



RTPI

mediation of space · making of place

Planning and Retail Statement



Boundary Outlet

Park Lane

Shiremoor

March 2024

Kirkwells

The Planning People

Table of Contents

1.	Introduction.....	4
	Scope of Report.....	4
	Structure of report.....	4
2.	Site Context.....	5
	Site and Surroundings	5
	Accessibility	6
	Planning History	6
3.	The Proposed Development.....	9
	Boundary Outlet’s Operation	9
4.	Planning Policy Context.....	10
	Development Plan	10
	National Planning Policy Framework	12
5.	Retail Context	16
	Local Retail Hierarchy	16
	Existing Town Centres.....	16
	Wallsend Town Centre.....	16
	Killingworth Town Centre	17
	North Shields Town Centre	18
	Whitley Bay Town Centre.....	18
	Committed and proposed developments.....	18
	Retail and Town Centre Study.....	19
	Summary	20
6.	Methodology	21
	Sequential Site Assessment	21
	Availability	22
	Suitability.....	22
	Viability.....	23
	Assessment	23
	Impact Assessment.....	23
	Trade Diversion.....	24
7.	Sequential Site Assessment	25
	Policy Context.....	25

Potential sites	25
CONCLUSION.....	26
8. Impact Assessment	27
Investment in Centres.....	27
The Impact of the Proposal on Town Centre Vitality and Viability,	28
Consumer Choice.....	29
Summary	29
9. Assessment against the Development Plan	30
Principle of Development.....	30
Highways and Car Parking	31
Ecology.....	37
Other Policies	38
Summary	39
10. Other Material Considerations.....	40
Economic.....	40
Social	41
Environmental.....	41
11. Conclusion	42

1. Introduction

Scope of Report

- 1.1 This Planning and Retail Statement has been prepared by Kirkwells on behalf of Libra Textiles, who have submitted a full planning application for an extension to an existing retail development at Boundary Outlet, Park Lane, Shiremoor.
- 1.2 This statement addresses the sequential and impact tests as set out in the National Planning Policy Framework NPPF, in respect of the proposed development, as well as other national and local planning policy. It should be read alongside the other documents prepared to accompany the application, including:
- the planning application forms and ownership certificates, prepared by CRC Design
 - the various planning application drawings, prepared by CRC Design
 - Design and Access Statement, prepared by Kirkwells Ltd
 - Coal Mining Risk Assessment, prepared by Worms Eye
 - Flood Risk Assessment, prepared by Toppings Engineers
 - Biodiversity Net Gain Report, prepared by Ecology Services UK
 - Landscape Proposals, prepared by CRC Design
 - External Lighting Plan, prepared by CRC Design

Structure of report

- 1.3 The remainder of the Statement is structured as follows
- Section 2. describes the application site and its surroundings
 - Section 3. sets out the application proposals
 - Section 4. summarises national and local planning policy relevant to the proposed development
 - Section 5. summarises the local retail context, including existing defined centres and other retail provision
 - Section 6. sets out the methodology used as part of the sequential and impact assessments
 - Section 7. provides an assessment of potential alternative opportunities in the context of the sequential approach to site selection
 - Section 8. assesses the potential impact of the proposed development
 - Section 9. addresses the conformity of the proposals with the development plan
 - Section 10. summarises other material considerations, and
 - Section 11. provides conclusions on all of the above.

2. Site Context

Site and Surroundings

Figure 1: Context of Application Site



- 2.1 The application site is located to the north of the A191 in Shiremoor and is currently occupied by Libra Textiles operating as Boundary Outlet.
- 2.2 The site comprises of two buildings along with associated parking hardstanding and landscaping. The site also includes areas of grassland and mature landscaping and trees on the boundary with Park Road (West of the site)
- 2.3 To the north, the site is bounded to the rear gardens serving Angerton Avenue.
- 2.4 The site is accessed from Park Lane which is accessed from the north from the A186 and from the south by the A191.
- 2.5 Currently the site is surrounding on two side by open land, however, a planning application is currently pending decision for the following development:

“Residential development of up to 2,700 dwellings comprising: Full planning application for 683 residential dwellings, a new spine road, road bridge, and associated highways, drainage infrastructure and landscaping. Outline planning application sought for up to 2,017 dwellings, a primary school, up to 1000sqm of retail floorspace, new metro station and associated highways, drainage, site wide servicing, landscaping infrastructure and demolition works (Amended description and revised plans/documents November 2023)”

Accessibility

- 2.6 The site is accessible by a choice of means of transport.
- 2.7 A network of pedestrian footways helps to link the site to the surrounding areas for those travelling on foot (including residential areas to the north, east and south). The site is located adjacent to bus stops on Park Lane where there are services provided to nearby residential areas, as well as other areas further afield.
- 2.6 The site is also easily accessible by car from the A191 Whitley Road, which runs from east to west to the south of the site, which connect to the A19 as well as the A186, which runs to the north of Park Lane which connects to the A191 via a roundabout to the south-west. These roads provide access to and from surrounding areas of as well as other parts of North Tyneside and Newcastle upon Tyne.

Planning History

- 2.7 The planning history for the application site is as follows:
- 75/01962/FUL - Addition of office space to workshop unit – Permitted 20.11.1975
- 78/00279/FUL: Use of factory and site for home improvement centre
- 79/00484/FUL - Extension to existing office – Permitted 14.05.1979
- 79/01971/FUL: Proposed extension to Home Improvement Centre including car parking
- 79/01972/FUL: Single storey garden centre, greenhouse and show house
- 80/00306/FUL: Erection of entrance porch to Home Improvement Centre

81/00179/ADV - Illuminated wall sign at Paynter & Stadium Ltd - 17.03.1981

81/00180/ADV - 2 - non illuminated fascia signs at Paynter & Stadium Ltd – Permitted 17.03.1981

81/00198/REM: Entrance porch and greenhouses (Reserved Matters)

81/00466/FUL - Extension to existing workshop and office for use in maintenance of heavy goods and public service vehicles at Park Lane, Shiremoor – Permitted 12.05.1981

85/01924/FUL - Change of use from commercial garage and workshop to class 1 retail – Permitted 30.01.1986

86/00649/OUT: Outline: Additional warehousing and retail area 20,000 sq.ft. in total made up as follows: - 7,500 sq.ft. for storage, 3,000 sq.ft. for restaurant and 9,500 sq. ft. for retail activity.

88/01831/FUL - Removal of conditions attached to temporary planning permission for change of use from commercial garage and workshop to permanent permission for class 1 retail warehouse (non-food) former garage premises – Permitted 30.11.1988

89/01434/FUL - Removal of condition 4 of planning permission NT/1831/88 DM - the approval hereby granted shall be for Newmill Carpets only and no other party – Refused 17.10.1989. Appeal reference T/APP/W4515/A/96/2705093/P7 advises that this application was granted 29.10.1990.

95/01535/FUL - Removal of condition no.3 imposed on previous planning consent NT/1831/88 DM in order to allow any form of retail sales (previous consent limited to furniture and furnishings only) – Refused. Allowed at appeal 09.04.1997.

96/00806/FUL - Variation of condition no.3 imposed under previous planning consent NT/1831/88 DM in order to allow any form of retail sales, except food for consumption off the premises. (Previous consent limited to furniture and furnishings only.) – Refused 06.11.1996. Allowed on appeal 09.04.1997.

99/01675/ADV - Internally illuminated advertising signage – Permitted 26.11.1999

02/00967/FUL: Re-cladding of elevations and part roof. Reforming car park access and exit and car park layout. Addition of street and car park lighting

03/03087/FUL - Re-cladding of elevations and part roof. Re-forming forecourt parking – Permitted 18.12.2003

06/01957/ADV - One externally illuminated aluminium sign overall size 10000 x 3300mm. Six non-illuminated aluminium signs various branding – Refused 21.08.2006

23/00352/FUL: Demolition of the existing single storey entrance and stock room area, installation of new shopfronts and entrance porches, subdivision of the building to form 2no retail units, making good cladding where building demolished and modifications to the car parking arrangements. - Permitted

2.8 The Planning application on the adjacent site is as follows:

23/00241/FULES - Description Residential development of up to 2,700 dwellings comprising: Full planning application for 683 residential dwellings, a new spine road, road bridge, and associated highways, drainage infrastructure and landscaping. Outline planning application sought for up to 2,017 dwellings, a primary school, up to 1000sqm of retail floorspace, new metro station and associated highways, drainage, site wide servicing, landscaping infrastructure and demolition works (Amended description and revised plans/documents November 2023)

Address: Land At Murton Extending From Earsdon (A186) To New York Road/Rake Lane (A191) And Shiremoor To Monkseaton Newcastle Upon Tyne

3. The Proposed Development

3.1 The proposed development is for the following:

Demolition of an existing detached retail unit with a floorspace of 2048 m², the erection of an extension to the front of Boundary Outlet, providing 1767 m² of replacement floor space and the remodelling and landscaping of the existing car parking areas.

3.2 The resultant store will have floorspace of 10,248 m², and parking as follows:

492 spaces
51 disabled spaces
10 EV Chargers
Coach spaces
8 cycle spaces

3.3 The proposed additional landscaping will provide a biodiversity net gain.

Boundary Outlet's Operation

3.4 Boundary Outlet is a unique shopping experience. The store shares many characteristics with a factory outlet centre in that it sells a wide range of branded clothing, footwear, homewares, household, and other goods at discounted prices. However, at Boundary Outlet all of these goods are available within a single store along with a range of customer facilities including a coffee shop, restaurant, and public house.

3.5 Such a retail offer responds to a trend in retailing and tourism towards a more leisure orientated shopping experience for which people will travel significant distances, some visiting destinations such as Boundary Outlet for day trips. This unique offer provided at Boundary Outlet has seen it become a tourist attraction within the areas where it is located.

3.6 This application is intended to maintain Boundary Outlet's position as a destination retail location.

4. Planning Policy Context

- 4.1 The Town and Country Planning Act 1990 (as amended) requires that applications for planning permission must be determined in accordance with the development plan unless material conditions indicate otherwise. For the purposes of determining this application, the development plan comprises the North Tyneside Local Plan (2017).

Development Plan

- 4.2 The application site is not allocated for any specific use in the North Tyneside Local Plan; however, the site is directly adjacent to the Murton Strategic Policy Area.

- 4.3 The following policies are relevant to the determination of this application:

S1.1 Spatial Strategy for Sustainable Development
DM1.3 Presumption in Favour of Sustainable Development
S1.4 General Development Principles
S2.1 Economic Growth Strategy
S3.1 Competitive Centres
S3.2 Hierarchy of Centres
DM3.4 Assessment of Town Centre Uses
DM5.5 Managing effects on Biodiversity and Geodiversity
DM5.9 Trees, Woodland, and Hedgerows
DM5.14 Surface Water Run off
DM5.15 Sustainable Drainage
DM6.1 Design of Development
DM6.2 Extending Existing Buildings
DM7.4 New Development and Transport

- 4.4 The policy for the adjacent site is as follows:

S4.4 (a) Murton Strategic Allocation Concept Plan
A strategic allocation is identified at Murton (Sites 35 to 41) to secure the delivery of approximately 3,000 homes during the plan period in a mix of housing tenures, types and sizes informed by available evidence of the housing needs of the Borough, and convenience retail provision of approximately 1,000m² net.

- 4.5 Policy S3.2 sets out the hierarchy of centres which should be considered as part of a sequential test for proposed main town centre uses, which include

North Shields, Wallsend, Whitley Bay, and Killingworth Town Centres, as well as various District and Local Centres.

4.6 Policy DM3.4 explains that proposals for main town centre uses on sites not within the town centres will be permitted where they meet the following criteria:

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

4.7 Policy DM3.4 also sets out the thresholds for undertaking impact assessments. It explains that proposals for retail development outside of a town centre will require an impact assessment where they would provide either 500 sqm or more gross comparison retail floorspace, or 1,000 sqm (or more) gross retail floorspace for supermarkets/superstores. It also states that the proposal would be supported when the necessary impact assessment has shown that:

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

4.8 Policy DM3.4 states that, where an application fails to satisfy the sequential test, or is likely to have significant adverse impact on one or more of the above factors, it should be refused.

4.9 Policy DM5.5, which states all development proposals should:

- a) protect the biodiversity and geodiversity of land, protect and priority species and buildings and minimise fragmentation of habitats and wildlife links.
 - b) maximise opportunities for creation, restoration, enhancement, management, and connection of natural habitats; and
 - c) incorporate beneficial biodiversity and geodiversity conservation features, providing net gains to biodiversity, unless otherwise shown to be inappropriate.
- 4.10 Policy DM5.12, which requires all major developments 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.
- 4.11 Policy DM6.1. which states that applications will only be permitted where they demonstrate high and consistent design standards. Designs should be specific to the place, based on a clear analysis of the characteristics of the site, its wider context, and the surrounding area.
- 4.12 Policy DM7.4 which states that the Council and its partners 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 residents' health and well-being. It also sets out a range of means by which this will be achieved, including in respect of accessibility by public transport, cycle and on foot, the provision of a Transport Assessment and Travel Plan, and parking standards (including electric vehicles).

National Planning Policy Framework

- 4.13 The National Planning Policy Framework (NPPF) (last updated December 2023) provides guidance for Local Planning Authorities in England for the determination of planning proposals.
- 4.14 As stated in paragraph 8 of the NPPF, the Government is committed to ensuring that the planning system does everything it can to support sustainable economic growth. The planning system should operate to encourage and not act as an impediment to sustainable growth and as such, should *“help build a strong, responsive and competitive economy, by ensuring that sufficient land of the right types is available in the right places and at the right time to support growth, innovation and improved productivity; and by identifying and coordinating the provision of infrastructure.”*

- 4.15 A strong presumption remains in favour of sustainable development. Paragraph 11 of the NPPF states that:
- “For decision-taking this means:
- approving development proposals that accord with the development plan without delay; or
 - where there are no relevant development plan policies, or the policies which are the most important for determining the application are out-of-date, granting permission unless:
 - the application of policies in this Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposal; or
 - any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole.”
- 4.16 The revised NPPF at Paragraph 85 confirms that significant weight should be placed on the need to support economic growth and productivity, taking into account both local needs and wider opportunities for development.
- 4.17 Paragraph 90 of the NPPF states that planning policies and decisions should support the role that town centres play at the heart of local communities, by taking a positive approach to their growth, management, and adaptation. It also makes clear the importance of meeting needs for retail, leisure, office, and other main town centre uses over a ten-year period and ensuring that this is not compromised by limited site availability.
- 4.18 Paragraph 91 states that planning applications for main town centre uses which are not in a defined centre and don't accord with an up-to-date development plan should be subject to a sequential test. Such uses should be located in town centres, followed by 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.
- 4.19 Paragraph 92 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 local planning authorities should demonstrate flexibility on issues such as format and scale, so that opportunities to utilise suitable town centre or edge of centre sites are fully explored.”*
- 4.20 Paragraph 94 states that proposals for retail and leisure development outside of town centres, which are not in accordance with the Local Plan, should be subject to an impact assessment where the development is over a

proportionate, locally set floorspace threshold (or over 2,500 sqm, where there is no such threshold). The impact assessment should consider:

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

- 4.21 The Planning Practice Guidance (PPG) supports the NPPF and provides guidance on the vitality and viability of town centres. It advocates a positive approach to meeting needs, making clear that local planning authorities should assess and plan to meet the need for main town centre uses in full.
- 4.22 In relation to the sequential approach, the PPG requires local authorities to consider whether the identified need for main town centre uses can be accommodated on town centre sites. This should consider the suitability, availability, and viability of sites, with particular regard to the nature of the need that is to be addressed.
- 4.23 The PPG states that, when applying the sequential approach, it is important to recognize that certain main town centre uses have particular market and locational requirements, which mean that they may only be accommodated in specific locations. It also recognizes that, as promoting new development in town centre locations can be more expensive and complicated than elsewhere, local planning authorities need to be realistic and flexible in terms of their expectations.
- 4.24 In relation to the application of the impact test, the PPG sets out a number of steps which should be taken. These include establishing the state of existing centres and current shopping patterns, determining the appropriate time frame for assessing impact, and considering a range of plausible scenarios. Where wider town centre developments or investments are in progress, the PPG recognises that it will be appropriate to assess the impact of applications on that investment.
- 4.25 In addition, and when considering whether there is a realistic prospect of an allocated site being developed for its intended use, the PPG states that it may be relevant to take into account factors such as:
- the length of time since the site was allocated in the development plan.
 - the planning history of the site, including any planning applications or pre-application enquiries.
 - whether there is evidence that the site has been actively marketed for its intended use for a reasonable period, and at a realistic price; and

- whether there are any changes of circumstances that mean that take-up of the site for its intended use is now unlikely.

4.26 It also states that it will be relevant to consider the extent to which evidence suggests the alternative use would address an unmet need, as well as the implications for the wider planning strategy for the area and other development plan policies.

5. Retail Context

Local Retail Hierarchy

- 5.1 Newcastle upon Tyne, approximately 9km south-west of the application site, is a regional centre, which exerts a significant influence on the shopping patterns of residents across the north-east, particularly for comparison goods retailing and leisure activities. Metrocentre, in Gateshead, also performs an important role within the retail hierarchy in the wider area, including for comparison goods, as do a number of large retail warehouse destinations, including those at Silverlink (North Shields), Metrocentre and Team Valley (Gateshead).
- 5.2 North Tyneside contains four Town Centres, as defined in the adopted Local Plan, comprising Wallsend (4.5km), Killingworth (4km) North Shields (4.4km) and Whitley Bay (4km), each of which performs an important role in meeting shopping and service needs in their respective parts of the district. There are also a number of District Centres, including Northumberland Park (900 metres), Tynemouth (5km), Forest Hall (4.6km) and Monkseaton (2.8km). Each of these centres meets the day-to-day needs of their immediate surrounding catchment areas, although their influence over wider shopping patterns is more limited.
- 5.3 There are a number of large and medium-sized foodstores located in the area, which have a significant influence on convenience goods shopping patterns, a number of which are located outside of existing centres. Out of centre destinations in North Tyneside, including Silverlink (mentioned above), Coast Road Retail Park and Royal Quays Outlet and the Boundary Outlet site also provide larger format comparison goods retail floorspace

Existing Town Centres

Wallsend Town Centre

- 5.4 Wallsend Town Centre is located approximately 4.5 km to the southwest of the application site and meets the needs of residents of the town itself, as well as surrounding areas in the south-western part of North Tyneside. Wallsend contains 218 no. ground floor commercial units and is focused around High Street, a main east/west route. The Forum Shopping Centre (an indoor mall) is located to the north of this street.

- 5.5 In April 2022, around 20% of units were comparison retail use, including a number of national multiples, such as Home Bargains, Card Factory, O2, Peacocks and New Look.
- 5.6 Approximately 20 vacant units were identified in Wallsend, representing a vacancy rate of around 10%, which is below the current Goad national average for all centres (15%). All of the vacant units are dispersed throughout the centre and there are no significant clusters of such units.
- 5.7 The Forum Shopping Centre and associated public realm provides a modern shopping environment for customers, and the western end of the centre has had investment in the form of the Aldi store and Burger King drive-through restaurant. Furthermore, the Tyne and Wear Metro station to the south, along with a number of bus stops along High Street, and parking to the rear of The Forum, ensure that the centre is conveniently accessible from the surrounding areas.
- 5.8 In summary, the centre has a relatively low vacancy rate, and a wide range of uses, including various national comparison retail multiples within The Forum shopping centre and an Aldi supermarket at the western end. The majority of uses are small-scale and/or independent traders, and the centre primarily serves residents in the southwestern part of North Tyneside, with a relatively limited draw from elsewhere within the Borough.

Killingworth Town Centre

- 5.9 The Killingworth Centre is a purpose-built indoor shopping centre, located at the heart of the town of the same name, which was constructed in the early 2000s, and contains 32 ground floor commercial units in total. The centre is anchored by a Morrisons superstore and Matalan stores, and also includes a range of smaller-scale retail and service uses which meet the day-to-day needs of local residents of Killingworth and the surrounding areas.
- 5.10 Around 38% of units are occupied by comparison retailers, with the remainder being service uses. National multiples include Home Bargains, although there are also KFC and McDonalds drive-thru restaurants, and a public house, located outside of the shopping mall.
- 5.11 Killingworth Town Centre provides a modern indoor shopping environment, and at the time of the survey, there were no vacant units. Whilst located around 4km drive from the application site, meaning that its influence over shopping patterns in the area is more limited, the centre is nevertheless

performing well in its role in serving Killingworth and surrounding areas such as Camperdown, West Moor and Forest Hall.

North Shields Town Centre

- 5.12 North Shields Town Centre accommodates a selection of national retail comparison retail multiples, a number of small to medium-sized supermarkets, and a range of smaller (primarily independent) traders, it does not contain any large foodstores.
- 5.13 Whilst located around 4.4 km drive from the application site, meaning that its influence over shopping patterns in the Shiremoor areas is more limited, the centre is nevertheless performing well in its role.

Whitley Bay Town Centre

- 5.14 Whitley Bay Town Centre accommodates a selection of national retail comparison retail multiples, a number of small to medium-sized supermarkets, and a range of smaller (primarily independent) traders, although it does not contain any large foodstores.
- 5.15 Whilst located around 4 km drive from the application site, meaning that its influence over shopping patterns in the Shiremoor areas is more limited, the centre is nevertheless performing well in its role.
- 5.16 The above centres all contain a range of uses which meet the day-to-day needs of their immediate surrounding residential catchments. However, they generally have limited influence over wider shopping patterns.
- 5.17 In addition to Boundary Outlet, there is a wide range of out-of-centre comparison goods retail provision in North Tyneside. This includes retail warehousing at Silverlink and Coast Road Retail Parks, as well as that at Middle Engine Lane (including B&Q and Wickes), Whitley Road (to the east of the site) and the Royal Quays Outlet Centre. These destinations provide access to a range of bulky and non-bulky operators. However, with the exception of that at Whitley Road, they are all located in the southern part of North Tyneside.

Committed and proposed developments

- 5.18 In viewing the Public Access, planning applications system, the following applications were identified:

20/01741/FUL: Erection of petrol filling station (Sui Generis) with associated retail kiosk (Use Class E) and drive-thru coffee shop (Use Class E) with associated car parking, service arrangements, landscaping and access including the provision of a new roundabout (Additional information submitted 17.12.2020)

21/01513/FUL: Erection of a new discount foodstore (Use Class E) with access, car parking and landscaping and other associated works (Amended plans received 28.06.2022)

23/00217/FUL: Erection of foodstore (Class E) with associated car parking; vehicular, pedestrian and cycle access; SuDs; and landscaping.

24/00092/FULM: Erection of new food store and associated external works: Awaiting decision

Retail and Town Centre Study

5.19 The North Tyneside Retail and Leisure Study 2014 was produced for the Council by Peter Brett Associates (PBA). The study provided an update to the previous (2011) study, also prepared by PBA, and contained forecasts of the quantitative expenditure capacity to support new retail floorspace over the period to 2032. The study uses population and expenditure base data and forecasts provided by Experian, as well as household shopping surveys undertaken in June 2011 as part of the previous retail study.

5.20 Given the date of the household surveys used as part of the Retail and Town Centre Study, and that various new developments have come forward since the 2014 Study was undertaken within the area (along with the age of the expenditure data used in the Study), the findings of the 2014 Study are now considerably out of date. Notwithstanding this, however, and in relation to retail expenditure capacity, the study concluded that:

- there was expenditure capacity to support between 6,378-7,884 sqm net new convenience goods retail floorspace by 2032 within the Borough of North Tyneside as a whole (depending on the level of population growth assumed, and allowing for an increase in the existing expenditure retention rate); and
- there was capacity for between 15,249-18,348 sqm net new comparison goods retail by 2032 within the Borough of North Tyneside as a whole (again, depending on population growth assumed, and assuming an increased expenditure retention rate).

- 5.21 In relation to other uses, whilst the study concluded that the majority of identified capacity to 2019 would be met by existing commitments, there was significant scope for the development of further food and drink uses up to 2032.

Summary

- 5.22 The application site is for the sale of comparison goods. All of the Town centres are performing well in the North Tyneside Borough.
- 5.23 The Town Centres and District centres are performing well and are focused upon meeting the day-to-day needs of their respective catchment areas.
- 5.24 There is a wide range of out-of-centre comparison goods retail provision in North Tyneside. This includes retail warehousing at Silverlink and Coast Road Retail Parks, as well as that at Middle Engine Lane (including B&Q and Wickes), Whitley Road (to the east of the site) and the Royal Quays Outlet Centre. These destinations provide access to a range of bulky and non-bulky operators. However, with the exception of that at Whitley Road, they are all located in the southern part of North Tyneside.

6. Methodology

Sequential Site Assessment

- 6.1 The methodology adopted in identifying potential alternative sites in the context of the sequential approach has involved:
- consideration of sites allocated for development in the development plan.
 - reviewing extant permissions and current applications for retail development.
 - identifying other sites or buildings with potential for development, through an on the ground survey.
- 6.2 A thorough assessment has been made to establish the suitability and availability of identified sites to accommodate the retail uses proposed on the application site.
- 6.3 As part of this, any potential alternative sites need to be able to accommodate new comparison goods development of a similar scale and nature of that proposed by the subject application (with associated parking, servicing, and landscaping requirements), taking into account the need for flexibility set out in the NPPF.
- 6.4 It is, however, important at the outset to correctly interpret and apply the sequential test, taking into account case law and relevant appeal decisions. For example, as highlighted in the Dundee (March 2012)¹ case, the Supreme Court ruled that “suitable” means “suitable for the development proposed by the applicant” and, the Secretary of State in the Rushden appeal decision (June 2014) , has confirmed that the sequential test needs to be considered in the context of the specific development proposed by the applicant, and not simply a “class of goods” approach or some attempt at disaggregation that might otherwise seek to accommodate elements of the proposed development on a smaller, sequentially preferable site. Whether, therefore, a site is considered suitable for the commercial requirements of an occupier, clearly needs to be considered in light of the specific appeal proposal. The two decisions referred to above assist in demonstrating how the sequential test should be lawfully and properly applied.

¹ Appeal Reference: APP/G2815/V/12/2190175, applicant LXB RP (Rushden) Limited - https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/319505/Called-in_decision_Rushden_Lakes_Retail_Park_ref_2190175_11_June_2014_.pdf

- 6.5 Whilst we acknowledge the requirement for some flexibility in applying the sequential test, as referred to in the National Planning Guidance, this needs to be applied sensibly in the context of scale and format, as it is clearly not the purpose of national or local planning policy to require a developer to seriously compromise their proposal by requiring them to disaggregate it into its constituent parts. Indeed, the Secretary of State in the Rushden decision expressly acknowledges that the NPPF does not require an applicant to disaggregate in any way a specific development proposal. In reality, therefore, whilst there may be some limited scope to reduce the scale of the proposed development, it would be wholly unreasonable to expect the occupier to amend a proposal to the extent that it no longer meets their business requirement and becomes unviable.
- 6.6 In order that the sequential test is properly applied, it is therefore necessary to consider the form of development for which planning permission through this appeal is sought. Essentially, the proposed development relates to a change of use of internal retail floorspace to a restaurant, which will form part of the overall shopping experience of Boundary Outlet and can only be used by visitors to the store. It is not therefore for a stand-alone restaurant use suitable for occupation of a town centre unit.
- 6.7 The sensible application of the sequential test is to consider potential sequentially preferable sites within the centre of Rotherham, that could accommodate the proposed development in its entirety, allowing for a reasonable degree of flexibility, as required by national policy. Our evaluation has therefore sought to identify whether any sequentially preferable sites of broadly the size of the total store area are currently available and suitable in Rotherham.

Availability

- 6.8 The NPPF (Paragraph 91) helpfully sheds light on the correct interpretation of this aspect of the test, and simply asks whether town centre or edge of centre sites are “available”. Importantly, it does not, therefore, ask whether such sites are likely to become available during the remainder of the plan period or over a period of some years. Put simply, the correct approach is to ascertain whether a site is currently available rather than speculate if a site may become available at some indeterminate future date.

Suitability

- 6.9 Suitability relates to whether the proposed development can be reasonably and successfully located at a particular site. There are a number of key considerations in this respect.

- 6.10 Firstly, as previously indicated, the test is only relevant in the context of the “requirement” the proposed development will meet – in this case an out of centre retail outlet that seeks to provide a restaurant as part of that overall shopping experience to meet the needs of the residents of Sheffield and Rotherham.
- 6.11 Secondly, the basic business requirement of the operators is of fundamental importance. Significant in this respect is the current requirement for all existing Boundary Outlets to provide a similar level of service and retail experience to other improved stores operated by the same enterprise. Therefore, for the operator to be able to provide the retail offer needed to meet customer expectations, a development of broadly the format proposed is essential.
- 6.12 Put simply, the Boundary Outlet shopping experience is to provide a retail destination that caters for longer visits and coach trips in addition to shorter visits and provides a restaurant and other eateries to fulfil that function. The overall business model would be seriously compromised if any part of the complex had to be provided in a separate location and it would not represent a viable development from the operator’s perspective.
- 6.13 Furthermore, as previously indicated, it is not the purpose of planning policy to require a proposal to be split between separate sites. The NPPF does not require “disaggregation”, as evidenced by the Rushden decision.

Viability

- 6.14 Sites should not present any obvious economic obstacles to the proposed development.

Assessment

- 6.15 For the purposes of our sequential examination, the assessment focuses on available sites within borough of North Tyneside
- 6.16 A thorough search of land / buildings both for sale and for let with a minimum size area of 4.5 hectares (the application site area) within the defined settlement boundaries of North Tyneside is to be undertaken.

Impact Assessment

Study Area

- 6.17 In order to consider the likely trade diversion impacts of the new retail floorspace proposed as part of the application, a Study Area has been defined. The extent of the Study Area takes into account the existing

shopping patterns of those within and the likely area of influence of the proposed extension, including other stores and centres which could be affected. It also takes into account physical and perceptual barriers to movement, including the A19, the A191, the A186 and River Tyne.

- 6.18 It also takes into account the location of the application site close to a busy arterial route, which connects eastern and western parts of the Borough, and also provides access to northern parts of Newcastle.

Trade Diversion

- 6.19 An assessment of the impact of the proposed development on other comparison goods sites has been undertaken.
- 6.20 It considers the impact of the proposed development upon planned investment in centres and upon the vitality and viability of existing centres, taking into account consumer choice.
- 6.21 The assessment of impact then takes into account the extent to which the new retail floorspace would draw trade from the other retailers, located both within and North Tyneside. This has regard to the location and characteristics of competing facilities, and the nature of the retail offer in these stores, compared with that which would be on offer at the proposed development.

7. Sequential Site Assessment

Policy Context

- 7.1 As set out in Section 4. of this statement, the NPPF requires that a sequential approach to site selection is applied to proposals for new main town centre uses (such as retail) which are not located within an existing centre. Paragraphs 91 and 92 confirm that sites should be considered in the following order:
- town centre sites; then
 - edge-of-centre locations, with preference given to accessible sites that are well connected to the town centre; and then.
 - out-of-centre sites, with preference given to accessible sites which are well-connected to the town centre.
- 7.2 The nearest defined centre is Killingworth, which is located around 4km from the application site. The site is therefore an out-of-centre location in the context of national planning policy. In this context, it is necessary to consider the suitability and availability of sites both within and on the edge of existing centres, in terms of their potential to accommodate a development of the size required.
- 7.3 In addition, and in line with Policy DM3.4, we have also considered whether there are any existing out-of-centre development sites, previously occupied by appropriate main town centre uses, that are readily accessible to Metro stations or other transport connections to the town centres.

Potential sites

- 7.4 For the purposes of our sequential examination, the assessment focuses on available sites within borough of North Tyneside
- 7.5 A thorough search of land / buildings both for sale and for let with a minimum size area of 4.5 hectares (the application site area) within the defined settlement boundaries of North Tyneside has been undertaken via the following:
- Rightmove’s online search engine.
 - Websites of local independent commercial agents.

Agent	Address	Size (sq m)	Reason not suitable
Rod Bennett	Coast Road, Newcastle Upon Tyne NE7	438.5	Too small

Northeast Commercial			No suitable land or property available
F1 Real Estate			No suitable land or property available
New River Retail			No suitable land or property available
AT Retail			Maximum size 1000sq m. No suitable land or property available
Rightmove			No suitable land or property available

7.6 However, no sites which could accommodate the proposed development could be found.

Summary

7.7 Taking into account the above, it is clear that there are no sites identified in our sequential search that are suitable, available and viable to accommodate the development.

7.8 We consider the above represents a sensible interpretation and application of the sequential approach towards site selection. There are demonstrably no sequentially preferable alternatives that are available or suitable and consequently the application site, which is accessible by a variety of transport modes, is still, in our view, an appropriate location for the proposed development.

CONCLUSION

7.9 Having considered the availability of sites within the identified North Tyneside area and beyond, it has been concluded that there are no sites adequate in their capacity for the type of development proposed, which requires not only land to accommodate the required retail, restaurant, warehouse and staff facilities floor and externally for the required parking facilities.

7.10 For the reasons identified within this Section, it is considered that a satisfactory sequential test has been carried out to demonstrate compliance with paragraph 91 of the NPPF and it is clear that planning permission for the proposed development should be granted.

8. Impact Assessment

- 8.1 The NPPF requires that proposals for new retail uses, where the development is over a proportionate, locally set threshold (or 2,500 sqm, where no such threshold is set), which are not located within an existing centre, and not in accordance with an up-to-date development plan, should include an assessment of:
- the impact of the proposal on existing, committed and planned public and private investment in a centre or centres in the catchment area of the proposal; and
 - the impact of the proposal on town centre vitality and viability, including local consumer choice and trade in the town centre and the wider retail catchment (as applicable to the scale and nature of the scheme).
- 8.2 Policy DM3.4 of the adopted Development Plan sets an impact assessment threshold of 500 sqm for comparison retail development, where such proposals for are outside of a town centre. In this context, an assessment of the proposed development against the above issues is set out below, taking into account a quantitative assessment of the likely impact of the proposed new convenience retail floorspace.

Investment in Centres

- 8.3 It is not considered that the proposed development on the Boundary Outlet site would have any adverse impact upon the ability to bring forward investment in existing centres. This reflects a number of factors, including the fact that:
- as set out in Section 7.0, there are no more sequentially preferable sites which are suitable and available to accommodate the proposed main town centre uses, either within or on the edge of centres located elsewhere within the Study Area;
 - those opportunities which do exist within/on the edge of existing centres in the wider Area are subject to constraints, such as their size and other existing/proposed uses, which mean that they would not be suitable and available to meet the requirements of retail operators of Boundary Outlet
 - whilst the Council have developed a masterplan for Wallsend, this masterplan focuses upon improvements to the quality of housing in in the town, support the delivery of a new healthcare centre and working in partnership with the owners of the former Swan Hunter site for new

employment opportunities, and is therefore unlikely to focus on the provision of significant new retail floorspace.

- we are not aware of any other schemes currently coming forward within/on the edge of existing centres which could be affected by the proposed development.

8.4 On this basis, it is not considered that the proposed development would have any significant adverse impact in terms of investment in centres.

The Impact of the Proposal on Town Centre Vitality and Viability,

8.5 This section of the report will assess the impact of the proposal on the town centre vitality and viability, including local consumer choice and trade in the town centre and the wider area.

8.6 Boundary Outlet is a unique shopping experience. The store shares many characteristics with a factory outlet centre in that it sells a wide range of branded clothing, footwear, homewares, household, and other goods at discounted prices. However, at Boundary Outlet all of these goods are available within a single store along with a range of customer facilities including a coffee shop, restaurant, and public house.

8.7 Such a retail offer responds to a trend in retailing and tourism towards a more leisure orientated shopping experience for which people will travel significant distances, some visiting destinations such as Boundary Outlet for day trips. This unique offer provided at Boundary Outlet has seen it become a tourist attraction within the areas where it is located.

8.8 This application for an extension is intended to maintain Boundary Outlet's position as a destination retail location.

8.9 North Tyneside contains four Town Centres, as defined in the adopted Local Plan, comprising Wallsend (4.5km), Killingworth (4km) North Shields (4.4km) and Whitley Bay (4km), each of which performs an important role in meeting shopping and service needs in their respective parts of the district.

8.10 Each of the town centres accommodates a range of identified town centre uses and services including stand-alone supermarkets, offices, pharmacies, betting shops, tattooists, charity shops, financial businesses, banks, hairdressers, gyms, and beauty salons. The Town Centres offer a wide variety of different restaurants, cafes, and hot food takeaways. There are also a small number of residential dwellings interspersed throughout the

Centres.

- 8.11 In general, Boundary Outlet outlets have a catchment area of a 30-minute travel time in addition to day coach trips from further afield.
- 8.12 The proposal is to provide an extra 1,767 sq metres of retail floorspace. The products and clothing sold in Boundary Outlet are bespoke, and not generally products that are available in one place elsewhere.
- 8.13 Whilst there are a number of comparison goods retailers within the Town Centre, Boundary Outlet is a destination in its own right and it is unlikely that there will be any effect on the vitality and viability of any of the Town Centres

Consumer Choice

- 8.14 As stated above, Boundary Outlet is a unique shopping experience. The store shares many characteristics with a factory outlet centre in that it sells a wide range of branded clothing, footwear, homewares, household and other goods at discounted prices. However, at Boundary Outlet all of these goods are available within a single store along with a range of customer facilities including a coffee shop, restaurant and public house.
- 8.15 Such a retail offer responds to a trend in retailing and tourism towards a more leisure orientated shopping experience for which people will travel significant distances, some visiting destinations such as Boundary Outlet for day trips. This unique offer provided at Boundary Outlet has seen it become a tourist attraction within the areas it is located.
- 8.16 The proposed development will extend consumer choice in the area.

Summary

- 8.17 It has been demonstrated that the proposed development would not result in any significant adverse impact, either upon investment in centres, or town centre vitality and viability. There is no investment currently planned within existing centres, or indeed elsewhere, further afield, which could be impacted by the proposed development.
- 8.18 Whilst there are a number of comparison goods retailers within the Town Centre, Boundary Outlet is a destination in its own right and it is unlikely that there will be any effect on the vitality and viability of any of the Town Centres

9. Assessment against the Development Plan

- 9.1 Section 38(6) of the Planning and Compensation Act 2004 states that: *“If regard is to be had to the Development Plan for the purpose of any determination to be made under the Planning Acts, the determination must be made in accordance with the plan unless material considerations indicate otherwise.”*
- 9.2 Paragraph 11 of the NPPF also confirms that local authorities should apply a presumption in favour of sustainable development. This means that local planning authorities should approve proposals that accord with the development plan without delay. Where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date, planning permission should be granted unless:
- i. the application of policies in this Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed; or
 - ii. any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole.

Principle of Development

- 9.4 As explained in Section 4, the site is not allocated in the North Tyneside Local Plan, although it is directly adjacent to S4.4 (a) Murton Strategic Allocation Concept Plan
- 9.5 This is a strategic allocation is identified at Murton (Sites 35 to 41) to secure the delivery of approximately 3,000 homes during the plan period in a mix of housing tenures, types and sizes informed by available evidence of the housing needs of the Borough, and convenience retail provision of approximately 1,000m² net.
- 9.6 Policy DM3.4 explains that proposals for main town centre uses on sites not within the town centres will be permitted where they meet the following criteria:
- a) In order of priority, there are no sequentially preferable sites in-centre, then edge of centre, and then existing out-of-centre development sites previously occupied by appropriate main town centre uses that are readily accessible to Metro stations or other transport connections to the town centres, and then finally, existing out-of-centre locations;

- b) The suitability, availability and viability of sites should be considered in the sequential assessment with particular regard to the nature of the need that is to be addressed, and edge-of-centres sites should be of a scale that is appropriate to the existing centre;
- c) There is flexibility in the business model and operational requirements in terms of format; and
- d) The potential sites are easily accessible and well connected to town centres.

9.7 Policy DM3.4 also sets out the thresholds for undertaking impact assessments. It explains that proposals for retail development outside of a town centre will require an impact assessment where they would provide either 500 sqm or more gross comparison retail floorspace, or 1,000 sqm (or more) gross retail floorspace for supermarkets/superstores. It also states that the proposal would be supported when the necessary impact assessment has shown that:

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

9.8 In terms of this proposal the site is an existing out-of-centre development site occupied by an appropriate main town centre use that are readily accessible to Metro stations or other transport connections to the town centres.

9.9 This statement has identified that there are no suitable or available sites in town centres, or edge of centre and the proposal will not have any adverse impact on the viability and vitality of any Town, Local or District centre.

9.10 Taking the above into account, the development proposals broadly accords with the requirements of Policy DM3.4, and the application proposals are therefore considered acceptable in principle.

Highways and Car Parking

9.11 Promoting sustainable transport is a key thread of the NPPF and paragraph 108 highlights the importance of considering transport issues from the earliest stages of development proposals to ensure that:

- a) *“the potential impacts on transport networks can be assessed;*

- b) opportunities from existing and proposed transport infrastructure, changing transport technology and usage are realised;*
- c) opportunities to promote walking, cycling and public transport use are identified and pursued;*
- d) environmental impacts of traffic and transport infrastructure are identified, assessed and considered – identifying opportunities for avoiding and mitigating any adverse effects and for net environmental gains; and*
- e) patterns of movement, streets, parking and other transport considerations are integral to the design of schemes and contribute to making high quality places.”*

9.12 DM7.4 relates to new development and transport. The Council and its partners 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 residents health and well-being:

- On developments considered appropriate, the Council will require charging points to be provided for electric vehicles in accordance with standards set out in the Transport and Highways SPD (LDD12).
- Accessibility will be improved, and transport choice widened, by ensuring that all new development is well serviced by an attractive choice of transport modes, including public transport, footways and cycle routes. Connections will be integrated into existing networks with opportunities to improve connectivity identified.
- All major development proposals likely to generate significant additional journeys will be required to be accompanied by a Transport Assessment and a Travel Plan in accordance with standards set out in the Transport and Highways SPD (LDD12).
- The number of cycle and car parking spaces provided in new developments will be in accordance with standards set out in the Transport and Highways SPD (LDD12).
- • New developments will need to demonstrate that existing or proposed public transport services can accommodate development proposals, or where necessary, identify opportunities for public transport improvements including sustainable access to public transport hubs.
- • New developments in close proximity to public transport hubs, whenever feasible, should provide a higher density of development to reflect increased opportunities for sustainable travel.

9.12 In terms of the transport impact of the development, this proposal includes the demolition of a standalone retail unit location adjacent to Boundary Outlet, with a floorspace of 2048m², and the replacement with an extension to the Boundary Outlet store of 1767m²., resulting in a net loss of floorspace.

In this context, the Highway Authority have advised that a Transport Assessment is not required as part of this application.

- 9.13 The resultant store will have floorspace of 10,248 m², and parking as follows:

492 spaces
51 disabled spaces
10 EV Chargers
3 Coach spaces
8 cycle spaces

- 9.14 The site is accessed from Park Lane, which links between the A186 and the A191. A second access is to be provided from Park Lane to provide better access for coaches, buses and deliveries.

A186

- 9.15 The A186 extends 22km west from the A192 / A186 Red Lion roundabout south of Earsdon to the A1 Western Bypass of Newcastle upon Tyne. The A186 meets the A19 at a grade-separated signalised roundabout 3km west of the Red Lion roundabout.
- 9.16 The A186 is a dual carriageway between Earsdon and the A19 subject to a 40mph speed limit. The route forms the Shiremoor northern bypass, completed in 2009, and the carriageway is approximately 7m in width in each direction. Heading south-west from the Red Lion roundabout, there is a central grass verge of 8m in width for 350m, after which it tapers into a 3m paved central reservation for all of the Shiremoor bypass.
- 9.17 Street lighting is provided between the Red Lion roundabout and the A19. There is no residential frontage directly onto the A186, with roundabouts serving the 'Earsdon View' estate in Shiremoor, south of the A186. There is a mix of landscaping, parks and pastureland fronting the road. There are good, shared surface facilities on both sides of the A186 carriageway for pedestrians and cyclists.

A191 New York Road & Rake Lane

- 9.18 The A191 extends 22km west from Whitley Bay to the western suburbs of Newcastle upon Tyne, running parallel with the southern boundary of the Site for approximately 3km.
- 9.19 The A191 is referred to as New York Road between the A191 / Silver Fox / Norham Road roundabout and the signalised T-junction with Park Lane. The national speed limit of 60mph applies. Between the junctions, there is a

priority-controlled T-junction providing access to the Algernon Industrial Estate. A right-turn lane on New York Road facilitates this manoeuvre without blocking eastbound traffic.

- 9.20 The Silver Fox Way roundabout has an inscribed circle diameter of 60m and distributes traffic to key destinations: Silver Fox Way itself heading to the Cobalt Business Park and Norham Road providing onward routes to the Silverlink Retail Park and Newcastle City Centre.
- 9.21 East of the Silver Fox roundabout, the speed limit on the A191 remains 60mph whilst the single-carriageway passes the south of New York village via a road bridge over Westminster Avenue before reaching a four-armed roundabout. The roundabout connects the B1316 Billy Mill Lane with the A191 south of Murton House Farm.
- 9.22 East of the B1316 roundabout, the A191 is known as Rake Lane. The speed limit is 40mph along the majority of this route, other than the westernmost 300m, which is subject to a 30mph speed limit. Before the Foxhunters roundabouts, the number of accesses off Rake Lane is limited to two North Tyneside General Hospital (NTGH) roundabouts and a priority T-junction serving a residential estate, all three junctions serving developed land south of the carriageway. The northern boundary of Rake Lane (part of which forms the Site) is occupied by agricultural land and school playing fields.
- 9.23 The A191 is a major bus corridor in North Tyneside, which is evident outside NTGH with long bus lay-bys in both directions. There are good provisions for both cyclists and pedestrians along Rake Lane.

Park Lane

- 9.24 Park Lane links the A186 in the north with the A191 in the south, and forms part of the western boundary of the Site. Heading south from a roundabout junction on the A186, the single carriageway of Park Lane is subject to a 20mph speed limit. Soon after crossing the Metro line via a bridge, the speed limit increases to 30mph.
- 9.25 Whilst the application site is located on Park Lane, Park Lane is mostly fronted by residential properties. Despite these properties taking access of the main carriageway, Park Lane maintains the feel of a local distributor road, likely due to the lack of any alternative route through the Site to the east.
- 9.26 Park Lane is a bus route, with stops comprising of both lay-bys and painted cages on the carriageway. Other provisions include signalised pedestrian crossings for pedestrians and bollards on the verge to the east of the carriageway to prevent parking.

- 9.27 Before Park Lane ends to the south at a signalised T-junction with New York Road, there is a mini roundabout that provides access to the Boundary Outlets retail store, which attract a reasonable amount of trips throughout the day.

Pedestrian and Cycle Facilities

- 9.28 The distances people are prepared to walk, or cycle depend on their fitness and physical ability, journey purpose, settlement size, and walking/cycling conditions. The suggested acceptable maximum walking distance for commuter, school and leisure trips is 2km (from CIHT guidance), with 5km suggested as the maximum acceptable cycling distance (from Sustrans guidance).
- 9.29 Therefore, walking and cycling are methods that offer an alternative to short car trips of distances up to 2km and 5km, respectively. A good network that is conducive to walking and cycling will therefore help minimise the impact of a development on the surrounding highway network by encouraging greater use of sustainable travel.
- 9.30 Generally, the topography of North Tyneside is conducive to cycling and walking, as it is relatively flat across a mostly urban environment with several small commercial centres distributed throughout.
- 9.31 The centres of Shiremoor, Monkseaton and New York are all within 2km walking distance of the Site. North Shields, Whitley Bay and Tynemouth are all within the 5km cycle distance, providing the option to access a range of services sustainably. The town centre of South
- 9.32 To the west of the Site, Park Lane runs north-south through Shiremoor with lit footpaths either side of the carriageway. There are signalised crossings allowing pedestrians to cross safely at various locations along Park Lane towards local amenities and Shiremoor Metro Station.
- 9.33 Large sections of the A191 New York Road / Rake Lane possess traffic-free, shared-use cycle / pedestrian paths connecting Monkseaton with the Cobalt Business Park to the west of the Site.

Public Transport

Tyne & Wear Metro

- 9.34 The closest Metro stations to the Site are Shiremoor to the west. In addition, Northumberland Park is one stop west of Shiremoor and serves as a “Park and Ride” facility with multi-storey car park. All Stations are on the ‘Yellow

Line,' with frequent trains travelling towards the Coast, Newcastle, Gateshead and South Tyneside. Trains towards Newcastle Airport and Sunderland can also be accessed on the 'Green Line.'

- 9 Shiremoor Metro station is accessed off Park Lane 400m south of the Park Lane / A186 roundabout. The station benefits from a car park which is free-of-charge and has 20 spaces, one of which is a designated accessible bay. There are four "streetpods" providing storage for eight bicycles on Platform 1 (Newcastle-bound). Ticket machines can be accessed on both platforms.
- 9.36 Northumberland Park Metro station acts as a Park & Ride, and includes 393 parking spaces over multiple levels, 12 of which are accessible. There is a £1.00 daily charge, although parking is free after 5pm or on Sundays. Several bus services interchange at Northumberland Park, as discussed in the following section. There is also a taxi rank and formal pick-up / drop-off point. The station is accessed from Algernon Drive, just off Earsdon Road. On the ground level of the car park, there are five streetpods providing storage for 10 bicycles. Additionally, there are five bicycle lockers.

Bus Services

- 9.37 There are many bus services serving the major roads surrounding the Site, with a combined daytime frequency of two buses per hour. The A191 is one of North Tyneside's major bus corridors, with many services passing the southern boundary of the Site. Park Lane to the west also has stops served by regular services. Arriva and Go North East are the main bus operators in the area.
- 9.38 On the A191 Rake Lane, there are nine stops along its 1.5km length (five eastbound, four westbound). To the east, these stops serve NTGH and Monkseaton High School. There are shelters, timetables and flagpoles at each of the stops.
- 9.39 On Park Lane, some bus stops, have lay-bys and shelters, whereas others require buses to stop on the carriageway. Stops outside Shiremoor Metro station allow for interchange between bus and light rail.
- 9.40 These bus services provide access to Shiremoor, Northumberland Park, Howden, Wallsend and Walkergate Metro stations, key employment, education and commercial areas and the local centres of Shiremoor and Whitley Bay.
- 9.41 In looking at the accessibility, it is considered that:
- the proposed development can be safely accessed by pedestrians, cyclists, public transport users and motorists with pedestrian links connecting with existing networks;

- the location of the site is accessible by sustainable modes of travel, including walking, cycling and public transport;
- the proposed development will safely connect to the local highway network;
- traffic flows associated with the proposed development will be accommodated by the existing infrastructure;
- the proposed development provides an improvement with regards to opportunities for travelling by non-car modes and reducing car miles; and
- the proposed level of car parking is appropriate for the proposed end use.

9.42 On the basis of the above, it is considered that the application accords with Policy DM7.4 of the adopted Development Plan.

Ecology

9.43 Policy DM 5.5 of the statutory development plan states that development proposals should protect the biodiversity and geodiversity of land and incorporate beneficial biodiversity and geodiversity conservation features, providing net gains to biodiversity, unless otherwise shown to be inappropriate.

9.44 The application is accompanied by a Biodiversity Net Gain report and the required Biodiversity Metric.

9.45 In order to achieve the required 10% biodiversity net gain, the proposed design incorporates the following elements:

- An extension to the front of the retail unit demolition of a detached retail unit and remodelling of the car park.
- Changes to the amount of grassland on site including a small reduction in area along the entrance drive and provision of a new grassland area to the west and north of the site.
- Loss of the existing introduced shrub planting and establishment of new introduced shrub planting within the car park.
- A number of trees will be removed along the entrance drive and other trees will be planted along the second entrance drive.
- A new mixed native species hedgerow will be planted along the east side boundary.
- A new mixed native species hedgerow will be planted between the car park and new grassland along the north site boundary.

9.46 It is therefore considered that the development proposals will enhance the biodiversity of the site, in line with the wider objectives of Policy DM5.5 of the adopted development plan.

Other Policies

- 9.47 Policy DM5.12 relates to flood risk, DM5.18 relates to land instability and DM5.19 relates to pollution (noise)
- 9.48 The accompanying Flood Risk Assessment explains that the development site lies within Flood Zone 1, and that there is a low probability of flooding. The report demonstrates that the proposed development is not at significant flood risk, and simple mitigation measures have been recommended to address any residual risks and relate to floor levels.
- 9.49 In compliance with the requirements of National Planning Policy Framework, and subject to the mitigation measures proposed, the development could proceed without being subject to significant flood risk. Moreover, the development will not increase flood risk to the wider catchment area as a result of suitable management of surface water runoff discharging from the site and is in accordance with Policy DM5.12.
- 9.50 In terms of policy DM5.18, a Coal Mining Risk Assessment has been submitted alongside the applications. This report concludes as follows:

Watching Brief

In common with many mining areas, it is recommended that site staff here keep a watching brief during the project, particularly while excavations are taking place. Any unusual features such as voids, cracks, ground movement or strange soil conditions should be flagged up and safely checked out.

Shallow Mining

The findings suggest the High Main Coal Seam is the shallowest seam beneath the northwest and southeast plots. However, the anticipated depth of the coal seam suggests there is sufficient cover above the seam and a negligible risk to the proposed development, if the workings were to collapse.

No further action is required.

Mine Gas

Although there are shallow workings it is considered the overlying rock and clay will impede the passage of gases and only a negligible mine gas risk, requiring no further action, is anticipated.

Mine Shaft

The nearby mine entries will not pose a risk to either the northwest or southeast plots and no further action is required.

- 9.51 There will be no impact on the proposed development from the coal mining legacy of the site and therefore the development is in accordance with Policy DN5.18
- 9.52 Policy DM5.19 relates to noise impact on surrounding residential areas. Dwellings on Angerton Avenue back on the site.
- 9.53 Currently to the rear of the properties is a landscaped area and car parking. The proposed landscaped area will include a native hedgerow adjacent to the car park.
- 9.54 The existing retail unit will be demolished, and the site will be included as car parking resulting in the retail operation being further away from the dwellings.
- 9.55 A further access will be provided from Park Lane, to provide a better access for coaches, buses and deliveries.
- 9.56 It is not considered that the proposed changes will have any detrimental impact on the residential amenity of the dwellings by reason of noise and therefore the development is in accordance with Policy DM5.19
- 9.57 In addition to those covered above, there are a number of other policies relevant to the development proposals. Policy DM6.1 sets a number of requirements in relation to the layout and design of all new development.
- 9.58 These policies are addressed in more detail in the accompanying Design and Access Statement. In summary, however, the design and layout of the proposed development seeks to respond to the surrounding built context, whilst providing a modern and attractive development. A co-ordinated scheme of hard and soft landscaping will also be provided on site as part of the development.

Summary

- 9.59 This section of the report has considered the conformity of the proposals with the relevant policies of the adopted development plan covering the application site - including those relating retail uses, transport, ecology, design and other matters. Having regard to the analysis of these policies, it is concluded that the proposals are in accordance with the development plan, when considered as a whole.

10. Other Material Considerations

- 10.1 Given that the proposals would be in accordance with an up-to-date development plan, in line with the presumption in favour of sustainable development set out in the NPPF, the application should be approved without delay.
- 10.2 Notwithstanding this, however, it is also helpful to consider the extent to which the proposed development would be in accordance with national policy, as contained within the NPPF. At paragraph 8 of the Framework, it is explained that there are three dimensions to sustainability:
- an economic role.
 - a social role; and
 - an environmental role.
- 10.3 As such, this section outlines how the application proposals will contribute to the building of a strong, responsive, and competitive economy that supports vibrant and healthy communities and contributes to the protection and enhancement of the natural and built environment.

Economic

- 10.4 The NPPF confirms that the Government is committed to, and places great weight on, supporting sustainable economic growth through the planning system. A summary of the economic impacts that are likely to result from the revised proposals is provided below.
- 10.5 The proposed development will generate a number of new employment opportunities, resulting in a net increase in the total number of operational jobs on the site. There would also be further spin-off employment, including local businesses and others in the supply chain, and construction employment associated with the development.
- 10.6 More generally, the proposed development would represent significant investment in the local area and would complement other existing economic development in the wider area. As explained in Section 8., it has also been demonstrated that there would not be any significant adverse impact upon existing centres within the area as a result of the development proposals.
- 10.7 In overall terms, therefore, given the number of jobs to be generated from the proposals and the other spin-off employment, the proposals would create significant economic benefits.

Social

- 10.8 The NPPF requires local planning authorities to work proactively to secure development which improves the social conditions of the area. A summary of the social contribution which will result from the proposals is provided below.
- 10.9 The proposed development will create new employment opportunities which are convenient and accessible to local residents.

Environmental

- 10.10 The accompanying Design and Access Statement considers in more detail the proposed design and layout of the scheme and demonstrates how it would result in a modern and attractive development.
- 10.11 The proposed development seeks to respond to the surrounding built context, whilst providing a modern and attractive shopping environment. A coordinated scheme of hard and soft landscaping will also be provided on site as part of the development.
- 10.12 As set out in Section 9, the Flood Risk Assessment explains that the development site lies within Flood Zone 1, and that there is a low probability of flooding. It concludes that the proposed development is generally at a low risk of flooding, that flood risk can be managed appropriately, and the development would not increase the risk of flooding elsewhere.
- 10.13 A BNG assessment report has been prepared to accompany this application. This demonstrates that the proposals will enhance the biodiversity of the site through its proposed planting.
- 10.14 Given that the proposed unit would not create any issues in terms of impact upon residential amenity arising as a result of the development. Overall, the proposals would contribute towards the protection and enhancement of the built environment, making efficient use of land, and mitigating/adapting to climate change.

11. Conclusion

- 11.1 This statement addresses relevant national and local planning policy, including the sequential and impact tests.
- 11.2 It has been demonstrated that the proposed development is in accordance with policies within the adopted development plan, when taken as a whole.
- 11.3 In relation to the sequential approach, no potential alternative sites have been identified which are suitable and available to accommodate the proposed development. This is due to a range of constraints, including their size, location, and existing and proposed uses. As such, there are no sequentially preferable alternative sites which could accommodate the proposed development, and the subject application is therefore compliant with the sequential approach to site selection set out in the NPPF.
- 11.4 It has also been demonstrated that the proposals would not have any significant impact upon either investment in centres, or the vitality and viability of existing centres, including both consumer choice and trade/turnover.
- 11.5 In the context of all of the above, the proposed development satisfies the sequential and impact tests, as set out in the NPPF and local plan Policy DM3.4.
- 11.6 In practice, the proposed development would also result in a range of benefits, to which significant weight should be attached in the determination of the application. These benefits include the creation of new, locally accessible employment opportunities, as well as enhancing the range of facilities serving local residents in this part of North Tyneside
- 11.7 In conclusion, the proposed development is in accordance with adopted local plan policies and is strongly supported by Government Policy, which encourages sustainable development which assists in the transition towards a low carbon future. For these reasons, the Council is requested to grant planning permission at the earliest opportunity.

Kirkwells

The Planning People

For more information on the contents of this document contact:

Claire Bradley
Kirkwells
Lancashire Digital Technology Centre
Bancroft Road
Burnley
Lancashire
BB10 2TP

01282 872570

clairebradley@kirkwells.co.uk