacent to the eastern boundary of the site which is supported on both sides by linear hedgerow

sections and trees with fragmented, individual and occasional tree groupings. To the west of the site, beyond the road, lies West Allotment Pond LWS.

12.19 Most of the application site comprises of semi-improved grassland, with boundary planting that includes ornamental planting and semi-mature tree avenues along the western and northern boundary. A strip of land along the southern boundary, of approximately 0.45ha, supports a mosaic of scattered and dense scrub, coarse grassland and marshy grassland. This area is within the boundary of the LWS.

12.20 This application is accompanied by several tree and ecological reports. These reports have been considered by the Council's Landscape Architect and Biodiversity Officer.

12.21 Members are advised that the trees within the site are not protected by a Tree Preservation Order (TPO) or located within the conservation area. The consultees have advised that the structural tree cover and hedgerows bordering the site are important existing landscape assets as they complement and support biodiversity of the immediate and wider area as well as helping to screen the area from external lateral views not the site. The submitted Arboricultural Impact Assessment (AIA) sets out the impacts of the proposed development. These impacts are set out in paragraph 1.32 of the appendix to this report.

12.22 The submitted ecology reports advise the following:

- No evidence of potential bat roosts was found on site. The trees, hedgerow and scrub provide foraging opportunities for bats. The data provided showed low bat activity by common pipistrelle bats with the main features of importance being the wagonway and adjacent LWS and LNR. Previous data showed more activity across the whole site.

- Water vole and otter were not thought likely to use the site.

- Eight great crested newt ponds are located within 500m of the site. Surveys indicated that great crested newts are absent from ponds within 250m of the site therefore unlikely to be adversely affected by the development.

- No evidence of badger was found.

- No significant invertebrate features were found on the site during survey and no patches of important food source plants for key species were recorded.

- Hedgehog, brown hare and common toad were considered likely to be present on site at times throughout the year, though there are no nearby hedgehog records.

12.23 The submitted assessments suggest that the site of low to local value for the habitats it supports, but adjacent to, and part of, a wider network of habitats of district value including the LWS and LNR. The potential impacts of the proposed development are set out in paragraph 1.37 of the appendix of this report.

12.24 The mitigation for the impacts of the scheme include landscaping within the site, precautionary method statements for amphibians and hedgehog, provision of bird and bat boxes and lighting design to minimise impacts on bats.

12.25 The Breeding Bird Survey concludes that most breeding birds are present in scrub and hedgerows along the southern and eastern boundaries and retaining habitats in these areas will minimise impacts on birds. It recommends retaining existing scrub and hedgerows where possible, particularly along the southern and eastern boundaries.

12.26 The northern boundary of the LWS is within the application site. This area would be used to provide drainage associated with the proposed development. This includes a large SuDS area with associated connections. The consultees considered that the current drainage scheme is overly engineered with little biodiversity value, resulting in the loss of valuable habitat. Members are advised that discussions were held with the applicant and consultees to discuss an alternative SuDS design and it has been agreed that a permanent shallow body of water that would offer a wider range of diverse habitats more suited to the LWS is to be provided. The consultees have advised that this approach would benefit amphibians and species such as great crested newt.

12.27 Additional native planting (native hedges and scrub) to the immediate area surrounding the SuDS pond would provide an essential buffer between the development and the LWS and protect the site from disturbance associated with litter/pollution, noise, lighting and human disturbance. This planting should be temporarily fenced off until it becomes established to ensure the LWS is adequately protected.

12.28 The consultees have identified indirect impacts to the LWS associated with the proposed development including increase in footfall and potential litter issues. Members are advised that the applicant has agreed to manage litter within the application site and part of the adjacent LWS to address this and a financial contribution is to be secured towards the management of habitats within the LWS and LNR.

12.29 To accommodate the proposed development standard trees (young and recently planted) along the western boundary are to be removed. The submitted landscape strategy indicates that the western boundary would be replanted with a tree/shrub line similar to that which currently exists. As already discussed, the proposed development would partially impact on part of the LWS to accommodate the proposed drainage. The proposed drainage would result in the loss of some tree, scrub and semi-improved grassland. These impacts would be mitigated by the SuDS being designed to hold shall permanent water and native scrub and hedgerow planting would be provided along the northern boundary of the LWS to enhance and protect this area. To the eastern boundary of the site a 7m wide native scrub planting buffer would be provided. To the northern boundary, adjacent to the proposed petrol filling station, a native hedgerow would be planted.

12.30 It is acknowledged that the wagonway to the east of the site would be impacted through the introduction of two new footpaths cutting through this area. Members are advised that the proposed connections are utilising existing desire lines. Following discussions with the applicant and consultees, these connections are considered to be acceptable subject to the width of these connections not exceeding 2.5m and unlit.

12.31 Lighting within the site has the potential to have an adverse impact on the LWS, LNR and the wagonway which form part of the designated wildlife corridor. Following discussions with the applicant and consultees, it has been agreed that any lighting adjacent to the LWS and wagonway must be below 2 lux. These details can be secured by an appropriately worded condition.

12.32 Members are advised that it is clear from the Landscape Architect and Biodiversity Officer comments set out in paragraphs 1.23-1.57 of the appendix to this report that appropriate mitigation to reduce the impacts on biodiversity and the LWS/LNR arising from the proposed development can be secured by condition. Subject to the imposition of the suggested conditions, it is not considered that this development would significantly impact on biodiversity or the LWS/LNR.

12.33 Members need to determine whether the proposed development is acceptable in terms of its impact on biodiversity and the adjacent LWS and LNR. It is officer advice that it is. The proposed development accords with both national and local planning policies.

12.34 Archaeology

12.35 Paragraph 199 of the NPPF states “Local planning authorities should require developers to record and advance understanding of the significance of any heritage assets to be lost (wholly or in part) in a manner proportionate to their importance and the impact and to make this evidence (and any archive generated) publicly accessible. However, the ability to record evidence of our past should not be a factor in deciding whether such loss should be permitted.”

12.36 LP Policy DM6.7 ‘Archaeological Heritage’ seeks to protect, enhance and promote the borough’s archaeological heritage and where appropriate, encourage its interpretation and presentation to the public.

12.37 The Tyne and Wear Archaeology Officer has been consulted. She has recommended conditional approval.

12.38 S106 Contributions

12.39 Paragraph 54 of NPPF states that local planning authorities should consider whether otherwise unacceptable development could be made acceptable through the use of conditions or planning obligations. Planning obligations should only be used where it is not possible to address unacceptable impacts through a planning condition.

12.40 Paragraph 56 of NPPF states that planning obligations must only be sought where they meet all of the following tests;

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

12.41 LP S7.1 General Infrastructure and Funding states “The Council will ensure appropriate infrastructure is delivered so it can support new development and continue to meet existing needs. Where appropriate and through a range of

means, the Council will seek to improve any deficiencies in the current level of provision.

The Council will also work together with other public sector organisations, within and beyond the Borough, to achieve funding for other necessary items of infrastructure. This will include the use of combined and innovative funding schemes to maximise the amount and impact of funding.

New development may be required to contribute to infrastructure provision to meet the impact of that growth, through the use of planning obligations and other means including the Community Infrastructure Levy (CIL).

Planning obligations will be sought where:

- a. It is not possible to address unacceptable impacts through the use of a condition; and,
- b. The contributions are fair, reasonable, directly related to the development and necessary to make the application acceptable.

In determining the level of contributions required from a development, regard will be given to the impact on the economic viability of the scheme.”

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

12.43 LP Policy DM7.5 ‘Employment and Skills’ seeks applicants of major development proposals to contribute towards the creation of local employment opportunities and support growth in skills through an increase in the overall proportion of local residents in education or training.

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

12.45 The applicant has agreed to pay the requested Travel Plan Monitoring Fee and a financial contribution towards mitigating the impacts of the proposed development on the adjacent Local Wildlife Site (LWS). These contributions are considered necessary and directly related to the development. A condition is recommended to secure employment and training. As such, the development complies with the CIL Regulations, the NPPF and LP policies.

12.46 This development is CIL liable.

13.0 Local Financial Considerations

13.1 Local financial considerations are defined as a grant or other financial assistance that has been, that will or that could be provided to a relevant authority by the Minister of the Crown (such as New Homes Bonus payments) or sums that a relevant authority has received, or will or could receive in payment of the Community Infrastructure Levy. The proposal would result in additional business rates being received by the council and this is a benefit of the proposal.

14.0 Conclusion

14.1 Members need to determine whether the proposed development is acceptable in terms of the principle of the development, its impact on amenity, its impact on the character and appearance of the area and all other issues including its impact on highways, flood risk, biodiversity, archaeology and ground conditions. It is the view of officers that the proposed development is acceptable. As such, officers consider that the proposed development does accord with national and local planning policies. Approval is recommended.

RECOMMENDATION:

The Committee is recommended to indicate that it is minded to approve the application and

a) authorise the Head of Environment, Housing and Leisure to determine the application subject to:

- iii. the conditions set out below and the amendment to, addition or omission of any other condition considered necessary;**
- iv. the applicant entering into a legal agreement under Section 106 of the Town and Country Planning Act 1990 to secure the following:**
 - Travel Plan monitoring fee £1, 250.00 (£250.00 per annum)**
 - £18, 750.00 ecology and biodiversity: towards mitigating the impacts on the Local Wildlife Site.**

b) authorise that the Head of Law and Governance and the Head of Environment, Housing and Leisure to undertake all necessary procedures under Section 278 of the Highways Act 1980 to secure the following highways improvements:

Provision of roundabout new accesses

Improved footpath links

Associated street lighting

Associated drainage

Associated road markings

Associated Traffic Regulation Orders

Associated street furniture & signage

c) authorise that the Head of Law and Governance and the Head of Environment, Housing and Leisure to undertake all necessary procedures under Section 247 and 257 of the Town and Country Planning Act 1990 to

formally close all roads and footpaths within the site that are no longer required.

Conditions/Reasons

1. The development to which the permission relates shall be carried out in complete accordance with the following approved plans and specifications:
 - Ordnance survey plan (1:1250) Dwg No. 15370-27
 - Layout as existing Dwg No. 15370-20
 - Layout as existing Dwg No. 15370-21
 - Existing elevations Dwg No. 15370-22
 - Proposed BP building Dwg No. 15370-26
 - Proposed site layout Dwg No. 15370-23 C
 - Illustrative masterplan Dwg No. N912-ONE-ZZ-XX-DR-L-0801 P04
 - Planting Strategy Dwg No. N912-ONE-ZZ-XX-DR-L-0201 P04
 - Costa elevations 1800(Side)-02E
 - Costa floor plan 1800(Side)-03E
 - Costa roof plan 1800(Side)-03C

Reason: To ensure that the development as carried out does not vary from the approved plans.
2. The development hereby permitted shall be begun before the expiration of three years from the date of this permission.

Reason: To comply with the requirements of Section 91 of the Town and Country Planning Act 1990.
3. Notwithstanding Condition 1, prior to the commencement of development a detailed scheme for the following off-site highway works, including a timetable for these works, shall be submitted to and approved in writing by the Local Planning Authority:
 - Provision of roundabout new accesses
 - Improved footpath links
 - Associated street lighting
 - Associated drainage
 - Associated road markings
 - Associated Traffic Regulation Orders
 - Associated street furniture & signage

Thereafter, these agreed works shall be implemented in accordance with these agreed details and within the timescales set out.

Reason: This information is required at the outset, in order to minimise danger, obstruction and inconvenience to users of the highway and of the development having regard to policy DM7.4 of the North Tyneside Local Plan (2017).
4. No part of the development hereby approved shall be brought into use until an area has been laid out within the site for vehicles to turn in accordance with the approved drawing and that area shall not thereafter be used for any other purpose.

Reason: To enable vehicles to draw off and turn clear of the highway thereby avoiding the need to reverse onto the public highway having regard to policy DM7.4 of the North Tyneside Local Plan (2017).

5. The scheme for parking and manoeuvring indicated on the approved plans shall be laid out prior to the occupation of any part 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 Tyneside Local Plan (2017).

6. Notwithstanding Condition 1, prior to the occupation of any part of the development hereby approved details of facilities to be provided for the storage of refuse and recycling for each building shall be submitted to and approved in writing by the Local Planning Authority. The facilities which should also include the provision of wheeled for all waste types shall be provided in accordance with the approved details, prior to the occupation of each residential dwelling and thereafter permanently retained.

Reason: In order to safeguard the amenities of the area having regard to policies DM6.1 of North Tyneside Local Plan (2017).

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

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

8. Notwithstanding Condition 1, no development shall commence until a scheme to show wheel washing facilities and mechanical sweepers to prevent mud and debris onto the public highway has been submitted to and approved in writing by the Local Planning Authority. This scheme shall include details of the location, type of operation, maintenance/phasing programme. Construction shall not commence on any part of the development other than the construction of a

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

Reason: This information is required pre-development to ensure that the adoptable highway(s) is kept free from mud and debris in the interests of highway safety having regard to policies DM5.19 and DM7.4 of the North Tyneside Local Plan (2017) and National Planning Policy Framework.

9. No part of the development hereby approved shall be occupied until a car park management strategy has been submitted to and agreed in writing by the Local Planning Authority. This strategy shall be carried out in accordance with the agreed details and retained thereafter.

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

10. No part of the development hereby approved shall be occupied until any adopted highways or Public Rights of Way no longer required within the site have been formally stopped up under Section 247/257 of the Town & Country Planning Act 1990.

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

11. No part of the development hereby approved shall be occupied until a delivery, service and refuse management strategy including appropriate methodology and signage has been submitted to and agreed in writing by the Local Planning Authority. This strategy shall be carried out in accordance with the agreed details and retained thereafter.

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

12. No part of the development hereby approved shall be occupied until a scheme for secure, undercover cycle parking has been submitted to and agreed in writing by the Local Planning Authority. This scheme shall be carried out in accordance with the agreed details and retained thereafter.

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

13. Notwithstanding the details submitted in the Travel Plan, no part of the development shall be occupied until a Full Travel Plan in accordance with the council's Travel Plan Scope, has been submitted to and approved by in writing the Local Planning Authority. Thereafter, the development shall be carried out in full accordance with the agreed Travel Plan.

Reason: To accord with Central Government and Council Policy concerning sustainable transport.

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

Upon approval of the method statement:

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

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

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

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

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

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

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

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

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

Reason: In order to safeguard the development and/or the occupants thereof from possible future gas emissions from underground and or adverse effects of landfill gas which may migrate from a former landfill site having regard

to policy DM5.18 of the North Tyneside Local Plan (2017) and National Planning Policy Framework.

15. No development shall be commenced until a Desk Study (Phase 1) has been completed and a written sampling strategy (scope of works) for the contamination site investigation is submitted to, and agreed in writing by, the Local Planning Authority before the commencement of site investigation works.

The Desk Study Report should be written in accordance with the current government guidelines including but not exclusive of those including the BS10175 2011 +A1 2013, BS 5930 2015 +A12020, Development on Land Affected by Contamination YALPAG Version 11.2 - June 2020, Land Contamination Risk Management - Environment Agency.

Reason: This needs to be pre-commencement to ensure that the potential contamination of the site is properly investigated and its implication for the development approved fully taken into account having regard to policy DM5.18 of the North Tyneside Local Plan (2017) and National Planning Policy Framework.

16. Prior to commencement of development a detailed Site Investigation (Phase 2) must be carried out including an interpretative report on potential contamination of the site. This must be prepared by an appropriately qualified person and submitted to and approved in writing by the LPA to establish:

- i) If the site is contaminated;
- ii) To assess the degree and nature of the contamination present, and an assessment whether significant risk is likely to arise to the end users and public use of land, building (existing or proposed) or the environment, including adjoining land;
- iii) To determine the potential for the pollution of the water environment by contaminants and;
- iv) an appraisal of remedial options, and proposal of the preferred option(s).

The Site Investigation report must include the following information:

- A site plan with sampling points and log;
- Results of sampling and monitoring carried out in accordance with sampling strategy, and;
- An interpretative report on potential contamination of the site, conclusions must be prepared by a competent person (a person with a recognised relevant qualification, sufficient experience in dealing with the type(s) of pollution or land instability, and membership of a relevant professional organisation).

The Site Investigation report should be written in accordance with the current government guidelines including but not exclusive of those including in the BS10175 2011+A1 2013, BS 5930 2015 +A12020, Development on Land Affected by Contamination YALPAG Version 11.2 - June 2020, Land Contamination Risk Management - Environment Agency.

Reason: This needs to be pre-commencement to ensure that the potential contamination of the site is properly investigated and its implication for the development approved fully taken into account having regard to policy DM5.18 of the North Tyneside Local Plan (2017) and National Planning Policy Framework.

17. Prior to the commencement of the development a detailed Remediation Method Statement shall be submitted to and approved in writing by the Local Planning Authority. The remediation method must include phase 1 and 2 reports in accordance with BS10175 risk assessment pre and post remediation scheme. The method statement must specify remediation for each identified contaminants giving installation or construction methods required to break pathway, or specifying disposal; or in situ treatment as deemed appropriate, the handling and disposal of contaminants to prevent spread of contaminants and the critical control checks required to ensure remediation areas, handling and deposition areas and installation drawings of gas protection scheme must be included.

The design of the remediation strategy should consider the results from the previous two phases of investigation and consider the proposed use/layout of the development.

The scheme must include all works to be undertaken, proposed remediation objectives and remediation criteria, timetable of works and site management procedures. The scheme must ensure that the site will not qualify as contaminated land under Part 2A of the Environmental Protections Act 1990 in relation to the intended use of the land after remediation. An options appraisal will only be acceptable upon the inclusion of the recommended preferred option.

The Remediation Method Statement should be written in accordance with the current government guidelines including but not exclusive of those including in the BS10175 2011+A1 2013, BS 5930 2015 +A12020, Development on Land Affected by Contamination YALPAG Version 11.2 - June 2020, Land Contamination Risk Management.

Reason: This needs to be pre-commencement to ensure that the potential contamination of the site is properly investigated and its implication for the development approved fully taken into account having regard to policy DM5.18 of the North Tyneside Local Plan (2017) and National Planning Policy Framework.

18. Prior to the first occupation of the development hereby permitted, a Remediation Validation report for the site must be submitted to and approved in writing by the Local Planning Authority. A Validation report (sometimes referred to as a Verification report) is used to demonstrate remediation completed in accordance with submitted and approved remediation report.

This report must contain the following:

- A summary of site investigation and remediation works undertaken with accompanying site layout identifying source / treatment areas;
- Confirmation of Required Concentration of Reduction Targets, and/or Cover and Break Screens;
- Post Remediation Interpretative report of Sampling to demonstrate compliance with quantitative goals.
- An explanation / discussion of any anomalous results, or failure to meet agreed target values, alongside additional work proposed and actioned;
- Demonstrate via photographic and documentation evidence of remedial measures;

- Post-remediation contaminated land risk assessment profile;
- Cross sectional diagrams for the site and detailed plans of the site.

The Remediation Validation report should be written in accordance with the current government guidelines including but not exclusive of those including in the BS10175 2011+A1 2013, BS 5930 2015 +A12020, Verification Requirements for Cover Systems YALPAG Version 3.4 - November 2017, Land Contamination Risk Management - Environment Agency.

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

19. If any unexpected contamination or hotspots are encountered during the investigation and construction phases it will be necessary to inform the Local Authority within 24 hours. Work must be ceased until any risk is assessed through chemical testing and analysis of the affected soils or waters. If required remediation of any unexpected contamination or underground storage tanks discovered during the development must take place before development recommences. Thereafter the development shall not be implemented otherwise than in accordance with the scheme approved under the planning consent.

Any additional reports should be written in accordance with the current government guidelines including but not exclusive of those including in the BS10175 2011+A1 2013, BS 5930 2015 +A12020, Verification Requirements for Cover Systems YALPAG Version 3.4 - November 2017, Land Contamination Risk Management - Environment Agency.

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

20. Prior to the commencement of each building hereby approved above damp proof course level details of the height, position, design and materials of any chimney or extraction vent to be provided in connection with the development have been submitted to and approved in writing by the Local Planning Authority. Thereafter, the development shall not be carried out other than in accordance with the approved details.

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

21. Prior to the commencement of any building hereby approved above damp proof course level details of the air ventilation systems have been submitted to and approved in writing by the Local Planning Authority. The scheme shall thereafter be implemented before the development is first occupied in accordance with the approved details and permanently retained.

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

22. Prior to the commencement of any part of the development hereby approved above damp proof course level details of any refrigeration plant to be installed in connection with the development have been submitted to and approved in writing by the Local Planning Authority. The plant shall thereafter only be installed in accordance with the approved details and permanently retained as such.

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

23. No equipment for the cooking of foods to be installed or used within the retail units at any time. Only small appliances for the reheating of foods shall be permitted for use in the units.

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

24. Prior to the construction of the external walls of any of the individual units hereby approved a management operating plan relating to that respective unit shall be submitted to and approved in writing by the Local Planning Authority. This shall include an assessment on the potential for sources of noise and disturbance from that unit likely to affect residential amenity in the area, and shall also identify the following:

- Hours of opening for that unit for visiting members of the public
- Hours of deliveries and collections for that unit
- A waste management plan setting out how and when waste associated with the unit and lorry park will be stored, collected and timings relating to the collection and emptying of refuse and recyclables.
- Outside maintenance and cleaning activities for each unit.
- The provision of Litter bins and litter management plans for that unit including all associated parking.
- A parking management plan for that unit including the details on the allocation and management of all associated parking.

If the assessment indicates that the hours of use and operational requirements are likely to affect neighbouring residential amenity then a detailed scheme of mitigation measures for that unit shall be submitted to and approved in writing by the Local Planning Authority prior to the occupation of the units to which the mitigation measure apply. The approved details shall be implemented prior to the commencement of the use and be permanently maintained thereafter.

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

25. Prior to the occupation of each unit an employment strategy and scheme and method statement for the provision of targeted local employment recruitment and training opportunities to maximise local employment shall be submitted to and approved in writing by the Local Planning Authority. Such a scheme could include but may not necessarily be restricted to the following;

- Job Opportunities, including number of full time equivalent jobs created and job title;

- Recruitment through Jobcentre Plus and other local employment vehicles;
- Apprenticeship;
- Traineeship;
- Graduate Internship;
- Work trials and interview guarantees;
- Pre-employment training;
- Vocational Training (NVQ);
- Supervisor training;
- Leadership and Management Training;
- Support with transport, childcare and work equipment; and
- In-house training schemes.

Thereafter the approved strategy/scheme and method statement shall be implemented as approved.

Reason: To ensure that appropriate employment and training opportunities are secured in accordance with Policy DM7.5 of the North Tyneside Local Plan (2017).

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

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

27. Before the development hereby permitted commences a scheme shall be submitted to and approved in writing by the Local Planning Authority which specifies the provisions to be made for the control of noise emanating from the site. The approved scheme shall be carried out in full prior to the use and occupation of the site and of the building(s) hereby permitted.

Reason: This information is required from the outset to protect the occupants of nearby residential properties from noise disturbance having regard to policy DM5.19 of the North Tyneside Local Plan (2017).

28. Prior to the installation of any external plant and equipment a noise scheme shall be submitted to and approved in writing by the Local Planning Authority. This scheme must be submitted in accordance with BS4142 to determine the current background noise levels for daytime, evening and night. The rating level for all external plant and equipment must not exceed the current background noise levels. Thereafter, the installed plant and equipment shall be permanently maintained in accordance with these details and the verification details subject of condition 29.

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

29. Within one month of the installation of any plant and equipment pursuant to condition 28 acoustic testing shall be undertaken to verify compliance with this condition. This verification shall be submitted to and approved in writing prior to the continued operation of this plant and equipment. Thereafter, any plant or equipment shall only be operated in accordance with the approved details and permanently maintained.

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

30. Prior to installation of any floodlighting or other form of external lighting, a lighting scheme shall be submitted to and approved in writing by the Local Planning Authority. This shall include the following information:

- a statement of frequency of use, and the hours of illumination;
- a site plan showing the area to be lit relative to the surrounding area, indicating parking or access arrangements where appropriate, and highlighting any significant existing or proposed landscape or boundary features;
- details of the number, location and height of the proposed lighting columns or other fixtures;
- the type, number, mounting height and alignment of the luminaires;
- the beam angles and upward waste light ratio for each light;
- an isolux diagram showing the predicted illuminance levels at critical locations on the boundary of the site and where the site abuts residential properties or the public highway to ensure compliance with the institute of lighting engineers Guidance Notes for the reduction of light pollution to prevent light glare and intrusive light for agreed environmental zone ; and
- where necessary, the percentage increase in luminance and the predicted illuminance in the vertical plane (in lux) at key points.

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

Reason: In the interest of visual amenity and/or highway safety having regard to policy DM5.19 of the North Tyneside Local Plan (2017).

31. Notwithstanding Condition 1, prior to the commencement of any part of the development hereby approved, a detailed scheme for the disposal of foul and surface water from the development hereby approved must be submitted to and approved in writing by the Local Planning Authority in consultation with Northumbrian Water and the Lead Local Flood Authority. The surface water drainage scheme must include detailed surface water design drainage including ecological benefits (permanent open water and appropriate native planting), details of the appointed SUDS management company, a plan showing the surface water flow paths through the development for rainfall events in exceedance of a 1in100yr storm event and identify any mitigation measures required to prevent flooding to buildings during this type of rainfall event, a condition survey to be undertaken of The Silverlink North highway drain from the A191 roundabout through to a distance of 100m south of the proposed connection point. Any issues identified within the highway drain to be raised with LLFA and any agreed repairs to be undertaken by developer prior to a formal connection being made.

Thereafter the development shall take place in accordance with the approved details.

Reason: This information is required pre-commencement to prevent the increased risk of flooding from any sources in accordance with the NPPF and to enhance ecological benefits in accordance with Policy DM5.5 of the North Tyneside Local Plan (2017).

32. No groundworks or development shall commence until a programme of archaeological fieldwork (to include evaluation and where appropriate mitigation excavation) has been completed. This shall be carried out in accordance with a specification provided by the Local Planning Authority.

Reason: This needs to be pre-commencement as the site is located within an area identified as being of potential archaeological interest. The investigation is required to ensure that any archaeological remains on the site can be preserved wherever possible and recorded, in accordance with paragraph 199 of the NPPF, Local Plan S6.5 and policies DM6.6 and DM6.7.

33. The building(s) shall not be occupied/brought into use until the final report of the results of the archaeological fieldwork undertaken in pursuance of condition (32) has been submitted to and approved in writing by the Local Planning Authority.

Reason: The site is located within an area identified as being of potential archaeological interest. The investigation is required to ensure that any archaeological remains on the site can be preserved wherever possible and recorded, in accordance with paragraph 199 of the NPPF, Local Plan S6.5 and policies DM6.6 and DM6.7.

34. The buildings shall not be occupied/brought into use until a report detailing the results of the archaeological fieldwork undertaken has been produced in a form suitable for publication in a suitable and agreed journal and has been submitted to and approved in writing by the Local Planning Authority prior to submission to the editor of the journal.

Reason: The site is located within an area identified in the Unitary Development Plan as being of potential archaeological interest and the publication of the results will enhance understanding of and will allow public access to the work undertaken in accordance with paragraph 199 of the NPPF, Local Plan S6.5 and policies DM6.6 and DM6.7.

35. Prior to the commencement of any part of the development hereby approved a scheme for managing any borehole installed for the investigation of soils, groundwater or geotechnical purposes shall be submitted to and approved in writing by the Local Planning Authority in consultation with the Environment Agency. The scheme shall provide details of how redundant boreholes/pits are to be decommissioned and how any boreholes that need to be retained, post-development, for monitoring purposes will be secured protected and inspected. The scheme as approved shall be implemented prior to the occupation of each phase of development. The EA can provide our 'Good practice for decommissioning redundant boreholes and wells' upon request.

Reason: This information is required from the outset to prevent contamination having regard to the NPPF.

36. Notwithstanding Condition 1, prior to the construction of any part of the development hereby approved above damp-proof course level a schedule and/or samples of all surfacing materials and external building materials, including doors and windows) shall be submitted to and approved in writing by the Local Planning Authority. Thereafter, the development shall not be carried out other than in accordance with the approved details.

Reason: To ensure a satisfactory appearance having regard to Policy DM6.1 of the North Tyneside Local Plan (2017).

37. Notwithstanding Condition 1, prior to the commencement of any construction works on the site details showing the existing and proposed ground

levels and levels of thresholds and floor levels of the proposed buildings shall be submitted to and approved in writing by the Local Planning Authority. Such levels shall be shown in relation to a fixed and known datum point. Thereafter, the development shall not be carried out other than in accordance with the approved details.

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

38. Restrict Hours No Construction Sun BH HOU004 *

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

Reason: In the interests of amenity and to ensure a satisfactory standard of landscaping having regard to Policies DM6.1 and DM5.9 of the North Tyneside Local Plan (2017).

40. Prior to the commencement of any part of the development hereby approved a revised Arboricultural Method Statement (AMS) and Tree Protection Plan (TPP) shall be submitted to and approved in writing by the Local Planning Authority. This revised information must incorporate the amended layout as per revised drawing No. DR-L- 0801 P03. Thereafter, the development hereby permitted shall only be carried out in accordance with the revised Arboricultural Method Statement and Tree Protection Plan and BS5837:2012 'Trees in relation to design, demolition and construction - Recommendations'. The TPP is to be extended to include any areas of retained grassland habitat to the north and western boundaries of the site.

Reason: This information is required pre-commencement to ensure that existing landscape features are adequately protected in the interests of amenity and to ensure a satisfactory standard of landscaping having regard to Policies DM6.1 and DM5.9 of the North Tyneside Local Plan (2017).

41. Prior to the commencement of any site clearance works in connection with the development hereby approved (including demolition/excavation works, tree works, soil moving, hardstandings, temporary access construction and / or widening or any operations involving the use of motorised vehicles or construction machinery, site security fencing, services), the trees within or adjacent to and overhang the site that are to be retained are to be protected by fencing and in the locations in the Tree Protection Plan (TPP) pursuant to condition 40. No operational work, site clearance works or the development itself shall commence until the fencing is installed. The protective fence shall remain in place until the works are complete or unless otherwise agreed in writing with

the Local Planning Authority. The protective fence is not to be repositioned without the approval of the Local Authority.

Reason: This information is required pre-commencement to ensure that existing landscape features are adequately protected in the interests of amenity and to ensure a satisfactory standard of landscaping having regard to Policies DM6.1 and DM5.9 of the North Tyneside Local Plan (2017).

42. All works within the root protection area (RPA) of the retained trees that include (but not limited to) kerb installation, fence post installation, footpath construction, lighting, drainage and the installation of any services (utilities), are to be carried out in complete accordance with the Arboricultural Method Statement, BS 5837:2012 and the National Joint Utilities Group (NJUG) 'Guidelines for the Planning, Installation and Maintenance of Utility Apparatus in Proximity To Trees'. Where works are within the RPA (root protection area) of any tree, works will be undertaken by hand or suitable method such as an air spade to ensure works will not damage to the root systems of the retained trees. Confirmation of the proposed working method is to be submitted and approved in writing by the Local Planning Authority prior to any works hereby approved commencing on site. Thereafter, the development hereby approved shall be carried out in full accordance with these agreed details.

Reason: This information is required pre-commencement to ensure that existing landscape features are adequately protected in the interests of amenity and to ensure a satisfactory standard of landscaping having regard to Policies DM6.1 and DM5.9 of the North Tyneside Local Plan (2017).

43. Prior to the commencement of any part of the development hereby approved above damp proof course level a fully detailed landscape plan and landscape management and monitoring plan for a period of 10 years shall be submitted to and approved in writing by the Local Planning Authority. The landscape scheme shall include:

- Native standard trees at 10m spacings to be planted within any native hedgerow
- Native hedge to northern boundary to extend long the western boundary
- Standard trees to the western boundary to be a minimum of 14-16cm girth
- Temporary fence will be required to restrict access and minimise disturbance to the northern boundary of the hedgerow to the SUD's area
- Details of retained semi-improved grassland areas
- Details of re-instated species rich grassland areas

The landscape management and monitoring plan for all landscaping within the application site, including the SUDs area within the LWS shall include:

- Long term design objectives, management responsibilities, timescales and maintenance schedules for all landscaped, grassed or paved areas.

Details of monitoring surveys of the SUDs pond and species rich grassland areas with update reports submitted to the LPA for review.

The landscaping scheme shall be implemented in accordance with the approved details within the first available planting season following the approval of details. All hard and soft landscape works shall be carried out in accordance with the approved details and to a standard in accordance with the relevant recommendations of British Standard 8545:2014. Any trees or plants that, within

a period of five years after planting, are removed, die or become seriously damaged or defective, shall be replaced with others of species, size and number as originally approved, by the end of the first available planting season thereafter. The development shall be carried out in full accordance with the approved landscape details and landscape management and monitoring plan.

Reason: In the interests of amenity and to ensure a satisfactory standard of landscaping having regard to Policies DM6.1 and DM5.9 of the North Tyneside Local Plan (2017).

44. Prior to the commencement of any part of the development hereby approved above damp proof course level details of landscaping for the new roundabout and road alterations shall be submitted to and approved in writing by the Local Planning Authority. The landscaping scheme shall be implemented in accordance with the approved details within the first available planting season following the approval of details. All hard and soft landscape works shall be carried out in accordance with the approved details and to a standard in accordance with the relevant recommendations of British Standard 8545:2014. Any trees or plants that, within a period of five years after planting, are removed, die or become seriously damaged or defective, shall be replaced with others of species, size and number as originally approved, by the end of the first available planting season thereafter.

Reason: In the interests of amenity and to ensure a satisfactory standard of landscaping having regard to Policies DM6.1 and DM5.9 of the North Tyneside Local Plan (2017).

45. An arboricultural consultant is to be appointed by the developer to advise on the tree management for the site and to undertake regular supervision visits to oversee the agreed tree protection and visit as required to oversee any unexpected works that could affect the trees prior to any works hereby approved commencing on-site. The supervision is to be undertaken in accordance with the approved Arboricultural Method Statement. This condition may only be fully discharged on completion of the development subject to satisfactory written evidence of regular monitoring and compliance by the pre-appointed tree specialist during construction.

Reason: This information is required pre-commencement in the interests of amenity and to ensure a satisfactory standard of landscaping having regard to Policies DM6.1 and DM5.9 of the North Tyneside Local Plan (2017).

46. Prior to any works commencing on site, an Ecological Clerk of Works (ECoW) shall be appointed by the developer to undertake a pre-commencement walkover and checking surveys and to advise on habitat and species protection and mitigation for the site. The ECoW will also undertake regular supervision visits to oversee the agreed habitat protection areas and visit as required to oversee any unexpected works that could affect habitats or species on site. The supervision is to be undertaken in accordance with relevant method statements and a Construction Environmental Management Plan (CEMP). This condition may only be fully discharged on completion of the development subject to satisfactory written evidence of regular monitoring and compliance by the pre-appointed ecologist prior to and during construction.

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

47. Prior to the construction of any unit hereby approved above damp proof course level, details of the internal footpaths that provide access onto the adjacent wagonway shall be submitted to and approved in writing by the Local Planning Authority. These details shall include alignment, width not exceeding 2.5m, levels surface treatment and boundary treatment. Thereafter, footpaths shall be constructed in accordance with the approved details and where footpaths are constructed within the RPA's of retained trees, works shall be carried out in accordance with BS 5837:2012 using Cell web or similar.

Reason: To ensure that local wildlife populations are protected in the interests of ecology having regard to the NPPF and Policy DM5.5 of the North Tyneside Local Plan (2017).

48. Prior to the commencement of any part of the development hereby approved a Litter Management Strategy for the construction and operation of the development that extends into the Silverlink Biodiversity Park Local Wildlife Site (LWS) shall be submitted to and approved in writing by the Local Planning Authority. Thereafter, the development hereby approved shall be carried out in full accordance with these agreed details and permanently retained post construction.

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

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

Reason: To ensure that local wildlife populations are protected in the interests of ecology having regard to the NPPF and Policy DM5.5 of the North Tyneside Local Plan (2017).

50. Prior to the commencement of any unit hereby approved above damp proof course level details of 10no. bird boxes (variety of designs) shall be submitted to and approved in writing by the Local Planning Authority. These details shall include specifications and suitable locations. Thereafter, these agreed details shall be installed prior to any unit hereby approved being brought into use and shall be permanently maintained and retained.

Reason: To ensure that local wildlife populations are protected in the interests of ecology having regard to the NPPF and Policy DM5.5 of the North Tyneside Local Plan (2017).

51. Prior to the commencement of any unit hereby approved above damp proof course level details of 10no. bat boxes shall be submitted to and approved in writing by the Local Planning Authority. These details shall include specifications and suitable locations. Thereafter, these agreed details shall be installed prior to any unit hereby approved being brought into use and shall be permanently maintained and retained.

Reason: To ensure that local wildlife populations are protected in the interests of ecology having regard to the NPPF and Policy DM5.5 of the North Tyneside Local Plan (2017).

52. Prior to the commencement of any part of the development hereby approved an Amphibian Working Method Statement shall be submitted to and approved in writing by the Local Planning Authority. Thereafter, all works onsite shall be carried out in full accordance with these agreed details.

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

53. Prior to the commencement of any part of the development hereby approved an Invasive Species working method statement shall be submitted to and approved in writing by the Local Planning Authority. Thereafter, all works onsite shall be carried out in full accordance with these agreed details.

Reason: This information is required pre-commencement to ensure that the amenity of the area is protected in the interests of ecology having regard to the NPPF and Policy DM5.5 of the North Tyneside Local Plan (2017).

54. Prior to the commencement of any part of the development hereby approved a Hedgehog Working Method Statement shall be submitted to and approved in writing by the Local Planning Authority. Thereafter, all works onsite shall be carried out in full accordance with these agreed details.

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

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

Reason: To ensure that local wildlife populations are protected in the interests of ecology having regard to the NPPF and Policy DM5.5 of the North Tyneside Local Plan (2017).

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

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

Informatives

Building Regulations Required (I03)

Consent to Display Advertisement Reqd (I04)

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)

Advice All Works Within Applicants Land (I29)

Take Care Proximity to Party Boundary (I21)

Coal Mining Referral Area , (FULH) (I43)

Street Naming and numbering (I45)

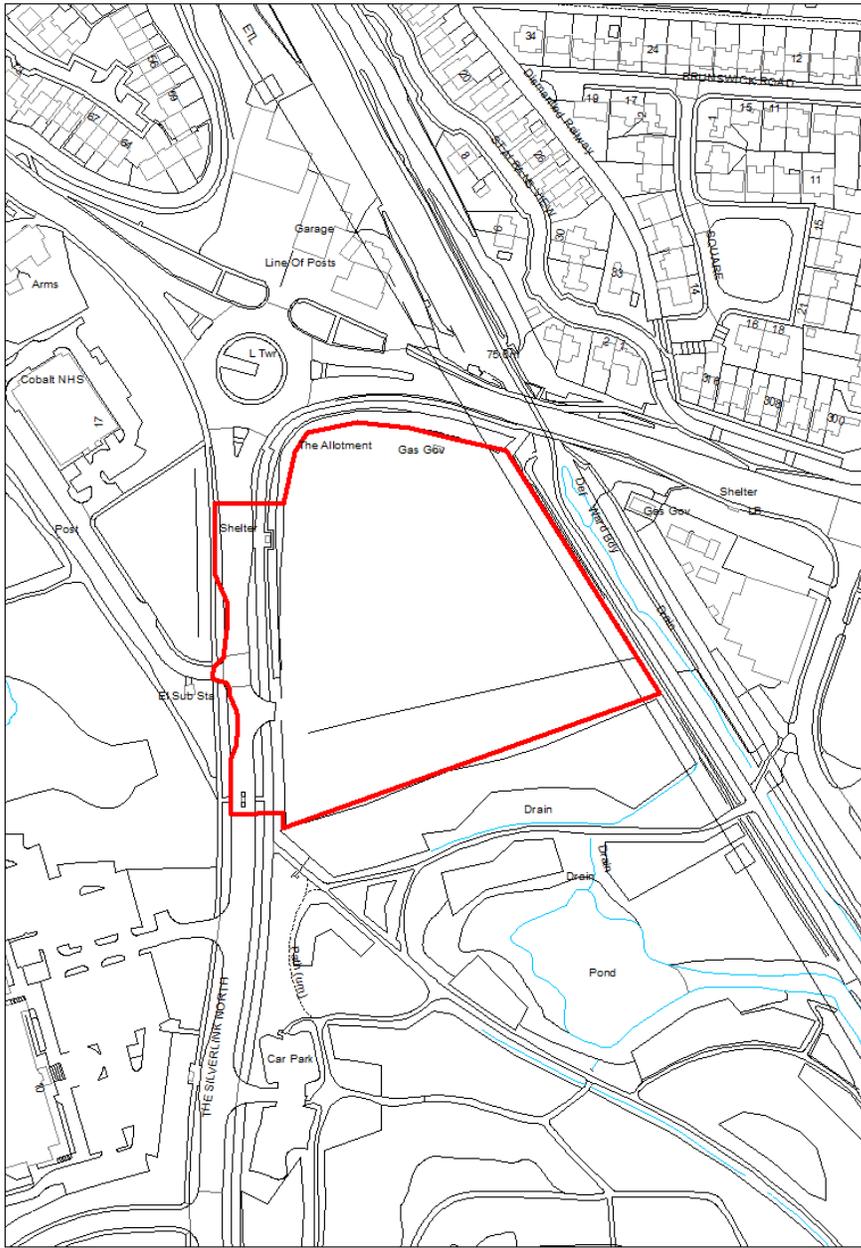
Highway Inspection before dvlpt (I46)

Free and full access to the Public Right of Way network is always to be maintained. Should it be necessary for the protection of route users to temporarily close or divert an existing route during development, this should be agreed with the council's Public Rights of Way Officer.

Northumbrian Water inform you that strategic water mains lie within the site boundary and may be affected by the proposed development. Northumbrian Water does not permit a building over or close to our apparatus. We will work with the developer to establish the exact location of our assets and ensure any necessary diversion, relocation or protection measures required prior to the commencement of the development. We include this informative so that awareness is given to the presence of assets on site. For further information is available at <https://www.nwl.co.uk/services/developers/>

Environment Agency information: -Sub water fuel storage (Position Statement D3) With each storage tank having a diameter of 3.02m and groundwater levels known to be between 0.6-3.6m below ground level, it is inevitable that the tanks and most of the related sub-surface infrastructure will be below the water table in the superficial geology (estimated to be at least 8m in thickness) underlying the site. Therefore mitigation measures should be strenuous and pollution prevention measures should remain robust during installation and operational phases of the development. The integrity of the concrete infrastructure in which the tanks will be placed must be sufficient to prevent any leaking petrol or diesel from escaping into surrounding groundwater and any leaks must be dealt with swiftly to prevent pollution of the environment. Ponds with potential hydraulic connectivity with shall groundwater are located ~ 165 metres south-west, ~ 100m east and ~ 200m south-east of the proposed location for fuel storage. Pollution prevention

measures must be robust to ensure that hydrocarbons cannot migrate laterally to these sensitive habitats. -Surface water drainage Formal consent should exist for discharge of surface water to the proposed Highways drain should be in place. The two Class 1 oil-water separators ('forecourt separator' to serve the petrol filling station and 'bypass separator' to serve the 'drive thru' coffee shop) should be of sufficient capacity for the volumes of surface water to be treated. They must be serviced, maintained and cleaned as per manufacturer's instructions to ensure they do not pose a risk of pollution to groundwater and surface waters. -Adherence to good practice guidance Good practice should be followed in the location, design, construction and maintenance of petrol stations and other fuel dispensing facilities. Due regard should be given to 'The Environment Agency's approach to groundwater protection' document, in particular the position statements and guidance in the section on the storage of pollutants (chapter D). You should also refer to the following pollution prevention and mitigation guidance including: -Guidance on Environmental Management at Petrol Filling Stations - Energy Institute -Design, construction, modification, maintenance and decommissioning of filling stations (also known as the Blue Book (APEA/EI) - Energy Institute - 4th Edition, 2018 - It is acknowledged that the Blue Book will be adhered to in this development. -Groundwater Protection Code - Petrol stations and other fuel dispensing facilities involving underground storage tanks - Defra Code of Practice -CIRIA C736: Design of Containment Systems for the Prevention of Water Pollution The Blue Book provides detailed information on the decommissioning (and investigation) of redundant tanks, risk assessment, the design and construction criteria and maintenance procedures which we expect to be implemented -Adhere to Land Contamination: Risk Management (LCRM) guidance While some site investigation work has been undertaken, we recommend that developers should do the following; - Follow the risk management framework provided in Land Contamination: Risk Management, when dealing with land affected by contamination; -Refer to our Guiding principles for land contamination for the type of information that we require in order to assess risks to controlled waters from the site - the local authority can advise on risk to other receptors such as human health; - Consider using the National Quality Mark Scheme for Land Contamination Management which involves the use of competent persons to ensure that land contamination risks are appropriately managed. Please note that our comments are only in relation to environmental issues. Other may need to be consulted with respect to Health and Safety or amenity issues. Further guidance can be found on water management pages of gov.uk



Application reference: 20/01741/FUL

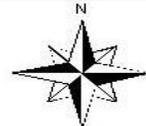
Location: Plot 11, The Silverlink North, Cobalt Business Park, West Allotment

Proposal: Erection of petrol filling station (Sui Generis) with associated retail kiosk (Use Class E) and drive-thru coffee shop (Use Class E) with associated car parking, service arrangements, landscaping and access including the provision of a new roundabout

Not to scale

Date: 30.03.2021

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**Appendix 1 – 20/01741/FUL
Item 2**

Consultations/representations

1.0 Internal Consultees

1.1 Highways Network Manager

1.2 This application is for the erection of a petrol filling station (Sui Generis) with associated retail kiosk (Use Class E) and drive-thru coffee shop (Use Class E) with associated car parking, service arrangements, landscaping & access including the provision of a new roundabout

1.3 The site is vacant and is located to the north of the business park on Silverlink North and a Transport Assessment (TA) was submitted as part of the application which looked at the highway network in the vicinity of the site. The impact of the development on the network is not deemed as severe. As part of the development, a new roundabout is proposed that will also serve the existing hospital site opposite and act as a traffic calming feature on the existing road.

1.4 Servicing will take place wholly within the site and parking has been provided to meet the needs of the site with cycle parking and Electric Vehicle (EV) charging points included in the layout.

1.5 The site has pedestrian links into the existing adopted highway at the front as well as the Public Right of Way to the east of the site and a Framework Travel Plan has been included.

1.6 For these reasons outlined above, conditional approval is recommended.

1.7 Recommendation - Conditional Approval

1.8 The applicant will be required to formally close all roads and footpaths within the site that are no longer required under Section 247/257 of the Town & Country Planning Act 1980.

1.9 The applicant will be required to enter into an appropriate Legal Agreement for the following works:

Provision of roundabout new accesses

Improved footpath links

Associated street lighting

Associated drainage

Associated road markings

Associated Traffic Regulation Orders

Associated street furniture & signage

1.10 Conditions:

ACC25 - Turning Areas: Before Occ

PAR04 - Veh: Parking, Garaging before Occ

REF01 - Refuse Storage: Detail, Provide Before Occ

SIT07 - Construction Management

SIT08 - Wheel Wash

No part of the development shall be occupied until a scheme for the following off-site highway works has been submitted to and agreed in writing by the Local planning Authority. This scheme shall be carried out in accordance with the agreed details and retained thereafter:

Provision of roundabout new accesses
Improved footpath links
Associated street lighting
Associated drainage
Associated road markings
Associated Traffic Regulation Orders
Associated street furniture & signage
Reason: In the interests of highway safety.

No part of the development shall be occupied until any adopted highways or Public Rights of Way no longer required within the site have been formally stopped up under Section 247/257 of the Town & Country Planning Act 1990
Reason: In the interests of highway safety.

No part of the development shall be occupied until a car park management strategy has been submitted to and agreed in writing by the Local Planning Authority. This strategy shall be carried out in accordance with the agreed details and retained thereafter.
Reason: In the interests of highway safety.

No part of the development shall be occupied until a delivery, service & refuse management strategy including appropriate methodology & signage has been submitted to and agreed in writing by the Local planning Authority. This strategy shall be carried out in accordance with the agreed details and retained thereafter.
Reason: In the interests of highway safety.

No part of the development shall be occupied until a scheme for secure, undercover cycle parking has been submitted to and agreed in writing by the Local planning Authority. This scheme shall be carried out in accordance with the agreed details and retained thereafter.
Reason: In the interests of highway safety.

Notwithstanding the details submitted in the Framework Travel Plan, no part of the development shall be occupied until a Full Travel Plan has been submitted to and approved by in writing the Local Planning Authority. The Travel Plan will require the Travel Plan Coordinator to be in place prior to first occupation until at least two years from occupation of the final dwelling and will also include an undertaking to conduct travel surveys to monitor whether the Travel Plan targets are being met and be retained thereafter.
Reason: To accord with Central Government and Council Policy concerning sustainable transport.

1.11 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

Free and full access to the Public Right of Way network is always to be maintained. Should it be necessary for the protection of route users to temporarily close or divert an existing route during development, this should be agreed with the council's Public Rights of Way Officer.

1.12 Contaminated Land Officer

1.13 Due to the lack of geotechnical reports submitted for review and limited gas monitoring data carried out I am unable to make a fully informed decision.

1.14 The central part of the site lies within a Coal referral area and although the environmental assessment has suggested the installation of a gas membrane no detail of the exact membrane have been given. Due to the lack of information and the age of the reports that the environmental assessment was based on (14 years) the following must be attached:

Con 003, CON004, CON005, CON006, CON007
Gas 006

1.15 Environmental Health

1.16 I have reviewed the applicant's response indicating that a noise assessment was scoped out at the pre-application stage. I would agree that a detailed noise assessment was not necessary for the determination of the application. However, where any noise generating external plant and equipment that may result in additional noise to the area would need to be considered and a noise scheme provided via planning conditions to ensure no increase to the background noise levels where these are already elevated. Road traffic noise is anonymous in nature whereas plant noise such as external chiller units, extractor fans, pumps etc, which may have associated tonality of operate intermittently would need to be assessed in accordance to BS4142 and therefore I disagree that a noise scheme for the installation of such equipment would not be necessary. It is not considered that the distance and topography of the land would provide sufficient screening and as the existing background noise levels are not known and external plant may operate during the night time period when the background would be lower, a noise scheme to ensure any noise external plant and equipment is suitably mitigated will be required.

1.17 I note that the applicant advises that M&S and Costa unit will not have any cooking of foods and for that reason no kitchen extraction or odour abatement equipment is required. A condition will need to be attached to any planning consent to prohibit cooking of foods and to only permit the reheating of foods.

1.18 If planning approval is to be given, I would recommend the following conditions:

EPL01 in accordance to layout plan provided with application.
EPL02

EPL03

Non standard condition: Cooking of foods

No equipment for the cooking of foods to be installed or used within the retail units at any time. Only small appliances for the reheating of foods shall be permitted for use in the units.

HOU03 A3 and Retail kiosk 07:00 - 23:00 hours Outdoor seating area to be restricted to 07:00 and 21:00 hours.

Deliveries or collections to the site to be restricted to between 07:00 hours and 23:00 hours.

NOI02

NOI10

Noise condition: New External Plant and Equipment

A noise scheme must be submitted in accordance with BS4142 to determine the current background noise levels for daytime, evening and night. The rating level for all external plant and equipment must not exceed the current background noise levels.

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.

LIG01

1.19 Lead Local Flood Authority (LLFA)

1.20 I have carried out a review of planning application 20/01741/FUL surface water drainage proposals. I can confirm in principle I have no objections to these proposals, as the applicant will be providing surface water attenuation within the developments surface water drainage network and suds pond which are designed to accommodate a 1in100yr storm event + 40% increase for climate change. The surface water from the suds pond will then discharge into an existing highway drain which serves The Silverlink North. The rate of discharge from the site will be restricted to the equivalent to greenfield run-off rate of 3.9l/s and will be controlled via the use of a flow control device. The suds pond will be under the ownership of the developer and the future maintenance of these assets will be either carried out by the developer or an appointed management company. The proposed petrol station drainage will incorporate a forecourt separator which will help prevent pollutants from entering the site's surface water drainage system.

1.21 I would recommend the following conditions are placed on the application:

- A copy of the detailed surface water drainage design to be provided to the LLLFA for approval prior to construction.
- Details of the appointed Suds management company to be provided to LLFA upon completion of development.

- A plan showing the surface water flow paths through the development for rainfall events in exceedance of a 1in100yr storm event and identifying any mitigation measures required to prevent flooding to buildings during this type of rainfall event.
- A Condition survey to be undertaken of The Silverlink North highway drain from the A191 roundabout through to a distance of 100m south of the proposed connection point. Any issues identified within the highway drain to be raised with LLFA and any agreed repairs to be undertaken by developer prior to a formal connection being made.

1.22 Landscape and Biodiversity

1.23 Existing Site Context

1.24 The proposed development site comprises of approx. 2.0ha of open space currently vacant of any use. The site is located to the south of New York Road (A191) and east of the Silverlink North. A designated Local Wildlife Site and Local Nature Reserve (Silverlink Park & Wagonway LWS & LNR) lies to the south of the site, with part of this designated site located within the red line boundary of the proposed scheme. The Silverlink wagonway lies adjacent to the eastern boundary of the site which is supported on both sides by linear hedgerow sections and trees with fragmented, individual and occasional tree groupings. To the west of the site, beyond the Silverlink North road, lies another Local Wildlife Site, West Allotment Pond LWS.

1.25 The majority of the proposed development site comprises of semi-improved grassland, with boundary planting that includes ornamental planting and semi-mature tree avenues along the western and northern boundary. A strip of land along the southern boundary, of approximately 0.45ha, supports a mosaic of scattered and dense scrub, coarse grassland and marshy grassland. This area is within the boundary of the Silverlink Park Local Wildlife Site (LWS).

1.26 The application is for the erection of a petrol filling station with associated retail kiosk and drive-thru coffee shop with associated car parking, service arrangements, landscaping and access including the provision of a new roundabout. The scheme also includes SuDs as part of the design.

1.27 The site is allocated in the adopted North Tyneside Local Plan as 'available employment land' under Policy S.2.2. and located in a wildlife corridor as defined by the North Tyneside Local Plan. Part of the site is also within the Silverlink Park and Wagonway LWS. In terms of the environment, the following Local Plan polices apply:

- DM5.2 The Protection of Green Infrastructure
- S5.4 Biodiversity and Geodiversity
- DM5.5 Managing effects on Biodiversity and Geodiversity
- DM5.7 Wildlife Corridors
- Policy DM 5.9 Trees, woodland and hedgerows
- NPPF 'Conserving and Enhancing the Natural Environment' sections 170, 174 and 175.

1.28 Following on from discussions and previous comments, a number of surveys, reports and revised information has been submitted to support the application including the following:

- Arboricultural Impact Assessment Arboricultural Method Statement Tree Protection Plan
- Ecological Appraisal
- Breeding Bird Survey
- Flood Risk & Drainage Assessment Report
- Revised Planting Strategy (Drawing no DR-L-0201 P04)
- Revised Illustrative masterplan (Drawing No. DR-L- 0801 P04)
- Revised Proposed Site Layout (Drawing No. 15370-23 Rev C)

1.29 Landscape (Trees and Landscape Design)

1.30 An *Arboricultural Impact Assessment Arboricultural Method Statement Tree Protection Plan* has been submitted by Elliot Consultancy in accordance with British Standard 5837:2012 'Trees in Relation to Design, Demolition & Construction'. The trees within the site are not protected by a TPO or located within a conservation area. However, the structural tree cover and hedgerows bordering the site are important existing landscape assets as they complement and support the biodiversity of the immediate and wider area as well as helping to screen the area from external lateral views into the site.

1.31 Trees are an important feature in urban landscapes and make a significant contribution to the character and quality of our landscape. The existing tree/scrub groups are an important component of the wider green infrastructure to the area which has developed into an attractive, connected and successful landscape design, which compliments the more native and informal layout of the surrounding parks/wildlife sites. Therefore, the development should, in the first instance, seek to retain, preserve and protect any existing healthy tree structure as first consideration in any design for the scheme to be acceptable.

1.32 The submitted Arboricultural Impact Assessment (AIA) details the following impacts:-

- Loss of trees to the southern boundary (Group 2) due to the construction of the new access, buildings, SUDs basin, and car parking areas. Tree group 2 is located in an area of land that is contained within the Local Wildlife Site and will require removal to accommodate a SUD's area to the south of the site.
- Two sections of existing trees are to be removed to the eastern boundary of the site (tree group 6) to allow access to the existing wagonway.
- Standard trees along the western boundary are also to be removed (T8 to 17) which are young, recently planted trees. A landscape strategy has been submitted (revised illustrative masterplan) which indicates that the western boundary will be replanted with a tree/shrub line similar to that which currently exists.
- In addition to tree loss to accommodate the build, there will potentially be damage to retained trees during the construction of new footpaths and parking bays. The design shows footpath and parking adjacent to Groups 3 & 6 that could lead to branch damage. However, it is proposed to install the appropriate protective fencing to ensure damage is minimized. No details have been provided regarding utilities which could further impact on retained tree groups.

1.33 Ecological Appraisal

1.34 An Ecological appraisal has been submitted to support the application. Surveys undertaken in 2014 and 2020 show that the site comprises mainly poor semi-improved grassland with areas of coarse mesotrophic grassland at the edges, small areas of which are more diverse semi-improved neutral grassland. The southern boundary consists of tall herb, tall ruderal and scattered scrub vegetation with scattered scrub and marshy grassland habitat in the south east part of the site. This area is part of the Local Wildlife Site and Nature Reserve.

1.35 No evidence of potential bat roosts was found on site, though the trees, hedgerow and scrub provide foraging opportunities for bats. Field data for 2020 undertaken at the end of August showed low bat activity by common pipistrelle bats with the main features of importance being the wagonway and adjacent country park (LWS). Field data from 2014, undertaken in July and August, showed more activity across the whole site (July). Water vole and otter were not thought likely to use the site. Eight great crested newt ponds are located within 500m of the site. eDNA survey indicated that great crested newts are absent from ponds within 250m of the site and so unlikely to be adversely affected by the development. No evidence of badger was found and it is not considered likely that this species is present on site. No significant invertebrate species were found on site during survey and no patches of important food source plants for key species were recorded. Hedgehog, brown hare and common toad were considered likely to be present on site at times throughout the year, though there are no nearby hedgehog records.

1.36 Assessment of the survey results suggest that the site is of low to local value for the habitats it supports, but adjacent to, and part of, a wider network of habitats of district value including the Silverlink Park and Waggonway LWS and Local Nature Reserve.

1.37 The potential impacts of the scheme include the following:-

- Loss of trees, scrub and ornamental shrub
- Loss of 0.25ha of habitats within the Local Wildlife Site (for SuDS)
- Loss of approximately 1ha of semi-improved grassland
- Lighting impacts to the LWS and wagonway and impacts on commuting and foraging bats
- Loss of planting along the wagonway
- Loss of habitat supporting breeding birds and foraging/commuting bats
- Harm/disturbance to amphibians

1.38 The mitigation for the impacts of the scheme include landscaping within the site, precautionary method statements for amphibians and hedgehog, provision of bird and bat boxes and lighting design to minimize impacts on bats.

1.39 Breeding Bird Survey

1.40 Breeding bird surveys undertaken between April to June in 2014 found a total of 47 pairs of 20 species recorded in the study area. All of these pairs were using the trees and scrub surrounding the grassland; no birds were nesting in the grassland. Due to the study area's urban setting, it was considered to form part of

a network of habitats including the country park and waggonway of at least parish value.

1.41 Breeding bird survey undertaken in 2020 found 38 pairs of 18 species in the study area. Of these, 16 pairs of 13 species were found within the site itself with no birds found nesting in the grassland. Three UK Priority Species and Birds of Conservation Concern (BoCC) were found breeding within the site (Bullfinch, Reed Bunting and Dunnock). These were all breeding within the southern boundary of the site within the Local Wildlife Site. The assessment states that the site and immediate setting is likely to be of up to parish value due to the presence of species such as bullfinch, blackcap, long-tailed tit and reed bunting. These species do not tend to be present in urban habitats such as gardens and built development and thus are likely to be absent from many parts of the surrounding area.

1.42 The report concludes that the majority of breeding birds are present in scrub and hedgerows along the southern and eastern boundaries and retaining habitats in these areas will minimise impacts on birds. It therefore recommends retaining existing scrub and hedgerows where possible, particularly along the southern and eastern boundaries.

1.43 Impacts of the Development and Mitigation

1.44 Local Wildlife Site Impacts

1.45 The northern boundary of Silverlink Biodiversity Park LWS is within the site boundary for this application and is proposed for use as a drainage area. This includes a large SuDs area with associated connections. Whilst no detailed drainage plans have been submitted, the SuDs scheme and drainage solutions currently presented are overly engineered with little biodiversity value, resulting in the loss of valuable habitat (grassland/scrub mosaic habitat). As this will form part of the LWS, discussions have been held and an alternative SUD's design has been agreed that will allow a permanent shallow body of water that will offer a wider range of diverse habitats more suited to the local wildlife site. This will benefit amphibians and species such as great crested newt which the site is designated for.

1.46 Additional native planting (native hedges and scrub) to the immediate area surrounding the SUD's pond will provide an essential buffer between the development and the LWS and protect the site from disturbance associated with litter/pollution, noise, lighting and human disturbance. This planting should be temporarily fenced off until it becomes established to ensure the LWS is adequately protected.

1.47 In addition to the above, Silverlink Biodiversity Park LWS will also be subject to indirect impacts associated with the scheme as a result of an increase in footfall and litter issues. The applicant has agreed to manage litter within the development site and the adjacent Local Wildlife Site to address this (by way of condition) and a financial contribution will also be secured towards the management of habitats within Silverlink Park.

1.48 Mitigation

1.49 Standard trees along the western boundary are also to be removed (T8 to 17) which are young, recently planted trees. No detailed landscape plans have been provided with the application, but a landscape strategy has been submitted (Illustrative masterplan) which indicates that the western boundary will be replanted with a tree/shrub line similar to that which currently exists. The scheme will partially impact the LWS as a result of drainage requirements and there will be some tree, scrub and semi-improved grassland loss. To mitigate these impacts, the attenuation pond will be designed to hold permanent water to provide biodiversity benefits and native scrub and hedgerow planting will be provided along the northern boundary of the LWS to enhance and protect this area. In addition, a 7m wide native scrub planting buffer will be provided along the eastern boundary of the site as well as a native hedge to the northern boundary of the petrol station. Areas of semi-improved grassland will be retained where possible within the site and re-instated in those areas shown on the landscape plan to species rich grassland. The loss of semi-improved grassland within the site will also be addressed by a financial contribution towards the management of grassland habitat within the adjacent Silverlink Biodiversity Park LWS.

1.50 Impacts to the wildlife corridor /wagonway

1.51 The wagonway to the east of the site will be impacted through the introduction of two new footpaths cutting through this area. Preapp comments previously provided for this site, outlined the importance of the wagonway suggesting that planting should be retained and enhanced with buffer planting to protect this route from the adjacent development, particularly lighting impacts. After various discussion the 2no two footpath routes onto the wagonway would be acceptable on the condition that the footpath width is narrow (no more than 2.5m wide) and unlit. Additional buffer planting to the eastern boundary of the development site has been provided to enhance the planting along the wagonway giving an overall 7.0m width of buffer planting.

1.52 Lighting Impacts

1.53 A Lighting Impact Assessment has not been submitted at this stage. This will enable the LPA to assess the impact of lighting on the southern and eastern boundaries of the site and impacts to foraging and commuting bats. Lighting within the site has the potential to have an adverse impact on the Local Wildlife Site/Nature Reserve and the wagonway which form part of the designated wildlife corridor, however it has been agreed that this information can be provided on condition and that any lighting adjacent to the LWS and wagonway must be below 2 lux.

1.54 Impact on Amenity

1.55 A landscape strategy has been submitted (revised illustrative masterplan) which indicates that the western boundary will be replanted with a tree/shrub line similar to that which currently exists. The landscape scheme will be revised to include planting to the northern boundary of the site with native shrub planting or a hedgerow with trees to mark the boundary of the site and reduce the visual impact of the development. Planting to the west of the SUDS basin will be less ornamental incorporating native tree and scrub planting and extend along the north of the suds area following the new access road and path more in keeping

with the LWS. A fence will be required to restrict access and minimise disturbance to an area which will be in effect an extension of the LWS and this will also protect the planting as it becomes established. The area to the east of the SUDS is already established with tree, scrub and marshy grassland. This area is part of the Local Wildlife Site (LWS) and the northern boundary of this part of the LWS contains dense scrub that will be retained and protected as part of the works. To ensure successful establishment of the area, a litter strategy will be required as part of a management plan

1.56 Conditions

1.57 Taking into account further revisions required (on condition) the scheme has considered design changes and mitigation that minimizes impacts, protects important features such as the Local Wildlife Site and wagonway and provides adequate mitigation for habitat loss. The development is acceptable in principle, subject to the provision of a financial contribution agreed by the LPA, towards Silverlink Biodiversity Park and the following conditions being attached to the application:

Protection of retained trees/shrubs/hedges

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

Arboricultural Method Statement

A revised Arboricultural Method Statement and Tree Protection Plan is to be submitted to incorporate the amended layout as per revised drawing No. DR-L-0801 P03. Thereafter, the development hereby permitted shall only be carried out in accordance with the revised Arboricultural Method Statement and Tree Protection Plan and BS5837:2012 'Trees in relation to design, demolition and construction – Recommendations'. The TPP is to be extended to include any areas of retained grassland habitat to the north and western boundaries of the site.

Tree Protective Fencing

Prior to the commencement of any site clearance works in connection with the development hereby approved (including demolition/excavation works, tree works, soil moving, hardstandings, temporary access construction and / or widening or any operations involving the use of motorised vehicles or construction machinery, site security fencing, services), the trees within or adjacent to and overhang the site that are to be retained are to be protected by fencing and in the locations in the Tree Protection Plan (TPP). No operational work, site clearance works or the development itself shall commence until the fencing is installed. The protective fence shall remain in place until the works are complete or unless otherwise agreed in writing with the Local Planning Authority.

The protective fence is NOT to be repositioned without the approval of the Local Authority.

Implementation of Tree Protection during development

All works within the RPA of the retained trees that include (but not limited to) kerb installation, fence post installation, footpath construction, lighting, drainage and the installation of any services (utilities), are to be carried out in complete accordance with the Arboricultural Method Statement, BS 5837:2012 and the National Joint Utilities Group (NJUG) 'Guidelines for the Planning, Installation and Maintenance of Utility Apparatus in Proximity To Trees'. Where works are within the RPA (root protection area) of any tree, works will be undertaken by hand or suitable method such as an air spade to ensure works will not damage to the root systems of the retained trees. Confirmation of the proposed working method is to be submitted for approval.

Lighting

Prior to the installation of any floodlighting or other form of external lighting, a lighting scheme shall be submitted to and approved in writing by the Local Planning Authority. High intensity security lights will be avoided as far as practical and if required, these will be of minimum practicable brightness, be set on a short timer and will be motion sensitive only to larger objects. Lighting must be designed in accordance with the BCT & Institute of Lighting Professionals (ILP) Guidance Note 08/18 "*Bats & Artificial Lighting in the UK*" to minimise light spill to adjacent boundary features such as woodland, scrub, grassland and hedgerow habitats and should be less than 2 lux in these areas. This shall include the following information:

- a statement of frequency of use, and the hours of illumination;
- a site plan showing the area to be lit relative to the surrounding area, indicating parking or access arrangements where appropriate, and highlighting any significant existing or proposed landscape or boundary features;
- details of the number, location and height of the proposed lighting columns or other fixtures;
- the type, number, mounting height and alignment of the luminaires;
- the beam angles and upward waste light ratio for each light;
- an isolux diagram showing the predicted illuminance levels at critical locations on the boundary of the site and where the site abuts residential properties or the public highway to ensure compliance with the institute of lighting engineers Guidance Notes for the reduction of light pollution to prevent light glare and intrusive light for agreed environmental zone; and
- where necessary, the percentage increase in luminance and the predicted illuminance in the vertical plane (in lux) at key points.

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

Landscape scheme

Within one month from the start on site of any operations such as site excavation works, site clearance (including site strip) for the development, a fully detailed landscape plan shall be submitted to and approved in writing by the Local Planning Authority. The landscape scheme shall include:

- Native standard trees at 10m spacings to be planted within any native hedgerow
- Native hedge to northern boundary to extend long the western boundary
- Standard trees to the western boundary to be a minimum of 14-16cm girth
- Temporary fence will be required to restrict access and minimise disturbance to the northern boundary of the hedgerow to the SUD's area
- Details of retained semi-improved grassland areas
- Details of re-instated species rich grassland areas

The landscaping scheme shall be implemented in accordance with the approved details within the first available planting season following the approval of details. All hard and soft landscape works shall be carried out in accordance with the approved details and to a standard in accordance with the relevant recommendations of British Standard 8545:2014. Any trees or plants that, within a period of five years after planting, are removed, die or become seriously damaged or defective, shall be replaced with others of species, size and number as originally approved, by the end of the first available planting season thereafter. No development shall take place until a schedule of landscape maintenance for a minimum period of 10 years has been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved schedule.

Roundabout Landscape Plan

Within one month from the start on site of any operations, details of landscaping for the new roundabout and road alterations is to be submitted for approval. The landscaping scheme shall be implemented in accordance with the approved details within the first available planting season following the approval of details. All hard and soft landscape works shall be carried out in accordance with the approved details and to a standard in accordance with the relevant recommendations of British Standard 8545:2014. Any trees or plants that, within a period of five years after planting, are removed, die or become seriously damaged or defective, shall be replaced with others of species, size and number as originally approved, by the end of the first available planting season thereafter.

Construction Environmental Management Plan

The contractor's construction method statement relating to traffic management/site compounds/contractor access must be submitted in writing and approved by the Local Planning Authority and include tree protection measures for the trees to be retained and retention and protection of woodland, scrub and grassland habitat areas. Cabins, storage of plant and materials, and parking are not to be located within the RPA of the retained trees or woodland areas as defined by the Tree Protection Plan and maintained for the duration of the works. The CMS is to include details for the reinstatement of any landscaped areas where compounds have been sited.

Drainage

Detailed drainage plans, including details of ditches, swales and attenuation ponds must be submitted to the Local Authority for approval within 4 weeks of works commencing. Details will include profiles, cross sections and planting of SuDs features. Any ditches, swales or attenuation ponds will be designed to provide ecological benefits, including permanent open water and appropriate native planting agreed by the LPA.

Arboricultural supervision

An arboricultural consultant is to be appointed by the developer to advise on the tree management for the site and to undertake regular supervision visits to oversee the agreed tree protection and visit as required to oversee any unexpected works that could affect the trees. The supervision is to be undertaken in accordance with the approved Arboricultural Method Statement. This condition may only be fully discharged on completion of the development subject to satisfactory written evidence of regular monitoring and compliance by the pre-appointed tree specialist during construction

Ecological supervision

An Ecological Clerk of Works (ECoW) will be appointed by the developer to undertake a pre-commencement walkover and checking surveys and to advise on habitat and species protection and mitigation for the site. The ECoW will also undertake regular supervision visits to oversee the agreed habitat protection areas and visit as required to oversee any unexpected works that could affect habitats or species on site. The supervision is to be undertaken in accordance with relevant method statements and a Construction Environmental Management Plan (CEMP). This condition may only be fully discharged on completion of the development subject to satisfactory written evidence of regular monitoring and compliance by the pre-appointed ecologist prior to and during construction.

Footpaths

Within one month from the start on site of any operations, details of the footpath network including alignment, width, levels, surface treatment and boundary treatment are to be submitted to and approved in writing by the local planning authority. Thereafter, footpaths shall be constructed in accordance with the approved details and where footpaths are constructed within the RPA's of retained trees, works shall be carried out in accordance with BS 5837:2012 using Cell web or similar.

Landscape Management Plan

Prior to the commencement of any development, a detailed 10 year 'Landscape Management and Monitoring Plan' for the management of all landscaping within the application site, including the SUDs area within the LWS, shall be submitted to and approved in writing by the Local Planning Authority. This plan shall include long term design objectives, management responsibilities, timescales and maintenance schedules for all landscaped, grassed or paved areas. The Plan will include details of monitoring surveys of the SUDs pond and species rich grassland areas with update reports submitted to the LPA for review. Thereafter, these areas shall be managed and maintained in full accordance with these agreed details unless first agreed in writing by the Local Planning Authority.

Litter Management

Details of a Litter Management Strategy for the construction and operation of the development site that extends into Silverlink Biodiversity Park Local Wildlife Site (LWS), in order to reduce impacts from the scheme on the adjacent LWS, will be submitted to the LPA for approval within 4 weeks of development commencing on site. The Strategy will be implemented in accordance with the approved details.

Vegetation Removal

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

Birds

10no. bird boxes (variety of designs) will be provided in suitable locations within the development site or a location approved by the LPA. Details of bird box specification and locations must be submitted to and approved in writing by the Local Planning Authority within 4 weeks of development commencing on site and will be installed in accordance with the approved plans.

Bats

10no. bat boxes will be provided in suitable locations within the development site or a location approved by the LPA. Details of bat box specification and locations must be submitted to and approved in writing by the Local Planning Authority within 4 weeks of development commencing on site and will be installed in accordance with the approved plans.

Amphibians

An Amphibian working method statement will be submitted to the Local Planning Authority for approval prior to works commencing on site. All works on site will be carried out in accordance with the approved plan.

Invasive Species

An Invasive Species working method statement will be submitted to the Local Planning Authority for approval prior to works commencing on site. All works on site will be carried out in accordance with the approved plan.

Hedgehog

A Hedgehog working method statement will be submitted to the Local Planning Authority for approval prior to works commencing on site. All works on site will be carried out in accordance with the approved plan.

Mammals

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

1.58 Sustainable Transport comments

1.59 Travel Plan Summary

1.60 A Travel Plan Statement has submitted as part of the Planning Application.

1.61 A Travel Plan Bond is not required.

1.62 A £1,250 Travel Plan Monitoring Fee (£250 per annum) is required, to be included as a Section 106 Agreement. This is for North Tyneside Council (NTC) Officer time spent engaging with the Travel Plan Coordinator (TPC) monitoring the travel plan delivery by the TPC, evaluating annual travel plan progress

reports produced by the TPC and annual survey results as submitted by the TPC. This fee will be secured via a Section 106 Agreement.

1.63 A Full Travel Plan is required for this development. The details of this can be conditioned.

Notwithstanding the details submitted in the Travel Plan, no part of the development shall be occupied until a Full Travel Plan in accordance with the council's Travel Plan Scope, has been submitted to and approved by in writing the Local Planning Authority. Thereafter, the development shall be carried out in full accordance with the agreed Travel Plan.

Reason: To accord with Central Government and Council Policy concerning sustainable transport.

1.64 Public Rights of Way (PROW) Officer

1.65 The following points were received by the PROW Officer:

-North end: there is an opportunity to utilise the 'desire line' which has less gradient to create a link into the site and onto the west sustainable access routes. This would benefit access to the site and act as a real benefit for those heading north without the need to cross the road as it would take them to the New York Road underpass.

-East side: the most northern link is indicated but no detail on construction and gradient profile. This could be conditioned but every effort should be made to make certain the gradients comply with DDA and I am sure they can eat into the site to accommodate.

-West side south end: the provision of what appears to be a shared path linking to the east but it refers to 'cycle lane' at east end and cycle walkway at west – can this be clarified please? Also, the east west link ties into a split ped/cycle path at the west side – is this design continued as per NTC and LTN 1/20 guides or is it a standard shared path? What is the width and gradient profile?

2.0 Representations

2.1 A total of 12 objections have been received. These objections are set out below:

- Nuisance: disturbance, dust, dirt, fumes
- Within greenbelt/no special circumstance
- Adverse effect on wildlife
- Traffic congestion
- Impact on landscape
- Inappropriate in special landscape area
- Poor traffic/pedestrian safety
- Poor/unsuitable vehicular access
- Adverse effect on wildlife
- Impact on landscape
- Loss of visual amenity
- Loss of/damage to trees
- Out of keeping with surroundings
- Poor traffic/pedestrian safety
- Traffic congestion
- Will result in visual intrusion

- Affect character of conservation area
- Loss of residential amenity
- Many people access this piece of land from the wagonway and from the roadside to exercise their dogs. In fact, you can see a circular trail around the perimeter where many people have walked their dogs. Loss of this will mean that people will lose a grass field where they can exercise their pets.
- The Cobalt 'loop' past this, Arnold Clark and then right is used by many to run on and indeed hosts amateur athletics events. The Terry O Gara 5k race is held here and so are the Gordon Smith Relays. The addition of these amenities will mean the cancellation of these events due to the route being unsafe. Yet another event cancelled due to the route being developed on. Given the current pandemic is it wise to stop people exercising and racing outdoors?
- I question the need for a petrol station and coffee shop in this location. We have a petrol station in Shiremoor and then there is the Shell garage on Middle Engine lane. Will there be enough trade for all 3? Given that most people now get petrol at Supermarkets I doubt it. There are local established food places in the shopping precinct next to Tesco, a Subway in the Village Hotel and then a drive through Costa next to Aldi. The market will be over saturated in the vicinity. There is no need for this to be built. More of the same is pointless and over development
- Given the size of Shiremoor and surrounding villages and that it is not a major through route I don't think the proposed development is required and will have a negative impact on the surrounding environment without bringing any tangible benefits to the area
- The area is already congested with traffic and inadequate parking and more shopping facilities would add again to this substantial problem.
- It is one of the last remaining open field sites leading onto a wildlife corridor. It will impact negatively on wildlife in the area. This is just overdoing development for development sake.
- Already a very high level of traffic. The proposed addition will be just off one of the busiest most congested roundabouts leading into Cobalt Business Park. During rush hour it is often at a total stand still. To then as additional congestion and cars to this part without any changes to road layout is ludicrous.
- There will be increased noise levels from people using this after standard working hours, meaning extra noise at night. Shiremoor used to be quiet and peaceful. Now all I hear is road and traffic noise.
- The proposed area is just above the wagonways and right next to the Silverlink biodiversity park, meaning a disruption to the wildlife who use this area, and probable death of wildlife.
- With the government banning Petrol and Diesel car sales within next 15 years, should more petrol stations be developed when the demand is reducing? The rental car site across the road was a petrol station which was not sustainable and closed. There is also a Shell garage within 1 mile.
- Improvements to pedestrian footpath on A191 New York Road should also be considered.
- This field should not be developed. It is crucial for local wildlife e.g. frogs and newts and would significantly disrupt local wildlife in the adjoining Biodiversity Park. One of the only joys of this (increasingly concrete) local community.

2.2 Objection from Wallsend Harriers and Athletic Club

- Impact on highway safety.

- Traffic generation.
- Road access.

Please note that we do not object to development of this particular site. However, there is a separate question of need with Costa operating a similar facility one mile away. Our objection is more with the current proposal and the high dependency of vehicular traffic crossing the existing site boundaries at all times of day.

This development, in its current standing, will limit the advancement of amateur athletics in the local community and the activities and growth of the local athletics club.

Athletics Training: Operating as an amateur athletics club, the club does not have a permanent base to which to conduct training. In addition, as we are all well aware, the Covid pandemic and lockdown restrictions have limited all aspects of everyone's lives this year. In line with our governing body, England Athletics, our guidelines and health and safety risk assessments the club has utilised the West Allotment Country Park and Cobalt Business Park as an informal training location for both senior and junior amateur athletes during 2020. The site provides a well-maintained, traffic free venue for which club activities can be held keeping a safe distance from the general public.

Before the Covid pandemic, the site boundary had also been used as a location for our internal 5km club competition, which was held monthly for junior and senior athletes, as well as twice weekly training sessions.

By approving this development as it stands on this site, the club will no longer consider it safe to operate its current training in this location due to the amount of vehicular traffic that will intersect the new junction.

Races: (Prior to Covid restrictions)

The Terry O'Gara Memorial 5k Road Race is an annual race, usually held on a Sunday morning in March/April, held in memory of our former chairman who passed away in 2012. The race is open to all runner and there is also a junior 'fun run'. The race is advertised as a flat, fast, largely traffic-free course at Cobalt Business Park, starting from the West Allotment Country Park adjacent to this site. This new development will intersect the pavement that part of the race route follows.

In addition to this, the club hosts the Gordon Smith Relays. This is an evening event held in May each year. This is a popular relay event within the North East running community, following a largely traffic-free course. Again, the relay route follows pavement that this new development will intersect.

Both races are held under licence from England Athletics and permission from North Tyneside Council and Northumbria Police. We provide risk assessments as well as a high number of race marshals in place for the health and safety of all participants.

It is noted that each race crosses a number of B roads around the Algernon industrial estate and Merlin Way/Silver Fox Way. However, the times of each event are held when the industrial sites are not in operation. Therefore, there is

less intersecting traffic and a lower foreseen health and safety risk. Each crossing is also monitored by race marshals.

This proposed hours of operation of this development will clash with the operation of the club events. As vehicles will consistently require access to the development, this makes the future hosting of these races in this location untenable.

Furthermore, the events mentioned above use the Cobalt Exchange as the race headquarters and the races are sponsored and supported by local business. Building this development as it currently stands and forcing the athletics club to find an alternative venue, will have a detrimental impact on local businesses.

Finance: The races mentioned above are the main source of income for the athletics club. In our most recent accounts (to 31 January 2020) the club had an income of £13.5k, of which £6.29k (46%) came from hosting both races. By pressing ahead with this development as it stands and forcing the cancellation of these events until another venue is identified, the development is denying the club, now with charitable status, of nearly half of its income and limiting our ability to meet our Charitable Objects as listed with the Charity Commission.

Sport England: The Government advises local planning authorities to consult with Sport England in cases where development might lead to loss of, or loss of use for sport, of any major sports facility. Wallsend Harriers are directly affiliated to the national governing organisation for the sport in England, England Athletics, who have a shared interest in providing athletics opportunities for all. It is our intention to share our objection and reasons listed above with Sport England and other local stakeholders.

In summary, the club, its charity trustees and management committee believe that this development as it currently stands will have a negative impact on local amateur athletics in North Tyneside and our ability to meet our charitable objectives.

2.3 Living Streets North Tyneside

On behalf of Living Streets North Tyneside, I would like to object to this planning application on the ground of non-compliance with approved policy and inappropriate design.

- Inappropriate design
- Non-compliance with approved policy

Policy DM7.4 (New Development and Transport) states that the Council and its partners will ensure that the transport requirements for 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.

The route for pedestrians and cyclists along the eastern side of The Silverlink North is incorrectly identified in the transport assessment as a shared use, whereas in fact it is constructed as a separate cycleway and footway.

The proposed site access arrangement has not been designed in accordance with current guidance for walking and cycling facilities LTN 1/20, instead the transport assessment states that it has been designed in accordance with Design Manual for Roads and Bridges (DMRB) standards which are those prescribed for trunk roads rather than urban streets.

Uncontrolled crossings for pedestrians and cyclists across each arm of The Silverlink North/Proposed Site Access Roundabout do not meet the requirements of LTN 1/20 which stipulates cycle priority or parallel crossings for a location of this type. The overall design of the proposed roundabout does not support installation of these crossings.

The design of walking and cycling routes within the site is based 2.0m wide footways along both sides of the site access road, which again do not meet the standards of LTN 1/20.

Upgrading walking and cycling infrastructure along the A191 northern boundary of the site to comply with LTN 1/20 and meet the requirements for improved transport links along this corridor identified in the local plan would require land from the site. This has not happened, and the land is instead identified as landscaping.

Aspects of the layout are to be lauded with the connections to the waggonways network in particular being well thought out. However with new government guidance coming into force from 27th July 2020 there is ample time for the design including access from Silverlink North to have been adapted and made compliant, this has not happened.

Policy DM3.6 (Local Facilities) states that "Small-scale out of centre facilities serving local retail and leisure needs of less than 500m² gross floorspace, or extensions to existing facilities, will be permitted if it can be shown that all of the following requirements are met:

- a. The proposal is of an appropriate size and function to meet specific day-to-day needs of a neighbourhood population within convenient, safe walking distance (300m);
- b. It will not have an adverse effect on the amenity of neighbouring uses;
- c. Contribute to social inclusion and sustainable development;
- d. Safeguard the retail character and function of existing centres and not detract from their vitality and viability.

Proposals to meet the day to day needs of employees on employment sites would be subject to this policy."

The proposed retail kiosk (Use Class E) and drive-thru coffee shop (Use Class E) are not within 300 metres of any of the office accommodation on Cobalt Business Park. There is undeveloped land allocated for employment adjacent to the existing Cobalt local facilities development which does meet these criteria. There is very little residential housing within 300 metres, all to the north of the A191.

These retail and restaurant uses with little or no catchment within walking distance will instead rely on drawing trade which would otherwise sit within the

boroughs town centres in contravention of policy DM3.5 Primary Shopping Areas.

The development of these restaurant and retail uses with no walkable catchment does not comply with policy S1.1 Spatial Strategy for Sustainable Development which states that "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:

- a. Employment development will be located:
 - i. within the main urban area; and,
 - ii. at areas easily accessible to residents by a range of sustainable means of transport"

Climate Emergency Declaration (July 2019) and Climate Emergency Action plan (September 2020) - Decarbonising transport is one of the key objectives of North Tyneside Council, which declared Climate Emergency in July 2019. The Action plan issued in September 2020 states: "Transport has a central role to play in North Tyneside reaching carbon neutral by 2050. The sector is the second largest contributor to the Borough's footprint, accounting for around a third (32%) of the total emissions."

The proposed development includes a petrol filling station and drive-thru outlets, which is inconsistent with the Council's commitment to reduce transport-related emissions and invest in EV charging infrastructure, hydrogen-fuelled public transport and active travel. Clearly the path set in the action plan does not support petrol filling amenities. There are two other existing petrol stations within 5-min drive of the proposed development.

2.4 Objection on behalf of North Tyneside public transport users' group. The objections are the same as those submitted on behalf of Living Streets North Tyneside.

3.0 External Consultees

3.1 Northumbrian Water

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

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

3.4 We can advise that the sewers the applicant proposes to connect to for both surface water and foul are in private ownership and do not form part of our public sewerage network at the points of connection. We therefore recommend that the applicant obtains formal approval from the owner before making a connection,

and also applies to NWL for an indirect connection through the S106 process at the time of construction.

3.5 For information only

3.6 We can inform you that strategic water mains lie within the site boundary and may be affected by the proposed development. Northumbrian Water does not permit a building over or close to our apparatus. We will work with the developer to establish the exact location of our assets and ensure any necessary diversion, relocation or protection measures required prior to the commencement of the development. We include this informative so that awareness is given to the presence of assets on site. For further information is available at <https://www.nwl.co.uk/services/developers/>

3.7 Northumbria Police

3.8 We have no objections from a crime prevention point of view.

3.9 Tyne and Wear Archaeology Officer

3.10 The applicant has provided an archaeological desk-based assessment for the site. The report concluded that there was limited evidence for below ground archaeology of the prehistoric period, and no evidence for the Roman and Early Medieval periods. During the medieval period the site is likely to have been used for agricultural purposes. Evidence for post-medieval structures including the Allotment Mill, the Blyth and Tyne Railway and the Backworth Wagonway may survive on the margins of the site.

3.11 The archaeological desk-based assessment demonstrates that the site has some archaeological potential. Geophysical survey, potentially followed by archaeological trial trenching, should be carried out in order to establish the presence or otherwise of archaeological remains (NPPF para 189). If archaeological remains are present then further work may be required to determine their significance. The archaeological work should be carried out prior to the determination of the application in order to understand the nature and significance of any archaeological remains present.

3.12 I can provide more information on the scope of the works when required.

3.13 No previous fieldwork on the site, it would have been on HER and included in the desk-based assessment. We would normally expect allocated sites to go through the same process of archaeological evaluation as other sites, and I would always advise that this takes place prior to determination unless there are practical reasons why it cannot happen, e.g. there is a building on the site which requires demolition before the archaeological work can take place.

3.14 It can be done but the following conditions will need to be applied to cover the evaluation work and any further archaeological work and publication, depending on what is found:

Archaeological Excavation and Recording Condition

No groundworks or development shall commence until a programme of archaeological fieldwork (to include evaluation and where appropriate mitigation

excavation) has been completed. This shall be carried out in accordance with a specification provided by the Local Planning Authority.

Reason: The site is located within an area identified as being of potential archaeological interest. The investigation is required to ensure that any archaeological remains on the site can be preserved wherever possible and recorded, in accordance with paragraph 199 of the NPPF, Local Plan S6.5 and policies DM6.6 and DM6.7.

Archaeological Post Excavation Report Condition

The building(s) shall not be occupied/brought into use until the final report of the results of the archaeological fieldwork undertaken in pursuance of condition () has been submitted to and approved in writing by the Local Planning Authority.

Reason: The site is located within an area identified as being of potential archaeological interest. The investigation is required to ensure that any archaeological remains on the site can be preserved wherever possible and recorded, in accordance with paragraph 199 of the NPPF, Local Plan S6.5 and policies DM6.6 and DM6.7.

Archaeological Publication Report Condition

The buildings shall not be occupied/brought into use until a report detailing the results of the archaeological fieldwork undertaken has been produced in a form suitable for publication in a suitable and agreed journal and has been submitted to and approved in writing by the Local Planning Authority prior to submission to the editor of the journal.

Reason: The site is located within an area identified in the Unitary Development Plan as being of potential archaeological interest and the publication of the results will enhance understanding of and will allow public access to the work undertaken in accordance with paragraph 199 of the NPPF, Local Plan S6.5 and policies DM6.6 and DM6.7.

3.15 Environment Agency

3.16 We had previously objected to this application. Thank you for supplying the additional information which we have reviewed in detail.

3.17 The details regarding the tank design, pipework, delivery arrangements, leak detection systems and two oil-water separators to be utilised to manage organic pollutants in surface water runoff are adequate to overcome the objection previously imposed with regards to unacceptable risks to groundwater.

3.18 The revised proposal gives the EA confidence that these risks can be satisfactorily managed.

3.19 Decommissioning of investigative boreholes

3.20 Two documents submitted in support of this planning application indicate that a number of investigative boreholes, windowless samples and trial pits were installed to determine ground conditions and groundwater levels. These are as follows;

- 'Ground Investigation Geotechnical Interpretative Report', dated 24 May 2007, prepared by Cundall;

- Six boreholes; five to a depth of 10 metres (m), 1 to a depth of 26.5m;
- Eleven windowless samples to 6m depth;

- Four trial pits.
- ‘Environmental Site Assessment’, dated January 2019;
- Six trial pits (TP01 – TP06), to a maximum depth of 3.1m.

3.21 If these boreholes and trial pits, along with any other boreholes/pits not detailed above, are not managed correctly they can provide preferential pathways for contaminant movement which poses a risk to groundwater quality. Groundwater is particularly sensitive in this location because the proposed development site is a Secondary A aquifer.

3.22 In light of the above, we consider that planning permission should only be granted for the proposed development, as submitted, if the following condition is imposed. Without this condition we cannot be sure that the proposed development will not cause unacceptable risk to the environment and we would wish to object to this application.

3.23 Condition: Boreholes

A scheme for managing any borehole installed for the investigation of soils, groundwater or geotechnical purposes shall be submitted to and approved in writing by the Local Planning Authority (LPA). The scheme shall provide details of how redundant boreholes/pits are to be decommissioned and how any boreholes that need to be retained, post-development, for monitoring purposes will be secured protected and inspected. The scheme as approved shall be implemented prior to the occupation of each phase of development. The EA can provide our ‘Good practice for decommissioning redundant boreholes and wells’ upon request.

3.24 In addition to the condition mentioned above, we also have the following informatives.

3.25 Informatives

-Sub water fuel storage (Position Statement D3)

With each storage tank having a diameter of 3.02m and groundwater levels known to be between 0.6-3.6m below ground level, it is inevitable that the tanks and most of the related sub-surface infrastructure will be below the water table in the superficial geology (estimated to be at least 8m in thickness) underlying the site. Therefore, mitigation measures should be strenuous and pollution prevention measures should remain robust during installation and operational phases of the development. The integrity of the concrete infrastructure in which the tanks will be placed must be sufficient to prevent any leaking petrol or diesel from escaping into surrounding groundwater and any leaks must be dealt with swiftly to prevent pollution of the environment. Ponds with potential hydraulic connectivity with shall groundwater are located ~ 165 metres south-west, ~ 100m east and ~ 200m south-east of the proposed location for fuel storage. Pollution prevention measures must be robust to ensure that hydrocarbons cannot migrate laterally to these sensitive habitats.

-Surface water drainage

Formal consent should exist for discharge of surface water to the proposed Highways drain should be in place. The two Class 1 oil-water separators (‘forecourt separator’ to serve the petrol filling station and ‘bypass separator’ to

serve the 'drive thru' coffee shop) should be of sufficient capacity for the volumes of surface water to be treated. They must be serviced, maintained and cleaned as per manufacturer's instructions to ensure they do not pose a risk of pollution to groundwater and surface waters.

-Adherence to good practice guidance

Good practice should be followed in the location, design, construction and maintenance of petrol stations and other fuel dispensing facilities. Due regard should be given to 'The Environment Agency's approach to groundwater protection' document, in particular the position statements and guidance in the section on the storage of pollutants (chapter D). You should also refer to the following pollution prevention and mitigation guidance including:

-Guidance on Environmental Management at Petrol Filling Stations – Energy Institute

-Design, construction, modification, maintenance and decommissioning of filling stations (also known as the Blue Book (APEA/EI) – Energy Institute – 4th Edition, 2018 – It is acknowledged that the Blue Book will be adhered to in this development.

-Groundwater Protection Code – Petrol stations and other fuel dispensing facilities involving underground storage tanks – Defra Code of Practice

-CIRIA C736: Design of Containment Systems for the Prevention of Water Pollution

The Blue Book provides detailed information on the decommissioning (and investigation) of redundant tanks, risk assessment, the design and construction criteria and maintenance procedures which we expect to be implemented

-Adhere to Land Contamination: Risk Management (LCRM) guidance

While some site investigation work has been undertaken, we recommend that developers should do the following;

-Follow the risk management framework provided in Land Contamination: Risk Management, when dealing with land affected by contamination;

-Refer to our Guiding principles for land contamination for the type of information that we require in order to assess risks to controlled waters from the site – the local authority can advise on risk to other receptors such as human health;

-Consider using the National Quality Mark Scheme for Land Contamination Management which involves the use of competent persons to ensure that land contamination risks are appropriately managed.

Please note that our comments are only in relation to environmental issues. Other may need to be consulted with respect to Health and Safety or amenity issues.

Further guidance can be found on water management pages of gov.uk

3.26 The Coal Authority

3.27 The Coal Authority Response: Material Consideration

3.28 As you are aware, the application site falls within the defined Development High Risk Area. The Coal Authority's information indicates that the Ryhope Little Coal seam is conjectured to outcrop at or close to the surface across the site. This seam may have been worked in the past.

3.29 You will recall that the Coal Authority objected to the proposal in our initial consultation response of 20 November 2020 due to the lack of a Coal Mining Risk Assessment Report, or an equivalent report, to identify and assess the risks posed to the proposed development by coal mining legacy.

3.30 We are therefore pleased to note that the applicant has now submitted a Coal Mining Risk Assessment report (January 2021, prepared by Arcadis) in support of their planning application, which draws upon a range of relevant sources of coal mining and geological information, including the results of previous phases of intrusive investigations carried out at the site.

3.31 The report acknowledges that the Ryhope Little Coal seam outcrops across the site and is expected to be present at shallow depth, however, it considers that this seam is thin and is unlikely to have been worked. The report acknowledges that the Moorland Coal seam underlies the Ryhope Little Coal and is likely to be present at shallow depth. Whilst of a potentially workable thickness, it considers that the collapse of any unrecorded workings in the seam are unlikely to lead to surface instability due to the depth and thickness of the seam.

3.32 The report concludes that the site is unlikely to be affected by stability issues associated with shallow mine workings. No further investigatory, remedial or mitigatory measures are proposed in this regard.

3.33 The report considers that the presence of unrecorded mine entries within the site cannot be ruled out. We therefore welcome the precautionary measures set out in within Section 8.2.2 of the report (site inspection following top soil strip), which are recommended in order to mitigate the risk posed by any unrecorded mine entries which may be present. Should any previously unrecorded mine entry be encountered during development, appropriate treatment will be required, in accordance with details agreed under a Coal Authority Permit.

3.34 The report highlights that gas monitoring carried out previously by others recommended the incorporation of gas protection measures within development at the site. The Coal Authority recommends that the LPA seek comments from the Council's Environmental Health / Public Protection Team on this matter.

3.35 The Coal Authority considers that the content and professional opinion expressed in the Coal Mining Risk Assessment report are sufficient for the purposes of the planning system and meet the requirements of the NPPF in demonstrating that the application site is, or can be made, safe and stable for the proposed development. The Coal Authority therefore withdraws its objection to the proposed development. However, further more detailed considerations of ground conditions, foundation design and gas protection measures may be required as part of any subsequent building regulations.