



North Tyneside Council

Planning Committee

14 October 2021

To be held on **Tuesday, 26 October 2021** in Room 0.02, Quadrant, The Silverlink North, Cobalt Business Park, NE27 0BY **commencing at 10.00 am.**

Agenda Item	Page
<p>1. Apologies for absence</p> <p>To receive apologies for absence from the meeting.</p>	
<p>2. Appointment of substitutes</p> <p>To be informed of the appointment of any substitute members for the meeting.</p>	
<p>3. Declarations of Interest</p> <p>You are invited to declare any registerable and/or non-registerable interests in matters appearing on the agenda, and the nature of that interest.</p> <p>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.</p> <p>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.</p>	
<p>4. Minutes</p> <p>To confirm the minutes of the previous meeting held on 28 September 2021.</p>	5 - 12

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Agenda Item	Page
5. Planning Officer Reports	13 - 18
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. 21/01171/FUL, Site of Former Drift Inn, Front Street, Seaton Burn	19 - 68
To consider a full planning application from Northumbria Vehicles for the erection of 9no. dwelling houses.	
7. 21/01341/FUL, Henson Motor Group, Benton Square Industrial Estate, Whitley Road, Benton	69 - 94
To consider a full planning application from Lichfields for demolition of existing building and erection of a building for use as a builders' merchant (storage, distribution, trade counter, offices and ancillary retails sales).	

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
Councillor Janet Hunter (Substitute)

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Planning Committee

Tuesday, 28 September 2021

Present: Councillor W Samuel (Chair)
Councillors K Barrie, T Brady, J Cruddas, M Green,
John Hunter, C Johnston, F Lott, T Mulvenna, J O'Shea
and P Richardson

Apologies: Councillor M Hall

PQ27/21 Appointment of substitutes

Pursuant to the Council's Constitution the appointment of the following substitute member was reported:
Councillor T Mulvenna for Councillor M Hall

PQ28/21 Declarations of Interest

Councillor Muriel Green stated that whilst she had been involved for some years in the planning history of land adjacent to 5 Elm Villas, Hazlerigg she had not predetermined planning application 21/00462/FUL and she had an open mind to the arguments to be presented during the meeting. (Minute PQ32/21)

Councillor Frank Lott stated that he had been in correspondence with residents in relation to the Land at Carlyle Court, Wallsend Tree Preservation Order 2021 when he had expressed his support for the retention of tree. In view of this he withdrew from the meeting room during consideration of the matter (Minute PQ36/21) and took no part in the Committee's deliberations and decision making.

Councillor Paul Richardson stated that whilst he had received representations in relation to 1 Holywell Avenue, Whitley Bay Tree Preservation Order 2021 he had not predetermined the matter and he maintained an open mind to the arguments to be presented during the meeting. (Minute PQ38/21)

PQ29/21 Minutes

Resolved that the minutes of the meeting held on 31 August 2021 be confirmed and signed by the Chair.

PQ30/21 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.

The Committee considered a report from the planning officers in relation to a full planning application from the Homes and Community Agency and Bellway Homes for the erection of 74 dwellings (Class C3) with associated access, parking, landscaping and infrastructure.

A planning officer presented details of the application with the aid of various maps, plans and photographs. The Committee were presented with two minor amendments to the proposed conditions as follows:

- a) Condition 5, to add in the words “in the affected area” after the words “Work must be ceased”; and
- b) Condition 9, to delete the words “such as mechanical heat recovery (MVHR) system”.

In accordance with the Committee’s Speaking Rights Scheme Mr Peter Wallace of Whitley Road, Benton had been granted permission to speak to the Committee. It was reported that Mr Wallace was unable to attend the meeting. Consequently, the applicant’s representatives were not required to speak to the meeting to respond.

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

- a) the projected numbers of vehicular movements generated by the development and its impact on the wider highway network and highway safety taking into account recent highway improvements on the A191 corridor;
- b) the outcome of a biodiversity net gain assessment which demonstrated that there would be a net loss post development;
- c) details of the on-site mitigations and off site compensations to address the biodiversity net loss;
- d) the proposed location of the Talbot House apartments and their proximity to No. 11 Whitley Road;
- e) the impact of the development on the character and appearance of the adjacent conservation area; and
- f) the mix and density of the 74 residential units.

Resolved that (1) the Committee is minded to grant the application subject to completion of a legal agreement under Section 106 of the Town and Country Planning Act 1990 and the addition, omission or amendment of any other conditions considered necessary;

(2) the Director of Housing, Environment and Leisure be granted delegated authority to determine the application following the completion of a legal agreement under Section 106 of the Town and Country Planning Act 1990 to secure the following:

- 25% affordable housing provision
- Ecology and biodiversity £14,430
- Allotments £7,258
- Parks and greenspaces £39,400
- Equipped play area/multi use games area £46,200
- Sports Pitches £47,730
- Built Sports £53,492
- Primary education £200,000
- Employment and training £14,000 or two apprenticeships
- Coastal mitigation £11,174
- Travel Plan, including Travel Plan Scope, and Travel Plan Bond
- Biodiversity off-site compensation land

(3) the Director of Law and Governance and the Director of Environment, Housing and

Leisure be authorised to undertake all necessary procedures under Section 278 of the Highways Act 1980 to secure the following highways improvements:

- Upgrade of access road from the A191 Whitley Road to an adoptable standard
- Upgrade of footpaths abutting the site
- Associated street lighting
- Associated drainage
- Associated road markings
- Associated Traffic Regulation Orders
- Associated street furniture & signage

PQ32/21 21/00462/FUL, Land Adjacent to 5 Elm Villas, Hazlerigg

The Committee considered a report from the planning officers in relation to a full planning application from Mr Islam for the variation of conditions 1 (approved plans) and 4 (levels) of planning approval 14/1470/FUL relating to amendments to heights and elevations.

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

In accordance with the Committee's Speaking Rights Scheme, Mr Thomas Skeet of Melness Road, Wideopen had been granted permission to speak to the Committee. Mr Skeet was unable to attend the meeting and so Mr Skeet had been permitted to submit a written statement setting out his objection to the proposed development which was considered by the Committee.

Mr Wood, the applicant's agent, was present at the meeting but he declined the opportunity to speak to the Committee to respond to Mr Skeet's statement.

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

- a) the differences in heights and levels between those prescribed in the planning permission granted in 2014, those constructed on site and those proposed as part of this application;
- b) the impact of the proposed height and levels on the visual and residential amenity of neighbouring residents;
- c) the proposed conditions requiring the applicant to submit to the authority for approval plans for site boundary treatments and a scheme to manage surface water runoff from the site; and
- d) the impact of the design and scale of the development on the surrounding area.

Resolved that the application be permitted subject to the conditions set out in the planning officers report.

(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 its impact on visual and residential amenity.)

PQ33/21 21/01510/FUL, Unit 14, Wesley Way, Benton Industrial Estate

The Committee considered a report from the planning officers, together with an addendum circulated at the meeting, in relation to a full planning application from Joseph Parr (Tyne and Wear) Ltd for variation of conditions 1 (approved plans), 10 (holding area) and 11 (height limit) of planning approval 10/00552/FUL to permit the display of goods externally.

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

In accordance with the Committee's Speaking Rights Scheme Mrs Alison Waggott-Fairley of Bede Close, Holystone and Councillor Erin Parker Leonard had been granted permission to speak to the Committee. As Mrs Waggott-Fairley was unable to attend the meeting she submitted a written statement setting out her objections which was considered by the Committee.

Councillor Erin Parker Leonard, Ward Councillor for the Killingworth Ward, addressed the Committee on behalf of residents living near the site. Whilst she acknowledged the need to balance the interests of businesses and neighbouring residents she stated that Joseph Parr had not complied with the conditions attached to the granting of planning permission in 2010 restricting the extent of the external storage holding area and setting a maximum height for the storage of goods at 2 metres. She described the implications of goods being stored in the on site car park which had led to congestion around the site and dangerous vehicular movements.

The applicants, Joseph Parr (Tyne and Wear) Ltd, did not attend the meeting but they submitted a written statement to comment on the issues raised in the planning officers report. This was considered by the Committee.

Resolved that planning permission be refused.

(Reason for decision: The proposed variations to conditions 1 (approved plans), 10 (holding area) and 11 (height limit) to increase the amount of goods displayed externally and increase the height of the externally considered goods is considered to be detrimental to both the visual amenity of this mixed use area and the impact on residential amenity in terms of outlook, by virtue of the location, height and amount of external goods to be displayed within the site. As such, the proposed variation to these conditions is contrary to policies S1.4, DM2.3 and DM6.1 of the North Tyneside Local Plan (2017).)

PQ34/21 21/01618/FUL, Formica Limited, West Chirton Industrial Estate

The Committee considered a report from the planning officers, together with two addendums circulated prior to the meeting, in relation to a full planning application from Mr Grant Newberry to extend existing car park to the north of the site, for staff and visitor overflow with new access from Westmoreland Road. Relocation of existing motorbike shelter and cycle stores to new car park including additional cycle storage. Erection of new factory to the north of the site to be linked to the existing west factory at two locations with two canopies to the north of the building including new concrete service yard. New access road to the west of the site to link new service yard to the existing road to the south of the west factory. Extending the existing west factory to the west. New sprinkler tanks to be installed to the west of the west factory extension.

Resolved that (1) the Committee is minded to grant the application subject to:

- a) the submission of information to satisfy the concerns of the Biodiversity Officer and Landscape Architect;
- b) the submission of a landscape mitigation plan to demonstrate that an acceptable level of biodiversity net gain can be achieved within the site and this plan being agreed by the Biodiversity Officer and Landscape Architect; and

(2) the Director of Environment, Housing and Leisure be authorised to determine the application subject to the conditions listed in the planning officers' report and an addendum to the report and the addition, omission or amendment of any conditions considered necessary, providing no further matters arise which in the opinion of the Director of Environment, Housing and Leisure, raise issues not previously considered which justify reconsideration by the Committee.

PQ35/21 21/01895/FULH, 13 Falkirk, Killingworth

The Committee considered a report from the planning officers in relation to a householder planning application from Mrs Claire Dobinson Booth for the erection of a fence along the eastern boundary of the property with gated vehicular access to the garage at rear and pedestrian access to the front elevation. The application had been submitted to the Committee for determination because it had been submitted by a member of the planning team. Aidan Dobinson Booth left the meeting room during consideration of the application.

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

Resolved that (1) the Committee is minded to grant the application subject to:

- a) the receipt of any additional comments received following expiry of the consultation period, and
- b) the conditions set out in the planning officers report and the addition or omission of any other considered necessary, and

(2) the Director of Environment, Housing and Leisure be authorised to determine the application providing no further matters arise which in the opinion of the Director of Environment, Housing and Leisure, raise issues not previously considered which justify reconsideration by the Committee.

PQ36/21 Land at Carlyle Court, Wallsend Tree Preservation Order 2021

(Councillor Frank Lott withdrew from the meeting during consideration of the following item because he had previously expressed his support for the retention of the tree.)

The Committee considered whether to confirm the making of the Land at Carlyle Court, Wallsend Tree Preservation Order 2021.

The Council had been notified of the intention to remove an ornamental cherry tree located at the front of No.s 9 and 10 Carlyle Court, Wallsend. In response the Council had decided to make a Tree Preservation Order (TPO) to protect the tree. The TPO had been served on those people with an interest in the land in May 2021.

An objection to the TPO had been received from the resident of 10 Carlyle Court on the

grounds that the tree blocks light into the front bedroom, the proximity of the tree had increased insurance premiums, the tree was not within a conservation area, it was not of an important species and its falling blossom caused the blocking of drains and flooding.

One letter of support had been received which stated that the tree was a colourful asset to the street which was important to the local bird population and helped neutralise carbon emissions.

The Committee considered the representations together with the comments of the planning officers and the Council's landscape architect before deciding whether to:

- a) confirm the TPO without modification;
- b) confirm the TPO with modifications; or
- c) not to confirm the TPO.

Resolved that the Land at Carlyle Court, Wallsend Tree Preservation Order 2021 be confirmed without modification.

(Reason for decision: The Committee were satisfied it was expedient in the interests of amenity to confirm the Order without modification because the tree is in fair condition, reasonably healthy with no major defects. It is an important element of the local landscape as it is located in a prominent position within the front garden of the property and therefore highly visible to occupiers of neighbouring residential properties and from vehicular traffic and pedestrians on Carlyle Court.)

(At this point Councillor Lott returned to the meeting.)

PQ37/21 20 Hillheads Road, Whitley Bay Tree Preservation Order 2021

The Committee gave consideration as to whether to confirm the making of the 20 Hillheads Road, Whitley Bay Tree Preservation Order 2021.

The Council had been notified of the intention to remove one sycamore tree located to the south of 20 Hillheads Road, Whitley Bay. In response the Council had decided to make a Tree Preservation Order (TPO) to protect the tree. The TPO had been served on those people with an interest in the land in June 2021.

One objection to the TPO had been received from the resident of 20 Hillheads Road on the grounds that the tree has caused damage to the path and drains, it overhangs the roof of the property and the public pavement, all research on this species states that they should not be planted near to a home due to them having an aggressive root system and should be planted at least 15 feet from houses or pavements.

The Committee considered the objection together with the comments of the planning officers and the Council's landscape architect before deciding whether to:

- a) confirm the TPO without modification;
- b) confirm the TPO with modifications; or
- c) not to confirm the TPO.

Resolved that the 20 Hillheads Road, Whitley Bay Tree Preservation Order 2021 be confirmed without modification.

(Reason for decision: The Committee were satisfied it was expedient in the interests of amenity to confirm the TPO because of its prominence within the local landscape, the age of the tree, its health and current condition, and on the understanding that the tree is at risk of being felled.)

PQ38/21 1 Holywell Avenue, Whitley Bay Tree Preservation Order 2021

The Committee considered whether to confirm the making of the 1 Holywell Avenue, Whitley Bay Tree Preservation Order 2021.

The Council had been notified of the intention to remove one pine tree. In response the Council had decided to make a Tree Preservation Order (TPO) to protect the tree. The TPO had been served on those people with an interest in the land in June 2021.

Three objections to the TPO had been received from the owner of the property and two neighbouring residents. The objections were on the grounds that:

- a) the Council had previously granted permission to remove the tree in 2018 and nothing materially had changed;
- b) the tree is a concern to neighbours based on its safety and aesthetic impact;
- c) the owners reiterated their intention to fell and replace the pine tree with an alternative of appropriate scale and species, which is supported by their neighbours.
- d) The tree is gradually dying and looks unsightly;
- e) Neighbours fear that it will be blown over in strong winds with potential danger to life, property and vehicles;
- f) tree roots in Holywell Avenue have caused serious damage to the footpaths and inflate insurance premiums; and
- g) the tree now spoils the visual amenity of the street.

The Committee considered the objections, together with additional comments received from the resident of 1 Holywell Avenue in which they confirmed their intention to replace the pine tree, which had outgrown its location, with an appropriate alternative in terms of scale and species. The Committee also considered the advice of the planning officers and the Council's landscape architect before deciding whether to:

- a) confirm the TPO without modification;
- b) confirm the TPO with modifications; or
- c) not to confirm the TPO.

The Committee were advised that confirmation of the Order would not prohibit the removal of the pine tree but it would provide the Council with the means by which to control its removal and replacement. Members of the Committee highlighted the need to clearly communicate the Council's reasons for making and confirming the TPO to the resident of 1 Holywell Avenue.

Resolved that the 1 Holywell Avenue, Whitley Bay Tree Preservation Order 2021 be confirmed without modification.

(Reason for decision: The Committee were satisfied that it was expedient in the interests of amenity to confirm the TPO because the pine tree is located in a prominent position and an important element of the local landscape and the TPO will provide the Council with the means by which to control its removal and replacement.)

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PLANNING COMMITTEE

Date: 26 October 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
CONTENTS**

6 21/01171/FUL

Weetslade

Site Of Former Drift Inn Front Street Seaton Burn NEWCASTLE UPON TYNE

Speaking rights granted to Mr & Mrs Hogg of Front Street, Seaton Burn.

7 21/01341/FUL

Killingworth

**Henson Motor Group Benton Square Industrial Estate Whitley Road Benton
NEWCASTLE UPON TYNE NE12 9SR**

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Application No: 21/01171/FUL

Author: Maxine Ingram

Date valid: 30 April 2021

☎: 0191 643 6322

Target decision date: 30 July 2021

Ward: Weetslade

Application type: full planning application

Location: Site of Former Drift Inn, Front Street, Seaton Burn, NEWCASTLE UPON TYNE

Proposal: Construction of 9no. dwelling houses with associated parking and landscaping (resubmission). (Amended plans and description).

Applicant: Northumbria Vehicles, Mr Rod Purvis Oliver House Front Street
Seaton Burn NE13 6ES

Agent: Mr Chris Allan, Mr Chris Allan NE40 Studios Main Road Ryton NE40 3GA

RECOMMENDATION:

The Committee is recommended to:

- a) indicate it is 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;
- b) authorise the Director of Housing, Environment and Leisure to determine the application following the completion of the Unilateral Undertaking Section 106 Legal Agreement to secure £1,359 contribution towards coastal mitigation; and
- c) authorise that the Director of Law and Governance and the Director of Environment, Housing and Leisure to undertake all necessary procedures under the relevant Agreement (Section 278 Agreement) to secure:
 - New access**
 - Upgrade of footpaths abutting the site**
 - Associated street lighting**
 - Associated drainage**
 - Associated road markings**
 - Associated Traffic Regulation Orders**
 - Associated street furniture & signage.**

INFORMATION

1.0 Summary Of Key Issues & Conclusions

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

- Principle of the development;
- Impact on the character and appearance of the site and the surrounding area;
- Impact upon the amenity of existing and future residents;
- Impact on highway safety;
- Impact on biodiversity; 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 relates to a rectangular parcel of land measuring approximately 0.66 hectares. The site was formerly occupied by a public house, The Drift Inn. This building has since been demolished and the site has remained vacant for several years. Immediately to the north east the site is bound by a residential dwelling, Meadow Cottage and to the north west is a commercial property. Access to the Seaton Burn Recreation Ground and Meadow Cottage is located to the south east of the site beyond which lies a commercial property (car sales). Residential properties, The Willows, are located to the south west beyond the adjacent highway.

2.2 The topography of the site is relatively flat.

2.3 The site is designated as a housing site (LP site 133 Drift Inn, Seaton Burn).

2.4 The land designation immediately to the north east of the site is green belt and a wildlife corridor.

3.0 Description of the Proposed Development

3.1 Planning permission is sought for the construction of 9no. dwelling houses (3 bed and 4 bed) with associated parking and landscaping.

3.2 House types proposed are:

- 5no. Housetype A Plots 6-10 (2.5 storeys with a ridge height of approximately 8.8m)
- 4no. Housetype C Plots 1-4(2.5 storeys with a ridge height of approximately 9.1m)

3.3 Members are advised that this application is a re-submission of a previously refused application (Ref: 20/00273/FUL). The applicant has sought to address the previous reasons for refusal (set out in full below) by amending the site layout and reducing the number of units. Members are advised that S106 contributions,

other than the coastal mitigation contribution, are no longer being sought as the number of units does not trigger this requirement.

4.0 Relevant Planning History

4.1 The most recent planning history relating to this site is set out below:

20/00273/FUL - Erection of 5no three bedroom houses and 5no four bedroom houses at the site of the former Drift Inn public house (Additional information solar study and revised site plan 10.07.2020 and noise report 25.09.2020) – Refused 28.10.2020

Reasons for refusal:

The proposed layout results in an unacceptable form of development. Units 1-4 would be provided with limited outdoor amenity space and would be sited in close proximity to Meadow Cottage. The siting of these units results in an unacceptable impact on the residential amenity of this neighbouring property by virtue of their height and proximity to this shared boundary. The units would appear visually dominant when viewed from this neighbouring property. As such, the proposed development is contrary to the NPPF, policy DM6.1 of the North Tyneside Local Plan (2017) and the Design Quality SPD.

Insufficient information has been submitted to demonstrate that appropriate mitigation could be secured to protect the amenity of future occupants of this development in terms of noise, prevent unreasonable restrictions being placed on Meadow Cottage and whether any such mitigation would be acceptable in terms of its impact on Meadow Cottage and visual amenity of the area and future occupants. As such, the proposed development is contrary to the NPPF and policy DM5.19 of the North Tyneside Local Plan (2017).

The legal agreement has not been signed. Without a signed agreement the council cannot secure the contributions that it is seeking to mitigate against the impacts of this development contrary to Planning Obligations Supplementary Planning Document LDD8 (2018), the Coastal Mitigation SPD (July 2019) and Policies S5.4, DM5.5, DM5.6, S7.1, DM7.2 and DM7.5 of the North Tyneside Local Plan 2017.

19/01173/PIP - To establish the principle for residential development of between 5 and 8 dwellings – Not progressed to Part 2 06.03.2020

11/02358/FUL - Demolition of existing building and erection of 56-bedroom care home (Re-submission) – Permitted 17.02.2012

11/01797/FUL - Demolition of existing building and erection of three storey 64-bedroom care home – Refused 07.11.2011

The proposed development would be out of keeping with the character and appearance of the immediate surrounding area by virtue of its scale, mass and size. The proposed development is contrary to Policy H11, H16 and DCPS No 13 of the North Tyneside Unitary Development 2002.

The proposed development by virtue of its proximity to the adjacent garage would result in an unacceptable impact on the amenity of future residents in terms of outlook and potential noise disturbance. The proposed development is contrary

to national planning guidance PPG24 and local planning policy DCPS No 13 of the North Tyneside Unitary Development Plan 2002.

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 Main Issues

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

- Principle of the development;
- Impact on the character and appearance of the site and the surrounding area;
- Impact upon the amenity of existing and future residents;
- Impact on highway safety;
- Impact on biodiversity;
- Other issues.

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

8.0 Principle of development

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

8.2 Paragraph 8 of NPPF states that a social objective is one of the three overarching objectives of the planning system and that amongst other matters it should seek to support a sufficient number and range of homes to meet present and future needs which support communities' health, social and cultural well-being.

8.3 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; or where there are no relevant development plan policies or the policies which are most important are out-of-date grant planning permission, unless any adverse impacts of doing so would significantly and demonstrably

outweigh the benefits when assessed against the policies in the Framework taken as a whole. This is known as the 'titled balance.'

8.4 Paragraph 60 of NPPF states that to support the Government's objective to significantly boost the supply of homes, it is important that sufficient amount and variety of land can come forwards where it is needed, that the needs of groups with specific housing requirements are addressed and that land with permission is developed without unnecessary delay.

8.5 Paragraph 74 of the NPPF requires Local Planning Authorities to identify and update annually a supply of specific deliverable sites sufficient to provide a minimum of five years' worth of housing against their housing requirement set out in adopted strategic policies, or against their local housing needs where the strategic policies are more than five years old. The supply of specific deliverable sites should in addition include a buffer of 5% to ensure choice and competition in the market for land. Where there has been a significant under delivery of housing over the previous three years, the buffer should be increased by 20%.

8.6 The purpose of the planning system is to contribute to the achievement of sustainable development. This purpose is key to the role of the planning system in the development process. The aims of how the Local Plan contributes towards achieving sustainable development for North Tyneside are set out under Policy S1.1 'Spatial Strategy for Sustainable Development'. This policy sets out the broad spatial strategy for the delivery of the objectives of the Plan.

8.7 Strategic Policy S1.4 'General Development Principles' states "Proposals for development will be considered favourably where it can be demonstrated that they would accord with strategic, development management and other area specific policies in the Plan." Amongst other matters, this includes taking into account flood risk, impact on amenity, impact on existing infrastructure and making the most effective and efficient use of land.

8.8 The overarching spatial strategy for housing is to protect and promote cohesive, mixed and thriving communities, offering the right kind of homes in the right locations. The scale of housing provision and its distribution is designed to meet the needs of the existing community and to support economic growth of North Tyneside. Strategic Policy S4.1 'Strategic Housing' sets out the broad strategy for delivering housing.

8.9 LP Policy S4.3 Distribution of Housing Development Sites states: "The sites allocated for housing development are identified on the Policies Map of the North Tyneside Local Plan 2017, including those identified for both housing and mixed-use schemes.

8.10 LP Policy DM1.3 'Presumption in Favour of Sustainable Development' states: "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...."

8.11 Members are advised that the site, subject of this application, is identified for housing under Policy S4.3 (Site 133 Drift Inn Seaton Burn). The LP identifies

that this site can provide a potential of 8 units. The number given in the LP is only potential and has been derived for the purposes of helping the Council to determine how much housing land it needs to provide to ensure enough housing is built. It has not been derived following any detailed design work. The issue is whether the site can adequately accommodate the amount of housing proposed. This is considered in a latter section of this report.

8.12 The site is designated as a housing site and it will contribute to meeting the housing needs of the borough. Members need to determine whether the principle of residential development on this site is acceptable. It is officer advice that, the principle of some form of residential development on this site may be acceptable, subject to all material considerations set out below being addressed.

9.0 North Tyneside 5-Year Housing Land Supply

9.1 The most up to date assessment of housing land supply informed by the five-year housing land summary included within the Housing Land Availability Assessment, September 2021. It identifies the total potential 5-year housing land supply in the borough at 4,012 additional dwellings, a total which includes delivery from sites yet to gain planning permission. This represents a shortfall against the Local Plan requirement or approximately a 4-year supply of housing land. It is important to note that this assessment of five-year land supply includes over 2,000 homes at proposed housing allocations within the Local Plan (2017). The potential housing land supply from this proposal is included in this assessment. It is officer opinion that the proposed 9 dwellings will make a valuable contribution towards the borough achieving a five-year housing land supply.'

10.0 Impact on character and appearance of the site and the surrounding area

10.1 Paragraph 126 of the NPPF recognises that the creation of high-quality buildings and places is fundamental to what the planning and development process should achieve. Good design is a key aspect of sustainable development, creates better places in which to live and work and helps make development acceptable to communities.

10.2 Paragraph 130 of the NPPF states "Decisions should ensure that developments: will function well and add to the overall quality of the area, not just for the short term but over the lifetime of the development; are visually attractive as a result of good architecture, layout and appropriate and effective landscaping; are sympathetic to local character and history, including the surrounding built environment and landscape setting, while not preventing or discouraging appropriate innovation or change (such as increased densities); establish or maintain a strong sense of place, using the arrangement of streets, spaces, building types and materials to create attractive, welcoming and distinctive places to live, work and visit; optimise the potential of the to accommodate and sustain an appropriate amount and mix of development (including green and other public space) and support local facilities and transport networks; and create places that are safe, inclusive and accessible and which promote health and well-being, with a high standard of amenity for existing and future users; and where crime and disorder, and the fear of crime, do not undermine the quality of life or community cohesion and resilience."

10.3 Paragraph 92 of the NPPF, amongst other matters, seeks to promote health and safe communities. Decisions should aim to achieve healthy, inclusive and safe places which: promote social interaction....street layouts that allow for easy pedestrian and cycle connections within and between neighbourhoods, and active street frontages; are safe and accessible....enable and support healthy lifestyles, especially where this would address identified local health and well-being needs – for example through the provision of safe and accessible green infrastructure, sports facilities, local shops, access to healthier food, allotments and layouts that encourage walking and cycling.

10.4 Paragraph 131 of the NPPF states “Trees make an important contribution to the character and quality of urban environments and can also help to mitigate climate change.” It goes on to state that decisions should ensure that new streets are tree-lined (unless, in specific cases, there are clear, justifiable and compelling reasons why this would be inappropriate). Opportunities should be taken to incorporate trees elsewhere into developments, secure measures to ensure the long-term maintenance of newly planted trees and that existing trees are retained wherever possible.

10.5 Paragraph 134 of the NPPF makes it clear that development that is not well-designed, especially where it fails to reflect local design policies and government guidance on design should be refused. Significant weight should be given to development which reflects local design policies etc. and development which promote high levels of sustainability or help raise the standard of design more generally in an area, so long as they fit in with the overall form and layout of the surroundings.

10.6 LP Policy DM6.1 Design of Development 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 the characteristics of the site, its wider context and the surrounding area. Proposals are expected to demonstrate:

- a. A design responsive to landscape features, topography, wildlife habitats, site orientation and existing buildings, incorporating where appropriate the provision of public art;
- b. A positive relationship to neighbouring buildings and spaces;
- c. A safe environment that reduces opportunities for crime and antisocial behaviour;
- d. A coherent, legible and appropriately managed public realm that encourages accessibility by walking, cycling and public transport;
- 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.”

10.7 LP Policy DM4.6 ‘Range of Housing Types and Sizes’ seeks to ensure that new residential development provides a mix of homes to meet current and future demand, and to create sustainable communities.

10.8 LP Policy DM4.9 ‘Housing Standards’ states that the Council will require that new homes provide quality living environments for residents both now and in the

future. All new homes, both market and affordable, are to meet the Government's Nationally Described Space Standards (NDSS).

10.9 The Council has produced an SPD on Design Quality. It states that the Council will encourage innovation in design and layout, provided that the existing quality and character of the immediate and wider environment are respected and enhanced, and local distinctiveness is generated. It also states that all new buildings should be proportioned to have a well-balanced and attractive external appearance.

10.10 The objections received regarding the inappropriate design and overdevelopment are noted. It is noted that the objector has made reference to the previously approved scheme on this site and another site in Seaton Burn. Members are advised that each application must be assessed on its own merits.

10.11 The site is located to the north east of the B1318. It is located in a mixed-use area of Seaton Burn. To the north east the site is bound by a bungalow, Meadow Cottage, beyond which lies the Seaton Burn Recreation Ground. Commercial premises are located to the north west and south east. Residential properties, The Willows, are located to the south west of the site, beyond the B1318.

10.12 The applicant has worked pro-actively with the Local Planning Authority (LPA) to address concerns raised by consultees and some of the concerns raised by the objector. The applicant has submitted a revised layout that reduces the number of units from 10 to 9.

10.13 House type A is 2.5 storeys with a ridge height of approximately 8.8m. A flat roof dormer to front and roof lights to rear would accommodate the bedroom to be sited in the roof space. A balcony is proposed to the front of the property. House Type C is 2.5 storeys with a ridge height of approximately 9.1m. A flat roof dormer feature with balcony to front and roof light to rear would accommodate the bedroom to be sited in the roof space. A first-floor balcony is proposed to the front of the property. The properties would be rendered (white) with contrasting timber cladding. Should planning permission be granted, a condition is recommended to secure final details of the materials.

10.14 The contemporary architectural design differs to the architectural style within the immediate area, it is acknowledged that this has the potential to add to the character of the local area. This contemporary design approach and revised layout, including the reduction of units (removal of Unit 5) is supported by the Design Officer. The form of development facing Front Street is supported. Since the previous refusal Units 1-4 have also been repositioned within the site and back onto the access serving the recreation ground rather than backing onto part of the garden serving Meadow Cottage.

10.15 Policy DM7.9 'New Development and Waste' states that all developments are expected to:

- a. Provide sustainable waste management during construction and use.
- b. Ensure a suitable location for the storage and collection of waste.
- c. Consider the use of innovative communal waste facilities where practicable.

10.16 It is acknowledged that the proposed layout can achieve the council's maximum parking standards and provide areas for refuse storage and cycle storage. The internal privacy distances between the proposed dwellings are acceptable. Each unit also has its own garden area and additional outside space is provided by the balconies. Members need to consider whether future occupants will be provided with sufficient amenity space. It is officer that this layout achieves appropriate levels of amenity space for future occupants. Should planning permission be granted, conditions are recommended to ensure compliance with Policy DM4.9 and to ensure the proposed refuse and cycle storage details are provided in accordance with the proposed site plan.

10.17 LP Policy DM5.9 'Trees, Woodlands and Hedgerows' seeks to safeguard existing features such as trees.

10.18 The Landscape Architect has been consulted. There are 10 individual trees on the site. Based on previous information, 6 trees were categorised as low value (category C) and 4 trees were recommended for removal (category U), regardless of development, given their condition. This proposal requires the removal of 5no. trees to facilitate the development. All trees shown for removal are of low value, providing little amenity benefit. She has advised that their loss is acceptable. The submitted landscape plan shows a total of 13 standard trees to be provided. Native hedging and beech hedging will also be provided. This vegetation is located outside of the proposed garden areas. Small area of ornamental shrub planting and wildflower turf is also included. The use of landscaping will also assist in reducing the visual impacts of the proposed timber fencing proposed to the north west, north, east and south east boundaries. It is clear from the Landscape Architect's comments that she has recommended conditional approval.

10.19 Members need to consider whether the proposed layout and its design are appropriate and whether this complies with current policy. Officer advice is that the proposed layout is acceptable. As such, the proposed layout complies with Policies DM6.1, DM5.9 and DM7.9 of the LP (2017) and the Design Quality SPD.

11.0 Impact upon the amenity of existing and future residents

11.1 Paragraph 185 of the 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 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 amongst other matters; mitigate and reduce to a minimum potential adverse impact resulting from new development – and avoid noise giving rise to significant adverse impacts on health and quality of life.

11.2 Paragraph 187 of the NPPF seeks to ensure that new development can be integrated effectively with existing businesses and community facilities. Existing businesses and facilities should not have unreasonable restrictions places on them as a result of development after they were established. Where the operation of an existing business or community facility could have a significant adverse effect on new development in its vicinity, the applicant (or 'agent of

change') should be required to provide suitable mitigation before the development has been completed.

11.3 LP 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.

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

11.5 LP 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. Policy DM 4.9 sets out housing and accessibility standards.

11.6 The Design Quality SPD states that the quality of accommodation provided in residential development contributes significantly to the quality of life of residents. Residential schemes should provide accommodation of a good size, a good outlook, acceptable shape and layout of rooms and with main habitable rooms receiving daylight and adequate privacy.

11.7 The objections received regarding nuisance, disturbance, visual intrusion, impact on residential amenity and loss of privacy are noted. The objections raised regarding the future maintenance of the hedge and fence on adjacent land are noted however, this is not a material planning consideration.

11.8 Plots 6-10 will be located over 30m to the north east of The Willows. This separation distance is considered to be acceptable and maintains an appropriate distance to protect the residential amenity of these neighbouring properties.

11.9 The main impact of the proposed development will be on Meadow Cottage. This property sits at a lower level than the application site. The garage serving Meadow Cottage is sited closest to the shared boundary with the application site. It is noted that there are windows sited in the south west gable of Meadow Cottage (one kitchen window, one window serving the roof space accommodation and one roof light). As already discussed, since the previous refusal the applicant has amended the site layout and during the assessment of this application, they have also removed Plot 5. Plots 1-4, two blocks of semi-detached dwellings, are orientated north-west/south-east. Plot 1 would be sited closest to the shared boundary with Meadow Cottage. A separation distance of approximately 10.2m would exist between the gable of Plot 1 and Meadow Cottage. Having regard to this separation distance and the siting of the neighbour's garage, it is not considered that the siting of these plots would significantly affect the outlook from the windows sited in the south west elevation of Meadow Cottage or their privacy to such an extent that would sustain a recommendation of refusal.

11.10 Part of the garden serving Meadow Cottage is sited adjacent to the application site. It is also noted that this neighbouring property has a detached structure that is sited closest to the north east corner of the application site. This structure is used as a BBQ area. It is noted that obscure views from the proposed development, mainly Plots 1 and 2, over part of this neighbour's garden area would be afforded. However, these views would only be from the upper floor windows and balcony. A condition is recommended to secure privacy screens to the balconies. On balance, it is not considered that the privacy of part of this neighbour's garden area would be significantly affected to such an extent that would sustain a recommendation of refusal.

11.11 Plots 1-2 are sited closest to the shared boundary with Meadow Cottage. Due to the positioning of these units, they may affect the amount of light entering part of Meadow Cottage and part of its garden (the part closest to the shared boundary) at certain times of the day. This impact is considered minimal and is not considered to be sufficient to sustain a recommendation of refusal.

11.12 It is not considered that the siting of plots 3-4 and 6-10 would significantly affect the residential amenity of Meadow Cottage.

11.13 The site is located in an area subject to a number of different noise sources including road traffic from the B1318, air traffic noise as the site is located in an area close to the departure and arrival routes and its proximity to commercial uses.

11.14 The objector's comments regarding the quality of the noise assessment, the impacts on the kennels, livestock and BBQ are noted.

11.15 The Manager for Environmental Health (Pollution) has been consulted. She has expressed concerns regarding the adjacent noise sources including potential commercial and industrial noise from the garage and small industrial area. It is unclear whether any of these operate on a 24 hour basis or have associated early morning noise. She also notes that Meadow Cottage has a small holding and boarding kennels. She has advised that she has reviewed the Meadow Cottage site and notes that the owner has three kennel areas and a livestock building. During this visit she noted dog barking was prolonged during the 45 minutes as the dogs were disturbed. She is concerned about associated noise, especially dog barking affecting the proposed dwellings.

11.16 She has advised that noise monitoring was carried out over a 24 hour period at 3m height at a position that was representative of Plot 5 (since removed from the site layout). The submitted report stated that maximum noise level of 45 dB LAmax from dog barking can be met with open window during the night period. However the noise readings from the noise assessment for planning application 20/00273/FUL showed there were 446 barks with maximum levels up to 62 dB over a monitoring period of 30 minutes. Plots 1 to 4 will be afforded partial screening by Meadow Cottage and it is considered that the World Health Organisation community noise guidelines of 45 dB LAmax during the night period are likely to be met, however, noise from the dog barking will still be evident for residents. She has advised that, it will be necessary for the properties to be

afforded mitigation via a suitable glazing and ventilation scheme as the ambient LAeq during the night was 51 dB.

11.17 The Manager for Environmental Health has also expressed concerns that noise arising from other livestock may give rise to potential nuisance. She does acknowledge that the noise monitoring did not indicate any evidence of early morning noise from the other buildings located on the small holding. It is also clear from her comments that the dogs have access to the rear garden and therefore if one dog is agitated it will result in the other dogs becoming agitated and more frequent barking during the day. However, the main gardens for Plots 1-4 are located to the rear of the houses. They are also screened by 1.8m high fencing which will mitigate noise from dog barking and noise from any other livestock at the small holding. Should planning be granted, a condition is recommended to ensure that the fencing is overlapped or double boarded fence panels to ensure long term integrity.

11.18 The Manager for Environmental Health has also considered the impacts of the BBQ Hut within the garden of Meadow Cottage. She has advised that there may be occasions whereby the proposed dwellings are affected by potential smoke from the BBQ hut when the direction from a north to NNE direction.

11.19 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.” It is clear from the Manager for Environmental Health’s comments that she has not objected to this application. Her comments raise concerns which can be addressed by securing appropriate mitigation via condition.

11.20 Newcastle International Airport Limited (NIAL) has raised no objections to this development relating to aircraft noise.

11.21 Members need to determine whether the proposed development is acceptable in terms of its impact on residential amenity. It is officer advice, subject to imposing the suggested conditions, that the impacts on the amenity of both existing residents and future residents and the potential impacts on the existing dog kennels are acceptable. As such, it is officer advice, that the proposed development does accord with the NPPF and LP Policies, DM5.19 and DM6.1.

12.0 Highways

12.1 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.

12.2 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.

12.3 The NPPF paragraph 113 sets out guidance on sustainability and connectivity.

12.4 LP Policy S7.3 states that the Council, will support its partners, who seek to provide a comprehensive, integrated, safe, accessible and efficient public transport network, capable of supporting development proposals and future levels of growth.

12.5 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.

12.6 The Council's maximum parking standards are set out in the Transport and Highways SPD (LDD12).

12.7 The site would be accessed from the adjacent highway, Front Street (B1318). It is clear from the submitted site plan that no part of the site would be accessed from the south east of the site which currently provides access to the Seaton Burn Recreation Ground and Meadow Cottage.

12.8 Parking would be provided in accordance with the council's current standards. Cycle and refuse storage are proposed in the rear garden for each dwelling. A turning area would be provided to allow a refuse vehicle to turn within the site.

12.9 The Highways Network Manager has been consulted. He has recommended conditional approval.

12.10 Members need to consider whether the proposal is acceptable in terms of its impact on highway safety and the wider highway network. It is officer advice that subject to conditions the proposal is acceptable.

13.0 Biodiversity

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

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

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

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

13.5 LP DM5.5 'Managing effects on Biodiversity and Geodiversity', amongst other matters, seeks to protect the biodiversity and geodiversity value of land, protected and priority species and buildings and minimise fragmentation of habitats and wildlife links. Proposals should maximise opportunities to create, restore, enhance, manage and connect natural habitat. Net gains to biodiversity should be considered, unless otherwise shown to be inappropriate. Proposals that 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: the benefits of the proposal clearly demonstrably outweigh any adverse impacts, applications are accompanied by the appropriate ecological surveys that are carried out to industry guidelines, and 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.

13.6 The Biodiversity Officer has reviewed the information submitted. She has advised that the site is within the vicinity of wetland areas that have historically recorded great crested newts and whilst the site provides little habitat of value for this species, being mainly hardstanding, it is recommended that works are undertaken in line with a precautionary amphibian working method statement.

13.7 The application site is located beyond the 6km buffer of the Northumbria Coast Special Protection Area (SPA). However, it will still have an impact on the coast as result of an increase in recreational disturbance. This development will need to comply with the Coastal Mitigation SPD which provides guidance and information on the mitigation required from development within North Tyneside to prevent adverse impacts on the internationally protected coastline. This development is required to pay the lower tariff (£151.00 per dwelling). The applicant has agreed to pay this financial contribution however, the legal agreement has not been signed.

13.8 Natural England has been consulted. They have raised no objection to the proposed development subject to the applicant paying the Coastal Mitigation tariff.

13.9 Members need to consider whether the proposal is acceptable in terms of its impact on biodiversity and landscaping. It is officer advice that, subject to the imposition of the suggested conditions and securing the coastal mitigation contribution, the proposed development would accord with the NPPF, policy DM5.5 of the Local Plan and the Coastal Mitigation SPD.

14.0 Other issues

14.1 Flooding

14.2 Paragraph 167 of the NPPF states “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....”

14.3 LP 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). A reduction in surface water run off rates will be sought for all new development. 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 development where appropriate and achievable. For greenfield sites, surface water run off post development must meet or exceed the infiltration capacity of the greenfield prior to development incorporating an allowance for climate change.

14.4 LP Policy DM5.15 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).

14.5 The Lead Local Flood Authority (LLFA) has been consulted. He has advised that the development would provide surface water attenuation within the site for a 1in100 year rainfall event + 40% increase for climate change. The developments attenuation will be achieved via the use of permeable paving within the private driveways, an upsized 1200mm diameter sewer and an attenuation tank. The surface water discharge rate from the development will be restricted to 3l/s before it discharges into the local sewer network. On this basis, he has recommended conditional approval.

14.6 Members need to consider whether the proposal is acceptable in terms of its impact on flooding. It is officer advice that subject to conditions it is acceptable.

14.7 Ground conditions

14.8 Paragraph 183 of the NPPF states planning policies and decisions should ensure that a site is suitable for its proposed use taking account of ground conditions and any risks arising from land instability and contamination i.e. mining or land remediation.

14.9 Paragraph 184 of the NPPF goes onto say that where a site is affected by contamination or land instability issues, responsibility for securing a safe development, rests with the developer and/or landowner.

14.10 The NPPF sets out that LPAs should define Mineral Safeguarding Areas (MSAs), with further detail included in National Planning Practice Guidance (2014). The whole of the local plan area has been identified as a MSA. Policy DM5.17 Minerals is considered to be relevant.

14.11 LP Policy DM5.18 Contaminated and Unstable Land states “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 which:

- a. Shows that investigations have been carried out to assess the nature and extent of contamination or stability issues and the possible effect it may have on the development and its future users, biodiversity, the natural and built environment; and
- b. Sets out detailed measures to allow the development to go ahead safely and without adverse effect, including, as appropriate:
 - i. Removing the contamination;
 - ii. Treating the contamination;
 - iii. Protecting and/or separating the development from the effects of the contamination;
 - iv. Validation of mitigation measures; and
 - v. Addressing land stability issues.

Where measures are needed to allow the development to go ahead safely and without adverse effect, these will be required as a condition of any planning permission.”

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

14.13 The Coal Authority has been consulted. They have raised no objections to the proposed development.

14.14 Members need to consider whether the proposal is acceptable in terms of its impact on ground conditions. It is officer advice that subject to conditions it is acceptable.

14.15 Aviation Safety

14.16 Newcastle International Airport Limited (NIAL) has been consulted. They have raised no objections to this development in terms of aviation safety.

14.17 Archaeology

14.18 Paragraph 205 of the NPPF states “Local planning authorities should require developers to record and advance understanding of the significance of any heritage assets to be lost (wholly or in part) in a manner proportionate to their importance and the impact and to make this evidence (and any archive generated) publicly accessible. However, the ability to record evidence of our past should not be a factor in deciding whether such loss should be permitted.”

14.19 LP Policy DM6.7 ‘Archaeological Heritage’ seeks to protect, enhance and promote the borough’s archaeological heritage and where appropriate, encourage its interpretation and presentation to the public.

14.20 The Tyne and Wear Archaeology Officer has been consulted. She has raised no objection.

14.21 North West Villages Sub Area

14.22 The application site is located in an area identified as being within the North West Sub Area. The proposed development would not prevent the aims of Policy AS8.24 being met.

15.0 Local Financial Considerations

15.1 Section 70(2) of the Town and Country Planning Act 1990 (as amended) provides that a local planning authority must have regard to local finance considerations as far as it is 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, that will or could be provided to a relevant authority by a Minister of the Crown (such as New Homes Bonus payments).

15.2 The proposal involves the creation of nine new dwellings. Granting planning permission for new dwellings therefore increases the amount of New Homes Bonus, which the Council will potentially receive. The New Homes Bonus is a government grant for each home built equivalent in value to the average Band D Council Tax charge in England in the preceding year. New Homes Bonus is paid to the Authority each year for new homes completed for a period of four years from the completion of each new home. An additional sum is paid for each empty home brought back in to use and for each affordable home delivered.

15.3 In addition, the new homes will bring additional revenue in terms of Council Tax and jobs created during the construction period.

15.4 Members should give appropriate weight to amongst all other material considerations to the benefit of the Council as a result of the monies received from central Government.

16.0 Conclusions

16.1 Members should consider carefully the balance of issues before them and the need to take in account national policy within NPPF and the weight to be accorded to this as well as current local planning policy.

16.2 Specifically NPPF states that LPA's should approve development proposals that accord with an up-to-date development plan without delay. However, the NPPF also recognises that the presumption in favour of sustainable development does not change the statutory status of the development plan as the starting point for decision making. Where a planning application conflicts with an up-to-date development plan permission should not usually be granted.

16.3 The application site is a designated housing site within the Local Plan.

16.4 In terms of the impact of the development, it is considered that the development is acceptable in terms of its impact on residential amenity, the highway network, biodiversity, flood risk, land stability and contaminated land issues.

16.5 Approval is recommended.

RECOMMENDATION:

The Committee is recommended to:

- a) indicate it is 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;

- b) authorise the Director of Housing, Environment and Leisure to determine the application following the completion of the Unilateral Undertaking Section 106 Legal Agreement to secure £1,359 contribution towards coastal mitigation; and**
- c) authorise that the Director of Law and Governance and the Director of Environment, Housing and Leisure to undertake all necessary procedures under the relevant Agreement (Section 278 Agreement) to secure:**
 - New access**
 - Upgrade of footpaths abutting the site**
 - Associated street lighting**
 - Associated drainage**
 - Associated road markings**
 - Associated Traffic Regulation Orders**
 - Associated street furniture & signage.**

Conditions/Reasons

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

- Site location plan Dwg No. 100-00 Rev 1
- Existing site plan Dwg No. 100-01 Rev 1
- Proposed site plan Dwg No. 200:01 Rev 8
- Landscape plan Dwg No. VEC197.01v4
- Proposed plans House Type A Dwg No. 210-01 Rev 1
- Proposed elevations House Type A.1 Dwg No. 210-02.1 Rev 1
- Proposed elevations House type C.1 Dwg No. 210-06.1 Rev 2
- Proposed elevations House type C Dwg No. 210-06.1 Rev 2
- Proposed plans House type C Dwg No. 210-05 Rev 2
- Surface water drainage strategy (Ref: 117D11-SWDS/01 Rev 02)
- Great Crested Newt Assessment (Ref: Valley_DriftInn_GCN1.2)

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

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

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

3. No development shall be commenced until a Desk Study (Phase 1) has been completed and a written sampling strategy (scope of works) for the contamination site investigation is submitted to, and agreed in writing by, the Local Planning Authority before the commencement of site investigation works.

The Desk Study Report should be written in accordance with the current government guidelines including but not exclusive of those including the BS10175 2011 +A1 2013, BS 5930 2015 +A12020, Development on Land

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

4. Prior to commencement of development a detailed Site Investigation (Phase 2) must be carried out including an interpretative report on potential contamination of the site. This must be prepared by an appropriately qualified person and submitted to and approved in writing by the LPA to establish:
- i) If the site is contaminated;
 - ii) To assess the degree and nature of the contamination present, and an assessment whether significant risk is likely to arise to the end users and public use of land, building (existing or proposed) or the environment, including adjoining land;
 - iii) To determine the potential for the pollution of the water environment by contaminants and;
 - iv) an appraisal of remedial options, and proposal of the preferred option(s).

The Site Investigation report must include the following information:

- A site plan with sampling points and log;
- Results of sampling and monitoring carried out in accordance with sampling strategy, and;
- An interpretative report on potential contamination of the site, conclusions must be prepared by a competent person (a person with a recognised relevant qualification, sufficient experience in dealing with the type(s) of pollution or land instability, and membership of a relevant professional organisation).

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

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

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

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

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

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

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

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

This report must contain the following:

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

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

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

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

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

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

8. 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.

9. Prior to the commencement of any part of the development hereby approved above damp proof course levels, a noise scheme in accordance to noise report no. 20-51-754 shall be submitted to and approved in writing by the Local Planning Authority. This scheme shall provide details of the window glazing and sound attenuation measures to be provided to habitable rooms to ensure bedrooms meet the good internal equivalent standard of 30 dB(A) at night and prevent the exceedance of Lmax of 45 dB(A) and living rooms meet an internal equivalent noise level of 35dB(A) as described in BS8233:2014 and the World Health Organisation community noise guidelines. The approved scheme shall be implemented prior to the occupation of each dwelling and retained thereafter.

Reason: In order to protect the amenity of the occupiers of the proposed dwellings, having regard to Policy DM5.19 of the North Tyneside Local Plan 2017.

10. Prior to commencement of any dwelling hereby approved above damp proof course level, details of the ventilation scheme shall be submitted to and approved in writing by the Local Planning Authority. This scheme must ensure an appropriate standard of ventilation with windows is closed is provided. Where the internal noise levels specified in BS8233 are not achievable, with window open, due to the external noise environment, an alternative mechanical ventilation system must be installed, that addresses thermal comfort and purge

ventilation requirements to reduce the need to open windows. The alternative ventilation system must not compromise the facade insulation or the resulting internal noise levels. The approved scheme shall be implemented prior to the occupation of each dwelling and permanently retained thereafter.

Reason: In order to protect the amenity of the occupiers of the proposed dwellings, having regard to Policy DM5.19 of the North Tyneside Local Plan 2017.

11. Notwithstanding Condition 1, prior to the commencement of any part of the development hereby approved above damp proof course levels details of privacy screens to balconies serving Plots 1 and 2 shall be submitted to and approved in writing by the Local Planning Authority. These privacy screens shall be installed prior to the occupation of each dwelling and shall be permanently maintained and retained.

Reason: To ensure that the proposed development does not adversely affect the privacy and visual amenities enjoyed by the occupiers of neighbouring properties having regard to policy DM6.1 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. Notwithstanding Condition 1, prior to the commencement of any part of the development hereby approved details of the boundary treatments shall be submitted to and approved in writing by the Local Planning Authority. These details must include 1.8m high acoustic fencing, consisting of overlapped fencing panels or double boarded fencing, along the shared boundary with Meadow Cottage and to the rear of Plots 1-4. Thereafter, this agreed scheme shall be implemented prior to the occupation of the first dwelling and thereafter retained to protect gardens against noise arising from the adjacent residential property.

Reason: To ensure that the proposed development does not adversely affect the privacy and visual amenities enjoyed by the occupiers of neighbouring properties, and to ensure a satisfactory environment within the development having regard to policies DM6.1 and DM5.19 of the North Tyneside Local Plan (2017).

14. 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 dwelling 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 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).

15. Notwithstanding Condition 1, the proposed dwellings must comply with the housing standards set out under Policy DM4.9 of the North Tyneside Local Plan (2017).

Reason: To ensure appropriate living conditions for future occupiers are provided in accordance with Policy DM4.9 of the North Tyneside Local Plan (2017).

16. Notwithstanding Condition 1, prior to the construction of any part of the development hereby approved above damp-proof course level a schedule and/or samples of all surfacing materials and external building materials, including rainwater goods, doors and window shall be submitted to and approved in writing by the Local Planning Authority. Thereafter, the development shall not be carried out other than in accordance with the approved details.

Reason: To ensure a satisfactory appearance having regard to Policy DM6.1 of the North Tyneside Local Plan (2017).

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

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

18. Notwithstanding Condition 1, no development shall commence until a Construction Method Statement for the duration of the construction period has been submitted to and approved in writing by the Local Planning Authority. The approved statement shall: identify the access to the site for all site operatives (including those delivering materials) and visitors, provide for the parking of vehicles of site operatives and visitors; details of the site compound for the storage of plant (silos etc) and materials used in constructing the development; provide a scheme indicating the route for heavy construction vehicles to and from the site; a turning area within the site for delivery vehicles; dust suppression scheme (such measures shall include mechanical street cleaning, and/or provision of water bowzers, 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.

19. Notwithstanding Condition 1, no development shall commence until a scheme to show wheel washing facilities and/or mechanical sweepers to prevent

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

Reason: This information is required pre development to ensure that the adoptable highway(s) is kept free from mud and debris in the interests of highway safety having regard to policies DM5.19 and DM7.4 of the North Tyneside Local Plan (2017) and National Planning Policy Framework.

20. No part of the development shall be occupied until a scheme for the following off-site highway works has been submitted to and approved by in writing the Local Planning Authority:

- New access
- Upgrade of footpaths abutting the site
- Associated street lighting
- Associated drainage
- Associated road markings
- Associated Traffic Regulation Orders
- Associated street furniture & signage

No part of the development shall be occupied until the new means of access has been laid out in accordance with the approved details and retained thereafter.

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

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

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

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

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

23. No part of the development shall be occupied until details of the hard surfaces for driveways and parking spaces has been submitted to and approved in writing by the Local Planning Authority. These surfaces shall be made of porous materials or provision shall be made to direct run-off water from the hard surface away from the adopted highway and retained thereafter.

Reason: In the interests of surface water management having regard to Policy DM5.14 and the NPPF.

24. No part of the development shall be occupied until a scheme for internal highways to be offered for adoption by the Local Highway Authority (LHA) as part of an agreement under Section 38 of the Highway Act 1980 has been submitted to and approved in writing by the Local Planning Authority. This scheme shall include carriageways, junctions, footpaths, shared cycle & pedestrian routes, turning areas, road markings, traffic calming to 20mph street lighting, highway drainage, street furniture, signage, street nameplates road markings, Traffic Regulation Orders, construction details, cross sections, long sections, levels and the extent of highway offered for adoption. This scheme shall be implemented in accordance with the approved details and retained thereafter.

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

25. No part of the development shall be occupied until a scheme for internal highways not offered for adoption by the Local Highway Authority (LHA) has been submitted to and approved in writing by the Local Planning Authority. This scheme shall include details of private lighting, street nameplates, signage, landscaping. The developer will need to submit details of the proposed maintenance regime including details of the appointed management company and a method statement to notify residents that these areas will not be the responsibility of the LHA or any other Function in the wider Local Authority. This scheme shall be implemented in accordance with the approved details and retained thereafter.

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

26. No part of the development shall be occupied until details of garage doors throughout the development has been submitted to and approved in writing by the Local Planning Authority. The required drive lengths for the type of doors installed are - 5.0m drives for roller shutter doors, 5.5m drives for up & over doors and 6.0m drives for side opening doors. These garage doors shall be installed in accordance with the approved plans and retained thereafter.

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

27. Notwithstanding the details submitted, the scheme for storage of refuse, recycling and garden waste bins shall be laid out in accordance with the approved plans and these facilities shall be provided prior to the occupation of each dwelling. These storage areas shall not be used for any other purpose and retained thereafter.

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

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

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

29. Notwithstanding Condition 1, prior to the occupation of the first dwelling details of the appointed Sustainable Urban Management Company (including any temporary or short term arrangements prior to full occupation of the development) shall be submitted to and approved in writing by the Local Planning Authority in consultation with the Lead Local Flood Authority. Thereafter the development shall take place in accordance with the approved details.

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

30. 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.

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 (2017).

31. Any excavations left open overnight shall 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°.

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 (2017).

32. Hedgehog gaps (13cmx13cm) shall be provided on all fencing within the scheme in accordance with the details provided on Landscape Plan DWG. VEC197.01 v4 - Revision 13 September 2021. These agreed details shall be permanently maintained and retained.

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 (2017).

33. 2no. Schwegler 1SP Sparrow Terrace boxes shall be installed in accordance with the details provided on Landscape Plan DWG. VEC197.01 v4 - Revision 13 September 2021. These agreed details shall be permanently maintained and retained.

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 (2017).

34. All works associated with the development hereby approved shall be undertaken in accordance with the Precautionary Method Statement set out in Section 5.1 of the Great Crested Newt Risk Assessment Report.

35. Notwithstanding Condition 1, prior to the commencement of any part of the development hereby approved above damp proof course level a revised landscape plan and a schedule of landscape maintenance, including the areas for wildflower turf, for a minimum period of five years including details of the arrangements for its implementation, shall be submitted to and approved in writing by the Local Planning Authority in consultation with Newcastle International Airport Limited (NIAL). This shall include a further revision to DWG.

VEC197.01 v4 - Revision 13 September 2021 to include a specification for the wildflower turf. 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. The development hereby approved shall be implemented in accordance with these agreed details.

Reason: In the interests of amenity and to ensure a satisfactory standard of landscaping having regard to Policies DM6.1 and DM5.9 of the North Tyneside Local Plan (2017).

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

The Local Planning Authority worked proactively and positively with the applicant to identify various solutions during the application process to ensure that the proposal comprised sustainable development and would improve the economic, social and environmental conditions of the area and would accord with the development plan. These were incorporated into the scheme and/or have been secured by planning condition. The Local Planning Authority has therefore implemented the requirements in Paragraph 38 of the National Planning Policy Framework.

Informatives

Building Regulations Required (I03)

Consent to Display Advertisement Reqd (I04)

Take Care Proximity to Party Boundary (I21)

Advice All Works Within Applicants Land (I29)

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

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

The applicant is advised that requests for Street Naming & Numbering must be submitted and approved by the Local Highway Authority. Any complications,

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

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

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

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

The development hereby approved lies within close proximity to the designated and well-established flightpath from Newcastle International Airport. The airport operates unrestricted, flying 365 days per year, 24 hours per day. The site is also a co-opted military airfield and therefore unrestrictedly accepts military aircraft. Properties contained with the development will be exposed to aircraft noise



Application reference: 21/01171/FUL

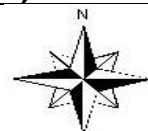
Location: Site Of Former Drift Inn, Front Street, Seaton Burn

Proposal: Construction of 9no. dwelling houses with associated parking and landscaping (resubmission). (Amended plans and description).

Not to scale

Date: 13.10.2021

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Consultations/representations

1.0 Ward Councillors

1.1 Councillor Muriel Green has requested that this application is presented at Planning Committee.

2.0 Internal Consultees

2.1 Highways Network Manager

2.2 This application is for the erection of nine dwellings. It is a resubmission of application reference 20/00273/FUL. The site is accessed from Front Street, parking will be provided in accordance with current standards and cycle storage will be provided for all dwellings. Refuse will be stored on each plot and a turning area will be provided to allow a refuse vehicle to turn within the site. Conditional approval is recommended.

2.3 Recommendation - Conditional Approval

2.4 The applicant will be required to enter into an appropriate Legal Agreement for the following works:

New access

Upgrade of footpaths abutting the site

Associated street lighting

Associated drainage

Associated road markings

Associated Traffic Regulation Orders

Associated street furniture & signage

2.5 Conditions:

No part of the development shall be occupied until a scheme for the following off-site highway works has been submitted to and approved by in writing the Local Planning Authority:

New access

Upgrade of footpaths abutting the site

Associated street lighting

Associated drainage

Associated road markings

Associated Traffic Regulation Orders

Associated street furniture & signage

No part of the development shall be occupied until the new means of access has been laid out in accordance with the approved details and retained thereafter.

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

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

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

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

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

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

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

No part of the development shall be occupied until details of the hard surfaces for driveways & parking spaces has been submitted to and approved in writing by the Local Planning Authority. These surfaces shall be made of porous materials or provision shall be made to direct run-off water from the hard surface away from the adopted highway and retained thereafter.

Reason: In the interests of surface water management having regard to Policy DM5.14 of the North Tyneside Local Plan (2017).

No part of the development shall be occupied until a scheme for internal highways to be offered for adoption by the Local Highway Authority (LHA) as part of an agreement under Section 38 of the Highway Act 1980 has been submitted to and approved in writing by the Local Planning Authority. This scheme shall include carriageways, junctions, footpaths, shared cycle & pedestrian routes, turning areas, road markings, traffic calming to 20mph street lighting, highway drainage, street furniture, signage, street nameplates road markings, Traffic Regulation Orders, construction details, cross sections, long sections, levels and the extent of highway offered for adoption. This scheme shall be implemented in accordance with the approved details and retained thereafter.

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

No part of the development shall be occupied until a scheme for internal highways not offered for adoption by the Local Highway Authority (LHA) has been submitted to and approved in writing by the Local Planning Authority. This scheme shall include details of private lighting, street nameplates, signage, landscaping. The developer will need to submit details of the proposed maintenance regime including details of the appointed management company and a method statement to notify residents that these areas will not be the responsibility of the LHA or any other Function in the wider Local Authority. This scheme shall be implemented in accordance with the approved details and retained thereafter.

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

No part of the development shall be occupied until details of garage doors throughout the development has been submitted to and approved in writing by the Local Planning Authority. The required drive lengths for the type of doors installed are - 5.0m drives for roller shutter doors, 5.5m drives for up & over doors and 6.0m drives for side opening doors. These garage doors shall be installed in accordance with the approved plans and retained thereafter.

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

Notwithstanding the details submitted, the scheme for storage of refuse, recycling & garden waste bins shall be laid out in accordance with the approved plans. These storage areas shall not be used for any other purpose and retained thereafter.

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

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

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

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

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

Notwithstanding Condition 1, no development shall commence until a scheme to show wheel washing facilities and/or mechanical sweepers to prevent mud and debris onto the public highway has been submitted to and approved in writing by

the Local Planning Authority. This scheme shall include details of the location, type of operation, maintenance/phasing programme. Construction shall not commence on any part of the development other than the construction of a temporary site access and site set up until these agreed measures are fully operational for the duration of the construction of the development hereby approved. If the agreed measures are not operational then no vehicles shall exit the development site onto the public highway.

Reason: This information is required pre development to ensure that the adoptable highway(s) is kept free from mud and debris in the interests of highway safety having regard to policies DM5.19 and DM7.4 of the North Tyneside Local Plan (2017) and National Planning Policy Framework.

2.6 Informatives:

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

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

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

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

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

2.7 Manager for Environmental Health (Pollution)

2.8 The site is located to a busy main road the B1318, and is located in an area close to the departure and arrival routes for Newcastle Airport. The site is also located next to a garage and adjacent to a small industrial area, I would have concerns about potential commercial and industrial noise such as delivery noise

and external plant noise affecting the site. It is unclear whether any of the units operate on a 24 hour basis or have associated early morning noise. The site is also next to Meadow Cottage that includes for a small holding and boarding kennels. I have reviewed the Meadow Cottage site and note that the owner has 3 kennel areas and a livestock building, dog barking was prolonged during the 45 minutes that I was in the area as the dogs were disturbed, as the owner currently has up to 20 dogs resident at the property and I would be concerned about associated noise, especially dog barking affecting the proposed residential properties.

2.9 The applicant has revised the site layout plan and I note that plots 1 to 4 are located gable end to Meadow Cottage and plots 6 to 10 located further away to the west of the site adjacent to Front Street. Plot 5 which was the residential dwelling closest to the dog kennels has been removed from the revised site layout plan. Plots 1 to 4 will be afforded some screening by Meadow Cottage. Noise monitoring was carried out over a 24 hour period at 3m height at a position that was representative of plot 5. The noise report stated that maximum noise level of 45 dB LAmax from dog barking can be met with open window during the night period. However the noise readings from the noise assessment for planning application 20/00273/FUL showed there were 446 barks with maximum levels up to 62 dB over a monitoring period of 30 minutes. Plots 1 to 4 will be afforded partial screening by Meadow Cottage and it is considered that the World Health Organisation community noise guidelines of 45 dB LAmax during the night period are likely to be met, however, noise from the dog barking will still be evident for residents. It will be necessary for the properties to be afforded mitigation via a suitable glazing and ventilation scheme as the ambient LAeq during the night was 51 dB.

2.10 I would also be concerned that noise arising from the other livestock including the crowing of cockerels that may give rise to potential nuisance, although the noise monitoring did not indicate any evidence of early morning noise from the other buildings located on the small holding. Dogs are permitted to have access to the rear garden and therefore I would be concerned that if 1 dog is agitated this will result in the other dogs becoming agitated and more frequent barking during the day. However, gardens for plots 1 to 4 are to the rear of the houses and also screened by 1.8 m high fencing which will mitigate noise from dog barking and noise from any other live stock at the small holding. The fencing will need to consist of overlapped or double boarded fence panels to ensure long term integrity.

2.11 Meadow Cottage has a BBQ hut which is used frequently throughout the year. The chimney of the BBQ hut is approximately 3 m height and it is located close to the western boundary. The revised layout has removed plot 5 which would have been directly adjacent to the BBQ hut. The other plots are located slightly further away but there may still be occasions when they are affected by potential smoke from the BBQ hut when the wind direction is from a North to NNE direction.

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

Prior to development submit and implement on approval of the Local Planning Authority a noise scheme in accordance to noise report no.20-51-754, providing details of the window glazing and sound attenuation measures to be provided to habitable rooms to ensure bedrooms meet the good internal equivalent standard of 30 dB(A) at night and prevent the exceedance of Lmax of 45 dB(A) and living rooms meet an internal equivalent noise level of 35dB(A) as described in BS8233:2014 and the World Health Organisation community noise guidelines.

Prior to occupation, submit details of the ventilation scheme for approval in writing and thereafter implemented to ensure an appropriate standard of ventilation, with windows closed, is provided. Where the internal noise levels specified in BS8233 are not achievable, with window open, due to the external noise environment, an alternative mechanical ventilation system must be installed, that addresses thermal comfort and purge ventilation requirements to reduce the need to open windows. The alternative ventilation system must not compromise the facade insulation or the resulting internal noise levels.

Submit details to the Local Planning Authority in writing for written approval of a 1.8 metre acoustic fence to the eastern boundary of the site, that must be installed and thereafter maintained.

Reason: To safeguard amenity for gardens from dog barking and cockerel noise

HOU04
SIT03

2.13 Manager for Environmental Health (Contaminated Land)

2.14 The site is within 250m of a former known mine namely the Seatonburn Colliery. I have read the site investigation report and note that the consultant has stated that:

"Further work is considered necessary to confirm the cellar and floor within the footprint of the former Drift Inn. In addition, further gas monitoring is recommended in order to better characterise the conditions across the site."

2.15 Due to the proposed sensitive end use and the fact that gas readings were hampered by water near or on the surface, there is still outstanding information required. No desk study was submitted with this application. The following must be attached:

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

2.16 Lead Local Flood Authority (LLFA)

2.17 I have carried out a review of the surface water drainage proposals in planning application 21/01171/FUL, I can confirm in principle I have no objections to the proposals as the development will be providing surface water attenuation within the site for a 1in100 year rainfall event + 40% increase for climate change. The developments attenuation will be achieved via the use of permeable paving within the private driveways, an upsized 1200mm diameter sewer and an attenuation tank. The surface water discharge rate from the development will be restricted to 3l/s before it discharges into the local sewer network.

2.18 I would recommend that a condition is placed on the application requiring contact details of the appointed suds management company to be provided to LLFA prior to occupancy.

2.19 Landscape Architect and Biodiversity Officer

2.20 The above site is for the development of a brownfield site on the site of the former Drift Inn, Seaton Burn. The site is allocated for housing and is adjacent to greenbelt land and a wildlife corridor. The site itself consists mainly of hardstanding with some isolated shrubs and grassland around the edges of the site and a small number of young trees on the boundary.

2.21 The design of the scheme has been amended and now shows the construction of 9no. dwelling houses, rather than 10. The revised 'Proposed Site Layout' (DWG.GRA-609 200-01 Rev 8) indicates these changes along with a revised Landscape Plan (DWG. VEC197.01 v4 – Revision 13 September 2021).

2.22 There are 10 individual trees on the site. Based on previous information, 6 trees were categorised as low value (category C) and 4 trees were recommended for removal (category U), regardless of development, given their condition.

2.23 The proposals require the removal of 5no trees to facilitate the development. The trees identified for removal are located along the south eastern boundary, with 1no tree located on the northern boundary next to the former garages. All trees shown for removal are of low overall value, providing little amenity benefit and their loss is acceptable. The other 4no trees are set further away from the development site and should be unaffected by the proposals.

2.24 The revised 'Proposed Site Layout Rev 8' indicates alterations to the visitor car parking area with the inclusion of a 'build out' that can accommodate an additional tree. The revised landscape plan also shows a hedge to the rear of the visitor car parking area. The revised 'Landscape Plan' shows a total of 13 standard trees will now be provided as part of the scheme (increase of 1no tree).

2.25 Tree protection may be required to include the area of shrub planting shown for retention on the landscape plan.

2.26 The revised 'Proposed Landscape Plan' indicates that 13no. standard new trees will be planted within the site with a native hedge along the northern boundary and extending along the north eastern boundary with beech hedging to the outside of the garden areas to the south east and north eastern boundaries.

This planting will help screen the fence along the south eastern boundary. Small areas of ornamental shrub planting are also provided which will benefit invertebrates (Lavender). Wildflower turf is also included.

2.27 The site is within the vicinity of wetland areas that have historically recorded great crested newts and whilst the site provides little habitat of value for this species, being mainly hardstanding, it is recommended that works are undertaken in line with a precautionary amphibian working method statement.

2.28 Coastal Designated Sites

2.29 The scheme will result in an increase in residential accommodation which will contribute to adverse impacts on designated sites at the coast through recreational disturbance. The scheme will, therefore, need to comply with the Councils Coastal Mitigation SPD. The SPD provides guidance and information on the mitigation required from development within North Tyneside to prevent adverse impacts on the internationally protected coastline

2.30 Conditions

Within one month from the start on site of any operations such as site excavation works, site clearance (including site strip) for the development, Landscape Plan (DWG. VEC197.01 v4 – Revision 13 September 2021) is to be submitted with a further revision to include a specification for the wildflower turf. 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, including the areas for wildflower turf, for a minimum period of five 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.

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.

Hedgehog gaps (13cmx13cm) will be provided on all fencing within the scheme in accordance with the details provided on Landscape Plan DWG. VEC197.01 v4 – Revision 13 September 2021.

All works will be undertaken in accordance with the Precautionary Method Statement set out in Section 5.1 of the Great Crested Newt Risk Assessment Report.

2no. Schwegler 1SP Sparrow Terrace boxes will be installed in accordance with the details provided on Landscape Plan DWG. VEC197.01 v4 – Revision 13 September 2021

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°.

2.31 Design Comments

2.32 The revised plans address earlier concerns raised in previous comments. The application is acceptable, and the following conditions are recommended:

- Materials of construction
- Window and door details
- Hard surfacing
- Rainwater goods

3.0 Representations

3.1 The objections received are from one neighbouring property. These objections are set out below:

-Object on the grounds of the design of 1.8m close boarded fence. This will be impossible to maintain and our 1.2m high close boarded timber cannot be accessed and therefore cannot be maintained. Both fences will be sandwiched between hedges. We have a young leylandii hedge and on the opposite side the developer plans to plant a native hedge. When the native hedge matures it will be impossible to maintain the fence. The ground conditions on the site are extremely wet, it was originally a pond that was filled, we have replaced several posts in the last 10 years due to them rotten. When both fences fail our garden will no longer be secure for our 16 dogs. To remedy this situation we suggest the boundary fence between Meadow Cottage and the development should be reinforced precast concrete posts with interlocking precast concrete base infilled close boarded panels.

-We welcome the Developer has taken note of the concerns raised the Councils Design Team, Northumbria Police, and ourselves. The removal of the detached house unit 5 represents a significant compromise to find a suitable layout that addresses the issues raised by the above parties and specifically our previous objection as outlined in paragraph 1A. The removal of unit 5 protects our privacy and reduces the impact on the residential amenity of Meadow Cottage.

-We still maintain that the amended proposal for 9 properties contradicts the Council's planning in principle approval for between 5 to 8 dwellings and as such represents over development of the available land.

-We do have a significant objection to the recent noise survey. The removal of unit 5 doesn't mitigate the potential nuisance from our dogs barking relative to the remainder of the other dwellings. To satisfy all parties we suggest the noise survey should be undertaken again to represent the amended layout. The methodology should be significantly improved to reflect and identify the position of all potential noise sources we have three kennels on site; establish the status of each kennel i.e. doors and windows open or closed; the number of dogs on site of which we have 16; and determine the condition of the bitches i.e. in or out of season. We do appreciate we would need to supply this information for the data of the survey. Two measuring points should be established and suggest at the mean point between unit 1 and 4 at the front of the properties and the mean

point between units 6 and 10 at the rear of the properties. Two reports should be produced one noise measured on site as it currently exists and the second via computer modelling to represent the noise due to echo from the as built development. Subject to the outcome of any further noise survey we respectfully must object to the development on the grounds that insufficient information has been submitted to demonstrate that appropriate mitigation could be secured to protect the amenity of future residence of the development in terms of noise i.e. dogs barking from Meadow Cottage as a registered Dog Kennel.

-On an environmental issue we did not notice any electric charging points for Electric Cars we would have thought that these would be mandatory for new developments at the design stage. This should be considered, and the layout amended.

-We do have issues relative to Unit No. 5 and Unit No. 1 which are currently sited close to our boundary as was the case in the previous application. For this reason, we believe the reasons for refusal remain valid.

-The siting of these units results in unacceptable impact on the residential amenity to Meadow Cottage by virtue of their height and close proximity to the shared boundary. These units would appear visually dominant when viewed from any part of Meadow Cottage.

-Meadow Cottage has an Arctic Cabin sited on the opposite side of the boundary this cabin has an open fire it seats 15 people and sleeps 3 people. It is used frequently throughout the full year, the privacy currently enjoyed would be significantly compromised by the siting of unit No. 5 so close to Meadow Cottage. The chimney stands about the same height as the bedroom windows of unit No.5 and fumes and smells omitted would potentially cause a nuisance to neighbours.

-We maintain that the current proposal for 10 properties on this site contradicts the Council's own planning in principle approval for between 5 to 8 dwellings.

-To draw some comparisons with the proposed Drift Inn development we studied a very similar completed development for 1 to 8 Bridge Court Seaton Burn. The Bridge Court site is 2.5% larger than the Drift Inn proposal, the plot is more square compared to the Drift Inn which is relatively narrow and long.

-The design of Bridge Court minimises any potential boundary disputes and delivers significantly more individual garden and public open space. The design incorporates 8 properties that provides a very good natural balance with all the neighbouring properties, contrary to the Drift Inn site the design layout is significantly compromised by the squeezing in of unit No. 5. This unit will be surrounded by a 2 metre fence to two sides of the property providing no views. It is clear after previous discussions with the developer the proposal to squeeze 10 properties on this narrow strip of land is driven purely by commercial gain without due consideration to existing residents and as such represents an overdevelopment of the available land.

-We still maintain insufficient information has been submitted to demonstrate that appropriate mitigation could be secured to protect the amenity of future occupants of this development in terms of noise i.e. dogs barking from Meadow Cottage as a registered dog kennel.

-We are genuinely in support of some appropriate development on this derelict piece of land and fully support the Council's application for planning in principle of 5 to 8 dwellings providing due consideration was taken at the design stage to mitigate against noise from the kennels.

-Rather than work covertly we would welcome all parties to work together to establish clear facts rather than trying to get the result that suits one party or the other.

-For example, the current noise survey contradicts the previous survey undertaken by another acoustic consultant. It is considerably less detailed and suggests there is more noise from the traffic than the kennels. In response we dispute the results on the grounds that this April was the coldest and wettest on record and as such our kennels doors and windows have been closed permanently during this period with the heating on. To help mitigate against noise we upgraded the kennels last year we are fully insulated for noise and thermal efficiency, the windows are double glazed and the doors insulated, therefore the result of the survey is not representative of normal kennel life. We maintain the noise generated will cause a nuisance to potential neighbours and will only end in disputes between all parties concerned.

-We object to the current proposal for the planning application of 10 dwelling houses and respectfully suggest that unit No. 5 should be removed from the planning application.

-The current survey suggests that the level of noise recorded from dogs barking would not cause a nuisance to neighbours. We've previously explained why the readings recorded are not representative of normal kennel life. But more alarmingly following some investigation it would seem there is no definitive standard for noise generated by a kennel. I refer to page no. 43 on the following link https://www.ioa.org.uk/sites/default/files/Acoustics%20Bulletin%20May-June%202016_0.pdf. Quote from the above link "given the community response to barking noise, it is somewhat surprising that to date no comprehensive noise documents have been issued with respect to kennels in the UK and Ireland. In the absence of such guidance approaches adopted by Local Authorities and Noise Consultants in assessment of kennels vary widely". The link also gives reference to the World Health Organisation "opinion" being considered. "In the light of the plethora of guidance documents available for a wide range of noise sources and activities the absence of a document specific to dogs barking is unfortunate, and a glaring omission in the noise guidance library. In the absence of any existing guidance documents approaches adopted by Noise Consultants and Local Authorities EHO's in the British Isles are highly variable and no emerging trends are readily apparent apart from the widespread misapplication of BS 4142: 1997 when assessing impacts. Although the 2014 version of the standard specifically precludes application to domestic animal noise, several interviewed consultants indicate that they intend to apply some due to the absence of any other guidance". In conclusion this is a difficult and complicated subject and I confess I am no expert but what worries me in so far as a horse and cart can be driven through the current situation the lack of sufficient information to demonstrate appropriate mitigation leaves the Local Authority and our kennel at Meadow Cottage potentially open to complaints and prosecution without any protection. The erection of a fence and closing windows is in my opinion totally insufficient.

-I have attached a video recording of dogs barking at feed time this morning in our kennels. It doesn't make for great viewing but illustrates over a very short period the "TYPE" of noise generated. In total the whole morning process would normally last for 30 minutes by any standard I would say it constitutes a statutory nuisance referred to by LAW: Environmental Protection Act 1990.

-With reference to the recent noise survey undertaken by Northburn Acoustics the last paragraph claims: "The latest assessment is much more robust than the methodology that was accepted by the Planning Inspector in the Darlington Appeal, and it is my professional opinion that there should be no reason to object to the development on the grounds of noise." Unfortunately, this report is less robust, and its conclusion is based on "opinion" not "guidance" and therefore, it is an opinion of one person professional or other and only based on one day i.e. 13th April. The report did not identify the position of the kennels or dogs, it did not identify if the kennels were open or closed, it did not identify the wind direction, and made various assumptions. In short, it is incompetent and even spurious and incomplete at best. The kennels have been established for 13 years and have been registered with North Tyneside Council since the 13th November 2014. We currently have 16 dogs onsite all owned by ourselves. The kennel is a professional working establishment and how one person can make an assessment on the noise from the kennels based on one day when the kennels were fully locked up due to weather conditions just beggar's belief. The one thing we can be 100% certain about the noise from the kennels is 365 days of the year. The noise level and duration vary as the external situation changes daily, when the bitches are in season it is probably the worst, when people walk past the kennels all the dogs bark, the morning and evening procedures surrounding feeding and cleaning are particularly bad in terms of noise. Dogs bark at different frequencies based on the situation i.e. dogs that feel threatened by people walking past the kennel is significantly louder than dogs barking because they are looking for attention, likewise, dogs barking for their food because their neighbours have just been fed before them is ear piercing. The assessment of the noise from the kennels must be fully established over a period of time not one day and it should be undertaken together with all interested parties, because of the long term implications. We cannot make dogs bark louder. Whilst they are well trained, we cannot influence how they bark it is just a natural situation.

-We do not want conflict with the Local Authorities, Developer, or new neighbours we just want everyone to take the kennels seriously as we only agreed to the planning in principle based on the fact any development would take the kennels into consideration at the design stage. This was agreed to be a "condition" attached to any planning approval yet the officer at the time failed to do this despite the fact she dictated the wording we needed to adopt in response to the proposed planning in principle application, we have written proof to verify this agreement.

-We also operate a small holding on site fully approved by Animal Health and Defra we hold our County Parish Holding Number and individual herd/flock numbers for all the animals on site. The revised layout of the proposed development leaves plots 1 to 4 open to noise from the small holding. Unlike the harshness of dogs barking, the noise from the animals in our opinion is quite tranquil but I'm not sure neighbours would see it that way. We currently have sheep, lambs, goats, geese, ducks and hens including a cockerel that starts at 5am. We can also have pigs and cattle on site but do not have any at the moment. Like the situation with dogs feeding times can generate noise but the geese act a guard dogs anyone they do not recognise sets them off. The lambing season is also particularly bad when the lambs and ewes are constantly calling to each other.

-As mentioned in our previous comments a horse and cart can be driven through the current report. The lack of sufficient information to demonstrate appropriate

mitigation leaves both the kennel and the Local Authority potentially open to complaints and prosecution without any long-term legal protection. Therefore, we must object to the revised development based on the planning officers' comments on the previous application that was refused.

-We would also request to speak at the Planning Committee on the grounds that this planning application has a direct impact on our property and believe that if planning was granted in its current form it would have a significantly negative impact on our lives due to the overwhelming nature of the two and a half storey townhouse sited on the boundary of the cottage, the loss of privacy due to plot no. 5 and the lack of information to demonstrate appropriate mitigation to protect future occupants and to prevent unreasonable restrictions being placed on Meadow Cottage as a result of noise from the kennels.

-This probably is not a planning issue but one I think you may need to be aware of. The last three owners of the Drift Inn site including the current owner have not discouraged people from using this as it was intended a car park. Consequently, if planning is ever approved for this site all these cars will park on the front street creating a major problem for all that live on Front Street. This level of parking is now common on a Friday evening it's the overspill from the recreation ground during the cricket season.

-Meadow Cottage is surrounded by a mixture of native hedging and leylandii hedging

All of the hedges are well maintained the leylandii is cut once a year and the native hedge is cut regularly during the growing season. The reason for this is to ensure the hedges do not grow out of control. On the boundary between meadow cottage and the proposed development we currently have a 1.2m close boarded fence with leylandii hedge. We are in the process of training and shaping this hedge to achieve a boxed hedge between 6 to 7ft tall. As we understand it the developer intends to erect a 1.8m close boarded fence, this means we have no access and means of maintaining our fence. The new 1.8 m fence will be sandwiched between two hedges so in time the likelihood is they will both rot. We suggest the developer should look at alternative materials that needs no maintenance

-If and when the fence structure rots and fails we have 16 dogs that will not be secured in our own garden. The combination of our leylandii hedge and the proposed native hedge we could have issues if the native hedge was allowed to grow higher than the leylandii and vice versus. We would request positive reassurances that both hedges should not exceed the height of the 1.8m fence and the planting of the proposed trees should be far enough away from the boundary to ensure when mature no branches overhang the boundary fence line. To formally agree to the proposed landscaping, we would ask for these assurances to be agreed and legally binding to both parties.

-When they dig the holes for the posts they should not damage the root ball on our existing hedge.

3.2 Applicant rebuttal June 2021

3.3 The below acts as rebuttal to objections and each point made is dealt with, with reference to the individual points made in the representations.

3.4 26th May- Objection (Assumed to be Meadow Cottage)

3.5 The applicant has indeed gone to significant lengths to resolve issues and now considers this a best fit. It is not the position of the applicant that each and

every whim of the adjacent property should be adhered to in the determination of this application and the objector overstates their case in a number of areas.

3.6 The properties are essentially two storeys in height and an acceptable distance away from the property at Meadow View and therefore by their siting and window design preserve adequately the residential amenity of Meadow View. Due to this the units would not appear overly dominant from every part of the property as the objector incorrectly states.

3.7 The Local Authority should not identify the so called 'arctic cabin' as a habitable room and therefore the impact on this holds no weight in the planning process.

3.8 This is a new application for 10 dwellings. Previous applications would be superseded by this, and 10 dwellings on the site provides viability for the development to go ahead.

3.9 Bridge Court and its design are immaterial to this application which should be decided on its own merits. No precedent is set by Bridge Court otherwise nor did it establish any methodology in case law via appeal or similar.

3.10 Noise Assessments to EHO comments and driven by established Case Law in lieu of specific guidance around dogs barking has indeed been provided.

3.11 Mitigation for the noise forms part of the application with the noise confirmed not to be a statutory nuisance in terms of timing and profile.

3.12 The most recent noise survey supersedes that of the previous as it is out of Covid lockdown and has indeed been carried out by the same consultant to an improved methodology.

3.13 The objector cannot advise or instruct when they would like the noise survey to be undertaken. This is inappropriate and could be open to interference, manipulation of dogs or otherwise and is inappropriate to ask the LPA to require this. Weather conditions in April are likely to be replicated throughout much of the year in Britain however historical weather data here (<https://www.wunderground.com/history/daily/EGNT/date/2021-4-13>) for the general area shows the weather was fair, not especially cold or rainy with no precipitation and average temperatures. The weather conditions therefore appear to be wholly reasonable during the assessment.

3.14 The applicant welcomes the decision to fully insulate the kennels to mitigate noise, this should result in lower noise from the dogs than could otherwise be expected. We are unclear how double-glazed windows and insulated doors that are claimed to be fitted are not representative of normal kennel life. Are these features due to be removed or do they as the objector states, provide further mitigation?

3.15 Police Authority

3.16 The applicant contends that the Police Authority comments are unusually focused on layout without evidence as to how specifically this creates crime or

fear of crime, against Planning Policy and shows no evidence that this should be a refusal reason. The Police Authority response therefore in its general thrust is overstated, unusually weighted against the layout and poorly reasoned.

- The Police have not provided their crime risk assessment or shared this with the local authority as a document that can be reviewed critically by the LPA or the applicant.

- The Police are respectfully requested to provide the policy in NPPF and North Tyneside Local Plan and Design SPD which specifically supports their position.

- The reformatting of the development does indeed address issues of public amenity and the applicant contends it does this satisfactorily and this comment is welcomed.

- The Police comment appears to significantly overstep its remit in advising about the mix of types and the layout, rather than specifically reasoning how the layout would create and enhance crime within the area. The comment regards the sinking ship is unfortunate, misguided and has no reasoned argument to provide evidence why this plot has an impact on crime or fear of crime.

- No evidence has been provided as to how this affects crime, disorder or fear of crime and appears to overreach the remit of the police authority.

- This comment is unclear as the proposal provides an active road frontage with significant sight lines at the rear of the properties and accesses.

3.17 27th May Representation (Assumed to be Meadow View)

3.18 The objector appears concerned there is no guidance around noise from barking dogs and should be reassured then that the applicant has taken an approach based partly on the comments of the EHO and partly of that defined in recent case law.

3.19 'Normal Kennel Life' appears to be highly varied based on previous representations from the objector and it would appear getting an 'average' of this is near impossible. As such a random time for assessment over a 24hr period, free of interference is the most appropriate course of action.

3.20 The objector provides several views that a 'horse and cart' can be driven through the current situation however I would refer to the methodology as being far more robust due to case law and the objector's opinions regarding fencing and ventilation, as well as what constitutes a statutory nuisance can be attributed no weight. Rather weight should be attributed to the findings of the noise assessment which can be viewed objectively.

3.21 Design

3.22 Plot No 5 cannot be seen to break up an 'illogical layout' as this is a cul de sac arrangement where this type of plot arrangement can be undertaken effectively.

3.23 Design section make no reference to the specific policy or design guidance around cul de sacs and individual plot siting or any policy advice that would suggest the removal of plot no 5.

3.24 Gardens are indeed larger than the previous submission where outside amenity space was not provided as a refusal reason.

3.25 8th June Objection (assumed to be Meadow View)

3.26 The objector is incorrect to state that the report is based on opinion, rather it is indeed and objectively based on findings that show a lack of statutory nuisance based on a methodology that has been defined in recent planning case law and agreed by a Planning Inspector.

3.27 It would be entirely unreasonable for the objector to control the position of kennels or dogs to suit the assessment as they imply and the suggestion that the report is spurious is rejected as I refer again to case law. We cannot verify whether kennels were locked up and the impact this has. Presumably kennels are regularly locked up to safeguard the dogs overnight for example?

3.28 It is clear therefore that defining an average bark or otherwise is impossible as the objector has indeed stated that noise levels and duration are often different and the dogs appear to bark at many situations or people.

3.29 The objector states that they cannot make the dogs bark louder, and assuming people tended to the dogs, fed them etc on 13th April should accept the findings of the noise assessment which clearly state the levels involved during this period. The objector goes on to state that dogs bark at different frequencies, situations and people and also that the assessment should be undertaken with their involvement. Clearly this could lead to an unnatural set of readings and is simply not appropriate.

3.30 No data recorded shows any adverse readings from any small holding and it is unclear what planning status any small holding or agricultural land use has on or adjacent the site.

4.0 External Consultees

4.1 Tyne and Wear Archaeology Officer

4.2 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 heritage assets, and no archaeological work is required.

4.3 Coal Authority

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

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

4.6 Newcastle International Airport Limited (NIAL)

4.7 This scheme is just outside the forecast airport noise contours. The noise assessment is focussed on traffic noise from the A1 and A19, and doesn't

address aircraft. It would be useful to understand what the position of the Council will be on noise. An informative should be considered in this situation.

4.8 Also, planting mix should be limited to 10% berry bearing species.

4.9 In respect of this resubmission, I would reiterate our previous comments:-
Double glazing;

An 'informative' advising purchasers that the houses are close to airport flight paths. I can provide a draft of this that has been used for other housing developments, if you wish.

4.10 Natural England

4.11 Based on the plans submitted, Natural England considers that the proposed development will not have significant adverse impacts on statutorily protected nature conservation sites or landscapes.

4.12 Sites of Special Scientific Interest Impact Risk Zones

4.13 The Town and Country Planning (Development Management Procedure) (England) Order 2015 requires local planning authorities to consult Natural England on "Development in or likely to affect a SSSI" (Schedule 4, w). Our SSSI Impact Risk Zones are a GIS dataset designed to be used during the planning application validation process to help LPA's decide when to consult Natural England on developments likely to affect a SSSI.

4.14 SSSI's

4.15 Local authorities have responsibilities for the conservation of SSSI's under s28G of the Wildlife and Countryside Act 1981 (as amended). The NPPF (paragraph 175c) states that development likely to have an adverse effect on SSSIs should not normally be permitted. Natural England's SSSI Impact Risk Zones are GIS dataset designed to be used during the planning application validation process to help local planning authorities decide when to consult Natural England on developments likely to affect a SSSI. The dataset and user guidance can be accessed from the Natural England Open Data Geoportal.

4.16 Biodiversity duty

4.17 Your authority has a duty to have regard to conserving biodiversity as part of your decision making. Conserving biodiversity can also include restoration or enhancement to a population or habitat. Further information can be provided.

4.18 Protected Species

4.19 Natural England has produced standing advice to help planning authorities understand the impact of particular developments on protected species. We advise you to refer to this advice. Natural England will only provide bespoke advice on protected species where they form part of a SSSI or in exceptional circumstances.

4.20 Local sites and priority habitats and species

4.21 You should consider the impacts of the proposed development on any local wildlife or geodiversity sites, in line with paragraphs 171 and 174 of the NPPF and any relevant development plan policy. There may also be opportunities to enhance local sites and improve their connectivity. Natural England does not hold locally specific information on local sites and recommends further information is

obtained from appropriate bodies such as the local records centre, wildlife trust, geo-conservation groups or recording societies.

4.22 Priority habitats and species are of particular importance for nature conservation and included in the England Biodiversity List published under section 41 of the Natural Environment and Rural Communities Act 2006. Most priority habitats will be mapped as either SSSI, on the Magic website or as Local Wildlife Sites (LWS). Lists of priority habitats and species can be provided. Natural England does not routinely hold species data, such data should be collected when impacts on priority habitats or species are considered likely. Consideration should also be given to the potential environmental value of brownfield sites, often found in urban areas and former industrial land, further information including links to the open mosaic habitats inventory can be provided.

4.23 Ancient woodland and veteran trees

4.24 You should consider any impacts on ancient woodland and veteran trees in line with paragraph 175 of the NPPF. Natural England maintains the Ancient Woodland Inventory which can help identify ancient woodland. Natural England and the Forestry Commission have produced standing advice for planning authorities when determining relevant planning applications. It should be taken into account by planning authorities when determining relevant planning applications. Natural England will only provide bespoke advice on ancient woodland/veteran trees where they form part of a SSSI or in exceptional circumstances.

4.25 Protected Landscapes

4.26 For developments within or within the setting of a National Park or Area of Outstanding Natural Beauty (AONB), we advise you to apply national and local policies, together with local landscape expertise and information to determine the proposal. The NPPF (paragraph 172) provides the highest status of protection for the landscape and scenic beauty of National Parks and AONBs. It also sets out a 'major developments test' to determine whether major developments should be exceptionally permitted within the designated landscape. We advise you to consult the relevant AONB Partnership or Conservation Board or relevant National Park landscape or other advisor who will have local knowledge and information to assist in the determination of the proposal. The statutory management plan and any local landscape character assessments may also provide valuable information.

4.27 Public bodies have a duty to have regard to the statutory purposes of designation in carrying out their functions (under (section 11A (2) of the National Parks and Access to the Countryside Act 1949 (as amended) for National Parks and S85 of the Countryside and Rights of Way Act, 2000 for AONBs). The Planning Practice Guidance confirms that this duty also applies to proposals outside the designated area but impacting on its natural beauty.

4.28 Heritage Coasts are protected under paragraph 173 of the NPPF. Development should be consistent character of Heritage Coasts and importance of its conservation.

4.29 Landscape

4.30 Paragraph 170 of the NPPF highlights the need to protect and enhance valued landscapes through the planning system. This application may present opportunities to protect and enhance locally valued landscapes, including any local landscape designations. You may want to consider whether any local landscape features or characteristics (such as ponds, woodland or dry-stone walls) could be incorporated into the development in order to respect and enhance local landscape character and distinctiveness, in line with any local landscape character assessments. Where the impacts of development are likely to be significant, a Landscape and Visual Impact Assessment should be provided with the proposal to inform decision making. We refer you to the Landscape Institute Guidelines for Landscape and Visual Impact Assessment for further guidance.

4.31 Best and most versatile agricultural land and soils

4.32 LPA's are responsible for ensuring that they have sufficient detailed agricultural land classification (ALC) information to apply NPPF policies (Paragraphs 170 and 171). This is the case regardless of whether the proposed development is sufficiently large to consult Natural England. Further information is contained in GOV.UK guidance. ALC information is available on the Magic website on the Data.Gov.uk website. If you consider the proposal has significant implications for further loss of 'best and most versatile' agricultural land, we would be pleased to discuss this matter further.

4.33 Guidance on soil protection is available in the Defra Construction Code of Practice for the Sustainable Use of Soils on Construction Sites, and we recommend its use in the design and construction of development, including any planning conditions. Should the development proceed, we advise that the developers use an appropriately experienced soil specialist to advise on, and supervise soil handling, including identifying when soils are dry enough to be handled and how to make the best use of soils on site.

4.34 Access and recreation

4.35 Natural England encourages any proposal to incorporate measures to help improve people's access to the natural environment. Measures such as reinstating existing footpaths together with the creation of new footpaths and bridleways should be considered. Links to other green networks and, where appropriate, urban fringe areas should also be explored to help promote the creation of wider green infrastructure. Relevant aspects of local authority green infrastructure strategies should be delivered where appropriate.

4.36 Rights of Way, Access land, Coastal access and National Trails

4.37 Paragraph 98 and 170 of the NPPF highlights the importance of public rights of way and access. Development should consider potential impacts on access land, common land, rights of way, coastal access routes and coastal margin in the vicinity of the development and the scope to mitigate any adverse impacts. Consideration should also be given to the potential impacts on any nearby National Trails, including the England Coast Path. The National Trails website provides information including contact details for the National Trail Officer.

4.38 Environmental enhancement

4.39 Development provides opportunities to secure net gains for biodiversity and wider environmental gains as outlined in the NPPF (paragraphs 8, 72, 102, 118, 170, 171, 174 and 175). We advise you to follow the mitigation hierarchy set out in paragraph 175 of the NPPF and firstly consider what existing environmental features on and around the site can be retained or enhanced or what new features could be incorporated into the development proposal. Where on site measures are not possible, you may wish to consider off site measures, including sites for biodiversity offsetting. Opportunities for enhancement might include:

- Providing a new footpath through the new development to link into existing rights of way.
- Restoring a neglected hedgerow.
- Creating a new pond as an attractive feature on site.
- Planting trees characteristic to the local area to make a positive contribution to the local landscape.
- Using native plants in landscaping schemes for better nectar and seed sources for bees and birds.
- Incorporating swift boxes and bat boxes into the design of new buildings.
- Designing lighting to encourage wildlife.
- Adding a green roof to new buildings.

4.40 You could also consider how the proposed development can contribute to the wider environment and help implement elements of any Landscape, Green Infrastructure or Biodiversity Strategy in place in your area. For example:

- Links to existing greenspace and/or opportunities to enhance and improve access.
- Identifying new opportunities for new greenspace and managing existing (and new) public spaces to more wildlife friendly (e.g. by sowing wild flower strips).
- Planting additional street trees.
- Identifying any improvements to the existing public rights of way network or using the opportunity of new development to extend the network to create missing links.
- Restoring neglected environmental features (e.g. coppicing a prominent hedge that is in poor condition or clearing away an eyesore).

4.41 Officer Note: It is noted that Natural England's comments do not refer to the latest paragraph numbers in the July 2021 NPPF. Members are advised that it is only the reference to the paragraph numbers that are not accurate.

4.42 Northumbria Police

4.43 Northumbria Police are content with the amended layout and have no objection.

Application No:	21/01341/FUL	Author:	Maxine Ingram
Date valid:	21 May 2021	☎:	0191 643 6322
Target decision date:	20 August 2021	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: Application Permitted

INFORMATION

1.0 Summary Of Key Issues & Conclusions

1.0 This application was considered by Members of Planning Committee on the 3rd August 2021. The application was minded to grant on expiry of consultation. Members are advised that prior to receiving the final comments of the Lead Local Flood Authority (LLFA) objections were received. All amendments to the report are in bold.

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

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

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

2.0 Description of the Site

2.1 The application site is 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. There is no access (pedestrian or vehicle) from the site into the residential estate to the north.

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 builder's 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 objections received regarding the need for this type of business are noted. However, this is not a material planning consideration.

8.11 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 objections received regarding the impact on residential amenity, including noise and disturbance are noted. The objections raised regarding noise impacts from existing businesses are noted. However, the Local Planning Authority (LPA) can only assess the impacts of this proposal.

9.5 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.

9.6 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.

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

9.8 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 objections received regarding unacceptable design are noted.

10.5 The overall size and design of buildings vary within the wider industrial estate.

10.6 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.

10.7 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.

10.8 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.

10.9 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.

10.10 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.

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

10.12 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 objections received regarding the impacts on pedestrian and highway safety are noted.

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

11.7 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. **It is clear from the Highways Network Manager's comments that he has raised no objections to the proposed development on highway safety grounds.** On this basis, he has recommended conditional approval.

11.8 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 Lead Local Flood Authority (LLFA) has been consulted. They have raised no objections to the proposed development. The proposed development would incorporate an underground storage tank to provide attenuation within the site and will restrict the surface water discharge rate from the site to 46 l/s. The LLFA has advised that this would provide betterment from the existing sites surface water drainage system, so the development will not increase the flood risk within the site or the surrounding area.

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: Application Permitted

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 A
 - Proposed on site drainage Dwg No. NT 1537-002 Rev A
 - Reason: To ensure that the development as carried out does not vary from the approved plans.
2. The development hereby permitted shall be begun before the expiration of three years from the date of this permission.
 - Reason: To comply with the requirements of Section 91 of the Town and Country Planning Act 1990.

3. 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)

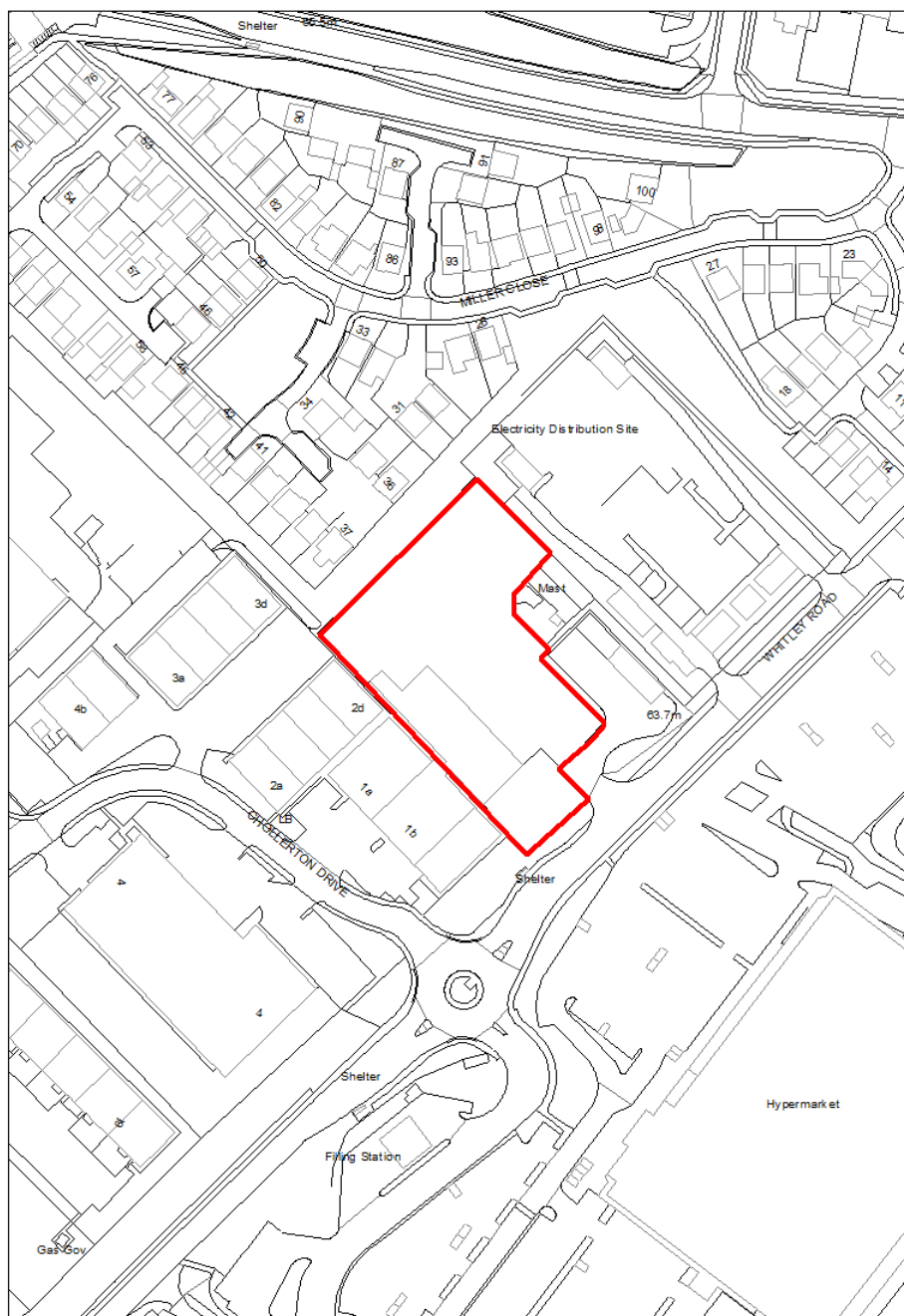
Advice All Works Within Applicants Land (I29)

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

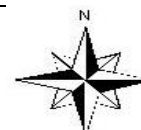
Location: Henson Motor Group, Benton Square Industrial Estate, Whitley Road, Benton

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: 13.10.2021

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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 dvlp

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 façade 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.

1.22 Lead Local Flood Authority

1.23 I can confirm the surface water drainage proposals for this application are acceptable. The development will incorporate an underground storage tank to provide attenuation within the site and will restrict the surface water discharge rate from the site to 46 l/s. This proposal will provide betterment from the existing sites surface water drainage system so the development will not increase the flood risk within the site or the surrounding area.

2.0 Representations

Five objections have been received (three objector's have provided details of their property addresses and two objections are from a resident of the estate). These objections are summarised below:

- Inappropriate design
- Loss of privacy
- Loss of residential amenity
- Loss of visual amenity
- Nuisance: disturbance, dust/dirt, fumes, noise.
- Poor traffic/pedestrian safety
- Poor/unsuitable vehicular access
- Traffic congestion
- Will result in visual intrusion
- Lack of public consultation with local residents most affected by this proposal. If residents were aware of this proposal through a mail notification, the number of objections would increase. Before a decision is taken on this application, local residents should be properly consulted about this development as it feels like the proposer has tried to slide the proposal through, without it being noticed.
- There is simply no equivalence to be drawn between the current use and the proposed use. The current use is of a car showroom with a limited number of staff and limited visitors, particularly at peak am time. The transport planning document seeks to draw an equivalence between the two that is simply not valid.
- Submitted documents to no acknowledge that Whitley Road currently experiences difficulties sustaining the current level of traffic. Queues can be lengthy in both directions. In addition, the road widening has exacerbated problems at the roundabout with lane change confusion. To increase the number of vehicles at peak times, particularly larger or large commercial vehicles can only have an adverse impact on what is already a problematic road.
- At present, the distance between the gaps in the pavement is already difficult to navigate for pedestrians. You have to go across at speed in the hope that no one is going to turn with a late signal. The mitigating factor is the lack of vehicles entering the showroom. If that changes, that only increases the existing risk. Again, the planning documents don't seem to

acknowledge the existence of this risk, let alone deal with the exacerbation of this risk.

-With regard to local business objectives, this type of business is already in the local area, with sufficient level of competition. Those businesses are located on industrial estates, including with traffic light provision and don't access directly the main road.

-Whitley Road is currently a problem, particularly at peak times. Unless the application is prepared to acknowledge that problem and appropriately mitigate it, then the application is flawed and should not be taken further.

The housing estate contains lots of families with young children, who are likely to be most affected by noise disturbance, particularly on an evening or early in morning, given the proposed opening/delivery hours.

-The industrial estate adjacent to the housing estate is already working extended hours and there can be excessive noise and some vibrations nuisance at varying hours of the day and night. The units causing this noise (Liquiform and Northumbria Blow Moulding, which seem to be operating 24/7) is significantly further away than the proposed plot. There is also some noise disturbance from Asda accepting deliveries and operating forklift trucks around the clock so having another heavy industrial unit, a builder's merchant, a matter of metres from properties will add to this.

-The plans show that there will be large stacks of goods on the rear of the plot, right next to the houses, meaning that there is significant potential for noise disturbance (clattering of pallets, forklift noise, lorry engines running, reverse sirens etc) for 11 hours per day, between 07:00 and 18:00, and that's if the facility doesn't operate outside of these times for deliveries.

The noise impact survey doesn't really take this into consideration, and I note that environmental health had reservations about the survey. It's worrying that the environmental health responder has indicated that deliveries could take place up to 23:00 on an evening, which would be completely unacceptable.

-Within a one mile radius of the current Henson's site, there are already at least four builders merchants (Joseph Parr, F E Maughan, Keyline Civil Specialists and Travis Perkins), in addition to the likes of Screwfix, Toolstation and The Range which all sell building/home improvement supplies. Within a ten minutes commute, there is also B&Q, Wickes, Tradepoint, Jewsons, JT Dove. How many more builders merchants does North Tyneside really need?

-The transport survey is bewildering and seems more focused on how staff and customers currently get to/from the existing car showroom, which has limited footfall, rather considering the impact that a builders merchant will have, which is likely to create far greater traffic volumes. I can't understand how the author believes that a busy builder's merchant won't have any impact. The entrance to the site from the traffic lights has a very tight left hand turn off an extremely busy main road; I'm not sure how a heavy goods vehicle would be able to make this turn without causing a tailback.

Approaching the site from the Wheatsheaf roundabout, the current road layout doesn't really cater for the right hand turn into the site and would cause significant tailbacks or vehicles swerving into other lanes etc if the turn cannot be made immediately. I've witnessed a number of near misses for both drivers and pedestrians when cars suddenly brake to turn into

garage from both directions and the risk would only increase if the site became a busy builder's yard. Similarly, cars struggle to get out of the current site due to turning onto such a busy road. This needs to be looked at again, with road usage figures based on normal road usage, not reduced usage as we have witnessed during Covid lockdowns, and realistic visitor figures for the business in question.

-Surely a better place for an heavy industrial unit would be within the existing industrial estate, adjacent to the proposed site? Are there really no vacant existing units in the Bellway, North Tyne or Benton Square, that this business could move into, which would have a far lower impact on residents and reduce the pressure on an already congested road network?

-If this development is accepted it would be more palatable if the heavy goods storage and lorry unloading areas are moved away from the houses on Miller Close, perhaps swapping places with customer parking at the front of the site, next to Whitley Road. If the existing property is being demolished and rebuilt from scratch, this concession shouldn't add any cost to the build but would greatly assist with potential noise pollution.

-The entire Miller Close estate already suffers from noise problems due to the multiple distribution businesses in Benton Square Industrial Estate. Those business require HGVs, forklifts and other heavy machinery to function which greatly increase the noise levels in all areas of the estate. This is an unfortunate but accepted reality as those businesses operated as such before the estate was built, however there is no logical explanation to still allow new noise & traffic polluting business to be created next to the estate now.

-Furthermore, the redesign of the Wheatsheaf roundabout with the additional traffic lane and no pedestrian crossings is already dangerous enough for people on foot or on bikes. I was recently involved in a small traffic collision on the same portion of road caused by a speeding heavy goods vehicle coming from the Holystone bypass. Allowing another venue where high HGV traffic is expected will be the final nail in the coffin for the local residents. This is especially dangerous as based on the plans provided, there is no separate access to the premises therefore traffic will turn into the premises directly from Whitley Road.

-Consider those objections from residents who have lived in the area since the estate was built and have since been struggling with the existing noise and traffic pollution caused by the adjacent Benton Square industrial estate (especially the former PMP nameplates/Plastic metal and profiles which operates heavy machinery 24/7). We believe this application will significantly add to the existing pollution while not contributing to the area by any means, considering the range of similar business operating in the area.

-We are all monitoring the progress of the application and are looking forward to hearing from you before a final decision is made.

Officer note: The Local Planning Authority (LPA) have complied with the statutory consultation requirements. The LPA issued neighbour notification letters to immediate adjacent properties, displayed a site notice and a press notice.

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, 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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