



North Tyneside Council

Planning Committee

26 May 2022

To be held on **Tuesday, 7 June 2022** 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 10 May 2022.</p>	5 - 6

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Agenda Item		Page
5.	Planning Officer Reports	7 - 12
	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.	22/00364/FUL, Flat D, 32 Percy Gardens, Tynemouth	13 - 24
	To determine a full planning application from Mr Stephen Mayne for a new balcony terrace area.	
7.	20/01271/FUL, 2 Eastern Villas, Springfield Park, Forest Hall	25 - 60
	To determine a full planning application from Springfield Park Holdings SPV1 Ltd for change of use of a vacant former care home to provide 12 no. residential apartments with associated parking, landscaping and other associated infrastructure (Amended description and amended plans received 09.12.2021)	
8.	19/01085/REM, Land West of Station Road North and Land South of East Benton Farm Cottages, Wallsend	61 - 90
	To determine a reserved matters application from Persimmon Homes (NE) Newcastle Ltd for the submission of details of appearance, landscaping, layout and scale in respect of erection of 66 dwellings, garages, car parking together with associated boundary treatment and infrastructure pursuant to hybrid application 16/01885/FUL.	
9.	22/00413/FUL, Greggs Building, Balliol Business Park	91 - 114
	To determine a full planning application from Gegg's PLC for conversion of redundant freezer into additional production space and the erection of extensions to create ancillary space. Demolition of: Two long-standing temporary buildings, existing goods-in dock area with 2no docks for Balliol 1 building, low-level building on the Southern front of the redundant freezer building and existing plantrooms to the Western side of the redundant freezer building. Conversion of the redundant finished goods store into a 4th production line and associated stores etc. to create Balliol 3 building. Erection of: New link bridge, new Western extension, roof level pod for future process equipment, new goods-in dock area with 3no docks at ground level and new canteen space above at first floor level to connect the first floor of Balliol 3 to the existing GTC building, new extension to Balliol 1 on the North-East corner, new external walkway canopy crossing the car park from Balliol 2 to Balliol 1 to allow staff from Balliol 2 to access the new staff facilities, new first floor level car park located on the Gosforth Bakery car park to the North of the proposed works and new Gatehouse at the South-West entrance to the site to control traffic movements onto and off site.	

Circulation overleaf ...

Members of the Planning Committee:

Councillor Ken Barrie
Councillor Muriel Green
Councillor John Hunter
Councillor Tommy Mulvenna
Councillor Paul Richardson (Deputy Chair)
Councillor Jane Shaw

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

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Planning Committee

Tuesday, 10 May 2022

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

Apologies: Councillors K Barrie and F Lott

PQ87/22 Appointment of substitutes

There were no substitute members appointed.

PQ88/22 Declarations of Interest

There were no declarations of interest or dispensations reported.

PQ89/22 Minutes

Resolved that the minutes of the meeting held on 12 April 2022 be confirmed and signed by the Chair.

PQ90/22 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.

PQ91/22 21/02500/FUL, Avant Homes Development Site, Killingworth Way

The Committee considered a report from the planning officers, together with two addendums, one circulated prior to the meeting and another circulated at the meeting, in relation to a full planning application from Avant Homes for residential development for the addition of 13no dwellings including associated reconfiguration of site layout to previously approved application 16/01889/FUL.

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

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

- a) the extent of the proposed increase in density of dwellings;
- b) the objection of the design officer on the grounds that some units would have small, awkwardly shaped gardens and the planning officer's counter view that the increased

- number of dwellings would not represent overdevelopment of the site or an unacceptable layout for future occupants;
- c) confirmation that the additional development would not encroach on to land previously designated as open space within the site;
 - d) the location of affordable homes on the site; and
 - e) the location and details of the house types to be reconfigured within the site.

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; and (2) the Director of Regeneration and Economic Development 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;

- Affordable housing provision
- Ecology and Biodiversity £2,535
- Parks and Greenspace £6,920
- Primary Education £37,500
- Coastal Mitigation £1,963

PLANNING COMMITTEE

Date: 7 June 2022

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.

6	22/00364/FUL	Tynemouth
	Flat D 32 Percy Gardens Tynemouth Tyne And Wear NE30 4HQ	
	Speaking rights granted to Anne-Marie and David Purvis of Percy Gardens, Tynemouth	
7	20/01271/FUL	Benton
	2 Eastern Villas Springfield Park Forest Hall NEWCASTLE UPON TYNE NE12 9AE	
8	19/01085/REM	Northumberland
	Land To The West Of Station Road North And Land South Of East Benton Farm Cottages Station Road North Wallsend Tyne And Wear	
9	22/00413/FUL	Longbenton
	Greggs Building Balliol Business Park Benton Lane Longbenton NEWCASTLE UPON TYNE NE12 8EW	

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Application No: 22/00364/FUL

Author: Rebecca Andison

Date valid: 22 March 2022

☎: 0191 643 6321

Target decision date: 17 May 2022

Ward: Tynemouth

Application type: full planning application

Location: Flat D, 32 Percy Gardens, Tynemouth, Tyne And Wear, NE30 4HQ

Proposal: New balcony terrace area (amended plans)

Applicant: Mr Stephen Mayne, Flat D 32 Percy Gardens Tynemouth NE30 4HQ

RECOMMENDATION: Application Permitted

INFORMATION

1.0 Summary Of Key Issues & Conclusions

1.0 Main Issues

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

- The impact on neighbours living conditions with particular regard to the impact upon light, outlook and privacy; and,
- The impact on the character and appearance of the Tynemouth Conservation Area and Local Register building.

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 southeast facing terraced property, located on Percy Gardens, Tynemouth. The property is divided into 4no. flats and this application relates to the upper flat which is located within the roof space.

2.2 The front elevation of the property features a large flat roofed dormer window.

2.3 The site is located within Tynemouth Conservation Area and is covered by the Tynemouth Article 4 Direction. No.'s 1-47 Percy Gardens are included on the Local Register.

3.0 Description of the Proposed Development

3.1 Planning permission is sought to construct a roof level balcony attached to the existing dormer window.

3.2 The proposed balcony would be formed by cutting away the pitched roof below the dormer and would be accessed via sliding doors. It is proposed to enclose the balcony with glazed panels.

4.0 Relevant Planning History

18 Percy Gardens:

15/00677/FULH - Replace old existing UPVC dormer window with an aluminium bi-fold door that is set back within the roof space and erection of a glass balcony to create a roof terrace

Permitted 28.08.2015

5.0 Development Plan

North Tyneside Local Plan (2017)

6.0 Government Policy

National Planning Policy Framework (NPPF) (July 2021)

National Planning Practice Guidance (NPPG) (As amended)

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:

- The impact on neighbours living conditions with particular regard to the impact upon light, outlook and privacy; and,
- The impact on the character and appearance of the Tynemouth Conservation Area and Local Register building.

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

8.0 Impact on Residential Amenity

8.1 Policy S1.4 states that proposals for development will be considered favourably where it can be demonstrated that they would accord with the strategic, development management or area specific policies of the Plan. 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.

8.2 Policy DM6.1 (b and f) states that proposals are expected to demonstrate a positive relationship to neighbouring buildings and spaces and a good standard of amenity for existing and future residents.

8.3 Policy DM6.2 (c and d) of the Local Plan states that when assessing applications for extending buildings the Council will consider the implications for amenity on adjacent properties and land such as outlook, loss of light or privacy and the cumulative impact if the building has been previously extended.

8.4 It is proposed to construct a roof level balcony at the front of the property.

8.5 The proposed balcony would overlook a large area of public open space and does not directly face any residential properties.

8.6 The adjoining properties each have dormer windows across the width of the front roof slopes. The dormer of No.31 adjoins the host property's dormer while No.33's dormer is positioned slightly lower and further back.

8.7 The proposed balcony is set off the boundary with No.31 by 2.3m to reduce the potential for overlooking into the window of the adjoining dormer. It is officer opinion that the impact on the occupiers of this property in terms of loss of privacy is acceptable.

8.8 An objection has been received from the upper flat within No.33. The dormer window of this property serves a bedroom and bathroom.

8.9 The window within the dormer of 33c is set in slightly from the shared boundary and the dormer itself is positioned lower and further back than the host's dormer. Given the position of the proposed balcony in relation to 33c's dormer and the resulting angle of view it is not considered that the balcony would result in any significant loss of privacy to the bedroom or bathroom of this property.

8.10 The neighbouring resident also raises concern over the potential impact of noise. It is acknowledged that the proposed balcony could result in some additional disturbance, particularly if used in the evening/night-time period. However, the balcony measures 5m by 1.5m and could accommodate only a limited number of people. It is not considered that the impact of noise would be significant enough to warrant refusal of the application on these grounds.

8.11 It is not considered that the proposal would impact on neighbouring occupiers in terms of loss of light or outlook.

8.12 Members need to determine whether the proposed development is acceptable in terms of its impact on the amenity of neighbouring properties. It is officer advice that the impact is acceptable and that the proposed development accords with the LP policies DM6.1(b and f) and DM6.2(c).

9.0 Impact on Character and Appearance

9.1 NPPF states that the creation of high-quality buildings and places is fundamental to what the planning and development process should achieve. Development should be visually attractive as a result of good architecture, layout and appropriate and effective landscaping; be sympathetic to the local character

and history, including the surrounding built environment and landscape setting; and establish or maintain a strong sense of place.

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

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

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

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

9.6 At paragraph 206 of the NPPF it states:

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

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

9.8 Policy DM6.2 states that extensions should complement the form and character of the original building. This should be achieved either by continuation of the established design form, or through appropriate contrasting, high quality design. The scale, height and mass of an extension and its position should emphasise a subservience to the main building. This will involve a lower roof and eaves height, significantly smaller footprint, span and length of elevations. DM6.2 lists the criteria that will be considered when assessing applications for extending buildings. These include whether the property is affected by any designations or considered to be a heritage asset or within the setting of a heritage asset; the location of the extension in relation to the street scene; the cumulative impact if the building has been previously extended; the effect on the existing property and whether the overall design is enhanced; and the form, scale and layout of existing built structures near the site.

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

9.10 Policy DM6.6 states that proposals that affect heritage assets or their settings, will be permitted where they sustain, conserve and, where appropriate, enhance the significance, appearance, character and setting of heritage assets in an appropriate manner. As appropriate, development will:

- a. Conserve built fabric and architectural detailing that contributes to the heritage asset's significance and character;
- b. Repair damaged features or reinstate missing features and architectural detailing that contribute to the heritage asset's significance;
- c. Conserve and enhance the spaces between and around buildings including gardens, boundaries, driveways and footpaths;
- d. Remove additions or modifications that are considered harmful to the significance of the heritage asset;
- e. Ensure that additions to heritage assets and within its setting do not harm the significance of the heritage asset;
- f. Demonstrate how heritage assets at risk (national or local) will be brought into repair and, where vacant, re-use, and include phasing information to ensure that works are commenced in a timely manner to ensure there is a halt to the decline;
- g. Be prepared in line with the information set out in the relevant piece(s) of evidence and guidance prepared by North Tyneside Council;
- h. Be accompanied by a heritage statement that informs proposals through understanding the asset, fully assessing the proposed affects of the development and influencing proposals accordingly.

Any development proposal that would detrimentally impact upon a heritage asset will be refused permission, unless it is necessary for it to achieve wider public benefits that outweigh the harm or loss to the historic environment and cannot be met in any other way.

9.11 The Design Quality SPD applies to all planning applications that involve building works. It states that extensions should complement the form and character of the original building, taking cues from its design, scale and proportions. This is also reflected in the detailing, such as window design, and the appropriate use of materials. Materials should match or complement the existing building in colour, tone (such as light cream and dark cream), texture and size. Where a neighbourhood has been much altered in the past, it is important to focus on the underlying character of the building and not past inappropriate additions. Further consideration should be given to dwellings within conservation areas. In this instance extensions are required to maintain or enhance the character and appearance of the area.

9.12 The Local Register of Buildings and Parks SPD states that proposals for works affecting Locally Registered buildings should ensure that they respect the architectural quality, character and interest of the building by taking into account the design, appearance and architectural features of the building. The materials used should be appropriate to the age and style of the building.

9.13 The Tynemouth Village Conservation Area Character Statement was adopted in 2001. The Statement notes that Tynemouth is a village in an urban setting, the first of its kind about an urban rather than a rural village, it is hoped to capture its unique character, to influence future planning decisions and to help manage and not prevent the process of change.

9.14 The Tynemouth Village Conservation Area Character Appraisal was adopted in 2010.

9.15 The Tynemouth Village Conservation Area Management Strategy SPD (TVCAMS) was adopted in 2014. It describes how terraces largely define Tynemouth Village, and states that poorly designed dormers can significantly affect the streetscape. It recommends that any new dormer should be related carefully to the character and materials of the building. It states: "Regular verticality is crucial and dormers should relate to the pattern of windows in the rest of the building. It may be the case that no dormer window is acceptable at all in particular buildings, e.g. where dormers are not traditional features. Existing large box dormers that dominate the roofscape must not set a precedent or be a design cue. Should the removal of these unattractive features not be possible, there is scope for improving those that currently exist such as incorporating colours and materials to blend with the existing roof, and subdividing the windows vertically with mullions."

9.16 The terrace of Percy Gardens contains numerous styles of dormer window, including many flat roofed dormers and dormers with balconies. The majority of the balconies are enclosed by railings, but No.18 has a recessed balcony which is enclosed by a glazed screen. This was granted planning permission in 2015.

9.17 The host property has a flat roofed dormer across the width of the frontage, as do both adjoining properties. The proposed balcony would project beyond the existing dormer but not beyond the eaves of the property. The width of the balcony has been reduced during the course of the application, so it now extends only part way across the dormer rather than the entire width.

9.18 The existing flat roofed dormer causes harm to the appearance of the Local Register building and the character of the conservation area, particularly when the cumulative impact of other dormers is taken into account. The proposal would result in further intrusion to the original roof slope, and it is considered that this would have some adverse impact on the Local Register building.

9.19 The Conservation consultation response objects to the application, stating that whilst the roof has already been unattractively altered, this cannot be justification for more inappropriate alteration. The harm is assessed as being less than substantial but without public benefit that would outweigh the harm.

9.20 These concerns are noted. However, it is officer opinion that in this case the harm to the conservation area would not be significant enough to warrant refusal of the application. While it is acknowledged that existing harmful development should not be used as a precedent for future development, it is not considered that the addition of a balcony would result in any significant harm to

the character of the conservation area or the streetscene when taking into account the number of existing dormer windows and balconies on the street.

9.20 The proposed glazed balustrade is considered to be an acceptable and unobtrusive means of enclosure which is in keeping with other balconies within the conservation area. Examples of glazed balustrades can be found at 18 Percy Gardens, 56 Percy Park (09/03284/FULH) and one has recently been granted planning permission at 55 Percy Park (22/00346/FULH). A condition to control the detailed design of the balustrade is recommended.

9.21 It is proposed to replace the existing upvc lounge window with aluminium doors. Aluminium is considered to be an acceptable material.

9.22 On balance, it is officer opinion that the proposal conserves the character and appearance of the conservation area and the Local Register building in accordance with the NPPF and Local Plan Policies DM6.1, DM6.2 and DM6.6. Members must consider whether they agree.

10.0 Local Financial Considerations

10.1 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). It is not considered that the proposal results in any local financial considerations.

11.0 Conclusion

11.1 Members need to determine whether the proposed development is acceptable in terms of its impact on residential amenity and its impact on the character and appearance of the Tynemouth Conservation Area and the Local Register building. It is the view of officers that the proposed development is acceptable and accords with national and local planning policies. The application is therefore recommended for approval.

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:

- Application form
- Location and site plan Drawing No.01 Rev.A
- Layouts Drawing No.02 Rev.A
- Proposed front elevation Drawing No.04 Rev.C

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

2. Standard Time Limit 3 Years FUL

MAN02 *

3. Notwithstanding condition 1, the materials and detailed design of the balcony balustrade must be submitted to and approved in writing by the Local Planning Authority prior to installation. The development shall thereafter only be carried out in accordance with the approved details.

Reason: In the interests of the character and appearance of the conservation area, having regard to policies DM6.1 and DM6.6 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.

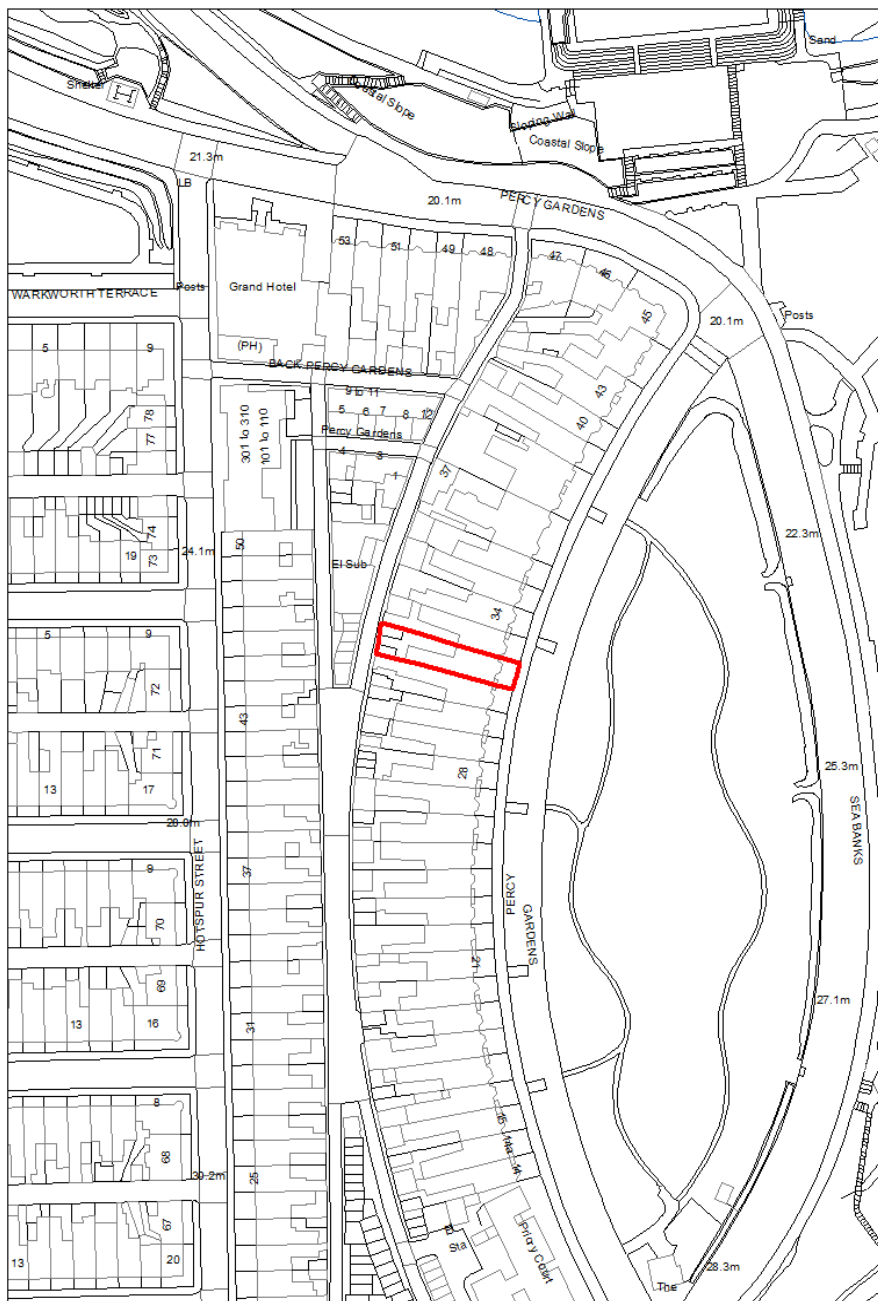
Informatives

Building Regulations Required (I03)

Do Not Obstruct Highway Build Materials (I13)

Contact ERH Erect Scaffolding on Rd (I12)

Highway Inspection before dvlpt (I46)



Application reference: 22/00364/FUL

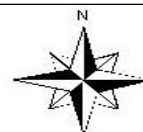
Location: Flat D, 32 Percy Gardens, Tynemouth, Tyne And Wear

Proposal: New balcony terrace area (AMENDED PLANS)

Not to scale

Date: 25.05.2022

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0100016801



Consultations/representations

1.0 External Consultees

1.1 Tynemouth Conservation Area Management Strategy Group and Tynemouth Village Association

1.2 The TCAMS document makes it very clear that because others nearby have done something negative in the conservation area, then that is no excuse to do more of the same. Specifically, roofs and balconies are included. Indeed all the conservation documents state that the presumption must be to retain or reinstate where possible conservation features, not to destroy them. This window has already been partially destroyed so it is out of the vernacular but this application only makes it worse again.

The fact that others have been approved previously (most, if not all, before the TCAMS document) is not a rationale to make the situation even worse.

1.3 Therefore, to be consistent with the planning guidance this application must be opposed as it would directly and completely contravene the TCAMS document and the other conservation documents.

1.4 I want to register, on behalf of TCAMS and the TVA, that this proposal, and any others for balconies on older properties like this, are contravening the planning guidance on the documents. I do not see how this application could be approved if the Council is acting within its own planning guidance and conservation policies.

2.0 Representations

2.1 3no. objections have been received. These are summarised below.

- Affect character of conservation area.
- Out of keeping with surroundings.
- Loss of privacy to the bedroom and toilet of the No.33c.
- Visual impact on the conservation area.
- Potential noise and disturbance.
- A steel and glass structure will be out of keeping.
- Potential damage to property due to the location of the balcony adjacent to the ornamental stone roof divide.
- Surfacing the balcony with flagstones will prevent the bitumen being examined.
- Water leakage into the adjoining building.
- The proposed balcony is contrary to TCAMS policy and out of character with the surrounding houses.
- Previous alterations which breach guidelines are not a precedent.
- Interference with rooflines was one of the main reasons for the introduction of Tynemouth Conservation Area.

3.0 Internal Consultees

3.1 Conservation

3.2 Recommendation: Objection

3.3 Planning permission is sought for the creation of balcony terrace within the roof of the front elevation of 32 Percy Gardens.

3.4 The property is located within the Tynemouth Village conservation area. The Local Planning Authority must have regard to its statutory duty as outlined in section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 in determining this application; that is, special attention must be paid to the desirability of preserving or enhancing the character or appearance of the conservation area.

3.5 Percy Gardens is included on the Council's adopted Local Register and so is recognised for its historic and architectural interest.

3.6 Dwelling houses in Percy Gardens are subject to an Article 4 Direction that removes permitted development rights to avoid unnecessary loss of traditional features, and to support their retention or reinstatement.

3.7 The roof at present has already been compromised through the insertion of a flat roofed dormer that stretches the width of the property and contains two windows. The remainder of the roof appears to be in natural slate (possibly original). It is proposed to alter the northernmost window to become a doorway, remove a section of the roof below and insert a steel and glass balustrade.

3.8 I cannot agree that it would be appropriate to make this intervention. Whilst the roof has already been unattractively altered, this cannot be justification for more inappropriate alteration that would further erode traditional roofscape and introduce modern, alien materials to a Victorian property. Similarly, other examples in the area should not be used to justify the proposal. I would expect that that these were mostly inserted some time ago under different planning policy and guidance regimes, or in more recent times where the proposal, although not wholly appropriate, would be an improvement on an existing situation. I'm not of the opinion that this is the case here.

3.9 In considering the National Planning Policy Framework 2021 (the NPPF), the harm to the non-designated heritage asset (Percy Gardens) and the designated heritage asset (Tynemouth Village conservation area) would be less than substantial. The NPPF is clear that harm of any level is undesirable and great weight should be given to the conservation of heritage assets. The identified harm must be clearly and convincingly justified in terms of public benefits (paragraphs 200 and 202 of the NPPF). I am unaware of sufficient benefits that would outweigh the identified harm.

3.10 Conclusion: In having regard to the relevant legislation, planning policy and guidance, I am unable to support the submitted proposal.

3.11 Should the application be approved, I would recommend that the appearance of all external materials should be conditioned to ensure an outcome that would be as unintrusive as possible.

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Application No: 20/01271/FUL Author: Maxine Ingram
Date valid: 11 September 2020 ☎: 0191 643 6322
Target: 11 December 2020 Ward: Benton
decision date:

Application type: full planning application

Location: 2 Eastern Villas, Springfield Park, Forest Hall, NEWCASTLE UPON TYNE, NE12 9AE

Proposal: Change of use of a vacant former care home to provide 12 no. residential apartments with associated parking, landscaping and other associated infrastructure (Amended description and amended plans received 09.12.2021)

Applicant: Springfield Park Holdings SPV1 Ltd, 27 The Oval Newcastle Upon Tyne

Agent: Savills UK Ltd, Shaun Cuggy 71 Grey Street Newcastle Upon Tyne NE1 6EF

RECOMMENDATION:

The Committee is recommended to:

- a) indicate that 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; and**
- b) authorise the Director of Regeneration and Economic Development to determine the application following the completion of the Section 106 Legal Agreement to secure a financial contribution of £1,812.00 towards coastal mitigation.**

INFORMATION

1.0 Summary Of Key Issues & Conclusions

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 take into account any other material considerations in reaching their decision.

2.0 Description of the Site

2.1 The site to which this application relates is Springfield House, formerly occupied as a care home (Use Class C2). The site measures approximately 0.13 hectares (ha). The existing property occupies a position close to the access junction with Station Road. The site is bound by existing residential development to the north of the site. Allotments are located to the east of the site. Community facilities and parking provision are located to the south of the site. Other local amenities are located beyond Station Road to the north.

2.2 The site can be accessed from Springfield Park. There is a gated vehicular access to the western boundary and an existing pedestrian access to the southern boundary. The site is enclosed by varying boundary treatments: stone wall with railings and gated access to front; timber fence to north boundary; timber fence to southern boundary with an existing gated access; and a stonewall to the eastern boundary.

2.3 There are a small number of existing trees and groups of trees located along the southern and western boundaries of the site. A group of trees covering the southern and western boundaries are protected by a Tree Preservation Order (TPO).

2.4 Springfield Park is locally listed (Ref: 07/0100/LOCAL). The detailed description states:

“A neighbourhood park established circa 1940s. The park has bowling greens, tennis courts, a play site, gardens, a community centre and a Day Care Nursery. An important piece of open space in a built-up area that is well-loved by locals.”

3.0 Description of the Proposed Development

3.1 Background information

3.2 This planning application originally sought consent for a change of use to deliver 12 dwellings. This was subsequently reduced to 11 dwellings in the absence of a bat survey for the roof of the building and subject to a resolution to grant planning consent at planning committee in February 2021 subject to completion of the S106 Agreement. As the S106 has yet to be signed to enable the issuing of decision notice for the 11 dwelling consent and as bat surveys are now completed, the application has been revised to re-introduce and justify the 12th dwelling.

3.3 Planning permission is sought for a change of use of from a former care home (Use Class C2) to provide 12 no. residential apartments (Use Class C3) with associated parking, landscaping and other associated infrastructure.

3.4 The proposed change of use will not increase the floor space or massing of the building. It seeks only to make the internal adjustments necessary to facilitate the residential use and some minor external alterations.

3.5 The proposed residential apartments will comprise the following:

- 7 no. 2 bedroom
- 3 no. 1 bedroom
- 2 no. 1 bedroom studio

4.0 Relevant Planning History

07/03203/LAREG3 - The erection of new fencing to Springfield Park entrance – Permitted 20.11.2007

90/00504/REM - Approval of Reserved Matters. Home for the elderly and construction of new highway – Permitted 05.07.1990

89/02130/OUT - Demolition of derelict dwelling house and erection of 2 storey home for the elderly (approx. 32 beds) – Permitted 06.02.1990

88/01471/FUL - 12 no. 2 bedroom flats in a 3-storey block – Refused 01.12.1988

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 Main Issues

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

- Principle of the development,
- Impact on amenity (visual and residential),
- Impact on highway safety,
- Impact on biodiversity; and,
- Other issues.

7.2 Consultation responses and representations received because 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 purpose 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 supports the Government’s objective to significantly boost the supply of homes, it is important that a sufficient amount and variety of land can come forward 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 (LP) 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 LP 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 considering 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 LP Policy DM4.5 'Spatial Strategy for Sustainable Growth' sets out policy requirements for residential development on sites not identified on the Policies Map. Amongst other matters this includes making a positive contribution towards identified housing need, being accessible to a range of sustainable transport modes, make the best and most efficient use of available land, making a contribution towards creating healthy, safe, attractive and diverse communities and demonstrating accordance with the LP.

8.12 The application site, brownfield land, is not allocated for any specific use in the Local Plan (LP). It is located close to the district centre of Forest Hall which offers a range of local facilities and services, including access to bus services. Future occupants will also be able to access the Metro (Benton Metro Station). The proposed development would bring this building back into a more sustainable use. Members need to determine whether the principle of development is acceptable. It is officer advice, subject to all other matters set out below being addressed, that the principle of bringing this building back into a residential use would accord with the advice set out in the NPPF and policies S4.1, DM1.3 and DM4.5 of the LP.

9.0 North Tyneside Council Housing Land Supply

9.1 Paragraph 74 of National Planning Policy Framework (NPPF) requires local planning authorities to identify and maintain a rolling five-year supply of deliverable housing land. This includes an additional buffer of at least 5%, to ensure choice and competition in the market for housing land.

9.2 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).

9.3 The proposed development would assist in supporting the council's objective of meeting the objectively assessed housing need and ensure a mix of housing for both existing and new residents in the borough. This is therefore in accordance with LP policies S4.1 and S4.2(a) 'Housing Figures'.

10.0 Impact on amenity (visual and residential)

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 Further advice on achieving well-designed plans is set out in paragraph 130 of the NPPF.

10.3 Paragraph 91 of the NPPF, amongst other matters, seeks to promote healthy and safe communities.

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.” 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 Members are advised that the LP Policy DM4.9 ‘Housing Standards’ Paragraph 7.112 of the explanatory text states that the application of NDSS “does not apply to an extension or a material change of use”.

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 LP Policy DM7.9 'New Development and Waste' states "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."

10.11 This application seeks to convert a former residential care home into 12no. residential apartments/studios. The existing layout of this two-storey building is largely the same on both ground and first floor, with a central corridor providing access to the separate rooms. Access to the first floor will be provided by a new staircase at the main entrance.

10.12 The proposed conversion seeks to utilise as much of the existing structure as possible, re-using the existing corridor for access to the new units. Existing external openings are retained and dictate the internal layouts of the apartments ensuring all main bedrooms and living spaces have openable windows. Some existing external doors will be replaced with windows.

10.13 The objections received from No. 1 Eastern Villas, located to the north of the site, are noted. Members are advised that the applicant has re-introduced Unit 12 which is site on the first floor (north east corner). The windows serving bedroom 1 and the kitchen living area utilise the existing window openings to the east and south. Four roof lights are proposed. It is not considered that the siting of these rooflights will significantly affect the privacy of No. 1 Eastern Villas. The alterations proposed to the north elevation relate to the ground floor only utilising existing openings. Currently there are five openings in this elevation: a door and window serving a former kitchen area, a bathroom window, double doors serving a boiler room and a door serving a fire escape. The door openings will now be replaced with windows that will serve units 5 and 6. The impact on loss of privacy to this neighbouring property is noted. The objector states that these windows will be sited approximately 0.3m above the existing boundary treatment. Whilst this may cause some loss of privacy to part of their garden area, this impact is not considered to be sufficient to sustain a recommendation of refusal. The other objections relate to noise and dust during construction and impacts on highway safety following completion of the development. These objections will be addressed in the latter sections of this report.

10.14 The design comments make specific reference to the layout of Unit 12. The applicant has addressed these comments by amending the layout of Unit 12 so that the open plan living area and bedroom 1 are served by windows. The open plan living area will also be served by roof lights. It is noted that bedroom 2 will only be served by roof lights. Members will need to balance one bedroom out of the 12 apartments being served by roof lights only against bringing this building back into a residential use. The revisions to the layout of Unit 12 required Unit 10 to be reduced from two bedroom to one bedroom.

10.15 The design comments also make specific reference to concerns regarding the size of the units 3 and 9 (1 bed studio apartments). The comments also make specific reference to the fact that these units are single aspect. Members are advised that paragraph 7.112 of the explanatory text in the Local Plan states that

the application of NDSS does not apply to an extension or material change of use. The applicant has advised that this development has not been explicitly designed in line with the NDSS but has been designed to provide sufficient residential amenity and in accordance with the relevant Building Regulations. Each apartment includes an open plan living/dining/kitchen arrangement. Except for bedroom 2 in Unit 12, windows will serve the habitable rooms of each apartment. Some apartments will have access to private outdoor amenity space (Plots 1, 2, 3 and 4). Members will need to balance the layout and size of the units against bringing this building back into a residential use.

10.16 Existing parking is provided within the north western part of the site. This existing parking will be utilised to accommodate seven parking spaces and a bin store. A condition is recommended to secure the final details of the bin store. Additional parking is provided to the south of the existing parking area creating an additional three parking bays. The additional parking will be accessed via a separate opening to be created in the western boundary. The use of grass crete will assist in reducing the visual impact of the additional parking.

10.17 The design comments express concerns regarding the proposed two storey cycle shelter proposed to the rear of the site in terms of its visual impact and access to it. The proposed site layout shows the location of the proposed cycle store and its relationship to the habitable windows serving the proposed units. On balance, subject to securing an appropriate design and visual appearance, it is not considered that the outlook from the proposed units would be significantly affected to such an extent that will sustain a recommendation of refusal. It is considered that a condition can be imposed to secure the final details of the cycle shelter, including its height and storage capacity, and a condition can be imposed to secure the details of any new boundary treatments or alterations to the existing boundary treatments.

10.18 The comments received from Northumbria Police are noted. It is clear from their comments that they have not objected. Informatives are suggested to advise the applicant that they should consider the future security of the site.

10.19 Trees to the western and southern boundaries of the site (T1, T2 T3, T4, N1, N2 and N3) are protected by the Longbenton No.2 Tree Preservation Order (TPO) 1971 and located within G5 of the Order and includes the sycamore trees.

10.20 LP Policy DM5.9 'Trees, Woodland and Hedgerows' of the Local Plan applies to this site where the Council will support strategies and proposals that protect and enhance the overall condition and extent of trees, woodland and hedgerows.

10.21 The Council's Landscape Architect has been consulted. She has provided a summary of the works proposed in her comments as set out in the Appendix to this report. She had advised that the detailed comments previously provided for the 11 apartments still stand including the previously suggested conditions.

10.22 The submitted Arboricultural Impact Assessment (AIA) and supporting information advises that the existing access will be utilised. To the north of this access the proposed bin store will require the removal of one small group of trees

(Group 1). The Landscape Architect considers the removal of this group of trees to be acceptable.

10.23 The alterations required to accommodate the parking provision will result in construction works occurring within the root protection area (RPA) of protected trees T1, T2 and T3. These works will also require the removal of a small group of shrub species (Group 2) and construction activity within the RPA of protected trees T3 and T4. The proposed cycle store will be located to the east of the site and within the RPA of T7.

10.24 The supporting information advises that the hardstanding for the proposed bin store, cycle store and additional parking bays will be constructed using grass crete. There are benefits to using grass crete but in order to fully function it requires excavation into existing grassed areas for the underlying layers, compaction of the subbase, formwork, potentially mesh reinforcement, with concrete usually poured from heavy construction vehicles which will require access across the root protection areas of trees on the site. It is proposed that the grass crete will be installed above existing ground levels using a no-dig method that avoids unnecessary excavation within the root protection area and avoiding any significant adverse impact on trees to be retained. An existing gated access is to be retained to the southern boundary which could potentially be used to access the area near T7.

10.25 The Landscape Architect previously advised that the proposed construction works and associated vehicle movements around the site can impact on the long term health of the protected trees. The Arboricultural Method Statement (AMS) recommends that the developer appoints a suitably qualified arboriculturalist to monitor and oversee the implementation of the works on site and in accordance with an approved method statement. This is an important requirement as without this the potential impacts on protected trees from this level of work would not be acceptable and unable to meet the requirements of Policy DM5.9. This can be conditioned.

10.26 It is clear from the Landscape Architect's comments that appropriate mitigation can be secured by imposing the suggested conditions. Subject to imposing these conditions, it is the view of the case officer, that the trees to be retained can be adequately protected.

10.27 LP Policy DM5.19 'Pollution' states that development proposals that may cause pollution either individually or cumulatively of water, air or soil through noise, smell, smoke, fumes, gases, steam, dust, vibration, light, and other pollutants will be required to incorporate measures to prevent or reduce their pollution so as not to cause nuisance or unacceptable impacts on the environment, to people and to biodiversity. Development that may be sensitive (such as housing, schools and hospitals) to existing or potentially polluting sources will not be sited in proximity to such sources. Potentially polluting development will not be sited near to sensitive areas unless satisfactory mitigation measures can be demonstrated.

10.28 The Manager for Environmental Health (Pollution) has been consulted. They have raised no objection in principle to this development, subject to

conditions to control the hours of construction and dust mitigation. By imposing these conditions, the impacts on the amenity of neighbouring properties will be protected.

10.29 Members need to consider whether the proposed development is acceptable in terms of its design and layout and its impact on residential amenity. It is officer advice that the proposed number of units can be accommodated within the site without significantly impacting on the TPO'd trees or affecting the residential amenity of existing and future residents. Members need to consider the amount of development proposed and the layout and balance this against bringing this building back into a residential use. As such, subject to the imposition of the suggested conditions, the development is in accordance with the advice in the NPPF, LP policies DM6.1, DM7.9 and DM5.9 and the Design Quality SPD.

11.0 Highways

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.

11.12 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.

11.13 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.

11.14 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.

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

11.16 Access to the site is provided off Springfield Park. It is located close to the Forest Hall District Centre and other local services.

11.17 The level of parking provision proposed does not comply with the council's maximum parking standards. This application relates to a change of use and when considering the former use of the site, it is officer advice, that the proposed level of parking provision is considered acceptable. A small amount of overspill onto Springfield Park is unlikely to have a severe impact on highway safety under guidance in the NPPF. Furthermore, the site also has reasonable links to public transport and cycle storage will be provided.

11.18 The Highways Network Manager has been consulted. He has recommended conditional approval. It is considered that the proposed construction method statement will mitigate disruption to the highway network during construction and the parking management condition will assist in mitigating impacts following completion of the development.

11.19 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. As such, the proposed development accords with the NPPF and the LP.

12.0 Impact on biodiversity

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

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

12.3 Paragraph 179 of the NPPF states that when determining planning applications 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 for the planning permission should be refused.

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

12.5 LP 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.

12.6 LP Policy DM5.6 'Management of International Sites' states that proposals that are likely to have significant effects on features of internationally designated

sites, either alone or in-combination with other plans or projects will require an appropriate assessment. Proposals that adversely affect a sites integrity can only proceed where there are no alternatives, imperative reasons of overriding interest area proven and the effects are compensated.

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

12.8 The Council's Biodiversity Officer has been consulted. She has considered the updated Bat Survey. The report concludes that overall, based on the initial risk assessment, the structure of the building is considered to be of moderate suitability to roosting bats. Activity surveys undertaken in May and June recorded small numbers of pipistrelle bats within the vicinity of the site, however, no roosts were identified. The recommendations set out within Section 6 of the Report should be conditioned as part of the application to ensure any potential impacts are avoided. Subject to imposing the suggested conditions, the impacts on protected species can be appropriately controlled by imposing the suggested conditions.

12.9 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 a 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.

12.10 Members need to consider whether the proposal is acceptable in terms of its impact on biodiversity. It is officer advice that, subject to conditions and securing the coastal mitigation contribution, this development will avoid harm to biodiversity in accordance with the advice in NPPF and LP policies S5.4, DM5.5, DM5.6 and DM5.9.

13.0 Other issues

13.1 Flooding

13.2 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...."

13.3 Northumbrian Water (NWL) has been consulted. They have advised that as the proposal is for the conversion of an existing building there will be no impact on the ability of their network to accept flows. They would encourage the developer to consider utilising sustainable surface water drainage solutions where possible.

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

13.5 Ground conditions

13.6 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.

13.7 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.

13.8 LP Policy DM5.18 'Contaminated and Unstable Land' requires proposals to be accompanied by the relevant reports 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.

13.9 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.

13.10 The Contaminated Land Officer has been consulted. She has raised no objection to the proposed development.

13.11 Members need to consider whether the site is appropriate for its proposed use. It is officer advice that it is.

13.12 Archaeology

13.13 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."

13.14 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.

13.15 The Tyne and Wear Archaeology Officer has been consulted.

13.16 The proposed development site is adjacent to Springfield Park, which is a mid-20th century neighbourhood park that is entered on the North Tyneside local list (07/0100/LOCAL) and the Historic Environment Record (HER 9483). The existing building is modern, though it stands on the site of the southern part (number 2) of the 19th century Eastern Villas.

13.17 The Tyne and Wear Archaeology Officer has advised that the proposed conversion will not have any impact on the significance of Springfield Park. Archaeological evidence of any earlier activity on the site is likely to have been truncated or removed by 19th and 20th century development. She considers that the proposal will not have a significant impact on any known heritage assets, and no archaeological work is required.

13.18 Aviation Safety

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

14.0 S106 Contributions

14.1 Paragraph 55 of NPPF states that planning obligations should only be used where it is not possible to address unacceptable impacts through a planning condition.

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

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

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

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

14.5 LP Policy DM7.5 'Employment and Skills' states that the Council will seek applicants of major development proposals to contribute towards the creation of local employment opportunities and support growth in skills through an increase in the overall proportion of local residents in education or training.

14.6 LP Policy DM4.7 'Affordable Housing' sets out that to meet the Borough wide housing target, the Council will seek provision of 25% affordable homes on new housing developments.

14.7 The Council's adopted SPD on Planning Obligations (2018) states that the Council takes a robust stance in relation to ensuring new development appropriately mitigates its impact on the physical, social and economic infrastructure of North Tyneside. Notwithstanding that, planning obligations should not place unreasonable demands upon developers, particularly in relation

to the impact upon the economic viability of development. The Council will consider and engage with the applicants to identify appropriate solutions where matters of viability arise and require negotiation.

14.8 Paragraph 64 of the NPPF provides an incentive for brownfield development on sites containing vacant buildings. PPG states specifically that “Where a vacant building is brought back into any lawful use or is demolished to be replaced by a new building, the developer should be offered a financial credit equivalent to the existing gross floor space of relevant vacant buildings”. The floorspace of the existing building will not increase as a result of this development, the vacant building credit would wholly offset any affordable housing requirements.

14.9 S106 contributions have been requested relating to biodiversity, equipped play for parks, primary education and employment and training. The applicant has submitted a viability assessment which has been independently assessed. This assessment has concluded that this development is not viable with the requested S106 contributions.

14.10 The S106 subgroup of the Investment Programme Board (IPB) has considered the S106 contributions being sought, including viability. IPB have accepted the findings of the viability and no S106 contributions, other than securing the coastal mitigation, can be sought.

14.11 This development will be CIL liable.

14.12 Members need to consider whether securing no S106 contributions, other than securing the coastal mitigation payment, is acceptable, and balance this against bringing this building back into a more sustainable use.

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 12 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 carefully consider 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 look for solutions rather than problems, and decision-takers at every level should seek to approve applications for sustainable development where possible. A core planning principle within NPPF requires that every effort should be made objectively to identify and then meet the housing, business and other development needs of an area, and respond positively to wider opportunities for growth.

16.3 Members need to consider the impacts of the proposed development as set out in paragraph 1.0 of this report.

16.4 This proposal would bring back into use a current brownfield site located in an existing built-up area. The site is close to existing local services (shops, community facilities and public transport).

16.5 The council does not have a 5-year supply of housing. This proposal would contribute towards the requirement for the Council to have a 5-year supply of deliverable housing sites. This is a significant material consideration which weighs in favour of the proposal.

16.6 The design and layout of the proposal, on balance, would not have an adverse impact upon the character and appearance of the site or significantly impact on the residential amenity of immediate neighbouring properties.

16.7 The proposal would provide adequate parking provision and would not have an unacceptable impact on highway safety or result in a residual cumulative impact that would be severe.

16.8 Subject to imposing the suggested conditions, the proposal would not result in a significant impact on protected species or existing landscape features.

16.9 The site is of no archaeological value.

16.10 Issues to do with flooding and contaminated land can be dealt with via conditions.

16.11 The applicant has agreed to provide planning obligations in accordance with what the Council is seeking.

16.12 The Council does not have a 5-year supply of deliverable housing sites. It therefore follows that planning permission should be granted unless the impacts of the development significantly and demonstrably outweigh the benefits. In the opinion of officers, the impacts of the development would not significantly and

demonstrably outweigh the benefits. It is therefore recommended that planning permission should be granted subject to a S106 Legal Agreement and conditions.

RECOMMENDATION:

The Committee is recommended to:

- a) indicate that 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; and**
- b) authorise the Director of Regeneration and Economic Development to determine the application following the completion of the Section 106 Legal Agreement to secure a financial contribution of £1,812.00 towards coastal mitigation.**

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. P-00.01 X
 - Existing site plan Dwg No. P-10.01 X
 - Existing elevations Dwg No. P-30.01 X
 - Existing roof plan Dwg No. P-20.03
 - Existing first floor plan Dwg No. P-20.02 X
 - Existing ground floor plan Dwg No. P-20.01 X
 - Site cross section B-B Dwg No. P-10.05 A
 - Proposed site plan colour render Dwg No. P-10.03 C
 - Proposed plans revised option roof plan Dwg No. AP112 P1
 - Proposed elevations Dwg No. AE210 P2
 - Proposed plans revised option 2 ground floor Dwg No. AP110 P2
 - Proposed plans revised option 2 first floor Dwg No. AP111 P4
 - Proposed site plan Dwg No. P-10.02 F
 - Proposed Section A-A Dwg No. P-40.01 B
 - Site cross section A-A Dwg No. P-10.04
 - First floor demolition plan P-20.08 B
 - Ground floor demolition plan P-20.07 X
 - Bat Suvey Report (Dated September 2021) by OS ecology
 - Aboricultural Method Statement inc. Impact Assessment (Dated November 2020) by Elliot Consultancy Ltd
 - Aboricultural Impact Assessment (Dated September 2020) by Elliot Consultancy Ltd
- 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 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.

4. 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; storage of plant 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; a detailed scheme to prevent the deposit of mud and debris onto the highway and a 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), temporary parking, on site welfare facilities, loading, unloading and storage of equipment, materials, fuels and waste as well concrete mixing and use of fires. These details must include tree protection measures for the trees to be retained. Details of access for heavy vehicles for the installation of Grasscrete are also to be provided with no heavy machinery is to be located within the RPA's of retained trees. Concrete deliveries to site for the installation of grasscrete is to be in accordance with an approved method statement which is to be submitted for approval and to include site access for the installation of grasscrete to the east of the site (Tree T7) including any additional tree protection requirements. Any new kerb edges, other than the drop kerb to the highway, are to be constructed using timber or a similar method to approval. 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 DM5.9 DM5.19 and DM7.4 of the North Tyneside Local Plan (2017) and National Planning Policy Framework.

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

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

6. Notwithstanding Condition 1, prior to the occupation of any part of the development hereby approved details of facilities, including elevations and materials, to be provided for the storage of refuse, recycling and garden waste to accommodate eleven residential units and details of collection shall be submitted to and approved in writing by the Local Planning Authority. The facilities which

should also include the provision of wheeled for all waste types shall be provided in accordance with the approved details, prior to the occupation of any part of the development hereby approved 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).

7. No part of the development hereby approved shall be occupied until a parking management scheme for the site has been submitted to and agreed in writing by the Local Planning Authority. Thereafter this parking management scheme shall be carried out in accordance with the agreed details.

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

8. Notwithstanding Condition 1, prior to the commencement of any part of the development hereby approved details of an undercover cycle parking scheme shall be submitted to and approved by in writing the Local Planning Authority. Thereafter, this scheme shall be implemented in accordance with the approved details before any part of the development is occupied and permanently retained and maintained.

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

9. Trees T1, T2, T3, T4, T5 T6, T7, N1, N2 and N3 are to be retained. Tree/shrub groups G1 and G2 are to be removed. No trees, shrubs or hedges within the site which are shown as being retained on the submitted plans shall be felled, uprooted, wilfully damaged or destroyed, cut back in any way or removed during the development phase other than in accordance with the approved plans or without the prior written consent of the Local Planning Authority. Any trees, shrubs or hedges removed without such consent, or which die or become severely damaged or seriously diseased within three years from the completion of the development hereby permitted shall be replaced with trees, shrubs or hedge plants of similar size and species until the Local Planning Authority gives written consent to any variation.

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).

10. Prior to the commencement of any site clearance works (including demolition works, tree works, soil moving, hardstandings, temporary access construction and / or widening or any operations involving the use of motorised vehicles or construction machinery, site security fencing, services), tree protection is to be installed in accordance with Elliot Consultancy Tree Protection Plan (ARB/CP/2432/TPP). The tree protection fence is to be of a type and height as described in the AMS. The area surrounding each tree group within the approved protective fencing shall be protected for the full duration of the development and shall not be removed or repositioned without the prior written approval of the Local Planning Authority. Photographic evidence is to be submitted on completion of the installation of the fence. Reason: This is required from the outset to ensure existing landscape features to be retained are protected during construction having regard to Policies DM6.1 and DM5.9 of the North Tyneside Local Plan (2017).

11. Prior to the commencement of any development hereby approved a revised Arboricultural Method Statement is to be submitted to incorporate the amended layout as per revised drawing rev F. Thereafter, the development hereby permitted shall only be carried out in accordance with the revised Arboricultural Method Statement, Tree Protection Plan, BS5837:2012 'Trees in relation to design, demolition and construction - Recommendations', cross sections 1341-HAM SK-10.05 Rev A and 1341-HAM SK-10.04 Rev X and the National Joint Utilities Group (NJUG) 'Guidelines for the Planning, Installation and Maintenance of Utility Apparatus in Proximity To Trees').

Reason: This is required from the outset to ensure existing landscape features to be retained are protected during construction having regard to Policies DM6.1 and DM5.9 of the North Tyneside Local Plan (2017).

12. All works within the root protection areas (RPA) of retained trees involving excavation of soil, including the installation of all services, construction for vehicular drives, parking areas, installation of drop kerbs, foundations, lighting and other hard surfacing (for example) are to be installed in accordance with the AMS with all works being undertaken using an air spade or dug by hand with a photographic record of works undertaken. Confirmation of the proposed working method is to be submitted for approval prior to any works commencing onsite.

Reason: This is required from the outset to ensure existing landscape features to be retained are protected during construction having regard to Policies DM6.1 and DM5.9 of the North Tyneside Local Plan (2017).

13. No changes in levels shall be implemented unless wholly in accordance with the approved details or otherwise approved in writing by the Local Planning Authority.

Reason: To ensure existing landscape features to be retained are protected during construction having regard to Policies DM6.1 and DM5.9 of the North Tyneside Local Plan (2017).

14. Prior to carrying out any works to existing boundary treatments or the construction of any new boundary treatments details indicating the positions, design, materials and type of any new or altered boundary treatments shall be submitted to and approved by the Local Planning Authority. All works where they impact on retained trees are to be carried out by hand and in accordance with BS 5837:2012 and AMS. Alternatives to timber treatments that are injurious to mammals will be sought and used on site (see http://www.jncc.gov.uk/pdf/batwork_manualpt4.pdf). Thereafter, these agreed works shall be carried out in full accordance with these details.

Reason: To ensure existing landscape features to be retained are protected during construction and securing a satisfactory external appearance having regard to Policies DM6.1 and DM5.9 of the North Tyneside Local Plan (2017).

15. Prior to any pruning works being carried out details shall be submitted to and approved in writing by the Local Planning Authority. Thereafter the pruning works shall be carried out in accordance with these agreed details. Any pruning works shall be carried out in full accordance with the approved specification and the requirements of British Standard 3998: 2010 - Recommendations for Tree Works.

Reason: To ensure existing landscape features to be retained are protected during construction having regard to Policies DM6.1 and DM5.9 of the North Tyneside Local Plan (2017).

16. Prior to the commencement of any part of the development hereby approved an arboricultural consultant is to be appointed by the developer to advise on the tree management for the site and to undertake regular supervision visits to monitor and oversee the implementation of the works as set out in the AMS. This condition may only be fully discharged on completion of the development subject to satisfactory written and photographic evidence of regular monitoring and compliance by the pre-appointed tree specialist during construction.

Reason: This is required from the outset to ensure existing landscape features to be retained are protected during construction having regard to Policies DM6.1 and DM5.9 of the North Tyneside Local Plan (2017).

17. Prior to the occupation of any part of the development hereby approved a landscape plan for the planting of 1no tree shall be submitted to and approved in writing by the Local Planning Authority. The tree shall be a minimum of 12-14 cm girth and planted in accordance with the approved details and to a standard in accordance with the relevant recommendations of British Standard 8545:2014. The works shall be carried out prior to the occupation of any part of the development or in accordance with the timetable agreed with the Local Planning Authority. Should that tree, within a period of five years after planting, is removed, dies or becomes seriously damaged or defective, it 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 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.

Reason: To ensure a satisfactory external appearance is secured regard to Policies DM6.1 and DM5.9 of the North Tyneside Local Plan (2017).

18. 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).

19. Notwithstanding Condition 1, prior to the occupation of any part of the development hereby approved details of 2no. bird boxes to be installed within the application site, including specifications and locations, shall be submitted to and approved in writing by the Local Planning Authority. Thereafter, these agreed details shall be installed prior to the occupation of the dwelling(s) on which they are to be installed and permanently 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).

20. Notwithstanding Condition 1, prior to the occupation of any part of the development hereby approved details of 2no. bat boxes to be installed within the application site, including specifications and locations, shall be submitted to and approved in writing by the Local Planning Authority. Thereafter, these agreed details shall be installed prior to the occupation of the dwelling(s) on which they are to be installed and permanently 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).

21. Prior to the installation of any external lighting a detailed lighting scheme shall be submitted to and approved in writing by the Local Planning Authority. The external lighting shall be low level, avoiding use of high intensity security lighting and will be designed in accordance with the BCT & Institute of Lighting Professionals (ILP) Guidance Note 08/18 "Bats & Artificial Lighting in the UK". Thereafter, this agreed scheme shall be carried out in full accordance with these details.

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).

22. The development hereby approved shall be carried out in full accordance with all the recommended measures detailed within Section 6 of the Bat Survey Report (OS Ecology September 2021).

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).

23. The materials to be used for any alterations to the external surfaces, including walls, roofs, doors and windows shall be of the same colour, type and texture as those used in the existing building, unless the Local Planning Authority otherwise first agrees in writing.

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

24. Notwithstanding any other details shown on the plans hereby approved, the section of window serving the living accommodation of Units 4 and 10 that is closest to the bedroom window of Units 3 and 9 shall be fixed shut without any opening mechanism and glazed in obscure glass to a Level 3 or above. These section of windows(s) shall thereafter be retained as such.

Reason: In the interests of the amenity of neighbouring properties having regard to policy DM6.1 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)

Northumbria Police have provided some advice on the following: -Development should be designed to prevent unauthorised access from the side of the property into the site, particularly the proposed cycle store. -The cycle store must be designed securely to prevent the theft of cycles. -Boundary treatments should be designed to improve natural surveillance, particularly for those using the cycle store. -Recommended lighting of the communal car park and communal parts of the development (as recommended by BS 5489-1:2013). -Recommended the use of access control measures to the main entrance.

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

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

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

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

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

Consultations/representations

1.0 Internal Consultees

1.1 Highways Network Manager

1.2 This application is for a change of use of a former care home to provide 12 residential apartments with associated parking, landscaping and other associated infrastructure.

1.3 The site has been established for some time and whilst parking is not being provided in accordance with current standards, when taking into account the previous established use and conversion to the proposed use the level of parking is considered to be acceptable and a small amount of overspill onto Springfield Park is unlikely to have a severe impact on highway safety under guidance in the NPPF.

1.4 Furthermore, the site also has reasonable links to public transport and cycle parking will be provided. For these reasons and on balance, conditional approval is recommended.

1.5 Recommendation - Conditional Approval

1.6 Conditions:

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

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

Notwithstanding the details submitted, the scheme for the provision of and storage of refuse, recycling and garden waste bins shall be laid out in accordance with the approved plans and 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).

No part of the development shall be occupied until a parking management scheme for the site has been submitted to and agreed in writing by the Local planning Authority. Thereafter this parking management scheme shall be carried out in accordance with the agreed details.

Reason: In the interests of highway safety.

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; storage of plant 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; a detailed scheme to prevent the deposit of mud and debris onto the highway and a dust suppression scheme (such measures shall include mechanical street cleaning, and/or provision of water bowsters, 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), temporary parking, on site welfare facilities, loading, unloading and storage of equipment, materials, fuels and waste as well concrete mixing and use of fires. These details must include tree protection measures for the trees to be retained. Details of access for heavy vehicles for the installation of grass crete are also to be provided with no heavy machinery is to be located within the RPA's of retained trees. Concrete deliveries to site for the installation of grass crete is to be in accordance with an approved method statement which is to be submitted for approval and to include site access for the installation of grass crete to the east of the site (Tree T7) including any additional tree protection requirements. Any new kerb edges, other than the drop kerb to the highway, are to be constructed using timber or a similar method to approval. 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.

1.7 Informatives:

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

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

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

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

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

1.8 Landscape Architect

1.9 The application is for a change of use of a former care home to provide 12 no. residential apartments with associated parking, landscaping and other associated infrastructure (Amended description and amended plans received 09.12.2021).

1.10 Originally planning consent was sought for the change of use of the care home to deliver 12 dwellings. This was subsequently reduced to 11 dwellings later. However, the application is now revised to re-introduce the 12th dwelling. As such, this application comprises an updated version of the original report which takes into account recent changes in national planning policy. The revised development for 12 dwellings includes 10 parking spaces on the site, the same number proposed on previous submitted plans. However, the proposals would also see the delivery of greater than 2 cycle parking spaces per dwelling, providing a 30 bike storage unit.

1.11 Trees to the western and southern boundaries of the site (T1, T2 T3, T4, N1, N2 and N3) are protected by the Longbenton No.2 Tree Preservation Order (TPO) 1971 and located within G5 of the Order and includes the sycamore trees. Policy DM5.9 Trees, Woodland and Hedgerows of the Local Plan applies to this site where the Council will support strategies and proposals that protect and enhance the overall condition and extent of trees, woodland and hedgerows.

1.12 In summary the works comprise of:

-An existing access to the site will be utilized. To the immediate north of this access, it is proposed to install a new and larger bin store to replace a smaller existing bin store at this location. This will require the removal of one small group

of trees (Group 1) comprising of Holly which has been assessed as Category C. Its removal is considered acceptable.

-Within the site, the current car park layout will be increased in size. Currently on site, the parking areas are block paved but the increase in size will result in construction works, occurring within the root protection area (RPA) of protected trees T1, T2 and T3.

-To the south a new car park area will be constructed in the existing grassed area and accessed from a new opening in an existing stone boundary wall. Works will require the removal of a small group of shrub species (Group 2) and construction activity within the RPA of protected trees T3 and T4.

-A cycle store will be located to the east of the site and within the root protection area of T7.

1.13 Detailed comments of the impacts of the 12 unit proposal in relation to the existing trees on the site have been previously provided. Therefore, the same comments and conditions will apply as previous.

1.14 Suggested conditions:

Trees T1, T2, T3, T4, T5 T6, T7, N1, N2 and N3 are to be retained. Tree/shrub groups G1 and G2 are to be removed. No trees, shrubs or hedges within the site which are shown as being retained on the submitted plans shall be felled, uprooted, wilfully damaged or destroyed, cut back in any way or removed during the development phase other than in accordance with the approved plans or without the prior written consent of the Local Planning Authority. Any trees, shrubs or hedges removed without such consent, or which die or become severely damaged or seriously diseased within three years from the completion of the development hereby permitted shall be replaced with trees, shrubs or hedge plants of similar size and species until the Local Planning Authority gives written consent to any variation.

Prior to the commencement of any site clearance works (including demolition works, tree works, soil moving, hardstandings, temporary access construction and / or widening or any operations involving the use of motorised vehicles or construction machinery, site security fencing, services), tree protection is to be installed in accordance with Elliot Consultancy Tree Protection Plan (ARB/CP/2432/TPP). The tree protection fence is to be of a type and height as described in the AMS. The area surrounding each tree group within the approved protective fencing shall be protected for the full duration of the development and shall not be removed or repositioned without the prior written approval of the Local Planning Authority. Photographic evidence is to be submitted on completion of the installation of the fence.

A revised Arboricultural Method Statement is to be submitted to incorporate the amended layout as per revised drawing rev F. Thereafter, the development hereby permitted shall only be carried out in accordance with the revised Arboricultural Method Statement, Tree Protection Plan, BS5837:2012 'Trees in relation to design, demolition and construction – Recommendations', cross sections 1341-HAM SK-10.05 Rev A and 1341-HAM SK-10.04 Rev X and the National Joint Utilities Group (NJUG) 'Guidelines for the Planning, Installation and Maintenance of Utility Apparatus in Proximity To Trees')

All works within the RPA of retained trees involving excavation of soil, including the installation of all services, construction for vehicular drives, parking areas, bike store, installation of drop kerbs, foundations, lighting, and other hard surfacing (for example) are to be installed in accordance with the AMS with all works being undertaken using an air spade or dug by hand with a photographic record of works undertaken. Confirmation of the proposed working method is to be submitted for approval.

No changes in levels shall be implemented unless wholly in accordance with the approved details or otherwise approved in writing by the Local Planning Authority.

A plan indicating the positions, design, materials and type of any new or altered boundary treatments shall be submitted to and approved by the Local Planning Authority within one month of work starting on site. All works where they impact on retained trees are to be carried out by hand and in accordance with BS 5837:2012 and AMS.

Any pruning works shall be carried out in full accordance with the approved specification and the requirements of British Standard 3998: 2010 - Recommendations for Tree Works, detail of which are to be submitted for approval.

The contractor's construction method statement relating to traffic management/site compounds/contractor access, temporary parking, on site welfare facilities, loading, unloading and storage of equipment, materials, fuels and waste as well concrete mixing and use of fires must be submitted in writing and approved by the Local Planning Authority and include tree protection measures for the trees to be retained. Cabins, storage of plant and materials, parking are to be shown on a plan and not to be located within the RPA of the retained trees as defined by the Tree Protection Plan and maintained for the duration of the works. Details of access for heavy vehicles for the installation of grass crete are also to be provided with no heavy machinery is to be located within the RPA's of retained trees. Concrete deliveries to site for the installation of grass crete is to be in accordance with an approved method statement which is to be submitted for approval and to include site access for the installation of grass crete to the east of the site (Tree T7) including any additional tree protection requirements. Any new kerb edges, other than the drop kerb to the highway, are to be constructed using timber or a similar method to approval.

An arboricultural consultant is to be appointed by the developer to advise on the tree management for the site and to undertake regular supervision visits to monitor and oversee the implementation of the works as set out in the AMS. This condition may only be fully discharged on completion of the development subject to satisfactory written and photographic evidence of regular monitoring and compliance by the pre-appointed tree specialist during construction.

Within one month from the start on site of any operations such as site excavation works, site clearance (including site strip) for the development, a landscape plan for the planting of 1no tree shall be submitted to and approved in writing by the Local Planning Authority. The tree shall be a minimum of 12-14 cm girth and

planted in accordance with the approved details and to a standard in accordance with the relevant recommendations of British Standard 8545:2014. The works shall be carried out prior to the occupation of any part of the development or in accordance with the timetable agreed with the Local Planning Authority. Should that tree, within a period of five years after planting, be removed, dies or becomes seriously damaged or defective, it 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 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.

1.15 Biodiversity Officer

1.16 The above application has been amended to increase the number of residential units from 11 to 12. As a result, the application now includes works to the roof which include 5no. new velux windows to apartment 12. This is confirmed in the D&A Statement which provides details of the roof plan and states:

“The existing roof is to be retained, this will be punctuated on the North side of the roof with 5no. new velux windows to provide natural daylight and ventilation to unit 12”

1.17 An updated Bat Survey has been undertaken by OS Ecology (September 2021) and submitted to support the application. The report concludes that overall, based on the initial risk assessment, the structure of the building is considered to be of moderate suitability to roosting bats. Activity surveys undertaken in May and June recorded small numbers of pipistrelle bats within the vicinity of the site, however, no roosts were identified. The recommendations set out within Section 6 of the Report should be conditioned as part of the application to ensure any potential impacts are avoided.

1.18 The following conditions should be attached to the application:

1.19 Conditions:

In order to address the recreational impacts of the scheme on the Northumbria Coast SPA, an appropriate financial contribution will be required towards the delivery of a Coastal Mitigation Service in accordance with the Councils Coastal Mitigation SPD.

The scheme will be undertaken in accordance with all the recommended measures detailed within Section 6 of the Bat Survey Report (OS Ecology September 2021).

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.

2no. bird boxes will be provided in suitable locations within the development site. Details of bird box specification and locations must be submitted to and approved in writing by the Local Planning Authority within 4 weeks of development commencing on site and will be installed in accordance with the approved plans.

2no. bat boxes will be provided in suitable locations within the development site. Details of bird box specification and locations must be submitted to and approved in writing by the Local Planning Authority within 4 weeks of development commencing on site and will be installed in accordance with the approved plans.

External lighting will be low level, avoiding use of high intensity security lighting and will be designed in accordance with the BCT & Institute of Lighting Professionals (ILP) Guidance Note 08/18 *"Bats & Artificial Lighting in the UK"*. Details of lighting to be submitted to the LPA for approval within 4 weeks of development commencing on site.

A detailed Landscape Scheme will be submitted to the LPA for approval within 4 weeks of development commencing on site and should provide native scrub/trees to mitigate for the loss of planting within the site

1.20 Design

1.21 Revised plans have been submitted which do not address previous concerns.

1.22 The quality of accommodation of some units is still a concern. Units 3 and 9 do not comply with space standards and are single aspect. The Design Quality SPD states *"that 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. There will be a presumption that residential units provided should be dual aspect. Any single aspect dwellings provided will require a demonstration that adequate lighting can be achieved."*

1.23 There is a significant concern about the quality of accommodation in unit 12. The living area and kitchen has no direct outlook as there are only rooflights. There is only one window with an outlook which is in the bedroom. In the living room, kitchen and bathroom there is also a reduction of useable space due to the sloping ceiling.

1.24 A two-storey cycle shelter is proposed to the rear of the site and concerns remain about what this would look like and the impact on residential outlook. No detailed design or further information has been submitted. Due to the potential impact of such a tall structure, this matter should be addressed as part of the planning application rather than through a condition. The access to the cycle store is via a long footpath which has boundaries on both sides and may feel unsafe to use.

1.25 Overall, the quality of accommodation and cycle parking is poorly designed which reflects an unacceptable and over intensification of residential use on the site.

1.26 Officer note: The applicant has submitted an amended layout to address the comments regarding Unit 12.

1.27 Manager of Environmental Health (Pollution)

1.28 I have no objection in principle to this development but would recommend hours of construction are attached and dust mitigation.

HOU04
SIT03

1.29 Manager for Environmental Health (Contaminated Land)

1.30 I have no objection in principle as the majority of the works are to take place internally. If any spoil is produced as a result of external landscaping, then it should be disposed of at a suitably licensed facility.

1.31 Sustainable Transport

1.34 This application is for a vacant former care home to provide 12 residential apartments with associated parking, landscaping and other associated infrastructure. The site has been established for some time and anticipated travel impacts as a result of this change would not be considered substantial. The proposed number of dwellings does not trigger the need for a Travel Plan in line with LDD12.

1.35 Recommendation – Approval.

2.0 Representations

2.1 Objections

2.2 Two objections have been received. These objections are set out below:

-Loss of privacy.

-As the neighbour to the development my main concern is loss of privacy. On the new north elevation there are 7 new dormer style windows at 1st floor level which should be high enough to avoid loss of privacy to our garden. At ground floor level there will be 5 windows - 2 existing and 3 new conversions from the existing doors. Previously the only intrusion has been the existing kitchen window and we planted some small trees in front to prevent loss of privacy. All these windows are about 300mm above the fence line and we would request a discussion with the developers to resolve this.

-Other concerns are the noise and dust generated during refurb works which we trust will be managed in a reasonable way, and the traffic generated from the development. It is a particularly busy area when children are being dropped at the nursery early morning and the entrance back onto Station Road North is challenging during rush hour.

We trust that consideration can be given to the above points and in general we welcome the development to enhance the residential status of the area.

2.3 Support

2.4 One letter of support has been received. The comments in support of this application are set out below:

Good use of an existing building and reasonable / well designed overall. A good amount of thought has been given to the overall scheme. Shame the parking and

outside space is restricted, however given its local position to buses, The Metro the nearby shops and Springfield Park, I imagine this can be overlooked.

3.0 External Consultees

3.1 Northumbrian Water

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

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

3.4 Having assessed the proposed development against the context outlined above I can confirm that as the proposal is for the conversion of an existing building there will be no impact on the ability of our network to accept flows. However, Northumbrian Water actively promotes sustainable surface water management across the region, and we would encourage the developer to consider utilising sustainable surface water drainage solutions where possible.

3.5 Tyne and Wear Archaeology Officer

3.6 *Comment on re-consultation: I have no comments on the amendments and my previous comments remain valid.*

3.7 *Previous Comments:* The proposed development site is adjacent to Springfield Park, which is a mid-20th century neighbourhood park that is entered on the North Tyneside local list (07/0100/LOCAL) and the Historic Environment Record (HER 9483). The existing building is modern, though it stands on the site of the southern part (number 2) of the 19th century Eastern Villas. The proposed conversion will not have any impact on the significance of Springfield Park. Archaeological evidence of any earlier activity on the site is likely to have been truncated or removed by 19th and 20th century development.

3.8 I consider that the proposals will not have a significant impact on any known heritage assets, and no archaeological work is required.

3.9 Newcastle International Airport Limited (NIAL)

3.10 *Comment on re-consultation: No further comments to make.*

3.11 *Previous Comments:* No objection.

3.11 Northumbria Police

3.12 *Comment on re-consultation:* No additional comments to make from their original observations dated 3rd August 2021.

3.13 *Previous comments:* I have reviewed the drawings and we have no objection; it is always welcome to see old buildings redeveloped and not left vacant.

3.14 I do however have some comments in relation to the external of development and these are listed below:

Pedestrian access gate to the side of the property – can it be clarified how this will be secured to prevent unlawful access to the rear of the development and cycle store.

Cycle Store - The Design and Access Statement (DAS) mentions a “lockable cycle store accommodating 2 bikes per apartment.....hidden from public view”, there is no mention of the type of cycle store or how this will be secured to prevent the theft of cycles. We would always recommend communal cycle storage should be located within view of active rooms. It is also recommended that cycle stores are lit at night with energy efficient LED lights.

Boundary Treatments – I can find no mention in the DAS or drawings with regards to the boundary treatments and whether existing fences will be retained or replaced. My main concern around part of the treatment is the gate access to the cycle store and what appears to be narrow footpath behind Plot No. 2. Ideally the sub divisional fencing in this part of the development should be a 1.5m solid fence with a 300mm trellis topping, this will still allow for security to Plot No.2 but also improve the natural surveillance for those people using the cycle store.

External Lighting – Again there is no mention of external lighting, we would recommend lighting of the communal car park to the relevant levels as recommended by BS 5489-1:2013. Lighting should also be considered to communal parts of the development, such as entrance, hall, corridors and external doors on the ground floor.

Physical Security – I am aware that existing doors and windows will be replaced, and that access will be via the existing set of double doors, again, I can find no mention of any access control measures that will be implemented.

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Application No:	19/01085/REM	Author:	Maxine Ingram
Date valid:	8 August 2019	☎:	0191 643 6322
Target decision date:	7 November 2019	Ward:	Northumberland

Application type: approval of reserved matters

Location: Land To The West of Station Road North And, Land South Of East Benton Farm Cottages, Station Road North, Wallsend

Proposal: Reserved matters application for the submission of details of appearance, landscaping, layout and scale in respect of erection of 66 dwellings, garages, car parking together with associated boundary treatment and infrastructure pursuant to hybrid application 16/01885/FUL (amended plans 28.11.2019)

Applicant: Persimmon Homes (NE), FAO Miss Nicola Reed 2 Esh Plaza Sir Bobby Robson Way Great Park Newcastle Upon Tyne NE13 9BA

RECOMMENDATION: Application Permitted

INFORMATION

1.0 Summary Of Key Issues & Conclusions

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

-Whether the revised matters relating to the layout, scale, appearance and landscaping for part of Phase 2 of the hybrid planning permission 16/01885/FUL are acceptable.

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 consider any other material considerations in reaching their decision.

2.0 Description of the Site

2.1 The application site forms part of a wider residential development that was granted planning permission on 15.01.2018. The site relates to part of the next phase of this development which granted fully planning permission for the construction of 175 dwellings (Phase 1) and outline planning permission for the construction of 418 residential dwellings (Phases 2 and 3).

2.2 The wider development site sits immediately to the west of the A186 and to the south of the A191. The parcel of land which relates to these reserved matters is former agricultural land. The site gently slopes from the north to south.

2.3 Immediately to the east of the application site is former agricultural land (remaining part of Phase 2) and beyond this lies the committed development of Phase 1. Construction works have commenced within Phase 1. Immediately to the north of the site is an area of land that will be utilised to provide a landscape buffer between the residential development and the A191.

2.4 Immediately to the west of the site are the East Coast Mainline and an existing car dealership/scrap yard, beyond these lies residential dwellings and the Newcastle United Training Ground. To the south of the site is a track which runs westwards from the A186 to East Benton Farm and then East Benton Cottages; it then crosses the East Coast Mainline and runs towards the playing fields at Darsley Park.

2.5 East Benton Farm is a Grade II Listed Building is located to the south of the site; this does not sit within the boundary of the application site.

2.6 The site forms part of a designated housing site (Site 17 and Site 111) within the Council's Local Plan (2017).

3.0 Description of the Proposed Development

3.1 In 2018, a hybrid application for the construction of 175 residential dwellings and outline planning permission for the construction of 418 residential dwellings was granted planning permission.

3.2 This application seeks approval of all of the matters reserved under condition 3 of the hybrid consent for part of Phase 2 for 66 residential dwellings. This submission proposes a more executive housing product in comparison to the detailed approval of Phase 1 of the development as well as the East Benton Rise development located to the east of Station Road. The applicant has advised that this area of the wider development site has been chosen to locate their more executive housing product based on its location and relationship with East Benton Farmhouse and the landscape setting of the development.

3.7 Seven house types of four and five bedrooms are proposed.

4.0 Relevant Planning History

16/01885/FUL - Hybrid application; Outline application for approximately 418 residential dwellings (C3 use) with associated highways, infrastructure and landscaping, all matters reserved with the exception of access. Full planning permission for 175 dwellings (C3 use) with associated infrastructure, landscaping, Sustainable Urban Drainage system and access (Amended description) – Permitted 15.01.2018

21/02460/REM - Development of 115no 3 and 4 bedroom properties with associated infrastructure – Pending consideration

5.0 Development Plan

5.1 North Tyneside Local Plan (2017)

6.0 Government Policy

6.1 National Planning Policy Framework (July 2021)

6.2 National Planning Practice Guidance (As Amended)

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

PLANNING OFFICERS REPORT

7.0 Detailed Planning Considerations

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

-Whether the revised matters relating to the layout, scale, appearance and landscaping for part of Phase 2 of the hybrid planning permission 16/01885/FUL are acceptable.

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 Preliminary Matters

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

8.3 Paragraph 60 of NPPF states that to support the Government's objective of significantly boosting the supply of homes, it is important that a sufficient amount and variety of land can come forward 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.

8.4 Paragraph 74 of National Planning Policy Framework (NPPF) requires local planning authorities to identify and maintain a rolling five-year supply of deliverable housing land. This includes an additional buffer of at least 5%, in order to ensure choice and competition in the market for housing land.

8.5 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).

8.6 LP Policy S1.4 'General Development Principles' states that proposals for development will be considered favourably where it can be demonstrated that they would accord with the strategic, development or areas specific policies of the Local Plan.

8.7 LP Policy S4.1 'Strategic Housing' states that the full objectively assessed housing needs of North Tyneside will be met through the provision of sufficient specific deliverable housing sites, including the positive identification of brownfield land and sustainable greenfield sites that do not fall within the Borough's Green Belt, whilst also making best use of the existing housing stock.

8.8 LP Policy DM1.3 'Presumption in Favour of Sustainable Development: "The Council will work pro-actively with applicants to jointly find solutions that mean proposals can be approved wherever possible that improve the economic, social and environmental conditions in the area through the Development Management process and application of the policies of the Local Plan.

Where there are no policies relevant to the application or relevant policies are out of date at the time of making the decision, then the Council will grant permission unless material considerations indicate otherwise – taking into account whether:

- a. Any adverse impacts of granting permission would significantly and demonstrably outweigh the benefits when assessed against the policies in the NPPF taken as a whole; or
- b. Specific policies in the NPPF indicate that development should be restricted."

8.9 The site is designated as a housing site within the Local Plan (2017). The principle of constructing up to 593 residential dwellings has already been established by the granting of planning permission in 2018.

8.10 Members are advised that the principle of residential development has already been firmly established on this site.

9.0 Layout, including access

9.1 The objections received regarding impacts on residential amenity are noted. The objections received relating to Phase 3 of the wider residential development are not material planning considerations to the determination of these reserved matters.

9.2 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. These aims are further supported by paragraph 130 of the NPPF.

9.3 Paragraph 92 of the NPPF, amongst other matters, seeks to promote health and safe communities.

9.4 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.

9.5 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 positive relationship to neighbouring buildings and spaces and a good standard of amenity for existing and future residents.

9.6 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.

9.7 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.

9.8 The application site relates to part of Phase 2 as approved under the hybrid approval in 2018. This phase will be accessed from Phase 1 which is currently under construction.

9.9 The Design Officer has been consulted. It is clear from their comments that the layout is logical and follows the principles agreed in Phase 1. This application will therefore contribute towards the overall layout for the site creating a cohesive and well-designed place. The layout is easy to navigate around and will facilitate movement for vehicles and pedestrians.

9.10 The layout is largely outward facing with the properties fronting onto roads and open space. Properties will also overlook the perimeter landscape buffers to the north, west and south of the site enhancing natural surveillance. Conditions relation to the planting details for these areas of landscaping were imposed as phased conditions as part of the hybrid application, the applicant will be required to comply with the requirements of these conditions. Connections to the northern landscape buffer and the track to the south of the site are incorporated into the layout. Internal landscaping and an area of open space are incorporated into the layout. Parking and visitor parking bays are well integrated into the site layout.

9.11 The layout accommodates 66no. detached residential dwellings accommodating four and five bedrooms. The proposed property types will add to the range of house types currently being constructed in Phase 1 which accommodates smaller units as well (two and three bedrooms).

9.12 The layout demonstrates that appropriate privacy distances will be achieved. Each dwelling will have its own private outdoor amenity space, parking provision, cycle storage and refuse storage.

9.13 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.

9.14 Paragraph 187 advises that planning decisions should ensure that new development can be integrated effectively with existing businesses and community facilities. It goes on to state that existing businesses and facilities should not have unreasonable restrictions placed on them as a result of development permitted after they were established.

9.15 LP Policy DM5.19 'Pollution' states that development proposals that may cause pollution either individually or cumulatively of water, air or soil through noise, smell, smoke, fumes, gases, steam, dust, vibration, light, and other pollutants will be required to incorporate measures to prevent or reduce their pollution so as not to cause nuisance or unacceptable impacts on the environment, to people and to biodiversity. Development that may be sensitive (such as housing, schools and hospitals) to existing or potentially polluting sources will not be sited in proximity to such sources. Potentially polluting development will not be sited near to sensitive areas unless satisfactory mitigation measures can be demonstrated.

9.16 The objection on behalf of Proctor and Gamble is noted. Specific reference has been made to the noise condition imposed on the hybrid application. They also do not consider that the information submitted with the hybrid application fully considers the noise generated by the industrial uses to the north of the site. They consider that if appropriate mitigation cannot be achieved it will affect the operation of their site which could have implications for the viability of their operation and put jobs at risk. They have acknowledged that a landscape buffer is proposed to the north of the site which must be delivered at the same time as the housing. They consider that the site layout falls outside the parameters set in the approved plans and thus the reserved matters fall outside the scope of the outline permission.

9.17 This part of the site is located to the east of the East Coast Mainline, Newcastle United Sports Ground and a scrap yard. To the north of the site is Whitley Road (A191) beyond which lies Proctor and Gamble. Members are advised that a landscape buffer along the northern boundary of the site has been agreed and the details of the landscaping are secured by a condition imposed on the hybrid planning application. This landscape buffer will be sited between the proposed housing and the A191.

9.18 This reserved matters application will deliver housing within part of Phase 2 which follows the parameters set at outline stage.

9.19 The Manager of Environmental Health has been consulted. She has advised that noise was a considering factor for the hybrid application and conditions were recommended to address the external noise sources affecting the site. She notes that the applicant advises that the development has been designed to ensure that residents are protected from those noise sources and that appropriate glazing will be provided as part of the build specification of the dwellings. On this basis, it is the view of officers that appropriate mitigation can be achieved to ensure that future occupants are protected from nearby noise sources.

9.20 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.” The NPPF paragraph 185 aims to “avoid noise from giving rise to significant adverse impacts on health and quality of life”. Members are advised that it is clear from the environmental health comments set out in the appendix to this report that appropriate mitigation to reduce the impacts arising from the identified noise sources can be secured by conditions.

9.21 Conditions relating to noise were imposed as a phased condition and the hours of construction was imposed as a standard condition as part of the hybrid application; the applicant will be required to comply with the requirements of these conditions relating to the phases subject of this application. It is therefore not necessary to duplicate the conditions.

9.22 It is clear from the Manager for Environmental Health comments that she has not raised any objection to impacts on neighbouring businesses arising from this development.

9.23 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.

9.24 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.

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

9.26 LP Policy S7.3 ‘Transport’ 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.

9.27 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.

9.28 LDD12 Transport and Highways SPD set out the parking standards for new development.

9.29 The objections received regarding the impacts on the highway network and traffic congestion are noted.

9.30 A Transport Assessment (TA) was submitted with the hybrid planning application. Previous applications assessed the local highway network which was tested in the council's Micro-simulation Transport Model. A suite of off-site highway improvements relating to East Benton Rise and the hybrid planning application were secured. These highway improvements are set out in the Highway Networks Manager comments in the appendix to this report. The highway impacts of constructing up to 593 residential dwellings on this designated housing site have been fully assessed and considered as part of the hybrid planning application.

9.31 The Highways Network Manager has been consulted. He has advised that the proposed layout provides sufficient parking and access in accordance with current standards. The proposed layout also demonstrates that cycle parking by way of a shed will be provided in the rear garden of each property. Bin collection points have also been identified on the proposed site layout. The site has access to public transport, local services and the existing public right of way networks. On this basis, he has recommended approval. Conditions relating to a construction method statement, the internal highway layout, refuse and cycle parking were imposed as phased conditions as part of the hybrid application; the applicant will be required to comply with the requirements of these conditions relating to the phases subject of this application.

9.32 The hybrid application was accompanied by a Travel Plan. Therefore, the Sustainable Transport Officer has no further comments to make.

9.33 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...."

9.34 LP Policy DM5.14 'Surface Water Run off' of the Local Plan 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.

9.35 Policy DM5.15 'Sustainable Drainage' 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).

9.36 The objections received regarding flood risk are noted.

9.37 A Flood Risk Assessment (FRA) was submitted as part of the hybrid application (16/01885/FUL). The impacts of flood risk were fully assessed and considered as part of the hybrid application. The reserved matters application complements the original drainage strategy.

9.38 The Council's Lead Local Flood Authority has been consulted. They have raised no objections to the reserved matters application.

9.39 Conditions relating to flood risk and surface water drainage were imposed as phased conditions as part of the hybrid application; the applicant will be required to comply with the requirements of these conditions relating to the phases subject of this application.

9.40 Northumbrian Water has been consulted. They have raised no objections to this phase of the development.

9.41 Members need to consider whether the layout of the proposed development is acceptable and whether it would accord with the advice in NPPF, policies DM7.4, DM5.19, DM5.15 and DM6.1 of the North Tyneside Local Plan and the 'Design Quality' SPD and weight this in their decision. Subject to conditions, it is officer advice that the proposed layout is acceptable and accords with national and local planning policies.

10.0 Scale

10.1 The NPPF states that local planning policies and decisions should ensure that developments that are sympathetic to local character, including the built environment, while not preventing or discouraging appropriate innovation or change (such as increased densities).

10.2 LP Policy DM6.1 'Design of Development' states that designs should be specific to the place, based on a clear analysis the characteristics of the site, its wider context and the surrounding area. Amongst other criteria proposals are expected to demonstrate (a) a design responsive to landscape features, topography, site orientation and existing buildings, and (b) a positive relationship to neighbouring buildings and spaces.

10.3 The Design Quality SPD states that the scale, mass and form of new buildings are some of the most important factors in producing good design and ensuring development integrates into its setting.

10.4 The detailed design of the application is consistent with the design principles set out in the hybrid application. The proposed dwellings are predominantly two storeys. The proposed scale and mass are in keeping with design approaches for Phase 1 and the existing housing located to the southeast of the site.

10.6 Conditions relating to levels was imposed as a phased condition as part of the hybrid application; the applicant will be required to comply with the requirements of this condition relating to the phases subject of this application.

10.7 Members need to determine whether the proposed scale is acceptable and whether it would accord with the NPPF, policy DM6.1 and the 'Design Quality' SPD and weight this in their decision. It is officer advice that the proposed scale of the development is acceptable and accords with national and local planning policies.

11.0 Appearance

11.1 The Design Quality SPD states that the appearance and materials chosen for a scheme should create a place with a locally inspired or otherwise distinctive character. In all cases new developments should have a consistent approach to use of materials and the design and style of windows, doors, roof pitches and other important features.

11.2 It is clear from the design comments that the architectural approach responds well to East Benton Farm and the design of the units around this area changes to reflect a more traditional appearance. The applicant has amended the surfacing materials however, boundary treatments have not been satisfactorily provided. Members are advised that the conditions relating to materials and boundary treatments were imposed as a phased condition as part of the hybrid application; the applicant will be required to comply with the requirements of this condition relating to the phases subject of this application.

11.3 Members need to determine whether the proposed appearance is acceptable and whether it accords with policy DM6.1 and the Design Quality SPD and weight this in their decision. It is officer advice that the proposed appearance is acceptable and accords with national and local planning policies.

12.0 Landscaping

12.1 The National Planning Policy Framework states that the planning system should contribute to and enhance the natural and local environment.

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

12.3 LP Policy DM5.5 'Managing effects on Biodiversity and Geodiversity' states that all development proposals should:

- a. Protect the biodiversity and geodiversity value of land, protected and priority species and buildings and minimise fragmentation of habitats and wildlife links; and,
- b. Maximise opportunities for creation, restoration, enhancement, management and connection of natural habitats; and,
- c. Incorporate beneficial biodiversity and geodiversity conservation features providing net gains to biodiversity, unless otherwise shown to be inappropriate.

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

12.5 The objections received regarding the loss of green space and the impacts on wildlife are noted.

12.6 The ecology issues associated with the development of this land for housing has been assessed and fully considered as part of the approved hybrid application. As part of the approved hybrid application a landscape buffer to be provided around the perimeter of the wider residential development and SUDs was secured. This landscape buffer will be provided in phases.

12.7 This part of the site lies adjacent to an area of land that will form a landscape buffer to the north of the site. The delivery of this northern buffer will be delivered in two phases which is secured by conditions attached to the hybrid application. To the west and south of the site a landscape buffer will be retained. The delivery of these areas is secured by a condition attached to the hybrid application.

12.8 The submitted layout incorporates internal landscape to assist in breaking up the built form and enhancing the overall quality of the external environment. Details of the internal landscaping have been submitted. These plans have been considered by the Council's Biodiversity Officer and Landscape Architect. They consider the internal landscaping details to be acceptable. A condition is recommended to secure the internal landscaping.

12.9 The comments from the Police Architectural Liaison Officer are noted. The applicant has provided details of the bollard lighting and street lighting to demonstrate that the proposed lighting will not impact on the landscape buffers to be delivered to the north, west and south of the site. Low level lighting is to be secured in the northern landscape buffer to minimise any impacts to biodiversity in this area. Conditions relating to light spillage into sensitive areas were imposed as part of the hybrid application; the applicant will be required to comply with the requirements of these conditions relating to the phases subject of this application.

12.10 Conditions relating to external landscaping, drainage and biodiversity were imposed as part of the hybrid application; the applicant will be required to comply with the requirements of these conditions relating to the phases subject of this application.

12.11 Natural England has been consulted. They have advised that they have no comments to make.

12.12 Members need to consider whether the proposed landscaping would be acceptable and in accordance with policies DM5.7 and DM5.9 and weight this in

their decision. Subject to conditions, it is officer advice that the proposed landscaping is acceptable and accords with national and local planning policies.

13.0 Other Issues

13.1 The Contaminated Land Officer has been consulted. She has recommended conditional approval. Conditions relating to gas and contaminated land were imposed as phased conditions as part of the hybrid application; the applicant will be required to comply with the requirements of this condition relating to the phases subject of this application. It is therefore not necessary to duplicate these conditions.

13.2 National Highways have been consulted. They have raised no objections.

13.3 Newcastle City Council has been consulted. They have raised no objections.

13.4 Newcastle International Airport Limited (NIAL) has been consulted. The impacts on bird strike relating to drainage and landscaping were considered as part of the hybrid application. Conditions relating to bird strike, drainage and landscaping were imposed as part of the hybrid application; the applicant will be required to comply with the requirements of this condition relating to the phases subject of this application. It is therefore not necessary to duplicate these conditions.

13.5 Network Rail has been consulted. They have raised no objections, but they have set out several requirements that must be met. It is suggested that these requirements are dealt with as an informative and conditions. Conditions relating to drainage, boundary fencing, method statements, lighting and landscaping were imposed as part of the hybrid application; the applicant will be required to comply with the requirements of this condition relating to the phases subject of this application. It is therefore not necessary to duplicate these conditions.

13.6 Nexus have been consulted. They have raised no objections.

13.7 The Coal Authority has been consulted. They have raised no objections.

13.8 The Tyne and Wear Archaeology Officer has been consulted. She has raised no objections.

13.9 Northern Powergrid have been consulted. They have raised no objections.

14.0 Conclusion

14.1 The principle of residential development on this site has been firmly established by the previous planning application. The application relates to those details still to be approved. Officer advice is that the layout, scale, appearance and landscaping are acceptable. Members need to decide whether they consider that these reserved matters are acceptable.

14.2 Members are advised that the conditions attached to the hybrid application remain and will have to be complied with as development is progressed. It is therefore not necessary to repeat conditions which are already in place.

14.3 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:

Application form

Location Plan 2 Rev A

Architectural Layout Dwg No. SRW/CC/GA/001 Rev 0

Detailed planting proposals Sheet 1 of 7 Dwg No. T93-01-P1 Rev H

Detailed planting proposals Sheet 2 of 7 Dwg No. T93-02-P1 Rev H

Detailed planting proposals Sheet 3 of 7 Dwg No. T93-03-P1 Rev H

Detailed planting proposals Sheet 4 of 7 Dwg No. T93-04-P1 Rev J

Detailed planting proposals Sheet 5 of 7 Dwg No. T93-05-P1 Rev H

Detailed planting proposals Sheet 6 of 7 Dwg No. T93-01-P1 Rev H

Planting Schedule 7 of 7 Dwg No. T93-07-P1 Rev K

Fenchurch Dwg No. FH-WD10 K plans and elevations

Fenchurch Dwg No. FH-WD10 K plans and elevations

Holborn Dwg No. HB-WD10 M plans and elevations

Holborn Dwg No. HB-WD17 M plans and elevations

Harley Dwg No. HY-WD10 Q plans and elevations

Harley Dwg No. HY-WD17 R plans and elevations

Marlborough Dwg No. MB-WD10 J plans and elevations

Marlborough Dwg No. MB-WD17 J plans and elevations

Marylebone Dwg No. ME-WD10 J plans and elevations

Marylebone Dwg No. ME-WD17 J plans and elevations

Mayfair Dwg No. MY -WD17 K plans and elevations

Regent Dwg No. RT-WD10 M plans and elevations

Regent Dwg No. RT-WD17 M plans and elevations

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

2. Restrict Hours No Construction Sun BH HOU00 *
4

3. Prior to the occupation of any dwelling hereby approved, a ventilation scheme for habitable rooms must be submitted for approval in writing and thereafter implemented to ensure an appropriate standard of ventilation that meets as a minimum System 3 of Table 5.2 of Approved Document F. Mechanical ventilation, with an extract vent in each habitable room, must be provided as a minimum for properties located to the eastern boundary of the site adjacent to the A186 and for the northwestern boundary of the site adjacent to the scrap yard. For other properties, an alternative passive acoustic ventilation will be considered adequate. The ventilation to meet the requirements of Building Regulations with windows closed. Thereafter, these agreed details shall be

implemented prior to the occupation of each dwelling and shall be permanently maintained and retained.

Reason: In order to protect the amenity of future occupants from undue noise and disturbance having regard to Policy DM5.19 of the North Tyneside Local Plan (2017).

4. 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.

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

Reason: This information is required pre development to ensure that the 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.

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

Reason: To enable vehicles to draw off, park and turn clear of the highway to minimise danger, obstruction and inconvenience to users of the adjoining highway having regard to policy DM6.1 of the North Tyneside Local Plan (2017).

7. Prior to the occupation of each dwelling hereby approved, driveway depths of 5.0m for roller shutter garage doors, 5.5m for up and over doors and 6.0m for side-opening doors shall be provided and retained within the site thereafter.

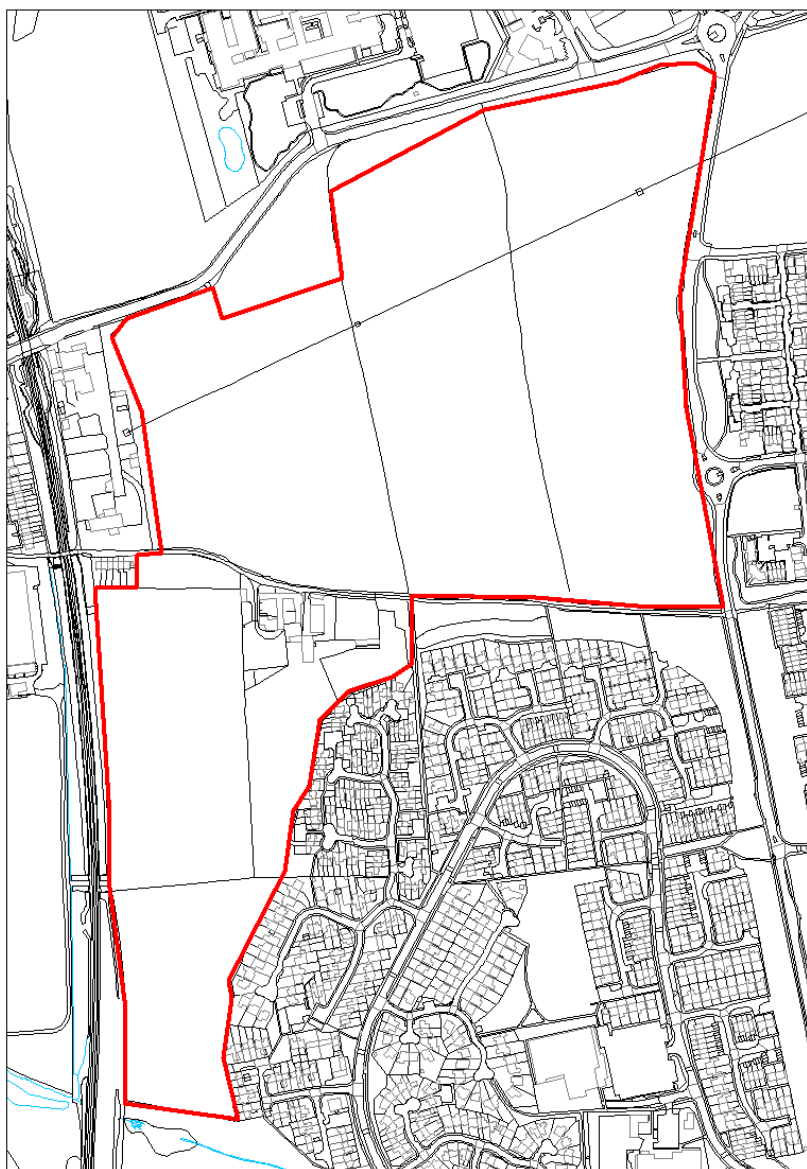
Reason: In the interests of highway safety and of the development having regard to policy DM7.4 of the North Tyneside Local Plan (2017).

8. The development hereby permitted shall be begun before the expiration of two years from the date of approval of the last of the reserved matters to be approved for phase 2.

Reason: To comply with the requirements of Section 92 of the Town and Country Planning Act 1990

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.



Application reference: 19/01085/REM

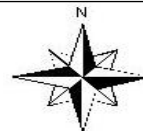
Location: Land To The West Of Station Road North And, Land South Of East Benton Farm Cottages, Station Road North

Proposal: Reserved matters application for the submission of details of appearance, landscaping, layout and scale in respect of erection of 66 dwellings, garages, car parking together with associated boundary treatment and infrastructure pursuant to hybrid application 16/01885/FUL

Not to scale

Date: 25.05.2022

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Consultations/representations

1.0 Internal Consultees

1.1 Highways Network Manager

1.2 This is a reserved matters application for the submission of details of appearance, landscaping, layout and scale in respect of erection of 66 dwellings, garages, car parking together with associated boundary treatment and infrastructure pursuant to hybrid application 16/01885/FUL.

1.3 The original hybrid application (16/01885/FUL) was granted permission in 2017 and previously permission was granted on appeal for the development on the east side of Station Road (12/02025/FUL) in 2014.

1.4 A Transport Assessment (TA) was included as part of the previous applications that assessed the local highway network and was tested in the council's Micro-simulation Transport Model. The following off-site highway improvements will be carried out as part of the two previous applications:

1.5 The agreed works are set out below:

1.6 Station Road East (12/02025/FUL):

New roundabout junction to the south of the site
Secondary T-junction access to the north of the site
Traffic signals at the junction of Hotspur Road
Localised widening at the junction of Mullen Road & Wiltshire Drive
Improvements to the junction with the A1058 Coast Road
Improvements to junction of A186 Station Road & A191 Whitley Road
roundabout

1.7 Station Road West (16/01885/FUL):

New roundabout junction at the site access (north)
Alterations to the roundabout junction at the site access (south)
New traffic signals with pedestrian & cycle crossing facilities at the junction of the A1058 (Coast Road) & A186 (Station Road North)
Toucan crossing on the A191 to the east of Proctor & Gamble connecting into existing routes
Localised road widening
Upgrade & widening of footpaths surrounding the site
Connection & enhancements to the continuous shared footway/cycleway on southern side of A191 (Whitley Road)
Associated street lighting
Associated drainage
Associated road markings
Associated Traffic Regulation Orders
Associated street furniture & signage

1.8 The principle of development has already been tested and appropriate conditions and informatives were included on the original application. The

proposed layout for this application is acceptable in terms of parking provision, highway layout and pedestrian & cycle accessibility and a temporary turning head for a refuse vehicle will be provided until the next phase of development has been constructed. Approval is recommended with one additional condition.

1.9 Recommendation - Conditional Approval

1.10 Condition:

Prior to the occupation of each dwelling hereby approved, driveway depths of 5.0m for roller shutter garage doors, 5.5m for up & over doors and 6.0m for side-opening doors shall be provided and retained within the site 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).

1.11 Sustainable Transport

1.12 This application is for the submission of details of appearance, landscaping, layout and scale in respect of 66 properties within the ongoing development located on the western side of Station Road. The travel plan requirements were agreed under the related case 16/01885/FUL. Upon checking the latest application against the related case, I believe the Sustainable Transport requirements are covered.

1.13 Recommendation: Approval

1.14 Manager for Environmental Health (Pollution)

1.15 The site is located to the west of Station Road North the A186 to the west of the site. On the west of the site there is a railway, Newcastle United Sports Ground and a scrap yard. Noise was a considering factor for the outline application and conditions were recommended to address the external noise sources affecting the site. I note that the applicant advises that the development has been designed to ensure that residents are protected from those noise sources and that appropriate glazing will be provided as part of the build specification of the dwellings.

1.16 I would therefore recommend the following conditions are attached to any approval to ensure appropriate sound mitigation measures are provided.

Prior to occupation, a noise scheme must be submitted to the local planning authority for approval and agreed and thereafter implemented that has taken into account future noise levels within the site, likely to be experienced within the next 15 years, whichever commences first, to consider the noise levels arising from traffic, industrial noise to the north of the site and Newcastle United Sports Ground and Scrap yard located to the west of the site. The noise scheme to include details of the acoustic glazing to ensure habitable bedrooms meet the good internal standard of 30 dB LAeq,T at night and prevent the exceedance of Lmax of 45 dB(A) and living rooms meet an internal equivalent noise level of 35 dB LAeq,T in accordance to BS8233:2014.

Prior to occupation, the ventilation scheme for habitable rooms must be submitted for approval in writing and thereafter implemented to ensure an

appropriate standard of ventilation that meets as a minimum System 3 of Table 5.2 of Approved Document F.

Mechanical ventilation, with an extract vent in each habitable room, must be provided as a minimum for properties located to the eastern boundary of the site adjacent to the A186 and for the northwestern boundary of the site adjacent to the scrap yard. For other properties, an alternative passive acoustic ventilation will be considered adequate. The ventilation to meet the requirements of Building Regulations with windows closed.

Housing located to western boundary to be set back a distance of 45 metres from railway line to ensure noise exposure levels from the rail line are met as specified within noise report no. 246.58/2.

Details of the acoustic mitigation measures to be provided to the northwestern boundary of the site must be submitted and implemented on approval of the local Planning Authority, to attenuate noise from the scrap yard.

1.17 Manager for Environmental Health (Contaminated Land)

1.18 The site lies within 250m of two known landfills, namely the Powder Monkey c.65m south of the site and Benton Quarry c. 243m northwest of the site.

1.19 Due to the proposed sensitive end use and the location of the two landfills the following should be attached:

CON 01 – Contaminated land

GAS 06 – Gas

1.20 Lead Local Flood Authority (LLFA)

1.21 I have carried out a review of the planning application 19/01085/FUL, I can confirm that I have no objections to the proposals.

1.22 Design Officer

1.23 The application is generally well designed with a logical layout. The architectural approach responds well to East Benton Farm and the design of the units around this area changes to reflect a more traditional appearance.

1.24 A revised surface material plan has been submitted which now addresses previous concerns about the quality of surface materials proposed on shared driveways and visitor bays.

1.25 Boundary treatment details have not been satisfactorily provided and therefore should be conditioned. The condition should ensure that all plots where rear gardens face the public realm have a brick wall boundary treatment.

1.26 All other aspects of the design and layout are supported.

1.27 Landscape Architect and Biodiversity Officer

1.28 This application is a reserved matters application for Phase 2. Architectural Layout revision 0 (DWG: SRW/CC/GA/001) shows the footpath to the northern open space area realigned in accordance with the approved masterplan. A mixed species hedgerow runs along the northern and eastern boundary. A small

substation has been included to the very south-east corner of the site in the area of open space.

1.29 An email dated 21st March 2022 has been received. The planting is to be removed from the 'architectural drawing' so that there are now no inconsistencies between this plan and the landscape plans.

1.30 A number of landscape drawings (Planting Sheets 1-6) and a Planting Schedule (Sheet 7 of 7 DWG: T93-07-P1) have been submitted and amended in response to officer feedback and the final drawings are now considered to be acceptable.

1.31 Conditions

The scheme should be undertaken in accordance with the following plans:-

- Detailed Planting Plans 1 to 6 (DWGs: T93-01-P1; T93-02-P1; T93-03-P1; T93-04-P1; T93-05-P1; T93-06-P1) submitted March 2022.
- Planting Schedule 7 of 7 (DWG: T93-07-P1) submitted April 2022
- Architectural Layout Revision) (DWG: SRW/CC/GA/001)
- S38 Street Lighting Design (DWG: PLL/2020/287/002 Rev 2)
- Bollard Lighting Design (DWG: PLL/2020/326 Rev1)

1.32 In addition, all appropriate landscape and ecology conditions attached to hybrid application 16/01885/FUL remain relevant to this application.

2.0 Representations

2.1 Eight objections have been received. These objections are set out below.

- Adverse effect on wildlife.
- Affect setting of listed building.
- Not in accordance with development plan.
- Impact on landscape.
- Inadequate drainage.
- Inadequate parking provision.
- Loss of privacy.
- Loss of/damage to trees.
- Nuisance: disturbance, dust, dirt, fumes, noise.
- Out of keeping with surroundings.
- Poor traffic/pedestrian safety.
- Poor/unsuitable vehicular access.
- Precedent will be set.
- Traffic congestion.
- Visual intrusion.
- Within greenbelt/no special circumstance.
- This further new estate will cause even more disruption to traffic as is already being seen from the estate built to the east of Station Road.
- There are no facilities for the amount of people who will be moving in to these houses.
- How will the local school cope with all the extra children some of the existing pupils are being taught in porta cabins already.

- What about the GP surgery and shops which were on the plans for the estate on the east of Station Road. These have not been built yet and they were subject to the approval of those plans.
- Too much overcrowding in this area.
- Taking away green belt land.
- Are the rights of way paths to be kept open?
- What about all the walkers and cyclists who use the area and the effect the traffic will have on their safety.
- The Developer has yet to comply with promised road improvements attached to the previous housing development on the east of Station Road North.

Roundabout improvements at Station Road / Wiltshire Drive were started on 29/4/2019 for a said period of 10 weeks. The roundabout has been left for weeks in disarray, partially completed with inadequate pedestrian footpaths and temporary barriers that hinder motorists view of approaching traffic. Complete disregard for road safety and local residents.

- Volume of traffic is already at breaking point with Station Road regularly gridlocked. To make matters worse replacing a roundabout with traffic lights at Asda Superstore, connected to yet another housing development, is now creating tailbacks affecting the Station Road North / Whitley Road roundabout. It is not helped, of course, that a bus stop layby was not included in the upgrade plans for this part of Station Road meaning that stationary buses, only metres from the roundabout, also disrupt the flow of traffic. Poor highway planning creating even more tailbacks, delays, and increasing harmful emissions.
- Staying on the subject of travel and carbon emissions, I seem to recall this Developer promising a network of cycle paths that would obviate the need for car travel or at least provide routes to schools and Metro etc. Just like the promised road upgrades they do not appear to have materialised.
- The East Station Road development also mentioned amenities such as a GP Surgery and Retail Outlets. Well like everything else promised they also seem to have been conveniently forgotten about. Promised amenities have not transpired.
- Most people now realise that no matter how many objections are raised these developments will go ahead in some form regardless of their detrimental affect. However, we should at least be able to rely on the Local Authority to hold the Developer to account for promised upgrades etc. At the moment we cannot. Stop building until previous promises are met.
- I have objected numerous times about this development. Phase 3 of the development is completely unnecessary and will totally ruin the area. The developer is well known for building shoddy houses which are not fit for purpose. They make promises they do not keep. If this development goes ahead, it will cause even more pollution and traffic congestion in the area. The wildlife will be disturbed again. Foxes, deer, rabbits and the horses currently residing at the farm will have to find somewhere else to live. It is totally unfair and should not be allowed to happen. I have spoken to hundreds of people who are all against the development, but people are aware that we do not have a say and money talks so no point objecting.
- Can you let us know how you are going to protect the stable block? As on the plans the stable block stays but that area is going to be left open for anyone to roam on? The residents are very concerned that the stable block will attract vandals and there'll be people sitting in them drinking etc. Why can't you keep this sectioned off and allow some of the horses to stay??

-With reference to the above application, I have lived in this property since it was built in 1982 and have had unobstructed light into the west/northwest facing garden at the rear of my property. We get the sun onto the garden from the south at lunchtime and then for the rest of the afternoon the sun comes from the southwest and west as the afternoon progresses. If these houses are built according to the plans i.e.: with their rear gardens adjoining my perimeter fence, what safeguards do I have that the owners will not plant trees/conifers that can grow to great heights and block out the sunlight completely from my garden that I have enjoyed for the last 32 years. Where does my 'right to Light' laws come into this?

-When we had a meeting with the directors and architect/surveyor from Persimmon a couple of years ago, the architect told us that the gardens of the properties being built would be an extra 10 metres longer than normal to give us more privacy, however this does not prevent these owners from planting tall light blocking trees right up against my perimeter fence. He gave me his email address so that I could contact him with any concerns, however I have emailed him several times regarding this matter, and I have not had a single reply. My suggestion to him was, that we be given that extra 10 metres instead of the new houses (properly rotated and fenced) so that we have control over how near planting could take place. But as I said, he never responded to any email. Giving us the extra 10 metres would also solve the problem of what provision has been set aside to allow me access to my perimeter fence to allow me to carry out maintenance. I did also email the architect/surveyor regarding this issue but again did not receive a reply.

-I would like assurances that provision is in place to safeguard our 'right to light' and also access to our fencing from both sides for maintenance

-One more futile attempt to persuade the council to apply some consideration of its residents wishes and needs. If lockdown has demonstrated anything it is the vast over use of limited green space and amenity land. Throughout 2020 the Rising Sun and paths around East Benton have looked more like a Northumberland Street on a Saturday crossed with the 'Tour-de-Tyneside' route.

-Please don't make it any worse by crowding another 600 homes onto the already densely populated area.

2.2 Proctor and Gamble

P&G operate a Research and Development facility supporting P&G's global Fabric & Home Care business and particularly the global Dry Laundry, Automatic Dishwashing and Professionals businesses to the north of Whitley Road, close to the application site. The site has been operational since 1957 and the company employ approximately 270 staff at the 7.6 hectare site.

My client is concerned that the proposed development does not take sufficient steps to ensure that the established operation of their Wallsend facility will not be impacted upon by the proposed residential development. As you will know, paragraph 182 of the NPPF states that existing businesses should not have unreasonable restrictions placed upon them as a result of development permitted after they were established. Where an existing business could have an adverse effect on new development, the applicant, or agent of change should be required to provide suitable mitigation.

With this in mind, we note that Condition 22 attached to the outline consent for the site (ref 16/01885/FUL) relates to noise and mitigation and states that:

Prior to the commencement of Phases 2 and 3 a noise scheme that considers both existing and future noise levels likely to be experienced, for the opening year of that phase of the development, or the next 15 years, whichever commences first, shall be submitted to and approved in writing by the Local Planning Authority. This noise scheme shall take into account noise levels arising from traffic, industrial noise to the north of the site and Newcastle United Sports Ground and scrap yard located to the west of the site and 24 hour rail noise from the adjacent line. The noise scheme shall include a detailed mitigation scheme to ensure suitable internal and external noise levels in with BS8233 and the World Health Organisation Community Noise guidelines.

Importantly, the condition makes specific reference to the “industrial noise to the north of the site” and the need to agree a scheme of mitigation. We have reviewed the information submitted with the reserved matters application and note that no further assessments have been submitted, nor has any acoustic mitigation measures been proposed as part of the development.

Having reviewed the Noise Assessment and Noise Addendum submitted with the outline application we note that neither document considers the noise from the “agent of change” perspective as set out in national policy. Indeed, neither the main assessment or the subsequent addendum considers noise generated by the industrial uses to the north of the site, only taking background readings along the eastern and western boundaries of the site.

It follows, that the potential impact of noise generated by the industrial uses to the north of the application site has not been fully considered when designing the scheme. If the issue is not properly considered at the design stage, then there is a risk that the appropriate mitigation cannot be effectively retrofitted and thus my client’s operation will be unfairly affected. As such, there is a risk that the proposed development could result in restrictions being placed on my client’s operation, which could have implications for the viability of the operation, thus putting 400 jobs (direct employees as well as contract support staff) on site at risk.

Accordingly, it is essential that this issue is properly addressed at the reserved matters stage.

From reviewing the application documentation, we understand that the proposed development forms part of Phase 2 of the wider scheme approved under permission 16/01885/FUL. However, the approved phasing plan (PAR_05/B) indicates that a large section of the landscaping buffer in the northern section of the site is also to be delivered as part of Phase 2. However, the submitted reserved matters application contains no information about the landscaping in this area of the site.

Indeed, we note that condition 44 of permission 16/01885/FUL requires a full landscaping scheme, covering all areas within Phase 2 to be submitted to the LPA. My client sees the provision of the landscaping buffer at the north of the site

to be an integral element of the development that has clear potential to minimise any impacts arising from the industrial uses north of Whitley Road. Accordingly, my client believes that the landscaping buffer should form an integral part of the scheme which must be delivered at the same time as the dwelling houses to ensure its benefits are properly delivered.

We have also reviewed the submitted scheme layout and have compared this with the plans approved as part of the outline consent. We consider it would be helpful if the applicant could produce further plans to demonstrate that the proposed layout accords with the parameters shown on the approved plans, namely Phasing Plan PAR_05/B and Density Plan PAR_02B. It appears to us that the submitted layout plan (ref SRW/CC/GA/001) proposes development outside the parameters set in the approved plans and thus, the reserved matters scheme falls outside the scope of the outline permission.

Finally, my client is concerned about the scale of traffic generated by the development and the potential implications for the operation of their site. In particular, my client is concerned that the impact of the development upon the functioning of the A191 Whitley Road/A186 Station Road roundabout which is close to the entrance to the P&G site and the Bellway Industrial Estate.

With this in mind, I note that the Transport Assessment submitted with the hybrid planning application includes widening of the eastbound approach of the Whitley Road/Station Road roundabout. This is secured by condition 27 of the permission. However, within the TA, the applicant relies on the widening of the westbound approach to that roundabout being carried out by the developer of a separate application (Station Road West). While the transport evidence indicates that the widening of both approaches to the roundabout is required to support the development without undue impacts on the highway network, there only appears to be a requirement for the applicant to ensure just one of the junction improvements works (eastbound) is carried out. There is therefore a risk that the widening of the westbound approach never takes place which would clearly have potential implications for the operation of the existing employment uses which rely upon the A191 Whitley Road for access.

3.0 External Consultees

3.1 National Highways

3.2 No objection.

3.3 The Coal Authority

3.4 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.

3.5 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 public health.

3.6 Northumbrian Water

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

3.8 Having assessed the proposed development against the context outlined above I refer you to our previous response to the application, dated 19th December 2016, and can confirm that at this stage we would have no additional comments to make.

3.9 Natural England

3.10 Natural England has no comments to make on this application.

3.11 Natural England has not assessed this application for impacts on protected species. Natural England has published Standing Advice which you can use to assess impacts on protected species or you may wish to consult your own ecology services for advice.

3.12 Natural England and the Forestry Commission have also published standing advice on ancient woodland and veteran trees which you can use to assess any impacts on ancient woodland.

3.13 The lack of comment from Natural England does not imply that there are no impacts on the natural environment, but only that the application is not likely to result in significant impacts on statutory designated nature conservation sites or landscapes. It is for the local planning authority to determine whether or not this application is consistent with national and local policies on the natural environment. Other bodies and individuals may be able to provide information and advice on the environmental value of this site and the impacts of the proposal to assist the decision making process. We advise LPAs to obtain specialist ecological or other environmental advice when determining the environmental impacts of development.

3.14 We recommend referring to our SSSI Impact Risk Zones (available on Magic and as a downloadable dataset) prior to consultation with Natural England. Further guidance on when to consult Natural England on planning and development proposals is available on gov.uk at <https://www.gov.uk/guidance/local-planning-authorities-get-environmental-advice>

3.15 Tyne and Wear Archaeology Officer

3.16 No comments to make.

3.17 Police Architectural Liaison Officer

3.18 We have no objection, however we do have concerns around the use of bollard lighting for footpath, leading from the development to Whitley Road.

3.19 Good lighting conditions at night is vital, to ensure residents feel safe, we do not recommend the use of bollard lighting as the main source of lights, we feel

that bollard lighting is purely for wayfinding and can be easily obscured or damaged. It does not project sufficient light at the right height making it difficult to recognise facial features and as a result it may cause an increased fear of crime, therefore it should be avoided.

3.20 I appreciate, bollard lighting may have been considered due to ecology on the site, however I would recommend this type of lighting is reconsidered, with lighting columns to be used instead and measures considered such as dimming lighting, or lighting that complies with those used on dark sky reserves.

3.21 Nexus

3.22 No comment to make.

3.23 Newcastle City Council

3.24 No objection.

3.25 Newcastle International Airport Limited (NIAL)

3.26 Provided that the Bird Hazard Management Plan (BHMP) and my comments below are adhered to, we have no objection.

- Planting mix should be limited to no more than 10% berry bearing species;
- Can you provide the bird hazard management plan in relation to the SUDS?
- Any crane operations must go through the CAA approval procedure.

3.27 Northern Powergrid

3.28 No objection, refer to standing advice.

3.29 Network Rail

3.30 With reference to the protection of the railway, Network Rail has no objection in principle to the development, but below are some requirements which must be met, especially with the close proximity to the development of an electrified railway.

3.31 I would advise that in particular the drainage, boundary fencing, method statements, soundproofing, lighting and landscaping should be the subject of conditions, the reasons for which can include the safety, operational needs and integrity of the railway. For the other matters we would be pleased if an informative could be attached to the decision notice.

Drainage

All surface and foul water arising from the proposed works must be collected and diverted away from Network Rail property. In the absence of detailed plans all soakaways must be located so as to discharge away from the railway infrastructure. The following points need to be addressed:

- There should be no increase to average or peak flows of surface water run-off leading towards Network Rail assets, including earthworks, bridges and culverts. All surface water run-off and sewage effluent should be handled in accordance with Local Council and Water Company regulations.
- Attenuation should be included as necessary to protect the existing surface water drainage systems from any increase in average or peak loadings due to normal and extreme rainfall events.

-Attenuation ponds, next to the railway, should be designed by a competent specialist engineer and should include adequate storm capacity and overflow arrangements such that there is no risk of flooding of the adjacent railway line during either normal or exceptional rainfall events.

It is expected that the preparation and implementation of a surface water drainage strategy addressing the above points will be conditioned as part of any approval.

Fail Safe Use of Crane and Plant

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

Excavations/Earthworks

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

Security of Mutual Boundary

Security of the railway boundary will need to be maintained at all times. If the works require temporary or permanent alterations to the mutual boundary the applicant must contact Network Rail's Asset Protection Project Manager.

Fencing

Although the existing NR fence is adequate in preventing trespass there will inevitably be pressure from the new residents to soften or even attempt to alter its appearance. It should be noted that our fence should not be altered or moved in any way and nothing should be put in place to prevent us from maintaining our boundary fence as we are obliged to do so in law. It is our experience that most developments seek to provide their own boundary enclosure so as to avoid such future problems. It would also help to reduce the impact of railway noise. We would advise that the developer should provide a trespass proof fence adjacent to Network Rail's boundary (minimum 1.8m high) and make provision for its

future maintenance and renewal. Network Rail's existing fencing / wall must not be removed or damaged.

Method Statements/Fail Safe/Possessions

Method statements may require to be submitted to Network Rail's Asset Protection Project Manager at the below address for approval prior to works commencing on site. This should include an outline of the proposed method of construction, risk assessment in relation to the railway and construction traffic management plan. Where appropriate an asset protection agreement will have to be entered into. Where any works cannot be carried out in a "fail-safe" manner, it will be necessary to restrict those works to periods when the railway is closed to rail traffic i.e. "possession" which must be booked via Network Rail's Asset Protection Project Manager and are subject to a minimum prior notice period for booking of 20 weeks. Generally if excavations/piling/buildings are to be located within 10m of the railway boundary a method statement should be submitted for NR approval.

OPE

Once planning permission has been granted and at least six weeks prior to works commencing on site the Asset Protection Project Manager (OPE) MUST be contacted, contact details as below. The OPE will require to see any method statements/drawings relating to any excavation, drainage, demolition, lighting and building work or any works to be carried out on site that may affect the safety, operation, integrity and access to the railway.

Demolition

Any demolition or refurbishment works must not be carried out on the development site that may endanger the safe operation of the railway, or the stability of the adjoining Network Rail structures. The demolition of buildings or other structures near to the operational railway infrastructure must be carried out in accordance with an agreed method statement. Approval of the method statement must be obtained from Network Rail's Asset Protection Project Manager before the development can commence.

Vibro-impact Machinery

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

Scaffolding

Any scaffold which is to be constructed within 10 metres of the railway boundary fence must be erected in such a manner that at no time will any poles over-sail the railway and protective netting around such scaffold must be installed.

Abnormal Loads

From the information supplied, it is not clear if any abnormal loads will be using routes that include any Network Rail assets (e.g. bridges). We would have serious reservations if during the construction or operation of the site, abnormal loads will use routes that include Network Rail assets. Network Rail would

request that the applicant contact our Asset Protection Project Manager to confirm that any proposed route is viable and to agree a strategy to protect our asset(s) from any potential damage caused by abnormal loads. I would also like to advise that where any damage, injury or delay to the rail network is caused by an abnormal load (related to the application site), the applicant or developer will incur full liability.

Cranes

With a development of a certain height that may/will require use of a crane, the developer must bear in mind the following. Crane usage adjacent to railway infrastructure is subject to stipulations on size, capacity etc. which needs to be agreed by the Asset Protection Project Manager prior to implementation.

Two Metre Boundary

Consideration should be given to ensure that the construction and subsequent maintenance can be carried out to any proposed buildings or structures without adversely affecting the safety of, or encroaching upon Network Rail's adjacent land, and therefore all/any building should be situated at least 2 metres from Network Rail's boundary. This will allow construction and future maintenance to be carried out from the applicant's land, thus reducing the probability of provision and costs of railway look-out protection, supervision and other facilities necessary when working from or on railway land.

Encroachment

The developer/applicant must ensure that their proposal, both during construction, and after completion of works on site, does not affect the safety, operation or integrity of the operational railway, Network Rail and its infrastructure or undermine or damage or adversely affect any railway land and structures. There must be no physical encroachment of the proposal onto Network Rail land, no over-sailing into Network Rail air-space and no encroachment of foundations onto Network Rail land and soil. There must be no physical encroachment of any foundations onto Network Rail land. Any future maintenance must be conducted solely within the applicant's land ownership. Should the applicant require access to Network Rail land then must seek approval from the Network Rail Asset Protection Team. Any unauthorised access to Network Rail land or air-space is an act of trespass and we would remind the council that this is a criminal offence (s55 British Transport Commission Act 1949). Should the applicant be granted access to Network Rail land then they will be liable for all costs incurred in facilitating the proposal.

Noise/Soundproofing

The Developer should be aware that any development for residential use adjacent to an operational railway may result in neighbour issues arising. Consequently every endeavour should be made by the developer to provide adequate soundproofing for each dwelling. Please note that in a worst case scenario there could be trains running 24 hours a day and the soundproofing should take this into account.

Trees/Shrubs/Landscaping

Where trees/shrubs are to be planted adjacent to the railway boundary these shrubs should be positioned at a minimum distance greater than their predicted

mature height from the boundary. Certain broad leaf deciduous species should not be planted adjacent to the railway boundary. We would wish to be involved in the approval of any landscaping scheme adjacent to the railway. Where landscaping is proposed as part of an application adjacent to the railway it will be necessary for details of the landscaping to be known and approved to ensure it does not impact upon the railway infrastructure. Any hedge planted adjacent to Network Rail's boundary fencing for screening purposes should be so placed that when fully grown it does not damage the fencing or provide a means of scaling it. No hedge should prevent Network Rail from maintaining its boundary fencing. Lists of trees that are permitted and those that are not permitted are provided below and these should be added to any tree planting conditions:

Acceptable:

Birch (*Betula*), Crab Apple (*Malus Sylvestris*), Field Maple (*Acer Campestre*), Bird Cherry (*Prunus Padus*), Wild Pear (*Pyrus Communis*), Fir Trees – Pines (*Pinus*), Hawthorne (*Crataegus*), Mountain Ash – Whitebeams (*Sorbus*), False Acacia (*Robinia*), Willow Shrubs (Shrubby *Salix*), Thuja Plicata "Zebrina"

Not Acceptable:

Acer (*Acer pseudoplatanus*), Aspen – Poplar (*Populus*), Small-leaved Lime (*Tilia Cordata*), Sycamore – Norway Maple (*Acer*), Horse Chestnut (*Aesculus Hippocastanum*), Sweet Chestnut (*Castanea Sativa*), Ash (*Fraxinus excelsior*), Black poplar (*Populus nigra* var. *betulifolia*), Lombardy Poplar (*Populus nigra* var. *italica*), Large-leaved lime (*Tilia platyphyllos*), Common lime (*Tilia x europaea*)

A comprehensive list of permitted tree species is available upon request.

Lighting

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

Access to Railway

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

Children's Play Areas/Open Spaces/Amenities

Children's play areas, open spaces and amenity areas must be protected by a secure fence along the boundary of one of the following kinds, concrete post and panel, iron railings, steel palisade or such other fence approved by the Local Planning Authority acting in consultation with the railway undertaker to a minimum height of 1.8 metres and the fence should not be able to be climbed.

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

Application No:	22/00413/FUL	Author:	Maxine Ingram
Date valid:	28 March 2022	☎:	0191 643 6322
Target decision date:	27 June 2022	Ward:	Longbenton

Application type: full planning application

Location: Greggs Building, Balliol Business Park, Benton Lane, Longbenton, NEWCASTLE UPON TYNE

Proposal: Conversion of redundant freezer into additional production space and the erection of extensions to create ancillary space. Demolition of: Two long-standing temporary buildings, existing goods-in dock area with 2no docks for Balliol 1 building, low-level building on the Southern front of the redundant freezer building and existing plantrooms to the Western side of the redundant freezer building. Conversion of the redundant finished goods store into a 4th production line and associated stores etc. to create Balliol 3 building. Erection of: New link bridge, new Western extension, roof level pod for future process equipment, new goods-in dock area with 3no docks at ground level and new canteen space above at first floor level to connect the first floor of Balliol 3 to the existing GTC building, new extension to Balliol 1 on the North-East corner, new external walkway canopy crossing the car park from Balliol 2 to Balliol 1 to allow staff from Balliol 2 to access the new staff facilities, new first floor level car park located on the Gosforth Bakery car park to the North of the proposed works and new Gatehouse at the South-West entrance to the site to control traffic movements onto and off site

Applicant: Greggs PLC, Mr Peter Boughton Unit 1 West Street Business Park West Steet North Tyneside Longbenton PE9 2PR

Agent: Arctica LTD, Mr Anthony Bowe Unit 1 West Street Business Park West Steet Stamford PE9 2PR

RECOMMENDATION: Application Permitted

INFORMATION

1.0 Summary Of Key Issues & Conclusions

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

- The principle of the development,
- The impact on amenity,
- The impact on character and appearance,
- The impact on highway safety, 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 consider any other material considerations in reaching their decision.

2.0 Description of the Site

2.1 The site to which this application relates is a commercial premises, Greggs Bakery, located within Balliol Business Park. There are several existing buildings and associated parking provision within the site.

2.2 The site is designated as employment land within the Local Plan.

3.0 Description of the Proposed Development

3.1 The development proposed is for the following works:

- Conversion of redundant freezer into additional production space and the erection of extensions to create ancillary space.
- Demolition of: Two long-standing temporary buildings, existing goods-in dock area with 2no docks for Balliol 1 building, low-level building on the Southern front of the redundant freezer building and existing plantrooms to the Western side of the redundant freezer building.
- Conversion of the redundant finished goods store into a 4th production line and associated stores etc. to create Balliol 3 building.
- Erection of: New link bridge, new Western extension, roof level pod for future process equipment, new goods-in dock area with 3no docks at ground level and new canteen space above at first floor level to connect the first floor of Balliol 3 to the existing GTC building, new extension to Balliol 1 on the North-East corner, new external walkway canopy crossing the car park from Balliol 2 to Balliol 1 to allow staff from Balliol 2 to access the new staff facilities, new first floor level car park located on the Gosforth Bakery car park to the North of the proposed works and new Gatehouse at the South-West entrance to the site to control traffic movements onto and off site.

4.0 Relevant Planning History

4.1 The site has an extensive planning history. The most recent planning history is set out below:

19/00999/FUL - Erection of Water tank and booster set plant within acoustic rated shed (Amended plans received 14.08.19) – Permitted 13.09.2019

19/00738/FUL - Variation of conditions 1 (approved plans), 4 (turning areas), 5 (scheme for parking) and 6 (refuse facilities) of planning approval 18/00596/FUL. Extending the current cold store with a new finished goods freezer with associated development.
Permitted 02.08.19

19/00467/FUL - Introduction of single storey link corridor block between bakery areas.
Permitted 23.05.19.

18/01420/FUL - Two storey extension of existing freezer store building – Permitted 17.12.2018

18/00596/FUL - Production and freezer extensions with despatch docks. New electricity sub-station and compressed natural gas station – Permitted 11.07.2018

5.0 Development Plan

5.1 North Tyneside Local Plan (2017)

6.0 Government Policy

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

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

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

PLANNING OFFICERS REPORT

7.0 Detailed Planning Considerations

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

- The 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 occupied by Greggs’ factory complex located within Balliol Business Park, which is an allocated site (Site E009) 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. 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. This proposal seeks to an expand and improve the facilities of an established premises. Its current use as B2/B will be retained.

8.8 The applicant has advised within their supporting information that:

“Greggs currently have circa 2, 200 shops and have plans in place to grow over 3, 000 shops in the next few years. To support this growth, it is necessary to increase production capacity for all products.

The Balliol facility currently makes savoury products for the business (e.g. sausage rolls, pasties etc.), but by the end of 2023 sales and growth will exceed current supply.

Greggs have therefore decided to expand operations at Balliol with the introduction of a 4th production line which will increase site output by circa 30%. This new production facility will be located within the ‘Balliol Freezer’ building that was previously the freezer storage facility for the Balliol site. This is now redundant, as frozen savoury products made at Balliol are now stored in the recently completed automated freezer, now BNDC.”

8.9 The applicant goes onto state:

“The new production facility will support approximately 125 new jobs at Balliol as follows:

- Early shift: 40 employees*
- Late shift: 40 employees*
- Night shift: 40 employees*
- Day shift: 5 employees”*

8.10 This proposal will support further economic prosperity and job growth in the Borough supporting Policy S2.1 of the Local Plan and will be supporting continued business investment within an existing business.

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: being acceptable in terms of their impact upon local amenity for new or existing residents and businesses, adjoining premises and land uses; and be accommodated by, and make best use of, existing facilities and infrastructure, particularly in encouraging accessibility and walking, cycling and public transport, whilst making appropriate provision for new or additional infrastructure requirements”.

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

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

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

9.5 The Manager for Environmental Health has been consulted. She has raised no objection in principle to this application. However, she has raised some concerns regarding potential noise arising from this development from the new external plant and equipment to be installed. To deal with this, she has suggested a condition for a noise assessment to be carried out to determine that the plant does not exceed existing background noise levels. She has noted that the additional increase in production from the 4th production line will not result in a subsequent increase in delivery movements due to a change from single trailer to double deck trailers. On this basis, she has recommended conditional approval.

9.6 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 acceptable, subject to the imposition of the suggested conditions. As such, it is officer advice that the proposed development accords with the advice in paragraph 185 of the NPPF and LP policies DM5.19 and DM6.1.

10.0 Impact on character and appearance

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

10.2 LP Policy DM6.1 ‘Design of Development’ makes it clear that applications will only be permitted where they demonstrate high and consistent design standards. Amongst other matters proposed developments are responsive to their location, including topography, wildlife habitats, site orientation and existing buildings; ensuring a positive relationship to neighbouring buildings and spaces;

ensuring sufficient parking is well integrated into the layout; and a good standard of amenity for existing and future residents.

10.3 LDD11 'Design Quality' SPD applies to all planning applications that involve building works.

10.4 The application site falls within an existing business park. This factory complex comprises of several buildings of varying scale. The proposed extensions are simple in terms of their form and design. These extensions are in keeping with the industrial nature of this site. The extensions that will be visible from outside of the application site, will be seen in the context of an established commercial/industrial setting. The applicant has confirmed that the colour of the proposed extensions will be matched to the existing site materials and colour palette.

10.5 The modular car park will be sited in the northwest part of the site over an area of existing car parking. Views of this part of the proposal will be afforded from the adjacent highway (Gosforth Park Way) and beyond. When viewed from this direction, it will be seen against the backdrop of an established factory complex. On balance, it is the view of officers, that this part of the proposed development will not result in significant visual harm.

10.6 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 the advice in NPPF, Local Plan Policy DM6.1 and the Design Quality SPD.

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 This application is accompanied by a Transport Statement and Travel Plan.

11.5 The site has been operating for several years, access remains unchanged, and parking is being provided to meet the needs of the site. A Travel Plan is already in place for the site as well as the wider organisation.

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

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

12.0 Other Issues

12.1 Contaminated Land

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

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

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

12.5 The Contaminated Land Officer has been consulted. She has raised no objections to the proposed development.

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.

12.7 Flooding

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

12.9 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.

12.10 The Lead Local Flood Authority (LLFA) has been consulted. They have raised no objections to this proposal as the applicants’ intention is for the surface water drainage to discharge into the sites existing surface water attenuation.

12.11 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.

12.12 Biodiversity and landscape

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

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

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

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

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

12.18 The Council's Biodiversity Officer and Landscape Architect have been consulted. They have advised that there will be approximately 444sqm of existing grassland to be lost as indicated on the submitted 'Ecology Loss Plan' comprising of 3 individual areas of land. The four small trees are to be retained and moved during the development. A strip of amenity grassland along the western border of the site has been allocated to ecological enhancement and will be enhanced to species rich grassland (other neutral grassland). The submitted Biodiversity Net Gain Assessment for the proposals demonstrates an anticipated net gain of +18.21% in the biodiversity value of the site.

12.19 The consultees have advised a detailed landscape plan and a landscape and ecology management plan (LEMP) or similar will be required to be conditioned. On this basis, they have recommended conditional approval.

12.20 Members need to consider whether the proposal is acceptable in terms of its impact on biodiversity and landscaping. It is officer advice, subject to conditions that this development will avoid harm to biodiversity in accordance with the advice in NPPF and LP policies S5.4 and DM5.9.

12.21 Archaeology

12.22 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

Members are recommended to indicate that they are minded to grant this application, subject to the applicant confirming the conditions, and the addition, omission or amendment of any other conditions considered necessary.

Conditions/Reasons

1. The development to which the permission relates shall be carried out in complete accordance with the following approved plans and specifications:
 - Location plan Dwg No. P21016-ARC-00-00-DR-A-0101
 - Ecology loss plan Dwg No. P21016-ARC-00-00-DR-A-0102
 - Proposed additional footprint Dwg No. P21016-ARC-00-00-DR-A-0103
 - As existing site roof plan Dwg No. P21016-ARC-00-00-DR-A-0105
 - As proposed site roof plan Dwg No. P21016-ARC-00-00-DR-A-0110
 - Site process layout Dwg No. P21016-ARC-00-00-DR-A-2010
 - As existing elevations Dwg No. P21016-ARC-00-00-DR-A-2101
 - As existing elevations Dwg No. P21016-ARC-00-00-DR-A-2102
 - As proposed elevations Dwg No. P21016-ARC-00-00-DR-A-2103
 - As proposed elevations Dwg No. P21016-ARC-00-00-DR-A-2104
 - As existing sections Dwg No. P21016-ARC-00-00-DR-A-2201
 - As proposed sections Dwg No. P21016-ARC-00-00-DR-A-2203
 - As proposed View 1 Dwg No. P21016-ARC-00-00-VS-A-0201
 - As proposed View 2 Dwg No. P21016-ARC-00-00-VS-A-0202
 - As proposed View 3 Dwg No. P21016-ARC-00-00-VS-A-0203
 - As proposed View 4 Dwg No. P21016-ARC-00-00-VS-A-0204
 - As existing View 1 Dwg No. P21016-ARC-00-00-VS-A-0205
 - As existing View 2 Dwg No. P21016-ARC-00-00-VS-A-0206
 - As existing View 3 Dwg No. P21016-ARC-00-00-VS-A-0207

As existing View 4 Dwg No. P21016-ARC-00-00-VS-A-0208
 As existing GF plan Dwg No. P21016-ARC-00-01-DR-A-2001
 As existing FF plan Dwg No. P21016-ARC-00-10-DR-A-2002
 As proposed GF plan Dwg No. P21016-ARC-00-01-DR-A-2007
 As proposed FF plan Dwg No. P21016-ARC-00-10-DR-A-2008
 Car park ground floor plan Dwg No. P21016-ARC-00-00-DR-A-0130
 Car park first floor plan Dwg No. Dwg No. P21016-ARC-00-00-DR-A-0131
 Car park elevations Dwg No. P21016-ARC-00-00-DR-A-0132
 Green Travel Plan

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 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.

4. 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).

5. Prior to the operation of the new external plant and equipment installed at the site a noise scheme shall be submitted to and approved in writing by the Local Planning Authority. The noise scheme must be submitted in accordance

with BS4142 to determine the background noise level without the new plant and equipment noise operating at the boundary of the nearest residential premises and appropriate mitigation measures taken where necessary to ensure the rating level of plant and equipment installed at the industrial units does not exceed the background noise level. Thereafter, the plant and equipment shall be installed and maintained in accordance with these agreed details.

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.

6. Prior to the installation of any chimney or extraction details of the height, position, design and materials shall be submitted to and approved in writing by the Local Planning Authority. of any chimney or extraction vent to be provided in connection with the development have been submitted to and approved in writing by the Local Planning Authority. Thereafter, the chimney and/or extraction shall be installed and maintained in accordance with these agreed details.

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.

7. Notwithstanding Condition 1, the scheme for Heavy Goods Vehicles (HGV's) to turn shall be laid out in accordance with Dwg No. P21016-ARC-00-00-DR-A-0110 P2. 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).

8. Notwithstanding Condition 1, the scheme for parking shall be laid out in accordance with Dwg No. P21016-ARC-00-00-DR-A-0110 P2. 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).

9. Notwithstanding Condition 1, the scheme for Electric Vehicle (EV) charging shall be carried out in full accordance with the submitted Green Travel Plan. These EV charging areas shall not be used for any other purpose and retained thereafter.

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

10. Notwithstanding Condition 1, the scheme for undercover cycle storage shall be laid out in full accordance with the submitted Green Travel Plan. This cycle storage shall not be used for any other purpose and retained thereafter.

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

11. Notwithstanding Condition 1, no development shall commence until a Construction Method Statement/Construction Environmental Management Plan (CEMP) 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 and include tree protection for any trees to be retained. Cabins, storage of plant and materials, parking are not to be located within the RPA of the retained trees as defined by the Tree Protection Plan and maintained for the duration of the works. The approved statement shall be implemented and complied with during and for the life of the works associated with the development.

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

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

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

13. 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).

14. Within one month from any commencement works on site a fully detailed landscape plan shall be submitted to and approved in writing by the Local Planning Authority and shall be in accordance with the Biodiversity Net Gain Assessment (E3 Ecology February 2022). The landscape scheme shall include a detailed specification and proposed timing of all new tree, shrub, hedgerow and wildflower planting. All new standard trees are to be a minimum 12-14cm girth. The landscaping scheme shall be implemented in accordance with the approved

details within 12 months of the start of construction and within the first available planting season following the approval of details. All hard and soft landscape works shall be carried out in accordance with the approved details and to a standard in accordance with the relevant recommendations of British Standard 8545:2014. Any trees or plants that, within a period of five years after planting, are removed, die or become seriously damaged or defective, shall be replaced with others of species, size and number as originally approved, by the end of the first available planting season thereafter.

Reason: 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).

15. Within one month from any commencement works on site a 'Landscape Ecological Management & Monitoring Plan' (LEMMP) shall be submitted to and approved in writing by the Local Planning Authority. This plan shall be in accordance with the details set out within the Biodiversity Net Gain Assessment (E3 Ecology Feb 2022) and shall be implemented on site within 12 months of the start of construction and thereafter for a minimum period of 30 years. The Management Plan will be a long-term management strategy and will set out details for the creation, enhancement, management and monitoring of landscaping and ecological habitats within the site for a minimum period of 30 years. The Plan will also include details of timescales, management responsibilities and regular Net Gain Assessment updates that include habitat condition assessments to evidence the success of the scheme and net gain delivery. Details of any corrective action that will be undertaken if habitat delivery fails to achieve the requirements set out in the approved Biodiversity Net Gain Report will also be provided.

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).

16. Within one month from any commencement works on site, details of 1no. hedgehog and 1no. amphibian hibernacula including their locations and a timetable for implementation shall be submitted to and approved in writing by the Local Planning Authority. Within one month of their installation photographs shall be submitted to the Local Planning Authority for final approval. Thereafter, the development hereby approved shall be carried out in full accordance with these agreed details and 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).

17. Within one month from any commencement works on site, details of 2no. bird box and 2no. bat box specifications and their locations shall be submitted to and approved in writing by the Local Planning Authority. Within one month of their installation photographs shall be submitted to the Local Planning Authority for final approval. Thereafter, the development hereby approved shall be carried out in full accordance with these agreed details and 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).

18. No trees, shrubs or hedges within the site which are shown as being retained on the submitted plans shall be felled, uprooted, wilfully damaged or destroyed, cut back in any way or removed during the development phase other than in accordance with the approved plans or without the prior written consent of the Local Planning Authority.

Reason: In 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).

19. Prior to commencement of works starting on site, the trees within or adjacent to and overhang the site that are to be retained are to be protected by fencing and in the locations shown on a Tree Protection Plan to be submitted for approval. No operational work, site clearance works or the development itself shall commence until the fencing is installed. The protective fence shall remain in place until the works are complete or unless otherwise agreed in writing with the Local Planning Authority. The protective fence is not to be repositioned without the approval of the Local Authority. Photographic evidence of the fence in place is to be submitted to allow discharge of this condition.

Reason: This information is required pre-commencement to ensure that existing landscape features are adequately protected during construction having regard to Policies DM6.1 and DM5.9 of the North Tyneside Local Plan (2017).

20. Prior to the construction of any part of the development hereby approved 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: This information is required pre-commencement to ensure that employment opportunities are progressed during construction 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)

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

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

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

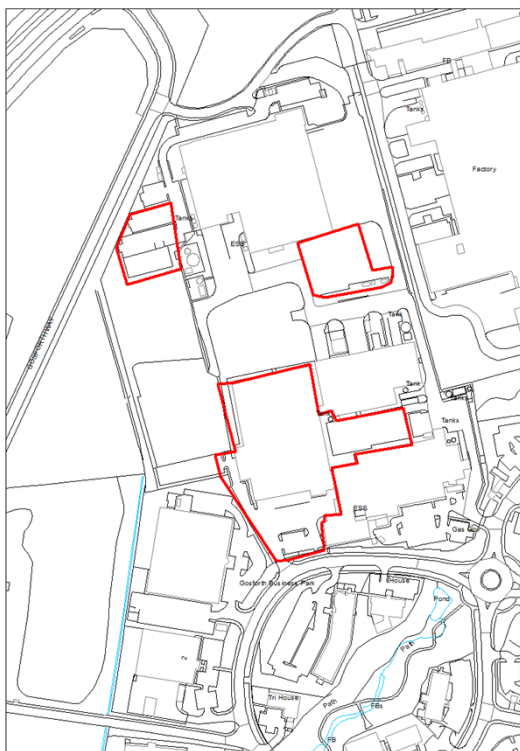
The applicant is advised that they should contact Highway Maintenance to arrange for an inspection of the highways adjacent to the site. The applicant should be aware that failure to do so may result in the Council pursuing them for costs of repairing any damage in the surrounding area on completion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

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)



Application reference: 22/00413/FUL

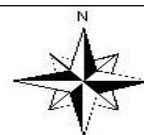
Location: Greggs Building, Balliol Business Park, Benton Lane, Longbenton

Proposal: Conversion of redundant freezer into additional production space and the erection of extensions to create ancillary space. Demolition of: Two long-standing temporary buildings, existing goods-in dock area with 2no docks for Balliol 1 building, low-level building on the Southern front of the redundant freezer building and existing plantrooms to the Western side of the redundant freezer building. Conversion of the redundant finished goods store into a 4th production line and associated stores etc. to create Balliol 3 building. Erection of: New link bridge, new Western extension, roof level pod for future process equipment, new goods-in dock area with 3no docks at ground level and new canteen space above at first floor level to connect the first floor of Balliol 3 to the existing GTC building, new extension to Balliol 1 on the North-East corner, new external walkway canopy crossing the car park from Balliol 2 to Balliol 1 to allow staff from Balliol 2 to access the new staff facilities, new first floor level car park located on the Gosforth Bakery car park to the North of the proposed works and new Gatehouse at the South-West entrance to the site to control traffic movements onto and off site

Not to scale

Date: 25.05.2022

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Consultations/representations

1.0 Internal Consultees

1.1 Highways Network Manager

1.2 The site has been operating for several years, access remains unchanged, and parking is being provided to meet the needs of the site. A Travel Plan is already in place for the site as well as the wider organisation. Conditional approval is recommended.

1.3 Recommendation - Conditional Approval

1.4 Conditions:

Notwithstanding the details submitted, the scheme for Heavy Goods Vehicles (HGV's) 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 parking shall be laid out in accordance with the approved plans. These parking areas shall not be used for any other purpose and retained thereafter.

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

Notwithstanding the details submitted, the scheme for Electric Vehicle (EV) charging shall be laid out in accordance with the approved plans. These EV charging areas shall not be used for any other purpose and retained thereafter. Reason: In the interests of highway safety and of the development having regard to policy DM7.4 of the North Tyneside Local Plan (2017).

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

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

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

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

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

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

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

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

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

1.6 Lead Local Flood Authority (LLFA)

1.7 I have carried out a review of the surface water drainage proposals in planning application 22/00413/FUL. I can confirm in principle I have no objections to the proposals as the applicant's intention is for the surface water drainage to discharge into the sites existing surface attenuation.

1.8 Biodiversity Officer

1.9 Description of Site

1.10 The Greggs site occupies 7.8ha of land which includes a number of food production facilities, warehousing, offices and a Centre of Excellence, as well as the recently completed Balliol National Distribution Centre (BNDC). The site is located within the Balliol Business Park and is close to both the A189 Salters Lane and A118 Benton Road, which provides access via Gosforth Park Way and the local and wider transport infrastructure. The business park consists principally of single-storey industrial and office buildings with adjacent car parking facilities and soft landscaped areas. The landscape to the area reinforces the boundaries of the site, external common areas and roadways, as well as complimenting the internal space of the car parks with island tree and shrub planting.

1.11 Landscape & Ecology

1.12 There will be approximately 444m² of existing grassland to be lost as indicated on the submitted 'Ecology Loss Plan' comprising of 3 individual areas of land. Four immature silver birch (*Betula pendula*) are present on site, one within Area 2 and three within Area 3. A strip of amenity grassland (0.0185ha) along the western border of the site has been allocated to ecological enhancement (Area 4) and will be enhanced to species rich grassland (other neutral grassland). The 4 small trees are to be retained and moved during the development. The submitted Biodiversity Net Gain Assessment for the proposals demonstrates an anticipated net gain of +18.21% in the biodiversity value of the site. No detailed landscape plan has been submitted at this stage but a proposal will be required as a condition along with a landscape and ecology management plan (LEMP) or similar. The LEMP should cover a minimum period of 30 years and identify the parties responsible for achieving the necessary post-development habitat conditions referenced in this document.

1.13 Conditions:

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.

Within one month from the start on site of any operations such as site excavation works, site clearance (including site strip) for the development, a fully detailed landscape plan shall be submitted to and approved in writing by the Local Planning Authority and shall be in accordance with the Biodiversity Net Gain

Assessment (E3 Ecology February 2022). The landscape scheme shall include a detailed specification and proposed timing of all new tree, shrub, hedgerow and wildflower planting. All new standard trees are to be a minimum 12-14cm girth. The landscaping scheme shall be implemented in accordance with the approved details within 12 months of the start of construction and 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.

Within 4 weeks of any of the development hereby approved commencing on site, a 'Landscape Ecological Management & Monitoring Plan' (LEMMP) shall be submitted to and approved in writing by the Local Planning Authority. The Plan shall be in accordance with the details set out within the Biodiversity Net Gain Assessment (E3 Ecology Feb 2022) and shall be implemented on site within 12 months of the start of construction and thereafter for a minimum period of 30 years.

The Management Plan will be a long-term management strategy and will set out details for the creation, enhancement, management and monitoring of landscaping and ecological habitats within the site for a minimum period of 30 years. The Plan will also include details of timescales, management responsibilities and regular Net Gain Assessment updates that include habitat condition assessments to evidence the success of the scheme and net gain delivery. Details of any corrective action that will be undertaken if habitat delivery fails to achieve the requirements set out in the approved Biodiversity Net Gain Report will also be provided.

1no. hedgehog and 1no.amphibian hibernacula will be created within suitable areas of the site. Details of the hibernacula and their locations to be submitted to the LPA for approval within 4 weeks of development commencing on site. Thereafter, the hibernacula will be installed within 12 weeks of development commencing on site with photos submitted to the LPA to confirm installation.

2no. bird boxes and 2no. bat boxes will be installed in suitable locations (trees or buildings) within the site. Details of the bird and bat box specifications and their locations will be submitted to the LPA for approval within 4 weeks of development commencing on site. Thereafter, the boxes will be installed within 12 weeks of development commencing on site with photos submitted to the LPA to confirm installation.

A Construction Method Statement/Construction Environmental Management Plan (CEMP) will be submitted to the Local Planning Authority for approval prior to development commencing. The contractor's construction method statement relating to traffic management/site compounds/contractor access, temporary parking, on site welfare facilities, loading, unloading and storage of equipment, materials, fuels and waste as well concrete mixing and use of fires must be submitted in writing and approved by the Local Planning Authority and include

tree protection measures for the trees to be retained. Cabins, storage of plant and materials, parking are not to be located within the RPA of the retained trees as defined by the Tree Protection Plan and maintained for the duration of the works. All works will be undertaken thereafter, in accordance with the approved plan.

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

Prior to commencement of works starting on site, the trees within or adjacent to and overhang the site that are to be retained are to be protected by fencing and in the locations shown on a Tree Protection Plan to be submitted for approval. No operational work, site clearance works or the development itself shall commence until the fencing is installed. The protective fence shall remain in place until the works are complete or unless otherwise agreed in writing with the Local Planning Authority. The protective fence is NOT to be repositioned without the approval of the Local Authority. Photographic evidence of the fence in place is to be submitted to allow discharge of this condition.

1.14 Manager for Environmental Health (Pollution)

1.15 I have no objection in principle to this application. Historically complaints have been received from residents in the West Moor and Forest Hall areas concerning low frequency noise, I therefore have concerns regarding potential noise arising from this development for the new external plant and equipment to be installed and would recommend a condition for a noise assessment to be carried out to determine that the plant does not exceed existing background noise levels. I note that the applicant advises that the additional increase in production from the 4th production line will not result in a subsequent increase in delivery movements due to a change from single trailer to double deck trailers. If planning approval is to be given, I would recommend the following conditions to address potential noise arising from the premises.

Installation of New External Plant and Equipment:

Prior to the operation of the new external plant and equipment installed at the site a noise scheme must be submitted in accordance with BS4142 to determine the background noise level without the new plant and equipment noise operating at the boundary of the nearest residential premises and appropriate mitigation measures taken where necessary to ensure the rating level of plant and equipment installed at the industrial units does not exceed the background noise level.

EPL01 for any external vents and chimneys

HOU04

SIT03

LIG01 - for any changes to the external lighting

1.16 Manager for Environmental Health (Contaminated Land)

1.17 Planning application 19/01006/COND has shown that it was agreed no gas protection measures were required. I am willing to accept this as still valid. Any spoil from foundations should be disposed of at a suitably licensed facility.

2.0 Representations

2.1 None

3.0 External Consultees

3.1 Tyne and Wear Archaeology Officer

3.2 No comments to make.

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