

Application No: 22/01191/FUL Author: Maxine Ingram
Date valid: 27 June 2022 ☎: 0191 643 6322
Target decision date: 26 September 2022 Ward: Killingworth

Application type: full planning application

Location: Unit C, Bellway Industrial Estate, Benton, Newcastle Upon Tyne, NE12 9SW

Proposal: Demolition of existing buildings and proposed retail development and drive through cafe with associated access, car parking, landscaping and all ancillary works

Applicant: Northumberland Estates

RECOMMENDATION:

It is recommended that:

- a) the Committee indicates that it is minded to grant the application; and
- b) the Director of Regeneration and Economic Development be authorised to issue a notice of grant of planning permission subject to:
 - i) the conditions set out in the planning officers report;
 - ii) the addition, omission or amendment of any other conditions considered necessary by the Director of Regeneration and Economic Development;
 - iii) consultation with the Biodiversity Officer and Landscape Architect If in the opinion of the Director of Regeneration and Economic Development any issues or objections arise from this consultation that were not previously considered by the Committee then the application be referred back to the Committee for reconsideration; and
 - iv) completion of a legal agreement under Section 106 of the Town and Country Planning Act 1990 to secure a financial contribution for the following:
 - A £15,000 Travel Plan Bond is required. This will have to be paid if the Travel Plan Targets are not met 5 years from first occupation.
 - A £2,500 Travel Plan Monitoring Fee (£500 per annum) is required. This is for North Tyneside Council (NTC) Officer time spent monitoring the travel plan delivery, evaluating annual travel plan progress reports and annual survey results as submitted by the Travel Plan Coordinator (TPC).

INFORMATION

1.0 Summary Of Key Issues & Conclusions

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

- The principle of the development,
- The impact on amenity,
- The impact on character and appearance,
- The impact on highway safety,
- The impact on biodiversity, and;
- Other issues.

1.2 Planning law requires that applications for planning permission must be determined in accordance with the development plan, unless material considerations indicate otherwise. Members need to consider whether this application accords with the development plan and also take into account any other material considerations in reaching their decision.

2.0 Description of the Site

2.1 The application site is located to the north of Whitley Road (A191) and is currently occupied by the Bell Truck and Van premises. The site comprises a building incorporating a showroom and garage, along with associated parking and hardstanding areas. The site also includes areas of vegetation and mature trees along its southern part.

2.2 The site is accessed from the west and north via the roads serving the wider industrial estate.

2.3 To the north the site is bounded by existing commercial/industrial units, beyond which lies the Metro line. To the south the site is bounded by Whitley Road beyond which lies committed residential developments. To the east the site is bounded by retail units. To the west the site is bounded by the road serving the industrial estate, beyond which lies Arnold Clarke car sales premises.

2.4 The site is located on the Bellway Industrial Estate, which is an allocated site (E014) for employment uses in the Local Plan (LP) (2017). The site is designated as a wildlife corridor.

3.0 Description of the Proposed Development

3.1 Planning permission is sought for the demolition of the existing buildings and the construction of a retail store and drive through café with associated access, car parking, landscaping and all ancillary works.

3.2 The applicant had advised the following:

- a Lidl food store of 1,895 square metres (sqm) gross/1, 251 sqm net (sales) floorspace;
- a drive through bakery, to be operated by Greggs, comprising 168 sqm;

- 135 car parking spaces;
- a new/improved access into the site from the industrial estate road; and,
- associated hard and soft landscaping across the site.

3.3 The proposed food store will be located on the northern part of the site. The entrance to the store will be located at the western end of the building, adjacent to the trolley store, with servicing being undertaken at the eastern end. The new Greggs drive through bakery would be located on the middle part of the site (to the other side of the customer car park), with the existing woodland on the southern part being retained.

3.4 A vehicular access is proposed from the west, in broadly the same location as one of the existing accesses. New hard and soft landscaping will be provided across the development, and existing trees retained where possible. Pedestrian linkages would be provided through the site, connecting the different uses with footways on Whitley Road.

4.0 Relevant Planning History

18/00102/ADV – Replacement external commercial vehicle dealership and forecourt signs – Permitted 16.03.2018

13/01903/FUL - Change of use to the grassed area to develop a surface which will be suitable to park and display vehicles including improvements to the landscape arrangement – Permitted 17.04.2014

08/02274/ADV - 4no 8m high flag poles and additional directional signage for customer parking – Permitted 10.09.2009

08/02273/FUL - Proposed parking and display of sales vehicles on grassed area – Permitted 10.09.2009

06/00067/FUL - Provision of new wash bay area to include pre-fabricated steel ramp and masonry retaining wall – Permitted 20.03.2006

5.0 Development Plan

5.1 North Tyneside Local Plan (2017)

6.0 Government Policies

6.1 National Planning Policy Framework (NPPF) (July 2021)

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

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

PLANNING OFFICERS REPORT

7.0 Detailed Planning Considerations

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

- The principle of the development,
- The impact on amenity,
- The impact on character and appearance,
- The impact on highway safety,
- The impact on biodiversity, and;
- Other issues.

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

8.0 Principle of the development

8.1 The Local Plan (LP) was adopted in July 2017 to guide development in the period up to 2032. The council acknowledges that the policies contained within the LP predate the publication of the revised NPPF (July 2021) however, it is clear from paragraph 219 of the NPPF that: “However, existing policies should not be considered out-of-date simply because they were adopted or made prior to the publication of this Framework. Due weight should be given to them, according to their degree of consistency with this Framework (the closer the policies in the plan to the policies in the Framework, the greater the weight that may be given).” The council considers that the Local Plan policies set out in this report are consistent with the NPPF and can be afforded significant weight.

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

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

8.4 LP Policy S2.2 ‘Provision of Land for Employment Development’ seeks to ensure an attractive and flexible supply of employment land is available to deliver the Council’s strategy for economic prosperity, job growth and investment over the plan period.

8.5 LP Policy DM2.3 Development Affecting Employment Land and Buildings states “The Council will support proposals on employment land, as shown on the

Policies Map, for new or additional development for uses within use classes B1, B2 or B8 or that which is deemed ancillary.

Proposals on identified employment land or other buildings in use-class B1, B2 or B8, for uses that could conflict with the development and regeneration of sites for economic development, will be permitted where these proposals would not:

- a. Result in the unacceptable loss of operating businesses and jobs; and,
- b. Result in an excessive reduction in the supply of land for development for employment uses, taking into account the overall amount, range, and choice available for the remainder of the plan period; and,
- c. Have an adverse impact upon the amenity and operation of neighbouring properties and businesses.”

8.6 Paragraph 87 of the NPPF states that ‘LPA’s should apply a sequential test to planning applications for main town centre uses which are neither in an existing centre nor in accordance with an up-to-date plan. Main town centre uses should be located in town centres, then in edge of centre locations; and only if suitable sites are not available (or expected to become available within a reasonable period) should out of centre sites be considered.’

8.7 Paragraph 88 of the NPPF states ‘When considering edge of centre and out of centre proposals, preference should be given to accessible sites which are well connected to the town centre. Applicants and LPA’s should demonstrate flexibility on issues such as format and scale, so that opportunities to utilise suitable town centre or edge of centre sites are fully explored.’

8.8 Paragraph 91 of the NPPF states ‘Where an application fails to satisfy the sequential test or is likely to have significant adverse impact on one or more of the considerations in paragraph 90, it should be refused.’

8.9 Paragraph 122 of the NPPF advises that planning policies and decisions need to reflect the changes in the demand for land. Where the LPA considers there to be no reasonable prospect of an application coming forward for the use allocated in a plan: in the interim, prior to updating the plan, applications for alternative uses on the land should be supported, where the proposed use would contribute to meeting an unmet need for development in the area.

8.10 The National Planning Practice Guidance (NPPG) provides advice on how the sequential test should be applied to development proposals. The NPPG states that it is for the applicant to demonstrate compliance with the sequential test and sets out the key considerations that be taken into account in determining whether a proposal complies with the sequential test:

-With due regard to the requirement to demonstrate flexibility, has the suitability of more central sites to accommodate the proposal been considered? Where the proposal would be located in an edge of centre or out of centre location, preference should be given to accessible sites that are well connected to the town centre. Any associated reasoning should be set out clearly.

-Is there scope for flexibility in the format and/or scale of the proposal? It is not necessary to demonstrate that a potential town centre or edge of centre site can accommodate precisely the scale and form of a development being proposed,

but rather to consider what contribution more central sites are able to make individually to accommodate the proposal.

-If there are no sequentially preferable locations, the sequential test is passed.

8.11 The site is an allocated employment site (E014) in the LP, which supports development in Use Classes former B1 (now Use Class E), B2 and B8 (Policy S2.2). The site is currently operated by Bell Trucks and Vans.

8.12 This application is for a mixture of E use classes with the predominant use being a Lidl supermarket and a smaller separate unit being a Greggs drive through bakery. Both uses would be considered to be use class E (a) within the updated the Town and Country Planning (Use Classes) Order 1987 (as amended) with The Town and Country Planning (Use Classes) (Amendment)(England) Regulations 2020.

8.13 The uses proposed are town centre uses in an out of centre location. In accordance with the NPPF (paras. 87 and 90) and LP Policy DM3.4 this application requires a sequential and impact assessment to be submitted for consideration. The assessment must provide sufficient evidence that the development would not have an adverse impact on the centres within the catchment of the development and that no suitable, available, or viable sites were sequentially preferable.

8.14 This assessment has been submitted and considers the potential impact on the surrounding town centres, including the recently regenerated town centres that include a discount supermarket as a key anchor to its offer and overall success, e.g. Battle Hill, Northumberland Park and Wallsend. The impact assessment advises that the anticipated trade diversion of the town centre supermarkets was not significant when considered against the company average turnover of each store and the overall impact to the centres was not significant e.g. the trade diversion impact for the Aldi at Wallsend was forecast to be 3% but the store is performing at a level around 260% of the company average. The Planning Policy comments advise that the greatest impact of the development would be on the existing Asda on Whitley Road, but because this is an out of centre store it has no planning protection against such an impact.

8.15 LP Policy S3.3 identifies sites for future retail demand. These sites along with others identified in the town centres have been discounted in the applicant's sequential assessment due to the size and business requirements of the development proposed.

8.16 The comments from Regeneration are noted. However, the applicant has submitted the relevant assessments in accordance with the requirements of the NPPF and LP policies which demonstrate that the proposed development would not impact existing town centres. Planning policy have not raised any objections to this development.

8.17 Members need to consider whether the development meets the requirements of national and local retail policy. It is officer advice that it does.

8.18 The other main consideration for Members to consider is the loss of allocated employment land for former B1 (now Use Class E), B2 and B8 uses to a supermarket and drive through bakery (Use Class E). LP Policy DM2.3 does accept development for uses outside of former B1 (now Use Class E), B2 and B8 so long as the development meets certain criteria. These include ensuring the development would not result in an unacceptable loss of operating businesses and jobs, an excessive reduction in the supply of land for development in employment uses or have an adverse impact upon the amenity and operation of neighbouring uses.

8.19 The supporting evidence confirms that the current occupiers, Bell Truck and Van, have recently secured planning permission for a new site elsewhere, which better meets their business needs, and will not be closing this branch of the business. The existing jobs on the site would therefore not be lost and the proposed development is estimated to create approximately 50 new (FTE) jobs in total. This is estimated to be a net increase in jobs at the site. The site is already operating as a sui generis use, which is outside of the preferred B use classes supported in the LP (Policy S2.2) and would therefore not result in an excessive reduction in the supply of land for development in employment uses. The impacts upon the amenity and operation of neighbouring uses will be considered in a latter part of this report. The proposed development would be in accordance with Policy DM2.3.

8.20 Members need to determine whether the principle of the proposed development, in terms of its impact on existing town centres and loss of employment land is acceptable and meets the requirements of Policies S2.2 and DM2.3. It is the view of officers that the principle of the proposed development is considered to be acceptable, subject to all other material considerations set out below being addressed.

9.0 Impact on amenity

9.1 Paragraph 185 of the NPPF states “Planning policies and decisions should also ensure that new development is appropriate for its location taking into account the likely effects (including cumulative effects) of pollution on health, living conditions and the natural environment, as well as the potential sensitivity of the site or the wider area to impacts that could arise from the development. In doing so they should: a) mitigate and reduce to a minimum potential adverse impacts resulting from noise from new development – and avoid noise giving rise to significant adverse impacts on health and the quality of life; b) identify and protect tranquil areas which have remained relatively undisturbed by noise and are prized for their recreational amenity value for this reason; and c) limit the impact of light pollution from artificial light on local amenity, intrinsically dark landscapes and nature conservation”.

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

and walking, cycling and public transport, whilst making appropriate provision for new or additional infrastructure requirements”.

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

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

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

9.4 The Manager for Environmental Health has been consulted. She has raised concerns regarding noise arising from customer noise, vehicle noise, delivery noise and plant noise. She has also advised there may also be associated cooking odours if cooking or reheating of food occurs within the café and drive through.

9.5 The site is located on an established industrial estate, approximately 200m to the north of residential properties. A noise assessment has been submitted and this has been considered by the Manager for Environmental Health. This assessment has considered the proposed noise impacts from the operations of the site including delivery noise, noise from the car park and drive through as well as plant noise which has been assessed in accordance with BS4142. She has expressed concerns about potential impacts of the use of the café which includes for an external seating area. It is clear from her comments that she considered the external seating area should not be in use after 21:00 hours. The assessment has also considered operational noise from the site and concludes this as being negligible.

9.6 The NPPF, paragraph 55 states “Local Planning Authorities should consider whether otherwise unacceptable development could be made acceptable through the use of conditions or planning obligations.” Paragraph 56 states “Planning conditions should be kept to a minimum and only imposed where they are necessary, relevant to planning and to the development to be permitted, enforceable, precise and reasonable in all other respects.” Although concerns have been raised by the Manager of Environmental Health it is clear from her comments that she does not object to this proposal on noise grounds as appropriate mitigation to reduce such impacts arising can be secured by conditions.

9.7 The Manager for Environmental Health has advised that odour abatement may be required for the café, but this will be dependent on the type of cooking facilities to be provided.

9.8 The submitted Air Quality Assessment has been considered by the Manager for Environmental Health. This assessment considers the air quality impacts arising from the development which have been determined as being negligible and impacts will not be significant. Odour from cooking has also been considered and the assessment concludes that the impacts would be low. In accordance with the NPPF (para.55), it is clear from her comments that conditions can be imposed to ensure that appropriate mitigation is secured to prevent fugitive odours.

9.9 The Manager for Environmental Health has also recommended further conditions to control the hours of construction and a compliance condition to control the lighting scheme.

9.10 Members need to determine whether the proposed development is acceptable in terms of its impact on the amenity (noise and odours) of neighbouring and nearby properties. It is officer advice that the proposed development is acceptable, subject to the imposition of the suggested conditions. As such, it is officer advice that the proposed development accords with the advice in paragraph 185 of the NPPF and LP policies DM5.19 and DM6.1.

10.0 Impact on character and appearance

10.1 Paragraph 134 of the NPPF states that development that is not well designed should be refused.

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

10.3 The 'Design Quality' SPD applies to all planning applications that involve building works.

10.4 Existing buildings on the site are to be demolished, which comprise the two storey Mercedes Benz Bell Truck and Van Vehicle Garage and associated warehouse building. The proposed buildings would comprise of a single storey foodstore and a single storey drive through. The foodstore is the larger of the two buildings and is therefore positioned further to the north. The front facade of the foodstore is primarily glazed to provide an active frontage to the road. The design of the building is simple and would not appear out of place on this industrial estate. Parking is located to the front of the foodstore. The drive through building is smaller than the foodstore in scale and mass. It has been positioned closer to the front of the site, to reduce the building mass when viewed from Whitley Road. This also allows for a clear view to the foodstore for prospective customers. The overall appearance of the development is modern, contemporary and functional and is considered to be acceptable in terms of its impact on the surroundings.

10.5 The proposed layout seeks to retain existing trees, as the excavation and building works avoid the wildlife corridor and its root protection zones. Retaining the existing treed area provides screening to Whitley Road to the south.

10.6 The positioning of the proposed buildings would not significantly affect the amenity of residential properties located to the south of the site.

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

11.0 Impact on highway safety

11.1 The NPPF paragraph 111 makes it clear that development should only be prevented or refused on highway grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.

11.2 The NPPF paragraph 112 states, amongst other matters, that applications for development should give priority first to pedestrian and cycle movements both within the scheme and with neighbouring areas and address the needs of people with disabilities and reduced mobility in relation to all modes of transport.

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

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

11.5 The submitted Transport Assessment (TA) has been considered by the Highways Network Manager. This assessment analysed junctions in the vicinity of the site as well as the proposed site accesses. The impact of the development on the adjacent highway network is not considered to be severe.

11.6 As part of the proposal, the developer has proposed off-site mitigation to improve the junction of the A191 Whitley Road and Bellway Industrial Estate, introduce a light-controlled crossing on Whitley Road and improve pedestrian access to the site.

11.7 The site would be accessed from the main estate road on Bellway Industrial Estate and parking would be provided to meet the needs of the site. Cycle parking will also be provided.

11.8 Servicing would be carried out wholly within the site with service provision for each element of the development deemed appropriate.

11.9 The Highways Network Manager considers the proposal to be acceptable subject to imposing the suggested conditions.

11.10 The Sustainable Transport Team Leader has advised that the submitted Travel Plan (TP) would need to be amended to reflect the relevant scope. He has advised this can be secured by condition. A TP Bond is required to ensure if the TP Targets are not met alternative provision can be secured.

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

12.0 Impacts on Biodiversity

12.1 An environmental role is one of the three dimensions of sustainable development according to NPPF, which seeks to protect and enhance our natural environment.

12.2 Paragraph 174 of the NPPF states that the planning policies and decisions should contribute to and enhance the natural and local environment. Amongst other matters, this includes minimising the impacts of biodiversity and providing net gains for biodiversity, including by establishing coherent ecological networks that are more resilient to current and future pressures.

12.3 Paragraph 179 of the NPPF states that when determining planning applications LPA's should aim to protect and enhance biodiversity and geodiversity by following the principles set out in paragraph 180 which includes, amongst other matters, if significant harm cannot be avoided, adequately mitigated, or as a last resort, compensated from the planning permission should be refused.

12.4 LP Policy S5.4 'Biodiversity and Geodiversity' seeks to protect, create, enhance and manage sites within the borough relative to their significance.

12.5 LP Policy DM5.7 'Wildlife Corridors' states: "Development proposals within a wildlife corridor, as shown on the Policies Map, must protect and enhance the quality and connectivity of the wildlife corridor. All new developments are required to take account of and incorporate existing wildlife links into their plans at the design stage. Developments should seek to create new links and habitats to reconnect isolated sites and facilitate species movement."

12.6 The Council's Landscape Architect and Biodiversity Officer have been consulted. and their comments will be reported to planning committee via an addendum.

12.7 Members need to consider whether the proposed development is acceptable in terms of its impact on biodiversity and landscaping. It is officer advice that it is.

13.0 Other Issues

13.1 Contaminated Land

13.2 NPPF paragraph 183 seeks to ensure that planning decisions have regard to ground conditions and any risks arising from land instability and contamination.

13.3 NPPF paragraph 184 states “Where a site is affected by contamination or land stability issues, responsibility for securing a safe development rests with the developer and/or landowner”.

13.4 LP Policy DM5.18 “Contaminated and Unstable Land” seeks to ensure that the future users or occupiers of a development would not be affected by contamination or stability issues.

13.5 The Contaminated Land Officer has been consulted. She has recommended conditional approval.

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

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

13.8 Flooding

13.9 The NPPF paragraph 159 makes it clear that development should not increase flood risk elsewhere and only consider development in appropriate areas.

13.10 LP Policy “DM5.12 Development and Flood Risk” states that all major developments will be required to demonstrate that flood risk does not increase as a result of the development proposed, and that options have been taken to reduce overall flood risk from all sources, taking into account the impact of climate change over its lifetime.

13.11 The Lead Local Flood Authority (LLFA) has been consulted. They have confirmed that they have no objections to the proposal as surface water would be attenuated within the site. Surface water attenuation would include the use of permeable paving and an underground storage tank which are designed to accommodate a 1in100 year storm event +40% increase for climate change. The surface water from the development is proposed to discharge into Northumbrian Water’s adjacent 300mm diameter surface water sewer. The rate of discharge from the site will be restricted to the equivalent to greenfield run-off rate of 3.9l/s and would be controlled via the use of a flow control device. Due to the nature of the development, the LLFA have advised that some form of pollution control measure is required to be installed on the surface water drainage network before it enters the adjacent sewer network. It is clear from their comments that this can be conditioned.

13.12 Northumbrian Water have been consulted. They have recommended conditional approval.

13.13 Members need to determine whether the proposed development is acceptable in terms of flood risk. It is officer advice that it is, and it would accord with both national and local planning policies.

13.14 Police

13.15 Northumbria Police have been consulted. They have raised no objection to the proposed development from a crime prevention point of view.

14.0 Local Financial Considerations

14.1 Local financial considerations are defined as a grant or other financial assistance that has been, that will or that could be provided to a relevant authority by the Minister of the Crown (such as New Homes Bonus payments) or sums that a relevant authority has received, or will or could receive in payment of the Community Infrastructure Levy (CIL). The proposal is CIL liable and therefore Members need to take this into account as part of their decision.

15.0 Conclusion

15.1 Members need to determine whether the proposed development is acceptable in terms of the principle of the development, including its impact on existing town centres and loss of employment land, its impact on amenity (noise and odour), its impact on the character and appearance of the area and all other issues including its impact on highways, biodiversity, ground conditions and flood risk. It is the view of officers that the proposed development is acceptable. As such, officers consider that the proposed development does accord with national and local planning policies.

15.2 It is therefore recommended that planning permission should be granted subject to a S106 Agreement and conditions.

RECOMMENDATION:

It is recommended that:

- c) the Committee indicates that it is minded to grant the application; and**
- d) the Director of Regeneration and Economic Development be authorised to issue a notice of grant of planning permission subject to:**
 - v) the conditions set out in the planning officers report;**
 - vi) the addition, omission or amendment of any other conditions considered necessary by the Director of Regeneration and Economic Development;**
 - vii) consultation with the Biodiversity Officer and Landscape Architect If in the opinion of the Director of Regeneration and Economic Development any issues or objections arise from this consultation that were not previously considered by the Committee then the application be referred back to the Committee for reconsideration; and**
 - viii) completion of a legal agreement under Section 106 of the Town and Country Planning Act 1990 to secure a financial contribution for the following:**
 - A £15,000 Travel Plan Bond is required. This will have to be paid if the Travel Plan Targets are not met 5 years from first occupation.**

-A £2,500 Travel Plan Monitoring Fee (£500 per annum) is required. This is for North Tyneside Council (NTC) Officer time spent monitoring the travel plan delivery, evaluating annual travel plan progress reports and annual survey results as submitted by the Travel Plan Coordinator (TPC).

Conditions/Reasons

1. The development to which the permission relates shall be carried out in complete accordance with the following approved plans and specifications:

Location plan Dwg No. ZZ-XX-DR-A-900001 S2 P2

Proposed site plan Dwg No. ZZ-XX-DR-A-910001 S3 P30

Building elevations (west and south) Dwg 3No. H069-003

Building elevations (north and east) Dwg No. H069 -004

Floor plans Dwg No. H069-002

Existing site plan Dwg No. ZZ-XX-DR-A-900002 S3 P2

External lighting layout Dwg No. 2022004-2-96-L001-PL05

General Arrangement Elevations Greggs Dwg No. ZZ-XX-DR-A-020002 S3

P2

General Arrangement Elevations Lidl Dwg No. ZZ-XX-DR-A-020001 S3 P2

General Arrangement Ground Floor Gregs Dwg No. ZZ-XX-DR-A-010003

S3 P2

General Arrangement Ground Floor Lidl Dwg No. ZZ-XX-DR-A-010001 S3

P2

General Arrangement Roof Plan Greggs Dwg No. ZZ-XX-DR-A-010004 S3

P2

General Arrangement Roof Plan Lidl Dwg No. ZZ-XX-DR-A-010002 S3 P2

Indicative Photovoltaic Area Layout Dwg No. 2022004-2-96-L002 PL02

Landscape Proposals Plan Dwg No. 147517/8001 Rev B

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

2. The development hereby permitted shall be begun before the expiration of three years from the date of this permission.

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

3. Notwithstanding Condition 1, the scheme for off-site highway works as set out in drawing number 300760-002 - Revision A shall be carried out prior to occupation and subject to Technical Approvals and Road Safety Audits and includes the following measures:

Alterations to junction of the A191 Whitley Road & Bellway Industrial Estate
Light-controlled crossing on A191 Whitley Road

New footpath link from A186 Station Road to proposed crossing on A191 Whitley Road

Upgraded footpath from A191 Whitley Road & Bellway Industrial Estate to site access

Associated street lighting

Associated road markings

Associated signage

Associated Traffic Regulation Orders

Detailed highway design

Road safety audit

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

4. Notwithstanding Condition 1, the scheme for access shall be laid out in accordance with the approved plans prior to the occupation of any part of the development hereby approved. This access shall not be used for any other purpose and retained thereafter.

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

5. Notwithstanding Condition 1, the scheme for parking shall be laid out in accordance with the approved plans prior to the occupation of any part of the development hereby approved. These parking areas shall not be used for any other purpose and retained thereafter.

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

6. Notwithstanding Condition 1, the scheme for Electric Vehicle (EV) charging shall be laid out in accordance with the approved plans prior to the occupation of each unit hereby approved. These EV charging areas shall not be used for any other purpose and retained thereafter.

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

7. Notwithstanding Condition 1, the scheme for undercover cycle storage shall be laid out in accordance with the approved plans prior to the occupation of each unit hereby approved. This cycle storage shall not be used for any other purpose and retained thereafter.

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

8. Notwithstanding the Condition 1, the scheme for servicing shall be laid out in accordance with the approved plans prior to the occupation of each unit hereby approved. These turning areas shall not be used for any other purpose and retained thereafter.

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

9. Notwithstanding Condition 1, the scheme for the provision of and storage of refuse shall be laid out in accordance with the approved plans and prior to the occupation of each unit hereby approved. These storage areas shall not be used for any other purpose and retained thereafter.

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

10. Notwithstanding Condition 1, prior to the occupation of any part of the development hereby approved the following details shall be submitted to and approved in writing by the Local Planning Authority:

-Details of a car park management plan and a timescale for its implementation. Thereafter the car park management plan shall be implemented in full accordance with the approved details and retained thereafter.

-Details of a service management plan and a timescale for its implementation. Thereafter the service management plan shall be implemented in full accordance with the approved details and retained thereafter.

-Details of a taxi and private hire servicing plan which shall include details of drop off and pick up points and allocated parking bays as necessary. Thereafter the taxi and private hire servicing plan shall be implemented in full accordance with the approved details and retained thereafter.

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

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

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

12. Notwithstanding Condition 1, no development shall commence until a scheme to show wheel washing facilities and mechanical sweepers to prevent mud and debris onto the public highway has been submitted to and approved in writing by the Local Planning Authority. This scheme shall include details of the location, type of operation, maintenance/phasing programme. Construction shall not commence on any part of the development other than the construction of a temporary site access and site set up until these agreed measures are fully operational for the duration of the construction of the development hereby approved. If the agreed measures are not operational then no vehicles shall exit the development site onto the public highway.

Reason: This information is required pre development to ensure that the site set up does not impact on highway safety, pedestrian safety, retained trees (where necessary) and residential amenity having regard to policies DM5

13. Notwithstanding the details submitted in the Travel Plan, no part of the development hereby approved shall be occupied until a Full Travel Plan in accordance with the council's Travel Plan Scope, has been submitted to and approved by in writing the Local Planning Authority. Thereafter, the development shall be carried out in full accordance with the agreed Travel Plan. The Travel Plan will require the Travel Plan Coordinator to be in place three months prior to first occupation until at least five years from first occupation and will also include an undertaking to conduct annual travel surveys to monitor whether the Travel Plan targets are being met with a Monitoring Report submitted to the council within two months of surveys being undertaken.

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

14. Notwithstanding Condition 1, prior to the installation of any chimney or extraction vent to be provided in connection with the development details of the height, position, design and materials shall be submitted to and approved in writing by the Local Planning Authority. Any flues required for odour abatement purposes to 1 m above roof ridge of the buildings. Thereafter, the development shall not be carried out other than in accordance with the approved details which shall be permanently maintained.

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

15. Notwithstanding Condition 1, prior to the installation of any air ventilation systems details 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 which shall be permanently maintained and retained.

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

16. Notwithstanding Condition 1, prior to the installation of any refrigeration plant to be installed in connection with the development details 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 which shall be permanently maintained and retained.

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

17. Notwithstanding Condition 1, prior to the commencement of any part of the development hereby approved above damp proof course level details of an odour suppression system for the arrestment of fugitive odours 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 which shall be permanently maintained and retained and installed prior to the unit it relates to being brought into use.

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

18. Notwithstanding Condition 1, prior to the commencement of any part of the development hereby approved above damp proof course level a noise scheme

shall be submitted to and approved in writing by the Local Planning Authority. This noise scheme must be submitted in accordance with BS4142 that demonstrates that the rating level for all plant and equipment installed at the site does not exceed the current background noise levels for day time 07:00 - 23:00 hours and night time 23:00 - 07:00 hours, detailed in noise report no. NJD22-0013-002R. Thereafter the development shall be carried out in accordance with these agreed details and verification details pursuant to condition 19.

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

19. Within one month of the installation of any plant and equipment acoustic testing shall be undertaken to verify compliance with condition 18. These details shall be submitted to and approved in writing by the LPA prior to the operation of the plant and equipment being brought into permanent use. Thereafter the plant and equipment shall be operated and maintained in full working order.

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

20. Notwithstanding Condition 1, prior to the commencement of any part of the development hereby approved above damp proof course level details of a noise scheme to prevent and control noise emanating from the site shall be submitted to and approved in writing by the Local Planning Authority. The approved scheme shall be implemented in full prior to the occupation of each unit hereby approved.

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

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 DM5.19 of the North Tyneside Local Plan (2017).

22. Deliveries and collections to the site shall be restricted to between 06:00 and 23:00 hours on any day.

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

23. The premises/buildings hereby approved shall only be open for business in accordance with the following:

-Lidl - foodstore

08:00 to 22:00 hours Monday to Saturday

08:00 to 20:00 hours Sundays

-Greggs - drive through

06:00-22:00 hours on any day

Any external seating area hereby approved shall only be open for business in accordance with the following:

08:00 - 21:00 hours on any day

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

24. 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 DM5.19 of the North Tyneside Local Plan (2017) and National Planning Policy Framework.

25. There shall be no demolition activity or vehicle movements to, from or within the site outside the hours of 0800-1800 Monday to Friday, 0800-1400 Saturday with no working on Sundays or Bank Holidays.

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

26. Notwithstanding Condition 1, the external lighting shall be carried out in full accordance with Dwg No. 2022004-Z-96-L001 Rev 5 unless otherwise agreed in writing by the Local Planning Authority.

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

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

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

The Site Investigation report must include the following information:

- A site plan with sampling points and log;
 - Results of sampling and monitoring carried out in accordance with sampling strategy, and;
 - An interpretative report on potential contamination of the site, conclusions must be prepared by a competent person (a person with a recognised relevant qualification, sufficient experience in dealing with the type(s) of pollution or land instability, and membership of a relevant professional organisation).
- The Site Investigation report should be written in accordance with the current government guidelines including but not exclusive of those including in the BS10175 2011+A1 2013, BS 5930 2015 +A12020, Development on Land Affected by Contamination YALPAG Version 11.2 - June 2020, Land Contamination Risk Management - Environment Agency.

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

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

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

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

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

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

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

This report must contain the following:

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

- Cross sectional diagrams for the site and detailed plans of the site.

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

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

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

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

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

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

Upon approval of the method statement:

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

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

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

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

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

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

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

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

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

Reason: In order to safeguard the development and/or the occupants thereof from possible future gas emissions from underground and or adverse effects of landfill gas which may migrate from a former landfill site having regard to policy DM5.18 of the North Tyneside Local Plan (2017) and National Planning Policy Framework.

32. No development shall take place until plans of the site showing the existing and proposed ground levels and levels of thresholds and floor levels of all proposed buildings has been submitted to and approved in writing by the Local Planning Authority. Such levels shall be shown in relation to a fixed and known datum point. Thereafter, the development shall not be carried out other than in accordance with the approved details. Reason: This needs to be pre-commencement condition to ensure that the work is carried out at suitable levels in relation to adjoining properties and highways, having regard to amenity, access, highway and drainage requirements having regard to policy DM6.1 of the North Tyneside Local Plan (2017).

33. Notwithstanding Condition 1, prior to the installation of any solar panels/photovoltaics details shall be submitted to and approved in writing by the Local Planning Authority. Thereafter, the solar panels/photovoltaics shall only be installed in accordance with these agreed details and shall be permanently maintained.

Reason: To secure a satisfactory external appearance having regard to policy DM6.1 of the North Tyneside Council Local Plan 2017.

34. Prior to any demolition of the existing buildings an asbestos demolition survey shall be submitted to and approved in writing by the Local Planning Authority. Thereafter, the buildings shall be demolished in accordance with these agreed details.

Reason: This information is required from the outset to ensure that any asbestos is appropriately disposed of having regard to Policy DM5.18 of the North Tyneside Local Plan (2017).

35. Development shall be implemented in line with the drainage scheme contained within the submitted document entitled "Flood Risk Assessment" dated "June 2022". The drainage scheme shall ensure that foul flows discharge to the foul sewer at manholes 7003 and 8102 and ensure that surface water discharges to the surface water sewer at manhole 8001. The surface water discharge rate shall not exceed the available capacity of 3.4l/sec that has been identified in this sewer. The final surface water discharge rate shall be agreed by the Lead Local Flood Authority.

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

36. Notwithstanding Condition 1, prior to the commencement of any part of the development hereby approved above damp proof course level a detailed surface water drainage design and discharge rates, including pollution control measures and details of the appointed SUDS management company, shall be submitted to and approved in writing by the Local Planning Authority in consultation with the Lead Local Flood Authority. Thereafter, the surface water drainage, including pollution control measures, shall be installed in accordance with these agreed details prior to any unit hereby approved being brought into use and permanently maintained and retained by the agreed management company.

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

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

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

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 Paragraph 38 of the National Planning Policy Framework.

Informatives

Building Regulations Required (I03)

Consent to Display Advertisement Reqd (I04)

The applicant is advised that the vehicular access to the highway must be constructed by or to the satisfaction of the Local Highway Authority. Contact Highways@northtyneside.gov.uk for further information.

The applicant is advised that it is an offence to obstruct the public highway (footway or carriageway) by depositing materials without obtaining beforehand, and in writing, the permission of the Council as Local Highway Authority. Such obstructions may lead to an accident, certainly cause inconvenience to pedestrians and drivers, and are a source of danger to children, elderly people and those pushing prams or buggies. They are a hazard to those who are disabled, either by lack of mobility or impaired vision. Contact Highways@northtyneside.gov.uk for further information.

The applicant is advised that a license must be obtained from the Highways Authority for any scaffold placed on the footway, carriageway verge or other land forming part of the highway. Contact Streetworks@northtyneside.gov.uk for further information

The applicant is advised that no part of the gates or garage doors may project over the highway at any time. Contact New.Developments@northtyneside.gov.uk for further information.

The applicant is advised to contact Highway Maintenance to arrange for an inspection of the highways adjacent to the site. The applicant should be aware that failure to do so may result in the Council pursuing them for costs of repairing any damage in the surrounding area on completion of construction. Contact Highways@northtyneside.gov.uk for further information.

The applicant is advised that requests for Street Naming & Numbering must be submitted and approved by the Local Highway Authority. Any complications, confusion or subsequent costs that arise due to non-adherence of this criteria will be directed to applicant. Until a Street Naming and Numbering & scheme been applied for and approved by the Local Highway Authority it will not be officially registered with either the council, Royal Mail, emergency services etc. Contact Streetworks@northtyneside.gov.uk for further information.

The applicant is advised that free and full access to the Public Right of Way network is always to be maintained. Should it be necessary for the protection of route users to temporarily close or divert an existing route during development, this should be agreed with the council's Public Rights of Way Officer. Contact Highways@northtyneside.gov.uk for further information.

The applicant is advised to contact the council's Public Rights of Way Officer prior to construction arrange s joint inspection of the Public Right of Way network on and adjacent to the site. If this inspection is not carried out, the Local Highway Authority may pursue the developer for any costs to repair damage to these routes. Contact Highways@northtyneside.gov.uk for further information.

Take Care Proximity to Party Boundary (I21)

Advice All Works Within Applicants Land (I29)

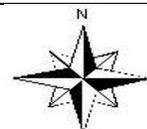


Application reference: 22/01191/FUL
Location: Unit C, Bellway Industrial Estate, Benton, Newcastle Upon Tyne
Proposal: Demolition of existing buildings and proposed retail development and drive through cafe with associated access, car parking, landscaping and all ancillary works

Not to scale

Date: 05.01.2023

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Appendix 1 – 22/01191/FUL

Item 4

Consultations/representations

1.0 Internal Consultees

1.1 Planning Policy

1.2 The site is located at the entrance to Bellway Industrial Estate and currently occupied by Bell Truck and Van. The site is clearly visible from Whitley Road (A191) and is surrounded by a car showroom and service centre to the west, industrial units to the north, an out of centre retail store to the east and a small group of trees to the south, which partially screens the development from Whitley Road when travelling in a westerly direction.

1.3 The current use of the site is considered to be sui generis but it appears to be a mix of sales (sui generis) and servicing repairs (B2), without seeing a detailed breakdown of the relationship between the two uses it is presumed that the sales area is the principal use of the site and the servicing and repairs garage is ancillary.

1.4 The site is an allocated employment site (E014) in the North Tyneside Local Plan (2017), which supports development in B2, B8 and the former B1 use class (Policy S2.2).

1.5 The application is for a mixture of E use classes with the predominant use being a Lidl supermarket (1,895m² gross) and a smaller separate unit being a Greggs drive through bakery (168m² gross). Both uses would be considered to be use class E (a) within the updated the Town and Country Planning (Use Classes) Order 1987 (as amended) with The Town and Country Planning (Use Classes)(Amendment)(England) Regulations 2020.

1.6 The proposed development would be for two units that are both town centre uses in an out of centre location and therefore paragraph 87 and 90 of National Planning Policy Framework (NPPF) and Policy DM3.4 of the Local Plan (2017) require a sequential and impact assessment to be submitted with the application. The applicant has submitted both. It is the officer's opinion that each assessment provides sufficient evidence that the development would not have a significant adverse impact on the centres within the catchment of the development and that no suitable, available, or viable sites were sequentially preferable.

1.7 The assessment considers the potential impact on the surrounding town centres, especially the recently regenerated town centres that include a discount supermarket as a key anchor to its offer and overall success, e.g. Battle Hill, Northumberland Park and Wallsend. The impact assessment revealed that the anticipated trade diversion to each of the town centre supermarkets was not significant when considered against the company average turnover of each store and the overall impact to the centres was not significant e.g. The trade diversion impact for the Aldi at Wallsend was forecast to be 3% but the store is performing at a level around 260% of the company average. The greatest impact of the

development would be on the existing Asda on Whitley Road, but because this is an out of centre store it has no planning protection against such an impact.

1.8 The Local Plan does identify sites for future retail demand (Policy S3.3). These sites along with others identified in the town centres have been discounted in the applicant's sequential assessment.

1.9 Accepting the development meets the requirements of national and local retail policy the other main policy consideration is the loss of allocated employment land for B1, B2 and B8 uses to a supermarket and drive through bakery (E use class). Policy DM2.3 of the Local Plan does accept development for uses outside of B1, B2 and B8 so long as the development meets certain criteria. These include ensuring the development would not result in an unacceptable loss of operating businesses and jobs, an excessive reduction in the supply of land for development in employment uses or have an adverse impact upon the amenity and operation of neighbouring uses.

1.10 The supporting evidence confirms that the current occupiers, Bell Truck and Van, have recently secured planning permission for a new site elsewhere in the region, which better meets their business needs, and will not be closing down this branch of the business. The existing jobs on the site would therefore not be lost and the proposed development is estimated to create approximately 50 new (FTE) jobs in total. This is estimated to be a net increase in jobs at the site. The site is already operating as a sui generis use, which is outside of the preferred B use classes supported in the Local Plan (Policy S2.2), and would therefore not result in an excessive reduction in the supply of land for development in employment uses or have an adverse impact upon the amenity and operation of neighbouring uses. The proposed development would be in accordance with Policy DM2.3.

1.11 Conclusion: The proposal has not been able to identify any sequentially preferable sites within the catchment area and the impact assessment has proven the development would not have a significant adverse impact on the viability or vitality of the relevant town centres. Considering national guidance and the need for the Council to support sustainable economic growth, the application would be in accordance with Policy S2.1, DM2.3 and DM3.4 of the Local Plan (2017).

1.12 There are no objections raised.

1.13 Highways Network Manager

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

1.15 As part of the proposal, the developer has proposed off-site mitigation to improve the junction of the A191 Whitley Road & Bellway Industrial Estate, introduce a light-controlled crossing on Whitley Road and improve pedestrian access to the site.

1.16 The site will be accessed from the main estate road on Bellway Industrial Estate and parking will be provided to meet the needs of the site. Cycle parking will also be provided, and a Travel Plan has also been produced.

1.17 Servicing will be carried out wholly within the site with service provision for each element of the development deemed appropriate.

1.18 Conditional approval is recommended.

1.19 The applicant will be required to enter into a Section 278 agreement for the off-site highway works set out in drawing number 300760-002 - Revision A, which is subject to Technical Approvals and Road Safety Audits and includes the following measures:

- Alterations to junction of the A191 Whitley Road & Bellway Industrial Estate
- Light-controlled crossing on A191 Whitley Road
- New footpath link from A186 Station Road to proposed crossing on A191 Whitley Road
- Upgraded footpath from A191 Whitley Road & Bellway Industrial Estate to site access
- Associated street lighting
- Associated road markings
- Associated signage
- Associated Traffic Regulation Orders
- Detailed highway design
- Road safety audit

1.20 Conditions:

Notwithstanding the details submitted, the scheme for off-site highway works as set out in drawing number 300760-002 - Revision A shall be carried out prior to occupation in and subject to Technical Approvals and Road Safety Audits and includes the following measures:

- Alterations to junction of the A191 Whitley Road and Bellway Industrial Estate
- Light-controlled crossing on A191 Whitley Road
- New footpath link from A186 Station Road to proposed crossing on A191 Whitley Road
- Upgraded footpath from A191 Whitley Road & Bellway Industrial Estate to site access
- Associated street lighting
- Associated road markings
- Associated signage
- Associated Traffic Regulation Orders
- Detailed highway design
- Road safety audit

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

Notwithstanding the details submitted, the scheme for access shall be laid out in accordance with the approved plans. This access shall not be used for any other purpose and retained thereafter.

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

Notwithstanding the details submitted, the scheme for parking shall be laid out in accordance with the approved plans. These parking areas shall not be used for any other purpose and retained thereafter.

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

Notwithstanding the details submitted, the scheme for Electric Vehicle (EV) charging shall be laid out in accordance with the approved plans. These EV charging areas shall not be used for any other purpose and retained thereafter.

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

Notwithstanding the details submitted, the scheme for undercover cycle storage shall be laid out in accordance with the approved plans. This cycle storage shall not be used for any other purpose and retained thereafter.

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

Notwithstanding the details submitted, the scheme for servicing shall be laid out in accordance with the approved plans. These turning areas shall not be used for any other purpose and retained thereafter.

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

Notwithstanding the details submitted, the scheme for the provision of and storage of refuse shall be laid out in accordance with the approved plans and prior to the occupation. These storage areas shall not be used for any other purpose and retained thereafter.

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

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

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

No development above ground floor level shall take place until details of a car park management plan has been submitted to and approved in writing by the local planning authority. This plan shall be implemented in accordance with the approved details and retained thereafter.

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

No development above ground floor level shall take place until details of a service management plan has been submitted to and approved in writing by the local planning authority. This plan shall be implemented in accordance with the approved details and retained thereafter.

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

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

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

Notwithstanding Condition 1, no development shall commence until a scheme to show wheel washing facilities and mechanical sweepers to prevent mud and debris onto the public highway has been submitted to and approved in writing by the Local Planning Authority. This scheme shall include details of the location, type of operation, maintenance/phasing programme. Construction shall not commence on any part of the development other than the construction of a temporary site access and site set up until these agreed measures are fully operational for the duration of the construction of the development hereby approved. If the agreed measures are not operational then no vehicles shall exit the development site onto the public highway.

Reason: This information is required pre development to ensure that the site set up does not impact on highway safety, pedestrian safety, retained trees (where necessary) and residential amenity having regard to policies DM5

1.21 Informatives:

The applicant is advised that the vehicular access to the highway must be constructed by or to the satisfaction of the Local Highway Authority. Contact Highways@northtyneside.gov.uk for further information.

The applicant is advised that a licence must be obtained from the Local Highway Authority before any works are carried out on the footway, carriageway verge or

other land forming part of the highway. Contact Highways@northtyneside.gov.uk for further information.

The applicant is advised that it is an offence to obstruct the public highway (footway or carriageway) by depositing materials without obtaining beforehand, and in writing, the permission of the Council as Local Highway Authority. Such obstructions may lead to an accident, certainly cause inconvenience to pedestrians and drivers, and are a source of danger to children, elderly people and those pushing prams or buggies. They are a hazard to those who are disabled, either by lack of mobility or impaired vision. Contact Highways@northtyneside.gov.uk for further information.

The applicant is advised that a license must be obtained from the Highways Authority for any scaffold placed on the footway, carriageway verge or other land forming part of the highway. Contact Streetworks@northtyneside.gov.uk for further information

The applicant is advised that no part of the gates or garage doors may project over the highway at any time. Contact New.Developments@northtyneside.gov.uk for further information.

The applicant is advised that it is an offence to obstruct the public highway (footway or carriageway) by depositing materials without obtaining beforehand, and in writing, the permission of the Council as Local Highway Authority. Such obstructions may lead to an accident, certainly cause inconvenience to pedestrians and drivers, and are a source of danger to children, elderly people and those pushing prams or buggies. They are a hazard to those who are disabled, either by lack of mobility or impaired vision. Contact Highways@northtyneside.gov.uk for further information.

The applicant is advised to contact Highway Maintenance to arrange for an inspection of the highways adjacent to the site. The applicant should be aware that failure to do so may result in the Council pursuing them for costs of repairing any damage in the surrounding area on completion of construction. Contact Highways@northtyneside.gov.uk for further information.

The applicant is advised that requests for Street Naming & Numbering must be submitted and approved by the Local Highway Authority. Any complications, confusion or subsequent costs that arise due to non-adherence of this criteria will be directed to applicant. Until a Street Naming and Numbering & scheme been applied for and approved by the Local Highway Authority it will not be officially registered with either the council, Royal Mail, emergency services etc. Contact Streetworks@northtyneside.gov.uk for further information.

The applicant is advised that free and full access to the Public Right of Way network is always to be maintained. Should it be necessary for the protection of route users to temporarily close or divert an existing route during development, this should be agreed with the council's Public Rights of Way Officer. Contact Highways@northtyneside.gov.uk for further information.

The applicant is advised to contact the council's Public Rights of Way Officer prior to construction to arrange a joint inspection of the Public Right of Way network on and adjacent to the site. If this inspection is not carried out, the Local Highway Authority may pursue the developer for any costs to repair damage to these routes. Contact Highways@northtyneside.gov.uk for further information.

1.22 Sustainable Transport Team Leader

1.23 A Travel Plan (TP) for this site was submitted as part of the application, however it would need amending to reflect the Council's scope.

1.24 Recommendation - Conditional Approval

1.25 Travel Plan:

1.26 A Travel Plan is required to be submitted as part of the Planning Application. See attached scope for information to be included within the Travel Plan.

1.27 A £15,000 Travel Plan Bond is required, to be included as a Section 106 Agreement. This will have to be paid if the Travel Plan Targets are not met 5 years from first occupation.

1.28 A £2,500 Travel Plan Monitoring Fee (£500 per annum) is required, to be included as a Section 106 Agreement. This is for North Tyneside Council (NTC) Officer time spent monitoring the travel plan delivery, evaluating annual travel plan progress reports and annual survey results as submitted by the Travel Plan Coordinator (TPC).

1.29 I suggest the TP Condition text below:

Notwithstanding the details submitted in the Travel Plan, no part of the development shall be occupied until a Full Travel Plan in accordance with the council's Travel Plan Scope, has been submitted to and approved by in writing the Local Planning Authority. Thereafter, the development shall be carried out in full accordance with the agreed Travel Plan. The Travel Plan will require the Travel Plan Coordinator to be in place three months prior to first occupation until at least five years from first occupation and will also include an undertaking to conduct annual travel surveys to monitor whether the Travel Plan targets are being met with a Monitoring Report submitted to the council within two months of surveys being undertaken.

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

1.30 Regeneration Team

1.31 The Regeneration Team are prioritising the borough's town centres to revitalise our high streets and build back better following the impact the pandemic has had on town centres across the UK. Out-of-town retail sites such as this one deters retail investment from town centres which will only exacerbate the current issues.

1.32 Manager for Environmental Health (Pollution)

1.33 I would have concerns with regard to the proposed development as noise will arise from customer noise, vehicle noise, delivery noise and plant noise.

There may also be associated cooking odours if cooking occurs or reheating of foods occur within the cage and drive through.

1.34 The site is located within a dedicated industrial estate, approximately 200m north of residential properties. A noise assessment has been provided that has considered the proposed noise impacts from the operations of the site including delivery noise, noise from the car park and drive through as well as plant noise which has been assessed in accordance with BS4142. I would also have concerns about potential impacts of the use of the cafe which includes for an external seating area, this would need to be restricted for use to no later than 9pm. Operational noise from the site has been assessed as being negligible. Conditions are recommended to ensure noise is controlled and complies with the noise levels specified within the noise assessment.

1.35 Depending on the cooking facilities to be provided for cafe odour abatement may be required. An air quality assessment has been provided. This has considered the air quality impacts arising from the development which have been determined as being negligible and impacts will not be significant. Odour from cooking has been assessed in accordance to the Institute of Air Quality Management's 'Guidance on the assessment of odour for planning' rather than the former Defra guidance for the Control of Odour and Noise from Commercial Kitchen Exhaust System. The assessment has determined that odour impacts will be low. Conditions are recommended to require the commercial kitchen to be fitted with appropriate extraction and abatement plant to mitigate for any fugitive odours in accordance to the former Defra guidance for the Control of Odour and Noise from Commercial Kitchen Exhaust System. The odour scheme must consider the type and quantity of food, the proximity of housing and outlet, its dispersion and provide details of odour abatement having regard to the former DEFRA report "Guidance and Control of Odour and Noise from Commercial Kitchen Exhaust Systems".

1.36 It will also be necessary to control noise arising from the site and a lighting scheme for any new external lighting to be installed at the site to ensure it is installed in accordance with the external lighting layout plan.

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

EPL01(Any flues required for odour abatement purposes to 1 m above roof ridge of the buildings)

EPL02

EPL03

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

Noise condition: New External Plant and Equipment

A noise scheme must be submitted in accordance with BS4142 that demonstrates that the rating level for all plant and equipment installed at the site

does not exceed the current background noise levels for day time 07:00 - 23:00 hours and night time 23:00 - 07:00 hours, detailed in noise report no. NJD22-0013-002R. It will be necessary following installation of the plant and equipment that acoustic testing is undertaken to verify compliance with this condition within one month of its installation and submitted for written approval prior to the operation of the plant and thereafter maintain in working order.

NOI10

NO104 this will include details of the noise levels expected to be created by the combined use of external plant and equipment to ensure compliance with the noise rating level.

Deliveries and collections to be restricted to between 06:00 and 23:00 hours.

NOI02

HOU03 to those on detailed in the noise report Supermarket 0800-2200 hrs Monday to Saturday, 0800-2000 hrs Sundays, Drive Thru 0600 - 22:00 hours

HOU04

SIT03

REF01

REF02

LIG01 in accordance to external lighting layout plan no. 2022004-Z-96-L001 Rev 5.

1.38 Manager for Environmental Health (Contaminated Land)

1.39 The Phase 1 report has identified pollutant linkages will require further investigation to allow a quantitative risk assessment to be undertaken. The ground investigation should therefore allow for chemical testing of soils and groundwater for the identified Contaminants of Concern and leachate testing of soils for the identified Contaminants of Concern, along with a programme of gas and groundwater monitoring.

1.40 The following must be attached:

Con 004

Con 005

Con 006

Con007

Gas 006

1.41 The Phase 1 report has also identified the potential for asbestos in existing buildings on-site. Therefore, an asbestos demolition survey of existing buildings is required prior to commencing any demolition works.

1.42 Lead Local Flood Authority (LLFA)

1.43 I have carried out a review of planning application 22/01191/FUL surface water drainage proposals. I can confirm in principle I have no objections to these proposals as the applicant will be providing surface water attenuation within the development via the use of permeable paving and an underground storage tank

which are designed to accommodate a 1in100yr storm event + 40% increase for climate change. The surface water from the development is proposed to discharge into Northumbrian Water's adjacent 300mm diameter surface water sewer. The rate of discharge from the site will be restricted to the equivalent to greenfield run-off rate of 3.9l/s, and will be controlled via the use of a flow control device. Due to the nature of the development, I will require some form of pollution control measure to be installed on the surface water drainage network before it enters the adjacent sewer network.

1.44 I would recommend the following conditions are placed on the application;

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

2.0 Representations

2.1 None

3.0 External Consultees

3.1 The Coal Authority

3.2 The application site does not fall within the defined Development High Risk Area and is located instead within the defined Development Low Risk Area. This means that there is no requirement under the risk based approach that has been agreed with the LPA for a Coal Mining Risk Assessment to be submitted or for The Coal Authority to be consulted.

3.3 In accordance with the agreed approach to assessing coal mining risks as part of the development management process, if this proposal is granted planning permission, it will be necessary to include The Coal Authority's Standing Advice within the Decision Notice as an informative note to the applicant in the interests of health and safety.

3.4 Northumbria Police

3.5 We have no objections or comments from a crime prevention viewpoint.

3.6 Northumbrian Water

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

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

3.9 We have no issues to raise with this application, provided it is approved and carried out within strict accordance with the submitted document entitled "Flood

Risk Assessment". This document reflects our pre-planning enquiry advice identifying foul connections at manholes 7003 and 8102 and surface water connection at manhole 8001 at a restricted rate of 3.4l/sec.

We request that the following approval condition is attached to a planning approval, so that the development is implemented in accordance with the above named document:

3.10 Condition: Development shall be implemented in line with the drainage scheme contained within the submitted document entitled "Flood Risk Assessment" dated "June 2022". The drainage scheme shall ensure that foul flows discharge to the foul sewer at manholes 7003 and 8102 and ensure that surface water discharges to the surface water sewer at manhole 8001. The surface water discharge rate shall not exceed the available capacity of 3.4l/sec that has been identified in this sewer. The final surface water discharge rate shall be agreed by the Lead Local Flood Authority.

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

3.11 It should be noted that we are not commenting on the quality of the flood risk assessment as a whole or the developer's 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 and that the discharge rate and volume is in accordance with their policy. The required discharge rate and volume may be lower than the Northumbrian Water figures in response to the National and Local Flood Policy requirements and standards. Our comments simply reflect the ability of our network to accept flows if sewer connection is the only option. They are not part of any approval process for determining whether the proposed drainage layouts / design put forward at the planning stage satisfies the adoption criteria as set out in the Code for Sewer Adoption (sewer sector guidance). It is important for developers to understand that discussions need to take place with Northumbrian Water prior to seeking planning permission where it is their intention to offer SuDS features for adoption.