

**Item No:** 5.4  
**Application No:** 15/01793/FUL Author: Haley Marron  
Date valid: 10 November 2015 ☎: 0191 643 6330  
Target 9 February 2016 Ward: Longbenton  
decision date:

Application type: full planning application

**Location: Land West Of Unit 1A, The Boulevard Shopping Centre, West Farm Avenue, Longbenton, NEWCASTLE UPON TYNE**

**Proposal: Erection of an Aldi foodstore, provision of 28 additional car parking spaces (disabled driver, parent & child & staff spaces), re-surfacing and re-configuration of part of the existing car park and landscaping.**

Applicant: Aldi Stores Ltd, C/O Agent

Agent: KLR Planning, FAO Miss Karen Read 96 Haswell Gardens North Shields Tyne And Wear NE30 2DR

**RECOMMENDATION:** Application Permitted

## **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 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 neighbours living conditions with particular regard to noise and disturbance
- Whether sufficient car parking would be provided

1.2 Planning law requires that applications for planning permission must be determined in accordance with the development plan unless material considerations indicate otherwise.

1.3 Members need to consider whether this application accords with the development plan and also take into account any other material considerations in reaching their decision.

#### 2.0 Description of the Site

2.1 The application site relates to a vacant plot of land to the west of The Boulevard Shopping Centre located off West Farm Avenue. The site is within the District Centre of Longbenton.

2.2 The site is broadly rectangular in shape, extends to 0.72ha and is relatively flat. There are trees to the northern and western boundary of the site.

2.3 The site is located within a residential area.

### 3.0 Description of the Proposal

3.1 The proposal seeks planning permission for the erection of a food store (1140sqm of gross retail floor space - Use Class A1) with associated access, parking and landscaping.

3.2 Proposed opening hours are 08:00 – 22:00 Monday to Saturday and 10:00 – 16:00 on Sundays.

3.3 Deliveries are proposed between the hours 07:00 – 23:00 Monday to Friday and 09:00 – 17:00 on Sundays.

3.4 Deliveries would be via the existing service road and loading bay to the rear of the Boulevard Shopping Centre.

3.5 The development would share the existing Boulevard shopping centre car park. However 28 new spaces are proposed for disabled, parent and staff car parking as part of this development.

3.6 External refrigeration plant is proposed to the west elevation of the building

### 4.0 Relevant Planning History

00/00211/LAREG3 – Part renewal of property curtilage to replace existing fence with brickwork, railings, ornamental arches, timber fences, additional tree planting to grassed areas, provision of additional parking bays and re-organisation of curtilage access paths. Permitted 31.03.00

01/01256/FUL – Demolition of existing housing, pub, clinic, library and retail development. Erection of new housing, retail development and associated works to the public realm. Stopping up of existing highway, footpath and open areas. Permitted 18.09.01.

02/03143/FUL – Variation of Condition No.11 of planning approval 01/01256/FUL to allow working (construction) hours to be extended to 08:00 – 18:00 Monday to Friday, 08:00 – 16:00 Saturdays and 08:00 – 15:00 Sundays. Permitted 04.03.03.

### 5.0 Development Plan

5.1 North Tyneside Unitary Development Plan (Adopted 2002)  
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 published 27 March 2012

6.2 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 planning application. It required local planning authorities to apply a presumption in favour of sustainable development.

### 6.3 National Planning Practice Guidance

## **PLANNING OFFICERS REPORT**

### 7.0 Main Issues

7.1 The main issues in this case are:

- (i) Whether the principle of the development is acceptable;
- (i) The impact of the proposal upon the character and appearance of the site and the surrounding area;
- (iii) The impact upon neighbours living conditions with particular regard to noise and disturbance.
- (iv) Whether sufficient car parking and an acceptable means of access would be provided.

### 8.0 Principle of the development

8.1 The Government is committed to ensuring that the planning system does everything it can to support sustainable economic growth. Significant weight should be placed on the need to support economic growth through the planning system.

8.2 The NPPF sets out the core planning principles which should underpin decisions and notes that planning should amongst other matters, proactively drive and support sustainable economic development to deliver the homes, business and industrial units, infrastructure and thriving local places that the country needs. 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.

8.3 The NPPF states that local planning authorities amongst other matters should recognise town centres as the heart of their communities and pursue policies to support their viability and vitality. It also states that local planning authorities should promote competitive town centres that provide customer choice, and a diverse retail offer and which reflect the individuality of town centres. The NPPF clarifies reference to town centres or centres apply to city centres, town centres, district centres and local centres.

8.4 The site is located within the existing District Centre of Longbenton.

8.5 UDP Policy S1 seeks to ensure the availability of a wide range of shopping opportunities to which people have easy access by sustaining and enhancing the

vitality and viability of existing centres and supporting proposals for additional shopping where the scale, type and location would help promote the vitality and viability of existing centres amongst other matters.

8.6 UDP Policy S2 states that the local planning authority will promote measures to secure a good quality and safe environment in the Borough's shopping centres.

8.7 UDP Policy S6 the local planning authority will seek to maintain and enhance the role of the local shopping centres where feasible to enable them to continue to meet the needs of their catchment population by undertaking external environmental improvements; declaring commercial improvement area; undertaking improvements to premises; implementing traffic management and supporting proposals for new retail investment.

8.8 In the Council's Local Plan Pre-Submission Draft 2015 the site is identified for new retail development (Policy S3.3).

8.9 The Council's Head of Regeneration supports the scheme.

8.10 The proposal would provide new retail development to support and supplement the existing district centre of Longbenton adding to its vitality and viability in accordance with NPPF and UDP policies S1, S2 and S6.

#### 8.11 Sequential test

8.12 The 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 an up-to-date Local Plan.

8.13 The proposal is to create additional A1 floor space within the District Centre of Longbenton. Under the terms of the NPPF there is no requirement for any sequential sites to be considered.

#### 8.14 Impact on the existing centre

8.15 The NPPF states that when assessing applications for retail, leisure and office development outside of town centres, which are not in accordance with an up-to-date Local Plan, local planning authorities should require an impact assessment if the development is over a locally set floor space threshold (if there is no locally set threshold, the default threshold is 2,500 sq m).

8.16 The proposal is to construct an A1 retail unit (1140sq m) within Longbenton District Centre. Therefore there is no requirement for an impact assessment to be undertaken.

#### 8.17 Loss of Open Space

8.14 Policy R2/4 states that where an open space is insufficiently large to identify on the proposals map, but in the opinion of the local planning authority merits protection because of its contribution to local amenity, proposals for development of all or part of the site will be resisted, unless it is for a essential

community facility or the existing use is shown to have had an excessive adverse impact on the local neighbourhood.

8.18 The site is currently grassed and is according to the Council's Green Space Strategy identified as being of Medium Quality/Medium Value. However, this area of land was left over following the redevelopment of Longbenton in the early 2000's, and was grassed purely to improve its appearance. There was never any intention that this land would be required long term to provide for the open space requirements of Longbenton.

8.19 It is considered therefore that this land does not merit protection given it does not make a significant contribution to local amenity and therefore the proposal would not conflict with Policy R2/4.

8.20 In conclusion, it is considered that the development of this site for retail purposes is acceptable. It would add to and provide additional retail development which would help to support and sustain the existing District Centre and therefore would accord with NPPF and policies S1, S2 and S6. The existing grassed area does not merit protection given it does not make a significant contribution to local amenity and therefore there is no conflict with policy R2/4.

## 9.0 Character and Appearance

9.1 Paragraph 56 of NPPF 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 positively to making places better for people.

9.2 Paragraph 60 of NPPF states that planning policies and decisions should not attempt to impose architectural styles or particular tastes and they should not stifle innovation, originality or initiative through unsubstantiated requirements to conform to certain development forms or styles. It is however, proper to seek to promote or reinforce local distinctiveness.

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

9.4 Policy S2 seeks to promote measures to secure a good quality and safe environment in the borough's shopping centres by amongst other matters promoting high standards of design.

9.6 LDD 11 'Design Quality SPD' 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.

9.7 There are three trees within the site. Two require removal to accommodate the proposed footpath to the front of the site and the staff car parking to the western boundary. Replacement planting is proposed. The Council's Landscape Architect has no objections to the scheme subject to new tree species and

existing tree protection measures being agreed. These items can be secured by condition.

9.8 The existing District centre is contemporary in terms of its design with a pitched roof and projecting gable features. The proposed Aldi store would also be contemporary in terms of its approach. Although it would have a flat roof this helps to reduce the overall bulk and mass and the proposal would sit comfortably against the existing shopping centre.

9.9 In conclusion, it is considered that the proposal would enhance and not detract from the character and appearance of the site, the shopping centre and the surrounding area.

#### 10.0 Impact upon Neighbours

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

10.2 Policy E3 seeks to minimise the impact of pollution on the environment, including existing land uses and encourages measures to reduce pollution to the lowest practicable levels.

10.3 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.

10.4 The neighbours that are most likely to be directly affected by the proposal area those immediately to the west of the site at Queensbury Gate and those to the rear at Clent Way. Resident objections are noted.

10.5 A Noise Assessment has been submitted. This considers the noise impact of deliveries and the proposed external plant on existing residents taking into account their noise output and existing background noise levels.

10.6 Regarding deliveries, it is proposed that there will be four per day. Goods will be delivered via the existing service road and rear yard belonging to the Boulevard shopping centre service.

10.7 Goods will be unloaded from the HGV vehicle, directly into the store on wooden pallets. The store will be constructed with a delivery ramp, canopy and dock leveller so that goods can be unloaded without any external activity.

10.8 The noise survey recommends a 2 metre high solid timber fence along the south perimeter of the proposed loading area. The applicant also agrees to turn off reversing alarms and the engine and refrigeration units (on the delivery vehicles) between the hours of 07:00 and 08:00 and 22:00 and 23:00.

10.9 The concerns of residents are noted however, the Manager of Environmental Health does not object to the application. It is considered there will

not be a significant adverse impact on the amenity of the residents provided the above attenuation measures are complied with. Restrictive conditions are recommended to control delivery operations.

10.10 The only proposed external plant is the refrigeration plant located at ground floor level to the west elevation of the building. The applicant has confirmed the plant be enclosed with a 2.4m high acoustic fence.

10.11 The Manager of Environmental Health does not object to the plant specification and location. The plant will not have a significant adverse impact on the amenity of residents subject to the plant being adequately attenuated and the noise output being controlled. Restrictive conditions are recommended in this regard.

10.12 A supermarket development has the potential to affect amenity by noise arising from the car park. The noise survey has not considered car park noise, however the Manager of Environmental Health is satisfied the main car parking area located off West Farm Avenue, will be screened by the proposed store.

10.13 It is noted small areas of staff car parking are proposed to the rear of the site within the loading bay (9 bays) and along the western boundary (8 bays). It is considered that the use of these spaces will not have a significant adverse impact on the residents given the orientation and separation distance of nearby properties.

10.14 On Clent Way the properties are set back from the site boundary and one property has a gable facing the site. On Queensbury Gate, the gable of No. 29 faces the site, with the rear elevations of other dwellings backing onto the site. Officers are satisfied the existing boundary fencing will provide affective attenuation.

10.15 Lighting of the store has the potential to impact on residents. As the proposed store is facing towards the existing shopping centre area and away from neighbouring residential properties, any potential impact from light would be minimised. There are no windows proposed on the west (rear) and south elevations of the store so there is no issue with light from windows for residents of Queensbury Gate and Clent Way. As such, the proposed lighting does not raise any issues regarding light pollution.

10.16 Building-mounted lights to the rear elevations are proposed to illuminate the loading bay and refrigeration plant. These lights would be mounted at a maximum height of 3.9m, which, in addition to their specification, would result in no upward light spill, and minimal horizontal light spill. The applicant has confirmed the lights would be switched off once the store has closed and the staff have left for the day.

10.17 The Manager of Environmental Health does object to the proposed lighting scheme subject to conditions being imposed to control lighting specification.

10.18 To further protect the amenity of residents, the Manager of Environmental Health recommends conditions controlling the hours of construction. Other conditions are imposed controlling odour suppression systems from any hot food facilities within premises.

10.19 Having regard to the above, it is the advice of Officers that the proposals will not have significant adverse impact on the amenity of residents and as such the development complies with the NPPF and UDP policies E3 and H13.

#### 11.0 Car Parking and Access

11.1 The National Planning Policy Framework states that planning policies have an important role to play in facilitating sustainable development, but also contribution to wider sustainability and health objectives. All development that generates 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.

11.2 Policy T6 states that the highways network will be improved with the council's general objective of amongst other matters improving the safety and convenience of the public highway.

11.3 Policy T8 seeks to encourage cycling by 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.

11.4 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.

11.5 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.

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

11.7 The Highways Network Manager has been consulted and states the submitted Transport Assessment analysed the junction in the vicinity of the site as well as the proposed site access. He acknowledges that there are some capacity issues on the surrounding network, however the impact of the development is not considered to be severe.

11.8 In terms of access and parking provision, the application proposes 28 additional car parking spaces (along the east elevation - comprising disabled driver, parent & child & staff spaces); re-surfacing and re-configuration of part of the existing car park. The new spaces and the reconfigured car park would be accessed via the existing access on West Farm Avenue.



11.9 The parking provided does not meet the maximum parking standards set out in LDD12; however the store will utilise the existing car park whilst providing some additional customer and staff parking. Furthermore the applicant has submitted evidence based on the existing store at Palmersville which demonstrates that the parking as a whole should be adequate for the needs of the development.

11.10 Servicing will be carried out via the existing service road and the service area is located to the south 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 in this instance subject to a condition to provide an appropriate service management plan.

11.11 In terms of pedestrian safety footpath links are proposed from West Farm Avenue to the store. The applicant has also agreed to a zebra crossing to the front of the site. This can be secured by condition.

11.12 The Highways Network Manager therefore recommends approval of the application subject to conditions.

11.13 Nexus have no objections to the application.

11.14 Members need to consider whether the proposed development would have a severe residual cumulative impact and whether the proposal would accord with policies T8, T9, T11 and LDD12 and weight this in their decision.

## 12.0 Other matters

### 12.1 Ground Conditions

12.2 The NPPF states that the planning system should contribute to and enhance the natural and local environment by remediating and mitigating despoiled, degraded, derelict, contaminated and unstable land, where appropriate.

12.3 UDP policy E3 seeks to minimise the impact of pollution on the environment. The NPPF is consistent with the aims of this policy and the conclusions in the committee report remain the same.

12.4 Policy E13 states that in pursuing environmental improvement within the urban environment the local planning authority will give priority to the improvement of those parts which are in most in need of regeneration and to those with a high level of public accessibility and or visibility such as physical transport corridors and town centres.

12.5 A Geo-environmental report has been submitted. The Council's Contamination Officer advises there are no issues with land contamination, however further gas monitoring results are required. A condition is recommended to ensure the results and any remediation measures are submitted for approval.

12.6 It is the advice of Officers that the applicant has demonstrated that the application site is, or can be made safe and stable for the proposed development.

12.7 If Members are minded to approve the application, they must decide whether the proposal acceptable in terms of the above the NPPF and UDP policy.

### 13.0 Archaeology

13.1 The NPPF states that Local Planning Authorities should identify and assess the particular significance of any heritage asset that may be affected by the proposal taking account of the available evidence and expertise.

13.2 UDP policy E19 seeks to protect the sites and settings of sites of archaeological importance. The NPPF is consistent with this policy.

13.3 15.4 The County Archaeologist has been consulted and she confirms no archaeological work is required because the ridge and furrow earthworks that used to exist in the area have now been built upon.

13.4 Members need to decide whether the development complies with the NPPF and UDP policy E19.

### 15.0 Biodiversity

15.1 The Council's Biodiversity Officer has been consulted and does not object to the application.

### 16.0 Flood risk and Drainage

16.1 The site is within flood zone 1 and less than 1 hectare. The applicant has provided a drainage scheme for the disposal of foul and surface water.

16.2 Northumbrian Water has been consulted and they do not object to the development subject to the drainage proposals being implemented in accordance with the details submitted.

16.3 The Council as Local Lead Authority raises no objections to the application subject to the imposition of a condition controlling surface water drainage.

### 17.0 Planning Obligations

17.1 NPPF states that pursuing development requires careful attention to viability. To ensure viability, the costs of any requirements likely to be applied to development such as requirements for affordable housing standards, infrastructure contributions or other requirements should, when taking account of the normal costs of development and mitigation, provide competitive returns to a willing land owner and willing developer to enable the development to be deliverable.

17.2 Regulation 122 of the Community Infrastructure Levy (CIL) Regulations, makes it unlawful for a planning obligation to be taken into account in determining a planning application, if it does not meet three tests set out in Regulation 122.

This states that a planning obligation may only constitute a reason for granting planning permission for the development if the obligation is:

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.

17.3 The Council's adopted SPD on Planning Obligations LDD 8 states that the planning obligations are considered an appropriate tool to ensure that the environment is safeguarded and that the necessary infrastructure and facilities are provided to mitigate impacts, ensure enhancements and achieve a high quality environment where people choose to live, work, learn and play.

17.4 As the scheme is 1140sqm floor space, Officers have considered whether it is necessary to seek a contribution towards retail employment and training (£6,840).

17.5 It is the advice of Officers, that the contribution is not required to make the development acceptable in planning terms.

17.6 In this case, the impacts of the development will not be significant so as to justify the contribution, having regard to the scale of the development and the regeneration benefits of the scheme.

#### 18.0 Conclusions

18.1 The proposal is considered to be a positive form of development for the site and Longbenton District Centre. The application will complete the regeneration strategy for the area and will enhance the retail offer to the benefit of the local community.

18.2 This proposal will construct a new modern and contemporary building, which will enhance the appearance of the site and the surrounding area.

18.3 The development is considered acceptable in terms of the principle of development, impact on the environment, local amenity and the highway network.

18.4 It is the view of Officers the development is in accordance with National Policy Guidance and the Development Plan and having regard to all representations received approval of the application is recommended, subject to conditions.

**RECOMMENDATION: Application Permitted**

#### **Conditions/Reasons**

1. In accordance with approved plans    MAN01    \*

2. Standard Time Limit 3 Years FUL MAN02 \*
3. Notwithstanding any indication of materials which may have been given in the application, no construction of the unit shall take place until a schedule and/or samples of the materials and finishes for the development has been submitted to and approved in writing by the Local Planning Authority. Thereafter, the development shall not be carried out other than in accordance with the approved details.  
Reason: To secure a satisfactory external appearance having regard to policy S2 of the North Tyneside Unitary Development Plan 2002.
4. Prior to the installation of any surfacing materials, a schedule and/or samples of all surfacing 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: To secure a satisfactory appearance having regard to policy S2 of the North Tyneside Unitary Development Plan 2002.
5. Veh Parking Garaging before Occ PAR04 \*H13
6. No occupation shall take place until details of facilities to be provided for the storage of refuse at the premises have been submitted to and approved in writing by the Local Planning Authority. The facilities which should also include the provision of wheeled refuse bins shall be provided in accordance with the approved details, prior to the occupation of any part of the development and thereafter permanently retained.  
Reason: In order to safeguard the amenities of the area having regard to policy H13 of the North Tyneside Unitary Development Plan 2002.
7. Building Site Detail Compound Storage SIT01 \*H13
8. Building Site Construction Access SIT02 \*H13
9. Dust suppression during construction SIT03 \*
10. Lorry routeing during construction SIT04 \*H13
11. No development shall commence until details of a zebra crossing on West Farm Avenue to provide enhanced pedestrian links to the site with 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 and before the development is occupied.  
Reason: In the interests of highway safety.
12. Notwithstanding the Interim Travel Plan already submitted, within six months of occupation the developer shall submit a Final Travel Plan within six months of the development opening that takes into account staff surveys of travel patterns.  
Reason: To accord with Central Government and Council Policy concerning

sustainable transport.

13. Prior to occupation of the 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.

14. 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

15. Delivery times to the development shall only be between 07:00 to 23:00 hours Monday to Saturday and between 09:00 to 17:00 Sundays.

Reason: To protect the amenities of residents in the vicinity, having regard to policy H13 of the North Tyneside Unitary Development Plan 2002.

16. Full details of the loading bay acoustic fence to screen the closest residential houses, must be submitted to and agreed in writing by the Local planning authority and thereafter implemented prior to the commencement of the use and retained thereafter.

Reason: To protect the amenities of residents in the vicinity, having regard to policy H13 of the North Tyneside Unitary Development Plan 2002.

17. Prior to occupation of the building, a loading bay noise management plan must be submitted to and agreed in writing by the Local Planning Authority. This shall include measures to protect the amenity of residents including reversing alarms being switched off between the sensitive hours of 07:00 and 08:00 and 22:00 and 23:00 hours. Thereafter the deliveries shall be implemented in accordance with the measures agreed.

Reason: To protect the amenities of residents in the vicinity, having regard to policy H13 of the North Tyneside Unitary Development Plan 2002.

18. The opening times of the premises shall be restricted to between 08:00 and 22:00 hours Monday to Saturday and 10:00 and 16:00 hours on a Sunday.

Reason: To protect the amenities of residents in the vicinity, having regard to policy H13 of the North Tyneside Unitary Development Plan 2002.

19. Prior to the installation of the refrigeration plant, a noise scheme demonstrating no overall exceedance of an overall rating level of 35dB(A) and 45 dB(a) (from plant at nearest residential premises measured during the night) shall be submitted to and approved in writing by the Local Planning Authority and thereafter implemented in accordance with the agreed details prior to the commencement of the use. Within one month of its installation and prior to occupation of the development, acoustic testing shall be undertaken to verify compliance with this condition and a validation report submitted to and approved

in writing by the Local Planning Authority.

Reason: To protect the amenities of residents in the vicinity, having regard to policy H13 of the North Tyneside Unitary Development Plan 2002.

20. A 2.4 metre solid timber fence shall be erected around the refrigeration plant store area prior to the commencement of the use of the development and thereafter retained.

Reason: To protect the amenities of residents in the vicinity, having regard to policy H13 of the North Tyneside Unitary Development Plan 2002.

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

Reason: In order to protect the amenities of occupiers of nearby properties having regard to policy H13; of the North Tyneside Unitary Development Plan 2002.

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

Reason: To safeguard the amenity of nearby residents having regard to policy E3 of the North Tyneside Unitary Development Plan 2002 and National Planning Policy Framework.

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

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

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

Reason: In the interest of visual amenity and/or highway safety having regard to policy H13 of the North Tyneside Unitary Development Plan 2002.

24. Prior to the installation of any chimney or extraction vents to be provided in connection with the development, full details of such systems 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.

25. Prior to installation of any air ventilation systems, full details of such systems shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall thereafter be implemented in accordance with the details agreed 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.

26. Prior to the installation of any odour suppression system (for the arrestment of baking or cooking odours on site), full details of such systems, shall be submitted to and approved in writing by the Local Planning Authority. Thereafter the odour suppression system shall be maintained in accordance with the details provided by the manufacturer.

Reason: To protect the amenities of residents in the vicinity, having regard to policy H13 of the North Tyneside Unitary Development Plan 2002.

27. No development shall take place until a scheme showing how the development hereby approved is to be protected against the possibility of landfill gas migrating from the nearby former landfill site, has been submitted to and approved in writing by the Local Planning Authority. Thereafter the development shall not take place otherwise than in accordance with the details shown in such approved scheme, and those measures incorporated into the development shall thereafter be retained unless the Local Planning Authority otherwise agrees in writing.

Reason: To ensure that the details of the development are satisfactory to prevent the adverse effects of landfill gas which may migrate from a former landfill site having regard to policy E3; of the North Tyneside Unitary Development Plan 2002.

28. The Contractors site access and site set up shall be submitted to and approved in writing by the Local Planning Authority prior to commencement of any proposed works, in conjunction with the tree protection plan. No site storage or parking of plant vehicles are to be located within the root protection area of the existing trees, or other trees in the area or adjacent to the boundary of the property.

Reason: In the interests of amenity and to ensure a satisfactory standard of landscaping having regard to policy E14; of the North Tyneside Unitary Development Plan 2002.

29. No utilities or drainage should be located within the root protection areas of the 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).

Reason: In the interests of amenity and to ensure a satisfactory standard of landscaping having regard to policy E14; of the North Tyneside Unitary Development Plan 2002.

30. The development hereby permitted shall be landscaped and planted in accordance with a fully detailed scheme which shall be submitted to and approved in writing by the Local Planning Authority before the occupation of the unit commences.

Reason: In the interests of amenity and to ensure a satisfactory standard of landscaping having regard to policy E14; of the North Tyneside Unitary Development Plan 2002.

31. All planting, seeding or turfing comprised in the approved details of landscaping shall be carried out in the first planting and seeding seasons following the occupation of the buildings or the completion of the development, whichever is the sooner, and any trees or plants which, within a period of five years from the completion of the development, die are removed or become seriously damaged or diseased, shall be replaced in the current or first planting season following their removal or failure with others of similar size and species, unless the Local Planning Authority first gives written consent to any variation.

Reason: In the interests of amenity and to ensure a satisfactory standard of landscaping having regard to policy E14; of the North Tyneside Unitary Development Plan 2002.

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

The proposal complies with the development plan and would improve the economic, social and environmental conditions of the area. It therefore comprises sustainable development and the Local Planning Authority worked proactively and positively to issue the decision without delay. The Local Planning Authority has therefore implemented the requirements in Paragraphs 186-187 of the National Planning Policy Framework.

**Informatives**

Contact ERH Construct Highway Access (I05)

Contact ERH Works to Footway (I08)

No Doors Gates to Project Over Highways (I10)

Do Not Obstruct Highway Build Materials (I13)

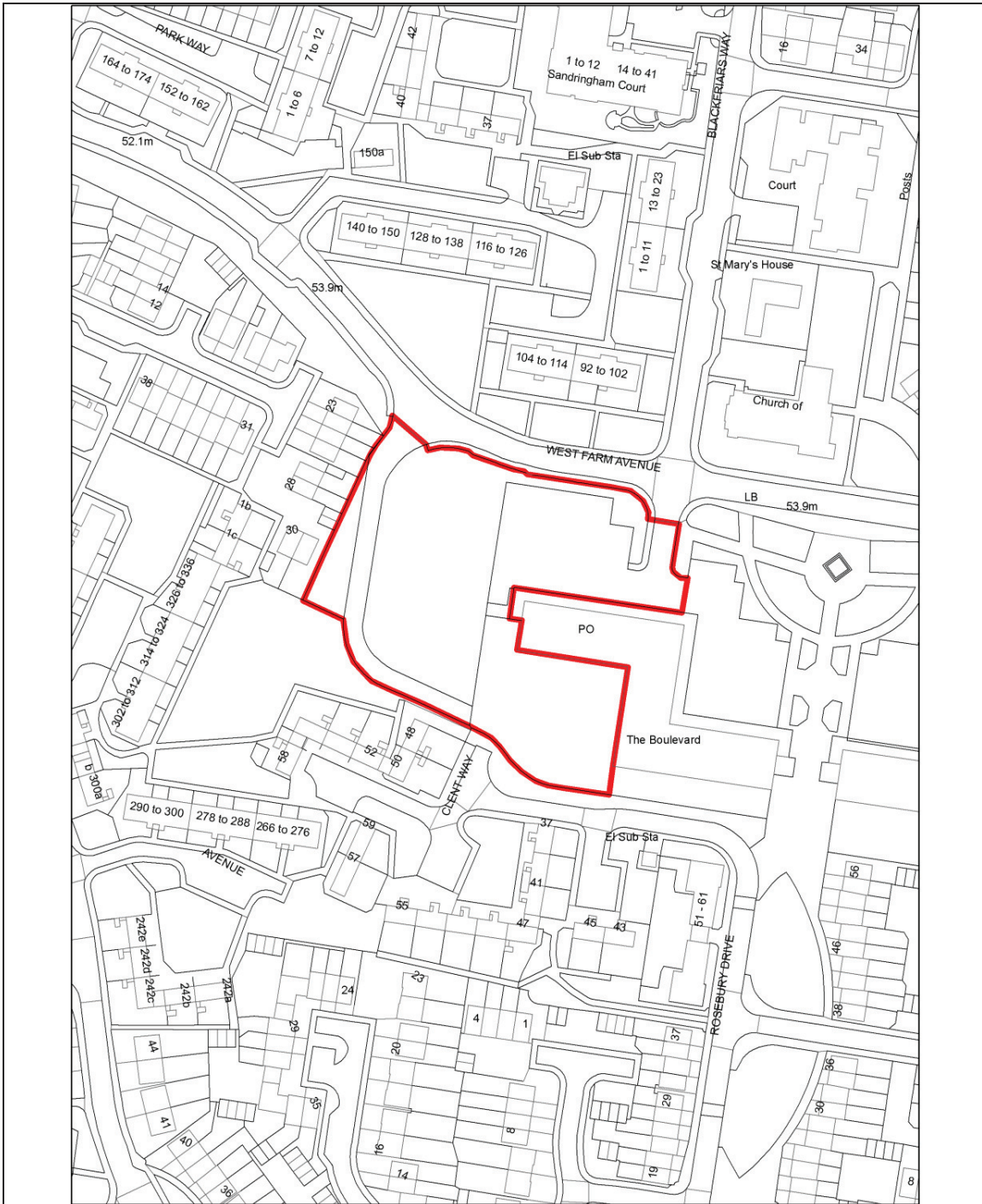
Street Naming and numbering (I45)



Highway Inspection before dvlpt (I46)

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

All construction works to conform with (see BS5837: 2012 Trees in Relation to Construction-Recommendations) in relation to protection of existing boundary trees and shrubs.



**Application reference: 15/01793/FUL**

**Location: Land West Of Unit 1A, The Boulevard Shopping Centre, West Farm Avenue, Longbenton**

**Proposal: Erection of an Aldi foodstore, provision of 28 additional car parking spaces (disabled driver, parent & child & staff spaces), re-surfacing and re-configuration of part of the existing car park and landscaping.**

Not to scale

Date: 05.02.2016

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## Item 5.4

### Appendix 1 – 15/01793/FUL

#### Consultations/representations

##### 1.0 Internal Consultees

##### 1.1 Highways Network Manager

1.2 This application is for the erection of an Aldi food store, provision of 28 additional car parking spaces (disabled driver, parent & child & staff spaces), re-surfacing and re-configuration of part of the existing car park and landscaping.

1.3 The site is located adjacent to the existing shopping centre, which is accessed via West Farm Avenue.

1.4 A Transport Assessment (TA) and 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 access. Whilst it is acknowledged that there some capacity issues on the surrounding network, the impact of the development is not considered to be severe.

1.5 The parking provided does not meet the maximum parking standards set out in LDD12; however the store will utilise the existing car park whilst providing some additional customer and staff parking. Furthermore the applicant has submitted evidence based on the existing store at Palmersville which demonstrates that the parking as a whole should be adequate for the needs of the development.

1.6 Servicing will be carried out via the existing service access and the service area is located to the south 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 in this instance subject to a condition to provide an appropriate service management plan.

1.7 For the above reasons outlined above and on balance we recommend that the application be approved subject to conditions.

1.8 Recommendation - Conditional Approval

1.9 Conditions:

PAR04 - Veh: Parking, Garaging before Occ  
REF01 - Refuse Storage: Detail, Provide Before Occ  
SIT01 - Building Site Compound Storage  
SIT02 - Building Site: Construction Access  
SIT03 - Dust suppression  
SIT04 - Lorry routeing

1.10 No development shall commence until details of a zebra crossing on West Farm Avenue to provide enhanced pedestrian links to the site with 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 and before the development is occupied.  
Reason: In the interests of highway safety.

1.11 Notwithstanding the Interim Travel Plan already submitted, within six months of occupation the developer shall submit a Final Travel Plan within six months of the development opening that takes into account staff surveys of travel patterns.  
Reason: To accord with Central Government and Council Policy concerning sustainable transport.

1.12 Prior to occupation of the 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.

1.13 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

1.14 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

## 2.0 Local Lead Flood Authority

2.1 This application is for the erection of an Aldi food store, provision of 28 additional car parking spaces (disabled driver, parent & child & staff spaces), re-surfacing and re-configuration of part of the existing car park and landscaping.

2.2 The developer is proposing to discharge into the nearby surface water sewer at a restricted 5l/s with the surface water from the site being attenuated within the site for a 1 in 100 year storm event.

2.3 Recommendation - Conditional Approval

2.4 Condition - No development shall commence until a scheme for surface water management 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 effective surface water management

### 3.0 Head of Regeneration

3.1 Regeneration fully supports the proposal for an Aldi supermarket on the vacant development site alongside The Boulevard Shopping Centre. This estate was the subject of a major regeneration scheme which commenced in 1997. Prior to the regeneration strategy the residents of Longbenton Estate suffered a wide range of social, economic and physical problems that had led to high levels of voids in the social housing stock that dominated the estate. The regeneration strategy addressed all these issues and it is now a successful and popular part of the borough to live.

3.2 The regeneration strategy included the demolition of a 1960's Arndale shopping centre that provided a poor shopping service for residents and was itself a major blight on the estate through its very poor appearance. The owners of the Arndale shopping centre agreed to its demolition and replacement with the modern attractive Boulevard Shopping Centre, that is closely integrated with the Oxford Centre to centralise community service provision.

3.3 The site of the current planning application site was identified for a small supermarket to complete the shopping centre but no operator could be secured. The planning application by Aldi for this supermarket will therefore complete the regeneration strategy for Longbenton Estate and in the light of recent changes in shopping patterns towards using smaller format stores, will provide another positive contribution towards the sustainable long term future for this part of North Tyneside.

### 4.0 Manager of Environmental Health (Pollution)

4.1 I have viewed the additional information from the noise consultants which indicates that the noise readings used from other sites are based on noise from reversing alarms and based on the standard method of delivery utilised in all their stores where all fork lift trucks offloading is carried out internally with vehicles backing up to loading bay and loading directly into store.

4.2 I am pleased with the comments provided by KLR planning who have indicated that they would be happy to agree to switching off reversing alarms and refrigeration units on vehicles to minimise impact upon housing from deliveries between 07:00 and 08:00 hours and between 22:00 and 23:00 hours . It is also indicated in noise report that delivery yard will be fitted with a 2 metre high solid timber fence along the south perimeter of the loading area.

4.3 I have viewed the plans and the majority of the existing car park will be screened by the Aldi store so there is a need only for a condition to have a noise delivery scheme in place that incorporates the switching off refrigeration units and reversing alarms at certain times.

4.4 I am happy that the refrigeration unit will be provided with a 2.4 metre solid timber fence. I understand that there will be only one external plant to the site which will consist of the refrigeration unit. I have viewed the submission of 60 kW refrigeration unit which will be located at ground level to the south west corner of store. The overall noise level at 10 metre would be 45 dB. The details of the unit indicate that height of unit is 2.225 metres high with the fan outlets located to the top of the unit.

4.5 The background noise level at south west of site was 32 dB(A) at night and 41 dB(A) during the day. This will require the rating level measured at residential houses not to exceed a rating level of 35 dB at night and 45 dB at nearest residential premises during the day in accordance with BS4142.

4.6 I understand that information on lighting is provided in the community involvement statement. This indicate that lights will be mounted to the loading bay and refrigeration plant therefore it is not unreasonable to request details of the angle and illumination to ensure compliance with the institute of lighting engineers guidance to prevent light nuisance.

4.7 I would also request standard conditions on construction times and dust management scheme to minimise the impact of this phase of work.

4.8 I would recommend the following conditions:

4.9 Delivery times to the loading and rear service road shall be restricted between 07:00 to 23:00 hours Monday to Saturday and between 09:00 to 17:00 Sundays and Bank Holidays.

4.10 Details of the two metre acoustic fence to screen closest residential houses from the loading bay must be submitted to and agreed in writing by the planning authority and thereafter implemented and maintained.

4.11 A noise management plan for the delivery loading bay area must be submitted to and agreed in writing and thereafter implemented. This shall encourage details that the reversing alarms will be switched off between the sensitive hours of 07:00 and 08:00 and 22:00 and 23:00 hours.

4.12 The opening times of the premises shall be restricted to between 08:00 and 22:00 hours Monday to Saturday and 10:00 and 18:00 hours on a Sunday and Bank Holiday.

4.13 Prior to the installation of external plant, a noise scheme must be submitted in writing to the planning authority, approved in writing and thereafter implemented to ensure no exceedance of an overall rating level of 35dB(A) and 45 dB(A) from plant at nearest residential premises measured during the night with regard to the external plant. 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

4.14 A 2.4 metre solid timber fence must be erected around the plant store area as shown in plan within acoustic report and thereafter maintained.

NOI02  
HOU04  
SIT03  
LIG01

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

EPL01  
EPL02  
EPL03  
EPL04

4.15 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.

#### 5.0 Manager of Environmental Health (Contamination)

5.1 I have read the preliminary Geo-environmental report and I can confirm that based on the proposed end use that there are no issues with land contamination at the site.

5.2 The report states there is outstanding gas monitoring results therefore the following should be attached:

Gas 01

#### 6.0 Landscape Architect

6.1 The proposed development site extends to 0.72 hectares and inhabits land West of The Boulevard Shopping Centre and south of West Farm Road. It comprises of an area, which is currently grassed and open to public access, together with part of the existing car parking area for the shopping centre. The northern boundary of the site is formed by West Farm Avenue, with residential properties beyond screened by mature trees. The mini roundabout and access road to the centre from West Farm Avenue, including part of the current car park form the eastern boundary. The west boundary is demarked by the rear fence line of residential properties on Queensberry Gate. The site is divided into 2no compartments by an existing (delivery) access road, which navigates south through the site from West Farm Avenue, before swinging east to form the southern extent of the site. Beyond the access road to the south are the residential properties on Clent Way.

6.2 The site is predominantly flat across with 3no semi mature trees located to the northern boundary of the site. These trees form part of a wider avenue of trees to West Farm Avenue and the corner of the access road to the Shopping Centre. The north and western fringes of the site contain well-established shrub planting, with another tree inhabiting space in the south-western corner of the existing (west) shrub bed.

6.3 The proposed Landscape Plan (Drawing No: 0174-AL(0) 09 Rev A) and the Design and Access Statement - October 2015 (Landscaping and Boundary Treatment) show and/or describe the retention and removal of some of the existing trees along West Farm Avenue as well as some of the shrub planting along the western boundary.

6.4 The Arboricultural Assessment submitted with the application details 2no trees to be removed (T1B and T4C) to accommodate the proposed emergency footpath access and the alignment of car-parking spaces for the development.

6.5 The retention of the existing landscape planting is to be complemented with further additional low level shrub planting to the north, west and south of the proposed store. There are several reasons of importance to keep the planting low in these areas (a) to ensure unimpeded visibility for vehicles exiting onto West Farm Avenue from the shopping centre car park and the delivery access road and (b) for security reasons, to prevent the creation of hiding places.

6.6 The following sections of the Design and Access Statement - October 2015 (Landscaping and Boundary Treatment) state *'The proposals have outlined that the existing Low level planting will be retained around the eight new staff parking spaces to the western boundary of the application site'* and that, *'Paving is provided around the store entrance area, connecting with the pedestrian access to West Farm Avenue and to the customer parking area. A paved access to the west and south perimeters of the store will be provided for maintenance purposes and as an emergence access route'* and further, *'The proposed landscaping treatment will enhance the appearance of the area and ensure the proposed development fits within the maturing landscaped environment that is welcoming for customers'*.

6.7 The following forms a response to the Design and Access Statement and Landscape Design issues within the context of the requirement within the Planning Policy Context and reference to National Planning Policy Framework (NPPF) Para's 158; 117 and 118. The species range of the proposed landscape works should enhance and extend the local landscape mix and structure of the area and in particular to the linear boundary planted areas and within the proposed internal spaces wherever possible.

6.8 The proposal looks to remove large areas of existing planting. The proposed Landscape Plan and Design and Access Statement refer to some existing planting being kept within the western planting beds, but in reality this could be damaged by the realignment of the car parking. On this basis and to ensure the new low level planting will be consistent with the local wider planting mix and



appropriate to the existing site and neighbouring residential properties, the planting detail can be conditioned. The species *Cotoneaster microphyllus* is detailed in the Planting Schedule on the Proposed Planting Plan and I note that, Schedule 9 of The Wildlife and Countryside Act 1981 (Variation of Schedule 9) (England and Wales) Order 2010 and bans the planting of *Cotoneaster microphyllus* on the grounds of it being an invasive rural species. I am aware that this is an urban location but best to look for a replacement from planting this species here.

6.9 In relation to the proposed tree planting only 2no trees (T3C and T2B) will remain from the 3no (*Acer platanoides*) specimens along the immediate northern frontage. The proposed access path, which appears to be in conflict with T1B from the West Farm Avenue pavement area and car-park seems to be the reason for its proposed removal, but there is clearly room for an appropriate replacement (equidistant) within this group to the east side of T2B. There appears to be a loss of 2no. trees in total, including the tree (T4C) within the shrub bed to the Western boundary of the site.

6.10 Following a request to the applicant, the applicant has submitted amended proposals (Drawing No's: 0174 - AL(0)09 A; 0174 - AL(0)04 A) to show replacement tree planting for the tree to be removed but the species chosen does not reinforce and maintain the integrity of the existing streetscape along the West Farm Frontage and along the western boundary. It would be preferable to plant *Acer platanoides* but this can be confirmed as part of the landscape planting detail which can be conditioned.

6.11 The following submitted documents, 'Arboricultural Impact Assessment Tree Protection Plan' and the 'Arboricultural Method Statement Tree Protection Plan' identify and show adequate protection of the existing trees during the construction phase.

6.12 Conditions:

6.13 The Contractors site access and site set up are also to be submitted for approval prior to commencement of any proposed works, in conjunction with the tree protection plan. No site storage or parking of (plant) vehicles are to be located within the root protection area of the existing trees, or other trees in the area or adjacent to the boundary of the property.

6.14 No utilities or drainage should be located within the root protection areas of the 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).

6.15 All construction works to conform with (see BS5837: 2012 Trees in Relation to Construction-Recommendations) in relation to protection of existing boundary trees and shrubs.

6.16 Detailed landscape scheme to include replacements for any trees that may be lost as a result of the works as a minimum requirement; there is always scope for more tree planting in and around the proposed development and opportunities exist where trees have failed and/or been damaged. This will also meet the requirement of the Design and Access Statement submitted by the applicant and the Planning Policy Context, National Planning Policy Framework (NPPF). This will also fulfil the requirement to keep the roadside tree planting consistent and of the same species and habit along the frontage of the proposed and existing retail and residential development environment.

#### 7.0 Biodiversity Officer

7.1 I have no objections to the application and no further comments to add.

#### 8.0 County Archaeologist

8.1 There used to be ridge and furrow earthworks in this area, but they have been built on. No archaeological work is required.

#### 9.0 Representations

9.1 Five letters of objection received. These can be summarised as follows:

##### 9.2 The effect on local business

- There is no need for another shop in Longbenton,
- There are 3 mini supermarket shops within the boulevard, all of which have good trade
- Trade in these shops would decline
- Shop closures would lead to vandalism

##### 9.3 Increased traffic and noise

- Noise from deliveries is horrendous and traffic is so bad I cant get out of my street for cars using West Farm Avenue
- I have specific concerns about the distance of the loading bay and refrigeration plant from my back garden and the noise impact
- Impact on residents parking as a result of the development
- The noise from deliveries is not too bad at present and I have enough privacy, however if the store is built I will lose privacy and there will noise coming from the staff car park

##### 9.4 Light

- I have concerns about light impact in terms of loss of sunlight and night time illumination

##### 9.5 Decrease in green space

- The idea of having an Aldi store is welcomed, however the building will take up a lot of green space.
- It would be good to see the developer implement some form of green solutions such as a green roof, green wall or solar panels.

##### 9.6 Other

- I have concerns about the height of the building and the impact on my view
- Potential vermin infestation

- Intrusion on privacy particularly if any windows or doors face my property
- Impact on the value of my property

9.7 One letter of support from a local resident who states that the scheme is a welcome addition to the selection of stores.

9.8 In addition 89 hand written postcards have been submitted by residents expressing support for the application. The postcards were distributed by the applicant's Public Relations team encouraging those who support the scheme to comment.

## 10.0 External Consultees

### 10.1 Nexus

10.2 Nexus has no objection to this application as this development would be well served by public transport.

### 11.0 Newcastle Airport

11.1 The proposal has been assessed by the Aerodrome Safeguarding Team and given its location and modest nature it is considered that the proposal would not result in any detriment to the safe operations of the Airport. NIA would not therefore offer any objection to this application.

### 12.0 Northumbrian Water

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

12.2 Having assessed the proposed development against the context outlined above NWL have the following comments to make:

12.3 We would have no issues to raise with the above application, provided the application is approved and 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 300mm diameter combined sewer at or between manholes 1601 and 1602. The document further states that surface water from the proposed development will discharge at a restricted rate of 5l/sec to the above connection points.

12.4 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.

12.5 It should be noted that we are not commenting on the quality of the flood risk assessment as a whole or the developers approach to the hierarchy of preference. The council, as the Lead Local Flood Authority, needs to be satisfied that the hierarchy has been fully explored. Our comments simply reflect the ability of our network to accept flows if sewer connection is the only option.

### 13.0 NATS Safeguarding Office

13.1 The proposed development has been examined from a technical safeguarding aspect and does not conflict with our safeguarding criteria. Accordingly, NATS (En Route) Public Limited Company ("NERL") has no safeguarding objection to the proposal.

13.2 However, please be aware that this response applies specifically to the above consultation and only reflects the position of NATS (that is responsible for the management of en route air traffic) based on the information supplied at the time of this application. This letter does not provide any indication of the position of any other party, whether they be an airport, airspace user or otherwise. It remains your responsibility to ensure that all the appropriate consultees are properly consulted.

13.3 If any changes are proposed to the information supplied to NATS in regard to this application which become the basis of a revised, amended or further application for approval, then as a statutory consultee NERL requires that it be further consulted on any such changes prior to any planning permission or any consent being granted.