

**Item No:** 5.2  
**Application No:** 15/01146/OUT  
**Date valid:** 10 July 2015  
**Target decision date:** 9 October 2015  
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**Ward:** Valley

Application type: outline planning application

**Location: Land North And East Of , Holystone Roundabout, Rotary Road, Backworth, NEWCASTLE UPON TYNE**

**Proposal: Proposed retail development (Class A1), food and drink unit (Class A3) and petrol station (Sui Generis) with associated access, parking, service area and landscaping (Supplementary Highways Info uploaded 01.10.2015) (Additional Landscape/Ecology Info uploaded 06.10.2015)**

Applicant: The Northumberland Estates, FAO Colin Barnes Estates Office  
Alnwick Castle Alnwick Northumberland NE66 1NQ

Agent: Nathaniel Lichfield And Partners, FAO Mr Daniel Gregg Generator  
Studios Trafalgar Street Newcastle Upon Tyne NE1 2LA

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

## **INFORMATION**

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

#### 1.0 Main Issues

1.1 The main issues in this case are;

- Whether the principle of a new retail store, restaurant and petrol station in this site is acceptable;
- The impact of the proposal upon the character and appearance of the site and the surrounding area;
- The impact upon neighbours living conditions with particular regard to noise and disturbance;
- Whether sufficient car parking and access would be provided.

#### 2.0 Description of the Site

2.1 The application site measures approximately 4 hectares in area and comprises vacant grassland, which is accessed from the roundabout junction off the A186 to the west of the A19 Holystone roundabout. The eastern edge of the site is delineated by a belt of existing tree planting that runs adjacent to the A186. To the north of the site is the metro line. To the west of the site is the A19 dual carriageway and to the east is the A186 beyond, which is a residential housing estate. To the south of the site is the Holystone roundabout. The existing Toby Carvery restaurant is located to the north east of the site. The site slopes gently downwards from the north to the south.

### 3.0 Description of the proposed development

3.1 The proposal seeks outline planning permission, with only access to be approved, for retail development falling in Use Class A1 (comprising approx 2,000 sqm discount food store and 10,950 sqm non food retail) , Class A3 food and drink unit (approx 100 sqm) , and a petrol station (approx 300 sqm) (Sui Generis). The remaining matters - appearance, landscaping, layout and scale are reserved for subsequent approval.

### 4.0 Relevant Planning History

4.1 97/00042/OUT – Leisure Park (220,000 sq ft) with 24 screen multiplex cinema and associated D2, A3 and A1 uses, residential development for 200-250 houses, Phase 1 of the Shiremoor Bypass, new access on-site parking, metro station and ancillary works.  
Appeal allowed 19.02.99.

4.2 01/00837/FUL – Variation o conditions No.'s 3 and 4 of outline planning permission 97/00042/OUT for Leisure Park (220,000 sq ft) with 24 screen multiplex cinema and associated D2, A3 and A1 uses, residential development for 200/250 houses.  
Permitted 18.08.03.

4.3 02/01568/FUL – Proposed variation of condition No.5 Planning Approval 97/0042/OUT (Leisure Park comprising 24 screen multiplex cinema and associated D2 (Assembly and Leisure) A3 (Food and Drink) and A1 (Retail) uses residential development for 200-250 houses, Phase 1 of the Shiremoor Bypass, provision of a new access; on site parking; Metro Station and ancillary works) to allow the phased implementation of the development.  
Permitted 18.12.02.

4.4 07/03432/OUT – Construction of (2,787 sq m) office development (Class B1) and two (Class A1) retail units (3,734 sq m with additional 1.079 sq m for uses as a garden centre and 5,574 sq m (including off site highway improvement works).  
Appeal Dismissed 26.01.10.

### 5.0 Development Plan

5.1 North Tyneside Unitary Development Plan (adopted March 2002).

5.2 Direction from Secretary of State under paragraph 1(3) of Schedule 8 of Town and Country Planning and Compulsory Purchase Act 2004 in respect of policies in the North Tyneside UDP.

### 6.0 Government Policy

6.1 National Planning Policy Framework (March 2012).

6.2 National Planning Policy Guidance (March 2014).

6.3 Planning applications must be determined in accordance with the development plan unless material considerations indicate otherwise. The National Planning policy Framework is a material consideration in the determination of this application. It requires local planning authorities 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 National Planning policy Framework.

## **PLANNING OFFICERS REPORT**

### 7.0 Main Issues

7.1 The main issues in this case are;

- Whether the principle of a new retail store, food and drink outlet and petrol station on this site is acceptable;
- The impact of the proposal upon the character and appearance of the site and the surrounding area;
- The impact upon the living conditions of neighbours, with particular regard to noise and disturbance;
- Whether sufficient car parking and access would be provided.

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

### 7.3 Principle

7.4 The site is allocated on the UPD Proposals Map for employment and/or leisure related development, according to policies LE1/3(6) and LE2/1(6).

7.5 Policy LE1/3(6) allocated this site for Class B1 (Business). However this policy also states that this site is appropriate for leisure use. Similarly, policy LE2/1(6) allocated this site for leisure use, but also accepts that it would be appropriate for business (B1) use. A food and drink outlet is classed as a 'leisure' use and the principle of this is therefore considered to be acceptable in this location.

7.6 NPPF states that local planning authorities should apply a sequential test to planning applications for main town centre uses that are not in an existing centre and not in accordance with and up-to-date Local Plan. The proposal seeks a leisure use which is in accordance with its dual allocation and therefore a sequential assessment is not necessary for this element of the proposed development. Similarly there is no requirement to undertake an impact assessment in relation to the proposed food and drink outlet. However, the proposed retail element of the application is subject to these assessments and these are considered later within this report.

7.7 The National Planning Policy Framework (NPPF) states that at the heart of the Framework is a presumption in favour of sustainable development. The NPPF states that the Government is committed to ensuring that the planning system does everything it can to support sustainable economic growth.

7.8 Although the majority of the application is for retail use and therefore represents a departure from the development plan, the development plan is out of date. The North Tyneside Unitary Development plan was adopted in March 2002, over 12 years ago. The plan period ran until 2006 and we are now

significantly (9 years) beyond this. Following the advice in paragraph 14 of NPPF it states that where the development plan is out of date, the presumption is that planning permission should be granted unless any adverse effects of doing so would significantly and demonstrably outweigh the benefits when assessed against policies in the NPPF taken as a whole or specific policies in the Framework indicate that development should be restricted. Given the development plan is out of date, the presumption in favour of sustainable development applies.

### 7.9 Retail

7.10 The National Planning Policy Framework states that local planning authorities should set policies for meeting identified needs in other accessible locations that are well connected to the town centre. The NPPF also seeks to ensure the vitality of town centres and recognises town centres at the heart of communities. Retail development and leisure and entertainment facilities are 'main town centre' uses.

### Sequential Assessment

7.11 Paragraph 24 of NPPF states that the local planning authority should apply a sequential test to planning applications for main town centres uses that are not in an existing centre and not in accordance with an up-to-date local plan. Applicants and local planning authorities should demonstrate flexibility on issues such as format and scale.

7.12 Annex 2 of NPPF confirms that for retail purposes 'edge-of-centre' applies to a location that is both well connected to and within 300m of the Primary Shopping Area. A Primary Shopping Area is defined where retail development is concentrated. The application site is within 300m of Shiremoor District Centre (Northumberland Park District Centre) and therefore is considered to be 'edge-of-centre.' Despite being 'edge-of-centre' a sequential assessment is still necessary to see whether there are any sites which are available, suitable and viable in existing centres. If there are none, then edge of centre sites such as the application site can be considered.

7.13 The applicant has submitted a Planning and Retail Statement in support of the application. This considers sequential sites within North Shields, Whitley Bay, Wallsend and Killingworth Town Centres, as well as Northumberland District Centre in terms of their potential to accommodate the application proposals.

7.14 This reflects the fact that these four town centres are the main centres in the district, and therefore consistent with the intended role and function of the development. It is officer advice that this constitutes a reasonable catchment area for considering sequentially preferable sites given the size and nature of the proposals.

7.15 The applicant's Sequential Assessment concludes that the majority of the sites identified are not sequentially preferable to the application site as none of these sites are fully suitable and available to accommodate the proposed development due to a range of constraints including their size, location and existing and proposed uses.

7.16 Any available space at Northumberland Park District Centre is not sufficient size to accommodate the non-food retail or discount foodstore elements of the scheme, even if the units were to be combined. Disaggregation of the proposed development is not possible in this location and this site is not suitable.

7.17 In conclusion, it is officer advice that there are no sequentially preferable sites within the catchment area, which are suitable, available and viable and therefore in this respect the proposal would accord with the advice in NPPF.

7.18 Members need to consider whether there are any sequentially preferable sites within the catchment area which are available, suitable and viable and weight this in their decision.

#### 7.19 Impact Assessment

7.20 When assessing an application for retail development outside of town centres, which is not in accordance with an up-to-date Local Plan, local planning authorities should require an impact assessment if the development is over the locally set threshold. The Council has published a Retail Study which recommends the locally set threshold should be 2,500 sqm. The threshold is set out in the local plan. The proposed foodstore and new food and drink unit, which would comprise 2,000 sqm and 100 sqm gross respectively would be below this recommended threshold. However, the applicant has undertaken an Impact Assessment at the request of the Local Planning Authority.

7.21 The National Planning Policy Framework states that an impact assessment should include an assessment of;

- 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
- The impact of the proposal on town centre vitality and viability, including local consumer choice and trade in town centre and the wider area, up to five years from the time the application is made. For major schemes where a full impact will not be realised in five years, the impact should be assessed up to 10 years from the time the application is made.

7.22 The applicant has considered the above within their Impact Assessment looking particularly at the impact on Northumberland District Centre as well as the centres of Whitley Bay, Wallsend, Killingworth and North Shields. The Impact Assessment concludes that the proposed development would not result in any significant adverse impact upon the vitality and viability of existing centres, or upon existing and future planned investment in such centres. Furthermore, the proposed development would represent significant investment on the edge of the existing Northumberland Park District Centre, forming a natural extension to this centre (as envisaged by the emerging Local Plan) and generating linked trips with existing facilities.

7.23 It is Officer advice that the proposed retail offer would not be so significant that it would have a severe detrimental impact upon the vitality and viability of town centres within the catchment area identified (in accordance with paragraph 26 of the NPPF), bearing in mind the benefits that the proposal would bring in

terms of developing this site, and the economic benefits in terms of the creation of new jobs. Therefore in this respect the proposal would accord with the advice in NPPF.

7.24 Members need to consider the impact of the proposal upon the existing retail centres, whether the proposal would accord with the advice in NPPF and weight this in their decision.

#### 7.25 Character and Appearance

7.26 The National Planning Policy Framework states that the Government attaches great importance to the design of the built environment. Good design is a key aspect of sustainable development, is indivisible from good planning and should contribute to making places better for people.

7.27 Policy S11 states that having regards to the size, function and location of shops, new retail development will be expected to provide a range of facilities for the shopping public. This policy is in accordance with the design guidance in the National Planning Policy Framework and therefore has full weight.

7.28 Policy LE2 supports the development of leisure facilities provided they are acceptable in terms of their impact on the natural and built environment, and on surrounding land uses.

7.29 LDD11 'Design Quality' states that the principles of good design, apply equally to retail uses. Commercial developments, regardless of location, should be a focus to promote high quality design in order to enhance the overall quality of the built environment, both aesthetically and functionally.

7.30 The proposed indicative design is contemporary and similar to that of the nearby Pavilion Public House, Northumberland Park District Centre, and the Toby Carvery restaurant on the immediately adjacent site. Although the new housing towards the east is more traditional in design, as the wider surroundings and district centre are modern and contemporary the proposed scheme would be viewed in this wider context

7.31 It is officer advice that subject to conditions that the proposal would not have an adverse impact upon the character and appearance of the site and the surrounding area, but would enhance it. The proposal would therefore comply with the advice in NPPF and policies S11 and LE2 of the UDP and LDD11.

7.32 Members need to consider whether the proposed design is acceptable, whether it would accord with NPPF, policies S11 and LE2 and LDD11 and weight this in their decision.

#### 7.33 Impact upon Neighbours

7.34 Paragraph 123 of NPPF states that planning decision should aim to avoid noise giving rise to significant adverse impacts on health and quality of life as a result of development.

7.35 Policy H13 states that applications for non-residential development within or adjacent to residential areas will only be approved where the local planning authority consider that they would not adversely affect residential amenity.

7.36 The residents who are most likely to be directly affected by the proposals are those living in the existing housing that backs onto the A186. A number of objections have been received with regard to the impact of the proposal on the amenity of these residents, the contents of which are noted. The Council's Environmental Health Officer has offered her broad support of the principle of the application, subject to several conditions to ensure that the amenity of any nearby occupiers and road users is not significantly compromised by the proposal.

7.37 In addition, the existing road creates a good sense of separation between the existing housing and the proposed development, and the retail units are primarily located on the western extent of the site and therefore furthest away from the nearest residents. Conditions will control the operation of the petrol station and any illuminated signage in order to ensure that it does not adversely affect neighbours residential amenity.

7.38 It is officer advice that subject to conditions that the proposal would not have a significant adverse impact upon neighbours living conditions and that the proposal would accord with the advice in NPPF and policy H13 of the UDP.

7.39 Members need to consider whether the proposed development would accord with policy H13 and whether it would have an adverse impact upon neighbours and weight this in their decision.

#### 7.40 Biodiversity and Landscaping

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

7.42 Paragraph 109 of NPPF states that the planning system should contribute to and enhance the natural and local environment by amongst other matters minimising the impacts on biodiversity and producing net gains to biodiversity where possible, contributing to the Government's commitment to halt the overall decline in biodiversity.

7.43 Paragraph 118 of NPPF states that when determining a planning application, local planning authorities should aim to conserve and enhance biodiversity. If significant harm resulting from a development cannot be avoided or as a last resort compensated for, then planning permission should be refused.

7.44 Policy E12/6 states that development which would adversely affect the contribution of a wildlife corridor will not be permitted unless amongst other matters appropriate measures of mitigation of or compensation for all of the adverse effects are secured.

7.45 Policy E14 seeks to protect and conserve existing trees and landscape features within the urban environment and will encourage new planting in association with development.

7.46 DCPS No.6 sets out the material planning considerations with regard to landscape proposals.

7.46 The applicant has submitted an Extended Phase 1 Habitat Survey, Arboricultural Tree Constraints Assessment and Indicative Landscape Proposals Plan in support of the application. The Council's Biodiversity Officer and Landscape Officer originally raised concerns with regard to the significant loss of trees, hedgerows and habitat with insufficient mitigation proposed. In response the applicant submitted further information and revised landscape proposals.

7.47 The Biodiversity Officer has noted that the revised site layout and landscaping plan is an improvement on the previous scheme with less of the woodland to the south being lost to the development and an increase in additional planting such as native trees, scrub and hedgerow. She has raised no objection to the proposal subject to several conditions which are to include a requirement for bird and bat boxes in the surrounding woodland areas to the south (A186) and the west (A19 boundary) to help mitigate for this loss of some of the woodland, as well as a woodland management plan to ensure the remaining woodland area to the south of the site and planting along the western boundary is managed appropriately for biodiversity.

7.48 The Landscape Officer has now commented that although a development such as this will impact on the landscape of the area, the amended landscape drawing seeks to minimise this impact by retaining additional areas of planting to the southern and eastern boundary thereby maintaining the screen to the A19 and A186. Also the retained woodland is to be enhanced by additional native shrub understorey planting which will, in turn, provide a level of biodiversity and maintain visual amenity along the transport routes. She has advised that the proposed landscape scheme is now acceptable, subject to conditions to adequately control it.

7.49 In conclusion, NPPF advises that the planning system should contribute to and enhance the natural and local environment. It is officer advice that the proposal would not result in significant harm to biodiversity and that suitable mitigation is proposed to limit the impact on both biodiversity and the natural landscape. The proposal would accord with the advice in NPPF and policies E12/6, E14 and DCPS No.6 of the UDP.

7.50 Members need to consider whether they consider that the proposal would accord with the advice in NPPF and policies E12/6, E14 and DCPS No.6 of the UDP of the UDP and weight this in their decision.

#### 7.51 Flooding

7.52 NPPF states that when determining applications, local planning authorities should ensure that flood risk is not increased elsewhere and only consider



development in areas at risk of flooding where informed by a site specific flood risk assessment following the Sequential Test.

7.53 The applicant has submitted a Flood Risk Assessment and Drainage Strategy, which concludes that the application site is within Flood Zone 1, the lowest risk.

7.54 The Council's Lead Flood Authority Engineer has been consulted on the proposal and has raised no objections to it. The Environment Agency has also been consulted and raised no objection subject to a condition relating to underground storage tanks.

7.55 It is officer advice that the proposal would accord with NPPF in terms of flood risk, subject to the suggested conditions.

7.56 Members need to consider whether in terms of flooding, the proposal would accord with NPF and weight this in their decision.

#### 7.57 Contamination

7.58 NPPF states that planning decision should ensure that new development is appropriate to its location. The effects (including cumulative effects) of pollution on health, the natural environment or general amenity and the potential sensitivity of the area or proposed development to adverse effects of pollution should be taken into account. Where a site is affected by contamination or land stability issues, responsibility for securing a safe development rests with the developer and/or landowner.

7.59 Policy E3 seeks to minimise the impact of pollution on the environment including existing land uses and on proposed development and will support and encourage measures including monitoring of pollution to reduce it to the lowest practicable levels.

7.60 The applicant has submitted a Geo-Environmental Desk Study Report and Coal Mining Risk Assessment which has identified a requirement for an intrusive ground investigation and additional surveys.

7.61 The Council's Contaminated Land Officer has been consulted and raised no objection to the proposed development, but has recommended that a number of conditions be attached to ensure that the required gas and contaminated land investigations, and any necessary remediation works, are carried out prior to the commencement of development.

7.62 It is officer advice that subject to conditions this proposal is appropriate for its location. The proposal would accord with the advice in NPPF and policy E3.

7.63 Members need to determine whether they consider that the proposal would accord with NPPF and policy E3 of the UDP and weight this in their decision.

#### 7.64 Land Stability

7.65 Paragraphs 120-121 of the NPPF state that policies and decisions should ensure that new development is appropriate for its location in order to prevent unacceptable risks from pollution and land instability. Where a site is affected by contamination or land stability issues, responsibility for securing a safe development rests with the developer and/or landowner.

7.66 Policy E8 of the UDP provides that that future dereliction or contamination should be prevented by imposing restoration and aftercare conditions on appropriate development permissions.

7.67 The Coal Authority have been consulted on the application and have noted that the application site falls within the defined Development High Risk Area; therefore within the application site and surrounding area there are coal mining features and hazards which need to be considered in relation to the determination of this planning application.

7.68 The applicant has obtained appropriate and up-to-date coal mining information for the proposed development site and has used this information to inform the Coal Mining Risk Assessment Report.

7.69 The Coal Authority has recommended that the LPA impose a condition, should planning permission be granted for the proposed development, to ensure that the required site investigation works are carried out prior to the submission of a future reserved matters application, and any necessary remedial works prior to the commencement of the development.

7.70 Members need to determine whether the proposal is acceptable, subject to the suggested conditions, in terms of land stability.

#### 7.71 Car Parking and Access

7.72 The National Planning Policy Framework states that transport policies have an important role to play in facilitating sustainable development, but also contribute to wider sustainability and health objectives. All developments that generate significant amounts of movement should be supported by a Transport Assessment. The guidance states that development should only be prevented or refused on transport grounds where the residual cumulative impacts of development are severe.

7.73 Policy T8 seeks to encourage cycling amongst other matters ensuring that cyclist's needs are considered as part of new development and where appropriate requiring that facilities including parking are provided.

7.74 Policy T9 states that the needs of pedestrians, including people with disabilities and special needs will be given a high priority when considering transport and development issues.

7.75 Policy T11 states that parking requirements will in general be kept to the operational maximum and should include adequate provision for people with disabilities and special needs.

7.76 LDD 12 Transport and Highways SPD sets out the Council's adopted parking standards.

7.77 This application seeks to agree the means of access with all other matters reserved. The proposal is to include a total of 364 spaces in the main car park to service the development, including 18 accessible spaces.

7.78 The Highway Network Manager has been consulted and has noted the content of the Transport Assessment (TA). Whilst the TA acknowledges that there are capacity issues at Holystone Interchange, these are being addressed by other developments and alternative means of funding. As such, the proposed scheme seeks to improve sustainable links to the site from the surrounding area.

7.79 A Framework Travel Plan (TP) has been submitted as part of the application. As the TP is at its early stages given the outline nature of the application, it will be developed as part of reserved matters and targets will be determined at this stage. A Travel Plan Bond (£50,000) is required and will be incorporated into the Section 106 Agreement.

7.80 It is Officer advice that subject to the improvement works (to be secured by a S106 contribution) and the Travel Plan Bond, the applicant has demonstrated that there is sufficient capacity within the highway network to accommodate the additional traffic generated by the proposed use, and the proposed scheme would not result in a severe impact

7.81 Highways England are currently awaiting additional information prior to providing their full and final comments. However, the Council's highway engineer is of the view that the impact of the scheme on the A19 and Holystone Interchange has been fully considered and is acceptable. It is noted that Highways England no longer have the legislative means to prevent an LPA from moving to issue a planning decision.

7.82 Members need to consider whether sufficient access and parking would be provided and whether the proposal would accord with NPPF and policies T6, T8, T9, T11 and LDD 12 and weight this in their decision.

#### 7.83 Planning Obligations

7.84 Paragraph 204 of the NPPF advised that planning obligations should 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.

7.85 Policy DC4 of the UDP identifies the need for developers to enter into a planning obligation or to make a financial contribution where necessary to facilitate the impact of new development on infrastructure or other essential elements including, amongst other things, access roads, open space, community facilities and affordable housing. Any contribution must fairly and reasonably be related to the scale of the proposed development, as well as being reasonable in

all other respects. More recent Council policy is set out in Supplementary Planning Document LDD8 Planning Obligations (2009).

7.86 As noted earlier within this report a clear need has been identified for improvement to the sustainable links to the site from the surrounding area, as a direct result of the proposed development. The applicant has agreed to a financial contribution towards these works, the extent of which is set out below:

- The cost of providing Toucan crossings on the North side of the junction to allow pedestrians to get from Holystone Village to the proposed retail park. This equates to three locations (the A19 south bound off-slip, the adjacent east bound circulatory, and the crossing opposite the Holystone Village arm)
- The cost of the provision of a footpath link from the A19 south bound off-slip crossing to the existing footpath on the A186 arm adjacent to the application site.
- A Travel Plan Bond in order to ensure that targets set out within the Travel Plan are implemented and adhered to.

7.87 These contributions are all considered necessary to make the scheme acceptable, directly linked to the development and reasonable. The contributions are therefore considered to comply with paragraph 204 of the NPPF and meet the three tests set out above.

#### 7.88 Conclusions

7.89 This proposal seeks permission for development on an existing allocated employment/leisure site. The proposal will result in the construction of new modern and contemporary buildings which will enhance the character and appearance of the site and the surrounding area. It will improve the retail offer of this location providing additional facilities which will support the growing residential population in this part of the Borough. The proposal will also create new jobs, both within the development and the related construction jobs. The proposal, subject to conditions, will not result in a significantly adverse impact on neighbours living conditions. An acceptable means of access and parking is proposed, along with improvements to the sustainable links to the site. Therefore on balance, it is considered that the proposal is acceptable and it is recommended that outline planning permission should be granted subject to conditions.

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

It is recommended that members indicate that they are minded to grant this application subject to an Agreement under Section 106 of the Town and Country Planning Act 1990. Members are also recommended to grant plenary powers to the Head of Environment, Housing and Leisure to determine the application following the completion of the S106 Agreement to secure the following:

- **a financial contribution to cover the cost of the provision of three Toucan crossings in order to provide and improve sustainable links to the application site.**



approved by the Local Planning Authority prior to any development taking place. The scheme shall ensure that no storage is located within the Root Protection Areas of retained trees.

Reason: In the interests of the amenity of neighbouring residents and tree protection having regard to policy H13 and E14 of the North Tyneside Unitary Development Plan 2002.

11. Access to the site for all builders and contractors vehicles, including those delivering materials shall be in accordance with a scheme to be submitted to and approved by the Local Planning Authority prior to any development taking place. The scheme shall also be in accordance with the Arboricultural Impact Assessment and there shall be no parking within Root Protection Areas of retained trees.

Reason: In the interests of the amenity of tree protection, neighbouring residents and road traffic and pedestrian safety having regard to policy H13 and E14 of the North Tyneside Unitary Development Plan 2002.

12. Dust suppression during construction                      SIT03                      \*

13. Lorry routeing during construction                      SIT04                      \*H13 and  
LDD12

14. Prior to occupation of any part of the approved development a detailed parking layout designed in accordance with LDD12 shall be submitted to and approved by in writing the Local Planning Authority. Thereafter, this scheme shall be implemented in accordance with the approved details before the development is occupied.

Reason: In the interests of highway safety in accordance with LDD12 and the NPPF.

15. Prior to occupation of any part of the approved development a car park management strategy for the site shall be 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.

16. Prior to occupation of any part of the approved development a detailed methodology of monitoring the car park and surrounding highways shall be agreed in writing with the Local Planning Authority. This monitoring shall commence upon occupation of the discount retail store and continue until a period of 12 months after full occupation of the site. Once this monitoring has taken place and the results are analysed, any mitigation required by the Local Planning Authority will be implemented at the expense of the applicant.

Reason: In the interests of highway safety in accordance with LDD12 and the NPPF.

17. No development shall commence until a scheme for the provision of secure undercover cycle storage has been submitted to and approved in writing the Local Planning Authority. Thereafter, this scheme shall be implemented in accordance with the approved details before the development is occupied.  
Reason: To comply with the Council's policy on cycle storage as set out in LDD12.

18. Prior to occupation of any part of the approved development a revised Travel Plan taking into account the new development shall be submitted to and approved by in writing the Local Planning Authority. This will include an undertaking to conduct travel surveys to monitor whether or not the Travel Plan targets are being met.  
Reason: To accord with Central Government and Council Policy concerning sustainable transport.

19. No development shall commence until details of a surface water management scheme have been submitted to and approved by in writing the Local Planning Authority. Thereafter, this scheme shall be implemented in accordance with the approved details and before the development is occupied.  
Reason: In the interests of surface water management.

20. No development shall commence until details of improved sustainable links to the site have been submitted to and approved by in writing the Local Planning Authority. These links shall include Toucan crossings on the A186 and enhancements to the existing sustainable infrastructure. Thereafter, this scheme shall be implemented in accordance with the approved details and before the development is occupied.  
Reason: In the interests of highway safety and sustainable development in accordance with the NPPF.

21. Restrict Hours No Construction Sun BH      HOU04      \*

22. Prior to the installation of any chimney or extraction vent to be provided in connection with any part of the development, full details of the height, position, design and materials shall be submitted to and approved in writing by the Local Planning Authority. Thereafter, the development shall not be carried out other than in accordance with the approved details.  
Reason: In order to safeguard the amenities of adjoining properties having regard to policy H13 of the North Tyneside Unitary Development Plan 2002.

23. Prior to the installation of any air ventilation systems to any part of the approved development full details must first be submitted to and approved in writing by the Local Planning Authority. The scheme shall thereafter be implemented before the development is first occupied in accordance with the approved details and permanently retained.  
Reason: To protect the amenities of the occupiers of residential accommodation in the vicinity having regard to policy H13 of the North Tyneside Unitary Development Plan 2002.

24. Prior to the installation of any refrigeration plant in connection with the development full details shall be submitted to and approved in writing by the Local Planning Authority. The plant shall thereafter only be installed in accordance with the approved details and permanently retained as such.  
Reason: To protect the amenities of the occupiers of residential accommodation in the vicinity having regard to policy H13 of the North Tyneside Unitary Development Plan 2002.

25. Prior to operation of the A3 unit and the A1 retail discount foodstore, full details of an odour suppression system for the arrestment of cooking odours shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall thereafter be implemented before the use commences in accordance with the approved details and permanently retained.  
Reason: To protect the amenities of the occupiers of residential accommodation in the vicinity having regard to policy H13 and DCPS No.16 of the North Tyneside Unitary Development Plan 2002.

26. Prior to the installation of any plant or machinery, (including condensing units, extraction and air conditioning equipment), a scheme shall be submitted to and approved in writing by the Local Planning Authority, which specifies the provisions to be made for the control of noise emanating from the site. The scheme shall include a background noise assessment which must be carried out in accordance with BS4142:1997. This assessment shall determine the background noise levels at the nearest residential property. An acceptable noise rating level for all plant and machinery shall be agreed in writing by Local Planning Authority upon submission of the assessment. Thereafter the agreed noise rating level shall be adhered to all future times.  
Reason: To protect the occupants of nearby residential properties from noise and disturbance having regard to policies E3 and H13 of the North Tyneside Unitary Development Plan 2002.

27. There shall be no deliveries or collections to the site outside of the hours 07:00 to 23:00.  
Reason: In order to protect residential amenity in accordance with Policy H13 of the North Tyneside UDP 2002.

28. Prior to the installation of any external lighting to the approved development, full details must be submitted to and approved in writing by the Local Planning Authority. All external lighting must be in accordance with guidance provided by the Institute of Lighting, and the lighting must be angled in such a direction so the residents of the surrounding dwellings do not experience any glare from the approved development. Thereafter the lighting shall be maintained and operated in accordance with the aforementioned guidance.  
Reason: To protect the appearance of the area, the environment and local residents from light pollution having regard to Policy H13 of the North Tyneside Council Unitary Development Plan 2002.

29. No other part of the development shall be commenced until:-  
a) A detailed site investigation has been carried out to establish:



- i) If the site is contaminated;
- ii) To assess the degree and nature of the contamination present, and whether significant risk is likely to arise to the residents and public use of land;
- iii) To determine the potential for the pollution of the water environment by contaminants and;
- iv) The implication for residential development of the site and the quality of the residential environment for future occupiers.

Such detailed site investigation to accord with a statement of method and extent which shall previously have been agreed in writing by the Local Planning Authority and

- b) The results and conclusions of the detailed site investigations referred to in (a) above have been submitted to and the conclusions approved in writing by the Local Planning Authority. The Phase 2 Report should be written using the current government guidelines.
- c) If remediation is required following the assessment of the chemical results under current guidelines, then a method statement should be provided for comment. This should provide details of exactly how the remediation works are to be carried out, detailed site location plan of where material is to be deposited and details including drawings of gas protection scheme should be included
- d) If remediation is carried out on the site then a validation report will be required. This should provide evidence of what remediation has been carried out over the site. This report should confirm exactly what remediation has been carried out and that the objectives of the remediation statement have been met. This report should verification of the type, source, depth, location and suitability (to include any test certificates for material to be imported on site to ensure it is not contaminated) of the imported materials for their use on site. This should include cross sectional diagrams for the site and detailed plans of the site. This report should be submitted before the contaminated land condition can be removed form the planning application.
- e) If any unexpected contamination or hotspots are encountered during the investigation and construction phases it will be necessary to inform the Local Authority then cease development and carry out additional investigative works and subsequent remediation if any unexpected contamination or underground storage tanks are discovered during the development. Work should be ceased until any risk is assessed through chemical testing and analysis of the affected soils or waters.

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

Reason: To ensure that the potential contamination of the site is properly investigated and its implication for the development approved fully taken in to account having regard to policy E3 of the North Tyneside Unitary Development Plan 2002.

30. Landfill Gas Investigate No Devel Before GAS01 \*E3



Reason: To safeguard important habitats and species of nature conservation value having regard to policy E12/6 of the North Tyneside Unitary Development Plan 2002.

39. Prior to commencement of development a landscape management plan must be submitted to and approved in writing by the Local Planning Authority.  
Reason: To safeguard important habitats and species of nature conservation value having regard to policy E12/6 of the North Tyneside Unitary Development Plan 2002.

40. Prior to commencement of development full details of 20 bird boxes (of various designs) and 8 bat boxes shall be submitted to and approved in writing by the Local Planning Authority. The details shall also include appropriate locations for the erection of the bird and bat boxes within woodland areas to the south and west of the site. The bird and bat boxes shall then be installed in accordance with the approved details and retained thereafter.  
Reason: In the interests of biodiversity and in accordance with the advice in NPPF.

41. The development of all phases shall be implemented in accordance with the approved Flood Risk Assessment submitted with the outline application.  
Reason: To ensure a satisfactory drainage scheme and to ensure the proposed foul and surface water flows are discharged into the agreed locations and at the rates stipulated in the report.

42. The development of the petrol station hereby permitted shall not be commenced until such time as a scheme to install the underground tank(s) has been submitted to, and approved in writing by, the local planning authority. The scheme shall include the full structural details of the installation, including details of: excavation, the tank(s), tank surround, associated pipework and monitoring system. The scheme shall be fully implemented and subsequently maintained, in accordance with the scheme, or any changes as may subsequently be agreed, in writing, by the local planning authority.  
Reasons: In order to protect controlled water receptors within the vicinity of the site including groundwater, surface water and springs in accordance with local and national planning policy.

43. Prior to development commencing, the following shall be submitted to the Local Planning Authority for approval:

- The submission of a scheme of intrusive site investigations for the mine entries for approval;
- The submission of a scheme of intrusive site investigations for the shallow coal workings for approval;
- The undertaking of both of those schemes of intrusive site investigations;
- A report detailing the findings arising from both of the intrusive site investigations;
- A layout plan which identifies appropriate zones of influence for the mine entries on site, and the definition of suitable 'no-build' zones;
- A scheme of treatment for the mine entries on site for approval;
- A scheme of remedial works for the shallow coal workings for approval.

Thereafter the development should be implemented in accordance with the remediation/treatment works identified in the assessment and which are agreed with the Local Planning Authority.

Reason: To ensure that the historical coal mining legacy is taken into account and appropriately mitigated to ensure a safe development in accordance with the advice in NPPF.

44. Notwithstanding any indication of materials which may have been given in the application, prior to the construction of any part of the development a schedule and/or samples of the materials and finishes, including all external surfacing materials must be submitted to and approved in writing by the Local Planning Authority. Thereafter, the development shall not be carried out other than in accordance with the approved details.

Reason: To secure a satisfactory external appearance having regard to policies H13, LE2, S11 of the North Tyneside Unitary Development Plan 2002 and LDD11 Design Quality.

**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 Paragraphs 186-187 of the National Planning Policy Framework.

**Informatives**

Building Regulations Required (I03)

Contact ERH Construct Highway Access (I05)

Contact ERH Path Bridleway Xs Site (I07)

Contact ERH Works to Footway (I08)

No Doors Gates to Project Over Highways (I10)

Do Not Obstruct Highway Build Materials (I13)

Street Naming and numbering (I45)

Highway Inspection before dvlpt (I46)

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

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

Prior to the commencement of works and upon the completion of the development the developer shall contact the council's Public Rights of Way Officer to enable a full inspection of the routes affected to be carried out. The developer will be responsible for the reinstatement of any damage to the network arising from the development.

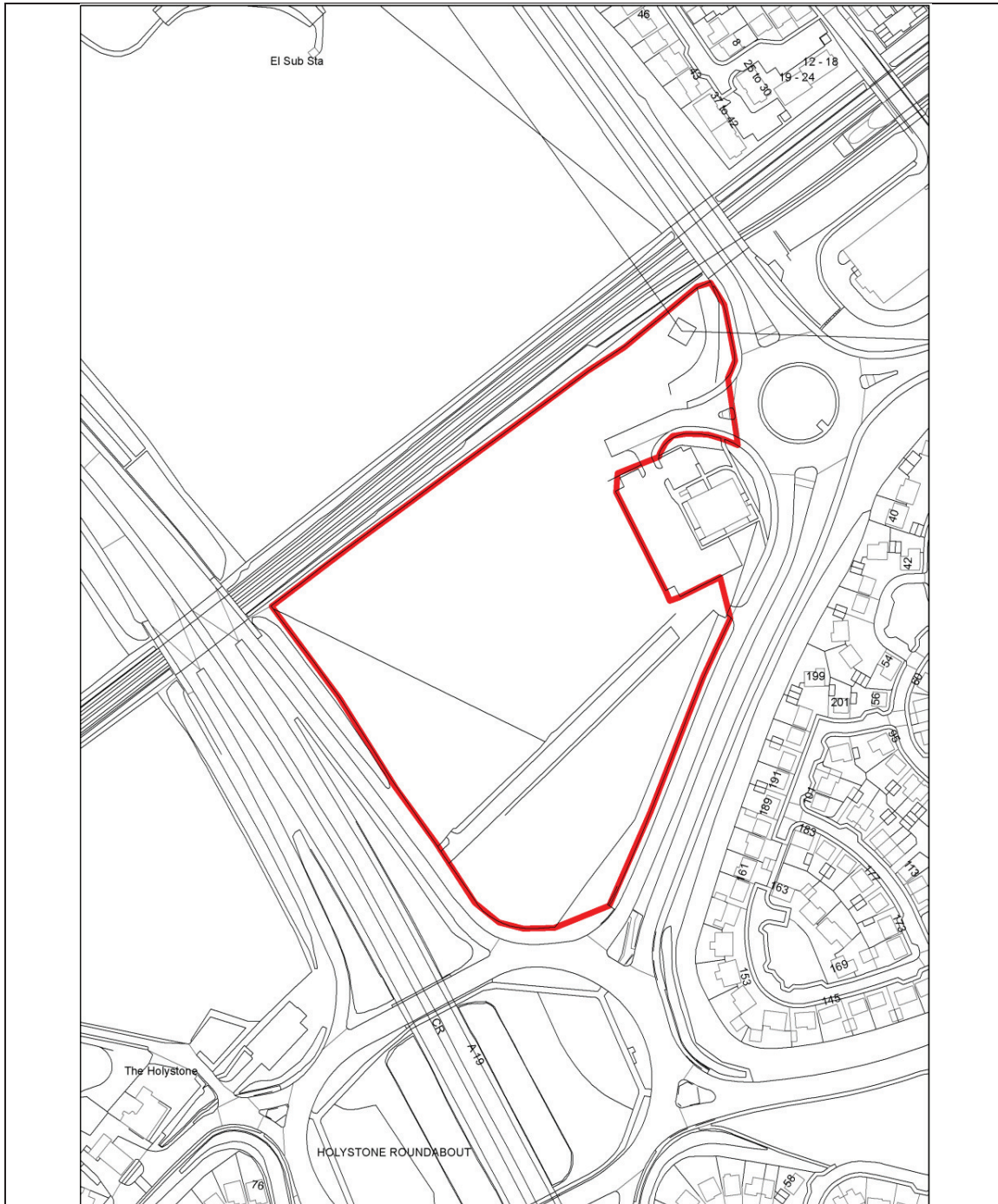
The developer is advised to contact the council's Public Rights of Way Officer to discuss connectivity to the site into the surround Public Right of Way network.

The petrol station must obtain a permit under the Environmental Permitting Regulations 2010 for stage 1 and 2 vapour recovery.

The following surveys should be undertaken as part of the preparatory works to facilitate the development:

- A survey should be undertaken to confirm the absence of invasive species within the proposed development area and surrounding environ.
- An enquiry should be made to the Highways Department of the Local Authority to obtain information relating to the construction of the A19 carriageway, specifically in relation to the materials utilised in construction.
- A site walkover inspection should be undertaken prior to commencement of the ground investigation.
- A ground investigation should be undertaken to confirm the ground and groundwater conditions underlying the site.
- It is recommended prior to intrusive ground investigation work that an up to date utility survey is carried out which will include confirmation of the location of existing live services.
- On the basis of the potential on site and off site gas sources identified, gas protection measures designed in accordance with CIRIA C665 and BS 8485 are likely to be warranted. The scope of ground investigation would be confirmed by gas monitoring undertaken as part of ground investigation.
- It is likely that the existing made ground soils are unlikely to form suitable rooting medium. As such, where soft public landscaping areas are required within areas underlain by made ground, a clean cover solution comprising 150mm topsoil and 350mm subsoil would be required. This would be subject to finalisation of the landscaping solution for this proposed development.
- Should deep made ground be present within the footprint of the proposed built development, consideration may also be given to a piled foundation solution.
- Consideration must be given to the potential ground gas regime as piled foundations could introduce a new pathway.

The applicant should adhere to the standards/guidance set out in the following document 'Guidance for the Design, Construction, Modification and Maintenance of Petrol Filling Stations (known as The Blue Book) produced by the Association of Petroleum and Explosives Administration (APEA) and the Service station panel for Energy Institute (EI).



## **Item 5.2**

### **Appendix 1 – 15/01146/OUT**

#### **Consultations/representations**

##### 1.0 Representations

1.1 5no.letters of objection have been received raising the following issues;

- Adverse effect on wildlife
- Air Pollution
- Concerns regarding security
- Impact on landscape
- Inadequate drainage
- Lack of parking
- Loss of privacy
- Loss of visual amenity
- Loss of/damage to trees
- Nuisance – disturbance
- Nuisance - noise
- Traffic congestion
- Visual intrusion

1.2 The above concerns are summarised as follows:

- Particularly concerned about felling of tall trees that line that side of the A186. These provide a spectacular visual aspect to the rear of the houses on the Cloverfield Estate.
- Unnecessary addition to the retail landscape of this part of North Tyneside. Would feel more inclined to support this development if the trees were to remain.
- Main effect of the wooded area removal/reduction will be the loss of a very effective windbreak from the prevailing winds to both pedestrians on the footpath and the adjacent housing.
- Flood alleviation works are currently underway to try and deal with the flood issues over recent years. Shiremoor is known to have a high water table.

##### 2.0 Internal Consultees

###### 2.1 Highway Network Manager

2.2 This application is an outline application for a proposed retail development (Class A1), food and drink unit (Class A3) and petrol station (Sui Generis) with associated access, parking, service area & landscaping. The application is for access only with all other matters reserved. The development is accessed from the existing non-adopted highway that serves the Toby restaurant.

2.3 A Transport Assessment (TA) was submitted as part of the planning application that analysed the highway network in the vicinity of the site. The TA acknowledges that there are capacity issues at Holystone interchange, however these are being addressed by other developments and alternative means of funding. As such, this scheme seeks to improve sustainable links to the site from the surrounding area.

2.4 A Framework Travel Plan (TP) has been submitted as part of the application. As the TP is at its early stages given the outline nature of the application, it will

be developed as part of reserved matters and targets will be determined at this stage. A Travel Plan Bond (£50,000) is required and will be incorporated into the Section 106 Agreement.

2.5 A Flood Risk Assessment (FRA) was submitted as part of the application whereby surface water is attenuated on site and discharged at appropriate green field run off rates.

2.6 The layout, parking and cycle parking provision etc. will be determined at the reserved matters stage and appropriate conditions have been included.

2.7 For the above reasons outlined above and on balance conditional approval is recommended.

2.8 Recommendation - Conditional Approval

2.9 The applicant will be required to enter into a Section 106 Agreement for the following works:

- £187,104 for sustainable links and crossing points
- A Travel Plan Bond for the sum of £50,000

2.10 Conditions:

ACC04 - Other Devel Private Access Rd No Occ OUT

ACC07 - Ind Devel Details Access Road No Occ

ACC08 - New Access: Access before Devel (OUT)

ACC24 - Turning Areas: Laid out before Occ (OUT)

DRN01 - Housing Estate: Road Drainage (OUT)

PAR03 - Veh: Parking, Garaging, Loading (OUT)

REF01 - Refuse Storage: Detail, Provide Before Occ

SIT01 - Building Site: Compound Storage

SIT02 - Building Site: Construction Access

SIT03 - Dust suppression

SIT04 - Lorry routeing

2.11 No development shall commence until a detailed parking layout designed in accordance with LDD12 has been submitted to and approved by in writing the Local Planning Authority. Thereafter, this scheme shall be implemented in accordance with the approved details before the development is occupied.  
Reason: In the interests of highway safety.

2.12 No development shall commence until a car park management strategy for the site has be 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.



2.13 No development shall commence until a detailed methodology of monitoring the car park and surrounding highways has been agreed in writing with the Local Planning Authority. This monitoring shall commence upon occupation of the discount retail store and continue until a period of 12 months after full occupation of the site. Once this monitoring has taken place and the results are analysed, any mitigation required by the Local Planning Authority will be implemented at the expense of the applicant,

Reason: In the interests of highway safety.

2.14 No development shall commence until a scheme for the provision of secure undercover cycle storage for residential use shall be submitted to and approved by in writing the Local Planning Authority. Thereafter, this scheme shall be implemented in accordance with the approved details before the development is occupied.

Reason: To comply with the Council's policy on cycle storage regarding residential dwellings.

2.15 No development shall commence until a revised Travel Plan taking into account the new development has been submitted to and approved by in writing the Local Planning Authority. This will include an undertaking to conduct travel surveys to monitor whether or not the Travel Plan targets are being met.

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

2.16 No development shall commence until details of a surface water management scheme have been submitted to and approved by in writing the Local Planning Authority. Thereafter, this scheme shall be implemented in accordance with the approved details and before the development is occupied.

Reason: In the interests of surface water management

2.17 No development shall commence until details of improved sustainable links to the site have been submitted to and approved by in writing the Local Planning Authority. These links shall include Toucan crossings on the A186, a bridge over the metro line and enhancements to the existing sustainable infrastructure.

Thereafter, this scheme shall be implemented in accordance with the approved details and before the development is occupied.

Reason: In the interests of highway safety.

2.18 Informatives:

- I05 - Contact ERH: Construct Highway Access
- I07 - Contact ERH: Footpath/Bridleway X's Site
- 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

2.19 Free and full access to the Public Right of Way network is to be maintained at all times. Should it be necessary for the protection of route users to

temporarily close or divert an existing route during development, this should be agreed with the council's Public Rights of Way Officer.

2.20 Prior to the commencement of works and upon the completion of the development the developer shall contact the council's Public Rights of Way Officer to enable a full inspection of the routes affected to be carried out. The developer will be responsible for the reinstatement of any damage to the network arising from the development.

2.21 The developer is advised to contact the council's Public Rights of Way Officer to discuss connectivity to the site into the surround Public Right of Way network.

2.22 Manager of Environmental Health (Pollution)

2.23 States that the application is broadly support in principle but would make the following comments:

2.24 HOU04 Restrict Hours: No Construction, Sun, BH

All construction work shall take place between the hours of 08:00- 18:00 Monday - Friday and 08:00 - 14:00 Saturdays with no working on Sundays or Bank Holidays.

2.25 SIT03 Prior to the development commencing a detailed scheme to prevent the deposit of mud and other debris onto the highway and to suppress dust arising from construction activities shall be submitted to and approved in writing by the Local Planning Authority. Such a scheme shall include details of the means proposed to remove debris arising from the construction from the highway, and the provision of suitable water spraying equipment to suppress dust in dry conditions. Thereafter development shall not be carried out other than in accordance with the approved details and the approved measures shall be retained on site for the duration of the works and used on all occasions when visible dust emissions are likely to be carried from the site eg during dry, windy conditions.

2.26 As the site is located near to residential properties it will be necessary for the commercial kitchen to comply with the Defra guidance for the Control of Odour and Noise from Commercial Kitchen Exhaust System which will require the commercial kitchen to be fitted with appropriate extraction and abatement plant to mitigate cooking odours.

2.27 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.

2.28 No development shall take place until details of the height, position, design and materials of any chimney or extraction vent to be provided in connection with the development have been submitted to and approved in writing by the Local Planning Authority. Thereafter, the development shall not be carried out other than in accordance with the approved details.

2.29 No development shall take place until details of the air ventilation systems have been submitted to and approved in writing by the Local Planning Authority. The scheme shall thereafter be implemented before the development is first occupied in accordance with the approved details and permanently retained.

2.30 No development shall take place until details of any refrigeration plant to be installed in connection with the development have been submitted to and approved in writing by the Local Planning Authority. The plant shall thereafter only be installed in accordance with the approved details and permanently retained as such.

2.31 No development shall take place until details of an odour suppression system for the arrestment of odour; have been submitted to and approved in writing by the Local Planning Authority. The scheme shall thereafter be implemented before the development or use commences in accordance with the approved details and permanently retained.

2.32 A noise scheme will be necessary for any new external plant and equipment installed at the site to ensure the noise levels do not impact on the amenity of the nearby residential properties on Sandy Lane. The noise assessment for new external plant and equipment must be assessed in accordance to BS4144:1997.

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

2.34 I would advise that any illumination if fitted must be designed to prevent glare into any neighbouring residential premises and must comply with the institute of lighting guidance for the reduction of intrusive light.

2.35 Informative: The petrol station must obtain a permit under the Environmental Permitting Regulations 2010 for stage 1 and 2 vapour recovery.

2.36 Manager of Environmental Health (Contaminated Land Officer)

2.37 Based on information in the Phase One Report and on the information below the following conditions should be attached: Gas 01, Gas 02, Gas03

2.38 If ground stabilisation works are required then further gas monitoring will be required post treatment to confirm the ground gas regime and if any proposed mitigation measures require revision.

2.39 Con 01

No other part of the development shall be commenced until:-

- a) A detailed site investigation has been carried out to establish:
  - i) If the site is contaminated;
  - ii) To assess the degree and nature of the contamination present, and whether significant risk is likely to arise to the residents and public use of land;
  - iii) To determine the potential for the pollution of the water environment by contaminants and;

iv) The implication for residential development of the site and the quality of the residential environment for future occupiers.

Such detailed site investigation to accord with a statement of method and extent which shall previously have been agreed in writing by the Local Planning Authority and

b) The results and conclusions of the detailed site investigations referred to in (a) above have been submitted to and the conclusions approved in writing by the Local Planning Authority. The Phase 2 Report should be written using the current government guidelines.

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

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

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

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

Reason: To ensure that the potential contamination of the site is properly investigated and its implication for the development approved fully taken in to account having regard to policy E3 of the North Tyneside Unitary Development Plan 2002.

2.40 As part of the preparatory works to facilitate redevelopment, the following surveys

would be expected to be undertaken:

- A survey should be undertaken to confirm the absence of invasive species within the proposed development area and surrounding environ.
- An enquiry should be made to the Highways Department of the Local Authority to obtain information relating to the construction of the A19 carriageway, specifically in relation to the materials utilised in construction.

- A site walkover inspection should be undertaken prior to commencement of the ground investigation.
- A ground investigation should be undertaken to confirm the ground and groundwater conditions underlying the site.
- It is recommended prior to intrusive ground investigation work that an up to date utility survey is carried out which will include confirmation of the location of existing live services.
- On the basis of the potential on site and off site gas sources identified, gas protection measures designed in accordance with CIRIA C665 and BS 8485 are likely to be warranted. The scope of ground investigation would be confirmed by gas monitoring undertaken as part of ground investigation.
- It is likely that the existing made ground soils are unlikely to form suitable rooting medium. As such, where soft public landscaping areas are required within areas underlain by made ground, a clean cover solution comprising 150mm topsoil and 350mm subsoil would be required. This would be subject to finalisation of the landscaping solution for this proposed development.
- Should deep made ground be present within the footprint of the proposed built development, consideration may also be given to a piled foundation solution.
- Consideration must be given to the potential ground gas regime as piled foundations could introduce a new pathway.

#### 2.41 Landscape Architect

2.42 A development such as this will impact on the landscape of the area. However, the amended landscape drawing seeks to minimise this impact by retaining additional areas of planting to the southern and eastern boundary thereby maintaining the screen to the A19 and A186. Also the retained woodland is to be enhanced by additional native shrub understorey planting which will, in turn, provide a level of biodiversity and maintain visual amenity along the transport routes. On the basis that the site has been identified for employment, the proposed landscape (with the retention of increased areas of existing woodland) is acceptable.

#### 2.43 Conditions:

- To be carried out in accordance with the tree constraints plan (TCP), arboricultural impact assessment (AIA) and arboricultural method statement (AMS).
- Fully detailed landscape plan which should include new tree planting to a minimum size of 12-14cm girth; heavy standard; 3.50 – 4.00m height
- All tree works and must conform to BS 3998 (2010) 'Recommendations for Tree Work.
- Contractors site access and site set up to be submitted for approval in conjunction with the tree protection plan. No site storage, parking is to be located within the RPA of the retained trees
- No utilities or drainage should be located within the root protection areas of retained trees. Where installation or alteration to existing underground services has been agreed near or adjacent to trees, all works shall conform to the requirements of the National Joint Utilities Group publication Volume 4 (November 2007)

- No works or development shall take place until a scheme of supervision for the arboricultural protection measures has been submitted to approved in writing by the Local Authority and implemented as recommended in BS 5837:2012

#### 2.44 Biodiversity Officer

2.45 With regard to the above planning application, the revised site layout and landscaping plan is an improvement on the previous scheme with less of the woodland to the south being lost to the development and an increase in additional planting such as native trees, scrub and hedgerow. However, this scheme will still see a net loss of planting overall from the site, in particular, from the woodland area to the south and the mature hedgerows. I would therefore, like to see bird and bat boxes erected in the surrounding woodland areas to the south (A186) and the west (A19 boundary) to help mitigate for this loss as well as a woodland management plan to ensure the remaining woodland area to the south of the site and planting along the western boundary is managed appropriately for biodiversity.

#### 2.46 Conditions

- No vegetation removal will take place within 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.
- A full and detailed landscape plan must be submitted to the Local Authority for approval, prior to development commencing.
- A woodland management plan for the long term management of the woodland to the south of the site and on the western boundary must be submitted to the Local Authority for approval prior to development commencing.
- A landscape management plan must be submitted to the Local Authority for approval, prior to development commencing.
- A total of 20 bird boxes (various designs) and 8 bat boxes will be erected within appropriate woodland areas to the south and west of the site. Details of bird and bat box designs and their locations to be submitted to the Local Authority for approval, prior to development commencing.

#### 2.47 Local Lead Flood Authority

2.48 The intention for the surface water drainage of this site is to use Recharge Wells in order to drain the site. This is as a result of the lack of any localised SW drainage networks or nearby watercourses. It is proposed that surface water runoff will be attenuated to 5l/s and discharged into the bedrock below the site via recharge wells, a method which has been successfully applied to other sites in close proximity to this development. The developer has also ensured that the attenuation volumes provided within the site can accommodate flows/ volumes from all events up to and including the 1 in 100 year event. As a result of these proposals I have no objections to this application.

#### 2.49 County Archaeologist

An archaeological desk based assessment was produced for this site in 2004.

In 2007 the ridge and furrow earthworks within the site were recorded and three archaeological trenches were excavated.

In trench 1 the natural glacial clay was found to have been fired in-situ, probably the result of industrial-scale firing for brickworks or similar industry. Brick clamps, an early form of brick kiln, required no permanent superstructure. Unfired bricks were merely stacked in large quantities around coal or wood fuel, and were sometimes covered by a basic roof of brick, turf or clay. After firing, the structure would have been completely dismantled, leaving only the scorched earth. Ridge and furrow was found in trenches 2 and 3.

No further archaeological work is required.

### 3.0 External Consultees

#### 3.1 Northumbrian Water

3.2 We would have no issues to raise with the above application, provided the application if approved is carried out within strict accordance with the submitted document entitled "*Flood Risk Assessment*". In this document it states that foul flows from the proposed development will discharge to the existing 150mm foul sewer at manhole 7801 on the assumed adopted lateral drain which serves the existing pub restaurant. The document further states that surface water flows from the development will discharge to soakaways.

3.3 We would therefore request that the *Flood Risk Assessment* form part of the approved documents as part of any planning approval and the development to be implemented in accordance with this document.

#### 3.4 Environment Agency

3.5 The applicant has demonstrated that the proposed underground storage tanks will be located well above the height of the groundwater table in underlying bedrock aquifer. However, in order to ensure risks to all controlled waters within the vicinity of site are adequately minimised we recommend the following condition be applied to any subsequent planning decision:

##### 3.6 Condition:

The development of the petrol station hereby permitted shall not be commenced until such time as a scheme to install the underground tank(s) has been submitted to, and approved in writing by, the local planning authority.

3.7 The scheme shall include the full structural details of the installation, including details of: excavation, the tank(s), tank surround, associated pipework and monitoring system. The scheme shall be fully implemented and subsequently maintained, in accordance with the scheme, or any changes as may subsequently be agreed, in writing, by the local planning authority.

Reasons: In order to protect controlled water receptors within the vicinity of the site including groundwater, surface water and springs.

3.8 The condition should ensure that sufficient pollution prevention measures and/or mitigation measures are incorporated into the design and installation of the underground tanks and associated installations to ensure the risks to controlled waters are minimal.

3.9 We recommend that the applicant adheres to the standards/guidance set out

in the following document 'Guidance for the Design, Construction, Modification and Maintenance of Petrol Filling Stations (known as The Blue Book) produced by the Association of Petroleum and Explosives Administration (APEA) and the Service station panel for Energy Institute (EI).

### 3.10 Highways England

3.11 Holding Direction – queries about the impact of traffic movements on the A19 have not yet been addressed and so we are not yet in a position to provide our formal response on the application. Formal response to follow (and will be reported to Members in an addendum).

### 3.12 The Coal Authority

3.13 The Coal Authority concurs with the recommendations of the Coal Mining Risk Assessment Report; that coal mining legacy potentially poses a risk to the proposed development and that intrusive site investigation works should be undertaken prior to development in order to establish the exact situation regarding coal mining legacy issues on the site.

3.14 The Coal Authority recommends that the LPA impose a Planning Condition should planning permission be granted for the proposed development requiring these site investigation works prior to commencement of development.

3.15 In the event that the site investigations confirm the need for remedial works to treat the mine entries and/or areas of shallow mine workings to ensure the safety and stability of the proposed development, this should also be conditioned to ensure that any remedial works identified by the site investigation are undertaken prior to commencement of the development.

3.16 A condition should therefore require prior to the submission of the reserved matters:

- \* The submission of a scheme of intrusive site investigations for the mine entries for approval;
- \* The submission of a scheme of intrusive site investigations for the shallow coal workings for approval;
- \* The undertaking of both of those schemes of intrusive site investigations;
- \* As part of the reserved matters application the submission of a report of findings arising from both of the intrusive site investigations;
- \* As part of the reserved matters application the submission of a layout plan which identifies appropriate zones of influence for the mine entries on site, and the definition of suitable 'no-build' zones;
- \* As part of the reserved matters application the submission of a scheme of treatment for the mine entries on site for approval;
- \* As part of the reserved matters application the submission of a scheme of remedial works for the shallow coal workings for approval; and

A condition should also require prior to the commencement of development:

- \* Implementation of those remedial works.

3.17 The Coal Authority considers that the content and conclusions of the Coal Mining Risk Assessment Report are sufficient for the purposes of the planning



system and meets the requirements of NPPF in demonstrating that the application site is, or can be made, safe and stable for the proposed development. The Coal Authority therefore has no objection to the proposed development subject to the imposition of a condition or conditions to secure the above.