



**North Tyneside Council**

# Planning Committee

Monday, 26 July 2021

To be held on **Tuesday, 3 August 2021** in room Room 0.02, Quadrant, The Silverlink North, Cobalt Business Park, NE27 0BY **commencing at 10.00 am.**

<b>Agenda Item</b>	<b>Page</b>
<b>1. Apologies for absence</b>	
To receive apologies for absence from the meeting.	
<b>2. Appointment of substitutes</b>	
To be informed of the appointment of any substitute members for the meeting.	
<b>3. Declarations of Interest</b>	
You are invited to declare any registerable and/or non-registerable interests in matters appearing on the agenda, and the nature of that interest.	
You are also requested to complete the Declarations of Interests card available at the meeting and return it to the Democratic Services Officer before leaving the meeting.	
You are also invited to disclose any dispensation from the requirement to declare any registerable and/or non-registerable interests that have been granted to you in respect of any matters appearing on the agenda.	
<b>4. Minutes</b>	<b>5 - 8</b>
To confirm the minutes of the previous meeting held on 6 July 2021.	

Members of the public are welcome to attend this meeting and receive information about it. However, to ensure the meeting is held in a Covid secure manner, places for members of the public are limited. Please email [democraticsupport@northtyneside.gov.uk](mailto:democraticsupport@northtyneside.gov.uk) or telephone 0191 643 5359 if you wish to attend or require further information.

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<b>Agenda Item</b>	<b>Page</b>
5. <b>Planning Officer Reports</b>	<b>9 - 14</b>
To receive the attached guidance to members in determining planning applications and to give consideration to the planning applications listed in the following agenda items.	
6. <b>21/01029/FUL, Parking Bays Opposite, 50 And 50B, Bell Street, North Shields, Tyne And Wear</b>	<b>15 - 38</b>
To consider a full planning application from 55 Quay Limited for the proposed use of part of the parking area opposite The Quay Taphouse, River Cafe and Dodgins Yard, to be used as additional external seating for customers of these businesses.	
7. <b>21/01244/FULH, 14 Fairfield Drive, Cullercoats, Tyne And Wear, NE30 3AF,</b>	<b>39 - 48</b>
To consider a householder full planning application from Mrs Scott for a rear flat roof extension.	
8. <b>21/01028/FUL, Former Motor Hog, Wallsend Road, North Shields, Tyne And Wear, NE29 7FN</b>	<b>49 - 84</b>
To consider a full planning application from Mandale Construction Ltd, for the demolition of existing buildings and erection of 39 hybrid units for Use Class B2 and B8.	
9. <b>21/01341/FUL, Henson Motor Group, Benton Square Industrial Estate, Whitley Road, Benton, Newcastle Upon Tyne</b>	<b>85 - 108</b>
To consider a full planning application from the Agent Lichfields for the demolition of existing building and erection of a building for use as a builders' merchant. (storage, distribution, trade counter, offices and ancillary retail sales).	
10. <b>21/01595/FULH, 19 Havanna, Killingworth, Newcastle upon Tyne, NE12 5BL,</b>	<b>109 - 118</b>
To consider a householder full planning application from Mrs Erin Parker Leonard for a proposed single storey rear extension.	

**Circulation overleaf ...**

**Members of the Planning Committee:**

Councillor Ken Barrie  
Councillor Julie Cruddas  
Councillor Margaret Hall  
Councillor Chris Johnston  
Councillor John O'Shea  
Councillor Willie Samuel (Chair)

Councillor Trish Brady (Deputy Chair)  
Councillor Muriel Green  
Councillor John Hunter  
Councillor Frank Lott  
Councillor Paul Richardson

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## Planning Committee

**Tuesday, 6 July 2021**

Present: Councillor W Samuel (Chair)  
Councillors K Barrie, J Cruddas, M Green, M Hall,  
John Hunter, C Johnston, J O'Shea and P Richardson

Apologies: Councillors F Lott

### **PQ6/21 Appointment of substitutes**

There were no substitute members was reported.

### **PQ7/21 Declarations of Interest**

There were no declarations of interest or dispensations reported.

### **PQ8/21 Minutes**

**Resolved** that the minutes of the meeting held on 8 June 2021 be confirmed and signed by the Chair.

### **PQ9/21 Planning Officer Reports**

The Committee received guidance in relation to the principles of decision making when determining planning applications and then gave consideration to the planning applications listed in the following minutes.

### **PQ10/21 20/01572/FUL, The Grey Horse, Front Street, Camperdown**

The Committee considered a report from planning officers, in relation to a full planning application, together with an addendum circulated prior to the meeting from ESV Electrical Services for the Conversion of a public house into 7 apartments with 8 new build apartments – 15 apartments in total with associated parking.

A planning officer presented details of the application with the aid of various maps, plans and photographs.

Members of the Committee asked questions of officers and made comments. In doing so the Committee gave particular consideration to:

- a) the current and historical operation of the site.
- b) the relationship to surroundings and impact on the amenity of neighbouring dwellings.
- c) the design of the development and the impact to privacy.
- d) the current and historical use of open space that would be utilised by the

development.

- e) the impact to highway safety. A Member suggested a further safety measure to install a pedestrian crossing. Officers indicated that there was a crossing insight of the application but undertook to refer the suggestion to highway engineers for consideration.
- f) the impact of the operation of refuse collection activity.

**Resolved** that (1) the application be granted subject to  
i) an Agreement under Section 106 of the Town and Country Planning Act 1990 and ii) the addition, omission or amendment of any other conditions considered necessary.

(2) authorise the Head of Housing, Environment and Leisure to determine the application following the completion of the Section 106 Legal Agreement to secure the following;

-Affordable Housing (25%)

-Ecology and Biodiversity: £2, 925.00 towards mitigating impacts to Burradon Pond Local Wildlife Site (LWS) approx. 300m east of the site and connecting wagonway as a result of increased footfall/dog walking etc.

-Parks and Greenspaces: £7, 987.00 towards mitigating increased use of the adjacent areas of greenspace and nearby parks. Impact on local area and informal space from increased footfall.

-Equipped area for play: £10, 500.00 Increased pressure to equipped play sites in the vicinity of the development.

-Primary Education: £25, 000.00 towards increase in capacity in either existing or new provision.

-Employment and training: £7, 000 or one apprenticeship.

-Coastal Mitigation: £2, 265.00 towards coastal mitigation. Full amount to be paid prior to the commencement of the development.

(Reasons for decision: The Committee concluded that, having regard to the relevant policies contained in the Council's Local Plan 2017 and National Planning Policy Framework, the proposed development was acceptable in terms of the principle of the development, its impact on the character and appearance of the site and the surrounding area, the amenity of existing and future residents, highway safety and biodiversity).

#### **PQ11/21      21/00809/FUL, 7 Greenhills, Killingworth**

At the outset of considering this application, a Planning Officer who was a resident on the estate of the application site, left the meeting to safeguard any perception of influence to the Committee.

The Committee considered a report from the planning officers, in relation to a retrospective planning application, to remove a old fence that covered part of the property and erect a new fence enclosing existing open space with close boarded timber at 1800mm high.

A planning officer presented details of the application with the aid of various maps, plans and photographs.

Members of the Committee asked questions of officers and made comments. In doing so the Committee gave particular consideration to:

- a) the ownership of the land enclosed by the newly erected fence.

- b) the design, height, material and colour of the fencing.
- c) the precedent to further similar fencing applications on the estate and impact to highway safety.

**Resolved** that the application be refused.

(Reasons for decision: The Committee concluded that, having regard to the relevant policies contained in the Council's Local Plan 2017 and National Planning Policy Framework, the proposed development was refused in terms of its impact on visual amenity and highway safety).

**PQ12/21            21/00768/FUL, Unit 1, Locomotion Business Park, Camperdown Industrial Estate**

The Committee considered a report from planning officers, in relation to a full planning application, to demolition of existing industrial building, to make way for a new multi-unit commercial/light industrial building.

**Resolved** that (1) the application be granted subject to:

- i. an Agreement under Section 106 of the Town and Country Planning Act 1990 and
  - ii. the addition, omission or amendment of any other conditions considered necessary;
- and

(2) authorise the Head of Housing, Environment and Leisure to determine the application following the completion of the Section 106 Legal Agreement to secure a Travel Plan Monitoring Fee - £1, 250.00 (£250.00 per annum) for a period of five years.

(Reasons for decision: The Committee concluded that, having regard to the relevant policies contained in the Council's Local Plan 2017 and National Planning Policy Framework, the proposed development was granted in terms of the principle of the development, the impact on amenity, on character and appearance and highway safety).

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## PLANNING COMMITTEE

Date: 3 August 2021

### PLANNING APPLICATION REPORTS

#### **Background Papers - Access to Information**

The background papers used in preparing this schedule are the relevant application files the numbers of which appear at the head of each report. These files are available for inspection at the Council offices at Quadrant East, The Silverlink North, Cobalt Business Park, North Tyneside.

#### **Principles to guide members and officers in determining planning applications and making decisions**

##### Interests of the whole community

Members of Planning Committee should determine planning matters in the interests of the whole community of North Tyneside.

All applications should be determined on their respective planning merits.

Members of Planning Committee should not predetermine planning applications nor do anything that may reasonably be taken as giving an indication of having a closed mind towards planning applications before reading the Officers Report and attending the meeting of the Planning Committee and listening to the presentation and debate at the meeting. However, councillors act as representatives of public opinion in their communities and lobbying of members has an important role in the democratic process. Where members of the Planning Committee consider it appropriate to publicly support or oppose a planning application they can do so. This does not necessarily prevent any such member from speaking or voting on the application provided they approach the decision making process with an open mind and ensure that they take account of all the relevant matters before reaching a decision. Any Member (including any substitute Member) who finds themselves in this position at the Planning Committee are advised to state, prior to consideration of the application, that they have taken a public view on the application.

Where members publicly support or oppose an application they should ensure that the planning officers are informed, preferably in writing, so that their views can be properly recorded and included in the report to the Planning Committee.

All other members should have regard to these principles when dealing with planning matters and must avoid giving an impression that the Council may have prejudged the matter.

## Planning Considerations

Planning decisions should be made on planning considerations and should not be based on immaterial considerations.

The Town and Country Planning Act 1990 as expanded by Government Guidance and decided cases define what matters are material to the determination of planning applications.

It is the responsibility of officers in preparing reports and recommendations to members to identify the material planning considerations and warn members about those matters which are not material planning matters.

Briefly, material planning considerations include:-

- North Tyneside Local Plan (adopted July 2017);
- National policies and advice contained in guidance issued by the Secretary of State, including the National Planning Policy Framework, Planning Practice Guidance, extant Circulars and Ministerial announcements;
- non-statutory planning policies determined by the Council;
- the statutory duty to pay special attention the desirability of preserving or enhancing the character or appearance of conservation areas;
- the statutory duty to have special regard to the desirability of preserving a listed building or its setting or any features of special architectural or historic interest which it possesses;
- representations made by statutory consultees and other persons making representations in response to the publicity given to applications, to the extent that they relate to planning matters.

There is much case law on what are material planning considerations. The consideration must relate to the use and development of land.

Personal considerations and purely financial considerations are not on their own material; they can only be material in exceptional situations and only in so far as they relate to the use and development of land such as, the need to raise income to preserve a listed building which cannot otherwise be achieved.

The planning system does not exist to protect private interests of one person against the activities of another or the commercial interests of one business against the activities of another. The basic question is not whether owners and occupiers or neighbouring properties or trade competitors would experience financial or other loss from a particular development, but whether the proposal would unacceptably affect amenities and the existing use of land and buildings, which ought to be protected in the public interest.

Local opposition or support for the proposal is not in itself a ground for refusing or granting planning permission, unless that opposition or support is founded upon valid planning reasons which can be substantiated by clear evidence.

It will be inevitable that all the considerations will not point either to grant or refusal. Having identified all the material planning considerations and put to one side all the immaterial considerations, members must come to a carefully balanced decision which can be substantiated if challenged on appeal.

### Officers' Advice

All members should pay particular attention to the professional advice and recommendations from officers.

They should only resist such advice, if they have good reasons, based on land use planning grounds which can be substantiated by clear evidence.

Where the Planning Committee resolves to make a decision contrary to a recommendation from officers, members must be aware of their legislative responsibilities under Article 35 of the Town & Country Planning (Development Management Procedure) (England) Order 2015 (as amended) to:

When refusing permission:

- state clearly and precisely the full reasons for any refusal including specifying all the policies and proposals in the development plan relevant to the decision; or

When granting permission:

- give a summary of the reasons for granting permission and of the policies and proposals in the development plan relevant to the decision; and
- state clearly and precisely full reasons for each condition imposed, specifying all policies and proposals in the development plan which are relevant to the decision; and
- in the case of each pre-commencement condition, state the reason for the condition being a pre-commencement condition.

And in both cases to give a statement explaining how, in dealing with the application, the LPA has worked with the applicant in a proactive and positive manner based on seeking solutions to problems arising in relation to dealing with the application, having regard to advice in para.s 186-187 of the National Planning Policy Framework.

### Lobbying of Planning Committee Members

While recognising that lobbying of members has an important role in the local democratic process, members of Planning Committee should ensure that their response is not such as to give reasonable grounds for their impartiality to be questioned or to indicate that the decision has already been made. If however, members of Committee express an opinion prior to the Planning Committee this does not necessarily prevent any such member from speaking or voting on the application provided they approach the decision making process with an open

mind and ensure that they take account of all the relevant matters before reaching a decision. Any Member (including any substitute Member) who finds themselves in this position at the Planning Committee are advised to state, prior to consideration of the application, that they have taken a public view on the application.

#### Lobbying of Other Members

While recognising that lobbying of members has an important role in the local democratic process, all other members should ensure that their response is not such as to give reasonable grounds for suggesting that the decision has already been made by the Council.

#### Lobbying

Members of the Planning Committee should ensure that their response to any lobbying is not such as to give reasonable grounds for their impartiality to be questioned. However all members of the Council should ensure that any responses do not give reasonable grounds for suggesting that a decision has already been made by the Council.

Members of the Planning Committee should not act as agents (represent or undertake any work) for people pursuing planning applications nor should they put pressure on officers for a particular recommendation.

**PLANNING APPLICATION REPORTS  
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- 1 21/01029/FUL Tynemouth**  
**Parking Bays Opposite 50 And 50B Bell Street North Shields Tyne And  
Wear**  
Speaking rights requested -Keith Powell, 5 Water Front Apartments 42 - 49 Bell  
Street
- 2 21/01244/FULH Cullercoats**  
**14 Fairfield Drive Cullercoats Tyne And Wear NE30 3AF**  
Speaking rights requested -Mr Mark Dunston, 16 Silloth Place Cullercoats
- 3 21/01028/FUL Riverside**  
**Former Motor Hog Wallsend Road North Shields Tyne And Wear NE29 7FN**
- 4 21/01341/FUL Killingworth**  
**Henson Motor Group Benton Square Industrial Estate Whitley Road Benton  
NEWCASTLE UPON TYNE NE12 9SR**
- 5 21/01595/FULH Camperdown**  
**19 Havanna Killingworth NEWCASTLE UPON TYNE NE12 5BL**

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**Item No:** 1  
**Application No:** 21/01029/FUL  
**Date valid:** 13 April 2021  
**Target decision date:** 8 June 2021  
**Author:** Rebecca Andison  
**☎:** 0191 643 6321  
**Ward:** Tynemouth

Application type: full planning application

**Location: Parking Bays Opposite, 50 And 50B, Bell Street, North Shields, Tyne And Wear**

**Proposal: Proposed use of part of the parking area opposite The Quay Taphouse, River Cafe and Dodgins Yard, to be used as additional external seating for customers of these businesses. External seating is to provide socially distanced amenity space and will feature a roadside barrier and waiter/waitress table services (AMENDED DESCRIPTION AND PLANS AND ADDITIONAL INFORMATION).**

Applicant: 55 Quay Limited, Mr Paul Sample Parking Bays Opposite 50 And 51 Bell Street North Shields NE30 1HF

Agent: ALCC Limited, Mr Andy Laurie Rake House Farm Unit 12 Rake Lane North Shields NE29 8EQ

**RECOMMENDATION:** Application Refused

## **INFORMATION**

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

#### 1.0 Main Issues

1.1 The main issues for Members to consider are:

- whether the principle of the proposal is acceptable;
  - the impact on surrounding occupiers;
  - the impact on the character and appearance of the site and its surroundings;
- and
- the impact on highway and pedestrian safety.

#### 2.0 Description of the Site

2.1 The application site is located on the south side of Bell Street on North Shields Fish Quay. It comprises an area of hardstanding and measures 170 sqm in area.

2.2 On the north side of Bell Street are three food and drink outlets, namely The Quay Taphouse, River Cafe and Dodgin's Yard. Immediately to the west of

these premises are residential apartments within Waterfront Apartments. To the south of the site is Western Quay car park and beyond this is the River Tyne.

2.3 Until April 2021 the application site was used to provide permit parking for residents and pay and display parking for visitors. Since this time, it has been used to provide outside seating for the adjacent food and drink outlets. It was originally operating under the permitted development rights given by Part 4, Classes B and BA of the General Permitted Development Order which allow land to be used temporarily for up to 56 days per calendar year. This period has now been exceeded.

2.4 The site is located within the Fish Quay Conservation Area.

### 3.0 Description of the Proposed Development

3.1 Planning permission is sought to use the land on a permanent basis to provide external seating for customers of The Quay Taphouse, River Cafe and Dodgin's Yard.

3.2 The proposed seating area can accommodate up to 100no. customers and the proposed hours of use are from 10:00 to 21:00 daily. The area is currently enclosed by timer fencing. It is proposed to replace this with stainless steel post and wire fencing. Pole mounted string lights are also proposed. The proposal originally included portable toilet facilities, a pergola and parasols. These elements have been omitted and the plans updated.

### 4.0 Relevant Planning History

4.1 There is no planning history relevant to this proposal.

### 5.0 Development Plan

5.1 North Tyneside Local Plan 2017

### 6.0 Government Policy

6.1 National Planning Policy Framework (July 2021)

6.2 Planning Practice Guidance (As amended)

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

## **PLANNING OFFICERS REPORT**

### 7.0 Main Issues

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

- whether the principle of the proposal is acceptable;
- the impact on surrounding occupiers;



- the impact on the character and appearance of the site and its surroundings; and
- the impact on highway and pedestrian safety.

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

### 8.0 Principle of the Proposed Development

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

8.1 Paragraph 11 of NPPF introduces a presumption in favour of sustainable development, which amongst other matters states that decision makers should approve development proposals that accord with an up-to-date development plan without delay.

8.2 The NPPF (para.81) states that significant weight should be placed on the need to support economic growth and productivity, taking into account both local business needs and wider opportunities for development.

8.3 Policy DM1.3 of the Local Plan states that the Council will work pro-actively with applicants to jointly find solutions that mean proposals can be approved wherever possible that improve the economic, social and environmental conditions in the area through the Development Management process and application of the policies of the Local Plan. Where there are no policies relevant to the application, or relevant policies are out of date at the time of making the decision, then the Council will grant permission unless material considerations indicate otherwise.

8.4 Policy S1.4 states that proposals for development will be considered favourably where it can be demonstrated that they would accord with the strategic, development management or area specific policies of this Plan. Should the overall evidence based needs for development already be met additional proposals will be considered positively in accordance with the principles for sustainable development.

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

8.6 Policy AS8.12 states that the Council will support the continuation and further development of the Fish Quay and New Quay as a characterful, vibrant mixed-use area by:

- a. Supporting suitable residential developments in those areas shown on the Policies Map;
- b. Giving priority to fishing industry related employment uses in those areas shown on the Policies Map, unless alternative proposals can demonstrate that they would not:
  - i. Result in the unacceptable loss of operating fishing industry related businesses and jobs

- ii. Result in an excessive reduction in the supply of land for development of fishing industry related employment uses; and,
- iii. Have an adverse impact upon the amenity and operation of neighbouring properties and businesses;
- c. Protecting those areas of green space within the area, as shown on the Policies Map;
- d. Encouraging suitable recreation and tourism uses, especially around the Clifford's Fort area;
- e. Supporting a mix of other uses, such as appropriate small retail premises and small to medium sized businesses;
- f. Seeking improvements to access and linkages to the area, especially from North Shields town centre; and
- g. Ensuring all new development is built to the highest quality design that respects the area's special character.

8.7 The Fish Quay Neighbourhood Plan 2013 states that the area is considered to be suitable for a mix of development that includes existing businesses, along with small new business (e.g. independent shops and professional services, cafes, restaurants, offices and tourism related business) and residential developments. It recognises the importance of the retail and restaurant/public house segment of the FQNP economy, but also the importance of preventing additional disturbance that may arise from late night pub and club uses.

8.8 The site comprises an area of hardstanding previously used to provide 16no. parking spaces. Under Policy AS8.12 of the Local Plan it is identified as suitable for part fishing related employment use and part leisure, tourism and public open space.

8.9 Policy AS8.12 and the Fish Quay Neighbourhood Plan 2013 encourage a mix of uses within the area. There are many food and drink uses on the Fish Quay, some of which include outside seating, and the proposal would not therefore be out of keeping.

8.10 The importance of supporting economic growth and needs of businesses is set out within the NPPF and the above Local Plan Policies. This need is of even greater importance following the Covid 19 pandemic, particularly for businesses within the hospitality sector, and this has been made clear by the Government through recent legislative changes including the Business and Planning Act (July 2020).

8.11 The principle of the proposal is considered to accord with the above policies given that it would support existing businesses and help secure economic growth. However, for the proposed use to be acceptable it must also be assessed in terms of the impact on the amenity of the surrounding occupiers, the character of the conservation area and highway/pedestrian safety. These issues are discussed below.

#### 9.0 Impact on Neighbouring Occupiers

9.1 NPPF paragraph 185 states that planning 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 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.

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

9.3 DM5.19 states that 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 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 Policy DM6.1 of the Local Plan states that proposals are expected to demonstrate a positive relationship to neighbouring buildings and spaces; a safe environment that reduces opportunities for crime and antisocial behaviour; and a good standard of amenity for existing and future residents and users of buildings and spaces.

9.5 The site is located in an area which contains both residential and commercial properties. There are residential properties within Riverside Apartments, which are located less than 10m from the western end of the site, and further residential properties above commercial premises to the east and within Quayside Court to the west.

9.6 A significant number of public comments have been received regarding this application both in support of and objecting to the proposal. The majority of residents who have written in support of the proposal live outside the immediate area, while the majority of objectors live in close proximity to the site. Local residents have raised concern regarding the impact the outside seating has on their standard of living due to additional noise disturbance and anti-social behaviour. Northumbria Police have also submitted comments. Their initial comments raise concern regarding anti-social behaviour associated with the portable toilet facilities, highway and pedestrian safety and the potential for anti-social behaviour to result in increased complaints from local residents. Their later comments raise additional concerns regarding customers jumping into the River Tyne.

9.7 In response to these concerns the applicant has removed the portable toilets facility from the proposal. Information has been submitted to demonstrate that there is adequate toilet provision within the existing premises to cater for the additional seats. A Noise Impact Assessment has also been submitted.

9.8 The Manager of Environmental Health has reviewed the Noise Assessment and provided comments. She states that the noise levels used in the assessment do not represent the actual noise levels experienced by residents of Waterfront Apartments, and that the actual levels would border statutory nuisance when compared to the ambient noise levels. She advises that the report does not consider the sporadic and distinctive nature of the noise, which includes raised voices, shouting and singing. She also notes that on one occasion music was played by customers.

9.9 The Noise Assessment determines that internal noise levels in adjacent residential properties would be slightly elevated above World Health Organisation community noise guidelines for internal noise with an open window. However, Environmental Health noise monitoring at Waterfront Apartments has shown that that voices of customers gave rise to noise levels peaking up to 68 dB internally with the patio door partially open, with overall noise levels from loud voice ranging between 45 to 55 dB. The LAeq 1 hour internally was in the region of 51 dB, significantly higher than the 36-38 dB LAeq 1 hour predicted within the Noise Assessment.

9.10 The Manager of Environmental Health considers that it would be difficult to mitigate noise arising from customer voices, singing, cheering, whistling and shouting. She notes that ambient noise levels in the area are already elevated by patrons of other licensed premises but considers that the proposal further exacerbates existing noise levels and the degree of disturbance suffered by residents. She recommends that planning permission should be refused.

9.11 NPPF Paragraph 180 states that any new development should avoid noise giving rise to significant adverse impacts on health and the quality of life, and Policy DM5.19 states that potentially polluting development should not be sited near to sensitive areas unless satisfactory mitigation measures can be demonstrated.

9.12 In this case noise monitoring carried out by Environmental Health Officers has shown that noise from the development results in a significant loss of amenity and reduced standard of living for nearby residents. It is officer opinion that due to the nature of the development it is not possible to mitigate this noise to an acceptable level. It is considered unreasonable for residents to have to close windows and doors to mitigate against noise, especially on warm summer evenings when the seating area use is likely to be busier.

9.13 The concerns raised regarding anti-social behaviour are noted. Designing out crime is a material consideration and Policy DM6.1 states that development should be designed to reduce opportunities for crime and anti-social behaviour. It is not considered that the design of the proposed seating area would result in any increase in anti-social behaviour given that the area is open and the portable toilet facility has been omitted. There are already areas of outside seating along the Fish Quay and there is no evidence to suggest that the proposal would have any greater impact than these existing areas. As set out above the general increase in noise and disturbance is considered to be harmful to residents and, in officer opinion, unacceptable. However, it is not considered that a refusal on grounds of increased anti-social behaviour would be justifiable.

9.14 Northumbrian Police and residents have also raised concern regarding customers jumping into the River Tyne. The quayside is open, and this is already a risk due to the proximity of the numerous drinking establishments along the Fish Quay to the river. While the proposed seating area is closer to the river, it is not considered that the additional safety risk posed by the development would be significant.

9.15 Members need to consider whether the impact on existing occupiers is acceptable. It is officer opinion that the impact of the proposal on the living conditions of existing residents is not acceptable and that the development fails to comply with the NPPF and Policy DM5.19 of the Local Plan.

#### 10.0 Design and Impact on the Streetscene

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

10.2 Par.199 of NPPF states that when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation (and the more important the asset, the greater the weight should be). This is irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to its significance.

10.3 Para.200 states that any harm to, or loss of, the significance of a designated heritage asset (from its alteration or destruction, or from development within its setting), should require clear and convincing justification.

10.4 Where a proposed development will lead to substantial harm to (or total loss of significance of) a designated heritage asset, local planning authorities should refuse consent, unless it can be demonstrated that the substantial harm or total loss is necessary to achieve substantial public benefits that outweigh that harm or loss. Where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal including, where appropriate, securing its optimum viable use. (NPPF para.201-202).

10.5 At paragraph 206 of the NPPF it states:

"Local planning authorities should look for opportunities for new development within conservation area....and within the setting of heritage assets to enhance or better reveal their significance."

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

10.7 Policy S6.5 states that the Council aims to pro-actively preserve, promote and enhance its heritage assets.

10.8 Policy DM6.6 states that the alteration, extension or restoration of heritage assets, and development that affect their settings, will be permitted where it sustains, conserves and, where appropriate, enhances the significance, appearance, character and setting of heritage assets in an appropriate manner. As appropriate, development will conserve built fabric and architectural detailing that contributes to the heritage asset's significance and character; repair damaged features or reinstate missing features that contribute to the asset's significance; and remove additions or modifications that are considered harmful to the significance of the heritage asset. Any development proposal that would detrimentally impact upon a heritage asset will be refused permission, unless it is necessary for it to achieve wider public benefits that outweigh the harm or loss to the historic environment and cannot be met in any other way.

10.9 The Design Quality SPD applies to all planning applications that involve building works. It states that all extensions must offer a high quality of accommodation and design that will sustain, enhance and preserve the quality of the built and natural environment. The SPD encourages innovation in the design and layout and contemporary and bespoke architecture. The chosen design approach should respect and enhance the quality and character of the area and contribute towards creating local distinctiveness. Applicants should also consider how the design reinforces the character or distinctiveness of an area. Positive features within the local area should be used as design cues that can then be interpreted in a traditional or contemporary manner.

10.10 The Fish Quay Neighbourhood Plan 2013 sets out a series of objectives for the area. These include providing an environmentally, socially and economically sustainable future for the area for residents, business and visitors; protecting and enhancing the conservation area and historic environment; and adding vitality to the area by encouraging the development of appropriate retail and small to medium sized businesses.

10.11 The New Quay and the Fish Quay Conservation Areas Character Statement demonstrates a commitment to positive action for safeguarding and enhancing the character of the conservation area.

10.12 The application site comprises a cobbled area with steps at the rear. Its boundaries are open, allowing clear views across to the river. It is proposed to enclose the area with 1.2m stainless steel post and wire fencing and sections of hedging.

10.13 The Planning Policy Officer (Heritage and Design) has provided comments. He states that amendments have been made in response to his initial comments. The portable toilets and other features over 120cm in height have been omitted and the boundary treatments and been amended. He considers that the revised plans address his previous concerns and that the revised scheme is acceptable.

10.14 There are several outside seating areas on the Fish Quay and the proposal would not therefore appear out of keeping with its existing character. However, as these seating areas are located on the landward side of Bell Street adjacent to the buildings, they are not as prominent as the proposal, which is positioned on open land between the highway and the river. The seating area is of a considerable size with the potential to impact on the streetscene, the character of the conservation area and views of and from the river.

10.15 Amendments have been made to reduce the prominence of the development and the amended boundary treatment, which comprises stainless steel post and wire fencing, allows clear views through the site to the river. The visual impact of the proposal would be limited to the area immediately surrounding the site and the nature of the proposal means that the structures could be easily removed in the future, leaving no permanent impact. The area was previously used for parking, as is the land between the site and the river. It is not considered that the visual impact of the proposal would be significantly greater than that of the previous use.

10.16 Taking into account the amendments that have been made, on balance, it is officer opinion that the impact on the streetscene and conservation area is acceptable.

10.17 If planning permission were given a condition would be required to control any signage and additional furniture.

10.18 It is officer opinion that the development accords with the NPPF, Local Plan and the Fish Quay Neighbourhood Plan SPD. Members must consider whether they agree.

#### 11.0 Highway and Pedestrian Safety

11.1 NPPF states that transport issues should be considered from the earliest stages of plan-making and development proposals. It states that significant development should be focused on locations which are or can be made sustainable, through limiting the need to travel and offering a genuine choice of transport modes.

11.2 All developments that will generate significant amounts of movement should be required to provide a travel plan, and the application should be supported by a transport statement or transport assessment so that the likely impacts of the proposal can be assessed.

11.3 Paragraph 111 of NPPF states that development should only be prevented or refused on transport grounds if there would be an unacceptable impact on highway safety, or where the residual cumulative impacts of development are severe.

11.4 Local Plan Policy DM7.4 New Development and Transport 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.

11.5 The Council's adopted parking standards are set out in the Transport and Highways SPD.

11.6 The proposal results in the loss of 16no. parking spaces and introduces an area of seating directly adjacent to the public highway.

11.7 Concerns have been raised by local residents and Northumbria Police regarding the potential for customers to spill onto the highway when intoxicated, and the need for staff and customers to cross the highway to serve food/drink and to access facilities within the existing food and drink outlets.

11.8 A Road Safety Audit has been submitted to assess the impact on highway and pedestrian safety, and the proposal has been amended in response to the recommendations made by the audit. Two sections of hedging have been removed at the western end of the seating area to increase the visibility lines for pedestrians crossing Bell Street and a central buffer zone has been added to provide a customer waiting area.

11.9 The Highway Network Manager has reviewed the assessment and provided comments. In respect of the loss of parking he advises that the proposal would result in the loss of a relatively small number of parking spaces and that there is sufficient parking in the wider area to meet the needs of the Fish Quay. He states that planning permission should be given on a temporary basis only given that parking pressures may change over time. The Highway Network Manager does not consider that the temporary loss of the parking spaces would have a severe impact on the highway network.

11.10 With regards to the impact on pedestrian safety the Highway Network Manager states that a Road Safety Audit has been submitted and improvements made to the original layout to increase pedestrian visibility, limit crossing points and provide protection from vehicles. The Highway Network Manager considers that the impact on pedestrian safety is acceptable.

11.11 The concerns raised by residents and Northumbria Police are noted and it is acknowledged that the proposal will lead to increased numbers of people crossing Bell Street. However, measures are proposed to increase the safety of staff and customers and it is noted that pedestrians already cross Bell Street between the numerous food/drink outlet and the quayside and parking opposite.

11.12 On balance the impact on the highway network and pedestrian safety is considered to be acceptable and in accordance with the NPPF and Policy DM7.4.

## 12.0 Ecology

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



12.2 Paragraph 180 of NPPF states that when determining planning application that if significant harm to biodiversity cannot be avoided, or as a last resort compensated for, then planning permission should be refused.

12.3 Local Plan Policy S5.4 states that the Borough's biodiversity and geodiversity resources will be protected, created, enhanced and managed having regard to their relative significance. Priority will be given to:

- a. The protection of both statutory and non-statutory designated sites within the Borough, as shown on the Policies Map;
- b. Achieving the objectives and targets set out in the UK Post-2010 Biodiversity Framework and Local Biodiversity Action Plan;
- c. Conserving, enhancing and managing a Borough-wide network of local sites and wildlife corridors, as shown on the Policies Map; and
- d. Protecting, enhancing and creating new wildlife links.

12.4 Policy DM5.5 of the Local Plan states that all development proposals should:

- a. Protect the biodiversity and geodiversity value of land, protected and priority species and buildings and minimise fragmentation of habitats and wildlife links; and,
- 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.

Proposals which are likely to significantly affect nationally or locally designated sites, protected species, or priority species and habitats (as identified in the BAP), identified within the most up to date Green Infrastructure Strategy, would only be permitted where:

- d. The benefits of the development in that location clearly demonstrably outweigh any direct or indirect adverse impacts on the features of the site and the wider wildlife links; and,
- e. Applications are accompanied by the appropriate ecological surveys that are carried out to industry guidelines, where there is evidence to support the presence of protected and priority species or habitats planning to assess their presence and, if present, the proposal must be sensitive to, and make provision for, their needs, in accordance with the relevant protecting legislation; and,
- f. For all adverse impacts of the development appropriate on site mitigation measures, reinstatement of features, or, as a last resort, off site compensation to enhance or create habitats must form part of the proposals. This must be accompanied by a management plan and monitoring schedule, as agreed by the Council.

Proposed development on land within or outside a SSSI likely to have an adverse effect on that site would only be permitted where the benefits of the development clearly outweigh both the impacts that it is likely to have on the features of the site that make it of special scientific interest and any broader impacts on the SSSI national network.

12.5 Local Plan Policy DM5.6 states that proposals that are likely to have significant effects on features of internationally designated sites, either alone or in-combination with other plans or projects, will require an appropriate

assessment. Proposals that adversely affect a site's integrity can only proceed where there are no alternatives, imperative reasons of overriding interest are proven and the effects are compensated.

12.6 Policy DM5.7 states that 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.

12.7 The site is located within a wildlife corridor but is occupied by hardstanding and therefore has little ecological value. The Biodiversity Officer has provided comments. She states that she has no objection to the proposal given that it would not have any adverse ecological impact. To enhance the wildlife corridor as required by Policy DM5.7 she recommends that bird and bat boxes are provided on the adjacent buildings. She also recommends conditions in respect of a litter management strategy and external lighting,

12.8 Subject to these conditions it is officer advice that the impact on ecology is acceptable and in accordance with the NPPF and Policies DM5.5, DM5.6 and DM5.7 of the Local Plan.

### 13.0 Local Financial Considerations

13.1 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 would help to support an existing business and retain jobs.

### 14.0 Conclusions

14.1 The proposal would support existing business and help to secure economic development in accordance with the NPPF. It is officer advice that the proposed development is acceptable in terms of principle, the character of the conservation area and in respect of highway and pedestrian safety. However, the development is considered to have an unacceptable impact on residential occupiers as a result of additional noise disturbance. There is no means to mitigate this impact and as such the proposal fails to comply with the NPPF and Policy DM5.19 of the Local Plan.

14.2 The need to support existing business has been taken into account but in officer opinion this is not sufficient reason to justify a development that would result in significant harm to the living conditions of residents.

14.3 It is therefore recommended that planning permission is refused.

**RECOMMENDATION:      Application Refused**

## **Conditions/Reasons**

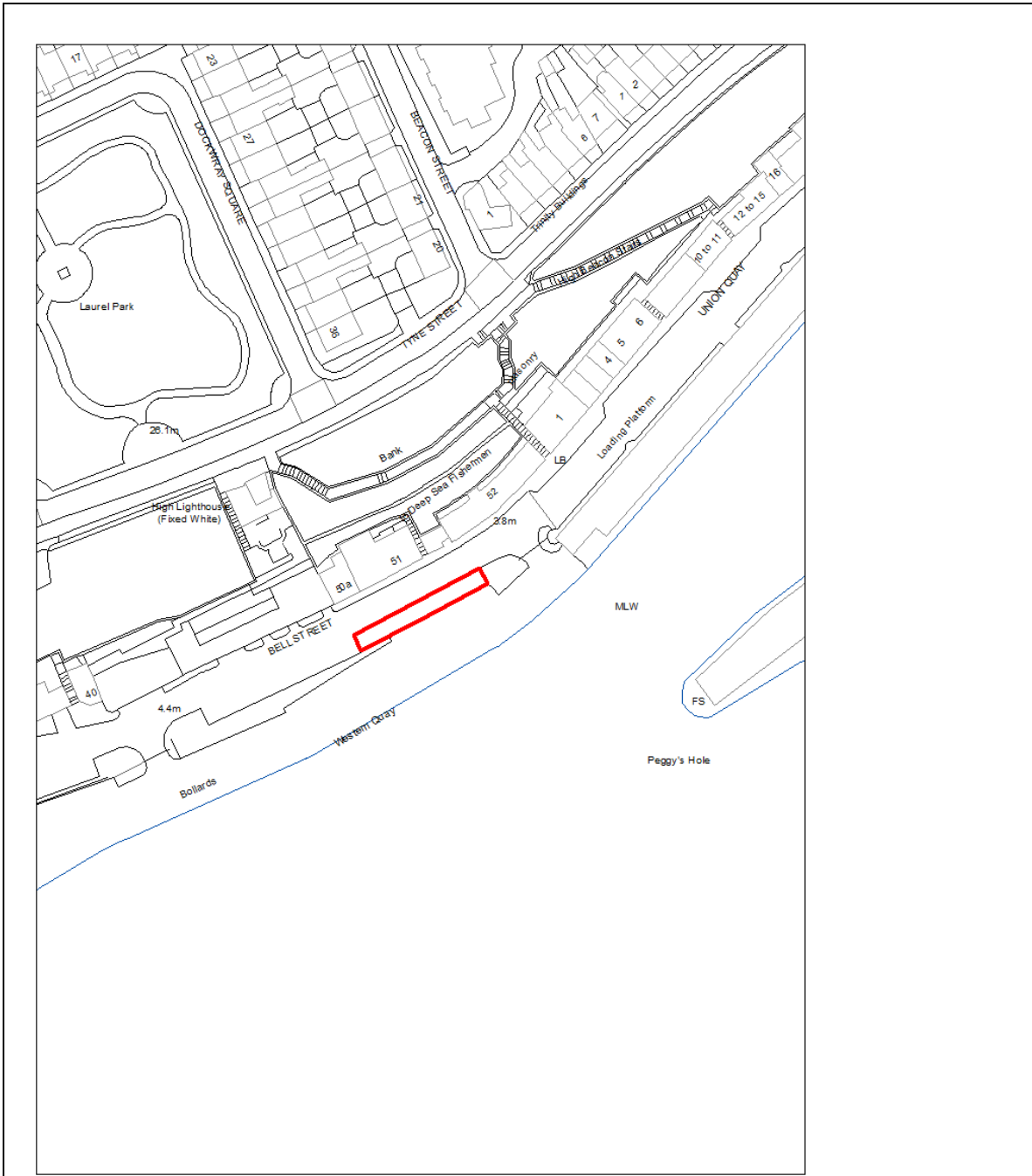
1. The proposal would lead to an unacceptable increase in noise and disturbance resulting in significant harm to the amenity of surrounding residential occupiers; contrary to the NPPF and Policies S1.4 and DM5.19 of the North Tyneside Local Plan 2017.

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

The proposal would not improve the economic, social and environmental conditions of the area nor does it comply with the development plan and therefore does not comprise sustainable development. There were no amendments to the scheme, or conditions which could reasonably have been imposed, which could have made the development acceptable and it was not therefore possible to approve the application. The Local Planning Authority has therefore implemented the requirements in Paragraph 38 of the National Planning Policy Framework.

## **Informatives**

All features should be fixed in position and any electrical points set at a height so as to not to be impacted by flooding from the River Tyne.



**Application reference: 21/01029/FUL**

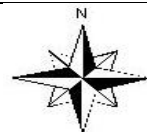
**Location: Parking Bays Opposite, 50 And 50B, Bell Street, North Shields**

**Proposal: Proposed use of part of the parking area opposite The Quay Taphouse, River Cafe and Dodgins Yard, to be used as additional external seating for customers of these businesses. External seating is to provide socially distanced amenity space and will feature a roadside barrier and waiter/waitress table services**

Not to scale

Date: 22.07.2021

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**Consultations/representations**

1.0 Internal Consultees

1.1 Highway Network Manager

1.2 This application is for the proposed use of part of the parking area opposite The Quay Tap house, River Cafe and Dodgins Yard, to be used as additional external seating for customers of these businesses.

1.3 There are two main issues to consider when determining this application on highway grounds:

1.4 Loss of parking:

The Fish Quay has undergone significant transformation in recent years with a number of leisure uses emerging in the area. Whilst this proposal results in the loss of a relatively small number of parking spaces, the wider parking offer in the area is considered to be adequate to meet the needs of the Fish Quay and the temporary loss of these spaces is not considered to be severe in line with guidance in the National Planning Policy Framework, however this permission could only benefit from a temporary approval, as pressures on parking may change as the area evolves.

1.5 Pedestrian safety:

A Road Safety Audit (RSA) was required and as subsequently carried out by the applicant. Improvements were made to the original layout which included removing two sections of hedge to increase pedestrian visibility and including a central buffer zone in which no seating is present for a safe, off-road waiting area, with a chicane of stainless steel posts with horizontal wires, as protection from passing vehicles. In terms of pedestrian's crossing Bell Street, it is noted that it is an existing situation and that when the area was being utilised as parking spaces, pedestrians were crossing the road from between parking vehicles. This proposal limits the crossing points and feature wires in order to maximise visibility.

1.6 For these reasons and on balance, temporary approval is recommended.

1.7 Recommendation – Conditional Approval

1.8 Conditions:

Notwithstanding the details submitted, the development shall not be occupied until a means of securing the proposed coverings to address the risk of high winds lifting them onto the operational highway has been submitted to and approved in writing by the Local Planning Authority. This scheme shall be implemented in accordance with the agreed details and retained thereafter.  
Reason: In the interests of highway safety

Notwithstanding the details submitted, the development shall not be occupied until a scheme for safely servicing the site and preventing staff & customers

conflicting with adjacent traffic has been submitted to and approved in writing by the Local Planning Authority. This scheme shall be implemented in accordance with the agreed details and retained thereafter.

Reason: In the interests of highway safety

The use hereby permitted shall be discontinued on or 01 March 2022

Reason: In the interests of the long term parking management of the wider Fish Quay area

#### 1.9 Informatives:

I12 - Contact ERH Erect Scaffolding on Rd

I13 - Don't obstruct Highway, Build Materials

I46 - Highway Inspection before dv/pt

#### 2.0 Manager of Environmental Health (Pollution)

2.1 The premises are located in an area that has residential properties adjacent to the site at Waterville Apartments and I would be concerned about potential noise impacts of this development on the residential apartments. There are already existing limited external seating areas provided at the restaurants. This additional seating area will subject the residential premises to increased levels of distinctive and sporadic noise from crowds using the seated area which will be difficult for premises to control particularly as not in within close proximity to the premises. Complaints are frequently received by Environmental Health regarding customer noise from similar premises and are being received from its current use.

2.2 I have viewed the noise assessment for the development. I disagree with the noise levels utilised in the predictions as they do not represent the actual noise exposure levels currently experienced by residents within the Waterfront apartments and I consider would border statutory nuisance when compared to general ambient noise in area. The noise levels detailed within the report have been calculated over a 1 hour period based on 100 customers occupying the seating area. Nuisance would consider the sporadic and distinctive nature of the noise. The noise issues experienced related to raised voices, shouting and singing. The noise assessment has considered community noise guideline values which considers annoyance from anonymous traffic noise. This assessment therefore is comparing values from anonymous traffic noise rather than distinctive noise from people. The noise assessment has determined that the internal noise levels will be just slightly elevated above the World Health Organisation community noise guidelines for internal noise based on open window, with ESR2 given as 38 dB LAeq 1 hr and ESR1 and ESR3 calculated as 36 dB LAeq 1hr. Environmental Health have carried out noise monitoring at ESR 1 residential apartments at the Water Front Apartments. The internal noise monitoring carried out at the Waterfront Apartments has shown that voices of customers gave rise to noise levels peaking up to 68 dB, internally, with patio door partially open, and overall noise levels from loud voice ranged between 45-55 dB and LAeq 1 hour internally was in the region of 51 dB, suggesting noise levels at the facade will be significantly higher than those outlined within the noise assessment.

2.3 The real time noise monitoring has shown that it will be difficult to mitigate noise from customer voices. The voices were elevated with evidence of customers singing, cheering, whistling and shouting. There was also one occasion where customers using the seating area were playing loud music and the noise monitoring data would suggest that it would be difficult for the applicant to control the volume of noise from patrons using this area. The noise report indicates that the ambient noise level within the area will already be elevated from patrons of the other licensed premises. I would agree with this statement, however if planning consent is given for this seating area this will exacerbate the noise levels in the area resulting in more noise disturbance for local residents. Occupants from the adjacent residential apartments should not be obliged to have to close windows and doors to mitigate against patron noise from this area, especially on warm summer evenings when the seating area use is likely to be busier.

2.4 The proposed use of 1.2m high fencing around the seating area will provide no or limited acoustic screening of customer voices or amplified music played within the area. The use of external lighting around the seating area will extend its use during the hours of dusk. NPPF Paragraph 180 states that any new development should mitigate and reduce to a minimum potential adverse impacts resulting from noise from new development and avoid noise giving rise to significant adverse impacts on health and the quality of life. I continue to have concerns that if this development is given planning consent then the noise from customers using the seating area will give rise to significant adverse impacts for neighbouring residents. There will be additional noise from the increased seating and external space from customers who in crowds will have raised voices particularly when it is predominantly used as a drinking area serving the licensed premises, I would therefore recommend refusal of this planning application as the proposed external seating area will give rise to significant adverse impacts and affect the amenity of neighbouring residential properties.

### 3.0 Local Lead Flood Authority

3.1 I have carried out a review of the proposals in the application 21/01029/FUL, I can confirm I do not have any concerns over these proposals. This area does suffer from fluvial flooding from the River Tyne so I would advise the applicant will need to consider the impact flooding will have in this area and that all features are fixed in position and any electrical points for the proposed lighting features are set at a height as to not to be impacted by flooding from the River Tyne. I would also advise that all features must be positioned as to not restrict access into the existing manhole chambers, highway gullies and slot drainage channel located within the highway.

### 4.0 Biodiversity Officer

4.1 The above scheme is for the use of part of the existing car parking area opposite The Quay Taphouse, River Cafe and Dodgin's Yard to be used as additional external seating for these businesses. The site is located within a wildlife corridor and is adjacent to the River Tyne Local Wildlife Site.

4.2 I have no objection to this application as the conversion of car parking spaces to external seating associated with the adjacent businesses will not have an adverse ecological impact.

4.3 However, the site is within a wildlife corridor and would need to demonstrate how it will enhance the corridor as part of the scheme. There appears to be little opportunity for landscaping associated with the scheme, therefore, I would, recommend the provision of bird and bat boxes on the buildings of the businesses associated with this scheme.

4.4 It is not clear whether lighting will be required for this scheme. This has the potential to impact adjacent habitats such as rivers which can provide valuable habitat for foraging and commuting bats. It is acknowledged that the site is located in a built up industrial area with existing lighting, however, the scheme is within 20m of the River Tyne and adjacent to the River Tyne LWS, therefore, any lighting associated with the scheme should be low level and low lux to minimise light spill.

4.5 In addition, in order to ensure that the provision of an external seating area does not contribute to and increase litter issues, particularly so close to the River Tyne, it is recommended that a condition is attached to the application for a Litter Management Strategy to be submitted for approval to ensure there is no pollution of the estuarine environment.

#### 4.6 Conditions

- A Litter Management Strategy will be submitted to the LPA for approval prior to use of the external seating area
- External lighting will be low level and low lux, avoiding use of high intensity security lighting. Details of lighting will be submitted to the LPA for approval prior to installation.
- 2no. bird boxes will be provided in a suitable location associated with the development site. Details of bird box specification and locations must be submitted to and approved in writing by the Local Planning Authority within 4 weeks of development commencing on site and will be installed in accordance with the approved plans.
- 1no. bat box will be provided in a suitable location associated with the development site. Details of bat box specification and location must be submitted to and approved in writing by the Local Planning Authority within 4 weeks of development commencing on site and will be installed in accordance

### 5.0 Heritage and Design

5.1 Following comments made on 6th May 2021, revised plans and further information has been submitted. The portable toilet facilities have now been removed. Other features over 1200mm high have also been removed to avoid the area being overly dominant within the street scene and to maintain views of the River Tyne.

5.2 Boundary treatments have been amended and are now proposed to be stainless steel posts with wire rope railings. This would be a contemporary boundary treatment which allows views through them.

5.3 There are some areas of landscaping identified, although the detailed appearance of these areas is unclear.



5.4 Overall, the revised plans address the previously identified concerns and the revised scheme is acceptable. The detailed design of the landscape areas should be conditioned to ensure they contribute towards the character and appearance of the area.

## 6.0 External Consultees

### 7.0 Northumbria Police (response to original consultation)

7.1 Northumbria Police have a number of comments around this application:

- We do have concerns around intoxicated people crossing Bell Street from the seating area to the three bars and vice versa. Alcohol can reduce the ability to make coordinated decisions, make people react more solely and can lead to a reduction in concentration, therefore potentially making those who are intoxicated and crossing Bell Street vulnerable.
- We can see the portable toilet facilities becoming an issue for anti-social behaviour on busy nights, especially if sufficient are not provided, which in turn could lead to persons using the artificial hedges to urinate against.
- As there are a number of residential dwellings in close proximity of the proposed application, we can envisage an increase in calls to Police, especially around ASB.

### 7.2 Northumbria Police (response to 2<sup>nd</sup> consultation)

7.3 Our formal observations regarding this amended application are included below.

1. Since our previous response we have been made aware of at least one incident whereby several customers from the Beer Garden have jumped into the Tyne. You will appreciate that as a tidal river this sort of behaviour is very risky and in recent years there have been notable fatalities. We are therefore cautious of development that brings intoxicated people even closer to the water's edge particularly when the relevant licensed premises is across a roadway from the hazard.
2. Since our previous response we have been approached by Tyne & Wear Fire & Rescue Service to join with them to develop a more robust approach to water safety assessment and response on developmental sites alongside Tidal rivers in our Force Area. This work stems from an approach taken by the Port of London a copy of which I attach for Planning information.
3. The intention to provide toilet facilities in the Beer garden area has now been removed from the plan and we would therefore stress once again our concerns regarding the safety of people crossing and re-crossing the road, which sadly we aren't convinced is adequately addressed by the internal one way system.
4. The expressed plan for this to be a form of Family Zone is undoubtedly well intentioned but this in of itself creates additional stress on the lack of onsite toilet facilities and a potential increase of foot traffic crossing the road. We consider that is serious enough to require a wholesale re-design of the crossing facilities and the road lighting scheme in Bell Street.
5. We note that the agent stresses that the facility would not be in use after 9pm, which we welcome, but the provision of lighting would suggest that there would

be an intention to use it into hours of darkness. It may be more in keeping to restrict the operating hours to normal shop opening times.

6. Our final point is a more generic observation regarding a developing phenomenon, we have noted since the lifting of lockdown that behaviours in outside licensed premises is becoming more challenging, and there appears to be a social shift in the Night Time Economy, which may turn out to be temporary, that sees an increase in local drinkers rather than them travelling to the more traditional city centre venues. This is of a concern to Northumbria Police.

7.4 In conclusion, we recognise the desirability of extending the footprint of a public house and the role that has in the viability of the business in the current atypical times, but we would ask at what cost to residential amenity and increase risk to people using the area. We are therefore sceptical about the proposal and with due consideration of the Neighbourhood Plan we consider that the nature of the application is neither desirable or in keeping with the Supplementary Planning Document for the Fish Quay area.

### 8.0 Port of Tyne

8.1 The area within this application is jointly owned by the Port of Tyne and North Tyneside Council; in an area currently leased to the North Shields Fish Company.

8.2 Currently the area is not used operationally by either the Port or Fish Quay and therefore in principle the Port has no objections to the application. However, the Port wish to make the following points for consideration:

- The applicant has completed this development without advising or requesting permission of us as landlord.
- Ownership of this area may be the Port of Tyne but also maybe North Tyneside Council. The title deeds are not clear.
- Concerns over this being a piecemeal bit of development ahead of a more strategic piece of work for Western Quay and the wider area.
- H&S concerns over serving this area over an adopted highway.

### 9.0 Folks Interested in Shields harbour (FISH)

9.1 FISH would like to have their objection to this application noted and would request that this application be rejected.

1. The proposal does not meet the aspirations of the Local Neighbourhood Plan. We already have more than enough bars, eateries, drinks outlet on the Fish Quay, which are slowly changing and disturbing the character of the area. The noise, mess and anti-social behaviour of some of those using the existing facilities is getting unacceptable.

2. The Fish Quay was envisioned as a mixed retail area, to support local businesses, residents and visitors. If it is allowed to become a one offering area, namely food and drinks, this will more than likely cause the area to suffer, which will impact on the possible upcoming developments being planned. For example, who will want to get off the ferry surrounded by unsavoury behaviour, will visitors be able to get on to the quay side if the already restricted parking areas are further reduced.

3. Parking is already in short supply, as well as access along the quayside. This will not help or improve matters with customers and staff lining the edges of the street and crossing the road to server customers.

4. Allowing seating on the pavements was not meant to be a full-time solution. As a stop gap during COVID, maybe, but not as a full-time feature.

5. The new housing development is also suffering, rowdy people sitting across the road from your new home, the noise and constant visibility to drinkers will inhibit any desire to spend time out on your balcony.

6. The Fish Quay Company has plans to improve and develop the quayside, this area is part of 'The Port of Tyne' and not land suitable for retail offerings and has already been allocated as part of reduced parking arrangements. It would be a tragic blow if this application were to lead to the future possibility of the erection of barriers to prevent access to the quayside due to people's behaviour, it getting too crowded, or health and safety issues.

9.2 Allowing developments like this to be approved before all details and offerings likely for the Master Local Plan are known is likely to cause further problems further down the track when conflicts with intention and existing usages begin. This application should be rejected.

## 10.0 Representations

10.1 A total of 25no. objections have been received. 16no. of these were in response to the original consultation and 9no. were received in response to the consultation on the amended proposal. They are summarised below.

- Affect character of conservation area.
- Impact on landscape.
- Inappropriate design.
- Loss of privacy.
- Inappropriate in special landscape area.
- Loss of residential amenity.
- Loss of visual amenity.
- None compliance with approved policy.
- Not in accordance with development plan.
- Nuisance – disturbance, noise, fumes, dust/dirt.
- Precedent will be set.
- Will result in visual intrusion.
- Out of keeping with surroundings.
- Poor traffic/pedestrian safety.
- Traffic congestion.
- Inadequate parking provision.
- Loss of view.
- The cafe/restaurant culture is at risk of being subdued by a culture of 'boozing'.
- While the area is currently well managed this could change in the future.
- Permission should be given on a temporary basis.
- The seating is not contained and cannot be adequately supervised.
- Social distancing is not being adhered to.

- Danger due to the proximity to the river.
- Noise can be heard in the adjacent apartments.
- Windows cannot be opened and balcony cannot be used.
- The area has a seating capacity of 240.
- Loss of parking spaces.
- Are there plans to introduce a zebra crossing?
- Impact on privacy of residents.
- Drunken and anti-social behaviour.
- Devaluation of property.
- Safety risk from people spilling onto the adjacent road and staff having to cross the road with food and drinks.
- The portable toilets are an eyesore.
- Unfair for the other bars who do not have outside seating.
- Huge investment has been put into regenerating the Fish Quay.
- Out of character with the conservation area.
- Intrusive noise and anti-social behaviour.
- Detrimental impact on physical and mental well-being.
- Will lower the tone of the whole area.
- People urinating in the street and adjacent to the apartments.
- Plastic trees and shrubs are unsightly.
- Fencing has been erected at the rear of the Tap House.
- Could set a precedent and result in further similar developments.
- Noise disturbance late into the evening.
- Far too many alcohol outlets on the Fish Quay
- North Tyneside Hackney carriage Association object to this application as they have been in discussion about siting a TAXI Rank in this location.
- The Authority has obligations under the Equality Act to foster good relations.
- Does not reflect the regeneration aims of the Council.
- Against the Fish Quay Neighbourhood Plan, which clearly advises against mixing developments that clash.
- Will add to the late-night drunkenness, rowdyism and noise.
- Too close to people's homes.
- There are enough drinking establishments on the Fish Quay.
- The seating was meant to be temporary.
- The Road Safety Audit report recommends a Buffer Zone be created between the seating area and the carriageway and reducing traffic speeds.
- The Port of Tyne have allowed additional seating on Western Quay.
- The noise audit is flawed and does not take into account that adjacent properties have balconies.
- The noise report states that at parts of the day the noise may exceed the guidelines.
- The revised fence would increase noise levels.
- The traffic survey was not conducted at a busy period.
- The traffic report suggests removing hedging, instructing the Local Authority to discourage parking along the fence line and that the bus timetable should be reviewed and the bus stop relocated.

10.2 1no. representation has been received. This is summarised below.

- I have no objection to the fenced areas on the road, but I object to drinking on the Western Quay.

- I understand that it against Council policy to drink alcohol under normal circumstances on Western Quay.
- I agree with that view and believe that the stance against drinking alcohol on Western Quay should be maintained and policed.

10.3 58no. letters of support have been received in response to the original consultation. These are summarised below.

- The facility is well thought out and operated.
- It is much needed for the area and this is more evident during the Covid restrictions.
- The management operate and regularly police the facility and ensure the compliance of patrons.
- The area being fenced protects users from the passing traffic.
- Greatly enhances the area.
- Has increased the safety of the public while drinking and eating outdoors.
- Good to see the parking being used to help a local company.
- Noise and nuisance has been negligible.
- Good for local families and residents.
- The area also helps support the fish quay and the heritage.
- Positive addition to our fish quay and community.
- Current area not being fully utilised by being used as car park.
- Need to encourage footfall rather than cars.
- Good for the economy and local business.
- Will increase visitor numbers.
- Provides easy disabled access.
- Over 800 years, dwellings and commerce have worked in harmony.
- Should have reasonable closing time and safety measures in place.
- Will help to regenerate area.
- Gives a greater element of control to outdoor drinking.

10.4 A letter from North Shields Fish Quay Company has been submitted by the applicant. This states that they have no objections and that they would be happy to facilitate the development by issuing a License to Operate.

#### 10.5 Alan Campbell MP

Given the locality of this planning application I ask that the decision on this application is taken by the Planning Committee rather than delegated to Planning Officers.



**Item No:** 2  
**Application No:** 21/01244/FULH Author: Kimberley Harwood  
Date valid: 11 May 2021 ☎: 0191 643 6331  
Target: 6 July 2021 Ward: Cullercoats  
decision date:

Application type: Householder Full application

**Location: 14 Fairfield Drive, Cullercoats, Tyne And Wear, NE30 3AF,**

**Proposal: Rear flat roof extension (revised 13.07.2021)**

Applicant: Mrs Jackie Scott, 14 Fairfield Drive Cullercoats Tyne And Wear NE30 3AF

**RECOMMENDATION:** Minded to grant on expiry consultation

## **INFORMATION**

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

#### 1. Main Issues

1.1 The main issues for Members to consider in this case are:  
-The impact on visual amenity; and,  
-Impact on character and appearance.

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. Description of the Site

2.1 The site to which the application relates is a south west facing bungalow in the ward of Cullercoats. No.16 Fairfield Drive is located to the north west of the host property and No.12 Fairfield Drive is to the south of the site. To the front (south west) are Nos.17 and 19 Fairfield Drive and to the rear (north east) are Nos.14-20 Silloth Place.

#### 3. Description of the Proposed Development

3.1 Full planning permission is sought for a rear flat roof extension. Revised plans were submitted on 13.07.2021.

3.2 A neighbour has requested speaking rights and that is the reason that this application has been brought to Planning Committee.

#### 4. Relevant Planning History

14/00516/FULH Proposed roof extension to form new two storey dutch bungalow with dormer windows to the front roof slope, side extension and single storey flat roof orangery extension to the rear and front canopy.

Permitted 27.05.2014

18/00876/FULH Pitched roof dormer to match and adjoin existing to the front roof slope.

Permitted 24.08.2018

## 5. Development Plan

5.1 North Tyneside Local Plan (2017)

## 6. Government Policy

6.1 National Planning Policy Framework (NPPF) (February 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 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. Main Issues

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

- The impact on neighbouring amenity; and
- The impact on the character and appearance of the surrounding area.

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. Any representations received during the neighbour re-consultation period will be addressed as an addendum to this report.

### 7.3 Impact on Residential Amenity

7.4 Policy S1.4 of the Local Plan states that proposed developments will be considered favourably where the application is in line with strategic, development management or area specific policies of this Plan. In addition, the development should be acceptable in terms of its impact on local amenity for existing residents and adjoining properties and making the most effective and efficient use of available land.

7.5 Policy DM6.1 states: "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." This includes a positive relation to neighbouring buildings and spaces and a good standard of amenity for existing and future residents and users of buildings and spaces



7.6 Policy DM6.2 provides guidance on extending buildings, clearly stating that they should complement the form and character of the original building. This can be achieved from the continuation of the existing design form or through appropriate contrasting, high quality design. “The scale, height and mass of an extension and its position should emphasise a subservience to the main building. This will involve a lower roof and eaves height, significantly smaller footprint, span and length of elevations.

7.7 Policy DM6.2 goes on to state that for extending buildings the council will take into account: “The location of the extension in relation to the street scene”, “Implications for amenity on adjacent properties and land such as outlook, loss of light or privacy”, “the cumulative impact if the building has been previously extended”, whether the extension will enhance the overall design of the existing property and its general impact on the property and “the form, scale and layout of existing built structures near the site.”

7.8 To the rear (north east) of the site Nos.14-20 Silloth Place will not experience an adverse impact from the proposed development. The extension will be located approximately 1.7m away from the shared boundary line, of which has an approximate 1.8m high fence located along it, obstructing views of the development and lessening any potential loss of privacy from the proposed windows on the elevation adjacent to Nos.14-20 Silloth Place. The extension will be of only one storey and will have a flat roof, while there are levelling differences they will not mean there is an increase in the impact caused due to the height of the extension being the same as the existing flat roof extension and it being set off the boundary line by a considerable amount. The rooflight will be located set in front the side elevation, causing minimal impact. These factors along with the orientations of the properties and the sun travelling east to west therefore means there will be little loss of light, outlook and privacy to the properties to the north east.

7.9 No.16 Fairfield Drive located to the north west of the host property will experience little adverse impact from the proposed rear extension to the host property. The extension will project approximately 3m from the existing rear elevation and will be of only one storey, situated approximately 1.8m away from the shared boundary line with No.16. There is an approximately 1.5m high fence located along the shared boundary line, obstructing views of the proposed extension and the proposed extension will be no taller than the existing single storey rear extension. The rooflight will be set in from the external side elevation and will be no taller than the existing rooflight on the property. Thus, there will be minimal loss of light, outlook, and privacy to No.16.

7.10 No.12 Fairfield Drive to the south of the site will experience minimal impact from the proposed extension. It will be located approximately 9.7m away from the shared boundary line, of which has an approximate 1.8m high fence obstructing views on the development. The extension will have no new windows on the side flank elevation adjacent to No.12 and it will be of only one storey. These factors along with the orientation of the properties and the direction in which the sun travels means there will be little loss of light, outlook and privacy to the neighbouring property.

7.11 To the front (south west) of the site Nos.17 and 19 Fairfield Drive will experience no detrimental impact from the proposed extension due to it being located on the opposite side of the property as to which the extension is situated. The extension will not project beyond the external elevations, thus it will be out of sight and will cause no loss of light, outlook or privacy to the properties to the south west.

7.12 In conclusion and on balance, it is officer advice that the proposal would not have such an adverse impact upon neighbouring occupiers to warrant refusal of the application. It would accord with the with policies S1.4, DM6.1, DM6.2 and the advice in the NPPF. Members need to decide whether they agree?

### 7.13 Impact on Character and Appearance

7.14 The National Planning Policy Framework (NPPF) states that good design is a key aspect of sustainable development and that development that is not well designed should be refused.

7.15 The Council's Design Quality SPD (May 2018) is a material planning consideration that applies to all planning applications involving building works. It states that extensions should offer a high-quality design that will sustain, enhance and preserve the quality of the built and natural environment This can be achieved through continuation of existing form or appropriate contrasting and high-quality design.

7.16 The SPD goes onto state, "The depth of the extension should be carefully considered, especially when adjacent to a shared boundary. When positioned along the boundary, the impact on the neighbours' habitable windows and gardens will be taken into account... Windows facing boundaries are not normally acceptable, but consideration will be given to existing boundary treatments and the use of obscure glazing".

7.17 The proposal for a rear flat roof extension will have minimal impact on the character and appearance of the host property and the surrounding area. The materials used including the rendered walls and the windows will match the existing property, creating a uniform appearance with the host property and those in the local area. The flat roof will be consistent with the existing flat roof on the existing rear extension, in keeping with the character and appearance of the property and other rear extensions in the area. The extension will be of a reasonable size, proportionate to the property and will be of only one storey, it will project no further than the existing side elevations and will be located to the rear of the site, therefore causing little impact to character and appearance of the streetscene. It is considered that the proposal would be acceptable in terms of its character and appearance and officers consider it would accord with policies DM6.1 and DM6.2 of the Local Plan and the advice in the SPD and NPPF. Members need to decide whether they agree? This proposal will not set precedent for any further applications, as each application must be determined on its own merits.

### 7.18 Other Issues

7.19 It is noted that the application is in a Contaminated Land Buffer area. As such, it is considered necessary to attach an informative to the grant of approval to ensure that the applicant is suitably notified.

7.20 Local Financial Considerations

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

7.22 The proposal will not result in any additional local finance considerations.

7.23 Conclusions

7.24 Members should consider carefully the balance of issues before them and decide whether or not planning permission should be granted. It is officer advice on balance, that the proposal would not have an adverse impact upon neighbouring occupiers or the character and appearance of the surrounding area. It is recommended that planning permission should be granted subject to conditions.

**RECOMMENDATION: Minded to grant on expiry consultation**

**It is recommended that members indicate they are minded to approve the application, following expiry of the consultation, and subject to the conditions set out below and the addition or omission of any other considered necessary, and grant plenary powers to the Head of Environment, Housing and Leisure to determine the application providing no further matters arise which in the opinion of the Head of Environment, Housing and Leisure, raise issues not previously considered which justify reconsideration by the Committee.**

**Conditions/Reasons**

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

- Application Form, 14 Fairfield Drive, 11.05.2021
- Existing Elevations, Drawing No.03, Scale 1:100, 17.04.2021
- Existing Layouts, Drawing No.2, Scale 1:100, 17.04.2021
- Proposed Elevations, Drawing No.05 Rev. B, Scale 1:100, 11.07.2021
- Proposed Layouts, Drawing No.04 Rev. B, Scale 1:100, 11.07.2021
- Site and Location Plan, Drawing No.01 Rev. B, Scale 1:200/1:1250,

11.07.2021

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

2. Standard Time Limit 3 Years FUL MAN02 \*

**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)

Do Not Obstruct Highway Build Materials (I13)

Coal Mining Referral Area , (FULH) (I43)

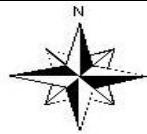
The proposed development lies within an area that falls within an area of contaminated land. You are advised that has protection measures may need to be provided. Such measures could comprise the use of a gas membrane. If a gas membrane is to be used it will need to be to the highest specification to mitigate against carbon dioxide and methane ingress, unless a site investigation is carried out which demonstrates that the highest specification is not required.



**Application reference: 21/01244/FULH**  
**Location: 14 Fairfield Drive, Cullercoats, Tyne And Wear, NE30 3AF**  
**Proposal: Rear flat roof extension (revised 13.07.2021)**

Not to scale  
 Date: 22.07.2021

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**Consultations/representations**

**1. Internal Consultees**

1.1 None received.

**2. External Consultees**

2.1 None received.

**3. Representations**

3.1 There have been 9 letters of objection received from 5 separate neighbouring occupiers raising the following issues;

- Loss of privacy
- Loss of visual amenity
- Out of keeping with surroundings
- Precedent will be set
- Will result in visual intrusion
- Inappropriate design
- No similar extensions in the area
- Block light to properties to the rear
- Feeling of containment and overcrowding
- Shadowing
- Could infringe on right to light
- Impact on landscape
- Impact the openness of the gardens, obstructing views of the sky

3.3 I would also like to present the following points relating to the policy document

“North Tyneside Council Local Plan (Adopted July 2017)”:

3.4 In relation to DM6.1

*A design responsive to landscape features, topography, wildlife habitats, site orientation and existing buildings, incorporating where appropriate the provision of public art.*

The design in terms of its responsiveness to existing buildings is out of character and is in effect a large, white coloured cuboid, which is contradictory to existing buildings.

*A positive relationship to neighbouring buildings and spaces.*

The relationship to neighbouring buildings is one of an overdeveloped, over bearing, and imposing presence, especially to the neighbours with west facing gardens. The building design confines and dominates the outside space of the properties affected and reduces the space between properties, creating a negative relationship.

*A good standard of amenity for existing and future residents and users of buildings and spaces.*

The design of the development will reduce the standard of amenity for existing residents of neighbouring properties. But also, if permitted, could set a precedent for future similar designs and developments, creating a greater loss of amenity (especially outdoors) for even more residents in the future.

### 3.5 In relation paragraph 9.3

*9.3 For residential extensions the Council will consider the effect upon the amenity of neighbouring occupiers, for example, loss of sunlight, daylight, outlook or privacy.*

With direct sunlight being brighter than ambient daylight, then it follows that a lower level of light will filter into neighbouring properties, given the height of the extensions and the still extremely close proximity to the boundary wall. The outlook for at least three properties will change dramatically, dominated by a concrete cuboid. The close proximity of the extension will create an effect of loss of privacy, which is always the case when contained and dominated by a large structure, regardless of windows.

It is worth noting that the three main properties affected by this development have small rear, predominantly west facing gardens that have been a valued and sort after amenity.

### 3.6 In relation to DM6.2

*Extensions should complement the form and character of the original building. This should be achieved either by continuation of the established design form, or through appropriate contrasting, high quality design. The scale, height and mass of an extension and its position should emphasise subservience to the main building. This will involve a lower roof and eaves height, significantly smaller footprint, span and length of elevations.*

The original bungalow had a footprint of approximately 93m<sup>2</sup>. The first extension has a footprint of approximately 58m<sup>2</sup>. This proposed extension has a footprint of approximately 18m<sup>2</sup>. The total extended area would have a footprint of approximately 76m<sup>2</sup>, which is 81% of the size of the original house, which is not a significantly smaller footprint than the main building.

c. Implications for amenity on adjacent properties and land such as outlook, loss of light or privacy;

Outlook, loss of light and privacy are all implicated – as mentioned in 9.3. There could be a valid case for the infringement of The Right To Light Act, especially for neighbouring properties.

d. The cumulative impact if the building has been previously extended; The building has already been extended by approximately 62% of its original footprint. This extra extension will impose even more to the properties with west facing gardens.

e. The effect that the extension will have on the existing property and whether it enhances the overall design. The extension does not really enhance the design. It creates a cuboid very close to the boundary, leaving little space around it, giving the appearance of an overdeveloped, overcrowded plot, completely out of character with neighbouring properties that have significant space between them.





**Item No:** 3  
**Application No:** 21/01028/FUL  
**Date valid:** 13 April 2021  
**Target decision date:** 13 July 2021  
**Author:** Rebecca Andison  
**☎:** 0191 643 6321  
**Ward:** Riverside

Application type: full planning application

**Location: Former Motor Hog, Wallsend Road, North Shields, Tyne And Wear, NE29 7FN**

**Proposal: Demolition of existing buildings and erection of 39no. hybrid units for Use Class B2 and B8 (ADDITIONAL INFORMATION)**

Applicant: Mandale Construction Ltd, C/O Agent

Agent: ELG Planning, Mr Thomas Gibbons Gateway House 55 Coniscliffe Road Darlington DL3 7EH

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

## INFORMATION

### 1.0 Summary Of Key Issues & Conclusions

#### 1.0 Main Issues

1.1 The main issues for Members to consider are:

- whether the principle of the development is acceptable;
- the impact upon surrounding occupiers;
- the impact of the proposal on the character and appearance of the surrounding area;
- whether sufficient parking and access would be provided; and
- the impact on trees and ecology.

#### 2.0 Description of the Site

2.1 The application site is located on Wallsend Road adjacent to the A187/A193 roundabout. It has an area of approximately 1.5 hectares.

2.2 The site was previously used for the disposal, storage and salvage of motor vehicles and is now vacant. It contains several partially demolished buildings and areas of hardstanding. To the south of the site is an area of dense shrub, which separates the site from the Metro line. The A187 and Wallsend Road run along the site's western and northern boundaries, and to the east is a timber merchant.

2.3 Access is from Wallsend Road where there are two entrance points.

2.4 The site is allocated for employment use within the Local Plan and lies within the A19 Economic Corridor.

### 3.0 Description of the proposed development

3.1 Planning permission is sought to demolish the existing buildings and construct 39no. hybrid units to be used for B2/B8 purposes.

3.2 It is proposed to construct 24no. 'Type A' units, each measuring 137 sq m in area, and 15no. 'Type B' units, measuring 211 sq m. The Type A units are 2-storey and have a ridge height of 8.5m, while the single storey Type B units have a ridge height of 9.2m.

3.3 The proposal includes 148no. parking spaces which would be accessed via 2no. access points from Wallsend Road.

### 4.0 Relevant Planning History

74/00284/FUL - Two small extension stores to existing plant.

Approved: 27.06.1974

76/01348/FUL - Change of use from manufacture of woodwool slabs to heavy goods vehicle sales/service depot.

Approved: 17.08.1978

94/00339/FUL - Erection of steel galvanised palisade fence to replace partly damaged and demolished wire mesh fence.

Approved: 17.05.1994

02/00229/FUL - Change of use from Storage and manufacture of construction materials to end of life vehicle depolluting centre. Storage and disposal of insurance salvage motor vehicles. Approved: 24th May 2002; and

09/02814/FUL - Erection of new single storey garage (vehicle workshop) and reconfiguration of existing carpark including an increase in car parking spaces (Amended Description 20.01.2010)

Approved: 24.05.2002

09/02814/FUL - Erection of new single storey garage (vehicle workshop) and reconfiguration of existing carpark including an increase in car parking spaces (Amended Description 20.01.2010)

Approved: 20.01.2010

### 5.0 Development Plan

5.1 North Tyneside Local Plan 2017

### 6.0 Government Policy

6.1 National Planning Policy Framework (July 2021)

6.2 Planning Practice Guidance (As amended)

6.3 Planning applications must be determined in accordance with the development plan unless material considerations indicate otherwise. The NPPF is a material consideration in the determination of all applications. It requires

LPAs to apply a presumption in favour of sustainable development in determining development proposals. Due weight should still be attached to Development Plan policies according to the degree to which any policy is consistent with the NPPF.

## **PLANNING OFFICERS REPORT**

### 7.0 Main Issues

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

- whether the principle of the development is acceptable;
- the impact upon surrounding occupiers;
- the impact of the proposal on the character and appearance of the surrounding area;
- whether sufficient parking and access would be provided; and
- the impact on trees and ecology.

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

### 8.0 Principle of the Proposed Development

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

8.2 Paragraph 11 of NPPF introduces a presumption in favour of sustainable development, which amongst other matters states that decision takers should approve development proposals that accord with an up-to-date development plan without delay.

8.3 The NPPF (para.81) states that significant weight should be placed on the need to support economic growth and productivity, taking into account both local business needs and wider opportunities for development.

8.4 Policy S1.4 of the Local Plan states that 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. Should the overall evidence based needs for development already be met additional proposals will be considered positively in accordance with the principles for sustainable development.

8.5 Policy DM1.3 states that the Council will work pro-actively with applicants to jointly find solutions that mean proposals can be approved wherever possible that improve the economic, social and environmental conditions in the area through the Development Management process and application of the policies of the Local Plan. Where there are no policies relevant to the application, or relevant policies are out of date at the time of making the decision, then the Council will grant permission unless material considerations indicate otherwise.

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

8.7 Policy DM2.3 states that the Council will support proposals on employment land 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.

8.8 Policy AS2.6 states that the Council will promote and support further development and investment in a range of B1, B2 and B8 employment activities across the A19(T) Economic Corridor, and the continued diversification of North Tyneside's economy through delivery of small, medium and large scale office developments.

8.9 The proposal is to develop a currently vacant site to provide 39no. new industrial units to be used for B2/B8 purposes, with ancillary office accommodation on the 1<sup>st</sup> floor of the Type A units. The site is allocated for employment purposes within the Local Plan.

8.10 The proposal complies with the allocation of the site and would secure economic development in accordance with the NPPF. The principle of the proposal is therefore considered to be acceptable subject to consideration of the issues set out below.

#### 9.0 Impact on surrounding occupiers

9.1 Paragraph 185 of NPPF states that planning decisions should ensure that new development is appropriate for its location taking into account the likely effects (including cumulative effects) of pollution. In doing so they should mitigate and reduce to a minimum potential adverse impacts resulting from noise from new development, and avoid noise giving rise to significant adverse impacts on health and quality of life.

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

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

9.4 The site is located within an area that contains both industrial and residential uses. Beyond the A187 to the west is a waste recovery and recycling facility, and immediately to the east is a timber/fencing merchant. The closest residential

properties are located approximately 45m to the east on Kilburn Gardens and 50m to the south east on Brunton Street.

9.5 It is proposed to construct 39no. industrial units. The proposed hours of operation and the exact nature of the use are not specified.

9.6 The Manager of Environmental Health has been consulted and provided comments. She states that she has concerns regarding the potential impact of noise from the operation of the site and from plant and equipment. The impact of odours is also a concern should flues and vents be required. She notes that no noise assessment has been provided.

9.7 To control the potential noise impact the Manager of Environmental Health recommends conditions to restrict the hours of operation, requiring a noise scheme to assess the impact of operational and plant noise, to control any external vents/flues and the storage of dusty material and waste.

9.8 Members need to consider whether the impact on existing occupiers would be acceptable. It is officer advice that the impact would be acceptable and in accordance with Policy DM5.19 subject to the conditions recommended by the Manager of Environmental Health.

#### 10.0 Character and appearance

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

10.2 Development that is not well designed should be refused, especially where it fails to reflect local design policies and government guidance on design, taking into account any local design guidance and supplementary planning documents such as design guides and codes (NPPF para. 134).

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

10.4 The Design Quality SPD applies to all planning applications that involve building works. It states that extensions must offer a high quality of the built and natural environment. It further states that extensions should complement the form and character of the original building.

10.5 The application site is located within an established industrial area. It is currently vacant and following fire damage and vandalism the buildings have been partially demolished.

10.6 The proposed development contains a mixture of single and 2-storey units with a maximum height of 9.2m. The units would have pitched roofs and the external elevations would be finished in artificial stone and light grey cladding. Concrete tiles and metal sheeting are the proposed roofing materials.

10.7 The site is laid out with 24no. units facing the A187 to give the appearance of an active employment area. The other units are arranged in blocks of three with parking at the front and service yards at the rear.

10.8 The proposed units are considered to be of an acceptable height and the varied material palette would add interest to the elevations. Planted areas are proposed at the site entrance, along the western boundary and within the car park to soften the appearance of the development.

10.9 The proposal is in keeping with the character of the surroundings, and the units are considered to be of an acceptable size and design.

10.10 Members need to determine whether the proposed development would be acceptable in terms of its impact on the character and appearance of the site and surrounding area. It is officer opinion that the impact would be acceptable and in accordance with Policy DM6.1.

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

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

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

11.3 Paragraph 111 of NPPF states that development should only be prevented or refused on highway grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.

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

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

11.6 The application is supported by a Transport Assessment (TA).

11.7 148no. parking spaces are proposed, and the applicant has stated that cycle parking would be provided at a level of 2no. spaces per unit.

11.8 Vehicle access to the units would be from the A193 where Wallsend Road is accessed via a left in, left out priority junction. From Wallsend Road two access points are proposed into the site. The TA advises that pedestrian access would also be from Wallsend Road, which does not have any formal footway provision, but is lit and is not heavily trafficked. Footways and pedestrian crossings on the A193 and A187 provide access to the nearby residential areas of Howdon, Chirton and Percy Main. Cycle access can be gained via a cycle path which runs along the A187 and Wallsend Road and connects to the National Cycle Network. Bus services are available on the A197 and High Flatworth. In terms of trip regeneration, the TA states that the development is anticipated to generate 50 two-way vehicle trips in the AM peak hour and 38 two-way vehicle trips in the PM peak hour.

11.9 The Highway Network Manager has been consulted and raises no objections to the proposal. He advises that car and cycle parking has been provided to meet the needs of the development and the TA demonstrates that the development would not have a severe impact on the local highway network. He also notes that a scheme to improve High Flatworth roundabout has been implemented in recent years.

11.10 Nexus has advised that the site is adjacent to a corridor of land that has been identified as a Transport Safeguard Route, in the event that the route is required in connection with a potential expansion of the Metro Network. They state that they are currently working on feasibility studies and that until the studies are complete there is uncertainty as to the extent of any land requirements.

11.11 The applicant has advised that the proposal has been discussed with Nexus and that as a result of these discussions it was agreed that a rail incursion assessment would be required by condition. They have further advised that the potential Metro expansion would not require land from within the site and would not therefore be impacted by the development.

11.10 Having regard to the above, and subject to the conditions requested by the Highways Network Manager, it is officer advice that the proposal complies with the advice in NPPF, Policy DM7.4 and the Transport and Highways SPD.

#### 12.0 Landscaping and ecology

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

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

12.3 Paragraph 180 of NPPF states that when determining planning application that if significant harm to biodiversity cannot be avoided, or as a last resort compensated for, then planning permission should be refused.

12.4 Local Plan Policy S5.4 states that the Borough's biodiversity and geodiversity resources will be protected, created, enhanced and managed having regard to their relative significance. Priority will be given to:

- a. The protection of both statutory and non-statutory designated sites within the Borough, as shown on the Policies Map;
- b. Achieving the objectives and targets set out in the UK Post-2010 Biodiversity Framework and Local Biodiversity Action Plan;
- c. Conserving, enhancing and managing a Borough-wide network of local sites and wildlife corridors, as shown on the Policies Map; and
- d. Protecting, enhancing and creating new wildlife links.

12.5 Policy DM5.5 of the Local Plan states that all development proposals should:

- a. Protect the biodiversity and geodiversity value of land, protected and priority species and buildings and minimise fragmentation of habitats and wildlife links; and,
- 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.

Proposals which are likely to significantly affect nationally or locally designated sites, protected species, or priority species and habitats (as identified in the BAP), identified within the most up to date Green Infrastructure Strategy, would only be permitted where:

- d. The benefits of the development in that location clearly demonstrably outweigh any direct or indirect adverse impacts on the features of the site and the wider wildlife links; and,
- e. Applications are accompanied by the appropriate ecological surveys that are carried out to industry guidelines, where there is evidence to support the presence of protected and priority species or habitats planning to assess their presence and, if present, the proposal must be sensitive to, and make provision for, their needs, in accordance with the relevant protecting legislation; and,
- f. For all adverse impacts of the development appropriate on site mitigation measures, reinstatement of features, or, as a last resort, off site compensation to enhance or create habitats must form part of the proposals. This must be accompanied by a management plan and monitoring schedule, as agreed by the Council.

Proposed development on land within or outside a SSSI likely to have an adverse effect on that site would only be permitted where the benefits of the development clearly outweigh both the impacts that it is likely to have on the features of the site that make it of special scientific interest and any broader impacts on the SSSI national network.

12.6 Local Plan Policy DM5.6 states that proposals that are likely to have significant effects on features of internationally designated sites, either alone or in-combination with other plans or projects, will require an appropriate



assessment. Proposals that adversely affect a site's integrity can only proceed where there are no alternatives, imperative reasons of overriding interest are proven and the effects are compensated.

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

12.8 A Preliminary Ecological Appraisal, Ecological Impact Assessment, Biodiversity Metric and Arboricultural Impact Assessment (AIA) have been submitted in support of the application.

12.9 The site is covered mainly by bare ground with scattered scrub around the boundaries and buildings, and a small area of grassland to the north. There is an area of dense shrub and trees along the southern boundary with the Metro line.

12.10 The buildings have been assessed and found to have negligible potential to support roosting bats. The habitat along the southern boundary provides some potential for foraging/commuting bats.

12.11 The Ecological Impact Assessment states that the site has limited opportunities for nesting birds, negligible potential for reptiles and contains no habitats suitable for protected mammals. Butterfly surveys have been carried out. These found no dingy skipper butterflies, and the site was assessed as having negligible suitability for this species.

12.12 The AIA sets out that the development requires the removal of 1no. individual tree (category B1) and sections of 3no. tree groups (Category B2 and C2). There would also be some encroachment into the root protection areas of retained trees.

12.13 The development would result in the loss of all the existing habitats on site with the exception of the dense scrub at the southern boundary. A landscaping scheme has been submitted to provide replacement grassland and scrub habitat, trees planting and hedgerow. Biodiversity calculations have been carried out and these show that with the proposed landscaping the development would result in a net loss of 1.49 biodiversity units and a gain of 0.76 hedgerow units.

12.14 The Landscape Architect and Biodiversity Officer have provided comments. They advise that a financial contribution for the delivery of habitat creation on Council owned land will be required given that the scheme results in a net loss of biodiversity units from within the site. Conditions are recommended in respect of tree protection measures, requiring a detailed landscaping scheme and maintenance schedule, bird and bat boxes and external lighting.

12.15 To mitigate for the net loss of biodiversity units on site the applicant has agreed to make a financial contribution of £29,160 towards offsite habitat creation and maintenance.

12.16 Subject to the imposition of the conditions recommended by the Landscape Architect and Biodiversity Officer and a financial contribution towards off-site habitat creation, it is officer advice that the impact on trees and ecology is acceptable and in accordance with the NPPF and Policies DM5.5 and DM5.9 of the Local Plan.

### 13.0 Other issues

#### 13.1 Contaminated Land

13.2 Paragraph 184 of NPPF states that where a site is affected by contamination of land stability issues, responsibility for securing safe development rests with the developer and/or landowner.

13.3 Policy DM5.18 'Contaminated and Unstable Land'; states that where the future users or occupiers of a development would be affected by contamination or stability issues, or where contamination may present a risk to the water environment, proposals must be accompanied by a report.

13.4 The site lies within the Contaminated Land Buffer Zone. The application is supported by a Phase I Desk Study.

13.5 The Manager of Environmental Health (Contaminated Land) has provided comments. She advises that the site lies within 250m of two known landfills, and therefore the development may be impacted by landfill. The site's former use as a breakers yard could give rise to contamination. She also notes that the partially demolished buildings may potentially contain asbestos. She recommends conditions to address the potential contamination and gas risk.

13.6 Subject to these conditions, it is officer advice that the proposal complies with policy DM5.18 of the Local Plan 2017.

#### 13.7 Flooding

13.8 The National Planning Policy Framework states that when determining any planning applications, local planning authorities should ensure that flood risk is not increased elsewhere. Where appropriate, applications should be supported by a site-specific flood-risk assessment.

13.9 Policy DM5.12 of the Local Plan 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 undertaken to reduce overall flood risk from all sources, taking into account the impact of climate change over its lifetime.

13.10 Policy DM5.14 states that applicants will be required to show, with evidence, they comply with the Defra technical standards for sustainable drainage systems (unless otherwise updated and/or superseded). On brownfield sites, surface water run off rates post development should be limited to a maximum of 50% of the flows discharged immediately prior to the development where appropriate and achievable. For greenfield sites, surface water run off post development must meet or exceed the infiltration capacity or the greenfield prior to development incorporating an allowance for climate change.

13.11 The application site is located within Flood Zone 1 and is at low risk of surface water flooding.

13.12 A Flood Risk Assessment and Outline Drainage Strategy has been submitted as part of the application. Surface water would be collected using permeable paving or an underground storage tank before discharge into Northumberland Water's existing drainage system at a restricted discharge rate of 20.6l/s using a flow control device. Foul water would be discharged into the existing sewer network.

13.13 The Local Lead Flood Officer has provided comments. He states that he has no objections to the proposals given that surface water attenuation is proposed for up to a 1in100yr rainfall plus a 40% increase for climate change. He recommends that conditions are imposed in respect of the detailed drainage design and a SUDs management plan.

13.14 Members need to consider whether the proposed development is acceptable in terms of flood risk. It is the view of officers, that subject to a condition to control the surface water drainage details, the proposed development accords with the relevant national and local planning policies.

#### 13.15 S106 Contributions

13.16 Paragraph 55 of NPPF states that local planning authorities should consider whether otherwise unacceptable development could be made acceptable through the use of conditions or planning obligations. Planning obligations should only be used where it is not possible to address unacceptable impacts through a planning condition.

13.17 Paragraph 57 of NPPF states that planning obligations must only be sought where they meet all of the following tests:

- a) Necessary to make the development acceptable in planning terms;
- b) Directly related to the development; and
- c) Fairly and reasonably related in scale and kind to the development.

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

13.19 Policy DM7.2 states that the Council is committed to enabling a viable and deliverable sustainable development. If the economic viability of a new development is such that it is not reasonably possible to make payments to fund all or part of the infrastructure required to support it, applicants will need to provide robust evidence of the viability of the proposal to demonstrate this. When determining the contributions required, consideration will be given to the application's overall conformity with the presumption in favour of sustainable development.

13.20 Policy DM7.5 states that the Council will seek applicants of major development proposals to contribute towards the creation of local employment opportunities and support growth in skills through an increase in the overall

proportion of local residents in education or training. Applicants are encouraged to agree measures with the Council to achieve this, which could include:

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

13.21 The Council's adopted SPD on Planning Obligations (2018) states that the Council takes a robust stance in relation to ensuring new development appropriately mitigates its impact on the physical, social and economic infrastructure of North Tyneside. Notwithstanding that, planning obligations should not place unreasonable demands upon developers, particularly in relation to the impact upon the economic viability of development. The Council will consider and engage with the applicants to identify appropriate solutions where matters of viability arise and require negotiation.

13.22 The following contribution has been requested by service areas and agreed with the applicant:

- A financial contribution of £15,000 towards employment initiatives within the borough
- Travel Plan Bond: £10,000
- Travel Plan Monitoring Fee: £1,250 (£250 per annum)
- £29,160 towards habitat creation, management and monitoring

13.23 The above has been reported to IPB. The contributions are considered necessary, directly related to the development and fairly and reasonable related in scale and kind to the development. It is therefore considered to comply with the CIL Regulations.

13.24 A CIL payment will not be required for this development.

#### 13.25 Local Financial Considerations

13.26 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).

13.27 The proposal would result in the creation of jobs during the construction phase and within the industrial units once the development is complete.

#### 14.0 Conclusions

14.1 The proposal accords with the allocation of the site and would secure economic development in accordance with the NPPF. In officer opinion the principle of development is acceptable.

14.2 It is officer advice that the proposed development is acceptable in terms of its impact on nearby residents and businesses, on visual amenity, biodiversity and trees, and the impact on the highway network.

14.3 The development is considered to comply with relevant national and Local Plan policies and is therefore recommended for conditional approval subject a S106 agreement.

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

**Members are recommended to indicate that they are minded to grant this application subject to an Agreement under Section 106 of the Town and Country Planning act 1990 and the addition, omission or amendment of any other conditions considered necessary. Members are also recommended to grant plenary powers to the Head of Housing, Environment and Leisure to determine the application following the completion of the Section 106 Legal Agreement to secure the following:**

**Employment and Training: £15,000 towards employment initiatives within the borough**

**Travel Plan Bond: £10,000**

**Travel Plan Monitoring Fee: £1,250 (£250 per annum).**

**Ecology: £29,160 towards habitat creation, management and monitoring**

### **Conditions/Reasons**

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

- Application form
- OS plan 21-10/002A
- Proposed site plan 21-10/001B
- Proposed plans and elevations Block Type A 21-10/003B
- Proposed plans and elevations Block Type A 21-10/004B
- Materials schedule
- Detailed landscape proposals 3788/1 A

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

3. The construction site subject of this approval shall not be operational and there shall be no construction, demolition, 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.

4. Notwithstanding Condition 1, prior to the commencement of any part of the development hereby approved above damp proof course level details of facilities to be provided for the storage of refuse and recycling shall be submitted to and

approved in writing by the Local Planning Authority. The facilities which should also include the provision of wheeled for all waste types shall be provided in accordance with the approved details, prior to the occupation of the development and thereafter permanently retained.

Reason: In order to safeguard the amenities of the area having regard to policies DM6.1 of North Tyneside Local Plan (2017).

5. No part of the development shall be occupied until an area has been laid out within the site for vehicles to turn in accordance with the approved drawing and that area shall not thereafter be used for any other purpose.

Reason: To enable vehicles to draw off and turn clear of the highway thereby avoiding the need to reverse onto the public highway having regard to policy DM7.4 of the North Tyneside Local Plan (2017).

6. The scheme for parking, garaging and manoeuvring indicated on the approved plans shall be laid out prior to the initial occupation of the development hereby permitted and these areas shall not thereafter be used for any other purpose.

Reason: To enable vehicles to draw off and turn clear of the highway thereby avoiding the need to reverse onto the public highway having regard to policy DM7.4 of the North Tyneside Local Plan (2017).

7. 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), materials used in constructing the development, fuels and waste as well concrete mixing and use of fires; 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. It must also include tree protection measures for the trees to be retained. Cabins, storage of plant and materials and parking must not be located within the RPA of the retained trees as defined by the Tree Protection Plan. The AMS must form part of the Contractors Method Statement.

Construction shall not commence on any part of the development other than the construction of a temporary site access and site set up until the agreed wheel washing/road cleaning measures are fully operational. 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 DM5.19 and

DM7.4 of the North Tyneside Local Plan (2017) and National Planning Policy Framework.

8. No other part of the development shall be occupied until the means of access has been altered in accordance with the approved drawing.

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

9. The development shall not be occupied until a Full Travel Plan has been submitted to and approved by in writing the Local Planning Authority. This will include an undertaking to conduct travel surveys to monitor whether or not the Travel Plan targets are being met. The travel plan shall thereafter be implemented in accordance with the agreed details.

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

10. No part of the development shall be occupied until details of Electric Vehicle (EV) parking and charging provision has been submitted to and approved by in writing the Local Planning Authority. This must be implemented in accordance with the approved details prior to occupation of the development and thereafter retained.

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

11. No part of the development shall be occupied until details of secure and undercover cycle parking provision has been submitted to and approved by in writing the Local Planning Authority. This must be implemented in accordance with the approved details prior to occupation of the development and thereafter retained.

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

12. Prior to operational activities taking place at the industrial units a noise management plan must be submitted to and agreed in writing by the Local Planning Authority. The plan must include an assessment of noise impacts arising from activities within the site and where necessary details of mitigation measures and management controls to ensure the rating level of the industrial activities, when assessed in accordance with BS4142, does not exceed the background noise level at the nearest noise sensitive receptor. The mitigation measures shall be implemented in accordance with the agreed details and thereafter retained.

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

13. Prior to the installation of any external plant a noise scheme must be submitted to and approved in writing by the Local Planning Authority. The

scheme shall be carried out in accordance with BS4142 and must determine the current background noise levels without the plant operating at the boundary of the nearest residential premises and appropriate mitigation measures where necessary to ensure the rating level of external plant and equipment does not exceed the background noise. Thereafter the plant must be installed and maintained in accordance with the approved details.

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

14. There shall be no burning of materials on the site.

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

15. There shall be no external storage of any dust generating materials on the site.

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.

16. Noise No Tannoys Externally Audible                      NOI002    \*

17. No deliveries or collections shall take place outside the hours of 07:00 and 23:00 on any day.

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.

18. The units shall not operate outside the hours of 07:00 to 23:00 on any day.

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).

19. Prior to the installation of any external vents and chimneys details of their height, position, design and materials must be submitted to and approved in writing by the Local Planning Authority. Thereafter, the development shall not be carried out other than in accordance with the approved details.

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

20. No air ventilation systems shall be installed unless the details have been first submitted to and approved in writing by the Local Planning Authority. Thereafter, the development shall not be carried out other than in accordance with the approved details.

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

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



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

Where new lighting is to be erected adjacent to the operational railway, the potential for train drivers to be dazzled must be eliminated. In addition, the location and colour of lights must not give rise to the potential for confusion with the signalling arrangements on the railway.

External lighting should be low level, avoiding the use of high intensity security lighting and should be designed to minimise light spill into adjacent habitat areas around the boundaries.

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

Reason: In the interest of visual amenity and to ensure local wildlife populations are protected; having regard to policies DM5.5 and DM5.19 of the North Tyneside Local Plan (2017).

22. Desk Study and Method Statement	CON00 3	*
23. Site Investigation	CON00 4	*
24. Remediation Method Statement	CON00 5	*
25. Validation Report	CON00 6	*
26. Unexpected Hotspots	CON00 7	*
27. Gas Investigate no Development	GAS00 6	*

28. No development shall commence until details of a surface water management scheme has been submitted to and approved by in writing by the Local Planning Authority. Water storage facilities (including attenuation tanks) shall not be permitted within the 3m easement of the Nexus tunnels. The agreed

scheme shall be implemented prior to occupation of the development and retained thereafter.

Reason: This information is required from the outset to provide a satisfactory means of drainage and prevent the increased risk of flooding from any sources in accordance with the NPPF and Policy DM5.12 of the North Tyneside Local Plan 2017.

29. Prior to occupation of the development details of the maintenance regime for the surface water drainage infrastructure and contact details for the company responsible for this work, must be submitted to and approved in writing by the Local Planning Authority. The development shall thereafter be carried out in accordance with the approved details.

Reason: To ensure that the proposed development would not increase flood risk in accordance with NPPF and Policy DM5.12 of the North Tyneside Local Plan 2017.

30. Notwithstanding condition 1, prior to occupation of the development details of all screen and boundary walls, fences and any other means of enclosure must be submitted to and approved in writing by the Local Planning Authority. Unless otherwise agreed, these must include a suitable trespass proof fence adjacent to Nexus Rail's boundary (minimum 1.8m high) and an Armco or similar barrier in positions where vehicles may be in a position to drive into or roll onto the railway or damage the lineside fencing. The development shall thereafter only be carried out in accordance with the approved details and the buildings hereby approved shall not be occupied until the details have been fully implemented.

Reason: To ensure a satisfactory environment within the development and in the interest of security and rail safety; having regard to policy DM6.1 of the North Tyneside Local Plan 2017.

31. Prior to the use of any vibro-compaction, details of the use of such machinery and a method statement must be submitted to and approved in writing by the Local Planning Authority, in consultation with the railway undertaker. Thereafter the works shall only be carried out in accordance with the approved method statement.

Reason: In order to protect the adjacent railway line; having regard to policy Policy S7.3 of the North Tyneside Local Plan (2017).

32. No trees, shrubs or hedges within the site other than those shown to be removed within the submitted AIA shall be felled, uprooted, wilfully damaged or destroyed, cut back in any way or removed during the development phase other than in accordance with the approved plans or without the prior written consent of the Local Planning Authority.

Reason: In order to safeguard existing trees, the amenity of the site and locality, and in the interests of good tree management having regard to Policy DM5.9 of the North Tyneside Local Plan (2017).

33. Prior to any ground being broken on site in connection with the development hereby approved (including demolition works, tree works, soil moving, hardstandings, temporary access construction and / or widening or any operations involving the use of motorised vehicles or construction machinery, site security fencing, services, construction of vehicular drives, parking areas,

installation of kerb edges, retaining wall construction and other hard surfacing within the root protection area (as defined by BS5837:2012)), a detailed Arboricultural Method Statement (AMS), including a Tree Protection Plan, (TPP) in accordance with BS5837:2012 'Trees in relation to design, demolition and construction - Recommendations' must be submitted to and approved in writing by the Local Planning Authority. Thereafter the development hereby permitted shall only be carried out in accordance with the approved details. Tree protective fencing surrounding each retained tree group /hedgerow must be installed prior to any work commencing and shall remain for the full duration of the development and shall not be removed or repositioned without the prior written approval of the Local Planning Authority.

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

34. All works within the RPA of the retained trees that include (but not limited to) kerb installation, fence post installation, lighting, any new service installations or service diversions including drainage, must be carried out in complete accordance with the Arboricultural Method Statement, BS 5837:2012 and the National Joint Utilities Group (NJUG) 'Guidelines for the Planning, Installation and Maintenance of Utility Apparatus in Proximity To Trees' with works being undertaken by hand or suitable method such as an air spade to ensure works will not damage to the root systems of the retained trees. Confirmation of the proposed working method must be submitted to and approved in writing by the Local Planning Authority prior to the work taking place. Thereafter the work shall only be carried out in accordance with the approved details.

Reason: In order to safeguard existing trees, the amenity of the site and locality, and in the interests of good tree management having regard to Policy DM5.9 of the North Tyneside Local Plan (2017).

35. Any trees identified for removal at the southern end of the site amongst the dense scrub habitat must be soft felled. Each section of the tree must be gently lowered to the ground and left in situ for at least twenty-four hours before being chipped or removed from site to allow time for any individual roosting bats to escape.

Reason: In the interests of good tree management having regard to Policy DM5.9 of the North Tyneside Local Plan (2017).

36. No vegetation removal shall take place during the bird nesting season (March-August inclusive) unless a survey by a suitably qualified ecologist has confirmed the absence of nesting birds immediately prior to works commencing. When undertaking works to the building, any nesting birds will be allowed access to the nest until the young have fledged.

Reason: To ensure that local wildlife populations are protected in the interests of ecology, having regard to the NPPF and Policy DM5.5 of the North Tyneside Local Plan.

37. Within 1 month of completion of the development bird and bat boxes must be provided in accordance with the details set out in Section 5 of the Ecological Impact Assessment Report dated 30th June 2021 (Whitcher Wildlife Ltd).

Reason: To ensure that local wildlife populations are protected in the interests of ecology, having regard to the NPPF and Policy DM5.5 of the North Tyneside Local Plan.

38. Any excavations left open overnight must be provided with a means of escape for mammals that may become trapped in the form of a ramp at least 300mm in width and angled no greater than 45°.

Reason: To ensure that local wildlife populations are protected in the interests of ecology, having regard to the NPPF and Policy DM5.5 of the North Tyneside Local Plan.

39. Within one month from the start on site of any operations such as site excavation works, site clearance (including site strip) for the development, a fully detailed landscape plan shall be submitted to and approved in writing by the Local Planning Authority. The landscape scheme must be in accordance with the Biodiversity Net Gain Assessment within the EclA Report (Whitcher Wildlife Ltd June 2021) and must include a detailed specification and proposed timing for all new tree, shrub, hedgerow and wildflower planting. All new standard trees are to be a minimum 12-14cm girth. Native scrub planting is to be included along the southern and western boundaries in place of ornamental shrub planting. Where trees/shrubs are to be planted adjacent to the railway boundary these trees/shrubs should be positioned at a minimum distance greater than their predicted mature height from the boundary.

The landscaping scheme shall be implemented in accordance with the approved details within the first available planting season following the approval of details. All hard and soft landscape works shall be carried out in accordance with the approved details and to a standard in accordance with the relevant recommendations of British Standard 8545:2014. Any trees or plants that, within a period of five years after planting, are removed, die or become seriously damaged or defective, shall be replaced with others of species, size and number as originally approved, by the end of the first available planting season thereafter.

Reason: To ensure a satisfactory standard of landscaping having regard to policies DM5.5 and DM5.9 of the North Tyneside Local Plan (2017).

40. Within one month from the start on site of any operations such as site excavation works, site clearance (including site strip) for the development, a schedule of landscape maintenance and monitoring for a minimum period of 30 years including details of the arrangements for its implementation must be submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved schedule.

Reason: To ensure a satisfactory standard of landscaping having regard to policies DM5.5 and DM5.9 of the North Tyneside Local Plan (2017).

41. Prior to development commencing, a Rail Incursion Assessment shall be submitted to the Local Planning Authority for approval in consultation with Nexus. Any required measures within the Rail Incursion Assessment to be undertaken by the developer shall be installed before works commence and retained for the lifetime of the development.

Reason: To protect the adjacent railway route in accordance with Policy S7.3 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)

Contact ERH Construct Highway Access (I05)

Contact ERH Path Bridleway Xs Site (I07)

Contact ERH Works to Footway (I08)

No Doors Gates to Project Over Highways (I10)

Do Not Obstruct Highway Build Materials (I13)

Street Naming and numbering (I45)

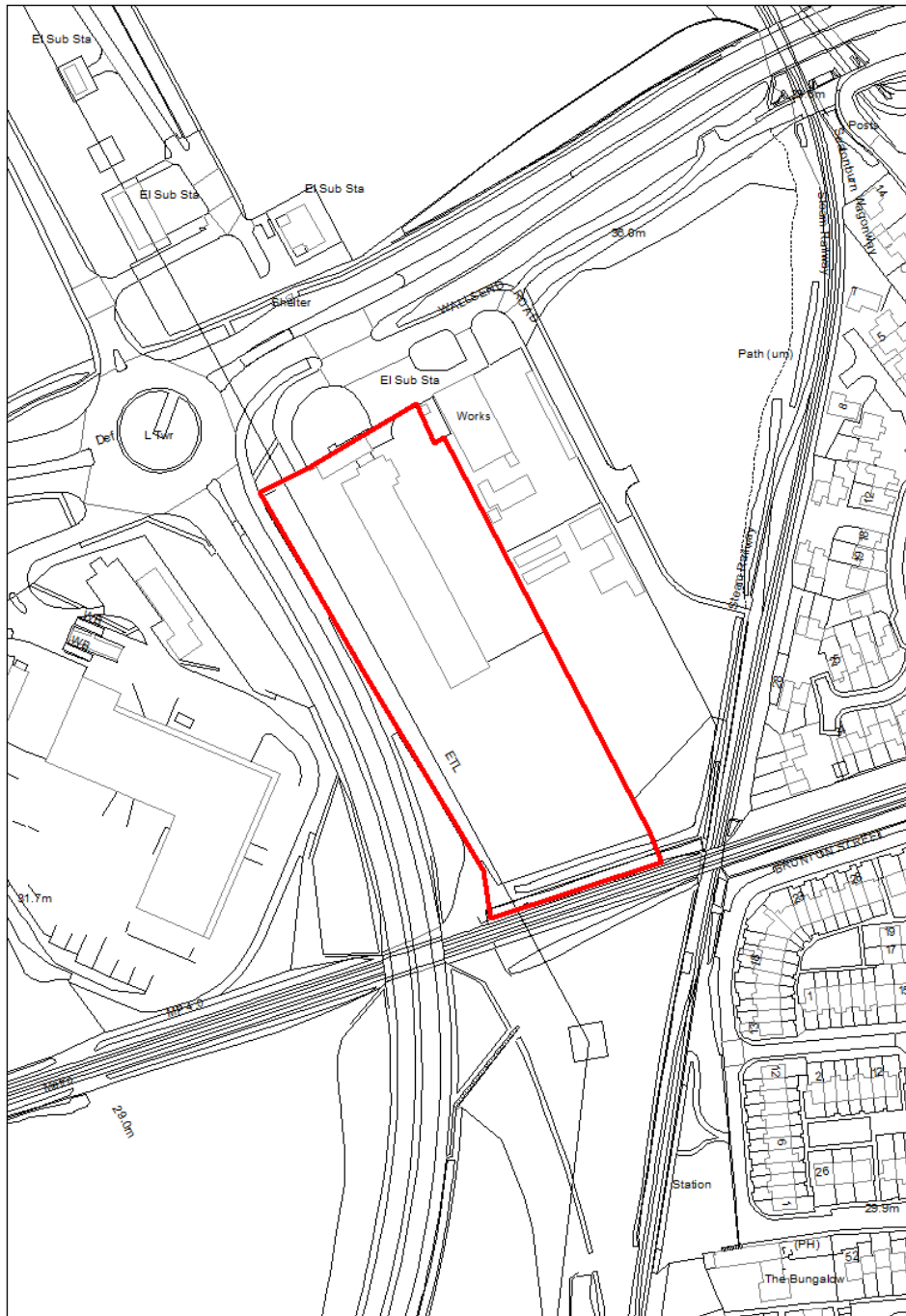
Highway Inspection before dvlpt (I46)

Method Statements and Risk Assessments must be submitted to Nexus Rail's Project Manager for acceptance a minimum of 10 working days prior to works commencing on site.

All roads, paths or ways providing access to any part of the railway undertaker's land shall be kept open at all times during and after the development

Good housekeeping must be observed to prevent items blowing onto the Nexus Electrified Overhead Line Equipment resulting in the Metro service being stopped which will incur large costs for disruption, enclosed skips should be used to mitigate against this from happening.

Appropriate measures must be taken to control the emission of dust and dirt entering the railway corridor.

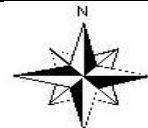


**Application reference: 21/01028/FUL**  
**Location: Former Motor Hog, Wallsend Road, North Shields**  
**Proposal: Demolition of existing buildings and erection of 39no. hybrid units for Use Class B2 and B8**

Not to scale

Date: 21.07.2021

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 0100016801



**Consultations/representations**

1.0 Internal Consultees

1.1 Highway Network Manager

1.2 This application is for the demolition of the existing buildings and erection of 39 hybrid units for use class B2 and B8.

1.3 A Transport Assessment (TA) was submitted that assessed the development against the local highway network. It is considered that the impact will not be severe and as such no off-site mitigation will be required. It should also be noted that a scheme to improve High Flatworth roundabout has been implemented in recent years. The site has good links with public transport and a condition is recommended to require a Travel Plan (TP) & Electric Vehicles (EV) charging points

1.4 The site is accessed via the old Wallsend Road and its existing access with the A193 Wallsend Road dual carriageway. Parking and cycle parking have been provided to meet the needs of the site and conditional approval is recommended.

1.5 Recommendation - Conditional Approval

1.6 Conditions:

ACC10 - New Access: Access before Devel

ACC15 - Altered Access: Access Alt Prior To Occ

ACC25 - Turning Areas: Before Occ

PAR04 - Veh: Parking, Garaging before Occ

REF01 - Refuse Storage: Detail, Provide Before Occ

SIT07 - Construction Method Statement (Major)

SIT08 - Wheel wash

No part of the development shall be occupied until a Framework Travel Plan has been submitted to and approved by in writing the Local Planning Authority. This will include an undertaking to conduct travel surveys to monitor whether or not the Travel Plan targets are being met.

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

No part of the development shall be occupied until details of Electric Vehicle (EV) parking and charging provision has been submitted to and approved by in writing the Local Planning Authority. This will implemented in accordance with the approved details and retained thereafter

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

No part of the development shall be occupied until details of secure and undercover cycle parking provision has been submitted to and approved by in



writing the Local Planning Authority. This will implemented in accordance with the approved details and retained thereafter.

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

#### 1.7 Informatives:

I05 - Contact ERH: Construct Highway Access

I07 - Contact ERH: Footpath/Bridleway X's Site

I08 - Contact ERH: Works to footway.

I10 - No Doors/Gates to Project over Highways

I13 - Don't obstruct Highway, Build Materials

I45 - Street Naming & Numbering

I46 - Highway Inspection before dvlp

#### 1.8 Sustainable Transport

1.9 This development requires a Travel Plan (TP) with a Travel Plan Coordinator to be in place from 3 months prior to first occupation until at least five years from first occupation. This TP requirement will need to be written into the S106 Agreement. A Travel Plan Bond and Monitoring fee is required.

1.10 Please can we include a Travel Plan Condition for this application:

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 details 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.

#### 1.11 Manager of Environmental Health (Pollution)

1.12 I would be concerned about potential noise from plant and equipment and operational noise arising from the new commercial/light industrial buildings and also any potential odours arising from activities at the site if new flues or vents were installed. The site is located adjacent to residential properties of Kilburn Gardens some 45 metres to the east of the site and Brunton Street some 51 metres to the south east of the site.

1.13 I have reviewed the air quality assessment. This has considered potential dusts arising from construction activities and potential operational air quality impacts. The assessment determined that there was a medium risk of dust soiling during construction but this would not result in significant adverse impacts if control measures are employed. Air quality impacts arising from the operational phase were screened out and considered to give rise to negligible impacts.

1.14 No noise assessment has been provided to assess potential noise impacts from this development. To control potential noise impacts I would recommend conditions are attached to any approval to restrict operations to daytime hours only and to require a noise scheme to assess the industrial operations at the site and determine if acoustic screening or sound mitigation measures are required. I would also recommend conditions to require details to be submitted for approval for any vents of flues to be installed at the units. I would also require that any noise arising from any external plant and equipment that might be installed in the units would need to be assessed for impacts on nearby sensitive receptors. If the occupiers of the units were required to store dusty materials or storage of wastes then this could give rise to potential nuisance to neighbouring sensitive receptors. I would therefore recommend conditions to prevent such activities.

1.15 If planning consent was to be given I would recommend the following conditions:

- Prior to operational activities taking place at the industrial units a noise management plan must be submitted to the planning authority for agreement in writing and thereafter implemented. The plan must provide details of the assessment of noise impacts arising from the activities occurring at the industrial units and any mitigation measures and management controls required where necessary to ensure the rating level when assessed in accordance with BS4142 of the industrial activities at the industrial units does not exceed the background noise level at the nearest noise sensitive receptor. The mitigation measures shall be implemented and thereafter retained.

- A noise scheme must be submitted in accordance with BS4142 to determine the noise rating level of external plant and equipment operating at the site and that appropriate mitigation measures are taken where necessary to ensure the rating level of the plant and equipment does not exceed the existing background noise level.

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.

- There shall be no burning of materials on the site.

Reason: In the interests of protecting the amenities of the occupiers of surrounding land and properties.

- There shall be no external storage of any dust generating materials at the industrial units.

- NOI02

- No deliveries and collections shall be permitted to the industrial units between 23:00 hours and 07:00 hours.

EPL01 for any external vents and chimneys

EPL02

HOU03 0700-2300 hours

HOU04  
HOU05  
SIT03  
REF01  
REF02  
LIG01

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

1.17 The site lies within 250m of 2 known landfills, there may be the risk of landfill gas impacting the development. The sites former use as a breakers yard could give rise to contamination.

1.18 The roof appears to be corrugated material, potentially containing asbestos. I note that some demolition has already taken place. If this has been carried out by a contractor who is not suitably qualified, then there is the significant possibility that the site is contaminated with asbestos. If a suitably qualified contractor has not been used then an assessment of the potential contamination from these works should be carried out and included in the contamination investigation required for this site due to the previous history giving rise to the significant possibility of contamination being present.

1.19 Due to the previous site use and the close proximity of 2 known former landfill sites the following must be applied:

Con 003  
Con 004  
Con 005  
Con 006  
Con 007  
Gas 006

#### 1.20 Local Lead Flood Authority

1.21 I can confirm following the revisions to the surface water drainage proposals that in principle I do not have any objections. The applicant will be providing surface water attenuation on site via the use of permeable paving and or an underground storage tank which will contain surface water within the site for up to a 1in100 year rainfall event plus a 40% increase for climate change. The surface water from the site is then proposed to discharge into the local surface water sewer network at a restricted discharge rate of 20.6l/s using a flow control device.

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

- Detailed drainage design to be submitted to LLFA for approval prior to construction.
- Suds Management plan to be submitted to LLFA for approval prior to occupation.

#### 1.23 Landscape Architect and Biodiversity Officer

1.24 The application is for the demolition of existing buildings and erection of 39no. hybrid units at the former Motorhog site, Wallsend Road, North Shields.

1.25 The site comprises of a linear building to the centre of the site with a single storey, brick office block located on the northern area of the site. The remainder of the site is made up of hardstanding with two vehicle access points into the site off Wallsend Road to the north. To the north is the A193, to the east is an industrial building with associated yard, to the south of the application site is the Nexus Metro line, and to the west is the A187.

1.26 The Local Plan designates the site as part of employment allocation E031, known as Wallsend Road Industrial Area and is identified as employment land.

1.27 Earlier comments requested further survey information which included an Arboricultural Impact Assessment (AIA), Ecological Impact Assessment (EclA) and a Biodiversity Net Gain (BNG) Assessment, all of which have now been submitted.

1.28 Arboricultural Impact Assessment (AIA):

The AIA has been undertaken in accordance with BS 5837:2012 – ‘Trees in Relation to Design, Demolition & Construction’ (BS5837:2012). The site includes scrub within the site and scattered trees along the southern and western boundaries. The trees are not protected by a Tree Preservation Order or located within a Conservation Area. However, the trees on the site contribute to the amenity of the local urban landscape and therefore are a material consideration under local plan policy DM5.9.

1.29 A large tree group is located immediately beyond the fence to the south (G4) comprising of Buddleia, Hawthorn, Willow and Birch. A small number of trees (G1 and G2) are located to the front (north) of the site and comprise of Cherry and Hawthorn, and a group (G3) is located off site, within the timber facility to the east, comprising of Birch and poplar.

1.30 The proposed layout will necessitate the removal of one individual tree (T1) and G1, G2 and a large section of G4. In addition, there will be some encroachment from the proposed structures within root protection areas of retained trees.

1.31 T1 and sections from Groups 1 and 2 would need to be removed to form the proposed access routes. T1 and Group 1 are Cherry trees which were classified as Category B, however, it should be possible to retain at least one of the trees within this group. Group 2 is a dense group of Laurel which was classified as Category C. A section of Group 4 (shown on the group data sheet as G3), mostly located beyond the existing site fence to the south, would need to be removed to construct the proposed infrastructure. It is expected that a section of trees close to the Metro line can be retained. The AIA classified Group 4 as Category B but the lower quality scrub in the northern area which is to be removed would typically be considered Category C. Some of the overhanging trees within the timber yard might need to be crown lifted or pruned back. There is no tree removal proposed in relation to G3.

1.32 Parking is to be constructed within the root protection area and crown spread of T2, located within the sub-station. The level of encroachment is minor

and given that much of the surrounding area is already concrete. Some pruning of the overhanging canopy is likely to be required.

1.33 Although no actual tree numbers have been provided, it is estimated that this equates to approximately 1,100m<sup>2</sup> of tree and scrub to be lost from within the red line boundary of the application site.

1.34 Ecological Impact Assessment (EclA) & Biodiversity Net Gain (BNG):  
The initial site survey was carried out on 17th March 2021. Following this survey, Dingy Skipper surveys were requested, and three survey visits were carried out on 2nd, 4th and 21st June 2021. Upon completion of all survey work, an Ecological Impact Assessment (EclA) was submitted to support the application.

1.35 The habitats on the site are all common habitats and the majority of the site offers low ecological value. The area of dense scrub with scattered trees at the southern end of the site provide the highest ecological value on the site, but this is an enclosed area of habitat that is already subject to some level of disturbance. No dingy skipper butterfly were found and the site was assessed as having negligible suitability for this species. The buildings on site proposed for demolition were both assessed as having negligible suitability for roosting bats, although the dense scrub habitat at the southern end of the site and the edges of the adjacent scrub habitats adjacent to the boundaries of the site provide some potential for foraging and commuting bats and habitat for breeding birds. The site was also assessed as having negligible potential for reptiles.

1.36 The habitats lost on site include mixed scrub, modified grassland, ruderal/ephemeral vegetation and urban street trees. A Biodiversity Net Gain Assessment has been undertaken and the results of this assessment show an overall loss of 2.16 biodiversity habitat units within the site. Habitat creation on site includes introduced shrub, mixed scrub, neutral grassland and urban street trees which generates 0.67 habitat units and hedgerow creation will result in 0.76 biodiversity units being delivered. With on-site landscaping, the scheme will result in an overall net loss of 1.49 habitat biodiversity units and a gain of 0.76 hedgerow units.

1.37 Landscape Scheme:

The proposed landscape plan shows standard and heavy standard tree planting, native hedging and scrub, a small area of species rich grassland and areas of ornamental planting to the southern and western boundaries. It is considered that the loss of native planting could be minimised within the site and landscaping improved on site to minimise net loss and the number of biodiversity units required to be delivered off-site. The ornamental planting proposed along the southern and western boundary's (behind the car parking) could be replaced with native scrub planting and would help increase biodiversity units on site. The scheme will result in a net loss of 1.49BU which equates to a net loss of - 55% and subsequently off-site compensation will be required. As the applicant has no other land to deliver the off-site compensation in North Tyneside, they have agreed to provide a financial contribution to the Council for the delivery of habitat creation on Council land (including maintenance and monitoring) which will deliver a net gain of approximately 5%.

### 1.38 Conditions:

- No trees, shrubs or hedges within the site other than those shown to be removed on the AIA shall be felled, uprooted, wilfully damaged or destroyed, cut back in any way or removed during the development phase other than in accordance with the approved plans or without the prior written consent of the Local Planning Authority.
- Prior to any ground being broken on site and in connection with the development hereby approved (including demolition works, tree works, soil moving, hardstandings, temporary access construction and / or widening or any operations involving the use of motorised vehicles or construction machinery, site security fencing, services), construction of vehicular drives, parking areas, installation of kerb edges, retaining wall construction and other hard surfacing within the root protection area (as defined by BS5837:2012), a detailed Arboricultural Method Statement (AMS), including a Tree Protection Plan, (TPP) in accordance with BS5837:2012 'Trees in relation to design, demolition and construction – Recommendations' is to be submitted to and approved in writing by the Local Planning Authority. No site clearance works or the development itself shall be commenced until such a scheme is approved by the Local Planning Authority and thereafter the development hereby permitted shall only be carried out in accordance with that scheme. Tree protective fencing surrounding each tree group /hedgerow is to be installed prior to any work commencing and shall remain for the full duration of the development and shall not be removed or repositioned without the prior written approval of the Local Planning Authority.
- All works within the RPA of the retained trees that include (but not limited to) kerb installation, fence post installation, lighting, any new service installations or service diversions including drainage, are to be carried out in complete accordance with the Arboricultural Method Statement, BS 5837:2012 and the National Joint Utilities Group (NJUG) 'Guidelines for the Planning, Installation and Maintenance of Utility Apparatus in Proximity To Trees' with works being undertaken by hand or suitable method such as an air spade to ensure works will not damage to the root systems of the retained trees. Confirmation of the proposed working method is to be submitted for approval.
- The contractors construction method statement relating to traffic management/site compounds/contractor access, temporary parking, on site welfare facilities, loading, unloading and storage of equipment, materials, fuels and waste as well concrete mixing and use of fires must be submitted in writing and approved by the Local Planning Authority and include tree protection measures for the trees to be retained. Cabins, storage of plant and materials, parking are not to be located within the RPA of the retained trees as defined by the Tree Protection Plan and maintained for the duration of the works
- Any trees identified for removal at the southern end of the site amongst the dense scrub habitat will be soft felled. Each section of the tree will be gently lowered to the ground and left in situ for at least twenty-four hours before being chipped or removed from site to allow time for any individual roosting bats to escape.

- External lighting will be low level, avoiding the use of high intensity security lighting and should be designed to minimise light spill into adjacent habitat areas around the boundaries.

- No vegetation removal or building works shall take place during the bird nesting season (March- August inclusive) unless a survey by a suitably qualified ecologist has confirmed the absence of nesting birds immediately prior to works commencing.

- Bird and bat boxes will be provided upon completion of the development, in accordance with the details set out in Section 5 of the Ecological Impact Assessment Report dated 30th June 2021(Whitcher Wildlife Ltd)

- Any excavations left open overnight will have a means of escape for mammals that may become trapped in the form of a ramp at least 300mm in width and angled no greater than 45°.

- Within one month from the start on site of any operations such as site excavation works, site clearance (including site strip) for the development, a fully detailed landscape plan shall be submitted to and approved in writing by the Local Planning Authority and shall be in accordance with the Biodiversity Net Gain Assessment within the EclA Report (Whitcher Wildlife Ltd June 2021). The landscape scheme shall include a detailed specification and proposed timing of all new tree, shrub, hedgerow and wildflower planting. All new standard trees are to be a minimum 12-14cm girth. Native scrub planting is to be included along the southern and western boundaries in place of ornamental shrub planting. The landscaping scheme shall be implemented in accordance with the approved details within the first available planting season following the approval of details. All hard and soft landscape works shall be carried out in accordance with the approved details and to a standard in accordance with the relevant recommendations of British Standard 8545:2014. Any trees or plants that, within a period of five years after planting, are removed, die or become seriously damaged or defective, shall be replaced with others of species, size and number as originally approved, by the end of the first available planting season thereafter. No development shall take place until a schedule of landscape maintenance and monitoring for a minimum period of 30 years including details of the arrangements for its implementation has been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved schedule.

- A financial contribution for the delivery of off-site compensation will be agreed with the LPA prior to any planning approval and the agreed sum will be paid to the LPA prior to development commencing on site.

## 2.0 External Consultees

### 2.1 Northumbria Police

2.2 We have no objections to make with regards to this application, however could it be clarified what the boundary treatment will be for the development as I am struggling on finding information on the submitted planning documents.

2.3 From looking at current images, it appears to mixture of fencing in varying states of repair. A good perimeter boundary not only defines the space as to public or private property, but it can also prevent intrusion onto the site by criminals and therefore prevent the removal of property unlawfully.

#### 2.4 Nexus

2.5 The site of the proposed development is well located for employees and visitors to be able to use public transport. Percy Main Metro is within 800m walking distance of the site and offers frequent light rail services. Bus services 1A, 1B and 19 also call at bus stops close to the site.

2.6 The site has a southern boundary with the operational Metro rail line which is in the ownership of Nexus. The applicant must contact Nexus' engineering department to discuss proposed methods of working. To date the applicant has not made contact with Nexus to discuss the proposals and should do so to discuss the requirements within the attached Nexus Rail Planning Condition Requirements document. Nexus contact address is 3rdpartyworks@nexus.org.uk

2.7 As this application is for commercial/industrial units, Nexus needs to ensure that the required railway incursion measures will be provided at the southern boundary with the Metro, to ensure that road vehicles do not enter the railway at any time.

2.8 As well as being adjacent to the existing Metro line, the location identified in the planning application is next to a corridor of land that has been identified in the North Tyneside Local Plan as a Transport Safeguard Route as described in Policy S7.3 Transport, in the event that the route is required in connection with a potential Metro network extension corridor (Cobalt Corridor Link).

2.9 Transport North East is working on feasibility studies, including within the area adjacent to this application along the southern and eastern boundary of the proposed development. Nexus recommends that the developer liaises with Transport North East as studies are further developed to avoid any potential conflicts with Metro network extension proposals. Until these studies are concluded and there is certainty as to extent of any land requirements for the Cobalt Corridor Link, Nexus reserves its position on the potential impact of the proposed development upon the network extension and vice versa.

#### 2.10 Condition requirements:

- The developer and design team are to establish a dialogue with Nexus Rail and we require that liaison between the developer and ourselves continues as necessary to ensure safe working adjacent to the operational railway infrastructure and that the development has no adverse impact on our property.

- Any demolition and refurbishment works must not be carried out on the development site that may endanger the safe operation of the railway, or the stability of the adjoining Nexus Rail structures. The demolition of buildings or other structures near to the operational railway infrastructure must be carried out in accordance with an agreed method statement. Acceptance of the method statement must be obtained from Nexus Rail's Project Manager before the development can commence. Items to be considered will include dust



suppression and the prevention of any debris entering Nexus Infrastructure and fouling the electrified overhead line equipment.

- All surface and foul water arising from the proposed works must be collected and diverted away from Nexus Rail property. In the absence of detailed plans all soakaways must be located so as to discharge away from the railway infrastructure.

- Services and utilities (including drainage) across the tunnels should be minimised as far as practicable, and Nexus Rail approval must be gained prior to design approval. Nexus Rail may require future cut and cover access to the tunnels, and hence consideration must be given to facilitating this access (including, but not limited to, the installation of pipe valves or cable joints either side of the tunnel footprints, and removable ducting). The potential for leaks from drainage or water pipes must be minimised and mitigated as far as practicable, and the developer shall be required to maintain such pipes to further reduce the risk of leaks. Gas pipes or other high-risk utilities shall not be permitted over Nexus Rail infrastructure. Water storage facilities (including attenuation tanks) shall not be permitted within the 3m easement of the Nexus tunnels.

- All operations, including the use of cranes or other mechanical plant working adjacent to Nexus Rail's property, must at all times be carried out in a "fail safe" manner such that in the event of mishandling, collapse or failure, no materials or plant are capable of falling within 3.0m of the nearest rail of the adjacent railway line, or where the railway is electrified, within 3.0m of overhead electrical equipment or supports. No cranes or plant are allowed to oversail Nexus Rail property, overhead lines or track.

- All excavations/earthworks carried out in the vicinity of Nexus Rail property/ structures must be designed and executed such that no interference with the integrity of that property/structure can occur. If temporary works compounds are to be located adjacent to the operational railway, these should be included in a method statement for approval by Nexus Rail. Prior to commencement of works, full details of excavations and earthworks to be carried out near the railway undertaker's boundary fence should be submitted for the approval of the Local Planning Authority acting in consultation with the railway undertaker and the works shall only be carried out in accordance with the approved details. Where development may affect the railway, consultation with the Nexus Rail Project Manager should be undertaken. Nexus Rail will not accept any liability for any settlement, disturbance or damage caused to any development by failure of the railway infrastructure nor for any noise or vibration arising from the normal use and/or maintenance of the operational railway. No right of support is given or can be claimed from Nexus RAILS infrastructure or railway land.

- Security of the railway boundary will need to be maintained at all times. If the works require temporary or permanent alterations to the mutual boundary, the applicant must contact the Nexus Rail Project Manager.

- Because of the nature of the proposed developments we consider that there will be an increased risk of trespass onto the railway. The Developer must provide a suitable trespass proof fence adjacent to Nexus Rail's boundary (minimum 1.8m

high) and make provision for its future maintenance and renewal. Nexus Rail's existing fencing / wall must not be removed or damaged.

- An Armco or similar barrier should be located in positions where vehicles may be in a position to drive into or roll onto the railway or damage the lineside fencing. Nexus Rail's existing fencing/wall must not be removed or damaged. Given the considerable number of vehicle movements likely provision should be made at each turning area/roadway/car parking area adjacent to the railway. In this instance there appear to be several parking areas proposed adjacent to the railway boundary where barriers would be appropriate.

- The developer/applicant must ensure that their proposal, both during construction, and after completion of works on site, does not affect the safety, operation or integrity of the operational railway, Nexus Rail and its infrastructure or undermine or damage or adversely affect any railway land and structures.

- Where trees/shrubs are to be planted adjacent to the railway boundary these trees/shrubs should be positioned at a minimum distance greater than their predicted mature height from the boundary. Certain broad leaf deciduous species should not be planted adjacent to the railway boundary. We would wish to be involved in the approval of any landscaping scheme adjacent to the railway.

- Where new lighting is to be erected adjacent to the operational railway, the potential for train drivers to be dazzled must be eliminated. In addition, the location and colour of lights must not give rise to the potential for confusion with the signalling arrangements on the railway. Detail of any external lighting should be provided as a condition if not already indicated on the application.

- Method Statements and Risk Assessments are required to be submitted to Nexus Rail's Project Manager for acceptance a minimum of 10 working days prior to works commencing on site.

- Where vibro-compaction machinery is to be used in development, details of the use of such machinery and a method statement should be submitted for the approval of the Local Planning Authority acting in consultation with the railway undertaker prior to the commencement of works and the works shall only be carried out in accordance with the approved method statement.

- The Developer should be aware that any development for residential use adjacent to an operational railway may result in neighbour issues arising.

- All roads, paths or ways providing access to any part of the railway undertaker's land shall be kept open at all times during and after the development. In particular, access over adjacent any level crossings and road/rail motor vehicle track access points must be kept clear and unobstructed at all times both during and following construction work.

- Good housekeeping is to be observed to prevent items blowing onto the Nexus Electrified Overhead Line Equipment resulting in the Metro service being stopped which will incur large costs for disruption, enclosed skips should be used to mitigate against this from happening.

- Appropriate measures are to be taken to control the emission of dust and dirt entering the railway corridor, excessive dust and dirt will be reported by the Metro drivers.

- Nexus Rail is required to recover all reasonable costs associated with facilitating these works.

### 3.0 Representations

3.1 1no. representation has been received in support of the application. This is summarised below.

- It will create much needed employment opportunities for the residents of North Tyneside especially the younger resident.

- This application is replacing a commercial entity (eyesore) with a modern well planned small business park.

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**Item No:** 4  
**Application No:** 21/01341/FUL  
**Date valid:** 21 May 2021  
**Target decision date:** 20 August 2021  
**Author:** Maxine Ingram  
**☎:** 0191 643 6322  
**Ward:** Killingworth

Application type: full planning application

**Location: Henson Motor Group, Benton Square Industrial Estate, Whitley Road, Benton, NEWCASTLE UPON TYNE**

**Proposal: Demolition of existing building and erection of a building for use as a builders' merchant. (storage, distribution, trade counter, offices and ancillary retail sales)**

Applicant: c/o Agent, Lichfields St. Nicholas Building St. Nicholas Street  
Newcastle Upon Tyne NE1 1RF

Agent: Lichfields, Mr Michael Hepburn St Nicholas Building St Nicholas Street  
Newcastle NE1 1RF

**RECOMMENDATION:** Minded to grant on expiry consultation

## **INFORMATION**

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

1.0 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, and,
- Other issues.

1.1 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 currently in use as a car dealership on the North Tyne Industrial Estate, which is an allocated site (Site E016) for employment uses in the Local Plan (LP) (2017). The site is on the eastern perimeter of the site. To the north east it is bound by an electricity substation, beyond which lies a residential estate (Miller Close). To the north it is bound by a residential estate (Miller Close) and existing commercial uses. To the west it is bound by existing commercial

uses. The A191 (Whitley Road) is located to the south of the site, beyond which lies a supermarket.

2.2 Access to the site is from the A191.

### 3.0 Description of the Proposed Development

3.1 Planning permission is sought for the demolition of existing building and erection of a building for use as a builders' merchant. (storage, distribution, trade counter, offices and ancillary retail sales).

3.2 The applicant has advised the proposed building will operate as a builders merchants. The existing operator (car dealership) will be relocated to a different part of the north east.

3.3 The ground floor of the building is in two parts. The main part will be a full height warehouse, with the smaller part to be used for smaller products as well as offices. The roof will provide a mezzanine floor which will be used for storage.

3.4 The proposed development will support the creation of up to 30 jobs directly on-site.

3.5 It is proposed that staff will arrive for work at 06:30 hours, with the business opening at 07:00 hours. The premises will close at 18:00 hours Monday to Friday and 17:00 hours on Saturdays. At present it is not intended to open on Sundays.

### 4.0 Relevant Planning History

87/00057/ADV - Advert signs – Permitted 11.03.1987

95/01306/FUL - Improvements to existing buildings and provision of car parking areas – Permitted 31.10.1995

96/00760/FUL - Change of use from roofing contractors depot (part) to car sales showroom and related parking, together with the demolition of frontage offices and creation of new front elevation – Permitted 15.07.1996

05/00420/FUL - Demolition of existing structure. Rationalisation and provision of new car retail space. Provision of new/relocation of existing fencing. Provision of floodlighting – Permitted 20.04.2005

08/00210/FUL - External works to include new windows, principal entrance way and re-cladding to the front and right side elevations – Permitted 14.04.2008

### 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, 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 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 The site is currently in use as a car dealership (sui generis use) on the North Tyne Industrial Estate, which is an allocated site (Site E016) for employment uses in Policy S2.2 of the North Tyneside Council Local Plan (2017).

8.7 Policy S2.2 of the Local Plan defines employment uses as those in the former use class of B1 (now part of the wider definition of the E Class) and the extant use class B2 and B8. The proposed use of the site for storage and distribution purposes would be defined as a B8 use class. The applicant has advised within their supporting documents that a small element of the proposal will include sales to the general public, which would be classed as general retail (Use Class E), but the majority of the operator's business is for wholesale purposes.

8.8 Policy DM 2.3 of the Local Plan aims to support proposals for B8 uses on employment sites, but it does also allow for uses not within the use classes of B1 (now Use Class E), B2 or B8 if the use is ancillary. Based on the information provided, it is considered that the sales to members of the public will be ancillary and therefore the proposed development would be in accordance with Policy DM2.3 of the Local Plan. A condition is recommended to ensure that the overall floor area for the ancillary retail does not exceed 10% of the overall floor area.

8.9 The proposed development would support economic prosperity and job growth in the Borough supporting Policy S2.1 of the Local Plan and would be supporting business investment of a nature congruent to the allocated employment site.

8.10 The proposed development meets the requirements of Policies S2.2 and DM2.3. Members need to determine whether the principle of the proposed development is acceptable. 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.

Proposals for development should have regard to the noise impacts arising from the Newcastle International Airport flight path as shown on the Policies Map.”

9.4 The Manager for Environmental Health has been consulted. She has raised concerns with regards to noise arising from the new development (delivery and collections at the site, storage operations and noise from any external plant and equipment installed at the site) and the impacts this may have on the residential properties at Miller Close. The closest property is some 12m from the north west boundary.

9.5 The Manager for Environment Health has reviewed the noise assessment report. This has considered noise arising from deliveries only with two points sources for the modelling located near the entrance of the delivery yard. The noise monitoring has determined that noise arising from deliveries will give rise to low to minor adverse impacts for neighbouring residents. The noise assessment has not considered activities within the storage area adjacent to No. 37 Miller Close. It is noted that a 2.6m high existing fence is provided but storage racking within this area will be up to 5m high. Operational activities within this area may give rise to potential disturbance. The proposed site layout also shows that vehicle movements will take place in this area. These vehicle movements will generate noise that would be similar to that of the existing site operations. However, the noise assessment indicates that the main noise generating activities will arise from the loading and unloading of deliveries which will occur nearer to the entrance of the yard. The noise levels are not considered to give rise to significant adverse impacts. Internal noise levels within bedrooms at the first-floor will meet the World Health Organisation guidelines.

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, Members are advised that it is clear from their comments set out in paragraphs 1.7-1.9 of the appendix to this report that appropriate mitigation to reduce the impacts arising from noise can be secured by conditions.

9.7 Members need to determine whether the proposed development is acceptable in terms of its impact on the amenity of neighbouring and nearby properties. It is officer advice that the proposed development is, 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 LDD11 ‘Design Quality’ SPD applies to all planning applications that involve building works.

10.4 The overall scale and design of buildings vary within the wider industrial estate.

10.5 The proposed building will be approximately 8.1m to ridge. This height is considered to be commensurate to the buildings located on the wider industrial estate and the footprint is in-keeping with the scale of the local area. The proposed materials (composite cladding and brick) are considered to be appropriate.

10.6 New 2.4m high Nylofor high security powder coated fencing is to be installed to the south of the site. To the remaining boundary, the existing fencing is to be retained. The use of Nylofor fencing to the southern boundary is appropriate as it maintains security whilst still allowing views into the site. The use of this type of fencing accords with the advice set out in the Design Quality SPD.

10.7 The applicant has advised that many of the goods supplied by a builder's merchant will be permanently exposed to the elements. Therefore, there is no practical need for them to be stored under cover. The open storage area which also serves as an HGV parking area, circulation space and delivery area is the larger part of the site. Some materials such as timber and lintels are stored in specialist racking. These will be 5m high. Other materials such as brick can be stacked on top of each other.

10.8 The applicant has advised that the yard area will be laid out to enable easy access to all goods and to ensure the health and safety of all staff and customers is not compromised.

10.9 Nos. 36 and 37 Miller Close are sited in close proximity to the north west boundary. There are no habitable windows sited in the gables of these properties. Obscure views of the proposed external storage areas will be afforded from these properties, including No. 31 Miller Close, and more direct views will be afforded from their rear gardens. However, it is not considered that their residential amenity will be significantly affected to such an extent that will sustain a recommendation of refusal.

10.10 The site is currently hard surfaced with no existing landscape features.

10.11 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 SPD (LDD12).

11.5 The site will be accessed from the A191 (Whitley Road) as per the existing arrangement. Parking provision will be provided within the site.

11.6 The Highways Network Manager has been consulted. He has reviewed the submitted Transport Statement (TS). He has advised that the impact on the adjacent highway network will not be severe. He has also advised that the site has good links with public transport and parking and cycle parking have been provided to meet the needs of the site. On this basis, he has recommended conditional approval.

11.7 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 Other Issues

### 12.1 Contaminated Land

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

12.3 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".

12.4 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.

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

12.6 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.

### 12.8 Flooding

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

12.10 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.

12.11 The submitted Drainage Strategy advises that the replacement building will utilise the existing drainage infrastructure on site for both foul and surface water systems. A CCTV survey has been undertaken which shows that the conditions of the existing drains would be able to support the proposed development.

12.12 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.

#### 12.13 Minerals

12.14 LP DM5.17 ‘Minerals’ sets out guidance on minerals extraction. However, this development relates to an existing largely hard surfaced site.

#### 12.15 Aviation

12.16 Newcastle International Airport Limited (NIAL) have been consulted. They have raised no objection to the proposed development.

#### 12.17 Police

12.18 Northumbria Police have been consulted. They have raised no objection to the proposed development. They have provided comments regarding site security. Informatives are suggested to advise the applicant of their comments.

#### 12.19 Archaeology

12.20 The Tyne and Wear Archaeology Officer has been consulted. She has raised no objections to the proposed development.

#### 13.0 Local Financial Considerations

13.1 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.

#### 14.0 Conclusion

14.1 Members need to determine whether the proposed development is acceptable in terms of the principle of the development, its impact on amenity, its impact on the character and appearance of the area and all other issues including its impact on highways and ground conditions. 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. Approval is recommended.

**RECOMMENDATION: Minded to grant on expiry consultation**

**It is recommended that members indicate they are minded to approve the application, following expiry of the consultation, and subject to the conditions set out below and the addition or omission of any other considered necessary, and grant plenary powers to the Head of Environment, Housing and Leisure to determine the application providing no further matters arise which in the opinion of the Head of Environment, Housing and Leisure, raise issues not previously considered which justify reconsideration by the Committee.**

**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
  - Proposed roof plan Dwg No. NEB BC 007A
  - Proposed layout plan Dwg No. NEB BC 003A Rev A
  - Proposed site layout plan Dwg No. NEB BC 001 A Rev A
  - Proposed elevations Dwg No. NEB BC 004A Rev AReason: 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. 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.

4. Any spoil arising from foundations will require Waste Acceptance Criteria testing carried out to ensure that it is disposed of at a suitably licensed facility.

Reason: To ensure all materials are disposed of correctly having regard to policy DM5.18 of the North Tyneside Local Plan (2017) and National Planning Policy Framework.

5. Notwithstanding condition 1, prior to the commencement of the development hereby approved above ground level details of the height, position, design and materials of any chimney or extraction vent to be provided in connection with the development shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall thereafter be implemented before any unit is first occupied in accordance with the approved details and permanently retained.

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

6. Notwithstanding condition 1, prior to the commencement of the development hereby approved above ground level details of any air ventilation systems shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall thereafter be implemented before any unit is first occupied in accordance with the approved details and permanently retained.

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

7. Notwithstanding condition 1, prior to the commencement of the development hereby approved above ground level a noise scheme shall be submitted to and approved in writing by the Local Planning Authority, in accordance with BS4142 to determine the noise rating level of any new external plant and equipment operating at the site, including noise levels expected to be created by their combined use, and appropriate mitigation measures taken where necessary to ensure the rating level of plant and equipment does not exceed the existing daytime background noise level of 46 dB LA90 at Miller Close. Thereafter the development shall be carried out in accordance with these agreed details and verification details pursuant to condition 8.

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

8. Within one month of the installation of any plant and equipment acoustic testing shall be undertaken to verify compliance with condition 7. 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 adjoining properties having regard to policy DM5.19 of the North Tyneside Local Plan (2017).

9. 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).

10. The premises shall only be open for business between the hours of 07:00 and 18:00 Monday to Friday and 07:00 - 17:00 on Saturdays. The premises shall not be open on any Sunday.

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).

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

- a statement of frequency of use, and the hours of illumination;



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

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

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

12. 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.

13. 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.

14. There shall be no burning of any materials on the site at any time.

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

15. Storage of any dust generating building materials at the yard must be suitably covered to minimise dusts offsite.

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

16. Deliveries and collections must not be permitted between the hours 23:00 and 07:00 hours Monday to Saturdays. There shall be no deliveries or collections to the premises on any Sunday.

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

17. 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.

18. Notwithstanding Condition 1, prior to the commencement of any part of the development hereby approved above ground level details of facilities to be provided for the storage of wheeled refuse, including recycling if necessary, shall be submitted to and approved in writing by the Local Planning Authority. The refuse facilities shall be provided in accordance with the approved details, prior to the occupation of each unit and thereafter permanently retained.

Reason: In order to safeguard the amenities of the area having regard to policies DM6.1 of North Tyneside Local Plan (2017).

19. The scheme for parking and manoeuvring indicated on the approved plans shall be laid out prior to the initial occupation of the development hereby permitted and these areas shall not thereafter be used for any other purpose.

Reason: To enable vehicles to draw off, park and turn clear of the highway to minimise danger, obstruction and inconvenience to users of the adjoining highway having regard to policy DM7.4 of the North Tyneside Local Plan (2017).

20. No part of the development shall be occupied until a scheme for the provision of secure undercover cycle parking has been submitted to and approved by in writing the Local Planning Authority. Thereafter, this scheme shall be implemented in accordance with the approved details before the development is occupied.

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

21. No part of the development shall be occupied until an area has been laid out within the site for heavy goods vehicles to turn in accordance with the approved drawing and that area shall not thereafter be used for any other purpose.

Reason: To enable vehicles to draw off and turn clear of the highway thereby avoiding the need to reverse onto the public highway having regard to policy DM7.4 of the North Tyneside Local Plan (2017).

22. Notwithstanding the provisions of the Town and Country Planning (Use Classes) Order 1987 (or any Order revoking or re-enacting that Order), the development hereby approved shall only be used only for the purposes applied for:

-B8 Storage and Distribution (this includes open air storage, and which, for the avoidance of doubt includes the builder's merchant use described in the submitted application) including no more than 10% of the floorspace of the building hereby approved to be used for the small product store, and shall not be used for any other purpose within the Town and Country Planning (Use Classes) Order 1987 (or any Order revoking or re-enacting that Order).

Reason: To enable the Local Planning Authority to retain control over the use in a designated employment site having regard to Policy DM2.3 of the North Tyneside Local Plan (2017).

23. External products shall only be stored in the areas identified on the proposed site layout plan (Dwg No. NEB BC 001 A). All stacked products shall not exceed a height of four metres, all pallet or cantilever racking shall not exceed a height of five metres and all other products stored outside shall not exceed a height of four metres unless first agreed in writing by the Local Planning Authority. Reason: To safeguard the amenities of neighbouring occupants and land having regard to policy DM5.19 of the North Tyneside Local Plan (2017) and National Planning Policy Framework.

24. Notwithstanding Condition 1, prior to the commencement of any construction works on the site details showing the existing and proposed ground levels and levels of thresholds and floor levels of the proposed new build and the existing levels of the adjacent footpath shall be 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 information is required pre-commencement 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 and protecting existing landscape features having regard to the NPPF and policy DM6.1 of the North Tyneside Local Plan (2017).

25. Prior to construction above damp proof course the details specifying how the applicant intends to offer opportunities to local unemployed people during the construction phase shall be submitted to and agreed in writing by the Local Planning Authority. Thereafter, it shall be implemented in accordance with the agreed details.

Reason: To enable the Council to put forward local eligible unemployed people with a view to securing work and training opportunities to encourage employment in accordance with policy S2.1 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)

Contact ERH Construct Highway Access (I05)

No Doors Gates to Project Over Highways (I10)

Do Not Obstruct Highway Build Materials (I13)

Take Care Proximity to Party Boundary (I21)

Advice All Works Within Applicants Land (I29)

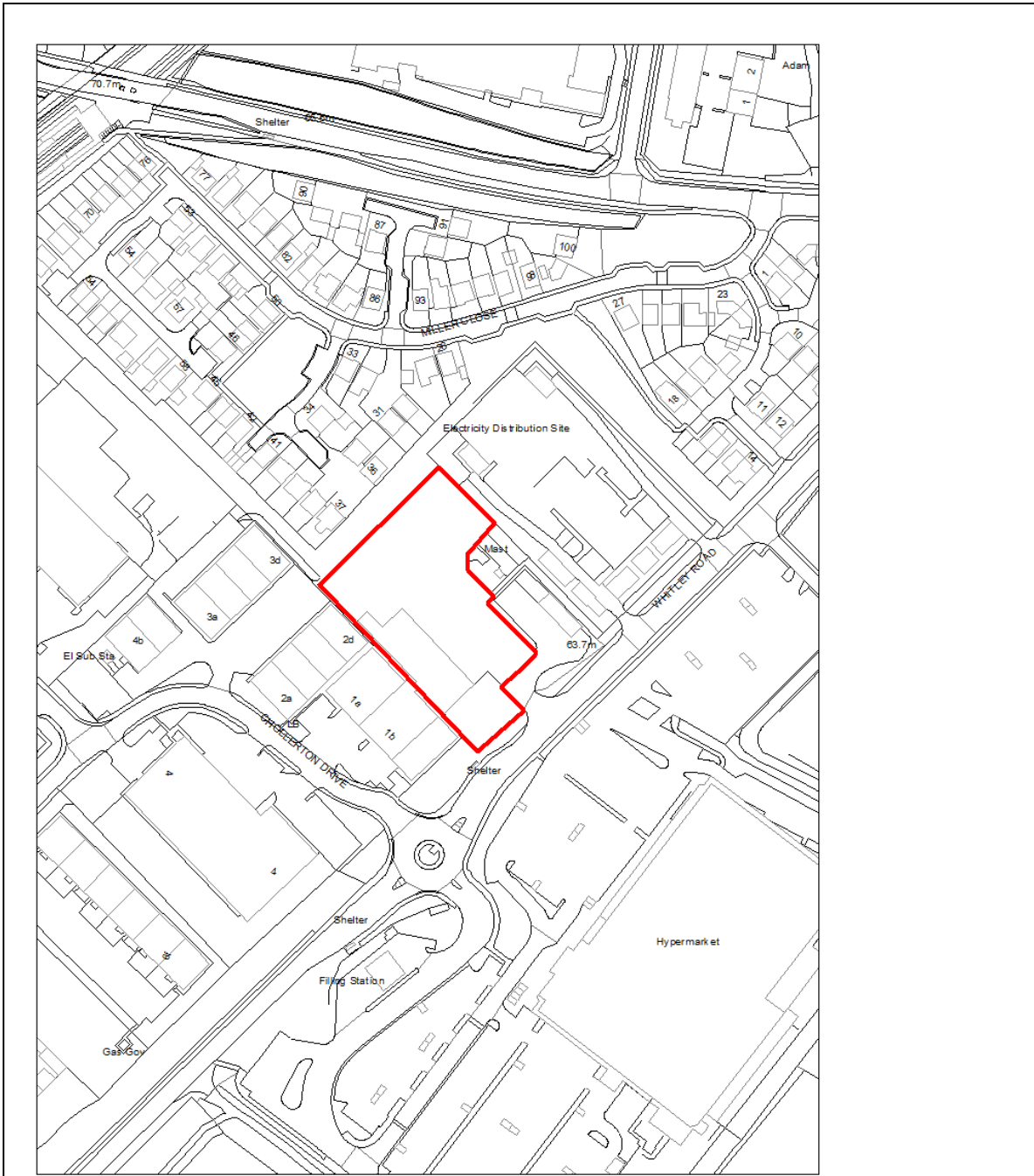
Coal Mining Standing Advice (FUL,OUT) (I44)

Street Naming and numbering (I45)

Highway Inspection before dvlpt (I46)

Northumbria Police have advised that builders merchants can be a target for theft, as generally once the store is closed there is limited informal surveillance as per the proposed site layout plan, products are left in situ outside and often placed up against the fence line making them an easy target for theft. From the proposed site layout out, there are a number of pallet and cantilever racking systems, these should be located away from the perimeter fence which would

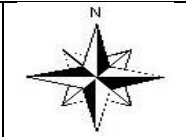
deter and help prevent them being used as a climbing aid and the products being an easy target for theft. A general security plan should be developed and adopted for the site, to include external lighting, comprehensive CCTV and overall site security operating procedures, such as gate security and general maintenance of the site to include regular checks of the boundary fence.



**Application reference: 21/01341/FUL**  
**Location: Henson Motor Group, Benton Square Industrial Estate, Whitley Road, Benton**  
**Proposal: Demolition of existing building and erection of a building for use as a builders' merchant. (storage, distribution, trade counter, offices and ancillary retail sales)**

Not to scale  
 Date: 22.07.2021

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**Consultations/representations**

1.0 Internal Consultees

1.1 Highways Network Manager

1.2 A Transport Statement (TS) was submitted as part of the application and it is considered that the impact on the adjacent highway network will not be severe. The site has good links with public transport, parking & cycle parking have been provided to meet the needs of the site and conditional approval is recommended.

1.3 Recommendation - Conditional Approval

1.4 Conditions:

ACC25 - Turning Areas: Before Occ

PAR04 - Veh: Parking, Garaging before Occ

REF01 - Refuse Storage: Detail, Provide Before Occ

SIT06 - Construction Method Statement (Minor)

No part of the development shall be occupied until details of secure & undercover cycle parking provision has been submitted to and approved by in writing the Local Planning Authority. This will be implemented in accordance with the approved details and retained thereafter

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

1.5 Informatives:

I05 - Contact ERH: Construct Highway Access

I10 - No Doors/Gates to Project over Highways

I13 - Don't obstruct Highway, Build Materials

I45 - Street Naming & Numbering

I46 - Highway Inspection before dv/pt

1.6 Manager for Environmental Health (Pollution)

1.7 The premises are located on a dedicated industrial estate but are adjacent to residential properties at Miller Close, with the facade of the nearest property located some 12 metres from the north west boundary. I have concerns with regard to noise arising from the new development, specifically noise arising from delivery and collections at the site, storage operations and noise from any external plant and equipment installed at the site.

1.8 I have reviewed the noise assessment report. This has considered noise arising from deliveries only with two point sources for the modelling located near the entrance of the delivery yard. The noise monitoring has determined that noise arising from deliveries will give rise to low to minor adverse impacts for neighbouring residents. However, the noise assessment has not considered activities within the storage area adjacent to 37 Miller Close. A 2.6m high existing fence is provided but storage racking within this area will be up to 5 m high and operational activities within this area may give rise to potential disturbance from clattering and banging when loading and unloading building

materials from the racking. The site layout plan also shows that vehicle movements will take place within this area but such noise would be similar to that of the existing site which consists of vehicle storage. However, the noise assessment indicates that the main noise generating activities will arise from the loading and unloading of deliveries which will occur nearer to the entrance of the yard. The noise rating level calculated from the operating was determined as 46 dBLAeq against an existing background of 46 dBLA90. Although identified as minor adverse, noise levels are not considered to give rise to significant adverse impacts. Internal noise levels within bedrooms at the first floor were calculated as 35 dBLAeq, and would meet the World Health Organisation guidelines for community noise for internal bedrooms during the daytime period.

1.9 I would therefore recommend the following conditions if planning consent is to be given:

**Installation of New External Plant and Equipment:**

A noise scheme must be submitted in accordance with BS4142 to determine the noise rating level of new external plant and equipment operating at the site and that appropriate mitigation measures are taken where necessary to ensure the rating level of the plant and equipment does not exceed the existing daytime background noise level of 46 dB LA90 at Miller Close. 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.

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.

There shall be no burning of materials on the site.

Reason: In the interests of protecting the amenities of the occupiers of surrounding land and properties.

Storage of any dust generating building materials at the yard must be suitably covered to minimise dusts offsite.

Deliveries and collections must not be permitted between the hours 23:00 and 07:00 hours Monday to Saturdays.

NOI02

EPL01 for any external vents and chimneys

EPL02

HOU03 to those on application

HOU04

HOU05

SIT03

LIG01 for any new external lighting



#### 1.10 Manager for Environmental Health (Contaminated Land)

1.11 The site lies c. 100m south of a former mine, and lies c250m north of three known landfills. The Design and Access Statement indicates that

"The existing overlying structures will be demolished as part of the scheme. The existing building is dated, and the current layout is not suitable for the proposed use. The existing hardstanding will be retained and repaired where required."

1.12 If this is the case then a full site investigation will not be required as there will be no pathways for contamination and therefore no contaminant linkage. However, any spoil arising from foundations will require Waste Acceptance Criteria testing carried out to ensure that it is disposed of at a suitably licensed facility.

1.13 Due to the close proximity of potential landfill and mine gas sources an investigation into the ground gas regime will be required. Recommend conditional approval

1.14 Condition:  
Gas 006

#### 1.15 Planning Policy

1.16 The site is currently trading as a car sales area (sui generis use) on the North Tyne Industrial Estate, which is an allocated site (Site E016) for employment uses in Policy S2.2 of the North Tyneside Council Local Plan (2017). The site is on the eastern perimeter of the industrial estate with an electrical substation to the east, housing to the north, a supermarket to the south and further industrial development to the west. The site is in a prominent location of the industrial estate, fronting the A191, which is a key link road running west to east across the Borough.

1.17 Policy S2.2 of the Local Plan defines employment uses as those in the former use class of B1 (now part of the wider definition of the E Class) and the extant use class B2 and B8. The proposed use of the site for storage and distribution purposes would be defined as a B8 use class. The facility will include sales to the general public, which would be classed as general retail (Use class E), but the majority of the operator's business is for wholesale purposes.

1.18 Policy DM 2.3 of the Local Plan aims to support proposals for B8 uses on employment sites, but it does also allow for uses not within the use classes of B1, B2 or B8 if the use is ancillary. In this instance the agent suggests that less than 10% of the sales from the operation would be from sales to members of the public (use class E) and therefore the proposed development would be in accordance with Policy DM2.3 of the Local Plan.

1.19 The proposed development would support economic prosperity and job growth in the Borough supporting Policy S2.1 of the Local Plan and would be supporting business investment of a nature congruent to the allocated employment site.

1.20 Conclusion:

1.21 The proposed development would support sustainable economic prosperity in the Borough. The proposed development would be in accordance with Policy DM2.3 and support Policy S2.2 and S2.1 of the Local Plan (2017). A condition to limit the ancillary sales area of the site to no more than 10% would be advised to ensure the general retail sales element of the development remains ancillary.

## 2.0 Representations

None

## 3.0 External Consultees

### 3.1 Northumbria Police

3.2 We have no objections to the proposals, however we would like to make the following comments:

Builders Merchants can be a target for theft, as generally once the store is closed there is limited informal surveillance as per the proposed site layout plan, products are left in situ outside and often placed up against the fence line making them an easy target for theft.

Can it be clarified as to the height and specification of the perimeter fence, from looking at the site on Google Maps, there appears to be a mix of palisade and welded mesh fencing. Where a crime risks dictates there is a realistic chance of theft, I would recommend welded mesh fencing with a height of 2.4m for this boundary treatment.

From the proposed site layout out, there are a number of pallet and cantilever racking systems, these should be located away from the perimeter fence which would deter and help prevent them being used as a climbing aid and the products being an easy target for theft.

A general security plan should be developed and adopted for the site, to include external lighting, comprehensive CCTV and overall site security operating procedures, such as gate security and general maintenance of the site to include regular checks of the boundary fence.

### 3.3 Newcastle International Airport Limited (NIAL)

3.4 No comments.

### 3.5 Tyne and Wear Archaeology Officer

3.6 I have checked the site against the HER and historic maps, and consider that the proposals will not have a significant impact on any known archaeological heritage assets, and no archaeological work is required.



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**Item No:** 5  
**Application No:** 21/01595/FULH  
**Date valid:** 5 July 2021  
**Target decision date:** 30 August 2021  
**Author:** Maxine Ingram  
**☎:** 0191 643 6322  
**Ward:** Camperdown

Application type: Householder Full application

**Location: 19 Havanna, Killingworth, NEWCASTLE UPON TYNE, NE12 5BL,**

**Proposal: Proposed single storey rear extension. Proposed garage conversion. Internal alterations**

Applicant: Mrs Erin Parker Leonard, 19 Havanna Killingworth NEWCASTLE UPON TYNE NE12 5BL

Agent: Marsfen Architecture, Ian Henderson 2 Ferndale Avenue Gosforth Newcastle Upon Tyne NE3 5QE

**RECOMMENDATION:** Minded to grant on expiry consultation

## **INFORMATION**

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

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

- The impact upon neighbours living conditions with particular regard to the impact upon light, outlook and privacy; and,
- The impact of the proposal upon the character and appearance of the surrounding area.

1.1 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 site to which the application relates is a west facing, detached property located in a residential area of Killingworth. The property has an integral garage with associated hardstand to front. The remainder of the front garden is open plan. The rear garden is enclosed by approximately 1.8m high timber fencing. To the rear of the property is an existing conservatory.

2.2 Access to the property is gained via a shared access serving the host property and No. 20 Havanna.

2.3 To the north of the site is a public right of way (PRoW) beyond which lies an area of designated Green Belt. The land to the north is also designated as open space, a Local Wildlife Site (LWS) and a wildlife corridor.

2.4 No. 18 Havanna to the south has a door sited in its rear elevation closest to the shared boundary with the application site.

### 3.0 Description of the Proposed Development

3.1 The development proposed is to demolish the existing conservatory and construct a single storey rear extension. The existing garage will be partly converted to a habitable room (bedroom).

### 4.0 Relevant Planning History

4.1 None

### 5.0 Development Plan

5.1 North Tyneside Local Plan (2017)

### 6.0 Government Policy

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 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 impact upon neighbours living conditions with particular regard to the impact upon light, outlook and privacy;
- The impact of the proposal upon the character and appearance of the surrounding area.

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. Any representations received during the neighbour notification period will be addressed as an addendum to this report.

### 8.0 Relevant Planning Policy

#### 8.1 NPPF

8.2 The National Planning Policy Framework states that good design is a key aspect of sustainable development and that permission should be refused for development of poor design.

### 8.3 Local Plan (2017) - Policies

8.4 Policy S1.4 sets out general development principles. Amongst other matters, this states that development should be acceptable in terms of its impacts on local amenity for existing residents and adjoining premises.

8.5 Policy DM6.1 sets out guidance on the design of development. This policy 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.”

8.6 Policy DM6.1 states, amongst other matters, that proposals are expected to demonstrate:

- b. A positive relationship to neighbouring buildings and spaces;
- e. Sufficient car parking that is well integrated into the layout; and,
- f. A good standard of amenity for existing and future residents and users of buildings and spaces.

8.7 Policy DM6.2 sets out guidance on extending existing buildings. It states that:

“Extensions should complement the form and character of the original building. This should be achieved either by continuation of the established design form, or through appropriate contrasting, high quality design. The scale, height and mass of an extension and its position should emphasise subservience to the main building. This will involve a lower roof and eaves height, significantly smaller footprint, span and length of elevations.”

8.8 Policy DM6.2 states that, amongst other matters, when assessing applications for extending buildings the Council will consider:

- b. The location of the extension in relation to the street scene;
- c. Implications for amenity on adjacent properties and land such as outlook, loss of light or privacy;
- e. The effect that the extension will have on the existing property and whether it enhances the overall design; and
- f. The form, scale and layout of existing built structures near the site.

8.9 Policy DM5.18 sets out guidance and policies requirements relating to contaminated and unstable land.

### 8.10 Supplementary Planning Documents (SPD's)

8.11 The Council's 'Design Quality' SPD (May 2018) applies to all planning applications that involve building works. It states that extensions must offer a high quality of design that will sustain, enhance and preserve the quality of the built and natural environment. It further states that extensions should complement the form and character of the original building.

8.12 The Design Quality SPD 'Single Storey Rear Extensions' states:

“The depth of the extension should be carefully considered, especially when adjacent to a shared boundary. When positioned along the boundary, the impacts on neighbours' habitable windows and gardens will be taken into

account.....Windows facing boundaries are not normally acceptable but consideration will be given to existing boundary treatments and the use of obscure glazing.”

#### 9.0 The impact upon neighbours living conditions with particular regard to the impact upon light, outlook and privacy

9.1 The proposed single storey rear extension will replace an existing conservatory. Based on the plans provided, this extension will be built on the footprint of the existing conservatory before stepping in and extending the full width of the property.

9.2 The proposed single storey rear extension will be sited adjacent to the shared boundary with No. 18 Havanna. As it will be located to the north of this neighbouring property, it is the view of officers that the amount of light entering this neighbouring property will not be significantly affected.

9.3 It is noted that the host property sits at a higher level than No. 18 Havanna. It is noted that this neighbouring property has a door sited in its rear elevation closest to the shared boundary with the application site. This door appears to serve a utility room. Views of the proposed single storey rear extension will be afforded from this neighbouring property, mainly its rear garden. The visual impacts of the proposed development will be reduced by the existing boundary treatment and the pitched roof would pull away from this shared boundary. It is the view of officers that the proposed single storey rear extension will not significantly affect the outlook from this neighbouring property to such an extent that would sustain a recommendation of refusal. Consideration must also be given to the fact that this extension is replacing an existing conservatory of the same projection adjacent to this shared boundary.

9.4 There are no windows proposed to the south elevation of the rear extension. Windows are proposed to its rear elevation. It is the view of officers that the privacy of No. 18 Havanna will not be significantly impacted on over and above that experienced at present. Consideration must also be given to the fact that the existing boundary treatment will assist in protecting the privacy of this neighbouring property.

9.5 The proposed single storey rear extension, by virtue of its siting, design and the existing boundary treatment, will not significantly affect the residential amenity of No. 15 Havanna in terms of loss of light, outlook or privacy.

9.6 The existing garage door will be replaced with a window. It is not considered that this part of the proposed development will significantly affect the residential amenity of No. 20 Havanna in terms of loss of privacy and outlook.

9.7 Members need to determine whether the proposed development is acceptable in terms of its impact on the amenity of neighbouring and nearby properties. It is officer advice that it is. As such, it is officer advice that the proposed development accords with the LP policies DM6.1(a) and DM6.2(c).



## 10.0 The impact of the proposal upon the character and appearance of the surrounding area

10.1 The proposed works relate to a residential extension. As all of the proposed works will be contained within the residential curtilage it is the advice of officers that this development will not affect the adjacent Green Belt, open space, LWS or wildlife corridor.

10.2 Views of the proposed single storey rear extension will be afforded from the adjacent PRow and Green Belt. However, when viewed from this direction it will be seen in the context of an established residential estate that is characterised by a variety of property types and extensions. Views of the proposed garage conversion will only be visible from the immediate street scene to the front of the property. Views of this part of the proposed development will be obscured from the adjacent PRow by the existing fencing.

10.3 The proposed single storey rear extension will replace an existing conservatory. This extension will accommodate a pitched roof that is in keeping with the character and appearance of the main dwelling. It is officer advice that this part of the proposed development is considered to be of an appropriate scale and mass to the main dwelling. A condition is recommended to ensure that the proposed materials match the existing materials.

10.4 The existing garage door will be replaced with a window. The design and positioning of the window is considered to be acceptable.

10.5 Based on the plans provided, a sufficient amount of outdoor amenity space will remain upon completion of the proposed works.

10.6 Members need to determine whether the proposed development is acceptable in terms of its impact on the character and appearance of the area. It is officer advice that the proposed development is, subject to the imposition of the suggested conditions. As such, it is officer advice that the proposed development accords with the advice in LP policy DM6.1.

## 11.0 Other Issues

11.1 The Council's adopted parking standards are set out in LDD12.

11.2 It is noted that the proposed development would increase the number of bedrooms from four to five. This development will result in the loss of the garage which is regrettable. Therefore, the level of parking provision provided does not meet the Council's parking standards set out in LDD12. However, this estate was built pre-LDD12 and there are no parking restrictions or known parking problems in the immediate vicinity. Furthermore, the existing hardstand will be retained to the front of the garage conversion. Therefore, it is not considered that this proposal would significantly impact on parking provision within the immediate vicinity or severely affect highway safety.

11.3 Members need to determine whether the level of parking provision retained within the application is acceptable. It is officer advice that it is.

11.4 The Contaminated Land constraint for this site has been identified. An informative is recommended to advise the applicant that a gas resistant barrier across the footprint of the development to prevent the ingress of land gases may be required.

## 12.0 Conclusion

12.1 Members need to determine whether the proposed development is acceptable in terms of its impact on residential amenity, its impact on the character and appearance of the area and whether a suitable level of parking provision will be retained within the site. 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. Approval is recommended.

### **RECOMMENDATION:     Minded to grant on expiry consultation**

**It is recommended that members indicate they are minded to approve the application, following expiry of the consultation, and subject to the conditions set out below and the addition or omission of any other considered necessary, and grant plenary powers to the Head of Environment, Housing and Leisure to determine the application providing no further matters arise which in the opinion of the Head of Environment, Housing and Leisure, raise issues not previously considered which justify reconsideration by the Committee.**

### **Conditions/Reasons**

1. The development to which the permission relates shall be carried out in complete accordance with the following approved plans and specifications:  
-Application form  
-Ordnance Survey Plan (1:1250)  
-Existing and proposed plans and elevations Dwg No. PO-20-100  
Reason: To ensure that the development as carried out does not vary from the approved plans.

2.     Standard Time Limit 3 Years FUL                             MAN02     \*

3.     Materials External Surfaces to Match                         MAT00     \*  
   1

### **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)

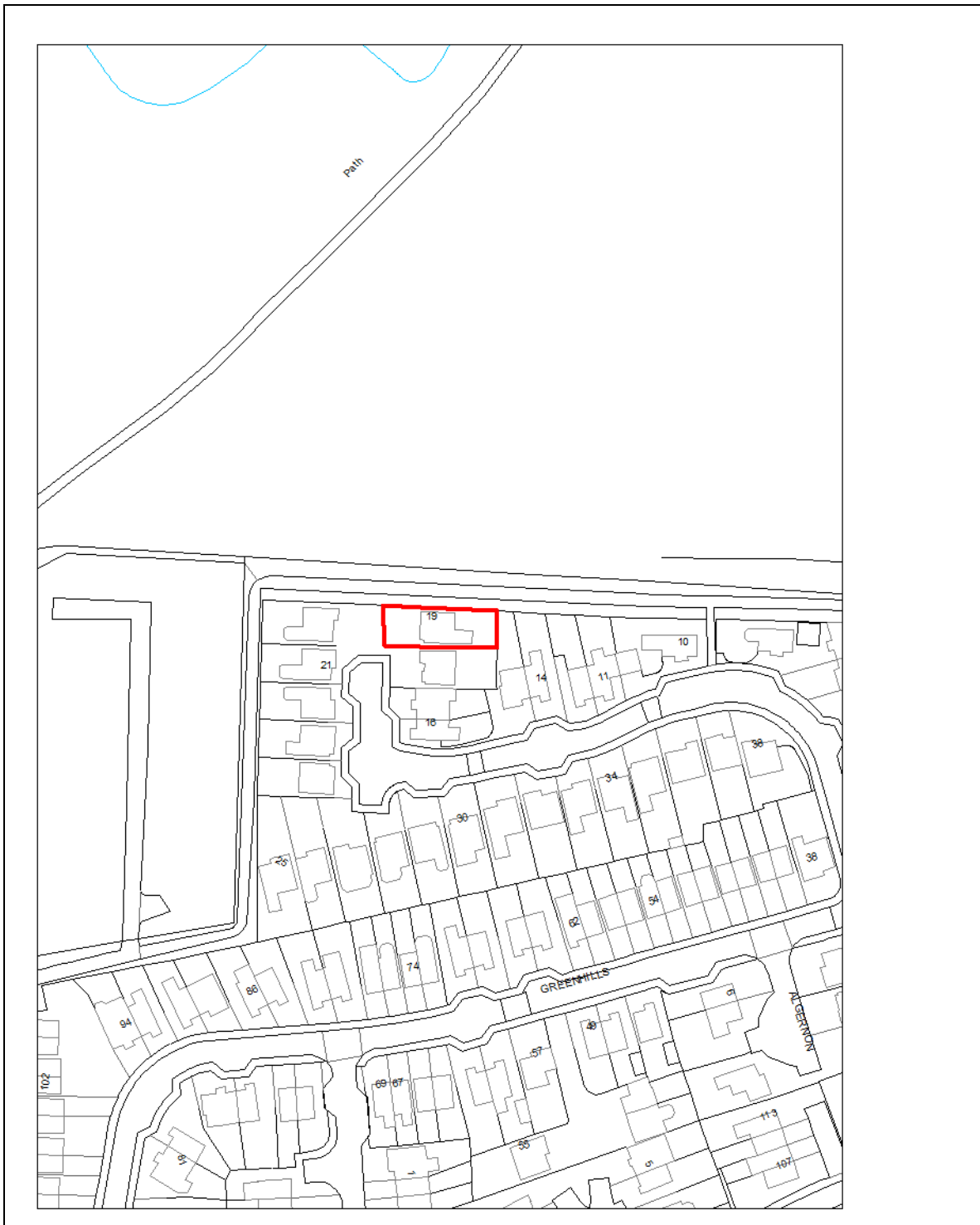
Do Not Obstruct Highway Build Materials (I13)

Take Care Proximity to Party Boundary (I21)

Advice All Works Within Applicants Land (I29)

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

The proposed development lies within an area that falls within an area of contaminated land. You are advised that gas protection measures may need to be provided. Such measures could comprise the use of a gas membrane. If a gas membrane is to be used it will need to be to the highest specification to mitigate against carbon dioxide and methane ingress, unless a site investigation is carried out which demonstrates that the highest specification is not required.

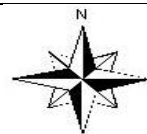


**Application reference: 21/01595/FULH**  
**Location: 19 Havanna, Killingworth, NEWCASTLE UPON TYNE, NE12 5BL**  
**Proposal: Proposed single storey rear extension. Proposed garage conversion. Internal alterations**

Not to scale

Date: 22.07.2021

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**Appendix 1 – 21/01595/FULH  
Item 5**

**Consultations/representations**

1.0 Internal Consultees

1.1 None

2.0 Representations

2.1 None

3.0 External Consultees

3.1 None

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