

**Application No:** 19/01388/FUL Author: Rebecca Andison  
Date valid: 16 October 2019 ☎: 0191 643 6321  
Target decision date: 15 January 2020 Ward: Preston

Application type: full planning application

**Location: Land at former Tynemouth Victoria Jubilee Infirmary, Hawkeys Lane, North Shields, Tyne And Wear**

**Proposal: Hybrid application: Full application for Aldi store, associated car parking and landscaping; outline application (with means of access) for residential use (REVISED LANDSCAPE PLAN, TREE REPORTS AND ADDITIONAL MITIGATION STATEMENT)**

Applicant: Aldi Stores Limited, C/O Agent

Agent: Klr Planning Ltd, Karen Read Lugano Building 57 Melbourne Street Newcastle Upon Tyne NE1 2JQ

**RECOMMENDATION:** Application Permitted

## **INFORMATION**

### **1.0 Summary Of Key Issues & Conclusions**

#### 1.0 Main Issues

1.1 The main issues for Members to consider are;

- Principle;
- Impact of the proposal on the character and appearance of the site and its surroundings;
- Impact on the living conditions of surrounding occupiers, and whether the proposal would provide a sufficient residential living environment for future occupiers;
- Impact on trees and biodiversity; and
- Whether there is sufficient car parking and access provided.

#### 2.0 Description of the Site

2.1 The application site is located on the east side of Hawkeys Lane, North Shields and has an area of approximately 1.4 hectares.

2.2 The site extends from Collingwood and Appleby Surgery's, pharmacy and NHS therapy offices in the north to Spring Gardens in the south. The eastern boundary abuts Spring Gardens Primary School and the rear of residential properties on Beech Court. There is an existing ambulance station adjacent to Hawkeys Lane. This lies outside the boundary of the site. The ambulance station and adjacent war memorial are grade II listed.

2.3 The application site is currently vacant and occupied by hardstanding and grass. It was previously used by the NHS, with Tynemouth Court sheltered housing scheme located in the south west part of the site. This building was demolished in 2017.

2.4 There are a number of trees along the western and eastern boundaries and two existing access points.

2.5 The site is allocated for housing by the North Tyneside Local Plan (sites 125 and 63).

### 3.0 Description of the proposed development

3.1 The proposal seeks full planning permission for an Aldi store with associated car parking and landscaping. Outline planning permission is sought for up to 18no. residential units. All matters are reserved with the exception of access.

3.2 An Aldi store is proposed in the southern part of the site. The store would be located close to the site's eastern boundary with car parking to the west and south. Access would be via an existing vehicular access from Hawkeys Lane. The proposed store measures 1,885 sq m in area (gross external floorspace).

3.3 It is proposed to provide up to 18no. residential properties in the northern part of the site, which has an area of approximately 0.6 hectares. Access would be via an existing access which is used by the ambulance station and the existing NHS services to the north of the site.

3.4 The following supporting documents have been submitted:

- Planning and Retail Statement
- Design and Access Statement
- Statement of Community Involvement
- Sustainability Statement
- Arboricultural Impact and Method Assessments
- Habitat Regulations Assessment
- Preliminary Ecological Appraisal
- Noise Impact Assessment
- Shadowing study
- Framework Travel Plan
- Transport Assessment
- Road Safety Audit
- Flood Risk Assessment
- Phase I and II Geo-environmental Assessment

### 4.0 Relevant Planning History

17/00935/DEMGDO - Demolition of existing buildings on site – Permitted  
24.07.2017

99/00074/FUL - 31 new dwellings (30 houses & 1 bungalow) and existing listed building to south west corner (Subject to separate application). New estate access road. – Application withdrawn

97/00336/FUL - Demolition of existing buildings within site curtilage (excluding grade II listed outpatients building) Erection of 99 one bed apartments for the elderly, a 62 bed residential care & nursing home & associated external works – Application withdrawn

## 5.0 Development Plan

5.1 North Tyneside Local Plan 2017

## 6.0 Government Policy

6.1 National Planning Policy Framework (February 2019)

6.2 Planning Practice Guidance (As amended)

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

## **PLANNING OFFICERS REPORT**

### 7.0 Main Issues

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

- Principle;
- Impact of the proposal on the character and appearance of the site and its surroundings;
- Impact on the living conditions of surrounding occupiers, and whether the proposal would provide a sufficient residential living environment for future occupiers;
- Impact on trees and biodiversity; and
- Whether there is sufficient car parking and access provided.

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

### 8.0 Principle of the Proposed Development

8.1 Paragraph 7 of NPPF states that the purpose of the planning system is to contribute to the achievement of sustainable development.

8.2 Paragraph 8 of NPPF states that a social objective is one of the three overarching objectives of the planning system and that amongst other matters it should seek to support a sufficient number and range of homes to meet present and future needs which support communities' health, social and cultural well-being.

8.3 Paragraph 11 of NPPF introduces a presumption in favour of sustainable development, which amongst other matters states that decision takers should

approve development proposals that accord with an up-to-date development plan without delay.

8.4 Policy S1.2 of the Local Plan states that the wellbeing and health of communities will be maintained and improved by amongst other matters requiring development to create an age friendly, healthy and equitable living environment.

8.5 Policy DM1.3 states that 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.

8.6 Policy S1.4 states that proposals for development will be considered favourably where it can be demonstrated that they would accord with the strategic, development or areas specific policies of the Local Plan.

8.7 Principle of the proposed housing and impact on housing supply -

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

8.9 Paragraph 73 of National Planning Policy Framework (NPPF) requires local planning authorities to identify and maintain a rolling five-year supply of deliverable housing land. This includes an additional buffer of at least 5%, in order to ensure choice and competition in the market for housing land.

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

8.11 The application site is identified for housing under Policy S4.3 of the North Tyneside Local Plan (2017). It comprises two housing sites (site 63 to the north and 125 to the south). The Local Plan suggests that the two allocated sites could accommodate around 72no. dwellings in total. The Local Plan allocation includes an area of land to the north which is currently occupied by NHS buildings and lies outside the boundary of this application.

8.12 Outline permission is sought to construct up to 18no. residential properties in the northern part of the site which has an area of 0.6 hectares. This is considered to be an appropriate number of dwellings in relation to the site area.

8.13 It is officer opinion that the proposal to construct up to 18no. homes on the northern part of the site is acceptable and is in full accordance with the advice in NPPF and policies DM1.3, S4.1 and S4.3 of the North Tyneside Local Plan (2017).

8.14 A retail store is proposed on the southern part of the site. This does not comply with the allocation of the site for housing within the Local Plan and reduces the number of houses that can be delivered.

8.15 The Council is dependent upon the delivery of housing on allocated sites in order to meet its future housing needs. The most up to date assessment of housing land supply informed by the March 2019 five-year Housing Land Supply Summary identifies the total potential five-year housing land supply in the borough at 5,396 new homes (a total which includes delivery from sites yet to gain planning permission). This represents a surplus against the Local Plan requirement (or a 6.1 year supply of housing land). It is important to note that this assessment of five-year land supply includes just over 2,000 homes at proposed housing allocations within the Local Plan (2017). The southern housing site and half of the north site (24no. units) form part of the 5-year housing land supply.

8.16 The proposal results in a reduction of 54no. units from the potential housing numbers indicated in the Local Plan, and 24no. units from the 5-year housing land supply. However, it is noted that the northern section of site 63 with an area of approx. 0.5 hectares is excluded from the development site and could therefore be developed for residential purposes in the future which would reduce the shortfall. The proposed retail store is located mainly within housing site 125 which the Local Plan suggests could accommodate 18no. homes. It should also be noted that housing allocations within the Local Plan are a guide to development rather than a safeguarding policy and Local Plan Policies do not preclude other forms of development on housing sites.

8.17 Members must determine whether the proposal to develop part of an allocated housing site for other purposes is acceptable. Taking into account that the Council has a surplus against the housing land requirements it is officer opinion that this is acceptable.

#### 8.18 Retail use -

8.19 The NPPF (para.80) states that significant weight should be placed on the need to support economic growth and productivity, taking into account both local business needs and wider opportunities for development.

8.20 Paragraph 86 of NPPF states that local planning authorities should apply a sequential test to planning applications for main town centre uses which are neither in an existing centre nor in accordance with an up-to-date plan. Main town centre uses should be located in town centres, then in edge of centre locations; and only if suitable sites are not available (or expected to become available within a reasonable period) should out of centre sites be considered.

8.21 When considering edge of centre and out of centre proposals, preference should be given to accessible sites which are well connected to the town centre. Applicants and local planning authorities should demonstrate flexibility on issues such as format and scale, so that opportunities to utilise suitable town centre or edge of centre sites are fully explored.

8.22 NPPF (para.89) states that when assessing applications for retail and leisure development outside town centres, which are not in accordance with an

up-to-date plan, local planning authorities should require an impact assessment if the development is over a proportionate, locally set floorspace threshold (if there is no locally set threshold, the default threshold is 2,500m<sup>2</sup> of gross floorspace). This should include assessment of:

- a) the impact of the proposal on existing, committed and planned public and private investment in a centre or centres in the catchment area of the proposal; and
- b) the impact of the proposal on town centre vitality and viability, including local consumer choice and trade in the town centre and the wider retail catchment (as applicable to the scale and nature of the scheme).

Paragraph 90 of NPPF makes it clear that where an application fails to satisfy the sequential test or is likely to have significant adverse impact on one or more of the considerations in paragraph 89, it should be refused.

8.23 Local Plan Policy S2.1 states that proposals that make an overall contribution towards sustainable economic growth, prosperity and employment in North Tyneside will be encouraged.

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

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

Proposals for retail development outside a town centre will require an impact assessment where they would provide either:

- e. 500m<sup>2</sup> gross of comparison retail floorspace, or more; or
- f. 1,000m<sup>2</sup> gross of retail floorspace for supermarkets/superstores, or more.

The proposal would be supported when the necessary Impact Assessment has shown that:

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

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

8.25 The application site is located 465m walking distance from North Shields town centre and is therefore an out of centre site. In accordance with the above policies a Sequential Test has been submitted.

8.26 To reflect the needs of the development only sites and buildings of an adequate size have been considered within the sequential test. Aldi requires a single storey building of 1,885 sqm with an associated car park to provide 100no.spaces. A minimum site area of 0.75 hectares is required with good visibility and access. The catchment area of the proposal includes North Shields town centre, Tynemouth and the surrounding residential area.

8.27 Three sites within, one on the edge of, and one north east of North Shields town centre were identified. A further site was identified in Tynemouth District Centre. These sites are Albion House, Land at North Shields Metro, Norfolk Street car park, Unicorn House, Land at Former Grange Interior and land south of Tynemouth Metro Station. They were discounted as sequentially preferable sites for the following reasons:

Albion House: The business centre is mostly occupied and not being marketed for sale. Land at North Shields Metro: The site is allocated for housing within the Local Plan, too small to accommodate an Aldi store and is not being marketed.

Norfolk Street car park: The car park is in active use and there is no evidence that it is being marketed for sale. It is too narrow to accommodate an Aldi store.

Unicorn House: The overall site area and configuration is not capable of accommodating an Aldi store and car park.

Former Grange Interiors: Planning permission has been secured for residential development and there is no evidence that the site is on the market.

Land south of Tynemouth Metro: The site is not being marketed and is too small to accommodate an Aldi store and car park.

8.28 The applicant has also carried out an online search of existing properties that are being marketed for sale or to let. All of the properties identified were too small to accommodate an Aldi store.

8.29 The proposal has also been assessed in terms of its impact on nearby local centres. The assessment focuses on the catchment area of the Aldi store, namely North Shields, Tynemouth and the southern fringes of Whitley Bay. It examines population and expenditure growth within this area, identifies trading patterns and the turnover of existing facilities, and evaluates the impact the development would have.

8.30 The assessment states that existing convenience retail stores in the area, including Preston Grange Morrisons, Norham Road Tesco and North Shields Asda, are trading either at or above benchmark level. Approximately 80% of the proposed Aldi store's retail floorspace would be used for convenience goods, giving an estimated turnover of £12.16m. It is expected that approximately 80% of this would come from within the study area. Growth in expenditure arising

from population growth and consumer spending is estimated to equate to just over 25% of the turnover of the proposed Aldi. A further 20% would be clawed back from expenditure current spent at stores outside the study area. Therefore 45% of the required turnover would be secured without diverting any trade from existing stores within the study area.

8.31 The greatest level of trade diversion from existing stores is predicted to be from Norham Road Tesco, Morrisons at Preston Grange and North Shield's Asda. All these stores would still achieve turnovers above benchmark levels. The other main trade diversions would be from existing Aldi stores.

8.32 Comparison goods sales would generate a turnover of £1.84m (approx.). This represents less than 4% of the estimated growth in expenditure between current goods expenditure and expenditure when the store opens. The applicant therefore considers that this could be easily accommodated.

8.33 The retail assessment concludes that the proposed Aldi store would not result in significant adverse impacts on the vitality and viability of existing centres within the catchment area, and through the clawback of expenditure, would result in localised and more sustainable shopping patterns.

8.34 In officer opinion it has been demonstrated that there are no sequentially preferable sites available and suitable of accommodating the proposed development. It is also considered that the proposal would not have any significant impact on investment in town centres, consumer choice or the vitality and viability of existing centres.

8.35 The applicant has stated that the proposed Aldi store is likely to require 30no. to 50no. staff, with further job opportunities generated during the build out period. The provision of jobs is a material consideration to which weight should be attached. There are no other discounted food retailers in the immediate area and the proposal would offer an alternative shopping facility for local residents. 204no. residents have written in support of the proposal.

8.36 Having regard to the above it is officer opinion that the principle of providing a retail store on the site is acceptable.

## 9.0 Character and appearance

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

9.2 Planning permission should be refused for development of poor design that fails to take the opportunities available for improving the character and quality of an area and the way it functions, taking into account any local design standards or style guides in plans or supplementary planning documents (para. 130, NPPF).



9.3 Policy DM6.1 of the Local Plan states that applications will only be permitted where they demonstrate high and consistent design standards. Designs should be specific to the place, based on a clear analysis of the characteristics of the site, its wider context and the surrounding area.

9.4 The Council has produced an SPD on Design Quality, which seeks to encourage innovative design and layout and that contemporary and bespoke architecture is encouraged. The chosen design approach should respect and enhance the quality and character of the area and contribute towards creating local distinctiveness.

9.5 DM6.1 states that applications will only be permitted where they demonstrate high and consistent design standards. Designs should be specific to the place, based on a clear analysis the characteristics of the site, its wider context and the surrounding area. Proposals are expected to demonstrate:

- a. A design responsive to landscape features, topography, wildlife habitats, site orientation and existing buildings, incorporating where appropriate the provision of public art;
- b. A positive relationship to neighbouring buildings and spaces;
- c. A safe environment that reduces opportunities for crime and antisocial behaviour;
- d. A coherent, legible and appropriately managed public realm that encourages accessibility by walking, cycling and public transport;
- e. Sufficient car parking that is well integrated into the layout; and,
- f. A good standard of amenity for existing and future residents and users of buildings and spaces.

9.6 Policy S6.5 'Heritage Assets' states that North Tyneside Council aims to pro-actively preserve, promote and enhance its heritage assets, and will do so by:

- a. Respecting the significance of assets.
- b. Maximising opportunities to sustain and enhance the significance of heritage assets and their settings.
- c. Targeting for improvements those heritage assets identified as at risk or vulnerable to risk.
- d. Seeking and encouraging opportunities for heritage-led regeneration, including public realm schemes.
- e. Supporting appropriate interpretation and promotion of the heritage assets.
- f. Adding to and keeping up-to-date the Borough's heritage asset evidence base and guidance. Examples include conservation area character appraisals, conservation area boundary reviews, conservation area management strategies, conservation statements/plans, registers of listed and locally registered buildings, the historic environment record and buildings at risk registers.
- g. Using the evidence it has gathered, implement the available tools to conserve heritage assets, such as Article 4 Directions and Building Preservation Notices.

DM6.6 Protection, Preservation and Enhancement of Heritage Assets

Proposals that affect heritage assets or their settings, will be permitted where they sustain, conserve and, where appropriate, enhance the significance, appearance, character and setting of heritage assets in an appropriate manner.

9.7 The proposal for housing is in outline, with details of the layout and appearance reserved for a future application. An indicative site layout plan has

been provided. It is considered that the site is of an adequate size to accommodate the number of dwellings proposed.

9.8 Detailed planning permission is sought for an Aldi store and associated parking. The store would be located in the south east section of the site with car parks to the west and south. Landscaping is proposed along the site boundaries and within the car park.

9.9 The proposed Aldi store is single storey with a mono-pitched roof sloping down towards the eastern boundary. The roof has a maximum height of 8.3m. The proposed materials include silver and grey cladding, aluminium windows, steel doors and glazing. A canopy is proposed across the shop front and high-level windows are proposed in the west elevation to maximise natural daylight. A loading bay is proposed on the north side of the building and there would be a plant enclosure at the rear.

9.10 There are a variety of building styles in the surrounding area. Residential dwellings are typically 2-storey brick built semi-detached and terraced properties. Spring Gardens Primary School comprises a range of single storey brick buildings and NHS buildings to the north include a brick-built doctors' surgery and flat roofed buildings to the east. The Grade II Listed former Victoria Jubilee Infirmary and Hawkey's Lane War Memorial are located to the west of the site.

9.11 The Design Officer has provided comments. He notes that the Aldi store is located as far back in the site as reasonably possible, away from the listed buildings, and that the existing boundary wall to the front of the site would be retained. He advises that brick should be included alongside the cladding to sit more comfortably within the residential area.

9.12 Overall it is considered that the development is well designed to sit comfortably within the site and to relates well to the surrounding buildings. Conditions are recommended to control all construction and surfacing materials. The impact on the setting of the two listed buildings is also considered to be acceptable.

9.13 In conclusion, it is considered that the proposal would accord with the advice in NPPF and policy DM6.1 and the Design Quality SPD. Members need to consider whether they agree.

#### 10.0 Impact upon existing residents and future occupiers of the development

10.1 Paragraph 180 of NPPF states that planning decisions should ensure that new development is appropriate for its location taking into account the likely effects (including cumulative effects) of pollution. In doing so they should mitigate and reduce to a minimum potential adverse impacts resulting from noise from new development, and avoid noise giving rise to significant adverse impacts on health and quality of life.

10.2 Policy S1.4 of the Local Plan states that development should be acceptable in terms of their impact upon local amenity for new or existing residents and businesses, adjoining premises and land uses.

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

10.4 Policy DM6.1 states that proposals are expected to demonstrate a positive relationship to neighbouring buildings and spaces to amongst other matters ensure a good standard of amenity for existing and future residents.

10.5 Policy DM4.9 expects 50% of homes to meet building regulation M4(2) – 'Category 2 – accessible and adaptable dwellings. In addition, all new homes are expected to meet the Government's Nationally Described Space Standard (NDSS).

10.6 The surrounding area is predominantly residential in character. There are residential properties immediately to the south of the site on Spring Gardens, on Hawkeys Lane to the west and to the east on Beech Court. The car park of the proposed Aldi store would be located adjacent to the rear gardens of properties on Spring Gardens and the store itself would be approximately 25m from these dwellings.

10.7 A Shadow Study has been submitted. This demonstrates that due to the location of the proposed retail store there will be no loss of sunlight to the surrounding homes. Given the location and height of the store (max. 8.3m) the impact on outlook is also considered to be acceptable.

10.8 The layout of the residential plot will be considered at reserved matters stage. However, it is considered that there is ample space to accommodate up to 18no. homes without impacting on the amenity of surrounding occupiers.

10.9 A condition is recommended requiring the reserved matters to have regard to the housing standards set out in Policy DM4.9.

10.10 A Noise Assessment has been submitted to consider the impact of noise from the proposed Aldi store on the amenity of existing and future residents. The proposed opening hours are from 08:00 to 22:00 on Monday to Saturday and from 10:00 to 18:00 on Sundays. 24-hour use of the delivery bay is proposed.

10.11 The Manager of Environmental Health has reviewed the noise assessment and provided comments. She raises concern regarding the potential impact of noise from the food store on existing residential occupiers and residents of the proposed housing. She states that residents could be affected by noise from 24-hour use of the delivery bay. Noise from activity associated with the delivery bay has been calculated to be below existing background levels at the nearest residential properties on Beech Court, and as such should not give rise to any adverse impacts for residents. However, peak noise levels are still likely to be audible at the residential properties and reversing alarms may cause annoyance to existing residents. The Manager of Environmental Health does not consider that they would be of a volume that would justify restricting the delivery hours.

10.12 The delivery bay would be enclosed by a 2.4m high acoustic barrier but this would give limited screening for first floor bedrooms. The Manager of Environmental Health recommends that mechanical ventilation is provided for the windows in the proposed houses which face the delivery bay. She also recommends that a delivery management plan is provided. These details can be secured by planning conditions.

10.13 The Manager of Environmental Health does not consider that noise from the car park will give rise to significant adverse impacts based on proposed hours of operations.

10.14 The Manager of Environmental Health recommends conditions in respect of: the opening and delivery hours, refrigeration plant, air conditioning and extraction units, odour suppression; requiring a noise and mechanical ventilation scheme for the proposed residential development, noise control measures for the delivery bay, construction hours and external lighting.

10.15 Members need to consider whether the proposal would avoid having an adverse impact upon future occupants' living conditions in accordance with NPPF and local planning policy DM5.19 and weight this in their decision. Members will also need to consider the impact on existing residential properties. It is officer advice that the impact could be reduced to an acceptable level by imposing the conditions recommended by the Manager of Environmental Health.

#### 11.0 Whether there is sufficient car parking and access provided

11.1 NPPF recognises that transport policies have an important role to play in facilitating sustainable development, but also contributing to wider sustainability and health objectives.

11.2 All development that will generate significant amounts of movement should be required to provide a Travel Plan (TP), and the application should be supported by a Transport Statement (TS) or Transport Assessment (TA) so the likely impacts of the proposal can be fully assessed.

11.3 Paragraph 109 of NPPF states 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.

11.4 Policy DM7.4 seeks to ensure that the transport requirements of new development, commensurate to the scale and type of development, are taken into account and seek to promote sustainable travel to minimise environmental impacts and support residents and health and well-being.

11.5 The Transport and Highways SPD sets out the Council's adopted parking standards.

11.6 38no. objections have been received. Many residents raise concerns regarding the impact on highway safety, access to the school and congestion.

11.7 The application includes a Transport Assessment to consider the impact of the development on the local highway network. A Travel Plan and Road Safety Audit have also been provided.

11.8 The proposed residential development is an outline application with all matters reserved except for access. The layout is not for consideration as part of this application. The road layout and car parking will be finalised with any subsequent application for reserved matters, should Members be minded to approve this application. The applicant has indicated that access would be via the existing access road which serves the NHS service and ambulance station.

11.9 The proposed Aldi store would be accessed via an existing access close to the site's southern boundary. A car park containing 112no. parking spaces is proposed. This would be made available for use by parents dropping off and collecting children from Spring Gardens Primary School.

11.10 The applicant has stated that the store would receive on average 4no. HGV deliveries per day. Vehicle tracking shows that service vehicles could satisfactorily enter and leave the site. Pedestrian access would be provided into the site from Hawkey's Lane and cycle parking is proposed at the front of the store. The development would be served by bus service on Hawkey's Lane which provide transport into North Shields, Whitley Bay, Wallsend and Tynemouth.

11.11 The level of trip generation for the development is stated as being a maximum of 15no. in the peak hour which approximates to one vehicle every four minutes on average. The Transport Assessment concludes that accesses to the development would operate within capacity and the traffic generated by the development would have no significant impact on the local highway network.

11.12 Council parking standards require the provision of 135no. parking spaces for a 1885 sqm retail store. 112no. paces are proposed.

11.13 The Highway Network Manager has been consulted and provided comments. He states that while the development does not meet the maximum parking, the applicant has submitted evidence based on comparable existing Aldi stores in the area to support the proposed level of parking. The level of parking proposed is the highest proportion of spaces to gross floor area of all the stand-alone Aldi sites in the borough.

11.14 To address concerns regarding the impact on the safety of Spring Gardens Primary School a substantial road safety scheme is proposed. This includes additional road markings, variable message signs, dedicated school coach parking, the upgrade of the existing zebra crossing to signals and a raised junction and zebra crossing at the site access. The Highway Network Manager considers that these measures are would mitigate the impact of additional traffic. Spring Gardens Primary School has also stated that they are satisfied with the highway safety measures and support the application.

11.15 The Highway Network manager recommends that the application is approved with conditions.

11.16 Members need to consider whether the proposal would provide sufficient parking and access and weight this in their decision. It is officer advice that subject to conditions it would, in accordance with the advice in NPPF, Policy DM7.4 and LDD12.

## 12.0 Trees and Biodiversity

12.1 An environmental role is one of the three dimensions of sustainable development according to NPPF, which seeks to protect and enhance our natural, built and historic environment by amongst other matters improving biodiversity.

12.2 Paragraph 175 of NPPF states that when determining planning application that if significant harm to biodiversity cannot be avoided, or as a last resort compensated for, then planning permission should be refused.

12.3 Policy DM5.5 of the Local Plan states that all development proposals should amongst other matters protect biodiversity and minimise the fragmentation of habitats and wildlife links.

12.4 Local Plan Policy DM5.6 states that proposals that are likely to have significant effects on features of internationally designated sites, either alone or in-combination with other plans or projects, will require an appropriate assessment. Proposals that adversely affect a site's integrity can only proceed where there are no alternatives, imperative reasons of overriding interest are proven and the effects are compensated.

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

12.6 The Coastal Mitigation SPD contains additional guidance and information on the mitigation expected from development within North Tyneside to prevent adverse impacts on the internationally protected coastline. Development can adversely affect the Northumbria Coast SPA /Ramsar through additional pressure from local residents and visitors. It is proposed to introduce a coastal wardening service as part of a wider Coastal Mitigation Service that will implement a range of targeted and coordinated physical projects to mitigate the impacts at the coast. The SPD sets out a recommended developer contribution towards this service that would contribute to the avoidance or mitigation of adverse impacts on internationally protected species and habitats.

12.7 The applicant has submitted an Arboricultural Impact Assessment and Method Statement, Habitat Regulations Assessment and Preliminary Ecological Appraisal.

12.8 The site where the Aldi store would be located consists of semi-improved grassland, ephemeral habitat and scattered scrub. There are also trees and scrub along the boundaries of the site with an area of more extensive tree and

shrub planting in the central section of the site. The outline application site comprises semi-improved grassland and ephemeral habitat.

12.9 To construct the proposed retail store it is necessary to remove grassland and ephemeral habitat, 12no. individual trees, plus parts of 4no. tree groups and 2no. hedgerows. Of the individual trees one is Category A, two Category B and the remainder Category C and U.

12.10 A landscape plan has been submitted which includes an indicative layout for the residential development. To construct the dwellings it would be necessary to remove the remainder of the habitat and the remainder of tree group 8.

12.11 The Preliminary Ecological Appraisal states that that several of the habitats within the site are likely to support protected species including birds utilising the dense scrub and trees for nesting and roosting, birds and small mammals using the semi-improved grassland/tall ruderal and scattered scrub habitat.

12.12 There is also a small building on site that the report states has low bat roost potential and suitable foodplants for invertebrates, such as dingy skipper and other brownfield butterflies.

12.13 To mitigate for the lost trees and habitat the applicant is proposing additional native scrub planting, a log pile, hedgehog gaps in the fencing, the provision of bird and bat boxes and additional tree planting. A landscape plan has been submitted. Within the Aldi site it is proposed to provide approximately 510sqm of new scrub/hedgerow planting and 13no new trees.

12.14 The indicative landscape scheme for the residential development includes amenity grass to all private garden areas and wildflower meadow equating to approximately 1400sqm.

12.15 The Biodiversity Officer and Landscape Architect have commented. Concerns are raised regarding the extent of habitat being lost and that the replacement landscaping is not sufficient to mitigate for this loss. The full and outline application schemes would result in the loss of approximately 7000sqm of semi-improved grassland/ephemeral habitat and scattered scrub, 1300sqm of dense scrub and trees. The Landscape Architect and Biodiversity officer state that the landscape mitigation plans for both schemes result in a net loss and therefore do not adequately address habitat loss. Concerns are also proposed regarding the type of replacement landscaping proposed.

12.16 The concerns raised by the Landscape Architect and Biodiversity Officer are noted. However, in officer opinion the proposal is acceptable when taking into account that the site is allocated for development within the Local Plan and that any form of development would result in habitat loss. In addition, the applicant has responded to the concerns raised by increasing the amount of retained habitat and providing additional replacement planting and trees in order to maximise on-site mitigation.

12.17 The applicant has submitted a Habitat Regulations Assessment. The report states that the development itself is highly unlikely to cause any significant

impacts upon designated sites. However, increased population as a result of the proposed development could cause significant impacts on overwintering birds as a result of increased visitor numbers to the coast. To mitigate the impact it recommends that a financial contribution should be made in line with the Coastal Mitigation SPD (£337 per residential unit).

12.18 Natural England provided comments and state that the development has the potential to impact on the Northumbria Shore SSSI, and the Northumbria Coast SPA /Ramsar. They advise that mitigation measures will be required.

12.19 To mitigate this impact, in accordance with the Coastal Mitigation SPD, the developer has agreed to make a contribution of £337 per residential unit towards coastal mitigation.

12.20 It is officer advice that subject to conditions to control the detailed landscaping scheme, bird and bat box locations and requiring tree protected measures, the proposal would avoid having an adverse impact in terms of landscaping and ecology, and therefore would accord with the advice in NPPF, Policy DM5.5 and policy DM5.9 of the Local Plan.

### 13.1 Contamination and Land Stability

13.2 NPPF states that 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.

13.3 Policy DM5.18 of the Local Plan states that where the future users or occupiers of a development would be affected by contamination or stability issues, or where contamination may present a risk to the water environment, proposals must be accompanied by a report which shows that investigations have been carried out and that detailed measures to allow the development to go ahead safely without adverse effect.

13.4 The applicant has submitted Phase I and II Geo-environmental Assessments.

13.5 The Council's Contaminated Land Officer has been consulted and does not object subject to conditions.

13.6 It is officer opinion that subject to conditions that the development can go ahead safely without adverse effect in accordance with the advice in NPPF and policy DM5.19 of the Local Plan.

### 14.0 Flooding

14.1 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.

14.2 Policy DM5.12 of the Local Plan states that all major development will be required to demonstrate that flood risk does not increase as a result of the development proposed, and that options have been undertaken to reduce overall



floor risk from all sources, taking into account the impact of climate change over its lifetime.

14.3 Policy DM5.14 seeks a reduction in surface water runoff rates for all new development.

14.4 A Flood Risk Assessment has been submitted. The site is located within flood zone 1. The south east part of the Aldi site has a medium to high risk of surface water flooding. The finished floor level in this area would be approximately 500mm above ground level. The residential development plot, Spring Gardens and Spring Gardens Primary School also have a medium risk of surface water flooding.

14.5 It is proposed to direct surface water flows to the existing combined drain within the south east part of the site. The flows would be restricted to a flow rate of 3.4 l/s with attenuation provided within the site. This would be in the form of cellular storage with some attenuation provided within the sub-base of the porous parking bays. Surface water flows would be contained within the site for storm events up to and including the 1 in 100 year+40% climate change event. Foul water flows from the site would discharge to the existing public combined sewer with the site to the south.

14.6 The Local Lead Flood Authority (LLFA) has been consulted and recommends conditional approval.

14.7 Northumbrian Water have provided comments. They state that the submitted drainage strategy only considers the retail element of the proposal and that it is not clear where the connection would discharge into the public sewer and whether the sewer at this point has been assessed to ensure it can accommodate the proposed flows. They recommended that a drainage strategy covering both elements of the proposal is submitted.

14.8 Subject to conditions, it is officer advice that that the proposed development would not have an adverse impact on flooding and would accord with the advice in NPPF and policies DM5.12 and DM5.14 of the Local Plan.

#### 15.0 S106 Contributions

15.1 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.

15.2 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.

15.3 Paragraph 64 of NPPF expects affordable housing to be provided unless the proposed development provides specialist accommodation for a group of people

with specific needs such as purpose built accommodation for the elderly. The housing would provide specialist accommodation and therefore there is no requirement to provide affordable housing.

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

15.5 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.

15.6 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).

15.7 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.

15.8 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.

15.9 Policy DM7.5 states that the Council will seek applicants of major development proposals to contribute towards the creation of local employment opportunities and support growth in skills through an increase in the overall proportion of local residents in education or training. Applicants are encouraged to agree measures with the Council to achieve this, which could include:

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

15.10 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 the applicants to identify appropriate solutions where matters of viability arise and require negotiation.

15.11 The following contributions have been requested by service areas:  
Affordable housing: 25%  
Parks and greenspace: £12,780  
Play areas: £12,600  
Primary education: £50,000  
Employment and training: £11,065 for the Aldi development and £7,000 for the residential development  
Coastal mitigation: £337 per residential unit

15.12 The above have been reported to IPB. These contributions are considered necessary, directly related to the development and fairly and reasonable relate in scale and kind to the development and therefore comply with the CIL Regulations.

15.13 A CIL payment will be required in respect of the residential element of the development.

#### 16.0 Local Financial Considerations

16.1 Section 70(2) of the Town and Country Planning Act 1990 (as amended) provides that a local planning authority must have regard to local finance considerations as far as it is material. Section 70(4) of the 1990 Act (as amended) defines a local financial consideration as a grant or other financial assistance that has been, that will or could be provided to a relevant authority by a Minister of the Crown (such as New Homes Bonus payments).

16.2 The proposal involves the creation of up to 18no. new dwellings. Granting planning permission for new dwellings therefore increases the amount of New Homes Bonus, which the Council will potentially receive. The New Homes Bonus is a government grant for each home built equivalent in value to the average Band D Council Tax charge in England in the preceding year. New Homes Bonus is paid to the Authority each year for new homes completed for a period of four years from the completion of each new home. An additional sum is paid for each empty home brought back in to use and for each affordable home delivered.

16.3 The proposal would also result in additional business rates and Council Tax being received by the council, and this is a benefit of the proposal. In addition, jobs would be created during the construction period and when the retail store is in operation.

16.4 Members should give appropriate weight to amongst all other material considerations to the benefit of the Council as a result of the monies received from central Government.

## 17.0 Conclusions

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

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

17.3 The application site is an allocated housing site in the Local Plan, lies within an existing built up area and it is located in close proximity to existing local services. The proposal for residential development therefore complies with the NPPF and Local Plan and in officer opinion is acceptable in principle.

17.4 The proposed retail store does not accord with the allocation of the site and would reduce the number of houses that can be delivered. However, the reduction would be relatively small in comparison to overall housing numbers, particularly when taking into account that housing could still be delivered on the remainder of the application site and the adjacent NHS site to the north. Members need to consider whether the loss of part of an allocated housing sit to other uses is acceptable. It is officer advice that it is acceptable when taking into account that the Council has a surplus of housing land against the five year housing land requirement set out in NPPF. It has been demonstrated that there are no sequentially preferable sites where the retail unit could be located and that it would not have an adverse impact on the boroughs existing shopping centres. In addition the proposal would secure economic growth and jobs which is a material planning consideration to which weight should be given.

17.5 Members also need to consider whether the proposal will impact on residential amenity, whether the occupants of the proposed dwellings will have a suitable level of residential amenity, whether the development would have an acceptable impact on the character of the area, trees, ecology and the highway network. It is officer advice that the proposed development is acceptable in these terms.

17.6 The application is therefore recommended for approval subject to a S106 legal agreement and conditions.

### **RECOMMENDATION:     Application Permitted**

**The application be permitted subject to an agreement under Section 106 of the Town and Country Planning Act 1990 to secure the following;**

**Affordable housing: 25%**

**Parks and greenspace: £12,780**

**Play and areas: £12,600**

**Primary education: £50,000**

**Employment and training: £11,065 for the Aldi development and £7,000 for the residential development**  
**Coastal mitigation: £337 per residential unit**

**The Head of Law and Governance and the Head of Environment, Housing and Leisure undertake all necessary procedures under Section 278 of the Highways Act 1980 to secure the following highway improvements at the proposed access:**

**Upgrade of footpaths abutting site**

**Upgrade of existing zebra crossing on Hawkeys Lane to signalised crossing**

**Raised junction and zebra crossing at the site access**

**Associated street lighting**

**Associated drainage**

**School Safety scheme on Hawkeys Lane**

**Associated road markings**

**Associated Traffic Regulation Orders**

**Associated street furniture & signage**

**Vehicle activated speed signage**

### **Conditions/Reasons**

1. The development on Parcel A (as identified on with 0454 PL A (0) 10 - Proposed Phasing Plan) shall not be begun later than 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.

2. Approval of the details of layout, scale, appearance and landscaping (hereinafter called "the reserved matters") of Parcel B (as identified on with 0454 PL A (0) 10 - Proposed Phasing Plan) shall be obtained in writing from the Local Planning Authority before the development of Parcel B is commenced.

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

3. Applications for the approval of the reserved matters in relation to Parcel B shall be made to the local planning authority 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.

4. The development on Parcel B shall be begun either before the expiration of five years from the date of this permission or before the expiration of two years from the date of approval of the last of the reserved matters to be approved in respect of Parcel B, whichever is the later.

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

5. The retail development hereby permitted in Parcel A, shall be carried out in accordance with the following approved plans:

- 0454 PL (0) 01 - Location Plan
- 0454 PL A (0) 03\_C - Proposed Site Plan
- 0454 PL A (0) 04\_A- Proposed Floor Plan
- 0454 PL A (0) 05\_A - Proposed Roof Plan
- 0454 PL A (0) 06\_A - Elevations
- 0454 PL (0) 07\_E - Proposed Landscaping Plan
- 0454 PL A (0) 10 - Proposed Phasing Plan
- 19-DAR-Hawksey Lane-06 - Proposed plant layout
- External Lighting Plan- Rev 0
- Highway Proposals T561\_26d Rev.D
- Arboricultural Method Statement
- Arboricultural Method Statement TPP Rev A

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

6. Development of Parcel A shall not commence until a Construction Method Statement relating to Parcel A has been submitted to and approved in writing by the Local Planning Authority. The approved Construction Method Statement shall be adhered to throughout the construction period. The Construction Method Statement shall, where applicable, provide for the following in relation to Parcel A:

- 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;
- provide 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;
- provide a turning area within the site for construction 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 the development of Parcel A.

Construction shall not commence on any part of Parcel A other than the construction of a temporary site access and site set up until the agreed measures to prevent mud and debris onto the public highway are fully operational. If the agreed measures are not operational then no vehicles shall exit the development site onto the public highway.

The approved statement shall be implemented and complied with during and for the life of the works associated with the development.

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

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

Reason: In order to protect the amenity of the occupiers of the proposed dwellings, having regard to Policy DM5.19 of the North Tyneside Local Plan 2017.

8. All planting, seeding or turfing in the approved landscaping scheme on Dwg No 0454 PL (0) 07\_E shall be carried out in so far as they relate to Parcel A in the first planting and seeding season following the occupation of the retail development or the completion of the development of Parcel A, whichever is sooner, and any trees or plants which within a period of five years from the completion of Parcel A die, are removed, or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species unless 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 policy DM5.9 of the North Tyneside Local Plan (2017).

9. Prior to commencement of the retail development in Parcel A or any site clearance works there shall be submitted to the Local Planning Authority for their approval a scheme showing the type, height and position of protective fencing to be erected around each tree or hedge to be retained on Parcel A. Unless otherwise agreed in writing by the Local Planning Authority this shall comprise a vertical and horizontal framework of scaffolding or post and rail fencing, to a height of 1.5 metres, well braced to resist impacts and supporting either cleft chesnut pale or chain link fencing and sited at a minimum distance from the tree equivalent to the crown spread. No site clearance works or the development itself shall be commenced on Parcel A until such a scheme is approved by the Local Planning Authority and thereafter the development hereby permitted shall only be carried out in accordance with that scheme. The area surrounding each tree/hedge within the approved protective fencing shall remain undisturbed during the course of the works, and in particular in these areas:

- a) There shall be no changes in ground levels;
- b) No materials or plant shall be stored;
- c) No buildings or temporary buildings shall be erected or stationed;
- d) No materials or waste shall be burnt;
- e) No drain runs or other trenches shall be dug or otherwise created, without the prior written consent of the Local Planning Authority, and
- f) In carrying out the development, the developer shall conform with the recommendations in BS 5837:2012 in relation to the protection of trees during construction.

Reason: This needs to be pre-commencement condition to ensure that important features are protected and retained in the interests of amenity and to ensure trees and hedges to be retained are adequately protected from damage

during the execution of the works hereby permitted, in the interests of visual amenity having regard to policy DM5.9 of the North Tyneside Local Plan (2017).

10. All external lighting for Parcel A shall be installed in accordance with the External Lighting Plan (Rev 0 dated 27/09/19) and thereafter shall not be altered without the prior consent in writing of the local planning authority other than for routine maintenance which does not change its details.

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

11. Prior to occupation of the foodstore in Parcel A, a Delivery Management Plan shall be submitted to the Local Planning Authority for approval and thereafter implemented to ensure deliveries are carried out in accordance to the Department for Transport Quiet Deliveries Good Practice Guidance: Key Principles and Processes for Retailers, April 2014. Thereafter the scheme shall be implemented in accordance with the approved details.

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

12. The retail development shall not open to customers outside the following hours:

Monday to Saturday - 0800 - 2200

Sundays - 1000 - 1800

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).

13. Prior to the retail development in Parcel A hereby permitted being first opened to customers, details of the 2.4m acoustic fence to the delivery bay, including materials, shall be submitted to and approved in writing by the local planning authority. Prior to first opening of the retail development the acoustic fence shall be constructed in accordance with the approved details and maintained thereafter.

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

14. Prior to installation of the external plant associated with the retail development in Parcel A, a noise scheme shall be submitted in accordance with BS4142 to ensure that the rating level at the boundary of the nearest residential premises does not exceed the background noise level for the representative operating times of the plant and equipment. It will be necessary following installation of the plant and equipment that acoustic testing is undertaken to verify compliance with this condition within one month of its installation and submitted for written approval prior to the operation of the plant. Thereafter the plant must be installed and maintained in accordance with the approved details.

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



15. Prior to construction of the retail development in Parcel A above damp proof course level, details of the siting and design of 6no. bat boxes and 5no. bird boxes to be located within Parcel A shall be submitted to and approved in writing by the local planning authority. Thereafter, the bat and bird boxes shall be installed prior to the retail development being first opened to customers.

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.

16. Prior to the first use of the retail development in Parcel A hereby approved, details of all fences, gates, walls or other means of enclosure to be erected shall be submitted to and approved in writing by the Local Planning Authority and thereafter implemented in accordance with the approved details. Site boundaries shall include passes for hedgehog.

Reason: To secure a satisfactory external appearance and to ensure that local wildlife populations are protected in the interests of ecology, having regard to the NPPF and policies DM6.1 and DM5.5 of the North Tyneside Local Plan (2017).

17. The existing access to Parcel A from Hawkeys Lane shall be used during the construction phase of the retail development and prior to first opening of the retail development to the public, the proposed access for Parcel A shall be set out and constructed, and the existing access altered, in accordance with the drawing to be approved by the local planning authority pursuant to condition 20.

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).

18. The car parking area and refuse vehicle turning area for the retail development in Parcel A shall be laid out in accordance with the approved Proposed Site Layout Plan (Drawing No. 0454 PL A (0) 03\_C) and be available for use prior to the first opening of the retail development. Thereafter that area shall not be used for any other purpose than parking and manoeuvring of vehicles.

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).

19. Prior to construction of the retail development in Parcel A above damp proof course level details of facilities to be provided for the storage of refuse and recycling within Parcel A shall be submitted to and approved in writing by the Local Planning Authority. The facilities which should also include the provision of wheeled bins for all waste types shall be provided in accordance with the approved details, prior to the occupation of the retail development 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).

20. The retail development in Parcel A shall not be occupied until a scheme for the following off-site highway works has been submitted to and approved by in writing the Local Planning Authority:

Proposed access  
Upgrade of footpaths abutting site  
Upgrade of existing zebra crossing on Hawkeys Lane to signalised crossing  
Raised junction and zebra crossing at site access  
Associated street lighting  
Associated drainage  
School Safety scheme on Hawkeys Lane  
Associated road markings  
Associated Traffic Regulation Orders  
Associated street furniture & signage  
Vehicle activated speed signage

Reason: In order to minimise danger, obstruction and inconvenience to users of the highway and of the access having regard to policy DM7.4 of the North Tyneside Local Plan (2017).

21. The retail development in Parcel A shall not be occupied until a car park management strategy for Parcel A has been submitted to and agreed in writing by the Local planning Authority. Thereafter the management of the car park in Parcel A shall be carried out in accordance with the agreed details.

Reason: To ensure adequate parking facilities for the site and in the interests of highway safety; having regard to policy DM7.4 of the North Tyneside Local Plan (2017).

22. The retail development in Parcel A shall not be occupied until a scheme for the provision of secure cycle storage has been submitted to and agreed in writing by the Local planning Authority. This scheme shall be implemented in accordance with the approved details and retained thereafter. Reason: In order to minimise danger, obstruction and inconvenience to users of the highway and of the access having regard to policy DM7.4 of the North Tyneside Local Plan (2017).

23. Notwithstanding the Framework Travel Plan submitted, a revised travel plan for the retail development on Parcel A shall be submitted within 6 months of the retail development first opening to customers, that takes into account staff surveys and travel patterns. Thereafter the retail development will be operated in accordance with the approved travel plan.

Reason: To encourage sustainable transport; having regard to policy DM7.4 of the North Tyneside Local Plan (2017) and National Planning Policy Framework.

24. Prior to commencement of the retail development, a detailed scheme for the disposal of foul and surface water from the retail development in Parcel A of the development shall be submitted and approved in writing by the local planning authority in consultation with Northumbrian Water and the Lead Local Flood Authority. Thereafter the retail development shall take place in accordance with the approved details.

Reason: This information is required from the outset to demonstrate that the proposed development would not increase flood risk in accordance with NPPF.

25. Notwithstanding any indication of materials given for the retail development, prior to the construction of the retail development in Parcel A above damp proof course level, a schedule and/or samples of construction and surfacing materials and finishes for Parcel A shall be submitted and approved in writing by the local planning authority. Thereafter the retail development shall be carried out in accordance with the approved details.

Reason: To secure a satisfactory external having regard to the NPPF and policy DM6.1 of the North Tyneside Local Plan (2017).

26. The retail development in Parcel A 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 on land within Parcel A 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 on Parcel A. 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 retail 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 of the retail development 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 within Parcel A; details including drawings of gas protection scheme should be included.

c) Where remediation is carried out on within Parcel A 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 retail development is occupied.

d) In the event that there is a significant change to the ground conditions due to the retail 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 retail development is occupied.

Thereafter the retail 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.

27. Prior to use of the retail development in Parcel A commencing details of the air ventilation systems must be submitted to and approved in writing by the Local Planning Authority. The scheme shall thereafter be implemented before the retail development is first occupied in accordance with the approved details and permanently retained.

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

28. No sound reproduction equipment which is audible outside the curtilage of the premises shall be operated on Parcel A.

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).

29. No cooking or baking equipment shall be installed/operated within the retail development in Parcel A.

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

30. No vegetation removal shall take place from parcel A 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: In the interest of biodiversity and landscaping having regard to policy DM5.5 and DM 5.9 of the North Tyneside Local Plan 2017.

31. Prior to occupation of any dwelling on Parcel B, a noise scheme shall be submitted to and approved in writing by the Local Planning Authority. This shall provide details on a plot by plot basis of the window glazing to be provided to bedrooms in accordance with the good internal equivalent standard of 30 dB LAeq at night and prevent the regular exceedance of LMAX of 45 dB(A), and living rooms to meet an internal equivalent noise level of 35 dB LAeq as described in BS8233:2014 and the World Health Organisation community noise

guidelines. Gardens to achieve a noise level less than 50 dB LAeq 16 hours. The approved scheme shall be implemented prior to the occupation of the relevant plot and retained thereafter.

Reason: In order to protect the amenity of the occupiers of the proposed dwellings, having regard to Policy DM5.19 of the North Tyneside Local Plan 2017.

32. Prior to occupation of Parcel B, details of the mechanical ventilation scheme for properties with habitable bedrooms adjacent to the supermarket delivery bay shall be submitted to and approved in writing by the local planning authority and thereafter implemented. The alternative ventilation system must not compromise the facade insulation or the resulting internal noise levels. The approved details shall

Reason: In order to protect the amenity of the occupiers of the proposed dwellings, having regard to Policy DM5.19 of the North Tyneside Local Plan 2017.

33. Development of Parcel B shall not commence until a Construction Method Statement in relation to Parcel B has been submitted to and approved in writing by the Local Planning Authority. The approved Construction Method Statement shall be adhered to throughout the construction period. The Construction Method Statement shall, where applicable, provide for the following in relation to Parcel B:

- 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;
- provide 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;
- provide a turning area within the site for construction 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 the development of Parcel B.

Construction shall not commence on any part of the development of Parcel B other than the construction of a temporary site access and site set up until the agreed measures to prevent mud and debris onto the public highway are fully operational. If the agreed measures are not operational then no vehicles shall exit the development site onto the public highway.

The approved statement shall be implemented and complied with during and for the life of the works associated with the development.

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

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

Reason: In order to protect the amenity of the occupiers of the proposed dwellings, having regard to Policy DM5.19 of the North Tyneside Local Plan 2017.

35. No part of the residential development in Parcel B shall be occupied until an area has been laid out within Parcel B for refuse vehicles to turn in accordance with details to be approved pursuant to a reserved matters application and that area shall not thereafter be used for any other purpose. Reason: In order to minimise danger, obstruction and inconvenience to users of the highway and of the access having regard to policy DM7.4 of the North Tyneside Local Plan (2017).

36. The details to be submitted as part of a reserved matters application for the residential development within Parcel B shall include a scheme for parking, garaging and manoeuvring of vehicles. The approved scheme shall be implemented and made available for use before the residential development in Parcel B hereby permitted is occupied and these areas shall not thereafter be used for any other purpose.

Reason: In order to minimise danger, obstruction and inconvenience to users of the highway and of the access having regard to policy DM7.4 of the North Tyneside Local Plan (2017).

37. Prior to the commencement of any part of the residential development in Parcel B hereby approved above damp proof course level details of facilities to be provided for the storage of refuse, recycling and garden waste at each residential dwelling shall be submitted to and approved in writing by the Local Planning Authority. The facilities which should also include the provision of wheeled bins 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).

38. The details to be submitted as part of the reserved matters application for the residential development in Parcel B shall include a detailed parking layout designed in accordance with LDD12 for both private and visitor parking bays. Thereafter, the parking layout shall be implemented in accordance with the approved details before the residential development is occupied.

Reason: In order to minimise danger, obstruction and inconvenience to users of the highway and of the access having regard to policy DM7.4 of the North Tyneside Local Plan (2017).

39. Prior to commencement of the residential development on Parcel B, a detailed scheme for the disposal of surface and foul sewage from Parcel B of the development shall be submitted and approved in writing by the local planning authority in consultation with Northumbria Water and the Lead Local Flood

Authority. Thereafter the development of Parcel B shall take place in accordance with the approved details.

Reason: This information is required from the outset to demonstrate that the proposed development would not increase flood risk in accordance with NPPF.

40. Prior to first occupation of the residential development in Parcel B hereby approved, details of all fences, gates, walls or other means of enclosure to be erected within Parcel B shall be submitted to and approved in writing by the Local Planning Authority and thereafter implemented in accordance with the approved details. Site boundaries within Parcel B shall include passes for hedgehog.

Reason: To secure a satisfactory external appearance and to ensure that local wildlife populations are protected in the interests of ecology, having regard to the NPPF and policies DM6.1 and DM5.5 of the North Tyneside Local Plan (2017).

41. Notwithstanding the details to be submitted for the residential development in Parcel B pursuant to condition 2, prior to the construction of the residential development above damp proof course level, a schedule and/or samples of construction and surfacing materials and finishes for Parcel B shall be submitted and approved in writing by the local planning authority.

Reason: To secure a satisfactory external having regard to the NPPF and policy DM6.1 of the North Tyneside Local Plan (2017).

42. The reserved matters application for the residential development in Parcel B shall include a scheme for secure undercover cycle parking. Thereafter, the cycle parking shall be implemented in accordance with the approved details before the occupation of each residential unit.

Reason: In order to minimise danger, obstruction and inconvenience to users of the highway and of the access having regard to policy DM7.4 of the North Tyneside Local Plan (2017).

43. Notwithstanding the details to be submitted for the residential development in Parcel B pursuant to condition 2, the reserved matters layout for the residential development must demonstrate compliance with the housing standards set out under Policy DM4.9 of the North Tyneside Local Plan (2017).

Reason: To demonstrate compliance with Policy DM4.9 of the North Tyneside Local Plan (2017).

44. The residential development in Parcel B 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 on land within Parcel B 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 of Parcel B. 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 residential 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 of the residential development 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 within Parcel B; details including drawings of gas protection scheme should be included.

c) Where remediation is carried out within Parcel B 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 residential development is occupied.

d) In the event that there is a significant change to the ground conditions due to the residential 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 residential development is occupied.

Thereafter the residential 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.

45. The reserved matters application for the residential development within Parcel B pursuant to condition 2 shall include details of Parcel B of the site showing the existing and proposed ground levels and levels of thresholds and floor levels of all proposed residential buildings. Such levels shall be shown in



relation to a fixed and known datum point. Thereafter, the residential development shall not be carried out other than in accordance with the approved details.

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

46. Prior to occupation of Parcel B a ventilation scheme for all properties not included under condition no.32 to ensure an appropriate standard of ventilation, with windows closed must be submitted to and approved in writing by the Local Planning Authority. Where the internal noise levels specified in BS8233 are not achievable, with window open, due to the external noise environment, an alternative mechanical ventilation system must be installed, equivalent to System 4 of Approved Document F, such as mechanical heat recovery (MVHR) system that addresses thermal comfort and purge ventilation requirements to reduce the need to open windows. The alternative ventilation system must not compromise the facade insulation or the resulting internal noise levels. The approved details shall be implemented in accordance with the approved details prior to the occupation of the dwellings and retained thereafter.

Reason: In order to protect the amenity of the occupiers of the proposed dwellings, having regard to Policy DM5.19 of the North Tyneside Local Plan 2017.

47. The residential development hereby permitted shall include no more than 18no. dwellings.

Reason: More dwellings would result in a denser form of development which would adversely affect the character and appearance of the surrounding area.

48. The development hereby permitted in Parcel B shall be landscaped and planted in accordance with a fully detailed scheme which shall be submitted as part of the details of the proposed development of Parcel B as required by condition number 2; above. The landscaping scheme shall be implemented in accordance with the approved details and to a standard in accordance with the relevant recommendations of British Standard (4428:1989). The scheme is to be implemented within the first available planting season following completion of the scheme by an approved contractor. Any trees, shrubs or wildflower areas that fail or are removed within five years of planting shall be replaced in the next available planting season with others of similar size and species.

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

49. Prior to commencement of the residential development or any site clearance work in Parcel B works there shall be submitted to the Local Planning Authority for their approval a scheme showing the type, height and position of protective fencing to be erected around each tree or hedge to be retained on Parcel B. Unless otherwise agreed in writing by the Local Planning Authority this shall comprise a vertical and horizontal framework of scaffolding or post and rail fencing, to a height of 1.5 metres, well braced to resist impacts and supporting

either cleft chesnut pale or chain link fencing and sited at a minimum distance from the tree equivalent to the crown spread. No site clearance works or the development itself of Parcel B shall be commenced until such a scheme is approved by the Local Planning Authority and thereafter the development hereby permitted for Parcel B shall only be carried out in accordance with that scheme. The area surrounding each tree/hedge within the approved protective fencing shall remain undisturbed during the course of the works, and in particular in these areas:

- a) There shall be no changes in ground levels;
- b) No materials or plant shall be stored;
- c) No buildings or temporary buildings shall be erected or stationed;
- d) No materials or waste shall be burnt;
- e) No drain runs or other trenches shall be dug or otherwise created, without the prior written consent of the Local Planning Authority, and
- f) In carrying out the development, the developer shall conform with the recommendations in BS 5837:2012 in relation to the protection of trees during construction.

Reason: This needs to be pre-commencement condition to ensure that important features are protected and retained in the interests of amenity and to ensure trees and hedges to be retained are adequately protected from damage during the execution of the works hereby permitted, in the interests of visual amenity having regard to policy DM5.9 of the North Tyneside Local Plan (2017).

50. The residential development hereby permitted in Parcel B, shall be carried out in accordance with the following approved plans:  
- 0454 PL A(0) 10 - Proposed Phasing Plan

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

51. No vegetation removal shall take place from parcel B 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: In the interest of biodiversity and landscaping having regard to policy DM5.5 and DM 5.9 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)

Do Not Obstruct Highway Build Materials (I13)

Contact ERH Construct Highway Access (I05)

Contact ERH Works to Footway (I08)

No Doors Gates to Project Over Highways (I10)

Street Naming and numbering (I45)

Highway Inspection before dvlpt (I46)

**Appendix 1 – 19/01388/FUL  
Item 1**

**Consultations/representations**

1.0 Internal Consultees

1.1 Local Lead Flood Authority

1.2 I have carried out a review of the above planning application.

1.3 I can confirm that I have no objections to the proposals. The applicant will be providing surface attenuation within the site in the form of cellular storage with additional attenuation being provided within the sub base of the permeable paving parking bays. This will provide storage within the drainage network for a storm event up to and including the 1 in 100 year+20% climate change event. A storm event up to and including the 1 in 100 year+40% climate change event will be stored within the boundary of the site. Surface water flows are to be directed to the existing 225mm dia combined sewer located in the southeast corner of the site with a restricted flow rate of 3.4 l/s via the use of a 75mm orifice. As part of the drainage design the surface water network has been designed to accommodate a possible future connection from the plot to the North of the proposed development site.

1.4 I would recommend that a condition is placed on the application for the drainage design to be carried in accordance with the planning application submission.

2.0 Design Officer

2.1 Within a close proximity of the application site is the grade II listed war memorial and Victoria Jubilee building. The proposed Aldi store is located as far back in the site as reasonably possible away from the listed buildings. The trees around the listed buildings contribute towards their setting and have been retained as part of the proposal. The existing boundary wall to the front of the site has also been retained which was requested as part of the pre-application.

2.2 The design and layout of the Aldi store follows its function; it is a simple design that is positioned to be visible from Hawkeys Lane. To sit more comfortably within the residential area, the proposed materials should include brick work alongside the cladding.

2.3 The design should ensure a sensitive relationship with neighbouring uses; particularly the school. The proposal should avoid creating the potential for future conflict with neighbouring residents due to noise and disturbance. For this reason, planning conditions should restrict the times of deliveries.

2.4 Landscaping is incorporated around the site boundary, however there is limited landscaping within the site. Further landscaping within the site should be incorporated to soften the appearance of the parking area and improve the overall design. Parking bays should be surfaced in blocks rather than tarmac to contribute towards a well-designed development and street scene.

2.5 For the outline element of the application for residential development, no layout or elevations have been submitted. The principal of residential development is supported, however any detailed proposal should follow the general design principles identified below:

- Development should enhance the overall street scene.
- Development should be outward facing over Hawkey's Lane with parking provision to the rear.
- Development should be no more than 2 storeys in height.
- Development should use appropriate building materials to reflect the character and appearance of the area.

### 3.0 Regeneration Team

3.1 The Regeneration Team have no objections. It would be preferable if this was in a town centre location, but we accept there are no available sites of a sufficient size. This has been demonstrated through the applicant's planning statement.

### 4.0 Manager of Environmental Health (Pollution)

4.1 I have concerns with regard to potential noise arising from the foodstore development affecting neighbouring residential properties located adjacent on Hawkeys Lane and Beech Court and the proposed residential properties to the north of the site as part of this development for outline planning approval for residential use.

4.2 I have viewed the additional information provided by the applicant in relation to concerns over noise arising from the proposed mixed-use development.

4.3 With regard to deliveries, 24-hour deliveries are being requested using a dedicated delivery bay. Environmental Health receives frequent complaints regarding delivery noise during the night. The applicant has outlined that the noise at 10 metres will give rise to a level of 58 dBLAeq lasting around 15 minutes. Noise from the activity has been calculated to be below the existing background for the nearest existing residential properties at Beach Court, some 60 metres from the site and therefore will not give rise to any adverse impacts for residents. However, peak noise levels are still likely to be audible at the residential properties and reversing alarms etc may cause annoyance to existing residents next to the site, but are not of a volume to recommend refusal of this application or to recommend restrictions on delivery times.

4.4 A 2.4 metre high solid timber barrier is being proposed to screen delivery operations for the new residential properties adjacent to the site. The 2.4.m high fence will afford limited screening for first floor bedrooms. The noise assessment has recommended mechanical ventilation is provided to enable residents adequate ventilation without recourse to open windows and a service yard management plan, however, the plan does not recommend use of broadband reversing alarms or make any reference to the Department of Transport Quiet Deliveries Good Practice Guidance, April 2014. It is recommended that a planning condition is attached to any approval to require a delivery management plan be submitted. The use of mechanical ventilation for the proposed properties located adjacent to the delivery bay will minimise potential sleep

disturbance arising from deliveries to the store during the night period only if residents use the mechanical ventilation as there is no remit to require residents to keep windows closed.

4.5 I note the applicant has provided further information on the use of the car park and associated noise arising from the supermarket. It is considered that noise from the car park will not give rise to significant adverse impacts based on proposed hours of operations being requested which are 08:00 - 22:00 hours Monday to Saturdays and 10:00-18:00 hours on Sundays due to the close proximity to residential premises. Noise from external plant can be conditioned and a validation assessment provided.

4.6 With regard to the proposed residential properties adjacent to the supermarket, I would recommend conditions to ensure an appropriate noise scheme is provided to achieve good standards of internal noise levels in accordance with BS8233 to give a resultant noise level of below 30 decibels and maximum noise level of 45dB for bedrooms and 35 decibels for living rooms. A condition is recommended for residential plots adjacent to the delivery bay to require that mechanical ventilation is provided for habitable bedrooms facing onto the delivery bay so that occupiers are provided with a suitable ventilation system. This will ensure that that windows facing towards the delivery bay are not required to be opened. The garden area must be screened to mitigate against noise for residents using the garden. Residents may want to have windows open during summer evenings and I would predict complaints will arise for those properties facing towards the delivery bay with direct line of sight. Passive ventilation will be ineffective on warm nights when residents will want to open windows and ventilate their rooms more rapidly.

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

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

EPL01

EPL02

EPL03

EPL04

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

Noise control measures:

Prior to deliveries occurring to the site a Delivery Management Procedure shall be submitted to the Local Planning Authority in writing for approval and thereafter implemented to ensure deliveries are carried out in accordance to the Department for Transport Quiet Deliveries Good Practice Guidance: Key Principles and Processes for Retailers, April 2014.

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

Provide details of the 2.4m acoustic fence to the delivery bay to protect the proposed residential properties to the north of the site and thereafter install prior to occupation of building, and thereafter retain.

#### Noise from External Plant and Equipment

A noise scheme must be submitted in accordance with BS4142 to ensure that the rating level at the boundary of the nearest residential premises does not exceed the background noise level for the representative operating times of the plant and equipment. It will be necessary following installation of the plant and equipment that acoustic testing is undertaken to verify compliance with this condition within one month of its installation and submitted for written approval prior to the operation of the plant and thereafter maintain in working order.

NOI02

HOU04

SIT03

LIG01

#### Outline for Residential:

Prior to occupation submit and implement on approval of the local Planning Authority a noise scheme providing details on a plot by plot basis of the window glazing to be provided to habitable rooms in accordance to meet the good internal equivalent standard of 30 dB LAeq at night and prevent the exceedance of LMAX of 45 dB(A) and living rooms meet an internal equivalent noise level of 35 dB LAeq as described in BS8233:2014 and the World Health Organisation community noise guidelines. Gardens to achieve a noise level less than 50 dB LAeq 16 hours.

Prior to occupation, submit details of the mechanical ventilation scheme for properties with habitable bedrooms adjacent to the supermarket delivery bay approval in writing and thereafter implemented We expect the mechanical ventilation, such as mechanical heat recovery (MVHR) system should be provided that addresses thermal comfort and purge ventilation requirements to reduce the need to open windows. The alternative ventilation system must not compromise the facade insulation or the resulting internal noise levels.

Prior to occupation, submit details of the ventilation scheme for all properties with habitable bedrooms not facing onto the delivery bay approval in writing and thereafter implemented to ensure an appropriate standard of ventilation, with windows closed, is provided. Where the internal noise levels specified in BS8233 are not achievable, with window open, due to the external noise environment, we expect that alternative mechanical ventilation, such as mechanical heat recovery (MVHR) system should be provided that addresses thermal comfort and purge ventilation requirements to reduce the need to open windows. The alternative ventilation system must not compromise the facade insulation or the resulting internal noise levels

### 5.0 Manager of Environmental Health (Contaminated Land)

5.1 The Phase 2 report shows that there is no significantly elevated levels of contamination which represent a potential risk to human health.

5.2 There is still gas monitoring outstanding therefore Gas 006 must be applied to both the Aldi site and the residential housing site.

#### 6.0 Highway Network manager

6.1 This is a hybrid application - full application for Aldi store, associated car parking and landscaping and outline application (with means of access) for residential use.

#### 6.2 Aldi Store (full application):

6.3 The site is located on the former infirmary site and is accessed via Hawkeys Lane.

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

6.5 The parking provided does not meet the maximum parking standards set out in LDD12, however the applicant submitted initial evidence based on comparable existing Aldi stores in this area which supported their proposed level of parking.

6.6 Nonetheless, following concerns raised about overspill parking on existing Aldi sites and in particular the store at Hillheads, Whitley Bay, the applicant carried out further work on the potential parking demand and will increase the proposed parking provision from 103 to 112 spaces (including 5 disabled bays and 9 parent and child bays), which will result in the highest proportion of spaces to Gross Floor Area of all the stand-alone Aldi sites in the borough.

6.7 It is noted that the site is located near to Spring Gardens Primary School and concerns have been raised about the additional vehicles that will be associated with the site. The applicant has therefore proposed a substantial road safety scheme in the area including additional road markings, variable message signs, dedicated school coach parking, upgrade of the existing zebra crossing to signals and a raised junction and zebra crossing at the site access. It is considered that these measures are reasonable to mitigate the impact of the additional traffic. The applicant has also advised that parent drop off and pick up parking will be allowed in the store car park.

6.8 Servicing is carried out via the main access and the service area is located to the north of the site. It has been demonstrated that appropriate service vehicles can turn safely within the site and enter and exit in a forward direction. The proposed servicing arrangements are therefore considered satisfactory and typical of numerous Aldi sites.

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

#### 6.10 Recommendation - Conditional Approval

6.11 The applicant will be required to enter into a Section 278 Agreement for the following works:

Proposed access



- Upgrade of footpaths abutting site
- Upgrade of existing zebra crossing on Hawkeys Lane to signalised crossing
- Raised junction and zebra crossing at site access
- Associated street lighting
- Associated drainage
- School Safety scheme on Hawkeys Lane
- Associated road markings
- Associated Traffic Regulation Orders
- Associated street furniture & signage
- Vehicle activated speed signage

#### 6.12 Conditions:

- ACC15 - Altered Access Access Alt Prior to Occ
- ACC25 - Turning Areas: Before Occ [refuse vehicle]
- PAR04 - Veh: Parking, Garaging before Occ
- REF01 - Refuse Storage: Detail, Provide Before Occ
- SIT07 - Construction Method Statement (Major)
- SIT08 - Wheel wash

No part of the retail development shall be occupied until a scheme for the following off-site highway works has been submitted to and approved by in writing the Local Planning Authority:

- Proposed access
- Upgrade of footpaths abutting site
- Upgrade of existing zebra crossing on Hawkeys Lane to signalised crossing
- Raised junction and zebra crossing at site access
- Associated street lighting
- Associated drainage
- School Safety scheme on Hawkeys Lane
- Associated road markings
- Associated Traffic Regulation Orders
- Associated street furniture & signage
- Vehicle activated speed signage

The existing access to Parcel A from Hawkeys Lane shall be used during the construction phase of the retail development and prior to first opening of the retail development to the public the proposed access for Parcel A shall be set out and constructed, and the existing access altered, in accordance with the drawing to be approved by the local planning authority pursuant to condition 20.

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).

No part of the development shall be occupied until a car park management strategy for the site has been submitted to and agreed in writing by the Local planning Authority. Thereafter the management of the car park shall be carried out in accordance with the agreed details.

Reason: To ensure adequate parking facilities for the site and in the interests of highway safety.

No part of the development shall be occupied until a scheme for the provision of secure undercover cycle storage has been submitted to and agreed in writing by the Local planning Authority. This scheme shall be implemented in accordance with the approved details and retained thereafter.

Reason: In the interests of highway safety.

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

#### 6.13 Informatives:

- I05 - Contact ERH: Construct Highway Access
- I08 - Contact ERH: Works to footway.
- I10 - No Doors/Gates to Project over Highways
- I13 - Don't obstruct Highway, Build Materials
- I45 - Street Naming & Numbering
- I46 - Highway Inspection before dvlpt

#### 6.14 Residential (outline application):

6.15 This is an outline application for residential use. Access is to be determined at this stage with all other matters reserved. The site is located on the former infirmary site and is accessed via Hawkeys Lane through the existing car park to the south of the surgery and north of the ambulance station. The proposed access is considered to be acceptable, although the site would not be eligible for adoption by the Local Highway Authority.

6.16 The Transport Assessment (TA) associated with the Aldi store element of this application also included modelling for up to 20 dwellings and the combined impact of traffic associated with both uses on the adjacent highway network is not considered to be severe. Conditional approval is recommended.

#### 6.17 Recommendation - Conditional Approval

#### 6.18 Conditions:

- ACC24 - Turning Areas: Laid out before Occ (OUT)
- PAR03 - Veh: Parking, Garaging, Loading (OUT)
- REF01 - Refuse Storage: Detail, Provide Before Occ
- SIT07 - Construction Method Statement (Major)
- SIT08 - Wheel wash

Notwithstanding the details submitted, the reserved matters application shall include a detailed parking layout designed in accordance with LDD12 for both private and visitor parking bays. Thereafter, this scheme shall be implemented in accordance with the approved details before the development is occupied.

Reason: In the interests of highway safety.

Notwithstanding the details submitted, the reserved matters application shall include scheme for secure undercover cycle parking. Thereafter, this scheme

shall be implemented in accordance with the approved details before the development is occupied.

Reason: In the interests of promoting sustainable transport.

Notwithstanding the details submitted, the reserved matters application shall include a scheme to allow appropriate vehicles to turn within the site. Thereafter, this scheme shall be implemented in accordance with the approved details before the development is occupied.

Reason: In the interests of highway safety.

6.19 Informatives:

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 dvlpt

### 7.0 Biodiversity Officer and Landscape Architect

7.1 The former (Victoria Jubilee Infirmary) site is located within the built-up urban area of North Shields and is surrounded by mixed development, characterised by existing residential and community facilities. Additional information has been submitted in support of the application by way of a revised Landscape plan that has been updated for mitigation and enhanced biodiversity, adding native and flowering species. The plan includes the retention of a further 2no existing trees, 5no new trees added and a dedicated habitat zone to the rear.

7.2 Full Application for Aldi Store:

A revised landscape plan has been submitted dated 2nd March 2020. The key is clearer, G2 has been shown to be retained and T14 (B) is also now retained.

Concerns in relation to the Aldi Store site are:

- The site is allocated for housing and is a departure from the allocation
- The detail of the species mix and their specification still needs further discussion, however, the landscape scheme for the Aldi store is insufficient to mitigate for the loss of grassland and scrub. There is approximately 510sqm of new scrub/hedgerow planting being offered as mitigation, whereas approximately 1000sqm of scrub will be lost on the site, the majority being within tree group 8. There is also approximately 2500sqm of brownfield grassland and scattered scrub that will be lost as part of the Aldi scheme, with no mitigation proposed within the Aldi site to address this

7.3 Outline application for residential use:

Information has been submitted for the residential development to the north of the proposed Aldi store where it is proposed to construct 18no units with access roads and car parking. The outline application site comprises of semi-improved grassland and ephemeral habitat that provides valuable brownfield habitat for wildlife. The extent of this habitat within the outline application site is approximately 4,300sqm. This area is supported by the remaining tree/shrub group 8 (approximately 300sqm) all of which will be lost to the development.

7.4 It is proposed to provide amenity grass to all private garden areas but all other remaining areas are proposed as wildflower meadow equating to

approximately 1400sqm. However, not all the wildflower areas as shown are practical – the areas to the front gardens will be maintained as mown grass, reducing the calculation down.

In addition, if the areas of wildflower are proposed for habitat creation, public access would need to be restricted so that they are protected from damage and disturbance.

7.5 This would mean there are no areas of public open space that can be used for recreational purposes. The wildflower areas are relatively small and fragmented and will be vulnerable to regular mowing by occupiers to achieve areas of useable open space. These areas are considered to offer little biodiversity benefit. In addition, the provision of 1400sqm of wildflower habitat is not sufficient to mitigate the loss of grassland habitat resulting from the scheme.

#### 7.6 General:

The full and outline application schemes will result in the loss of approximately 0.7ha (7000sqm) of semi-improved grassland/ephemeral habitat and scattered scrub as well as approximately 1300sqm of dense scrub. The landscape mitigation plans for both schemes do not adequately address habitat loss and are considered to result in a net loss. It is unlikely that sufficient mitigation can be achieved to meet Local Plan policies across both sites and to meet the required level of mitigation, consideration may need to be given to providing this off site.

7.7 The full and outline applications do not meet the following Local Plan and NPPF policies:

Policy S5.1 Strategic Green Infrastructure

Policy S5.4 Biodiversity and Geodiversity

Policy DM5.5 Managing Effects on Biodiversity and Geodiversity

Policy DM 5.9 Trees, woodland and hedgerows

National Planning Policy Framework (NPPF), Section 170, 174 and 175

### 8.0 Representations

8.1 38no. objections have been received. These are summarised below.

#### Highway impacts

- Poor traffic/pedestrian safety.
- Poor/unsuitable vehicular access.
- Traffic congestion.
- Inadequate parking provision.
- The adjacent school already has access problems via Hawkey's Lane.
- Would increase existing access problems.
- 100+ car parking spaces = 1,000s of extra cars per week.
- More traffic and congested roads.
- Impact on the recently installed zebra crossing.
- Customers exiting the car park could drive onto the zebra crossing.
- The traffic is already dangerous.
- Impact on the safety of school children and patients of the doctor's surgery.
- Safety risk to pedestrians on Hawkey's Lane and surrounding streets.
- Close to Primary School and a college.
- Will increase traffic in Cleveland Road.
- Extra traffic will cause more rat runs through local streets.

- 4 deliveries a day is dangerous for children and older people wishing to cross the road.
- Car park access could be moved closer to the war memorial.
- The ambulance station at Hawkeys Lane is an emergency ambulance station not just scheduled care.
- The ambulance station operates 24 hours a day.
- Impact on access to and from the ambulance station.
- Poor access and egress and road safety/congestion at the access to residential plot.
- There would need to be severe limits delivery times and vehicle types.

#### Principle/need

- Not in accordance with development plan.
- None compliance with approved policy.
- Not a planning issue.
- There are existing shops on Spence Terrace, Front Street, Chirton and a new Co-op in Hawkey's Lane.
- Sufficient retail provision in the area.
- Third Aldi store in a 3 mile radius – no need for another.
- Harmful impact on North Shields retail centre.
- Will result in more job loss than it creates.
- Council is investing in North Shields town centre.
- Is not within walking distance of North Shields town centre.
- There are other more suitable sites available.
- It should be built on the Royal Quays.
- Unfair competition for the new Co-op.
- The Local Plan allocates the area for residential use.
- Should be used for housing.
- Not compliant with Local Plan.
- No guarantee that the housing will be built.

#### Amenity

- Nuisance – disturbance, fumes, noise, dust/dirt.
- Will result in visual intrusion.
- Loss of privacy.
- Loss of residential amenity.
- Loss of visual amenity.
- Negative impact on residents.
- Increased air pollution.
- Additional noise.
- Noise and fumes from delivery vehicles.
- External lighting.
- Overshadow the school.

#### Environment

- Adverse effect on wildlife.
- Impact on landscape.
- Loss of/damage to trees.
- The site supports mature trees, grasses, flowers and wildlife which would be replaced by hard surfacing.
- Adverse environmental impact.

- Unsuitable location.
- Adverse impact on the war memorial and the November remembrance parade.
- No intention of providing affordable housing on the adjacent site.

#### Design

- Affect character of conservation area.
- Inappropriate materials.
- Affect setting of listed building.
- Inappropriate design.
- Out of keeping with surroundings.
- Overdevelopment.

#### Other

- Additional crime during and after construction.
- Feels as if the council is caring more about profits than its local residents.

8.2 205no. letters of support have been received. These are summarised below.

- Residents currently use other Aldi stores.
- Beneficial to North Shields.
- Welcome addition to the area.
- Will be within walking distance of a lot of people.
- Greatly needed facility.
- Electric parking bays are offered.
- New jobs and housing.
- Will help the housing shortage.
- Will offer parking for parents which will improve highway safety.
- Within walking distance of sheltered housing.
- Will help older residents who cannot access other stores.
- We currently have to get a bus or train to shop.
- Interested in buying one of the residential dwellings.
- Difficult for residents to access North Shields town centre.
- Useful use of a waste area of land.
- Land is unsightly and collecting rubbish.
- Extra price competition in the area.
- More shopping choice.
- Good selections of products and prices.
- Adequate roads surround the site.
- Surrounding area is densely populated.
- Concerns regarding the parking.
- A pelican crossing would be better than a zebra crossing.
- Shortage of discount food stores in North Shields.
- Will benefit elderly people and non- drivers.
- Less driving will benefit the environment.
- Welcome the proposed enhanced landscape.
- Close to good bus routes.
- Multi-million investment to the area.
- Only concern is the impact on the school crossing.

#### 8.3 Spring Gardens Primary School

8.4 Aldi have listened to the concerns expressed by School staff and Governors and have altered their plans accordingly.

8.5 We are happy to accept the new proposed road layout and safety measures.

8.6 Having discussed this with the head teacher we now support this application.

8.7 2no. representations have been received

8.5 These raise no objection in principle to an Aldi store but raise concerns regarding the impact on highway safety.

9.0 Councillor Comments

9.1 Cllr. Matt Wilson

9.2 My objection to Aldi's Planning Application is on two grounds, firstly safety and secondly economic. I will address each in turn.

1) On 19th September I attended the Aldi consultation event to study the plans in detail and talk to the relevant experts including the architects and traffic consultants. I had concerns about vehicular site entry and egress, which is proposed to be located immediately adjacent to a Pelican Crossing which we as North Tyneside Council specifically positioned at that point of Hawkeys Lane only within the last year because of safety concerns relating to primary school access. Neither the architect nor traffic consultant could give me satisfactory answers for utilising this point on Hawkeys Lane rather than the alternative site entry and egress some 50 metres to the north, which is already in regular use providing access to Appleby and Collingwood NHS surgeries + the Lloyds pharmacy. I believe that it defies all common sense to locate the entrance/exit to a busy supermarket car park in such close proximity to a pelican crossing used by hundreds of primary school children.

2) The economic benefits of the new supermarket are being extolled by Aldi's appointed PR consultancy BECG and dozens of jobs created are being estimated. As a member of the Economic Prosperity Sub Committee I consider it to be contingent on us as councillors to also consider the negative economic impact that the store would have on struggling businesses in North Shields Town Centre. We are working incredibly hard to support local businesses in North Shields and to avoid anything that would make trading conditions even harder for them. Were this development to go ahead it would put at risk the longstanding independent bakers, butchers, grocers, florists etc on Bedford Street and West Percy Street. Our task of reviving North Shields Town Centre, which is a key regeneration priority, would become substantially more difficult were this new supermarket development to go ahead.

I urge colleagues therefore to reject this application.

10.0 External Consultees

10.1 Northumberland Wildlife Trust

10.2 Northumberland Wildlife Trust is concerned by the lack of consideration for impacts on wildlife within this application. Brownfield sites such as this can have more wildlife value than many other similar sized areas, particularly in an urban context. This open ground is likely to be used as a foraging area for bats and as a feeding area for birds. While it is noted that there are few larger trees those

that exist have the potential to be used by nesting birds, therefore this needs to be considered in any development of the site.

#### 11.0 Northumbria Police

11.1 I have considered it from a crime prevention point of view and can find no grounds on which to object to it.

11.2 I have noted the comments in the DAS regarding the proposed boundary treatments and fully support them. My experience of similar applications in other parts of the force area is that these buildings are a type of “off the shelf” construction and in truth I have not noticed any defects in the design which makes them vulnerable to crime and therefore have no further comments to make in relation to it.

#### 12.0 Coal Authority

12.1 There is no requirement for a Coal Mining Risk Assessment or for the Coal Authority to be consulted.

#### 13.0 Northumbrian Water

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

13.2 The submitted drainage strategy considers only the retail unit element of the planning application, as does the predevelopment enquiry for the site that was received by Northumbrian Water. We would request that a drainage strategy covering both elements of the proposal is submitted.

13.3 With regard to the retail unit, we recognise that it is stated that existing connections will be utilised. It is not clear from the present information where this connection discharges to the public sewer and whether the sewer at this point has been assessed to ensure it can accommodate the proposed flows. Alternative connection points to those included in Northumbrian Water’s pre-development enquiry response should be agreed with Northumbrian Water.

13.4 We would therefore request the following condition:

Prior to construction above ground floor level, 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. Thereafter the development shall take place in accordance with the approved details.

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

#### 14.0 Tyne and Wear Archaeology Officer

14.1 I have checked the site against the HER and historic Ordnance Survey maps. A pinfold (enclosure for animals) is shown on the OS first edition map of 1858. This was probably destroyed when the Victoria Jubilee Infirmary was built. South Preston Colliery lay immediately adjacent to the site (close to the health



centre). The Victoria Jubilee Infirmary was much more extensive than the surviving listed buildings.

14.2 However, the construction of Tynemouth Court is likely to have destroyed any buried remains.

14.3 There are few areas within the site that will not have been disturbed by the 20th century expansion of the hospital, its demolition, and the construction and demolition of Tynemouth Court. I therefore consider that no archaeological investigation is required prior to the redevelopment of the site.

#### 15.0 Natural England

15.1 As submitted, the application could have potential significant effects on Northumberland Shore Site of Special Scientific Interest (SSSI), and Northumbria Coast Special Protection Area (SPA) and Ramsar site. Natural England requires further information in order to determine the significance of these impacts and the scope for mitigation.

15.2 The following information is required:

The potential for recreational disturbance impacts on the above designated sites requires assessment; this should be considered by the ecological appraisal. Further consideration should then be given to appropriate mitigation measures, including a financial contribution to the Coastal Mitigation Service in line with the North Tyneside Supplementary Planning Document.

15.3 The proposed development is within 1.5 km of Northumberland Shore SSSI, and 1.8 km if Northumbria Coast SPA and Ramsar site which are designated for their bird interests, particularly during the over-wintering period.

15.4 The design and access statement produced by KLR Planning Ltd details in Section 5 the proposed outline residential development of 0.6ha for 18 to 24 houses. The Preliminary Ecological Appraisal report (V2) produced by Total Ecology (dated 06 January 2020) pertains to the proposed development of the Aldi Store and car park only. In order to provide substantive comment Natural England advise the ecological appraisal for the proposed residential development is also required.

15.5 Research around the country has shown that increases in residential and tourist accommodation leads to an increase in recreational activity, particularly from people walking with and without dogs. This can lead to increased disturbance to the birds associated with the designated sites, and so suitable mitigation is required to offset these impacts.

15.6 Natural England advises:

- Given the unique nature of the coast it is not possible to entirely replicate the attraction of it through the provision of alternative greenspace. North Tyneside Council have developed a Coastal Mitigation Supplementary Planning Document (SPD) (July 2019) to address the indirect impacts resulting from increased recreational activity from increasing residential and tourist accommodation. (The said SPD has been adopted).

- The need for the proposed Coastal Mitigation Service is based on research undertaken, which shows that the majority of visitors to the coast come from within a 6km buffer zone of the coast, but effects can arise from 8 to 16 km.
- The SPD states that "At this time the proportionate contribution is based on the 6km zone meeting 75% of the costs of the Coastal Mitigation Service and the remainder of the Borough meeting the remaining 25%." Developers can therefore make a financial contribution per dwelling (or unit) based on the distance of the development from the coast.
- The SPD considers a contribution from each individual accommodation unit created, proportionate to the impact that could arise from each additional new home, is appropriate. This applies to each net additional unit of tourist accommodation within and beyond the 6km buffer zone.
- There is also a Coastal Mitigation Service operated by Northumberland County Council which covers some of the areas of North Tyneside.

15.7 With regards to the outline residential proposal, Natural England advises that appropriate mitigation should be discussed and agreed with the developer, including the required contribution to the relevant Coastal Mitigation Service.

15.8 The HRA screening consultation produced by North Tyneside Council attached with the planning consultation considers the likely significant effects of this development; the HRA screening concludes that a financial contribution through a planning obligation in accordance with the Coastal Mitigation SPD would be suitable. Natural England advise we concur with this view.