



North Tyneside Council

# Planning Committee

19 August 2022

To be held on **Tuesday, 30 August 2022** in Room 0.02, Quadrant, The Silverlink North, Cobalt Business Park, NE27 0BY commencing at **10.00 am**.

<b>Agenda Item</b>	<b>Page</b>
<b>1. Apologies for absence</b>  To receive apologies for absence from the meeting.	
<b>2. Appointment of substitutes</b>  To be informed of the appointment of any substitute members for the meeting.	
<b>3. Declarations of Interest</b>  You are invited to declare any registerable and/or non-registerable interests in matters appearing on the agenda, and the nature of that interest.  You are also requested to complete the Declarations of Interests card available at the meeting and return it to the Democratic Services Officer before leaving the meeting.  You are also invited to disclose any dispensation from the requirement to declare any registerable and/or non-registerable interests that have been granted to you in respect of any matters appearing on the agenda.	
<b>4. Minutes</b>  To confirm the minutes of the previous meeting held on 2 August 2022.	<b>5 - 8</b>

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<b>Agenda Item</b>	<b>Page</b>
5. <b>Planning Officer Reports</b> To receive the attached guidance to members in determining planning applications and to give consideration to the planning applications listed in the following agenda items.	<b>9 - 14</b>
6. <b>20/00136/FUL, Vacant land to the North and South of Tynemouth Metro Station Building to the East of the Metroline, Tynemouth</b> To determine a full planning application from Station Developments for mixed use scheme comprising 130sqm A1/A3/A4 use and 71no. one, two and three bedroom residential units with 43 car parking spaces, cycle parking, public realm improvement and landscaping on land to the south of Tynemouth Station; new access from Tynemouth Road; partial demolition of the stone perimeter wall to Tynemouth Road; and car parking on land to the north of Tynemouth Station; widening of access from Station Terrace.	<b>15 - 100</b>
7. <b>20/00137/LBC, Vacant land to the North and South of Tynemouth Metro Station Building to the East of the Metroline, Tynemouth</b> To determine an application for listed building consent from Station Developments Ltd for the demolition of a section of the stone boundary wall on Tynemouth Road and Tynemouth Terrace to facilitate access to a development comprising 130sqm Class E unit and 71no. one, two and three bedroom residential units with 43 car parking spaces, cycle parking, public realm improvement and landscaping on land to the south of Tynemouth Station and car parking on land to the north of Tynemouth Station.	<b>101 - 126</b>
8. <b>22/01053/FUL, Football Pitches West of St Peters Road, Wallsend</b> To determine a full planning application from North Tyneside Council for the development of a new sports hub at St Peters Playing Field (west) which includes, new sports pavilion / clubhouse / multi use community space, new 3G AGP (artificial grass pitch), new site fencing, car parking and other ancillary facilities.	<b>127 - 164</b>
9. <b>22/00755/FUL, Unit 14 Wesley Way, Benton Square Industrial Estate</b> To determine a full planning application from Jospeh Parr (Tyne & Wear) Ltd for the variation of conditions 1 (approved plans), 10 (holding area) and 11 (height limit) of planning approval 10/00552/FUL - to permit the display of goods externally.	<b>165 - 178</b>
10. <b>22/00603/FUL, Unit 14 Wesley Way, Benton Square Industrial Estate</b> To determine a full planning application from Joseph Parr (Tyne & Wear) Ltd for the Variation of conditions 12 and 13 of planning approval 10/00552/FUL - amendments to landscaping layout.	<b>179 - 194</b>

**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, 2 August 2022**

Present: Councillor W Samuel (Chair)  
Councillors K Barrie, J Cruddas, P Earley, M Hall,  
C Johnston, J O'Shea and J Shaw

Apologies: Councillors M Green, T Mulvenna and P Richardson

### **PQ15/22 Appointment of substitutes**

Pursuant to the Council's Constitution the appointment of the following substitute member was reported:

Councillor P Earley for Councillor M A Green

### **PQ16/22 Declarations of Interest**

Councillor M Hall declared a non-registerable personal interest and withdrew from the meeting during consideration of planning application 22/0456/FULH, Bay View Bungalow, Norma Crescent, because she lived in Norma Crescent, in close proximity to Bay View Bungalow and she considered the interest to be so significant that it was likely to prejudice her judgement.

Councillor J Shaw stated that she lived at the opposite end of Norma Crescent, she could not see Bay View Bungalow from her property and she did not know the occupiers of the property. On this basis she judged that it was not necessary to declare any interest in relation to planning application 22/0456/FULH, Bay View Bungalow, Norma Crescent.

Councillor J O'Shea stated that as ward councillor he had met with the applicant in relation to planning application 22/0456/FULH, Bay View Bungalow, Norma Crescent to offer advice on how to lodge an appeal and he had submitted a request that the matter be referred to the Committee for consideration. Councillor O'Shea stated that during these discussions he had not had sight of the planning officers report or recommendation on the matter, had not expressed an opinion on the proposed fence and he had not predetermined the application.

### **PQ17/22 Minutes**

**Resolved** that the minutes of the meeting held on 5 July 2022 be confirmed and signed by the Chair.

### **PQ18/22 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.

**PQ19/22            21/02460/REM, Land North of 42 Wensleydale, Wallsend**

The Committee considered a report from the planning officers in relation to a reserved matters planning application from Persimmons Homes North East for development of 115no 3 and 4 bedroom properties with associated infrastructure.

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 concerns raised by Northumbria Police regarding the layout and proposed boundary treatments of plots 217-225 and their impact on the safety and security of the car parking area to the south of the plots and the response to these comments from the design and planning officers;
- b) details of the proposed lighting of the footpath to be located next to plot 187;
- c) the comments received from Northumberland Wildlife Trust and the landscaping plans proposed in line with the parameters and conditions imposed as part of the original grant of planning permission in 2018;
- d) the currency of the Transport Assessment undertaken as part of the original planning application for the site, which included projected levels of use and a suite of off-site highway improvements; and
- e) the extent to which the application, and the site as a whole, complied with Policy DM4.6 of the Local Plan relating to the range of housing types and sizes.

**Resolved** that (1) the application be permitted subject to the conditions set out in the planning officers report.

(Reasons for decision: The Committee concluded that, having regard to the relevant policies contained in the Council's Local Plan 2017 and National Planning Policy Framework, the proposed development was acceptable in terms of its layout, access, scale, appearance and landscaping.)

**PQ20/22            22/00456/FULH, Bay View Bungalow, Norma Crescent, Whitley Bay, Tyne And Wear, NE26 2PD**

(Councillor M Hall declared a non-registerable personal interest in this item and took no part in the discussion or voting.)

The Committee considered a report from the planning officers, together with an addendum circulated prior to the meeting, in relation to a full householder planning application from Mr and Mrs English for installation of new 2.4m steel mesh fencing to perimeter, replacing existing approx 1.7m high steel fencing to prevent trespass. Adjustment to existing brick wall at entrance to provide manual pedestrian pass gate into property adjacent to existing powered vehicular access gates.

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 impact of the proposed development on the amenity of neighbouring residents,
- b) the design and height of the proposed perimeter fence and its impact on the character and appearance of the prominent site within a conservation area;
- c) the need to design a safe environment that reduces opportunities for crime and anti-social behaviour; and
- d) a record of anti-social behaviour in the area.

**Resolved** that the application be permitted.

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

**PQ21/22          21/02540/FUL, Land North Of, Lossiemouth Road, West Chirton  
Industrial Estate South, North Shields**

The Committee considered a report from the planning officers in relation to a full planning application from Snowball for the construction of 14 warehouse units of various sizes and heights on existing vacant brownfield site. Existing access road to be extended throughout the site to serve the new units, with parking and service yards within the site boundaries.

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

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

- a) completion of a legal agreement under Section 106 of the Town and Country Planning Act 1990 to secure a contribution of £61,776 towards off-site habitat creation and management; and
  - b) the submission of Grayling butterfly surveys to demonstrate that the impact on this protected species is acceptable; and
- (2) the Director of Regeneration and Economic Development be granted delegated authority to determine the application, subject to the conditions set out in the planning officers report and the addition, omission or amendment of any conditions considered necessary and provided no further matters arise which in his opinion raise issues not previously considered and justify reconsideration by the Planning Committee.

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## PLANNING COMMITTEE

Date: 30 August 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.



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**Application No:** 20/00136/FUL Author: Rebecca Andison  
Date valid: 30 January 2020 ☎: 0191 643 6321  
Target decision date: 30 April 2020 Ward: Tynemouth

Application type: full planning application

**Location: Vacant Land To The North And South, Tynemouth Metro Station, Building To The East Of The Metroline, Tynemouth, Tyne And Wear**

**Proposal: Mixed use scheme comprising 130 sqm Class E unit and 71no. one, two and three bedroom residential units with 43 car parking spaces, cycle parking, public realm improvement and landscaping on land to the south of Tynemouth Station; new access from Tynemouth Road; partial demolition of the stone perimeter wall to Tynemouth Road; and car parking on land to the north of Tynemouth Station; widening of access from Station Terrace (AMENDED). (ADDITIONAL ECOLOGY REPORTS).**

Applicant: Station Developments Ltd, C/O Agent

Agent: Karen Read, Klr Planning Ltd Lugano Building 57 Melbourne Street Newcastle Upon Tyne NE1 2JQ

## **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) **the Director of Regeneration and Economic Development be authorised to determine the application following the completion of the Section 106 Legal Agreement to secure a contribution of £23,927 towards coastal mitigation.**

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

### 1.0 Main Issues

1.1 The main issues for Members to consider are:

- Principle;
- Impact on the living conditions of surrounding occupiers, and whether the proposal would provide a sufficient residential living environment for future occupiers;
- Design and impact of the proposal on the character of the conservation area and the grade II\* listed building;

- Impact on trees and biodiversity; and
- Whether there is sufficient car parking and access provided.

## 2.0 Description of the Site

2.1 The application site is located on the east side of Tynemouth Metro Station and lies within a sunken cutting with embankments on both sides. It comprises two parcels of land, located to the north and south of the station buildings. The land is current vacant and historically was used in association with the railway. The site also encompasses a strip of land in front of the station which connects the two sites and includes the existing car park.

2.2 The southern parcel of land is bounded by Tynemouth Road to the south and is located between the railway track, to the west, and a footpath which connects Tynemouth Road to Station Terrace. Beyond the footpath to the east is Kinder Castle Nursery, residential flats within Kingswood Court and the Army Reserve Barracks. The northern site lies between Manor Road to the north, the Metro track to the west and the rear gardens of residential dwellings on Manor Road to the east. There is a dense belt of trees along the eastern boundary. Both parts of the site contain a mixture of hard surfacing, scrub vegetation and trees. Some of the trees are protected by the Tynemouth Station TPO, 1986.

2.3 The site lies within the boundary of Tynemouth District Centre and the Tynemouth Conservation Area. The station is a grade II\* listed building.

## 3.0 Description of the Proposed Development

3.1 Planning permission is sought for a development of 71no. residential units (1, 2 and 3 bedroom) and a commercial unit with a floor area of 130 sqm to be used for Class E purposes, with associated parking, public realm improvements and accesses.

3.2 The proposed development to the south of the station contains a ground floor commercial unit adjacent to the station concourse, 71no. apartments and townhouses and a 43no. space car park, accessed from Tynemouth Road. The height of the development would be staggered at 2-6 storey's.

3.3 It is proposed to develop the northern part of the site to create carpark containing 58no. permanent parking spaces, plus overspill parking. The car park would be available for the public to use on Monday to Friday and for market trader use on Saturdays and Sundays.

3.4 Public realm improvements are proposed to the land in front of the proposed apartments and the station. This work includes a widened pedestrian route from Station Terrace to Tynemouth Road

## 4.0 Relevant Planning History

4.1 Tynemouth Metro Station has an extensive planning history. The applications which are considered relevant to the current proposal are set out below.

20/00137/LBC - Demolition of a section of the stone boundary wall on Tynemouth Road and Tynemouth Terrace to facilitate access to a development comprising



130sqm Class E unit and 71no. one, two and three bedroom residential units with 43 car parking spaces, cycle parking, public realm improvement and landscaping on land to the south of Tynemouth Station and car parking on land to the north of Tynemouth Station – Pending consideration

10/02564/LBC - Repairs and refurbishment to eastern concourse of station including infill of trackbeds, concrete slab replacement, new barriers, electrical floor boxes and floor finish. Works on western concourse including new barriers, new floor finish and painting of canopy ironwork and columns (Amended plans received 23.11.10) – Permitted 22.12.2010

10/02563/FUL - Repairs and refurbishment to station including infill of trackbeds and concrete slab replacement – Permitted 22.12.2010

10/00568/LAREG3 - Use of station concourse for markets, cultural and art events and use of enclosed footbridge area for art installations – Permitted 10.06.2010

09/02369/FUL - Restoration of listed canopy structures, and use for arts, cultural and market programme, construction of retail unit and associated car parking and altered vehicular access, station managers office with associated storage public library with heritage centre, photographic society, community meeting rooms, associated car parking, new vehicular access, public toilets and landscaping – Refused 05.12.2010

10/00028/S78TPA - Appeal allowed.

09/02370/CON - Demolition of walls and two outbuildings at Tynemouth station in connection with application for new library, retail unit and canopy restoration – Refused 05.02.2010

10/00029/S20LBA – Appeal allowed

03/00886/FUL - Proposed canopy restoration, erection of 80 no. dwellings (enabling development), car parking, and associated landscaping. Construction of a new access to a highway – Refused 06.02.2004

## 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 Main Issues

7.1 The main issues for Members to consider are:

- Principle;
- Impact on the living conditions of surrounding occupiers, and whether the proposal would provide a sufficient residential living environment for future occupiers;
- Design and impact of the proposal on the character of the conservation area and the grade II\* listed building;
- Impact on trees and biodiversity; and
- Whether there is sufficient car parking and access provided.

7.2 Consultation 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

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

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

8.3 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 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 Paragraph 86 of NPPF states that planning policies and decisions should support the role that town centres play at the heart of local communities, by taking a positive approach to their growth, management and adaptation.

8.6 Policy DM1.3 states that the Council will work pro-actively with applicants to jointly find solutions that mean proposals can be approved wherever possible that improve the economic, social and environmental conditions in the area.

8.6 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 or areas specific policies of the Local Plan.

8.7 Policy S3.1 states that within the Borough's defined centres the Council will seek ways to support their growth and regeneration, and support proposals for

main town centre development, appropriate residential and mixed-use schemes that would:

- a. Contribute to the protection and enhancement of the vitality and viability of the centre.
- b. Capitalise upon the character and distinctiveness of the centre, while sustaining and enhancing its heritage assets.
- c. Support the improvement in the range and quality of shops, services and facilities.
- d. Boost the growth of small and medium sized businesses that can provide unique and niche services.
- e. Encourage the growth of the evening economy with leisure, culture and arts activities.
- f. Enhance accessibility by all modes including public transport, walking, cycling and by car.
- g. Introduce measures that reduce crime and the fear of crime and any other disorder issues.

8.8 Policy S3.2 defines the boroughs main town, district and local shopping centres.

8.9 Policy S3.3 states that provision should be made for at least 6,378ml convenience (net) and 15,249ml comparison (net) additional retail floorspace. Future provision should be in accordance with the latest available evidence and in accordance with other policies in the Local Plan. Tynemouth Station is identified as a key site for providing additional retail floor space (1,011 sqm).

8.10 Policy S4.1 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.

8.11 Policy S4.3 specifically allocates sites to meet the overall housing needs. The application site is not allocated for housing in the Local Plan.

8.12 Policy DM4.5 states that proposals for residential development on sites not identified on the Policies Map will be considered positively where they can:

- a. Make a positive contribution to the identified housing needs of the Borough; and,
- b. Create a, or contribute to an existing, sustainable residential community; and
- c. Be accessible to a range of sustainable transport modes; and
- d. Make the best and most efficient use of available land, whilst incorporating appropriate green infrastructure provision within development; and
- e. Be accommodated by, and make best use of, existing infrastructure, and where further infrastructure requirements arise, make appropriate contribution to its provision; and
- f. Make a positive contribution towards creating healthy, safe, attractive and diverse communities; and, g. Demonstrate that they accord with the policies within this Local Plan.

8.13 Policy AS8.15 (e) states that the further development of Tynemouth as a centre for tourism and the regeneration of Tynemouth station will be promoted in the context of the heritage importance of the village.

8.14 The most up to date assessment of housing land supply informed by the five year housing land summary included within the Housing Land Availability Assessment, September 2021. It identifies the total potential 5-year housing land supply in the borough at 4,012 additional dwellings, a total which includes delivery from sites yet to gain planning permission. This represents a shortfall against the Local Plan requirement or approximately a 4 year supply of housing land. It is important to note that this assessment of five year land supply includes over 2,000 homes at proposed housing allocations within the Local Plan (2017). The potential housing land supply from this proposal is not included in this assessment.

8.15 The development would provide 71no. new homes, which would contribute to meeting the housing needs of the borough in accordance with the NPPF and part (a) of Policy DM4.5. It is located in a highly sustainable location directly next to Tynemouth Metro Station and within walking distance of shops and services within Tynemouth District centre. The principle of residential development on this site is therefore considered to be acceptable.

8.16 The development also includes a commercial unit (130 sqm). This unit would add to the offer available within Tynemouth District Centre and support the role of the centre in accordance with NPPF (par.86) and LP Policy S3.1 (a and c). Policy S3.3 identifies Tynemouth Station as being suitable to provide 1,011 sqm of retail floorspace. While the proposed development falls short of this floorspace it is not considered that the proposal conflicts with this policy as it does not preclude any other form of development on the sites identified for retail use.

8.17 Having regard to the above; the principle of the proposed development is considered acceptable subject to consideration of the following matters:

#### 9.0 Impact on the amenity of existing and future occupiers

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

9.2 The NPPF states that planning should always seek to ensure that developments create places that are safe, inclusive and accessible and which promote health and well-being, with a high standard of amenity for existing and future users.

9.3 Policy S1.2 of the Local Plan states that the wellbeing and health of communities will be maintained and improved by amongst other matters requiring development to create an age friendly, healthy and equitable living environment.

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

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

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

9.7 Policy DM4.9 states that to ensure that new homes provide quality living environments for residents both now and in the future and to help deliver sustainable communities, from the 1 October 2018 the following standards will apply, subject to site viability:

Accessibility of homes:

Market Housing

a. For new housing developments, excluding low-rise non-lift serviced flats, 50% of homes are to meet building regulation M4(2) – ‘Category 2 -accessible and adaptable dwellings’.

Affordable Housing

b. For all new housing developments, excluding low-rise non-lift serviced flats, 90% of homes should meet building regulation M4(2) – ‘accessible and adaptable dwellings’.

c. 10% of new homes where the local authority is responsible for allocating or nominating a person to live in that dwelling should meet building regulation M4 (3) (2) (b). When providing for wheelchair user housing, early discussion with the Council is required to obtain the most up-to-date information on specific need in the local area. Where there is no specific need identified, then M4 (3) (2) (a) will apply, to allow simple adaptation of the dwelling to meet the future needs of wheelchair users.

Internal Space in a Home:

d. All new homes, both market and affordable, will meet the Government’s Nationally Described Space Standard (NDSS).

9.8 The Design Quality SPD states: “The quality of accommodation provided in residential development contributes significantly to the quality of life of residents and reduces energy use. 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.”

#### *9.9 Impact on existing residents -*

The southern part of the application site is located to the east of existing residential properties on Birtley Avenue, Horsley Terrace and Beanley Crescent and to the west of Kingswood Court and Kinder Castle Nursery. Properties to the west are 2-storey terraced dwellings while Kingswood Court is a 3-storey development of apartments. Rodney Close, a street of 2-storey dwellings, lies on the southern side of Tynemouth Road.

9.10 A Daylight and Sunlight Assessment has been carried out and submitted as part of the application. This assesses the impact the development would have on the light received by the surrounding properties. The assessment looks at the impact on the Vertical Sky Component, which is a measure of available skylight at a given point on a vertical plane.

9.11 88no. windows within Kingswood Court were considered. 6no. of these windows, comprising 5no. ground floor and 1no. first floor windows, narrowly fail the Vertical Sky Component Test. However, 2no. of the ground floor windows pass alternative criteria and satisfy BRE daylight requirements. The 4no. windows which do not pass are all very close to the threshold at which the BRE considers there may be some adverse impact.

9.12 All windows tested within the houses to the west of the development, at Horsley Terrace, Beanley Crescent and Birtley Avenue and on Rodney Close pass the Vertical Sky Component test.

9.13 Kinder castle Nursery has also been considered. 4no. ground floor windows do not meet the BRE Vertical Sky Component targets and would suffer reductions of over 20% (ranging from 20%-34%).

9.14 A daylight distribution test has also been undertaken where room layouts were known. All rooms except one pass this test. A first-floor bedroom window of No.2 Rodney Close, narrowly fails.

9.15 All neighbouring residential windows that face within 90 degrees of due south and the windows within Kinder Castle Nursery have been tested for direct sunlight. All of these windows pass both the total annual sunlight hours test and the winter sunlight hours test.

9.16 All neighbouring garden and outdoor spaces also will pass the BRE overshadowing to gardens and open spaces tests.

9.17 The impact on surrounding residents in terms of loss of light is considered to be acceptable given that the vast majority of windows pass the BRE standards and those that fail do so by very narrow margins.

9.18 Turning to the impact on outlook and privacy. The proposed development is located a minimum of 45m from residential properties to the west and this is considered to be sufficient to protect the amenity of existing residents.

9.19 The proposed apartments would be located 12m from the northwest corner of Kingswood Court. It is considered that there would be some impact on outlook from the rear windows and garden of Kingswood Court due to the height and proximity of the development. However, due to the orientation of Kingswood Court the rear and side facing windows do not directly front the application site and would continue to benefit from an open outlook to the north/northeast and west/southwest respectively. While the outlook of residents would change as a result of the development, it is officer opinion that this would not result in such a significant impact on outlook as to warrant refusal of the application. The impact on the privacy of existing and future residents is also considered to be acceptable when taking into account that the windows in the proposed development and Kingswood Court would be set at an angle to each other, meaning there would be no direct overlooking. The proposed apartment would overlook the gardens of Kingswood Court; however these areas are already overlooked by other flats within the existing building.

9.20 Objectors have raised concern regarding overlooking of Kinder Castle Nursery. The outside area of the nursery would be overlooked from windows within the proposed apartments. However, it is already overlooked from Kingswood Court and as a commercial building there would not be any loss of residential amenity.

9.21 It is officer opinion that the impact on the outlook and privacy of surrounding properties is acceptable.

9.22 Residential properties on Manor Road share a boundary with the northern section of the application site and the proposed car park is located at the rear of their gardens. However, a dense tree belt runs along this common boundary, and this would be retained. As a consequence, the proposed car park would not be clearly seen from these properties.

9.23 Objectors have raised concern regard the impact of noise both during construction and once the development is complete.

9.24 In terms of the construction impacts these would be limited to the duration of the build and could be mitigated by imposing conditions in respect of traffic management, dust control measures and to control the site set up and construction hours.

9.25 There would be increased activity in the area from use of the proposed car park and from vehicular movements associated with the development. However, activity levels in the area are already relatively high due to activity associated with the Metro and the surrounding local centre. Local residents have referred to the 'canyon effect' which is the reverberation of noise produced by the refraction of sound in streets flanked by high buildings. The applicant's noise consultant has responded to these objections. They have advised that the canyon effect would not be an issue and that if any significant canyon effect were taking place, the existing noise survey positions used to measure worst case noise levels on the site would already be subjected to this effect.

#### *9.26 Impact on future occupiers –*

The development includes a mixture of 1, 2 and 3 bedroom flats and duplex apartments and 2 and 3 bedroom townhouses. The 12no. town houses are located on the ground and first floors and front onto Station Terrace, with apartments on the upper floors and the rear part of the first floor. The floor areas of all the properties meet the Government's Nationally Described Space Standard (NDSS).

9.27 An Internal Daylight and Sunlight Study has been submitted as part of the application. This demonstrates that rooms and outside spaces within the proposed development would receive acceptable levels of daylight and sunlight.

9.28 The town houses would be provided with small front gardens to provide defensible space and privacy while shared roof gardens are proposed on the third and fourth floors. Many of the apartments would also be provided with balconies. In addition, the site is very well placed in terms of access to public open space, including Northumberland Park, Tynemouth Park and the Tynemouth coast.

9.29 The site is located directly adjacent to the Metro and the impact of noise on future occupiers must therefore be considered. The planning application is supported by a Noise and Vibration Assessment which considers the potential impact of the Metro, road traffic noise and noise arising from the market and proposed car park.

9.30 The assessment found that the use of appropriate glazing, ventilation openings and facade construction would allow the development to meet the internal noise criteria of BS8233:2014. The vibration assessment determines that there is a low probability of adverse impact from passing Metro trains. The noise assessment also determines that potential noise impacts from the proposed car park would not give rise to significant adverse impacts for existing and new residents. Noise from the market was barely evident and therefore discounted.

9.31 The Manager of Environmental Health has reviewed the Noise and Vibration Assessment and provided comments. She states that the assessment sets out an appropriate glazing and ventilation scheme and agrees with the findings in respect of potential vibration impact. She notes that the assessment does not consider noise transmission from the proposed retail unit to the adjacent residential units or the impact of delivery noise. To address this, she recommends conditions in respect of sound mitigation for the retail unit, delivery hours and to control noise emissions from new plant.

9.32 Members need to determine whether the proposed development is acceptable in terms of its impact on existing residents and whether acceptable living conditions would be provided for future occupiers. It is officer advice that the impact on existing and future residents, in terms of noise, light, outlook and privacy is acceptable, and that the proposed development accords with the NPPF and LP Policies DM5.19 and DM6.1.



## 10.0 Impact on Character and Appearance

10.1 The Local Planning Authority must have regard to its statutory duty to ensure the preservation and enhancement of the character and appearance of conservation areas, as outlined in section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990. It must also have special regard to the desirability of preserving the listed building or its setting or any features of special architectural or historic interest which it possesses under section 66 of the same Act.

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

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

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

10.5 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. Substantial harm to or loss of assets of the highest significance, notably scheduled monuments, protected wreck sites, registered battlefields, grade I and II\* listed buildings, grade I and II\* registered parks and gardens, and World Heritage Sites, should be wholly exceptional.

10.6 NPPF para.201 states that 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 loss is necessary to achieve substantial public benefits that outweigh that harm or loss.

10.7 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 securing its optimum viable use (para.202).

10.8 NPPF para.206 states that local planning authorities should look for opportunities for new development within Conservation Areas and World Heritage Sites, and within the setting of heritage assets, to enhance or better reveal their significance. Proposals that preserve those elements of the setting

that make a positive contribution to the asset (or which better reveal its significance) should be treated favourably.

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

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

10.11 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.

10.12 Relevant sections of the Design Quality SPD include:

*4.2 "The appearance and materials chosen for a scheme should create a place with a locally inspired or otherwise distinctive character. Identifying whether there are any architectural features or specific materials that give a place a distinctive sense of character should be a starting point for design."*

*4.3 "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."*

*5.3 “North Tyneside's historic environment creates a sense of place, well-being and cultural identity for the borough.....New buildings clearly need to meet current needs and reflect the availability of modern materials and techniques while also respecting established forms and materials that contribute towards the character of an area. As with all development, understanding significance of the place is crucial.”*

*5.3 “Development within the curtilage of heritage assets must have full regard to the following:*

- a) The heritage asset should be retained as the visually prominent building.*
- b) The special architectural and visual qualities of the area or asset and their setting.*
- c) The pattern of existing development and routes through and around it.*
- d) Important views.*
- e) The scale, design, detail and character of neighbouring buildings.*
- f) Any potential impacts of the proposed development on heritage assets and their setting.”*

10.12 The Tynemouth Village Conservation Area Character Appraisal was adopted in 2014. It refers to the notable improvements that have been made to the fabric and life of the conservation including the restoration of Tynemouth Station. All new developments in the Conservation Area are required to have the highest respect for the existing character of Tynemouth Village. They should be in proportion to surrounding buildings and spaces in terms of size and scale and use high quality materials.

10.13 The Tynemouth Conservation Area Character Appraisal (2010) contains the following references to the station:

*The biggest development in the village around this time was the building of Tynemouth Station in 1882. In its heyday the station, with its elegant iron columns and glass roof canopy, welcomed thousands of day-trippers to the coast.*

*The railway and station in Tynemouth today remain of high significance in both the conservation area and its environs. It is an important form of transportation for both locals and the many visitors Tynemouth sees daily. It serves as a focus point for the community; this was most evident in the 1980s when plans for its demolition were abandoned following a concerted effort from local people and the Council. As well as a station, it functions as an art display area and as a venue for a weekly market. It's architectural and historic value is recognised in its Grade II\* listed status.*

10.14 The Tynemouth Village Conservation Area Management Strategy SPD (TVCAMS) was adopted in 2014. The SPD states that all alterations, extensions or new developments in the Conservation Area should have the highest respect for the existing character of Tynemouth Village. They should be in proportion to surrounding buildings and spaces in terms of size and scale and use high quality materials. The SPD states that the design of new development, whether it be a small extension or a whole new building, will generally be supported if it represents good quality traditional-style design or good quality modern design.

10.15 The application site lies within Tynemouth Conservation Area and the station is a grade II\* listed building. The impact on both these designated heritage assets must therefore be considered. The assessment set out below has been informed by the applicant's Heritage Statement and the comments provided by Historic England and the Planning Policy (Conservation and Design) Officer.

10.16 In assessing the impact, it is first appropriate to understand the significance of the asset, which can derive from its historic/communal, architectural or evidential/archaeological interest.

10.17 The station building itself was built circa 1882 and designed William Bell of the North Eastern Railway Company. It is constructed of red brick with stone dressings and slate roofs in a Gothic style. Its listing schedule states that the principle feature of the station is the interior iron work of platform canopies and footbridge, with the arched canopies extending for about 200 yards, supported on non-classical columns with foliated capitals.

10.18 The historic significance of the listed station is considered to be high and derives from its association with the development of the railway and the significant community interest in its restoration/maintenance. The architectural interest of the station is also high due to its important historic and architectural features including the gothic style building, footbridge and canopies.

10.19 As set out with the Character Appraisal the station is an exceptionally significant and important landmark building in the conservation area due to its design, history, siting and use.

10.20 The application site does not have the same significance as the station itself but does still have historic significance due to its link to the railway and former use. It also allows views of the station to be appreciated from Tynemouth Road. The perimeter stone wall is considered to fall within the curtilage of the listed building. In its current condition it is considered that the application site makes little visual contribution to the setting of the station, or the character of the conservation area and its overall significance is considered to be low.

10.21 The proposal is for a development of 71no. residential and 1no. retail unit on the southern site, a new access from Tynemouth Road, (including the partial demolition of the listed boundary wall), car parking to the north of the station with a widened access from Station Terrace and public realm improvements. The proposed development is linear in form and follows the curved layout of the station concourse. A flat roofed design is proposed with a maximum height of 6-storey (17.8m approx.). The height reduces towards either end of the site. The lowest section, adjacent to the station, is 2-storeys with a height of approx. 7.6m. A ground floor enclosed car park is proposed at the rear of the building, accessed from Tynemouth Road. The area in front of the proposed development would be used to provide gardens for the townhouses and an improved public realm.

10.22 Development affecting a heritage asset may have no impact on its significance or may enhance its significance and therefore cause no harm to the

heritage asset. Where potential harm to designated heritage assets is identified, it needs to be categorised as either less than substantial harm or substantial harm (which includes total loss).

10.23 There would be no direct impact on the grade II\* listed building itself or the key features from which its significance is derived. The development would result in some loss of historic significance due to the former use of the site and its link to the railway, and the loss of historic fabric from the proposed demolition of a 14.7m length of the boundary wall on Tynemouth Road and a 2.8m section of wall to widen the Station Terrace access. The length of wall that it is proposed to demolish has been significantly reduced since the proposal was originally submitted, having been reduced from 50m. Given that the majority of the wall would be retained the level of harm is considered to be less than substantial.

10.24 The main front elevation of the station is curved and when approached from Station Terrace this curve is so pronounced that there would not be a strong visual relationship between the development and the station. The main impact would be on views from within the station. The impact on these views and the openness of the platforms is reduced by the staggered height of the development, which reduces in height to 2-storey where it is closest to the station, and the set back from the southern platform.

10.25 The proposed development has a maximum height of 6-storeys and would result in the loss of some views of the station from Tynemouth Road as a result of its height and overall massing. However, these are not key views or views of the station's most important features. There would also be an impact on views from the railway bridges and from the western side of the tracks, but again the views affected do not have the same quality as those from the east elevation or from within the station. The loss of these views is considered to result in less than substantial harm to the setting of the station.

10.26 The character of the conservation area is derived from a number of factors including the balance of landmark buildings, such as the station, and townscape buildings, such as residential properties. Buildings within the conservation area are predominantly 2-3 storey but there are number of 3-4 storey buildings including at Kings School, Kingswood Court, Front Street and Bath Terrace. There are also 5-storey buildings at Knotts Flats (outside the conservation area) and on Oxford Street.

10.27 The proposed development is taller than most buildings in the surrounding area and due to the shape of the site has a considerable mass. The height of the development is a concern that has been raised by both local residents and consultees. It is however noted that Historic England have not raised any concerns regarding the height or scale of the development.

10.28 The proposal has been subject to lengthy discussions and negotiation with the Local Planning Authority and external bodies including Historic England. The height of the development has been significantly reduced since the original pre-application submission in 2017 which extended to a height of 8-storeys. The design has gone through a series of refinements to reduce the sense of scale and improve the overall quality of the development. The roof line is varied to

create interest, reduce straight lines and to manage the difference in levels between the lower station and Tynemouth Road. At 3<sup>rd</sup> and 6<sup>th</sup> floor level there is a setback to create balconies, and this also helps to reduce the bulk.

10.29 A series of images have been submitted to show the development from different viewpoints and to demonstrate its height in relation to the surrounding buildings. It can be seen that the roof of the highest part of the building sits significantly lower than that of Knotts flats and at its lowest point the development reflects the height of the station. The roof of the 4-storey part of the development sits at a similar level to properties on Birtley Avenue and Kingswood Court due to the difference in land levels. The five and six storey elements are clearly taller than the buildings immediately surrounding the site. It is officer opinion that parts of the development could extend up to 5-storey without any detrimental impact, but the additional 6<sup>th</sup> storey is considered to result in harm to the character of the conservation area. The harm is however minimised by the design of the building as discussed above and the fact that the 6<sup>th</sup> floor represents a very small area of the overall development.

10.30 In addition to the height, the overall design of the proposal and how it relates to the conservation area has been considered. The development would be largely brick built with a limited material palette, including different brick tones and patterns, and glazing to the communal entrances and the retail frontage. The rear elevation of the car park would be screened by perforated metal panels and 'green' walls. The materials have been chosen to add interest while avoiding fussiness and to reflect the predominant building materials in the surrounding area. Many full height windows are proposed, and these reflect the vertical proportions of the surrounding terraces. The area in front of the apartments would contain an area of wildflower planting, benches and a path leading to Tynemouth Road. Immediately in front of the building areas of ornamental planting would be created with hedges to divide the front gardens. The footpath and wildflower planting would extend up to the main station building where it leads onto an area of sandstone paving. The paving continues across the front of the station and the existing car park from where a widened access leads into the proposed northern car park. The proposed car park would be surfaced in tarmac.

10.31 It is considered that the overall design of the proposed residential/commercial development relates well to the materials and architectural characteristics of the conservation area. Views of the proposed northern car park are limited from outside the site, and it is not considered that this part of the development would result in any significant impact on the conservation area's character or affect the setting of the listed building.

10.32 To summarise, it is officer opinion that the proposed development would result in less than substantial harm to the listed building due to the loss of historic significance and fabric and the impact on its setting. It is also considered that there would be less than substantial harm to the character of the conservation area due to the height and massing of the development.

10.33 NPPF states that where a development results in less than substantial harm this harm should be weighed against the public benefits of the proposal,

including securing its optimum viable use. LP Policy DM6.6 states that any development proposal that would detrimentally impact upon a heritage asset will be refused permission, unless it is necessary for it to achieve wider public benefits that outweigh the harm or loss to the historic environment and cannot be met in any other way.

10.34 Planning Practice Guidance advises that public benefits may follow from many developments and could be anything that delivers economic, social or environmental progress as described in the National Planning Policy Framework. Public benefits should flow from the proposed development. They should be of a nature or scale to be of benefit to the public at large and should not just be a private benefit. However, benefits do not always have to be visible or accessible to the public in order to be genuine public benefits.

10.35 As the development would result in harm to the character of the conservation area and the listed building Members must consider whether this harm is outweighed by any public benefits of the proposal, whether the development is necessary to achieve these benefits and if the benefits could be met in another way.

10.36 The public benefits of the proposal are:

- Improvements to the public realm around the station including a new safer access between the station and Tynemouth Road.
- A new car park to provide parking for market stall holders, residents and visitors.
- A new retail unit to improve the offer for residents and visitors.
- Provision of 71no. new homes in a highly sustainable location, which would contribute towards meeting the shortfall in housing land supply.
- New planting and enhancements to the wildlife corridor to achieve a biodiversity net gain.
- Creation of jobs during the construction phase.
- Development of a currently un-used site which does not contribute to the conservation area.

10.37 In addition, the applicant has advised that receipts from the proposed development would be used as follows:

- consolidation of funding for the annual maintenance budget and an improvements programme for the Station – canopies, platforms, stairs, bridge, car parks and footpaths, painting, decoration, as well as landscaping, hanging baskets and interpretation of the Station (J300,000);
- upgrade of the public toilets at the Station improving the accessible facilities to all users of the Station (J60,000);
- installation of canopy access lights (J40,000);
- provision of improved cycle parking and storage on both platforms at the Station to encourage sustainable means of transport (J5,000);
- continuation and expansion of monitored CCTV security cameras to deter anti-social behaviour and provide 'live' communication to the local Police (J10,000);
- provision of new heritage interpretation boards (J4,000).
- daily maintenance and enhancement;
- with North Tyneside Council, to provide continued support for public events within the Station,

- to continue to work with Northumbria Markets on improving the vibrancy and diversity of offer and quality of stalls.

10.38 It is officer opinion that substantial weight should be afforded to the provision of new homes and the contribution the development would make towards achieving a 5-year housing land supply. It is also considered that moderate weight should be attached to the public realm improvements, improved access to Tynemouth Road, biodiversity enhancements and additional public car parking.

10.39 It is officer advice that limited weight should be afforded to the financial benefits set out above given that the LPA would not be in control how the receipts would be spent via a S106 agreement or other means.

10.40 A development of a reduced height/mass would still deliver the benefits set out above, however, the applicant has advised that a development of a reduced scale would not be viable. A Viability Assessment has been submitted in support of the application. The assessment shows that, without providing a return to the landowner, the scheme generates a profit of less than 1%. This report has been independently reviewed by Capita and they agree with its findings and advise that the site has a Residual Land Value of less than -J1.5m compared to a benchmark land Value of J137,000. To reduce the scale of the development is likely to reduce its value even further and make the development unviable. The public realm improvements and new car park could be carried out within the housing development. However, this is unlikely given the substantial investment that would be required and the link between these works and the wider development. It is therefore unlikely that the public benefits set out above could be achieved in a less harmful way.

10.41 The Planning Policy Officer (Conservation and Design) considers that the development would result in less than substantial harm to the significance of the listed station and substantial harm to the character of the conservation area due to the scale, mass and height of the development. He considers that the less than substantial harm to the significance of the station could be justified but does not consider that the benefits of the development are sufficient to outweigh the substantial harm to the conservation area's character. He states that the height of the 6-storey element is the main concern. Historic England raise no objections either in terms of the impact on the conservation area or listed building. The Northumberland and Newcastle Society support the development. They state that ideally the development should have a maximum height of 5-storeys but accept that there is an economic necessity to make the scheme financially viable and support the overall design of the development. The TCAMS do not support the proposal and consider that it would result in harm to the regeneration of Tynemouth and the character of the conservation area.

10.42 In respect of the consideration of harm Planning Practice Guidance (Par:018 Reference ID: 18a-018-20190723) states:  
*"Whether a proposal causes substantial harm will be a judgment for the decision-maker, having regard to the circumstances of the case and the policy in the National Planning Policy Framework. In general terms, substantial harm is a high test, so it may not arise in many cases. For example, in determining whether*



*works to a listed building constitute substantial harm, an important consideration would be whether the adverse impact seriously affects a key element of its special architectural or historic interest. It is the degree of harm to the asset's significance rather than the scale of the development that is to be assessed. The harm may arise from works to the asset or from development within its setting."*

10.43 When taking into account the views of consultees and that the development would not adversely affect any key elements of the station's special architectural or historic interest it is officer opinion that the development would result in less than substantial harm to the grade II\* listed building. This harm is due to the development of land that has a historic link to the railway, the partial demolition of the boundary wall and the loss of views from Tynemouth Road. The harm to the conservation area, caused by the height and massing of the development, is also considered to be less than substantial when taking into account the improvements that have been made to the overall design of the development and the limited footprint of the sixth floor.

10.44 The heritage impact issues in this case are clearly very finely balanced. The development would result in harm to heritage assets and therefore there is a strong policy presumption against the development. However, given the clear financial viability issues of developing the site and the public benefits of the proposal, it is officer opinion that there are sufficient public benefits to outweigh the less than substantial harm to the conservation area and listed building. It is officer opinion that the development complies with the NPPF, Policies DM6.1 and DM6.6 of the North Tyneside Local Plan, The TVCAMS SPD and the Design Quality SPD.

#### 11.0 Landscaping and ecology

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

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

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

11.4 Policy S5.4 states that the Borough's biodiversity and geodiversity resources will be protected, created, enhanced and managed having regard to their relative significance.

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

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

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

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

11.6 Local Plan Policy DM5.6 states that proposals that are likely to have significant effects on features of internationally designated sites, either alone or in-combination with other plans or projects, will require an appropriate assessment. Proposals that adversely affect a site's integrity can only proceed where there are no alternatives, imperative reasons of overriding interest are proven and the effects are compensated.

11.7 Policy DM5.7 states that development proposals within a wildlife corridor 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.

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

11.9 The Coastal Mitigation SPD contains additional guidance and information on the mitigation expected from development within North Tyneside to prevent adverse impacts on the internationally protected coastline. Development can adversely affect the Northumbria Coast SPA /Ramsar through additional pressure from local residents and visitors. It is proposed to introduce a coastal

wardening service as part of a wider Coastal Mitigation Service that will implement a range of targeted and coordinated physical projects to mitigate the impacts at the coast. The SPD sets out a recommended developer contribution towards this service that would contribute to the avoidance or mitigation of adverse impacts on internationally protected species and habitats.

11.10 The northern part of the site contains a large area of hardstanding, modified neutral grassland, scrub and a considerable number of mature trees along the embankment and the rear boundaries of properties on Manor Road, many of which are protected by a TPO. The southern site also contains a large area of hardstanding, modified neutral grassland, scrub and scattered trees along the eastern boundary and southern boundaries. The site is located within a wildlife corridor and is adjacent to Northumberland Park Local Wildlife Site.

11.11 An Ecological Assessment, Breeding Bird Survey, Butterfly Survey, Biodiversity Net Gain (BNG) Assessment, Arboricultural Impact Assessment (AIA) and Arboricultural Method Statement have been submitted in support of the application. The Biodiversity Officer and Landscape Architect have been consulted and provided comments.

11.12 To carry out the development it is necessary to remove 4no. individual trees, 2no. tree groups (G2 and G4) and parts of 2no. tree groups (G3 and G7). The majority of these are located within the southern site adjacent to Tynemouth Road. All the individual trees and two of the tree groups are protected by a TPO. The submitted AIA classifies the majority of the trees within the site as low quality (category C), but some are well established and are categorised as moderate quality (category B) due to their collective value. The 4no. trees which would be removed are category U and C trees. One of the groups (G2) comprises self-seeded sycamores. The Landscape Architect raises no objections to the removal of this group subject to suitable replacements being provided. Trees within Group 3 vary in quality. It is proposed to retain the better specimens and remove the self-seeded trees. Groups 4 and 7 have been categorised low quality.

11.13 The proposed building and car park would be located in close proximity to some of the retained trees. The AIA proposes special constructed methods to avoid damage to the tree roots and the Landscape Architect considers that the methodology set out should ensure that damage is minimised during construction.

11.14 The proposed development would result in the loss of grassland and scrub habitat with the majority of the woodland being retained. The Ecological Assessment has assessed the grassland and scrub habitats as common and widespread, and of low ecological value. It concludes that the loss of these habitats is unlikely to have a significant negative impact on the ecological value of the site. It also concludes that the loss of habitats is unlikely to have a significant impact on local reptile or badger populations. The site does however provide suitable foraging and hibernating habitat hedgehog.

11.15 The Breeding Bird Survey found that vegetation on the site has low value for a number of common bird species for nesting and foraging. It concludes that

as the site is dominated by hardstanding the limited loss of nesting habitat is unlikely to have a significant impact on local breeding bird populations.

11.16 The vegetation on site contains species which are larval food plants for several butterfly species, including dingy skipper. Low numbers of common butterflies were recorded on site when the butterfly survey was carried out but no dingy skippers or other protected butterfly species were recorded.

11.17 The Ecological Assessment includes a number of mitigation measures which have been incorporated into the development. These include the planting of a butterfly bank at the rear of the development, wildflower planting, new trees and hedgerow planting.

11.18 The BNG Assessment considers both the application site and an off-site biodiversity enhancement area which is located on the west side of the Metro Line. Within this off-site area it is proposed to enhance 0.2ha of modified and neutral grassland to increase species number and diversity. With no off-site enhancement the development would result in a net habitat loss of -18.83%. With the proposed off-site enhancement, the development would result in a net gain of 3.76%. There would also be a 100% gain in hedgerow units. The Biodiversity Officer notes that the scheme provides a small net gain in biodiversity but considered that a more diverse planting scheme could be implemented.

11.19 The submitted landscape scheme includes new trees, ornamental and wildflower planting. The Landscape Architect and Biodiversity Officer welcome the additional planting but consider that the landscape scheme could be improved by including mixed native scrub to replace similar habitat that is being lost and additional trees. It is therefore recommended that a condition is imposed requiring the submission of a detailed landscape scheme to incorporate this additional planting.

11.20 The Landscape Architect and Biodiversity Officer note that the Ecological Assessment states that the scheme has the potential to impact on the Northumberland Park Local Wildlife Site (LWS) through construction works. To address this a Construction Environmental Management Plan (CEMP) will be required. This can be secured by a condition. The development also has the potential to impact on Northumberland Park as a result of increased use by future residents and the Landscape Architect and Biodiversity Officer suggest that a financial contribution should be secured to address this. This is discussed later in this report.

11.21 The development lies within 6km of the coast and therefore has the potential to impact on the Northumbria Coast SPA/Ramsar site through additional visitor disturbance. To mitigate this impact, in accordance with the Coastal Mitigation SPD, the developer has agreed to make a contribution of J337 per unit towards coastal mitigation.

11.22 Members need to consider whether the impact on trees and ecology would be acceptable and weight this in their decision. It is officer advice that the impact is acceptable subject to the conditions recommended by the Landscape Architect

and Biodiversity Officer and a contribution towards the Coastal Mitigation scheme. It is considered that the proposal accords with the NPPF and LP policies S5.4, DM5.5, DM5.6, DM5.7 and DM5.9 and the Coastal Mitigation SPD.

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

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

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

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

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

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

12.6 The application is supported by a Transport Assessment and Interim Residential Travel Plan.

12.7 A car park containing 43no. parking spaces is proposed for the proposed residential development. This would be accessed via a new access from Tynemouth Road. No dedicated parking would be provided for the proposed retail unit. A car park containing 58no. spaces is proposed to the north of the station. This would be available for public use on Monday to Friday and at weekends would be for the sole use of market traders who currently park on land to the south of the station.

12.8 The site is served by bus stops on Tynemouth Road and is immediately adjacent to Tynemouth Metro station. 71no. secure cycle parking spaces would be provided within the residential circulation cores. A further 10no. short-stay cycle parking spaces are proposed outside the building.

12.9 Goods deliveries to the retail unit would take place from Station Terrace and refuse would be collected from Station Terrace and Tynemouth Road.

12.10 At a ratio of 0.61 spaces per dwelling the level of car parking proposed does not accord with the Transport and Highways SPD. Many residents have raised concern regarding this and consider that the lack of parking would put additional pressure on already congested streets. Concerns are also raised

regarding the access onto Tynemouth Road, particularly in respect of pedestrian safety.

12.11 The Transport Assessment states that the level of parking meets the type and scale of the proposed development when taking into account the location of the site within Tynemouth District Centre and its proximity to public transport links. The assessment advises that demand for car parking is expected to be low and less than 1 space per dwelling. It also notes that there is a car club bay on Station Terrace which reduces the need for private car ownership. The on-site car parking spaces would be available to lease, with priority given to residents of the development, who would not be eligible to join the existing residential permit parking schemes. It is estimated that the development would generate a maximum of 22no. 2-way hourly vehicle trips which equates to less than one additional trip every two minutes on the highway network at peak times (17:00-18:00). The applicant has agreed to carry out baseline parking surveys in surrounding streets prior to occupation and further surveys post-occupation to assess any impact of the development.

12.12 The Highway Network Manager has been consulted and provided comments. He states that the proposed parking provision would be less than the standards set out in the Transport and Highway SPD but considers that the impact on parking and the highway network is acceptable in this case. He notes that the site has excellent public transport links, is close to an existing car club, that a parking management plan will be implemented, cycle parking will be provided and that a robust Travel Plan has been submitted. Furthermore, there are parking controls measure in place within the vicinity of the site. The Highway Network Manger has recommended various conditions. These include a requirement for the developer to monitor the impact the development has on parking on the surrounding streets and that any measures required to address this impact must be at provided at the developer's expense.

12.13 NPPF is clear that that development should only be prevented or refused on highway grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.

12.14 In this case it is officer opinion that the development would not have a severe impact on the highway network or highway safety when taking into account the highly sustainable location of the site and that measures would be implemented to manage parking and encourage sustainable travel.

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

### 13.0 Other issues

#### 13.1 Contaminated Land

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

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

13.4 The application is supported by a Ground Gas Risk Assessment. The Contaminated Land Officer has reviewed the assessment and provided comments. She states that the gas monitoring shows there is no risk to the development from ground gas and that gas protection measures are not required. She also states that the levels of contamination are unlikely to pose a significant risk to future users of the site as long as all contaminated areas are covered either by buildings, hardstanding, or a clean cover system. She recommends a condition in respect of a remediation scheme.

13.5 Subject to this condition, it is officer advice that the proposal complies with policy DM5.18 of the Local Plan 2017.

### 13.6 Flooding

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

13.8 Policy DM5.12 of the Local Plan states that all major developments will be required to demonstrate that flood risk does not increase as a result of the development proposed, and that options have been undertaken to reduce overall flood risk from all sources, taking into account the impact of climate change over its lifetime.

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

13.10 The site is located within Flood Zone 1 and is not within a Critical Drainage Area. It is proposed to provide surface water attenuation within the site via the use of two underground tanks. The surface water would then discharge into Northumbrian Waters local combined sewer network at a controlled discharge rate of 5l/s.

13.11 The Local Lead Flood Officer has provided comments. He confirms that he has no objections to the development and recommends conditions in respect of the detailed drainage design and SuDs management.

13.12 Northumbrian Water have also provided comments. They raise no objections and recommend a condition stating that the development must be carried out in accordance with the submitted drainage strategy.

13.13 Subject to conditions, it is officer advice that the proposal would not have an adverse impact in terms of flooding and would accord with the advice in NPPF and policies DM5.12 and DM5.14. Members need to consider whether they agree.

#### 13.14 S106 Contributions

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

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

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

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

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

13.19 Policy DM7.5 states that the Council will seek applicants of major development proposals to contribute towards the creation of local employment opportunities and support growth in skills through an increase in the overall proportion of local residents in education or training. Applicants are encouraged to agree measures with the Council to achieve this, which could include:

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

13.20 The Council's adopted SPD on Planning Obligations (2018) states that the Council takes a robust stance in relation to ensuring new development appropriately mitigates its impact on the physical, social and economic infrastructure of North Tyneside. Notwithstanding that, planning obligations



should not place unreasonable demands upon developers, particularly in relation to the impact upon the economic viability of development. The Council will consider and engage with the applicants to identify appropriate solutions where matters of viability arise and require negotiation.

13.21 The following contributions have been requested by service areas:

Affordable housing: 25% (17 units)

Ecology: J13,500

Allotments: J5,400

Parks and green space: J36,742

Equipped play: J48,300

Playing pitches: J44,505

Built sports facilities: J37,372

Primary education: J175,000

Employment and training: J14,000 or 2 apprenticeships plus a financial contribution for the commercial unit

Coastal mitigation: J23,253

13.22 These contributions are considered necessary, directly related to the development and fairly and reasonable relate in scale and kind to the development and therefore comply with the CIL Regulations.

13.23 A Viability Assessment has been submitted in support of the application and this has been independently reviewed to ensure it is robust. The assessment shows that, without providing a return to the landowner, with the S106 contributions set out above (excluding affordable housing) the scheme generates a profit of less than 1%. Capita agree with its findings and advise that the site has a Residual Land Value of less than -J1.5m compared to a benchmark land Value of J137,000.

13.24 Even without the S106 contributions, profits from the development would be significantly below the 15% which is what would typically be expected. It is therefore considered that, with the exception of the Coastal Mitigation Contribution which is required to Northumbria Coast SPA /Ramsar, S106 contributions should not be sought.

13.25 A CIL payment will be required.

#### 13.26 Local Financial Considerations

13.27 Local financial considerations are defined as a grant or other financial assistance that has been, that will or that could be provided to a relevant authority by the Minister of the Crown (such as New Homes Bonus payments) or sums that a relevant authority has received, or will or could receive in payment of the Community Infrastructure Levy (CIL).

13.28 The proposal involves the creation of 71no. new dwellings. Granting planning permission for new dwellings 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.

13.29 In addition, the new homes will bring additional revenue in terms of Council Tax and jobs created during the construction period. The commercial unit will also create jobs when operational.

13.30 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.

#### 14.0 Conclusion

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

14.2 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.

14.3 The Council does not have a 5-year housing land supply. The proposed development of 71no. homes would make a valuable contribution to the current shortfall. This is a significant benefit that weighs in favour of the appeal proposal.

14.4 It is officer advice that the proposal would ensure sufficient separation distances to neighbouring properties and would not have an adverse impact on the amenity of existing residents. The standard of accommodation provided for future occupiers is also considered to be acceptable.

14.5 It is officer opinion that the proposal would result in less than substantial harm to the character of the conservation area and the setting of the listed building. While the heritage assets are finely balance it is officer opinion that the public benefits of the development outweigh this less than substantial harm. The design and layout of the development are considered to be acceptable.

14.6 It is considered that the level of parking proposed is acceptable when taking into account the highly sustainable location of the site. The development would not have an unacceptable impact on highway safety or result in a residual cumulative impact that would be severe.

14.7 The development would achieve a net gain in biodiversity and would not impact on any protected habitats or species.

14.8 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 officer's, 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) the Director of Regeneration and Economic Development be authorised to determine the application following the completion of the Section 106 Legal Agreement to secure a contribution of £23,927 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.

- Application form
  - Site location plan 5023- OOB- ZZ- 00- DR- L- 0000 P05
  - Location plan 10108 - GT3 - 00 - 00 - DR - A - (08)0201 - RevP01
  - Site plan 5023- OOB- ZZ- 00- DR- L- 0001 P08
  - Site plan - Area around building 5023- OOB- ZZ- 00- DR- L- 0002 P06
  - Site plan - Car park 5023- OOB- ZZ- 00- DR- L- 0003 P06
  - Building sections 01 10108 - GT3 - 00 - ZZ - DR - A - (08)0101 - RevP02
  - Building sections 02 10108 - GT3 - 00 - ZZ - DR - A - (08)0102 - RevP02
  - Site sections sheet 1 5023- OOB- ZZ- ZZ- DR- L- 0040 P03
  - Site sections (car park area) sheet 2 5023- OOB- ZZ- ZZ- DR- L- 0041
- P01
- Detailed elevation 01 10108 - GT3 - 00 - ZZ - DR - A - (08)0053- RevP02
  - Detailed elevation 02 10108 - GT3 - 00 - ZZ - DR - A - (08)0054-RevP02
  - Detailed elevation 03 10108 - GT3 - 00 - ZZ - DR - A - (08)0055-RevP02
  - Detailed elevation 04 10108 - GT3 - 00 - ZZ - DR - A - (08)0056-RevP02
  - Detailed elevation 05 10108 - GT3 - 00 - ZZ - DR - A - (08)0057-RevP02
  - Elevations 10108 - GT3 - 00 - ZZ - DR - A - (08)0051 - RevP03
  - Ground floor plan 10108 - GT3 - 00 - 00 - DR - A - (08)0002-RevP02
  - Level 01 plan 10108 - GT3 - 00 - 01 - DR - A - (08)0003-RevP02
  - Level 02 plan 10108 - GT3 - 00 - 02 - DR - A - (08)0004-RevP02
  - Level 03 plan 10108 - GT3 - 00 - 03 - DR - A - (08)0005-RevP02
  - Level 04 plan 10108 - GT3 - 00 - 04 - DR - A - (08)0006-RevP02
  - Level 05 plan 10108 - GT3 - 00 - 05 - DR - A - (08)0007-RevP02
  - Roof plan 10108 - GT3 - 00 - R1 - DR - A - (08)0008-RevP02
  - Circulation strategy 5023- OOB- ZZ- 00- DR- L- 0020 P06
  - Proposed site access plan JN1402-Dwg-0025G
  - Site demolition plan 10108 - GT3 - 00 - 00 - DR - A - (08)0301 - RevP01
  - Kerb and barrier sketch 10108 - GT3 - 00 - A - SKE\_0009 -
  - Proposed northern car park plan JN1402-Dwg-0026E
  - Planting strategy 5023- OOB- ZZ- 00- DR- L- 0030 P07

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

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

New access

Upgrade of footpaths abutting the site

Associated street lighting

Associated drainage

Associated road markings

Associated Traffic Regulation Orders

Associated street furniture & signage

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

4. Prior to occupation of the residential/commercial development a scheme for monitoring parking on the surrounding highways must be submitted so and agreed in writing by the Local Planning Authority. Thereafter the scheme shall be implemented in accordance with the agreed details and any reasonable measures required by the Local Highway Authority must provided at the applicant's expense and maintained thereafter.

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

5. The scheme for the new means of access to the residential/commercial development shall be laid out in accordance with the approved plans prior to occupation of the development 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. The scheme for the new means of access to the new car park on the northern part of the site shall be laid out in accordance with the approved plans prior to the car park being brought into use and retained thereafter.

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

7. The scheme for parking shall be laid out in accordance with the approved plans prior to occupation of the development. It shall not be thereafter retained and not used for any other purpose.

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 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 the development. These storage areas shall be thereafter retained and shall not be used for any other purpose.

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. The scheme for the provision of cycle storage shall be laid out in accordance with the approved plans prior to the occupation of the development and thereafter retained.

Reason: To accord with Central Government and Council Policy concerning sustainable transport having regard to policy DM7.4 of the North Tyneside Local Plan (2017).

10. The scheme for upgrading of the existing Public Right of Way to the east of the site shall be carried out in accordance with the approved plans and in consultation with the Public Rights of Way Officer (PROW) prior to occupation of the development. The Public Right of Way shall be retained thereafter and not used for any other purpose.

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 the details submitted in the Interim Travel Plan, within 1 year of first occupation a Full Travel Plan shall be submitted to and approved in writing by the Local Planning Authority. The Travel Plan must require the Travel Plan Coordinator to be in place prior to first occupation until at least five years from occupation of the 64th unit and must include an undertaking to conduct annual travel surveys to monitor whether the Travel Plan targets are being met and be retained thereafter.

Reason: To accord with Central Government and Council Policy concerning sustainable transport having regard to policy DM7.4 of the North Tyneside Local Plan (2017).

12. Notwithstanding Condition 1, no development shall commence until a Construction Method Statement for the duration of the construction period has been submitted to and approved in writing by the Local Planning Authority. The approved statement shall: identify the access to the site for all site operatives (including those delivering materials) and visitors, provide for the parking of vehicles of site operatives and visitors; details of the site compound for the storage of plant (silos etc), materials used in constructing the development, fuels and waste as well concrete mixing and use of fires; provide a scheme indicating the route for heavy construction vehicles to and from the site; a turning area within the site for delivery vehicles; dust suppression scheme (such measures shall include mechanical street cleaning, and/or provision of water bowsers, and/or wheel washing and/or road cleaning facilities, and any other wheel cleaning solutions and dust suppressions measures considered appropriate to the size of the development). The scheme must include a site plan illustrating the location of facilities and any alternative locations during all stages of development. The approved statement shall be implemented and complied with during and for the life of the works associated with the development. It must also include tree protection measures for the trees to be retained. Cabins, storage of plant and materials and parking must not be located within the RPA of the retained trees.

Construction shall not commence on any part of the development other than the construction of a temporary site access and site set up until the agreed wheel washing/road cleaning measures are fully operational. If the agreed measures are not operational then no vehicles shall exit the development site onto the public highway.

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

13. Prior to occupation of the development a scheme for the provision of Electric Vehicles (EV) charging points shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall be implanted in accordance with the approved details prior to occupation the development and thereafter retained.

Reason: To accord with Central Government and Council Policy concerning sustainable transport having regard to policy DM7.4 of the North Tyneside Local Plan (2017).

14. Prior to occupation of the residential accommodation a scheme of sound insulation must be submitted to and approved in writing by the Local Planning Authority. The scheme must include an acoustic glazing scheme and ventilation scheme in accordance with noise report no.023655-RPT-AS-001 to address Metro rail noise, external road traffic noise and noise arising from the ground floor retail unit to show that all habitable rooms are provided with sound attenuation measures to give a resultant noise level of below 30 dB LAeq and maximum noise level of 45dB for bedrooms and 35 dB LAeq for living rooms. The scheme shall be implemented in accordance with the agreed details prior to occupation of the development and thereafter retained.

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

15. The construction site subject of this approval shall not be operational and there shall be no construction, demolition, deliveries to, from or vehicle movements within the site outside the hours of 0800-1800 Monday - Friday and 0800-1400 Saturdays with no working on Sundays or Bank Holidays.

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

16. The commercial unit shall not be open for business outside the hours of 07:00 to 23:00 on Monday to Saturday and 09:00 to 22:00 on Sundays and Bank Holidays.

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

17. There shall be no deliveries and collections for the retail unit outside the hours of 07:00 to 21:00 hours on Monday to Saturday and 09:00 to 18:00 hours on Sundays and Bank Holidays.

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

18. Prior to the installation of any external plant and equipment associated with the commercial unit a noise scheme must be submitted to and agreed in writing by the Local Planning Authority. The scheme must demonstrate that the background noise levels are not exceeded by more than 5 dB and the rating levels at the nearest façade of residential properties, as detailed in Table 1 of noise report reference 023655-RPT-AS-001 are met.

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

19. Within 1 month of the external plant and equipment being installed, acoustic testing must be undertaken to verify compliance with condition 18 and the results submitted to and agreed in writing by the Local Planning Authority.

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.

20. Noise No Tannoys Externally Audible                      NOI002    \*

21. All plant and machinery shall be enclosed with sound insulation materials in accordance with a scheme to be submitted to and agreed by the Local Planning Authority in writing and the plant and machinery shall not be used until the approved soundproofing has been implemented.

Reason: To protect the occupants of nearby residential properties from noise and disturbance having regard to policy DM5.19 of the North Tyneside Local Plan (2017).

22. Prior to the construction above damp proof course level details of the height, position, design and materials of any chimney or extraction vent to be provided in connection with the commercial unit shall be submitted to and approved in writing by the Local Planning Authority. Thereafter, the development shall not be carried out other than in accordance with the approved details.

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

23. Prior to the construction above damp proof course level details of the air ventilation systems must be submitted to and approved in writing by the Local Planning Authority. The scheme shall thereafter be implemented before the development is first occupied in accordance with the approved details and permanently retained.

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

24. Details of any refrigeration plant to be installed in connection with the commercial unit must be submitted to and approved in writing by the Local Planning Authority prior to installation. The plant shall thereafter only be installed in accordance with the approved details and permanently retained as such.

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

25. Prior to the 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; and
- all street lighting associated with the development should be fully shielded so as to prevent direct lighting up into the atmosphere and avoid potential distraction to pilots flying overhead.

High intensity security lights shall be avoided as far as practical and if required, these will be of minimum practicable brightness, be set on a short timer and will be motion sensitive only to larger objects. Lighting must be designed in accordance with the BCT & Institute of Lighting Professionals (ILP) Guidance Note 08/18 "Bats & Artificial Lighting in the UK" to minimise light spill to adjacent boundary features such as woodland, scrub, grassland and hedgerow habitats and should be less than 2 lux in these areas.

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

Reason: In the interest of visual amenity and to protect wildlife habitats; having regard to policies DM5.5, DM5.7 and DM5.19 of the North Tyneside Local Plan (2017).

26. Remediation Method Statement	CON00 5	*
27. Validation Report	CON00 6	*
28. Unexpected Hotspots	CON00 7	*

29. No development shall commence until the detailed surface water drainage design has been submitted to and approved in writing by the Local Planning Authority. The scheme shall be implemented in accordance with the approved details prior to occupation of any part of the development and retained thereafter.



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

30. The development shall be implemented in line with the drainage scheme contained within the submitted document entitled "Drainage Strategy - Option 1" dated "5th April 2022". The drainage scheme shall ensure that foul flows discharge to the combined sewer at manhole 6114 and ensure that surface water discharges to the combined sewer at manhole 6114 and manhole 6307. The surface water discharge rate shall not exceed the available capacity of 5 l/sec at manhole 6114 and 5 l/sec at manhole 6307. The final surface water discharge rate shall be agreed by the Lead Local Flood Authority.

Reason: To provide a satisfactory means of drainage and prevent the increased risk of flooding in accordance with the NPPF and Policy DM5.12 of the North Tyneside Local Plan 2017.

31. Prior to occupation of the development details of the appointed SuDs management company must be submitted to and approved in writing by the Local Planning Authority.

Reason: To ensure a satisfactory means of drainage is provided and prevent the increased risk of flooding from any sources in accordance with the NPPF and Policy DM5.12 of the North Tyneside Local Plan 2017.

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

33. Prior to commencement of development, trees within or adjacent to and overhanging the site that are to be retained are to be protected by fencing and in the locations shown and detailed in the Arboricultural Method Statement (AMS 02 Tree Protection Fencing Location Plan (North and South) submitted by The Environment Partnership (TEP) October 2021 unless otherwise agreed in writing by the Local Planning Authority. 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.

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

34. All works within the RPA of the retained trees that include (but not limited to) kerb installation, fence post installation, lighting and drainage, must be carried out in complete accordance with the Arboricultural Method Statement, BS

5837:2012 and the National Joint Utilities Group (NJUG) 'Guidelines for the Planning, Installation and Maintenance of Utility Apparatus in Proximity To Trees'. The AMS is to form part of the contractors method statement regarding the proposed construction works.

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

35. Any new service installations or service diversions which will impact on the retained trees must be carried out in accordance with the Arboricultural Method Statement by The Environment Partnership (TEP) October 2021 with works being undertaken by hand or suitable method such as an air spade to ensure works will not damage to the root systems of the retained trees.

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

36. An arboricultural consultant must be appointed to advise on the tree management for the site and to undertake regular supervision visits to oversee the agreed tree protection and visit as required to oversee any unexpected works that could affect the trees. The supervision must be undertaken in accordance with the Arboricultural Method Statement by The Environment Partnership (TEP) October 2021. This condition may only be fully discharged on completion of the development subject to satisfactory written evidence of regular monitoring and compliance by the pre-appointed tree specialist during construction.

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

37. 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 for on and off-site landscaping shall be submitted to and approved in writing by the Local Planning Authority. The landscape scheme shall be in accordance with the habitat creation and enhancement details set out within the BNG Assessment and Biodiversity Metric (TEP July 2022) or any subsequent updated Metric Assessment and shall include species rich grassland, a butterfly bank, standard trees and mixed native scrub planting within the scheme. The Plan shall also include details of the extent (sqm) of all new and enhanced habitats within the site, including the proposed timing of all new tree, shrub and wildflower grassland planting and ground preparation noting the species and sizes for all new plant species. Any new standard tree planting shall be a minimum 14-16cm girth. The landscaping scheme shall be implemented in accordance with the approved details within the first available planting season following the approval of details. All hard and soft landscape works shall be carried out in accordance with the approved details and to a standard in accordance with the relevant recommendations of British Standard 8545:2014. Any trees or plants that, within a period of five years after planting, are removed, die or become seriously damaged or defective, shall be replaced with others of species, size and number as originally approved, by the end of the first available planting season with others of similar size and species.

Reason: To ensure a satisfactory standard of landscaping having regard to policies DM5.5, DM5.7 and DM5.9 of the North Tyneside Local Plan (2017).

38. Within 4 weeks of development commencing, a 'Landscape Ecological Management & Monitoring Plan' (LEMMP) for on and off-site landscape mitigation and enhancement shall be submitted to and approved in writing by the Local Planning Authority. The Plan must:

- include details for the creation, enhancement, management and monitoring of landscaping and ecological habitats within the site and off-site compensation areas for a minimum period of 30 years;
- be in accordance with the approved on and off-site Landscape Plans and the details set out within the approved BNG Assessment and Biodiversity Metric.
- include the survey and monitoring of the site for brownfield butterflies at regular intervals within the first 10 years of landscaping being implemented; and
- include details of regular Net Gain Assessment updates that include habitat condition assessments to evidence the success of the scheme and net gain delivery.

The LEMMP shall be implemented in accordance with the approved details on completion of the landscape scheme and thereafter for a minimum period of 30 years.

Reason: To ensure a satisfactory standard of landscaping having regard to policies DM5.5 and DM5.7 of the North Tyneside Local Plan (2017).

39. All site clearance works and vegetation removal must be undertaken in accordance with an approved Precautionary Working Method Statement (PWMS) for amphibians, reptiles and hedgehog and under the supervision of a Suitably Qualified Ecologist (SQE). The PWMS must be submitted to and approved in writing by the Local Planning Authority prior to development commencing.

Reason: To ensure that local wildlife populations are protected in the interests of ecology, having regard to the NPPF and Policies DM5.5 and DM5.7 of the North Tyneside Local Plan.

40. Any trees identified for removal that have been identified as having low suitability for bats within the Ecological Assessment (TEP July 2022), must be inspected and soft-felled under the supervision of a Suitably Qualified Ecologist (SQE).

Reason: To ensure that local wildlife populations are protected in the interests of ecology, having regard to the NPPF and Policies DM5.5 and DM5.7 of the North Tyneside Local Plan.

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

Reason: To ensure that local wildlife populations are protected in the interests of ecology, having regard to the NPPF and Policies DM5.5 and DM5.7 of the North Tyneside Local Plan.

42. No vegetation removal or works to features (buildings) that could support nesting birds 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 Policies DM5.5 and DM5.7 of the North Tyneside Local Plan.

43. 8no. bird boxes (various designs) and 6no. bat boxes must be installed in suitable locations within the site. Details of bird and bat box specifications and locations, must be submitted to and approved in writing by the Local Planning Authority within 4 weeks of development commencing on site. Thereafter, these agreed details shall be installed prior to the completion of the scheme and permanently retained.

Reason: To ensure that local wildlife populations are protected in the interests of ecology, having regard to the NPPF and Policies DM5.5 and DM5.7 of the North Tyneside Local Plan.

44. A Construction Environmental Management Plan (CEMP), to include measures to ensure works minimise impacts to the adjacent Northumberland Park LWS and any habitats within or adjacent to the site, must be submitted to and approved in writing by the Local Planning Authority prior to development commencing. The CEMP shall be implemented in accordance with the approved details for the duration of the development.

Reason: To ensure that local wildlife populations are protected in the interests of ecology, having regard to the NPPF and Policies DM5.5 and DM5.7 of the North Tyneside Local Plan.

45. Hedgehog access holes must be created at ground level in all new boundary walls and fences across the site around plots and edges of the development to allow hedgehog to move freely throughout the site. Access holes must be a minimum of 13 x 13cm in size and should be marked with 'Hedgehog Highway signs' to ensure residents are aware of the purpose and to discourage the blocking up of these holes. Details of the location and specification of access holes must be submitted to and approved in writing by the Local Planning Authority within 4 weeks of development commencing. Thereafter the development shall be carried out in accordance with the approved details.

Reason: To ensure that local wildlife populations are protected in the interests of ecology, having regard to the NPPF and Policies DM5.5 and DM5.7 of the North Tyneside Local Plan.

46. Notwithstanding any indication of materials which may have been given in the application, no development shall take place above damp proof course level until a schedule and/or samples of the construction and surfacing materials and finishes for the development has been submitted to and approved in writing by the Local Planning Authority. Thereafter, the development shall not be carried out other than in accordance with the approved details.

Reason: To secure a satisfactory external appearance and to ensure the character and appearance of the Tynemouth Conservation Area is conserved and enhanced; having regard to policy DM6.1 and DM6.6 of the North Tyneside Council Local Plan 2017.

47. The detailed design of balcony balustrades must be submitted and approved in writing by the Local Planning Authority prior to installation. Thereafter the development must be carried out in accordance with the agreed details.

Reason: To secure a satisfactory external appearance and to ensure the character and appearance of the Tynemouth Conservation Area is conserved and enhanced; having regard to policy DM6.1 and DM6.6 of the North Tyneside Council Local Plan 2017.

48. Notwithstanding any indication of materials which may have been given in the application, no development shall take place above damp proof course level until details of the materials for the hard surface areas have been submitted to and agreed in writing by the Local Planning Authority. Thereafter the development must be carried out in accordance with the agreed details.

Reason: To secure a satisfactory external appearance and to ensure the character and appearance of the Tynemouth Conservation Area is conserved and enhanced; having regard to policy DM6.1 and DM6.6 of the North Tyneside Council Local Plan 2017.

49. Prior to construction above damp proof course level the detailed design, colour and material specification for the windows and doors must be submitted to and agreed in writing by the Local Planning Authority. Windows should be set back within the window reveal unless otherwise agreed in writing by the Local Planning Authority. Thereafter the development must be carried out in accordance with the agreed details.

Reason: To secure a satisfactory external appearance and to ensure the character and appearance of the Tynemouth Conservation Area is conserved and enhanced; having regard to policy DM6.1 and DM6.6 of the North Tyneside Council Local Plan 2017.

50. The design and location of any external seating, lighting and other street furniture must be submitted to and approved in writing by the Local Planning Authority prior to installation. Thereafter the development must be carried out in accordance with the agreed details.

Reason: To secure a satisfactory external appearance and to ensure the character and appearance of the Tynemouth Conservation Area is conserved and enhanced; having regard to policy DM6.1 and DM6.6 of the North Tyneside Council Local Plan 2017.

51. The detailed design and materials of the feature metal panels to the car park must be submitted and approved in writing by the Local Planning Authority prior to installation. Thereafter the development must be carried out in accordance with the agreed details.

Reason: To secure a satisfactory external appearance and to ensure the character and appearance of the Tynemouth Conservation Area is conserved and enhanced; having regard to policy DM6.1 and DM6.6 of the North Tyneside Council Local Plan 2017.

52. Details of all screen and boundary walls, fences, safety barriers and any other means of enclosure must be submitted and approved in writing by the Local Planning Authority prior to installation. Thereafter the development must be carried out in accordance with the agreed details.

Reason: To secure a satisfactory external appearance and to ensure the character and appearance of the Tynemouth Conservation Area is conserved

and enhanced; having regard to policy DM6.1 and DM6.6 of the North Tyneside Council Local Plan 2017.

53. No construction above ground level shall commence until details of rainwater goods have been submitted to and agreed in writing by the Local Planning Authority. Thereafter the rainwater goods shall be implemented in accordance with the approved details.

Reason: To secure a satisfactory external appearance and to ensure the character and appearance of the Tynemouth Conservation Area is conserved and enhanced; having regard to policy DM6.1 and DM6.6 of the North Tyneside Council Local Plan 2017.

54. No construction above ground level shall commence until details of ventilation extraction, flues, meter boxes, alarm boxes, satellite dishes and any other external features including location and type, have been submitted to and agreed in writing by the Local Planning Authority. Thereafter the external features shall be implemented in accordance with the approved details.

Reason: To secure a satisfactory external appearance and to ensure the character and appearance of the Tynemouth Conservation Area is conserved and enhanced; having regard to policy DM6.1 and DM6.6 of the North Tyneside Council Local Plan 2017.

55. Details of the barrier/gate to control access to the car park of the residential accommodation must be submitted and approved in writing by the Local Planning Authority prior to installation.

Reason: To secure a satisfactory external appearance and to ensure the character and appearance of the Tynemouth Conservation Area is conserved and enhanced; having regard to policy DM6.1 and DM6.6 of the North Tyneside Council Local Plan 2017.

56. Detailed plans to show the demolition and making good of the walls on Tynemouth Road and Station Terrace and details of where in the development the stone will be re-used must be submitted to and approved in writing by the Local Planning Authority prior to the wall being demolished.

Reason: To ensure the character and appearance of the Tynemouth Conservation Area and the significance of the listed building is protected; having regard to policy DM6.1 and DM6.6 of the North Tyneside Council Local Plan 2017.

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

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

### **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**

Do Not Obstruct Highway Build Materials (I13)

Street Naming and numbering (I45)

Building Regulations Required (I03)

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

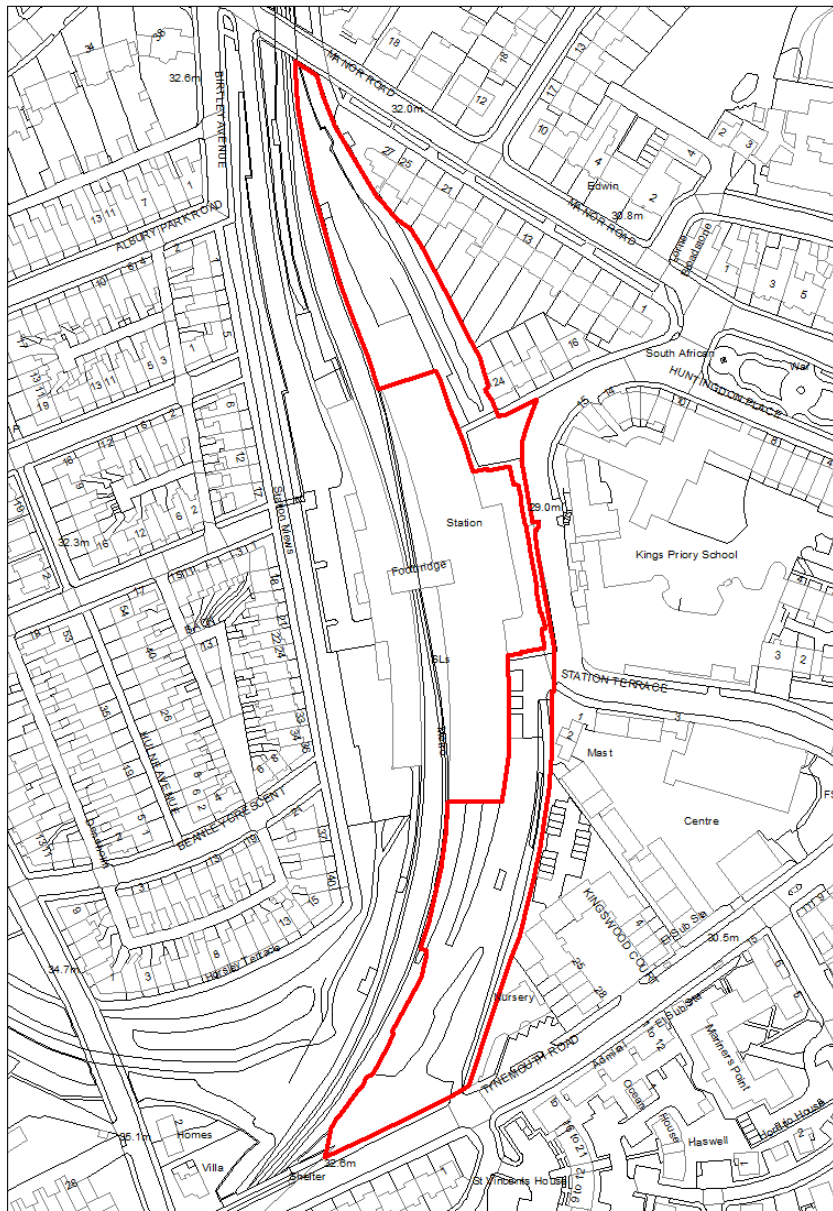
The applicant is advised to contact the council's Public Rights of Way Officer prior to construction arrange a joint inspection of the Public Right of Way network on and adjacent to the site. If this inspection is not carried out, the Local Highway Authority may pursue the developer for any costs to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

No Doors Gates to Project Over Highways (I10)

A public combined sewer crosses the site and may be affected by the proposed development. Northumbrian Water does not permit a building over or close to our apparatus. We will work with the developer to establish the exact location of our assets and ensure any necessary diversion, relocation or protection measures required prior to the commencement of the development. This is an informative only and does not materially affect the consideration of the planning application. Further information is available at <https://www.nwl.co.uk/services/developers/>

CIL information (I50)

The applicant is advised that end users will not be eligible for any parking permits in this area and the onus will be on the developer to convey this information to these users. Contact [Parking.control@northtyneside.gov.uk](mailto:Parking.control@northtyneside.gov.uk) for further information



**Application reference: 20/00136/FUL**

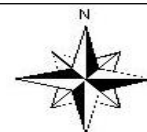
**Location: Vacant Land To The North And South, Tynemouth Metro Station, Building To The East Of The Metroline, Tynemouth**

**Proposal: Mixed use scheme comprising 130 sqm Class E unit and 71no. one, two and three bedroom residential units with 43 car parking spaces, cycle parking, public realm improvement and landscaping on land to the south of Tynemouth Station; new access from Tynemouth Road; partial demolition of the stone perimeter wall to Tynemouth Road; and car parking on land to the north of Tynemouth Station; widening of access from Station Terrace (AMENDED). (ADDITIONAL ECOLOGY REPORTS).**

Not to scale

Date: 18.08.2022

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**Consultations/representations**

1.0 Internal Consultees

1.1 Highway Network Manager

1.2 This application is for a mixed-use scheme comprising commercial use and 71 residential units. The main site access will be from Tynemouth Road and there are 43 parking spaces proposed for 71 dwellings - a ratio of 0.61 spaces per dwelling, which will be available to lease by residents and new residents would not be eligible for permits in existing on-street resident permit zones. Whilst the proposed parking provision is lower than the levels advised in LDD12, the level is considered to be acceptable as the site has excellent public transport links, is in the proximity of an existing car club, there are parking controls in the vicinity of the site, a parking management plan will be implemented, cycle parking will be provided, and a robust Travel Plan has been submitted.

1.3 There is also a car park proposed to the north of the site with 58 spaces which will be utilised by metro users and visitors to Tynemouth during the week and by market traders during the weekend.

1.4 The developer is confident that the proposed parking provision is sufficient for the needs of the site, however, they have acknowledged that the reduced provision is a departure from that normally required in LDD12, and as such they have proposed to carry out baseline parking surveys in surrounding streets prior to occupation and further surveys post-occupation to assess any impact of the development. If any impact is found, they have agreed to fund further parking control measures as necessary. Conditional approval is recommended.

1.5 Recommendation - Conditional Approval

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

New access

Upgrade of footpaths abutting the site

Associated street lighting

Associated drainage

Associated road markings

Associated Traffic Regulation Orders

Associated street furniture & signage

1.7 Conditions:

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

New access

Upgrade of footpaths abutting the site

Associated street lighting  
Associated drainage  
Associated road markings  
Associated Traffic Regulation Orders  
Associated street furniture & signage

Notwithstanding the details submitted, the scheme for the new means of access shall be laid out in accordance with the approved plans. This access shall be laid out prior to occupation 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 storage of refuse, recycling & garden waste bins shall be laid out in accordance with the approved plans.

These storage areas shall not be used for any other purpose and retained thereafter.

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

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

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

Notwithstanding the details submitted, the scheme for upgrade of the existing Public Right of Way to the east of the site shall be laid out in accordance with the approved plans and in consultation with the Public Rights of Way Officer (PROW). This Public Right of Way 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 in the Interim Travel Plan, a Full Travel Plan shall be submitted within 1 year of first occupation to be reviewed and approved in writing the Local Planning Authority. The Travel Plan will require the Travel Plan Coordinator to be in place prior to first occupation until at least five years from occupation of the 64th unit and will also include an undertaking to conduct annual travel surveys to monitor whether the Travel Plan targets are being met and be retained thereafter.

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

Prior to occupation of the development a scheme for monitoring parking on the surrounding highways must be submitted so and agreed in writing by the Local

Planning Authority. Thereafter the scheme shall be implemented in accordance with the agreed details and any reasonable measures required by the Local Highway Authority must be provided at the applicant's expense.

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

Prior to occupation of the development a scheme for Electric Vehicle (EV) charging must be submitted so and agreed in writing by the Local Planning Authority. Thereafter the scheme shall be implemented in accordance with the agreed details.

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

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

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

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

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

## 1.8 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](mailto:Highways@northtyneside.gov.uk) for further information.

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

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

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

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

The applicant is advised that end users will not be eligible for any parking permits in this area and the onus will be on the developer to convey this information to these users. Contact [Parking.control@northtyneside.gov.uk](mailto:Parking.control@northtyneside.gov.uk) for further information.

## 1.9 Manager of Environmental Health (Pollution)

1.10 The site is located in close proximity to the metro and I would be concerned about noise and vibration affecting the proposed residential apartments.

1.11 I have viewed the noise report which has considered the potential impact of the metro, road traffic noise and potential noise arising from the market. The attended noise monitoring discounted noise from the market as this was barely evident. The noise monitoring was carried out at 3 locations to assess noise to the façade adjacent to the Metro and Station Terrace and determine the level of attenuation required for the glazing and ventilation scheme. An appropriate

glazing and ventilation scheme has been recommended and a condition is recommended for the apartments to ensure the noise scheme is provided. The noise report has not considered noise transmission from the retail units and the ground floor apartments, and a condition is recommended to ensure a suitable sound mitigation scheme is provided that ensures internal noise levels comply with the WHO community noise guidance of 30 dB LAeq and maximum noise level of 45dB for bedrooms at night and 35 dB LAeq for living rooms during the day is achieved.

1.12 The vibration assessment has determined that the risk from the metro trains will give rise to low probability of adverse impact.

1.13 The noise assessment has not considered delivery noise to the retail units, only proposed noise emission limits for new plant and equipment. A condition is recommended to restrict deliveries to daytime hours and requires that the noise emissions limits proposed for new plant are met. The noise assessment has determined that potential noise impacts for the proposed new car park area will not give rise to significant adverse impacts for existing and new residential properties.

1.14 Conditions Residential Apartments:

Prior to occupation the residential accommodation hereby permitted shall not be occupied until a scheme of sound insulation works has been submitted to and approved in writing by the Local Planning Authority and installed and thereafter retained that includes for an acoustic glazing scheme and ventilation scheme in accordance to noise report no. 023655-RPT-AS-001 to address metro rail noise and external road traffic noise and associated noise arising from the ground floor retail units to show that all habitable rooms are provided with sound attenuation measures to give a resultant noise level of below 30 dB LAeq and maximum noise level of 45dB for bedrooms and 35 dB LAeq for living rooms is achieved.

HOU04  
HOU05  
SIT03

1.15 Conditions Retail Unit:

HOU03 07:00 and 23:00 hours Monday to Saturday and 09:00 to 22:00 hours on Sundays and Bank Holidays.

Deliveries and collections for the retail units should take place between the times of 07:00 and 21:00 hours; Monday to Saturday and 09:00 to 18:00 hours on Sundays and Bank Holidays

Reason: To protect the amenity of residential premises against noise.

External Plant and Equipment

Prior to the installation of external plant and equipment at the commercial units a noise scheme must be submitted that details the noise rating level from the proposed combined plant and equipment to ensure that the background noise levels are not exceeded by more than 5 dB, the rating levels are provided in

Table 1 that need to be met at nearest façade of residential properties, as detailed in noise report reference 023655-RPT-AS-001.

It will be necessary following installation of the plant and equipment that acoustic testing is undertaken to verify compliance with this condition within one month of its installation and submitted for written approval prior to the operation of the plant.

NO102

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

EPL01

EPL02

EPL03

LIG01

REF01

REF02

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

1.17 I have read the Ground Gas Risk Assessment submitted in support of this application. I am satisfied that although one borehole (Borehole 2) showed negligible response zone for monitoring, the one reading that was not flooded and the reading from the other two monitoring wells show that there is no risk to the development from ground gas and that gas protection measure are not required.

1.18 The Phase 2 Site investigation report states that:

The levels of contaminants across the site are generally low with only two 'hotspot' areas of concern. The level of lead and arsenic in the sample from TP2 (0.50-0.60m) and lead in TP4 (0.40-0.50m) were above the S4UL threshold values, and in terms of organics, levels of dibenzo(ah)anthracene in TP2 (1.00-1.20m) and TP4 (0.40-0.50m) are above the S4UL threshold value. These samples contained ash and clinker. TP2 is a proposed car park area and will be covered by hardstanding.

1.19 The proposed development is outlined to be multi-storey residential dwellings, ground floor retail with associated parking, access roads and peripheral soft landscaping. Based on the shallow soil contamination testing, it is considered that the levels of contamination are unlikely to pose a significant risk to future users of the site, as only peripheral soft landscaping is proposed in the final development. This pollutant linkage however will be severed as long as all contaminated areas are covered either by buildings, hardstanding, or a clean cover system.

1.20 6.3 Vegetation- During the initial site strip, proposed soft landscaped areas should be excavated to 0.45mbgl or natural ground (whichever is the shallowest). Any deleterious materials encountered (i.e. ash, slag, brick rubble and concrete) should be removed and placed beneath areas of permanent hardcover. A suitable growing medium should be provided for any new soft landscaped areas.

This should include clean imported topsoil to a depth of 150mm over a further 300mm of imported subsoil.

1.21 Appropriate certification would be required to ensure that the imported materials are clean and free from deleterious materials in accordance with the Local Authority Guidelines 'Verification Requirements for Cover Systems, Technical Guidance for developers, Landowners and Consultants' (Yorkshire and Lincolnshire Pollution Advisory Group Version 3.4 - November 2017). Details of the clean cover system must be presented in a Phase 3 Remediation Statement.

1.22 I am satisfied that a detailed site investigation has been carried out to establish:

- i) If the site is contaminated;
- ii) To assess the degree and nature of the contamination present, and whether significant risk is likely to arise to the residents and public use of land;
- iii) To determine the potential for the pollution of the water environment by contaminants and;
- iv) The implication for residential development of the site and the quality of the residential environment for future occupiers.

1.23 However it has shown that remediation is required. Therefore, the following must be attached to the application:

- 1) If remediation is required following the assessment of the chemical results under current guidelines, then a method statement should be provided for comment. This should provide details of exactly how the remediation works are to be carried out, detailed site location plan of where material is to be deposited and details including drawings of gas protection scheme should be included
- 2) If remediation is carried out on the site then a validation report will be required. This should provide evidence of what remediation has been carried out over the site. This report should confirm exactly what remediation has been carried out and that the objectives of the remediation statement have been met. This report should verification of the type, source, depth, location and suitability ( to include any test certificates for material to be imported on site to ensure it is not contaminated) of the imported materials for their use on site. This should include cross sectional diagrams for the site and detailed plans of the site. This report should be submitted before the contaminated land condition can be removed from the planning application.
- 3) If any unexpected contamination or hotspots are encountered during the investigation and construction phases it will be necessary to inform the Local Authority then cease development and carry out additional investigative works and subsequent remediation if any unexpected contamination or underground storage tanks are discovered during the development. Work should be ceased until any risk is assessed through chemical testing and analysis of the affected soils or waters.

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

Reason: To ensure that the potential contamination of the site is properly investigated and its implication for the development approved fully taken in to account having regard to policy DM5.18 of the North Tyneside Local Plan.

#### 1.24 Local Lead Flood Authority

1.25 I can confirm in principle I have no objections to the proposals as the applicant will be providing surface water attenuation within the site via the use of two underground attenuation tanks which will provide surface water attenuation within the site for up to a 1in00yr rainfall event + 40% increase for climate change. The surface water from the development will then discharge into Northumbrian Waters local combined sewer network into two separate manholes both at a controlled discharge rate of 5l/s each.

1.25 I will require the following conditions to be placed on the application:

- Detailed drainage design to be provided to LLFA for approval prior to construction
- Details of the appointed SuDS management company to be provided to LLFA following completion of development.

#### 1.26 Planning Policy (Conservation and Design)

##### **1.27 Recommendation:** Objection

**1.28 Comments:** The site is within the curtilage of the Grade II\* Tynemouth Station and within Tynemouth Village Conservation Area. Revised plans have been submitted, following previous comments dated 04/03/2020 and 12/03/2021 which objected to the application. Previous comments set out the background of the proposal, the significance of the heritage assets and assessed the impact on Tynemouth Station and Tynemouth Village Conservation Area.

1.29 The revised plans have amended the design which now has a smaller retail unit, a reduction of brick types, the removal of the mansard roof and a reduction in number of steps in the facade. These changes do improve the appearance of the proposal and the simpler architectural approach is now more sensitive to its surroundings. However, the overall height of the proposal remains the same and therefore the significant issues about the scale, mass and height remain. The overall level of harm, as previously assessed, has therefore not altered. The amount of curtilage listed stone wall to be demolished along Tynemouth Road has also been reduced although there is no demolition plan which shows the exact area to be demolished.

1.30 NPPF emphasises 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. The impact on Tynemouth Station and Tynemouth Village Conservation Area was assessed as part of previous comments. This set out that:

- a) The scale, mass and height of the proposed development would cause less than substantial harm to the significance of Tynemouth Station. In these circumstances, NPPF sets out that this harm should be weighed against the public benefits of the proposal including, where appropriate, securing its optimum viable use.



b) The scale, mass and height of the proposed development would cause substantial harm to the character and appearance of the conservation area. In these circumstances, NPPF sets out that 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.

1.31 Where there is harm, there should be clear and convincing justification for that harm and a balanced judgment must be made as to whether the public benefits would outweigh that harm. Guidance about public benefits for this purpose is set out in the Historic Environment Chapter of the PPG. This refers to anything which delivers the economic, social or environmental objectives of sustainable development. The PPG makes clear that the public benefits must flow from the development and must be of a nature or scale that would benefit the public at large.

1.32 The revised information submitted sets out the public benefits of the scheme which include:

- a) CCTV security cameras and street lighting to contribute toward safety.
- b) Improved pedestrian links to the town centre from the south and west of Tynemouth.
- c) New retail which will support the existing businesses on the platforms.
- d) Improvements to the public realm along the eastern boundary.
- e) New car park to the north to support weekend markets and provide off street parking during the week.
- f) The receipts from the development would assist in consolidating the funding of the annual maintenance budget and improvements programme for the station.

1.33 The above benefits of the scheme are acknowledged, however the full extent of and need for these benefits is questioned. The Station is already a vibrant and safe destination which is well used by the public with direct pedestrian links to the village centre with good levels of natural surveillance. There is a healthy offer of retail and leisure provision within and surrounding the Station. There is on street pay and display parking along Tynemouth Front Street and free parking at Spanish Battery, which is within a 10 minute walking distance of the Station. This has not been demonstrated as being insufficient to meet current demand. The Station is well maintained and is in a good state of repair. Overall, it is not considered that the public benefits of the development would be substantial enough to outweigh the long term harm identified. It is therefore recommended that planning permission is refused.

#### 1.34 Previous comments 12.03.2021

1.35 The amendments address some of my previous concerns, however the significant issues about the scale, mass and height remain and the harm to the character and appearance of the Conservation Area.

1.36 Since the original submission of the application, it should be noted that there is a renewed emphasis in the draft revisions to the NPPF, for new development to be high-quality design with local planning authorities putting an emphasis on approving good design and refusing poor quality schemes.

### 1.37 Previous Comments 04.03.2020

**1.38 Background:** This scheme has been subject to extensive pre-application discussions with the applicant. During the pre-application engagement, the Planning Authority have worked positively and proactively with the applicant and associated design team to identify matters of concern. The pre-application has also included consultation with Historic England and the North East Design Review Panel.

1.39 Previous advice has outlined that the site presents an opportunity for high quality sympathetic development. A suitable scheme would add to the architecture of the conservation area and improve the connectivity and activity around the Station. This could take the form of a prominent building, however this needs to be balanced alongside the heritage assets and the residential amenity of neighbouring residents.

1.40 The design team have undertaken a detailed analysis of the site and surroundings and the proposal would introduce a large new building into the immediate setting and curtilage of the Grade II\* listed Tynemouth Station and Tynemouth Village Conservation Area. There are concerns about the impact of the height and architectural detailing of the proposal.

**1.41 Significance:** Tynemouth Station is Grade II\* listed and is located within Tynemouth Village Conservation Area. The Station has both historic and architectural significance. The Station is a defining factor in the area's historical development, both in terms of size and its function. The railway was instrumental in the development of Tynemouth as a Victorian coastal resort and settlement. The application site formerly comprised of siding's, platforms and tracks that was originally an integral part of the working Station. The Station is now an important form of transportation for both locals and visitors. The Station also serves as a focal point for the community and functions as an art display area and as a venue for a vibrant weekend market. The historic and social interest of the Station is considered to be highly significant.

1.42 The architectural interest of Tynemouth Station is considered to be exceptionally significant with important historic and architectural features demonstrating high quality workmanship. The Gothic style brick passenger building is an important building with special interest. The footbridge and arched platform canopies are considered to be of outstanding merit with elegant iron columns and glass roof canopies. These are experienced primarily from within the building but can also be appreciated from longer distance views and the approach to the Station. The architectural and historic value is recognised in its Grade II\* listed status. For a detailed description, please see the full listed building description. List entry number 1185168.

1.43 The setting of the heritage asset makes an important contribution to the significance and legibility of the heritage asset. The curtilage of the listed building is considered to extend to the stone wall around the site which includes the application site. This land forms part of the setting of the listed building and allows views of the Station from Tynemouth Road. It also allows an understanding of the historical development and use of Tynemouth Station and

associated railway in the area. The contribution of this setting to the listed building is significant but has potential for enhancement.

1.44 The Station is an exceptionally significant and important landmark building in the conservation area due to its design, history, siting and use. It is accessed by a number of different routes from within and approaching the conservation area and is a key gateway into the village and the conservation area.

**1.45 Impact on Tynemouth Station:** The site contributes to the understanding of the area's development and industrial past and the functioning of the Grade II\* listed Station. The development of this site would therefore harm the historical significance of Tynemouth Station. However, given the condition of the site, a high-quality sympathetic development would improve the character and appearance of the conservation area.

1.46 The proposed building, at its tallest, would be six storeys in height. There are concerns that the proposed development appears overly tall and bulky although it is acknowledged that the location of the 6-storey element is the right place on the site for a focal point. However, a focal point does not always need to be articulated by height. The proposal has been designed to take the scale and mass away from the Station by limiting the height and scale of the new building immediately adjacent to the Station. Therefore, the proposal should not appear overbearing on the Station.

1.47 The development would result in a major change to the setting of Tynemouth Station and would compete with the Station as a landmark building. The proposal would result in the loss of some views of the Station which would be harmful to the setting of the listed Station building. The level of harm is considered to be less than substantial and would not seriously affect the special architectural or historic interest of Tynemouth Station. However, any harm to the significance of a designated heritage asset from development within its setting, requires clear and convincing justification.

**1.48 Impact on Tynemouth Village Conservation Area:** The conservation area retains a village character. This special character is highly significant and is derived from a number of factors; one being the well-established balance of landmark buildings (such as Churches and the Station) and townscape buildings (such as residential properties) in the conservation area. The dominant building form is two or three storey development with pitched roofs. New development should not challenge the well-established character of landmark buildings in the conservation area and in particular should not have a dominating effect which would be harmful to the character and appearance of the conservation area.

1.49 There are concerns about the height of the proposed development which is up to 6-storeys. The proposal appears overly tall and bulky in parts and design cues are largely taken from buildings to the south of Tynemouth Road such as Mariners Point, Knott Flats and St Vincent's House. These are all large buildings which do not positively contribute towards the character and appearance of the area. The proposal would introduce a large building into the conservation area which is not in-keeping with the character and appearance of the village. The

development would be visible from Birtley Avenue, Station Terrace, Tynemouth Road and Tynemouth Station platform and footbridge.

1.50 The development is considered to be of a scale, mass and height which would substantially harm the character and appearance of the conservation area. This concern particularly relates to the 6-storey element. National planning policy sets out that where a proposed development will lead to substantial harm to 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. It is not considered there are public benefits to justify the harm.

1.51 There are also concerns about the detailed architectural approach. The mansard roof is out of character with the surroundings. The proposed elevation and roofscape shows a varied approach, with differing roof heights, roof design and setbacks. Whilst this approach may have the benefit of reducing the effect of bulk, the overall appearance feels overly fussy.

1.52 The retail/leisure units next to Tynemouth Road have large glass frontages. The view of these are likely to be dominated by the internal contents of the units such as furniture, signage, marketing and goods for sale. This should be considered further with some mitigation or reductions to the amount of glass.

1.53 The demolition of 50 metres of a curtilage listed stone wall is proposed fronting onto Tynemouth Road as part of the application. This would remove a positive feature of the conservation area and part of the curtilage of the listed Station. This is not supported.

**1.54 Conclusion:** It is considered that the scale, mass and height of the proposed development would cause less than substantial harm to the significance of Tynemouth Station which could be justified. However, the proposal would also cause substantial harm to the character and appearance of the Conservation Area which cannot be justified. Some of this harm can be reduced by the design quality and articulation of the scheme, however this can only mitigate the harm rather than remove it as it is the height of the 6-storey element which is the main concern. The public benefits of the scheme do not outweigh this harm.

1.55 Overall, the height and design of the proposal fails to take the opportunities available for improving the character and quality of Tynemouth Village and the way it functions. It is recommended that the application is refused as it is not in accordance with DM6.1 Design of Development and DM6.6 Protection, Preservation and Enhancement of Heritage Assets.

#### 1.56 Biodiversity Officer and Landscape Architect

##### 1.57 Existing Site Context

The proposed application site is located within the existing Tynemouth Metro Station site immediately to the north and south of the station on land formerly used as redundant platforms and open space. This application looks to construct 71 units with 43 car parking spaces. There has been an increase in units from the previous plans from 69 to 71 and a decrease in car parking spaces

from 46 to 43. The proposed residential development is to be located to the south of the Station with all car parking proposed to the north. An improved public realm is proposed that links the car parking with the station and the new development.

1.58 A number of requests for additional information have been made and information received. The following additional information has therefore been received for ecology, landscape and trees:

- Updated Ecological Assessment (TEP July 2022)
- Butterfly Survey (TEP July 2022)
- Breeding Bird Survey (TEP July 2022)
- Biodiversity Net Gain (BNG) Assessment & Biodiversity Metric (TEP July 2022)
- Planting Strategy DWG No: 5023- OOB- ZZ- 00- DR- L- 0030 (Rev P07)
- Email response (dated 28.1.22) in relation to Arboricultural Impacts and Biodiversity Net Gain (KLR Planning)

1.59 The Arboricultural Impact Assessment (AIA January 2020), Method statement (AMS October 2021) and drainage strategy have been submitted earlier.

1.60 Impacts from the proposal

1.61 The scheme will result in the following impacts:

- Loss of ecological habitats (trees, scrub, grassland) and associated potential impacts on protected/priority species
- Impacts to a designated wildlife corridor as a result of habitat loss and fragmentation of green infrastructure network
- Impacts to designated coastal sites (Northumbria Coast SPA & Ramsar Site, Northumberland Shore SSSI)
- Impacts to a Local Wildlife Site (Northumberland Park LWS)
- Removal of trees protected by a TPO
- Impact on retained trees within the site during construction.

1.62 The following Local Plan and NPPF Policies are, therefore, relevant to this application:

Policy S5.1 Strategic Green Infrastructure

Policy S5.4 Biodiversity and Geodiversity

Policy DM5.5 Managing Effects on Biodiversity and Geodiversity

Policy DM5.7 Wildlife Corridors

Policy DM 5.9 Trees, woodland and hedgerows

National Planning Policy Framework (NPPF), Section 170, 174 and 175

1.63 Arboricultural Impact Assessment and Method Statement

1.64 The proposals will require the removal of a number of trees protected by a TPO. An Arboricultural Method Statement (AMS October 2021) has been submitted in support of the Arboricultural Impact Assessment by The Environment Partnership (TEP). The trees have been evaluated in accordance with BS 5837:2012 'Trees in relation to design, demolition & construction' with regard to their quality and value.

1.65 The AIA remains unchanged and identifies 6 individual trees (T1-T6) and 8 groups of trees (G1-G8) within influencing distance of the application site. Of this, 4 individual trees; 2 tree groups, and parts of 2 tree groups (comprising approximately 994m<sup>2</sup>) would be removed to facilitate the proposals.

1.66 The AIA states that the tree population and their condition is typical of the land's former use as a railway sidings with the majority of trees categorized as of low quality (category C). However, there are a number of individual trees and groups of trees (Group G1 and G8) which have established well which have been categorized as moderate quality (category B), based on their value as a collection rather than individual merit.

1.67 The AIA states that 'In the context of a planning application, the presence of a TPO is material but it does not necessitate the retention of protected trees within a proposed development. Equally, the lack of a TPO does not mean that removal of any particular tree would be without significant impact'.

1.68 In this application trees T3, T4, T5, T6 with G2, G3 (part), G4 and G7 (part) are identified for removal. According to the AIA all trees identified for removal are Category C trees and equates to a loss of 994m<sup>2</sup>. Of these trees to be removed T3, T4, T5, T6, Group 3, Group 4 and Group 7 are protected by a TPO. The majority of tree removals as described above are proposed within the southern section of the site, adjacent to the newly proposed entrance and along the southern boundary to facilitate building construction.

1.69 T3 Ash is located to the south of the station on the eastern boundary and has been categorised as a 'U' i.e unsuitable for retention. The tree has a limited remaining lifespan and in poor condition and is likely to be suffering from Ash die Back. It has been given a BS5837 Tree Quality Assess sub group value of 2 which means that this tree offers 'low or only temporary /transient landscape benefits'. The removal of this tree would be acceptable as long as a suitable replacement tree is provided.

1.70 T4 Ash has a slight asymmetric crown, with crossing branches and growing against walls foundations. Its location against wall foundations may not make it suitable for retention as its increase in growth can impact on existing walls.

1.71 T5 Sycamore is a self-sown tree approximately 7.0m high, suppressed by T4 which is also growing close to walls foundations

1.72 T6 Sycamore is a middle aged tree multi stemmed tree with stub cuts to the western side of the crown, crossing branches and a dense lower crown. Sympathetic pruning works could address the stub end and crossing branches, however, more recent information has been received with regard to this tree which states that it is not a good example of its species which is why it is given a category C rating and identified for removal.

1.73 Tree group G2 comprises of a self-sown group of sycamore trees growing out of concrete platform. These are small in height (approximately 2.5m) and it

would be impracticable to retain. Their removal would be acceptable as long as suitable replacement trees are provided.

1.74 Part of tree group G3 is to be removed. This group is located south of the station and comprises of sycamore and ash with some trees approximately 12m high. Some self-sown trees have filled the gaps where trees have been felled. An attenuation tank (6 x 30) is proposed in this location and could potentially require the removal of additional trees /scrub from this group. Again, further information has been submitted with regard to this tree group which clarifies that only the best trees are shown for retention and it is the self seeded trees in between that are being removed.

1.75 Tree group G4 is located to the south of the station and comprises of a self-sown group of sycamore and ash with ivy growing on the stems. They are approximately 6.0m high. Many trees within this tree group have been recorded as having stem diameters of about 100mm, and in accordance with the BS, any trees with less than 150mm girth should be given a C categorisation.

1.76 Part of tree group G7 is to be removed. This group is located to the north of the station and comprises of sycamore, birch and poplar with some trees approximately 10m high. This is an ivy covered tree group with evidence of previous branch failures, leaning stems towards the metro line and a number of pollarded specimens present adjacent to residential properties to the east. There is potential that construction works associated with the proposed car park will encroach onto the root protection areas of neighbouring tree groups, however the AMS details no dig methods of construction in order to protect tree roots. The AIA has surveyed the trees as a group and all the trees within this group have been collectively categorised as C.

1.77 G5 has been shown in the proposals to be retained. Car parking is proposed within the RPA of trees within G5 although no reference has been made to their retention or impacts. Associated with this is drainage and an attenuation tank (7 x 21m) that will require large areas of excavation, level changes and the potential to impact on retained trees. Level changes could require retaining structures. The AIA identifies the trees to this location as a group whereas the more detailed plans submitted identify the trees individually. Similar to G7, all trees within this group have been collectively categorised as C.

1.78 It is proposed to retain a number of trees on the site and construct in close proximity to them. However, the plans show these retained trees left in space that is very limited with tree crowns up against building elevations and site boundaries. It is agreed that space is tight especially opposite G3 but it should be workable. BS 5837:2012 'Trees in relation to design, demolition & construction' allows certain construction works to be undertaken within the RPA's and the detail provided in the method statement should ensure damage is minimised during construction. Similarly for the parking where indicative details are provided and will require additional design. The AMS will be conditioned along with a requirement for rigorous fence inspections.

1.79 In addition to this there are 2no large underground attenuation tanks proposed as part of the Drainage Strategy, one to the north and one to the south

site. The method statement (AMS) does not take into account the proposed drainage works which could potentially be constructed within the root protection areas of G5 and requiring the removal of trees within G3 which is unacceptable. It is understood that further checking of the drawings will be undertaken and their impacts considered.

1.80 However since the AIA has been undertaken, ash die back has become widespread in the borough and is likely to have affect a number of trees on the site. In accordance with good management, a revised AIA will need to be undertaken to assess the current condition of ash trees on the site, identifying any that require removal and any tree replacement. This amended AIA should include impacts on trees from the construction of the underground attenuation tanks.

#### 1.81 Updated Ecological Assessment

1.82 An updated Ecological Assessment (EA) has been submitted to support the application. An extended Phase 1 habitat survey was undertaken by TEP in July 2019 and an updated assessment has been undertaken on 30th June 2022 to determine any changes in the habitat baseline over the intervening period.

1.83 Habitats present within the development site or adjacent to the site include hardstanding, modified neutral grassland, dense continuous scrub, scattered trees and semi-natural broadleaved woodland.

1.84 The scheme will result in the loss of grassland and scrub on site with the majority of the onsite woodland being retained. The EA has assessed the grassland and scrub habitats as common and widespread and of low intrinsic ecological value and concludes that the loss of these habitats is unlikely to have a significant negative impact on the ecological value of the site. No invasive plant species (Schedule 9 of the Wildlife and Countryside Act 1981, as amended) were recorded within the site boundary

1.85 The Report also concludes that the loss of habitats on site are unlikely to have a significant impact on local amphibian populations and whilst the site offers potential badger foraging habitat and suitability to support reptiles, no evidence of these species were found on site and it is concluded that loss of habitats are unlikely to have a significant impact on local reptile populations or to badger. The site does, however, offer foraging value for hedgehog associated with the tall ruderal and scrub and suitable hibernation habitat within the scrub, and as such there may be implications for the species.

1.86 A daytime assessment of the trees adjacent to the site, to confirm their potential to support roosting bats, was completed in conjunction with the Phase 1 habitat survey. No buildings are present within the development boundary. There are two trees (TN5, TN6) on site of low value to roosting bats. Neither tree will be impacted by the development. The remaining trees are of negligible value to roosting bats. This was confirmed in the survey undertaken in 2022. It is concluded within the Report that the site provides sub-optimal foraging and commuting habitat and the adjacent railway represents a landscape level foraging and commuting route.



1.87 An invertebrate survey and breeding bird survey were undertaken in 2022, the results of which are detailed in separate reports. The breeding bird survey identified 10 species probably breeding on site including house sparrow. Starling, dunnock and herring gull which are all UK Priority Species. The Report concludes that as the site is dominated by hardstanding and the limited loss of nesting habitat (scrub) is unlikely to have a significant impact on local breeding bird populations.

1.88 The invertebrate survey recorded low numbers of common butterflies but no dingy skipper butterflies or other S41 butterfly species were recorded using the site on any survey visit. Based on the habitats present within the site it is considered that the site is unlikely to support a notable invertebrate assemblage however, there is a low potential for the presence of dingy skipper due to the presence of larval food plants on site

1.89 A number of recommendations are set out within Section 6 of the Report to address any impacts, including tree protection measures, works outside of the nesting season, a Precautionary Works Method Statement to cover protected/priority species (amphibians, reptiles, hedgehog) bird and bat boxes, a CEMP and the creation of a butterfly bank, wildflower/meadow grassland and shrub planting. These measures will be conditioned as part of the application.

1.90 The Report acknowledges that the scheme has the potential to impact the Northumberland Park Local Wildlife Site (LWS) through construction works and recommends that a CEMP will be required to ensure the LWS is not impacted by dust and pollution from the development. However, the Report does not address the ongoing operational impacts of the scheme that will occur from an increase in recreational use and disturbance by residents, particularly when there is no useable open space within the site itself. Suitable mitigation is required to address these impacts and it is therefore recommended that a financial contribution is agreed with the developer to address this.

#### 1.91 Butterfly Survey:

Two visits were undertaken on 19th May and 14th June 2022 focusing on dingy skipper butterfly. Both surveys were undertaken in suitable weather conditions. No butterflies of any species were recorded within the site on either survey, however, the Report acknowledges that although dingy skipper were not recorded, the presence of suitable food plants within the site is indicative of their potential presence. A precautionary approach is therefore recommended during construction, with mitigation implemented to retain suitable dingy skipper habitat on site post development including a proposed butterfly bank which maintains open habitat and bare ground and provides a seed mix which contains larval food plants. Section 5.5 of the Report states that brownfield habitat conditions will be created post-development with the construction of the proposed butterfly bank within the site shown within the landscape proposals (Drawing: 5023-OOB-ZZ-00-DR-L-0001). However, the latest and most up to date Landscape Planting Strategy DWG No: 5023- OOB- ZZ- 00- DR- L- 0030 (Rev P07) does not appear to show the butterfly bank.

1.92 A number of recommendations are made in Section 5 of the Report, including recommended planting within the site for brownfield butterflies and

these measures should be implemented as part of the scheme and conditioned as part of the application.

#### 1.93 Breeding Bird Survey:

Breeding bird surveys were undertaken on 21st April, 18th May and 8th June. 29 bird species were recorded on the survey. Willow warbler, pied wagtail and whitethroat were recorded by the surveyor despite being more than 100m from the site as they were judged to have potential association with the site at the time. Whitethroat and willow warbler may have been a possible breeder within the 100m buffer. Eleven notable species were recorded on the 2022 survey; dunnock, greenfinch, herring gull, house sparrow, starling, stock dove, swift, whitethroat, willow warbler, wood pigeon and wren. Notable possible breeding species within the site include, dunnock, greenfinch, house sparrow and starling. Notable possible breeding species within the 100m buffer include herring gull, stock dove, swift, whitethroat and willow warbler. The Environmental Assessment Report concluded that as the site is dominated by hardstanding and there is a limited loss of nesting habitat (scrub), the scheme is unlikely to have a significant impact on local breeding bird populations.

1.94 Given the fact the majority of the woodland surrounding the site is being retained and there is limited loss of nesting habitat (scrub) as a result of the scheme, it is considered that the impacts on breeding birds can be adequately addressed through an appropriate landscape scheme, provision of a range of bird nesting features and vegetation clearance being undertaken outside of the nesting season. However, officers would like to see the incorporation of mixed native scrub into the Landscape Scheme, within on or off-site proposed habitat areas to ensure that native scrub that has been lost is replaced and to increase structural diversity and nesting habitat and provide a range of ecological habitats which enhance the wildlife corridor.

#### 1.95 Designated Coastal Sites:

The Habitat Regulations Assessment submitted to support the application concludes that there will be no habitat loss of the SPA, Ramsar or SAC as a result of the proposed development. As the site is located in an urban area and the immediate landscape within 500m of the site is not suitable for qualifying species of the SPA/Ramsar site, there will be no disturbance impacts or lighting impacts on birds associated with these protected sites as a result of the proposed development. However, the report states that an increase in residential development could result in an increase in visitor numbers to the designated sites which could impact habitat quality and cause disturbance to protected species.

1.96 The mitigation recommended in the report to address recreational disturbance on the SPA and Ramsar site is for information to be provided in sales packs, informing residents of the presence and importance of the European sites, and how residents can help protect them including an outline 'Responsible User Code'. However, the LPA do not consider this mitigation to be adequate in addressing the recreational impacts on the SPA/Ramsar as a result of this scheme. The scheme is likely to impact the coast as a result of recreational disturbance. Increases in residential and tourist accommodation leads to an increase in recreational activity, which can lead to increased disturbance to the birds associated with the designated sites. The scheme will, therefore, need to

comply with the Councils Coastal Mitigation SPD. The SPD provides guidance and information on the mitigation required from development within North Tyneside to prevent adverse impacts on the internationally protected coastline

#### 1.97 Biodiversity Net Gain (BNG) Assessment/Biodiversity Metric

1.98 A Biodiversity Net Gain (BNG) Assessment has been undertaken, using the Biodiversity Metric 3.1 calculator to quantify the change in biodiversity units for the planning application area between the pre-development baseline and post-development retained, enhanced and created habitats. The Biodiversity Metric indicates that all the modified neutral grassland and most of the native scrub will be lost to accommodate the scheme. Planting on site includes small areas of neutral grassland and some urban trees and based on these details the scheme will result in a net loss of -18.83% for area-based habitats and a net gain of 100% for hedgerows.

1.99 Net Gain cannot be achieved onsite alone therefore off-site enhancement is required. The applicant has proposed off-site enhancement to the west side of the development (west of the rail line). This includes the enhancement of 0.2ha (2000sqm) of modified and neutral grassland to increase species number and diversity. Based on the details provided, with off-site enhancement the results indicate a net gain of 3.76% for area-based habitats and a net gain of 100% for hedgerows.

1.100 Whilst the scheme provides a small net gain in biodiversity, it is considered that a more diverse planting scheme could be implemented as part of these proposals, particularly with the inclusion of mixed native scrub to address the loss of this habitat on site and provide habitat for nesting birds. It is recommended that landscape plans are amended to provide native scrub and more trees within the scheme both on and off site where space allows.

#### 1.101 Landscape scheme

1.102 Landscape plans for the site have been altered following comments which now include new tree planting, ornamental planting and wildflower mixes. The plant species has been selected to achieve multiple design principles and functions to be attractive, functional, and underpinned by ecology and biodiversity. Many tree species across the site have been replaced and increased following comments in line with species that attract larval food source for birds, butterflies, and insects. The majority of new tree planting will be located within a narrow grass verge between a public footpath and the rear boundary of the properties (south site). It appears that the space to the east elevation of the development will be generally open and accessible with partial division of space by low block seating to define semi-private spaces. Any retained trees will be accommodated in a small 'courtyard' space directly to the east of the building elevation and in the case of G1 the existing shared footpath will be altered or improved directly through some of these tree groups. No new tree planting is proposed to the north (north site).

1.103 This new development presents an opportunity to plant new trees that can provide benefits to the urban environment and to the people who live there. Section 130 of the NPPF which states 'Planning policies and decisions should ensure that developments....(b) are visually attractive as a result of good

architecture, layout and appropriate and effective landscaping...'. In addition, the North Tyneside Design Quality SPD section 4.12 refers to the degree of landscaping that will contribute to the overall quality and success of a development. Section 4.19 refers to landscaping being used to reinforce boundaries particularly where development sites are located adjacent to major roads, which should have 'landscaped buffers to mitigate for noise, pollution and visual intrusion'.

1.104 Whilst new tree planting and off site enhancements are welcomed, the development offers little in the way of meaningful new landscape planting, as the majority of the site is occupied by the footprint of the new building. Location and the quality of the trees to be planted is key to a successful development but in this case, new tree planting is restricted to a narrow boundary with little scope to contribute to the wider landscape and council strategies for the environment. One of the overarching principles of the development should be to provide sufficient high-quality landscaping and well-designed green infrastructure that provides visual amenity, wildlife connectivity and green links, good quality spaces for leisure and recreation.

1.105 There is a dominance of species rich grassland within the development, with a lack of habitats such as mixed native scrub to replace similar habitat that is being lost and provide habitat for nesting birds. The inclusion of a range of habitats including species rich grasslands, mixed native scrub, hedgerows and trees will provide a greater variety of habitat for wildlife and structural diversity that enhances the wildlife corridor as well as the visual amenity of the site. It is therefore recommended that additional trees and areas of mixed native scrub are provided within the scheme in the on and off-site mitigation areas.

#### 1.106 Conclusion

1.107 Due to the large scale of the development, space within the site is limited and there is no scope for any meaningful green infrastructure. Whilst the scheme looks to plant new trees and wildflower meadow to address biodiversity net gain and the loss of habitat within the site, the scheme is overly dominated with grassland habitat and it is, therefore, recommended that mixed native scrub should be provided to increase structural diversity, mitigate the loss of scrub planting and provide habitat for nesting birds. This could potentially be provided on both sides of the railway track in the on and off-site mitigation planting areas. We would also advise that additional trees (standard trees) should be provided off-site. The inclusion of these features (native trees and scrub) will provide a scheme with a more diverse and valuable range of habitats that enhance the wildlife corridor, provide habitat for a range of species and enhance the visual amenity of the site.

1.108 It is advised that a detailed landscape condition is attached to the application (as outlined below) to address the changes required to the landscape scheme.

1.109 In addition, the Ecological Assessment (EA) Report acknowledges that the scheme has the potential to impact the Northumberland Park Local Wildlife Site (LWS) through construction works and recommends that a CEMP will be required to ensure the LWS is not impacted by dust and pollution from the development.

However, the Report does not address the ongoing operational impacts of the scheme that will occur from an increase in recreational use and disturbance by residents, particularly when there is little useable open space within the site itself. Suitable mitigation is required to address these impacts and it is therefore recommended that a financial contribution via S106 agreement is agreed with the LPA to address this.

1.110 Should the application be approved, the following conditions are to be applied:

1.111 Conditions

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, 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 and detailed in the Arboricultural Method Statement (AMS 02 Tree Protection Fencing Location Plan (North and South) submitted by The Environment Partnership (TEP) October 2021 unless otherwise agreed in writing by the Local Planning Authority. 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.

All works within the RPA of the retained trees that include (but not limited to) kerb installation, fence post installation, lighting and drainage, are to be carried out in complete accordance with the Arboricultural Method Statement, BS 5837:2012 and the National Joint Utilities Group (NJUG) 'Guidelines for the Planning, Installation and Maintenance of Utility Apparatus in Proximity To Trees'. The AMS is to form part of the contractors method statement regarding the proposed construction works

Any new service installations or service diversions which will impact on the retained trees is to be carried out in accordance with the Arboricultural Method Statement by The Environment Partnership (TEP) October 2021 with works being undertaken by hand or suitable method such as an air spade to ensure works will not damage to the root systems of the retained trees.

The contractors construction method statement relating to traffic management/site compounds/contractor access, temporary parking, on site welfare facilities, loading, unloading and storage of equipment, materials, fuels and waste as well concrete mixing and use of fires must be submitted in writing and approved by the Local Planning Authority and include tree protection measures for the trees to be retained. Cabins, storage of plant and materials, parking are not to be located within the RPA of the retained trees as defined by the Tree Protection Plan and maintained for the duration of the works.

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 oversee the agreed tree protection and visit as required to oversee any unexpected works that could affect the trees. The supervision is to be undertaken in accordance with the Arboricultural Method Statement by The Environment Partnership (TEP) October 2021. This condition may only be fully discharged on completion of the development subject to satisfactory written 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 fully detailed landscape plan for on and off-site landscaping shall be submitted to and approved in writing by the Local Planning Authority. The landscape scheme shall be in accordance with the habitat creation and enhancement details set out within the BNG Assessment and Biodiversity Metric (TEP July 2022) or any subsequent updated Metric Assessment and shall include species rich grassland, a butterfly bank, standard trees and mixed native scrub planting within the scheme. The Plan shall also include details of the extent (sqm) of all new and enhanced habitats within the site, including the proposed timing of all new tree, shrub and wildflower grassland planting and ground preparation noting the species and sizes for all new plant species. Any new standard tree planting shall be a minimum 14-16cm girth. The landscaping scheme shall be implemented in accordance with the approved details within the first available planting season following the approval of details. All hard and soft landscape works shall be carried out in accordance with the approved details and to a standard in accordance with the relevant recommendations of British Standard 8545:2014. Any trees or plants that, within a period of five years after planting, are removed, die or become seriously damaged or defective, shall be replaced with others of species, size and number as originally approved, by the end of the first available planting season with others of similar size and species.

Within 4 weeks of any of the development hereby approved commencing on site, a 'Landscape Ecological Management & Monitoring Plan' (LEMMP) for on and off-site landscape mitigation and enhancement shall be submitted to and approved in writing by the Local Planning Authority. The Plan shall be in accordance with the approved on and off-site Landscape Plans and the details set out within the approved BNG Assessment and Biodiversity Metric and shall be implemented on completion of the landscape scheme 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 and off-site compensation areas for a minimum period of 30 years. Details of the survey and monitoring of the site for brownfield butterflies at regular intervals within the first 10 years of landscaping being implemented shall also be provided. The Plan will also include details of regular Net Gain Assessment updates that include habitat condition assessments to evidence the success of the scheme and net gain delivery. Thereafter, these areas shall be managed and maintained in full accordance with these agreed details unless first agreed in writing by the Local Planning Authority.

Prior to installation of any floodlighting or other form of external lighting, a lighting scheme, that must be designed to minimise light spill (less than 2 lux) to wildlife habitats within the site or adjacent to the site, 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 ;
- where necessary, the percentage increase in luminance and the predicted illuminance in the vertical plane (in lux) at key points; and
- all street lighting associated with the development should be fully shielded so as to prevent direct lighting up into the atmosphere and avoid potential distraction to pilots flying overhead.

High intensity security lights shall be avoided as far as practical and if required, these will be of minimum practicable brightness, be set on a short timer and will be motion sensitive only to larger objects. Lighting must be designed in accordance with the BCT & Institute of Lighting Professionals (ILP) Guidance Note 08/18 "Bats & Artificial Lighting in the UK" to minimise light spill to adjacent boundary features such as woodland, scrub, grassland and hedgerow habitats and should be less than 2 lux in these areas.

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

All site clearance works and vegetation removal will be undertaken in accordance with an approved Precautionary Working Method Statement (PWMS) for amphibians, reptiles and hedgehog and under the supervision of a Suitably Qualified Ecologist (SQE). The PWMS shall be submitted to the LPA for approval prior to development commencing on site.

Any trees identified for removal that have been identified as having low suitability for bats within the Ecological Assessment (TEP July 2022), will be inspected and soft-felled under the supervision of a Suitably Qualified Ecologist (SQE).

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

No vegetation removal or works to features (buildings) that could support nesting birds will 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.

8no. bird boxes (various designs) and 6no. bat boxes shall be installed in suitable locations within the site. Details of bird and bat box specifications and locations, shall be submitted to and approved in writing by the Local Planning Authority within 4 weeks of development commencing on site. Thereafter, these agreed details shall be installed prior to the completion of the scheme and permanently retained.

A Construction Environmental Management Plan (CEMP) shall be submitted to the LPA for approval prior to development commencing on site and shall contain measures to ensure works minimise impacts to the adjacent Northumberland Park LWS and any habitats within or adjacent to the site.

Hedgehog access holes shall be created at ground level in all new boundary walls and fences across the site around plots and edges of the development to allow hedgehog to move freely throughout the site. Access holes will be a minimum of 13 x 13cm in size and should be marked with 'Hedgehog Highway signs' to ensure residents are aware of the purpose and to discourage the blocking up of these holes. Details of the location and specification of access holes will be submitted to the LPA for approval within 4 weeks of works commencing on site.

#### 1.112 Regeneration Team

1.113 The Regeneration and Economic Development Service support the principle of the development of new housing at this location as it is close to sustainable public transport provision, and a local centre in Tynemouth Village. However, this subject to the proposal being consistent with provisions in the adopted North Tyneside Local Plan and other material planning considerations. The site is within the curtilage of a Grade II\* listed building and within Tynemouth Village Conservation Area and as such high design quality is imperative for such an important location at a key gateway to the conservation area.

#### 2.0 External Consultees

##### 2.1 Natural England

2.2 No objection – subject to appropriate mitigation being secured.

2.3 We consider that without appropriate mitigation the application would:

- have an adverse effect on the integrity of the Northumbria Coast Special Protection Area (SPA), Ramsar site and the Durham Coast Special Area of Conservation (SAC) <https://designatedsites.naturalengland.org.uk/>.
- damage or destroy the interest features for which the Northumberland Shore Site of Special Scientific Interest and Tynemouth to Seaton Sluice SSSI has been notified.



2.4 In order to mitigate these adverse effects and make the development acceptable, the following mitigation measures are required and should be secured:

- The proposed mitigation measures set out in the Habitats Regulations Assessments Part 2, Appropriate Assessment, should be secured.
- An agreed appropriate contribution to North Tyneside Councils Coastal Mitigation Service to mitigate for potential recreational disturbance impacts resulting from increased residential provision.

2.5 We advise that an appropriate planning condition or obligation is attached to any planning permission to secure these measures.

## **2.6 European/International Sites – Northumbria Coast SPA, Ramsar site and Durham Coast SAC**

2.7 Natural England has previously commented on this proposal and made comments to the authority in our letter dated 11th February 2020 (our ref: 308479). We do not have any specific comments to make on this amendment, as it is unlikely to have significantly different impacts on the natural environment than the original proposal.

2.8 However, we would like to draw your attention to our previous correspondence, which has been attached alongside this letter. Specifically, in regards to our advice in relation to increased recreational disturbance impacts on designated sites caused by increased residential provision.

2.9 This development falls within the 'zone of influence' for coastal sites designated at a national and international level as Sites of Special Scientific Interest and Special Protection Areas/ Special Areas of Conservation/ Ramsar sites. Since this application will result in a net increase in residential accommodation, impacts to the designated sites may result from increased recreational disturbance.

2.10 Northumberland and North Tyneside Councils operate a Coastal Mitigation Service to mitigate for potential impacts from increased recreational disturbance resulting from increased residential development and tourism activities within this zone. It is not demonstrated within the provided documents that an agreed contribution to this service will be sought. It is our advice that as this development falls within the 'zone of influence' and triggers a number of Impact Risk Zones for designated sites, and an appropriate contribution to this service should be sought by the local planning authority.

2.11 Subject to appropriate mitigation being secured in line with the details of this Service, Natural England is satisfied there will be no damage or disturbance to the interest features of these sites.

2.12 Natural England notes that the Habitats Regulations Assessment (HRA) has not been produced by your authority, but by the applicant. As competent authority, it is your responsibility to produce the HRA and be accountable for its conclusions. We provide the advice enclosed on the assumption that your

authority intends to adopt this HRA to fulfil your duty as competent authority. As this proposal has been amended to increase the number of residential units since the original HRA was written, the HRA should be updated to reflect this change.

2.13 The appropriate assessment stage of the HRA concludes that the proposed development will not have a significant adverse effect on the integrity of the Northumbria Coast SPA, Ramsar site and the Durham Coast SAC either alone or in combination with other projects/ plans. Natural England advises that we would concur with the assessment conclusions, providing that all mitigation measures are appropriately secured in any planning permission given.

#### **2.14 National Sites - Northumberland Shore SSSI and Tynemouth to Seaton Sluice SSSI**

2.15 Increased recreational disturbance resulting from the proposal are also concerns for sites of national significance, including Northumberland Shore SSSI and Tynemouth to Seaton Sluice SSSI. Natural England's concerns regarding these potential impacts of the proposal are covered by our comments in the previous section.

#### 2.16 Northumbrian Water

2.17 We have no issues to raise with this application, provided it is approved and carried out within strict accordance with the submitted document entitled "Drainage Strategy – Option 1". This document reflects our pre-planning enquiry advice identifying that foul flows will discharge into the existing public combined sewer at manhole 6114. Surface water flows will discharge into the existing public combined sewer at manhole 6114 at a restricted rate of 5 l/sec and manhole 6307 at a restricted rate of 5 l/sec.

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

CONDITION: Development shall be implemented in line with the drainage scheme contained within the submitted document entitled "Drainage Strategy – Option 1" dated "5th April 2022". The drainage scheme shall ensure that foul flows discharge to the combined sewer at manhole 6114 and ensure that surface water discharges to the combined sewer at manhole 6114 and manhole 6307. The surface water discharge rate shall not exceed the available capacity of 5 l/sec at manhole 6114 and 5 l/sec at manhole 6307. The final surface water discharge rate shall be agreed by the Lead Local Flood Authority.

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

2.19 For information only:

We can inform you that a public combined sewer crosses the site and may be affected by the proposed development. Northumbrian Water does not permit a building over or close to our apparatus. We will work with the developer to establish the exact location of our assets and ensure any necessary diversion, relocation or protection measures required prior to the commencement of the

development. This is an informative only and does not materially affect the consideration of the planning application.  
Further information is available at <https://www.nwl.co.uk/services/developers/>

#### 2.20 Northumbria Police

2.21 Car Park Access: To ensure that criminal opportunity is minimised, we would recommend that automatic gates or roller grilles/shutters are used, with the operation speed of the gates or shutters to be as quick as possible to avoid tailgating by other vehicles.

2.22 Cycle Storage: Details noted and no additional comments

2.23 General Building Access: Details noted, however I would recommend that all doorsets, (emergency, egress and fire) that may be used by residents to access communal parts of the building should be 'secure doorsets' as per Approved Document Q, Section 1, paragraph 1.1.

#### 2.24 Historic England

2.25 Historic England welcomes the simpler approach to material types and tones now presented, likewise the omission of one store and clothing the other within brick.

These changes make the building feel more grounded and ordered, reflecting in broad terms architectural characteristics of the conservation area. They address concerns set out in our letter of 24th February 2020.

2.26 Differences in brick detail and patternation as well as the materials chosen will be important to the quality of the scheme and we recommend robust conditions to ensure this, should the proposal be granted permission.

2.27 Recommendation: Historic England has no objection to the application on heritage grounds.

#### 2.28 Tyne and Wear Archaeology Officer

2.29 The southern part of the site was formerly the Tynemouth Goods and Fish Station (HER 2046), and the majority of the site comprised railway lines in a cutting by the late 19th century. This activity is likely to have truncated any earlier deposits and structures. The Phase 2 Site Investigation report by Solmek Ltd also indicates a significant depth of made ground across the site. I therefore consider the site to have low archaeological potential, and no archaeological work is required.

#### 2.30 Coal Authority

2.31 The submission to which this consultation relates falls on our exemptions list, you are therefore advised to consult the Coal Authority guidance (provided to all LPAs on 18/12/2020) on this issue and to include the necessary notes/advice on any consent granted.

#### 2.32 Northumberland and Newcastle Society

2.33 The Northumberland and Newcastle Society (N&N) supports grant of approval for this application.

2.34 The Society continues to welcome the redevelopment of this unsightly vacant street of land and agrees that the uses and mix of accommodation is appropriate to this largely residential location.

2.35 We note the considerable time and effort which has gone into the development of the design during the pre-application and application period and the number of iterations of the design which have been explored between presentations to Consultees, of which the Society was one, in May 2019. The history of these consultations is well documented in the Design and Access statement and clearly illustrates how the developers and design team have adjusted the size, scale, content and articulation of the scheme in order to accommodate the views expressed. We also understand that to many Tynemouth residents this will represent a substantial change to their environment.

2.36 The Society originally expressed concerns over the overall height of the scheme, and in particular its height adjacent to the listed station building and we are pleased to see that both of these concerns have been addressed, a reduction from 7 to 6 storeys at the highest point and to 2 storeys in the northern section close to the station. Whilst we would, in an ideal world, prefer to see the development still lower at 5 storeys maximum, we accept that there is an economic necessity to make the scheme financially viable.

2.37 We support the design development of the contemporary, largely brick based, elevational treatment and feel that this has been much improved in articulation, texture and colour since our first view of the scheme and will be much more appropriate treatment than that of the adjacent residential block, avoiding a devalued pastiche technique.

2.38 Overall, the opportunity to use a long term brownfield site and give new residents the opportunity to live in such a splendid town is to be welcomed.

#### 2.39 Tynemouth Conservation Area Management Strategy Group

2.40 Summary of TCAMS response to the proposals: this proposal falls on all of the issues below and must be considered as a major threat to the enhancement and positive regeneration of Tynemouth and to the character of the conservation area. Therefore, the proposal must be rejected.

2.41 Summary of Issues covered below.

2.42 All proposals must be conservation-led and therefore need to be considered in the context of the Tynemouth as a conservation area and how they will enhance it.

All proposals need to respect and understand the heritage.

Recent funding for the Station and elsewhere has improved Tynemouth to increase its status as a destination for visitors as well as the enhance it for residents.

All design proposals must be proportionate and in the vernacular and not present threats. TCAMS is in accord with Principal Planning Officer Steven Lyttle about the proposed development being inappropriate and overdevelopment, not in accordance with DM 6.1 and DM6.6.

2.43 The objectives of TCAMS are:

- to revitalise Tynemouth Village Conservation Area through proactive and coordinated conservation, planning, regeneration and management action,
- to conserve and enhance the character and appearance of the conservation area, and to increase understanding and enjoyment of its heritage for today and for future generations,
- to encourage private investment in maintenance, repair, restoration and high quality new work, Section 2.2.4 of TCAMS states “As an SPD, this Strategy is primarily a tool to be used in planning decision-making processes. It is also important that the different parts of this Strategy are not dealt with separately”. So we need to consider the document as a whole and especially in relation to the Station, which is a major asset within the conservation area. Below are many of the issues within TCAMS that are directly relevant to this proposal.

2.44 Heritage assets:

2.45 Tynemouth has many features that are heritage assets, and these not only make it a wonderful place to live, but also to attract visitors and to facilitate regeneration and vibrancy for the future. Thus the whole of Tynemouth conservation area can be considered as a heritage asset in that respect. Whilst some parts are extremely old, much of Tynemouth was developed during the Victorian years, including many terraces, shops, churches and the Station, which is a magnificent example of a Victorian Station- recognised nationally as one of the best in the country. So ‘Victorian’ defines the vernacular for the Station and many other buildings in its vicinity.

2.46 TCAMS stresses that we must understand the heritage affected by the proposal, assess the significance of the heritage, analyse how it is vulnerable to the decision, and that the decision made needs to best protect the heritages significance. This are fundamental principles in TCAMS, which says they must be promoted by all who make or influence decisions affecting the conservation area.

2.47 Regeneration:

2.48 There are three issues in TCAMS also relevant to this proposal in terms of regeneration, and comments are given against each.

- conservation-led regeneration- the development must be conservation-led, and that implies given the proximity to the Victorian station, a Victorian vernacular.
- design- as above, the proximity to the Station implies a traditional design would be appropriate and not too large as to overpower the impact of the station.
- enhancement opportunities- the Station presents enhancement opportunities for events, culture and arts. Would the development be consistent with this?

2.49 Section 4.2.2 of TCAMS states: “Some notable improvements to the fabric and life of the conservation area have been recent. The Station is now a classic example of what restoration can achieve. The £2 million Heritage Lottery grant and the dedication of the Friends of Tynemouth Station have enabled it to transcend its transportation role and become a destination in itself. This, the TCAMS view would be that the development should not threaten this enhanced status as a destination in itself, but should enhance it.

2.50 In addition, the £1.3 million grant awarded for Conservation Area Partnership 1998 -2004 has been instrumental in enhancing the public space around the clock tower, the Green and Huntingdon Place, and in repairing and improving many commercial premises on Front Street with new traditional shopfronts and other features. Eyesore frontages such as the former Barclay's Bank have been changed for the better, also touched on in other sections of this Strategy." This development has the potential to become a large eyesore and to be a backward step following all this positive investment. English Heritage shows built heritage can be a valuable catalyst for regeneration and that economic prosperity leads to enhancement, building repairs and maintenance.

#### 2.51 Design Principles

"All ... new developments in the Conservation Area should have the highest respect for the existing character of Tynemouth Village. They should be in proportion to surrounding buildings and spaces in terms of size and scale, and use high quality materials". After the bigger issues, this is applied in more detail to doors, windows, rainwater goods, etc. A further design principle in TCAMS is "the incorporation of the means of harnessing renewable energy should be encouraged, provided that due regard is given to the impact on the architectural character of the building and the appearance of the wider conservation area".

#### 2.52 Appended quote from TCAMS on regeneration:

TCAMS section 4.2.3. STATEMENT: REGENERATION. The Council will:

1. Put conservation at the heart of regeneration and involve local people in plans and proposals.
2. Continue to explore regeneration opportunities in partnership with others, including seeking funding, to promote the investment in buildings and spaces for the economic benefit of the conservation area and its setting.
3. Pay particular attention to (b) heritage sites, and (c) Front Street, seeking to join up regeneration and visitor sites and facilities to support a 'critical mass' of economic benefit for the conservation area.
4. Support development proposals for uses in Tynemouth Village that would add to its vitality and viability without undermining its overall attraction and would not adversely impact on the character, function and vitality of the street or surrounding environment.
6. Promote the benefits of heritage-led regeneration to local people, owners, developers and decision-makers.
7. Ensure the area's special requirements are taken into account in regeneration plans affecting it or its setting.

#### 2.53 Nexus

2.54 The previous comments submitted by Nexus regarding this application included concerns that the Road Vehicle Incursion Assessment score fell short of the requirement score of 70 or below.

2.55 On review of the revised Incursion Assessment provided and as a result of dialogue between the developer/applicant and Metro Operations Engineers, I can confirm that Nexus is now satisfied that the assessment meets requirements. Therefore, Nexus has no outstanding objections to this application.

2.56 Any other relevant comments made by Nexus on this application should still stand.

### 2.57 Previous comments

#### 1. Travel Ticketing

Nexus still upholds the view that this application is well served by access to sustainable transport due to the immediate proximity to the Tyne and Wear Metro line.

2.58 Due to the size and nature of this development, Nexus still recommends as previous that, as per the Nexus Planning Liaison Policy, the developer should meet the costs of introductory travel tickets for new residents of this development. The ticket in question should be two Pop Pay as You Go cards per dwelling, each with £50 worth of credit preloaded onto the cards. These cards should be distributed as part of a welcome pack, subject to the residents applying for the cards. Introductory travel tickets will encourage a greater take up of public transport in the long term. Nexus recommends that the LPA should mandate this as condition of approval.

### 2.59 Tynemouth Village Association

#### 2.60 OBJECTION by Tynemouth Village Association

2.61 TVA has read the proposal and associated documents, and also several of the comments already submitted. The main reasons for objection by the TVA include:

- the Station is a heritage asset that must not be spoiled by any over-development in close proximity, and even more so if it is not in the vernacular [Victorian in keeping with the Station]. This proposal is detrimental in every way to the Station as a Heritage Asset and also to the conservation area and its assets more generally.
- over 70 flats but only 43 parking places would create a massive problem, casting up to 65-75 more cars onto on-street parking on a daily basis. There is ample evidence already in Tynemouth that many people travel by car to the Station, so proximity of the flats to the station does not in any way translate into less car ownership, which TVA thinks will remain a problem- even as cars become green [and more automated] it will not decrease their numbers at all and may indeed increase them.
- the site is allocated in the Local Plan [LP] to retail, not residential. If we ignore the LP on such a big issue, then why would we ever need an LP? Also Tynemouth and nearby has several other planned developments already in the LP, and more would be overkill for such an area, and would make it less attractive to visitors, thus additionally reducing its value in terms of regeneration [also in the LP].
- the land is part of the wildlife corridor [also in the LP] and the LP places an emphasis on preservation and enhancement of wildlife- so covering the site with building and parking is not contributing at all, it is a dereliction of this aspect.

2.62 TVA supports the objection by the Principle Planning Officer Steven Lyttle about the inappropriateness of the proposed development being not in accordance with either TCAMS nor DM6.1 and DM6.6 of the Local Plan. The TCAMS document, which many TVA members were involved with its preparation, is [along with the associated character statements] supplementary planning guidance, along with other planning guidance documents relating to transport, architecture, conservation etc within a conservation area all point to inadequacies in this proposal and to it being totally inappropriate in a conservation area, being out of the vernacular, too big, of poor design, and likely to make existing parking problems considerably worse.

### 3.0 Representations

3.1 261no. objections have been received. The concerns raised are summarised below.

#### Design

- Affect character of conservation area.
- Affect setting of listed building.
- Impact on landscape.
- Inappropriate design.
- Inappropriate in special landscape area.
- Inappropriate materials.
- Out of keeping with surroundings
- Overdevelopment of the site.
- Inappropriate design and scale next to a historic building.
- The design, finish and materials are out of context with the area.
- The building is too large.
- The building is too tall.
- Would dominate the area.
- There are too many units for the footprint of the site.
- Will impose on and block views of the Victorian station.
- Detrimental impact on the character of the immediate area and wider conservation area.
- Too modern for the area.
- Will alter the skyline and overshadow the station.
- The design is poor and out of keeping.
- Will significantly alter the character of the conservation area.
- Not in keeping with the aims the Tynemouth Conservation Management Strategy.
- Fails to comply with the Tynemouth Village Character Statement.
- Building on the railway sidings destroys the openness of the area and diminishes our understanding of the railway heritage.
- Overcomplex design which does not relate to local precedent.
- The retail units and bin stores present a poor frontage to Tynemouth Road and the station concourse.
- The design refers to using Knotts Flats as a reference point – the flats would not be approved today.
- Fails to comply with the Tynemouth Village Conservation Area management Strategy.
- Impact on views of Collingwood's Monument.



- Does not comply with the Design Quality SPD.
- Lack of archaeological assessment.
- Requires the demolition of part of a listed stone wall.
- Historic England have raised concern over the proposal.
- What are the views of the North of England Civic Trust?
- Public realm improvement area out of keeping.
- The bow of the railway tracks adjacent to the site provide the very special character that should not be detracted.
- The harm is not outweighed by the public benefits.

#### Highways and parking

- Traffic congestion.
- Inadequate parking provision.
- Poor/unsuitable vehicular access.
- Poor traffic/pedestrian safety.
- Inadequate parking provision.
- Additional cars parking on already congested roads.
- Even the 1-bedroom flats are likely to have two cars.
- Will there be electric charging points?
- No designated parking for the retail.
- How will re-configuration of the public car park work at weekends?
- Potential impact on parking for market stallholders.
- Impact on Tynemouth Road traffic and increased danger to pedestrians.
- There is a naive assumption that most residents will cycle and use the Metro.
- There will likely be 1 or 2 cars per household.
- Lack of visitor parking.
- Lack of cycle parking.
- Additional parking on Tynemouth Road.
- Additional traffic and congestion from the retail use.
- The new access will potentially increase danger caused by traffic turning into and out of Tynemouth Road.
- Parking does not comply with Council parking policies.
- No parking enforcement is proposed.
- No provision for emergency vehicles, deliveries, taxi and refuse vehicles.
- Parking on Tynemouth Road is not restricted.
- How will parking be allocated?
- Impact on nearby residential streets – congestion, road and pavement damage – creates a risk to pedestrians.
- Increased risk of road accidents.
- Highway safety risk to schools and adjacent nursery.
- No parking survey has been carried out.
- The revised plans reduce the number of parking spaces.
- Plans for a cycle path along Tynemouth Road would remove overspill parking.

#### Residential Amenity

- Loss of privacy.
- Loss of residential amenity.
- Loss of visual amenity.
- Will result in visual intrusion.
- Nuisance – disturbance, dust/dirt, fumes, noise.
- Impact on the privacy of surrounding residents due to the height.

- Impact on light and noise.
- Impact of construction on residents.
- Reduction of light to Kingswood Court – gardens and rooms
- Many residents of Kingswood Court are retired and spend a lot of time in their homes.
- More pollution and noise.
- Impact of noise on sleep and health.
- Reduced light to Kinder Castle.
- Overlooking of children from the proposed flats.
- Additional litter/anti-social behaviour from the retail unit.
- Impact on the health of children using Kinder Castle (noise, vibration, fumes/dirt).
- Impact on residents to the west of the Metro – loss of light and outlook.
- Impact of noise on residents to the west of the Metro due to the Canyon effect.
- No assessment of the impact on other properties in terms of sunlight and daylight.
- Inadequate separation distances.
- Impact on Metro noise on future residents.
- Detrimental impact on residents health and well-being.
- Impact of noise on sleep and health.
- Overlooking of Kingswood Court.

#### Trees/ecology

- Loss of/damage to trees.
- Pollution of watercourse.
- Adverse effect on wildlife.
- Impact on protected trees and wildlife.
- Impact of the construction on wildlife, the ecosystem and protected flora and fauna.
- Loss of trees and bushes, including TPO trees.
- Adverse impact on nesting birds and foraging mammals.
- Concerns about the timings/adequacy of the ecology surveys.
- No reference in the ecology reports to Northumberland Park and it's wildlife.
- No green roofing is proposed.
- Impact of additional recreation disturbance at the coast.
- Destruction/harm to a wildlife corridor.
- Impact on protected species (bees, butterflies, bats).
- Contravenes the Council's Green Infrastructure Strategy (2015) and Biodiversity Action Plan.
- The owner has sought to devalue the wildlife value of the site.
- Traffic generating development results in climate change.
- Increased traffic and removal of trees.
- Additional pollution.
- Loss of habitat.
- No Environmental Assessment has been undertaken.
- Impact of tree loss on CO2 levels and noise.
- Adverse impact on climate change.

#### Other

- Inadequate drainage.
- Precedent will be set.

- Affect Site of Spec. Scientific Interest.
- Within greenbelt/no special circumstance.
- None compliance with approved policy.
- Not in accordance with development plan
- Not against the site being developed in a sensitive manor.
- In general I agree that flats/apartments on this site are an appropriate use of this land but I have concerns relating to this particular application.
- The area would be better used as green space, parking or shopping/community space.
- Low level development providing social housing would be a good idea.
- The site is suited to a retail low level unit mixed with a community garden.
- No benefit to the community.
- The flats could be used as holiday lets.
- Impact of construction and piling on surrounding properties.
- No affordable housing.
- No accessible housing.
- Management of site security, construction access, drainage, long term maintenance, lighting.
- The sole goal is maximising income.
- No need for another shop and there are enough bars and restaurants.
- The facilities and services of Tynemouth are inadequate for the additional residents.
- Is not a brownfield site as it has not been previously developed.
- Will any of the homes be affordable?
- No more flats are needed in the area.
- Will affect the weekend market.
- The amount of Councillors listed as directors at Station Developments could lead to a conflict of interest.
- The council have not identified the land as being suitable for housing development.
- The impacts of the development outweigh the benefits.
- Does not include any leisure facilities or open space.
- Fails to comply with the NPPF and Local Plan.
- Additional pressure on school places.
- No mention of sustainability in the plans.
- Risk of flooding to the Metro line.
- Requirements for fireproofing must be met.
- There are derelict buildings/land that could be developed.
- Inadequate bin storage.
- There must be a large investment from the proceeds towards the preservation of the station.
- What type of retail use is proposed?
- NTC is a 20% shareholder in Station Developments.
- The car park will attract anti-social behaviour.
- Lack of information regarding sustainability.
- Lack of consultation.
- The revised application has not addressed previous concerns.
- Would be better used as a wildlife area to help improve people's mental health.
- There has been overwhelming public objection.
- The area is designated for retail use within the Local Plan.

- 150 of Tynemouth Action Group voted unanimously (bar one) to oppose the proposal in its entirety.

3.2 5no. comments in support have been received. These are summarised below.

- Will provide a wonderful opportunity for local and new residents moving into the area.
- The plans appear to complement the nearby new build properties in the area.
- Great design.
- Great need for housing.
- The land has been an eyesore for years – this will enhance it.
- it would be better if the housing were affordable.
- Safeguarding the nursery is not an issue.
- No-one has a right to light.
- Parking spaces are being provided and many streets have a permit systems.
- The parking zone is an excellent public facility.
- The residential and station improvements will be of great value.
- The roads and footpaths appear to be of a high standard.
- The low level of parking is largely compensated by the station and road areas.
- A retail outlet will be useful.
- A site next to the Metro is the best place for residential development.
- The more homes built here, the less are needed in the greenbelt.
- Makes good use of a brownfield site.
- The proposed parking is an excellent public facility.
- Fire proofing requirement must be met.
- The removal of trees must be compensation for by landscaping.
- The retail units could be provided elsewhere and the land used for parking.
- The parking provisions appear insufficient.
- The Tynemouth Road access must allow for emergency and service vehicles.

3.3 2no. neutral comments have been received.

- The full Financial Viability Appraisal should be made available to ensure transparency.
- Adverse effect on wildlife.
- Affect character of conservation area.
- Impact on landscape.
- Inadequate parking provision.
- Loss of/damage to trees.
- None compliance with approved policy.
- I am broadly in favour of this development but have some concerns.
- A 6-storey building would not preserve or enhance the appearance of the local area.
- No external daylight and overshadowing assessment.
- Lack of commitment by the developers to include solar panels, wind turbines, heat sink pumps etc to produce 'green' energy and reduce carbon emissions as desired by the council.
- Limited charging points for electric vehicles.
- Lack of parking will add to congestion.
- Construction noise and dust.
- No affordable housing.

#### 4.0 Councillor comments

##### 4.1 Councillor Bartoli

4.2 I wish to object to the FUL and LBC applications above in the strongest possible terms. As the Ward Councillor and a resident in Tynemouth I have had the opportunity of talking with many residents who are extremely concerned that this proposal is totally inappropriate for this location. I have listed below the key concerns of myself and the residents who have contacted me.

4.3 The objections that I have received and read, highlight the fact that the residents have carefully reviewed the original and new proposal and are extremely concerned that this proposed development is; too big, not in keeping with a traditional village setting, overshadows an important heritage asset and people's houses and will increase the pressures on parking. This new proposal, which increases the number of units whilst reducing the parking and appears to have completely ignored these concerns. The objectors are not opposed to change but this building would stand-out rather than blend-in and dominate the views and skyline of Tynemouth. It does not recognise the village-nature of its setting and would upset the balance between landmark buildings and townscape buildings.

4.4 I refer to the Village character statement which is planning guidance for the Tynemouth Conservation Area and was prepared by residents and officially adopted as Supplementary Planning Guidance, which states.

“Planning Decisions should be about managing change, not preventing it. Choices made by this generation will be the heritage of the next. In short we hope to preserve Tynemouth's character.”

4.5 I would also wish to request speaking rights at any future planning committee.

##### 4.6 Grounds for objection

###### The site is not allocated for housing in the Local Plan.

The Local Plan (S4.3) specifically identifies sites for the future location for housing within North Tyneside. This site at Tynemouth station is not identified for this purpose.

##### 4.7 S4.3 Distribution of Housing Development Sites

The sites allocated for housing development are identified on the Policies Map, including those identified for both housing and mixed-use schemes.

4.8 Many sites in Tynemouth have been identified for new housing in the Local Plan (S4.3) and these are listed below:

Tanners Bank West (S)	Tynemouth	Brownfield	100
Stephenson House, Stephenson Street	Tynemouth	Brownfield	5
Land at Albion Road, North Shields	Tynemouth	Brownfield	10
Albion House, Albion Road,	Tynemouth	Brownfield	36
Land at North Shields Metro, Russell Street	Tynemouth	Brownfield	30
Coleman NE Ltd, North Shields	Tynemouth	Brownfield	14
East George St and surrounding area,	Tynemouth	Brownfield	174
Tanners Bank East	Tynemouth	Brownfield	42

- This new development would be the third biggest development in the ward but not have been previously identified in the Local Plan as a site for housing.
- Other sites, not recognised in the Local Plan have already been allocated for additional housing in Tynemouth, most notably Bird Street (36 properties), Linskill Mews (9 properties) and most recently Unicorn House (40+ properties).
- Tynemouth is a small and densely populated ward with many heritage assets and historic and cultural sites, which must be protected from overdevelopment. There are already well over 500 new properties planned for Tynemouth ward. An additional 71 properties are not necessary and would result in overdevelopment.

The site is specifically identified for retail use within the Local Plan

4.10 The Local Plan specifically identifies this site as a future location for retail and not for housing.

4.11 Key sites identified for retail development over the plan period are:

Tynemouth Station	Tynemouth	1,011
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4.12 The original proposed plan contains 460sqm of space for commercial use. The update plans have reduced this down to only 130sqm by removing the commercial unit on the Tynemouth Road side of the development and replacing it with more residential units. This however is also being proposed as potential class E which could be restaurants, cafes or drinking establishments. I would also remind the Council that site is on the border of the cumulative impact policy as outlined below. Major new drinking establishments would have a very large impact on antisocial behaviour and alcohol related crime and nuisance in the area.

4.13 The development does not fulfil the criteria within the Local Plan for additional housing (a windfall site)

4.13 The Local Plan does make allowance for additional housing that is not within the plan however this site does not fulfil all of the criteria for this purpose. The Local Plan sets out the criteria required for a windfall site:

4.14 DM4.5 Criteria for New Housing Development

Proposals for residential development on sites not identified on the Policies Map will be considered positively where they can:

- f. Make a positive contribution towards creating healthy, safe, attractive and diverse communities; and,
- g. Demonstrate that they accord with the policies within this Local Plan

4.15 This development would not contribute positively, as is evidenced by the objections from the local community. It also is not in accordance with the Local Plan with regards to building on a Conservation area and wildlife corridor.

4.16 Policy DM4.5 looks to ensure that such proposals are appropriately located, sustainable and attractive and do not harm the amenity of neighbouring properties or land uses. This also reflects the principles of national planning policy in ensuring that new housing development is: Informed by the latest evidence of housing need; Takes full account of its surroundings;

4.17 This development is not attractive or appropriate for the site and its surroundings. The development will have a negative impact on its surroundings due to its size scale and design and will put pressure on local amenities, in particular; parking, schools and nurseries.

4.18 The development has insufficient parking for residents

4.19 The developer presents a scheme of 71 homes, 1 retail unit and only 43 parking spaces. This scheme contravenes the Council's Local Plan, formally adopted on 20/7/17, in the following sections:

4.20 DM6.1 Design of Development 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:

- e. Sufficient car parking that is well integrated into the layout; and,

4.21 AS8.23 Coastal Transport Through working in partnership with applicants for development, the community, public transport providers and Nexus, the Council will seek to improve the accessibility of the coastal area by:

- e. Maintaining adequate car parking provision that serves the coast with improved access for sustainable transport that would cause no adverse impacts on people, biodiversity and the environment

4.22 DM7.4 New Development and Transport The Council and its partners will ensure that the transport requirements of new development, commensurate to the scale and type of development, are taken into account and seek to promote sustainable travel to minimise environmental impacts and support residents health and well-being:

- c. The number of cycle and car parking spaces provided in new developments will be in accordance with standards set out in the Transport and Highways SPD (LDD12).

4.23 The Council's Transport and Highways Supplementary Planning Document (LDD12) sets out the criteria for sufficient parking for new developments.

4.24 The Council's own planning guidance would require approximately 110-120 spaces for the residential properties.

4.25 The development is woefully short of parking for the residential elements and the developer unrealistically justifies their inadequate parking provision because they have decided that a high proportion of occupants won't have cars. I would draw the Council's attention to their own data on car ownership in Tynemouth which shows that over 70% of residents own at least one car and over 20% own 2 cars.

4.26 The assumption is also that the residents would commute to work therefore not require a car. I would again draw the Council's attention to their own data on methods of travel to work in Tynemouth which shows that the vast majority of residents still commute by car.

4.27 The development has insufficient parking for the commercial elements

4.28 Parking would also be required for the retail elements of the proposal. Currently there appears to be no associated parking provision. The developer is proposing 130sqm of class E use. Appendix D also sets out these standards.

4.29 If the space is used for shops this would require 2 spaces. If the space is used for A3 or A4 use this would require 13 spaces.

4.30 Under the same guidelines the commercial element also requires disabled bays which appear to have been omitted.

### 6.3 Non Residential Developments

6.3.3 Commercial proposals will be expected, regardless of size, to provide disabled parking spaces, which must take priority over other car parking needs.

4.31 The development is completely devoid of parking for the commercial elements. Tynemouth already has considerable parking issues and the area of Tynemouth Road and Station Road where this development is planned is particularly congested with both sides of the road filled with parked cars.

#### 4.32 The development is not appropriate for a conservation area and being next to a heritage asset

4.33 Tynemouth Station is Grade II\* listed and is located within Tynemouth Village Conservation Area. The Station is an important form of transportation for both locals and visitors and also serves as a focal point for the community and functions as an art display area and a venue for the weekend market. This development would result in a major change to the setting of Tynemouth Station and would dominate the Station as a landmark building. The proposal would result in the loss of some views of the Station which would be harmful to the setting of the listed Station building.

4.34 The proposal is within the conservation area, which retains the character of the village. The dominant building form is two or three storey developments with pitched roofs. The new development would create a landmark building that would dominate the area in terms of size, design and scale and be harmful to the character and appearance of the conservation area.

4.44 The proposal is overly tall, bulky and fussy and would introduce a very large building into the conservation area that is not in keeping with the character and appearance of the village. The development would be visible from Birtley Avenue, Station Terrace, Tynemouth Road and Tynemouth Station platform and footbridge and completely change the roofline of the village.

4.45 The development is considered to be of a scale, mass and height which would substantially harm the character and appearance of the conservation area. This concern particularly relates to the fact that the design appears to completely ignore the traditional buildings that surround it and draw its influence from modern buildings such as Knots flats and Mariners Point

4.46 The proposal also includes the demolition of 50 metres of a curtilage listed stone wall fronting onto Tynemouth Road. This would remove a positive feature of the conservation area and part of the curtilage of the listed Station.



The area of the proposed development is within a conservation area and guidance for building in this area is covered by:

- The Local Plan
- Tynemouth Village character statement
- Tynemouth Village conservation area character appraisal
- Tynemouth Village Conservation area management strategy

4.47 The plan contravenes the Local Plan in the following areas:

#### *DM6.1 Design of Development*

*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;*
- e. Sufficient car parking that is well integrated into the layout; and,*

*The Council has a good record of a proactive approach to the conservation of its heritage assets. Its strategy is to continue this: protecting, enhancing and promoting heritage assets so they can be understood and enjoyed by residents and visitors now and in the future.*

#### *S6.5 Heritage Assets*

*North Tyneside Council aims to pro-actively preserve, promote and enhance its heritage assets, and will do so by:*

- a. Respecting the significance of assets.*
- b. Maximising opportunities to sustain and enhance the significance of heritage assets and their settings.*

#### *DM6.6 Protection, Preservation and Enhancement of Heritage Assets*

*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:*

- e. Ensure that additions to heritage assets and within its setting do not harm the significance of the heritage asset;*

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

*9.25 Heritage assets, both designated and non-designated (as defined in the NPPF), are an irreplaceable resource and should be conserved in a manner appropriate to their significance. The settings of heritage assets can contribute significantly to their enjoyment through, for example, views, experiences and approaches, and should be given appropriate protection too. When assessing the potential impact of development on heritage assets and their settings,*

*considerations could include scale, height, mass, footprint, materials and architectural detailing.*

4.48 The plan also contravenes the Village character statement. This document is planning guidance for Tynemouth Conservation Area prepared by the Village Character Statement Design Team. The Council officially adopted this document as Supplementary Planning Guidance.

*Visitors and residents alike have commented that Tynemouth has already been spoilt by inappropriate change. But they believe Tynemouth to have a strong and vibrant character, and want to be involved in its future. Consequently, the objectives for the future should be to manage change in order to preserve and improve the village. In order to achieve this objective, they said all new development should:*

- Respect the character and appearance of the conservation area and recognise the 'village nature' which it retains.*
- Not challenge the well established balance between 'landmark' buildings (e.g. churches) and 'townscape' buildings (e.g. terraces of houses) in the conservation area.*
- Be designed to 'blend in' rather than 'stand out' and not be in a 'visual fight for supremacy' along the street.*
- Reflect the design principles of each part of the conservation area. For example, it was felt that the Castle and Priory, the former Congregational church in Front Street, the Grand Hotel, the Drill Hall, the Collingwood Monument, and the railway station are all well separated by traditional buildings which combine to create Tynemouth's townscape.*
- Add to the architectural richness of the area. For example, a building can be distinctive but should be in context.*
- Preserve the balance between buildings, streets and open space that is such a fundamental part of Tynemouth.*

#### 4.49 The proposal will cause excessive congestion and subsequent pollution

4.50 Tynemouth village is already struggling badly with traffic congestion. The proposed site for the only entry into the properties is accessed via Tynemouth Road. This site is particularly problematic because.

- It is a very busy main road into the village which is beset with speeding issues and has recently had electronic traffic slowing signs fitted to slow traffic
- It is adjacent to the entries to both Kingswood Court and Kinder Castle nursery which will create 3 entries in close proximity.
- It is immediately prior to the speed change point from 30 to 20 as an entry into the village.
- It is between 2 nurseries and a major school that create problems with congestion during pick up and drop off times.
- The proposed entry point is regularly filled on both sides of the road with parked cars.
- There is a high probability that cars turning right into the development or out of the development (particularly at peak times) would cause congestion and queues and increase air pollution.

4.51 The proposed development does not protect a strategic wildlife corridor

4.52 The proposed site is within a strategic wildlife corridor and this building would have a huge impact on the movement and habits of species. Despite the efforts of the developer the scheme contravenes the Local Plan in the following areas.

*8.27 Wildlife corridors allow the movement of species between areas of habitat, linking wildlife sites and reducing the risk of small, isolated populations becoming unsustainable and dying out. Wildlife corridors are important features that should be protected, enhanced and created, to protect and promote biodiversity and to prevent fragmentation and isolation of species and habitats.*

*8.28 North Tyneside's wildlife corridors are made up of three key components of equal standing:*

#### *Strategic Wildlife Corridors*

*8.29 These corridors are important for their linkage value to the wider environment and not necessarily for their intrinsic ecological value but own particular significance on a regional basis. They can be the longest of wildlife corridors and sweep across important ecological assets contained within the Borough. They indicate the major open passageways between and into the urban areas.*

#### *DM5.7 Wildlife Corridors*

*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.*

4.53 The proposed cycle path along Tynemouth Road will remove overflow parking

4.54 Currently there are plans to create a cycle path from Tynemouth to North Shields and beyond along Tynemouth Road where this proposed development will be situated. It has been acknowledged that this will necessitate the removal of parking along one side of Tynemouth Road. This will remove much of the potential overspill space for residents or visitors to the development that will be required due to insufficient parking provision within the plans.

4.55 The views of residents have been disregarded

4.56 As the ward Councillor for Tynemouth this development has been the single issue that has consumed most of my discussions, surgeries, emails and phone calls with residents. The feedback provided to the designers directly at the consultation (at which I was present) and via the Council's planning portal were clear. The main concerns were that the development was too large, inappropriate in design and scale and had insufficient parking. The new plans have both increased the number of residential units while decreasing the number of parking spaces. This has not just ignored the people who will be directly affected but demonstrated a complete disregard for their views. This demonstrates that the consultation with residents was no more than a box-ticking

exercise to satisfy the planning requirements and not a genuine attempt to work with or listen to those whose lives will be affected by this development.

4.57 Councillor Sarah Day

4.58 As ward Cllr for Tynemouth Ward I wish to place on record my objections to the planning applications: 20/00136FUL and 20/00137/LBC for the following reasons:

4.59 The proposals do not address the objections to the previous applications, in terms of height and density. There are in fact more units.

4.60 The proposals are out of keeping with the iconic restoration of Tynemouth Station.

4.61 As other objectors have pointed out, the restoration was fought for over many years by Ylana First MBE and whose vision made the possible the restoration of the station to its Victorian heyday. The station is a community asset and contributes greatly to the popularity of Tynemouth as a whole. These plans will vastly overshadow the station and is out of keeping with the conservation status of the village.

4.62 It will also impact residential amenity for the surrounding residents .

4.63 I am very concerned that parking spaces have been removed. This will contribute to the already difficult parking situation in Tynemouth, especially at weekends, when there are many visitors to the market on Tynemouth station and indeed to the coast itself.

4.64 I am very disappointed that there was no proper public consultation initially and none to my knowledge of this further application.

4.65 I would ask that this application goes before full planning committee and would also request speaking rights.

**Application No:** 20/00137/LBC Author: Rebecca Andison  
Date valid: 30 January 2020 ☎: 0191 643 6321  
Target: 26 March 2020 Ward: Tynemouth  
decision date:

Application type: listed building consent

**Location: Vacant Land To The North And South, Tynemouth Metro Station, Building To The East Of The Metroline, Tynemouth, Tyne And Wear**

**Proposal: Demolition of a section of the stone boundary wall on Tynemouth Road and Tynemouth Terrace to facilitate access to a development comprising 130sqm Class E unit and 71no. one, two and three bedroom residential units with 43 car parking spaces, cycle parking, public realm improvement and landscaping on land to the south of Tynemouth Station and car parking on land to the north of Tynemouth Station.**

Applicant: Station Developments Ltd, C/O Agent

Agent: Karen Read, Klr Planning Ltd Lugano Building 57 Melbourne Street  
Newcastle Upon Tyne NE1 2JQ United Kingdom

**RECOMMENDATION:** Application Permitted

## INFORMATION

### 1.0 Summary Of Key Issues & Conclusions

#### 1.0 Main Issues

1.1 The only issue for Members to consider in this case is the impact of the proposal on the significance of the grade II\* listed building.

#### 2.0 Description of the Site

2.1 The application relates to two sections of the stone boundary wall which encloses Tynemouth Station. One section is located on the boundary between the station and Tynemouth Road and the other is to the north of the Station on Station Terrace.

2.3 The site lies within Tynemouth Conservation Area and the station is a grade II\* listed building.

#### 3.0 Description of the Proposed Development

3.1 Listed building consent is sought to demolish a 14.7m section of the wall on Tynemouth Road and a 2.8m section on the wall on Tynemouth Terrace.

3.2 This application is linked to application 20/00136/FUL which seeks planning permission for a development of 71no. residential units, 130 sqm of commercial

floor space and a new car park. The purpose of the proposed demolition is to create an access from Tynemouth Road into the proposed residential development and to widen the entrance into the proposed car park which would be located the north of the station.

#### 4.0 Relevant Planning History

4.1 Tynemouth Metro Station has an extensive planning history. The applications which are considered relevant to the current proposal are set out below.

20/00136/LBC - Mixed use scheme comprising 130 sqm Class E unit and 71 no. one, two and three bedroom residential units with 43 car parking spaces, cycle parking, public realm improvement and landscaping on land to the south of Tynemouth Station; new access from Tynemouth Road; partial demolition of the stone perimeter wall to Tynemouth Road; and car parking on land to the north of Tynemouth Station; widening of access from Station Terrace – Pending consideration

10/02564/LBC - Repairs and refurbishment to eastern concourse of station including infill of trackbeds, concrete slab replacement, new barriers, electrical floor boxes and floor finish. Works on western concourse including new barriers, new floor finish and painting of canopy ironwork and columns (Amended plans received 23.11.10) – Permitted 22.12.2010

10/02563/FUL - Repairs and refurbishment to station including infill of trackbeds and concrete slab replacement – Permitted 22.12.2010

10/00568/LAREG3 - Use of station concourse for markets, cultural and art events and use of enclosed footbridge area for art installations – Permitted 10.06.2010

09/02369/FUL - Restoration of listed canopy structures, and use for arts, cultural and market programme, construction of retail unit and associated car parking and altered vehicular access, station managers office with associated storage public library with heritage centre, photographic society, community meeting rooms, associated car parking, new vehicular access, public toilets and landscaping – Refused 05.12.2010

10/00028/S78TPA - Appeal allowed.

09/02370/CON - Demolition of walls and two outbuildings at Tynemouth station in connection with application for new library, retail unit and canopy restoration – Refused 05.02.2010

10/00029/S20LBA – Appeal allowed

03/00886/FUL - Proposed canopy restoration, erection of 80 no. dwellings (enabling development), car parking, and associated landscaping. Construction of a new access to a highway – Refused 06.02.2004

#### 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 Main Issues

7.1 The only issue for Members to consider in this case is the impact of the proposal on the significance of the grade II\* listed 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 this report.

### 8.0 Impact on the Listed Building

8.1 The Local Planning Authority must have regard to its statutory duty to have special regard to the desirability of preserving the listed building or its setting or any features of special architectural or historic interest which it possesses under section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990.

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

8.3 Para.200 states that any harm to, or loss of, the significance of a designated heritage asset (from its alteration or destruction, or from development within its setting), should require clear and convincing justification. Substantial harm to or loss of assets of the highest significance, notably scheduled monuments, protected wreck sites, registered battlefields, grade I and II\* listed buildings, grade I and II\* registered parks and gardens, and World Heritage Sites, should be wholly exceptional.

8.4 NPPF para.201 states that 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 loss is necessary to achieve substantial public benefits that outweigh that harm or loss.

8.5 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 securing its optimum viable use (para.202).

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

8.7 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.

8.8 The Tynemouth Conservation Area Character Appraisal (2010) contains the following references to the station:

*The biggest development in the village around this time was the building of Tynemouth Station in 1882. In its heyday the station, with its elegant iron columns and glass roof canopy, welcomed thousands of day-trippers to the coast.*

*The railway and station in Tynemouth today remain of high significance in both the conservation area and its environs. It is an important form of transportation for both locals and the many visitors Tynemouth sees daily. It serves as a focus point for the community; this was most evident in the 1980s when plans for its demolition were abandoned following a concerted effort from local people and the Council. As well as a station, it functions as an art display area and as a venue*



*for a weekly market. Its architectural and historic value is recognised in its Grade II\* listed status.*

8.9 The application relates to the stone walls which surround Tynemouth Station. As the walls lie within the curtilage of the listed building, consent is required for their partial demolition.

8.10 The application is supported by a Heritage Statement. This states that the walls are of moderate significance, having formed some association with the station for a considerable period, but it is not known if they are the original walls.

8.11 The applicant has advised that the stone from the demolished walls would be re-used with the development as part of the landscaping scheme. They have also stated that the change in levels means that vehicular access to the site is not possible without the demolition of the wall on Tynemouth Road. The section of wall affected has been reduced from 50m which was originally proposed.

8.12 While Tynemouth Station is clearly a highly significant building, the boundary walls do not have the same significance and do not form a key element of its special architectural or historic interest.

8.13 Development affecting a heritage asset may have no impact on its significance or may enhance its significance and therefore cause no harm to the heritage asset. Where potential harm to designated heritage assets is identified, it needs to be categorised as either less than substantial harm or substantial harm (which includes total loss).

8.14 There would be no direct impact on the grade II\* listed building itself or the key features from which its significance is derived. The development would however result in some loss of historic fabric.

8.15 When taking into account that the length of wall that it is proposed to demolish has been significantly reduced since the proposal was originally submitted, and that the majority of the boundary wall would be retained the level of harm is considered to be less than substantial.

8.16 NPPF states that where a development results in less than substantial harm this harm should be weighed against the public benefits of the proposal, including securing its optimum viable use. LP Policy DM6.6 states that 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.

8.17 Planning Practice Guidance advises that public benefits may follow from many developments and could be anything that delivers economic, social or environmental progress as described in the National Planning Policy Framework. Public benefits should flow from the proposed development. They should be of a nature or scale to be of benefit to the public at large and should not just be a private benefit. However, benefits do not always have to be visible or accessible to the public in order to be genuine public benefits.

8.18 As the development would result in harm to the listed building Members must consider whether this harm is outweighed by any public benefits of the proposal, whether the development is necessary to achieve these benefits and if the benefits could be met in another way.

8.19 Partial demolition of the wall is required to allow the development proposed under application 20/00136/FUL to proceed. The benefits of this development are discussed in detail within the Officer Report for the planning application and summarised below.

- Improvements to the public realm around the station including a new safer access between the station and Tynemouth Road.
- A new car park to provide parking for market stall holders, residents and visitors.
- A new retail unit to improve the offer for residents and visitors.
- Provision of 71no. new homes in a highly sustainable location, which would contribute towards meeting the shortfall in housing land supply.
- New planting and enhancements to the wildlife corridor to achieve a biodiversity net gain.
- Creation of jobs during the construction phase.
- Development of a currently un-used site which does not contribute to the conservation area.

8.20 It is officer opinion that substantial weight should be afforded to the provision of new homes and the contribution the development would make towards achieving a 5-year housing land supply. It is also considered that moderate weight should be attached to the public realm improvements, improved access to Tynemouth Road, biodiversity enhancements and additional public car parking.

8.21 The development could not proceed without the proposed demolition and therefore the benefits could not be met in another way.

8.22 When taking into account that the proposal would not adversely affect any key elements of the station's special architectural or historic interest it is officer opinion that the development would result in less than substantial harm to the grade II\* listed building. The development would result in harm to heritage assets and therefore there is a strong policy presumption against the development. However, it is officer opinion that there are sufficient public benefits to outweigh the less than substantial harm to the listed building.

8.23 It is officer opinion that the development complies with the NPPF and Policy DM6.6 of the North Tyneside Local Plan. The application is therefore recommended for conditional 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.

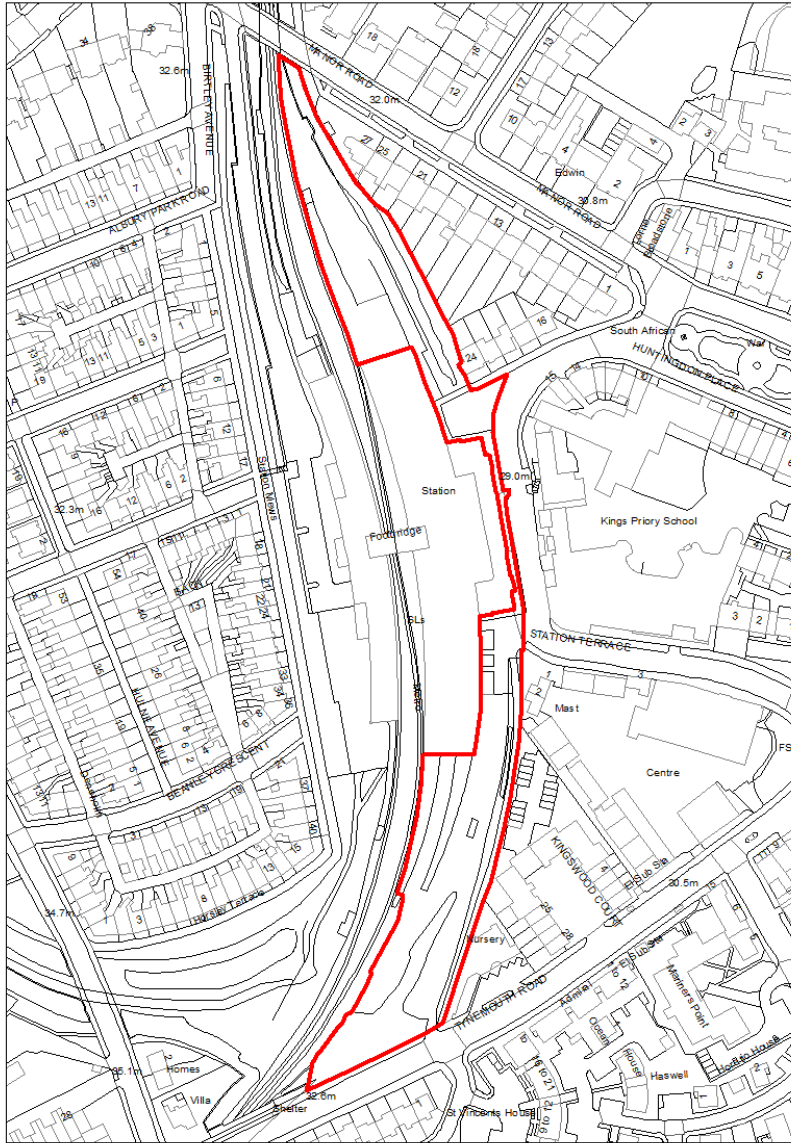
- Application form
- Site location plan 5023- OOB- ZZ- 00- DR- L- 0000 P05
- Location plan 10108 - GT3 - 00 - 00 - DR - A - (08)0201 - RevP01
- Site plan 5023- OOB- ZZ- 00- DR- L- 0001 P08
- Site plan - Area around building 5023- OOB- ZZ- 00- DR- L- 0002 P06
- Site plan - Car park 5023- OOB- ZZ- 00- DR- L- 0003 P06
- Proposed site access plan JN1402-Dwg-0025G
- Site demolition plan 10108 - GT3 - 00 - 00 - DR - A - (08)0301 - RevP01
- Proposed northern car park plan JN1402-Dwg-0026E

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

2. Standard Time Limit 3 yr LBldg Consent      MAN07      \*

3. Detailed plans to show the demolition and making good of the walls on Tynemouth Road and Station Terrace and details of where in the development the stone will be re-used must be submitted to and approved in writing by the Local Planning Authority prior to the wall being demolished.

Reason: To ensure the significance of the listed building is protected; having regard to policies DM6.1 and DM6.6 of the North Tyneside Council Local Plan 2017.



**Application reference: 20/00137/LBC**

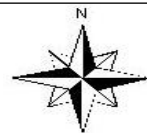
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Not to scale

Date: 18.08.2022

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**Consultations/representations**

1.0 Internal Consultees

1.1 Planning Policy (Conservation and Design) comments for 20/00136/FUL and 20/00137/LBC

1.2 Recommendation: Objection

1.3 Comments: The site is within the curtilage of the Grade II\* Tynemouth Station and within Tynemouth Village Conservation Area. Revised plans have been submitted, following previous comments dated 04/03/2020 and 12/03/2021 which objected to the application. Previous comments set out the background of the proposal, the significance of the heritage assets and assessed the impact on Tynemouth Station and Tynemouth Village Conservation Area.

1.4 The revised plans have amended the design which now has a smaller retail unit, a reduction of brick types, the removal of the mansard roof and a reduction in number of steps in the façade. These changes do improve the appearance of the proposal and the simpler architectural approach is now more sensitive to its surroundings. However, the overall height of the proposal remains the same and therefore the significant issues about the scale, mass and height remain. The overall level of harm, as previously assessed, has therefore not altered. The amount of curtilage listed stone wall to be demolished along Tynemouth Road has also been reduced although there is no demolition plan which shows the exact area to be demolished.

1.5 NPPF emphasises 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. The impact on Tynemouth Station and Tynemouth Village Conservation Area was assessed as part of previous comments. This set out that:

a) The scale, mass and height of the proposed development would cause less than substantial harm to the significance of Tynemouth Station. In these circumstances, NPPF sets out that this harm should be weighed against the public benefits of the proposal including, where appropriate, securing its optimum viable use.

b) The scale, mass and height of the proposed development would cause substantial harm to the character and appearance of the conservation area. In these circumstances, NPPF sets out that 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.

1.6 Where there is harm, there should be clear and convincing justification for that harm and a balanced judgment must be made as to whether the public benefits would outweigh that harm. Guidance about public benefits for this purpose is set out in the Historic Environment Chapter of the PPG. This refers to anything which delivers the economic, social or environmental objectives of

sustainable development. The PPG makes clear that the public benefits must flow from the development and must be of a nature or scale that would benefit the public at large. The revised information submitted sets out the public benefits of the scheme which include:

- a) CCTV security cameras and street lighting to contribute toward safety.
- b) Improved pedestrian links to the town centre from the south and west of Tynemouth.
- c) New retail which will support the existing businesses on the platforms.
- d) Improvements to the public realm along the eastern boundary.
- e) New car park to the north to support weekend markets and provide off street parking during the week.
- f) The receipts from the development would assist in consolidating the funding of the annual maintenance budget and improvements programme for the station.

1.7 The above benefits of the scheme are acknowledged, however the full extent of and need for these benefits is questioned. The Station is already a vibrant and safe destination which is well used by the public with direct pedestrian links to the village centre with good levels of natural surveillance. There is a healthy offer of retail and leisure provision within and surrounding the Station. There is on street pay and display parking along Tynemouth Front Street and free parking at Spanish Battery, which is within a 10 minute walking distance of the Station. This has not been demonstrated as being insufficient to meet current demand. The Station is well maintained and is in a good state of repair. Overall, it is not considered that the public benefits of the development would be substantial enough to outweigh the long term harm identified. It is therefore recommended that planning permission is refused.

## 2.0 External Consultees

### 2.1 Tynemouth Conservation Area Management Strategy Group

2.2 Summary of TCAMS response to the proposals: this proposal falls on all of the issues below and must be considered as a major threat to the enhancement and positive regeneration of Tynemouth and to the character of the conservation area. Therefore, the proposal must be rejected.

2.3 Summary of Issues covered below.

2.4 All proposals must be conservation-led and therefore need to be considered in the context of Tynemouth as a conservation area and how they will enhance it. All proposals need to respect and understand the heritage.

Recent funding for the Station and elsewhere has improved Tynemouth to increase its status as a destination for visitors as well as the enhance it for residents.

All design proposals must be proportionate and in the vernacular and not present threats. TCAMS is in accord with Principal Planning Officer Steven Lyttle about the proposed development being inappropriate and overdevelopment, not in accordance with DM 6.1 and DM6.6.

2.5 The objectives of TCAMS are:

- to revitalise Tynemouth Village Conservation Area through proactive and coordinated conservation, planning, regeneration and management action,

- to conserve and enhance the character and appearance of the conservation area, and to increase understanding and enjoyment of its heritage for today and for future generations,
- to encourage private investment in maintenance, repair, restoration and high quality new work, Section 2.2.4 of TCAMS states “As an SPD, this Strategy is primarily a tool to be used in planning decision-making processes. It is also important that the different parts of this Strategy are not dealt with separately”. So we need to consider the document as a whole and especially in relation to the Station, which is a major asset within the conservation area. Below are many of the issues within TCAMS that are directly relevant to this proposal.

#### 2.6 Heritage assets:

Tynemouth has many features that are heritage assets, and these not only make it a wonderful place to live, but also to attract visitors and to facilitate regeneration and vibrancy for the future. Thus the whole of Tynemouth conservation area can be considered as a heritage asset in that respect. Whilst some parts are extremely old, much of Tynemouth was developed during the Victorian years, including many terraces, shops, churches and the Station, which is a magnificent example of a Victorian Station- recognised nationally as one of the best in the country. So ‘Victorian’ defines the vernacular for the Station and many other buildings in its vicinity.

2.7 TCAMS stresses that we must understand the heritage affected by the proposal, assess the significance of the heritage, analyse how it is vulnerable to the decision, and that the decision made needs to best protect the heritages significance. This are fundamental principles in TCAMS, which says they must be promoted by all who make or influence decisions affecting the conservation area.

#### 2.8 Regeneration:

There are three issues in TCAMS also relevant to this proposal in terms of regeneration, and comments are given against each.

- conservation-led regeneration- the development must be conservation-led, and that implies given the proximity to the Victorian station, a Victorian vernacular.
- design- as above, the proximity to the Station implies a traditional design would be appropriate and not too large as to overpower the impact of the station.
- enhancement opportunities- the Station presents enhancement opportunities for events, culture and arts. Would the development be consistent with this?

2.9 Section 4.2.2 of TCAMS states: “Some notable improvements to the fabric and life of the conservation area have been recent. The Station is now a classic example of what restoration can achieve. The £2 million Heritage Lottery grant and the dedication of the Friends of Tynemouth Station have enabled it to transcend its transportation role and become a destination in itself. This, the TCAMS view would be that the development should not threaten this enhanced status as a destination in itself, but should enhance it.

2.10 In addition, the £1.3 million grant awarded for Conservation Area Partnership 1998 -2004 has been instrumental in enhancing the public space around the clock tower, the Green and Huntingdon Place, and in repairing and improving many commercial premises on Front Street with new traditional

shopfronts and other features. Eyesore frontages such as the former Barclay's Bank have been changed for the better, also touched on in other sections of this Strategy." This development has the potential to become a large eyesore and to be a backward step following all this positive investment. English Heritage shows built heritage can be a valuable catalyst for regeneration and that economic prosperity leads to enhancement, building repairs and maintenance.

#### 2.11 Design Principles

"All ... new developments in the Conservation Area should have the highest respect for the existing character of Tynemouth Village. They should be in proportion to surrounding buildings and spaces in terms of size and scale, and use high quality materials". After the bigger issues, this is applied in more detail to doors, windows, rainwater goods, etc. A further design principle in TCAMS is "the incorporation of the means of harnessing renewable energy should be encouraged, provided that due regard is given to the impact on the architectural character of the building and the appearance of the wider conservation area".

#### 2.12 Appended quote from TCAMS on regeneration:

TCAMS section 4.2.3. STATEMENT: REGENERATION. The Council will:

1. Put conservation at the heart of regeneration and involve local people in plans and proposals.
2. Continue to explore regeneration opportunities in partnership with others, including seeking funding, to promote the investment in buildings and spaces for the economic benefit of the conservation area and its setting.
3. Pay particular attention to (b) heritage sites, and (c) Front Street, seeking to join up regeneration and visitor sites and facilities to support a 'critical mass' of economic benefit for the conservation area.
4. Support development proposals for uses in Tynemouth Village that would add to its vitality and viability without undermining its overall attraction and would not adversely impact on the character, function and vitality of the street or surrounding environment.
6. Promote the benefits of heritage-led regeneration to local people, owners, developers and decision-makers.
7. Ensure the area's special requirements are taken into account in regeneration plans affecting it or its setting.

#### 2.13 Tynemouth Village Association

#### 2.14 OBJECTION by Tynemouth Village Association

2.15 TVA has read the proposal and associated documents, and also several of the comments already submitted. The main reasons for objection by the TVA include:

- the Station is a heritage asset that must not be spoiled by any over-development in close proximity, and even more so if it is not in the vernacular [Victorian in keeping with the Station]. This proposal is detrimental in every way to the Station as a Heritage Asset and also to the conservation area and its assets more generally.

- over 70 flats but only 43 parking places would create a massive problem, casting up to 65-75 more cars onto on-street parking on a daily basis. There is



ample evidence already in Tynemouth that many people travel by car to the Station, so proximity of the flats to the station does not in any way translate into less car ownership, which TVA thinks will remain a problem- even as cars become green [and more automated] it will not decrease their numbers at all and may indeed increase them.

- the site is allocated in the Local Plan [LP] to retail, not residential. If we ignore the LP on such a big issue, then why would we ever need an LP? Also Tynemouth and nearby has several other planned developments already in the LP, and more would be overkill for such an area, and would make it less attractive to visitors, thus additionally reducing its value in terms of regeneration [also in the LP].

- the land is part of the wildlife corridor [also in the LP] and the LP places an emphasis on preservation and enhancement of wildlife- so covering the site with building and parking is not contributing at all, it is a dereliction of this aspect.

2.16 TVA supports the objection by the Principle Planning Officer Steven Lytle about the inappropriateness of the proposed development being not in accordance with either TCAMS nor DM6.1 and DM6.6 of the Local Plan. The TCAMS document, which many TVA members were involved with its preparation, is [along with the associated character statements] supplementary planning guidance, along with other planning guidance documents relating to transport, architecture, conservation etc within a conservation area all point to inadequacies in this proposal and to it being totally inappropriate in a conservation area, being out of the vernacular, too big, of poor design, and likely to make existing parking problems considerably worse.

#### 2.17 Tyne and Wear Archaeology Officer

2.18 The southern part of the site was formerly the Tynemouth Goods and Fish Station (HER 2046), and the majority of the site comprised railway lines in a cutting by the late 19th century. This activity is likely to have truncated any earlier deposits and structures. The Phase 2 Site Investigation report by Solmek Ltd also indicates a significant depth of made ground across the site. I therefore consider the site to have low archaeological potential, and no archaeological work is required.

#### 2.19 Historic England (comments made in respect of 20/00136/FUL)

2.20 Historic England welcomes the simpler approach to material types and tones now presented, likewise the omission of one store and clothing the other within brick.

These changes make the building feel more grounded and ordered, reflecting in broad terms architectural characteristics of the conservation area. They address concerns set out in our letter of 24th February 2020.

2.21 Differences in brick detail and patterning as well as the materials chosen will be important to the quality of the scheme and we recommend robust conditions to ensure this, should the proposal be granted permission.

2.22 Recommendation: Historic England has no objection to the application on heritage grounds.

### 3.0 Representations

3.1 202no. objections have been received. The concerns raised are summarised below.

#### Design and heritage

- Affect character of conservation area.
- Affect setting of listed building.
- Impact on landscape.
- Inappropriate design.
- Inappropriate materials.
- Out of keeping with surroundings.
- The building is too large.
- The building is too tall.
- Will dominate the area.
- Too modern for the area.
- Will overshadow the Victorian station.
- Not in keeping with the area.
- Overdevelopment.
- Will look like a blot on the landscape.
- The design is neither in keeping with the Victorian station and terraces, nor modern and cutting edge.
- Unsympathetic to its environment.
- The materials, brickwork, colour palettes fail to integrate with its surroundings.
- The council concluded at pre-application stage that there would be substantial harm to setting of the Grade II\* listed building and the Conservation Area.
- The proposal appears to offer very little in terms of public benefits to outweigh the harm.
- The historic station platforms are a significant heritage feature which would be lost.
- Not in keeping with the aims the Tynemouth Conservation Management Strategy or the Tynemouth Character Statement.
- Should be smaller in scale with more green space.
- The design refers to using Knotts Flats as a reference point- this is on the bank of the river and therefore does not tower over surrounding buildings.
- It is square and 'blocky' looking, with very little to soften the visual impact.
- Historic England have raised concerns.
- Does not improve the character and quality of the local area.
- Impact on the publicly funded station canopies.
- Loss of light and damage to the public realm.
- The drawings do not illustrate the proposed buildings in comparison to existing housing stock.
- I disagree with the conclusions of the Heritage Statement that the level of harm "is now considered to be less than substantial".
- The benefits do not outweigh the harm.
- Will greatly detract from the station.
- Impact on the skyline.
- The CGI's don't show a true reflection of the actual scale and elevation of the development.
- Demolition of the stone boundary wall.

### Residential amenity

- Loss of privacy.
- Loss of residential amenity.
- Loss of visual amenity.
- Will result in visual intrusion.
- Nuisance – disturbance, dust/dirt, fumes, noise.
- Impact on light and noise.
- Impact of construction on residents.
- How will the health and safety of the site be managed?
- Impact of piling on surrounding residents and properties.
- Loss of light to Kingswood Court.
- Impact on elderly residents of Kingswood Court.
- More air pollution and noise.
- Impact on light reaching Kinder castle.
- Overlooking of children from the proposed flats – safeguarding issue.
- Loss of view.
- Additional air pollution will be detrimental to health and well being.
- The impact on the surrounding homes in terms of light has not been assessed.
- Impact of noise on residents to the west of the Metro due to the Canyon effect.
- Loss of privacy and overlooking.
- Impact of increased noise on mental health.
- The car park will attract anti-social behaviour.

### Highways and parking

- Traffic congestion.
- Inadequate parking provision.
- Poor/unsuitable vehicular access.
- Poor traffic/pedestrian safety.
- Inadequate parking provision which will make the existing parking issues worse.
- There is a naive assumption that most residents will cycle and use the Metro.
- Will EV charging points be provided?
- There are no designated parking spaces for any of the retail units.
- How would the public car park use be managed?
- Impact on Tynemouth Road traffic.
- Danger to pedestrians.
- Limited EV charging points.
- Unsafe access onto Tynemouth Road.
- Will prevent access for emergency vehicles.
- Not in accordance with the Transport and Highways SPD.
- There is no on site access for emergency, delivery, refuse collection, visitors or taxis.
- Vehicle ownership levels in the area have not been considered.
- The Transport Assessment is based on flawed premises.
- How would parking on Tynemouth Road be restricted?
- There is no demand for the proposed Northern car park which has the potential for noise, disturbance and anti-social behaviour.
- Car parks attract and generate more traffic.
- Local residents already suffer from parking problems, blocked driveways and early morning vehicle noise.
- Poor car park layout.

- The Tynemouth Road access will make parking and congestion worse.
- Damage to pavements on residential streets for parking.
- North Tyneside Hackney Carriage Association object to this planning application.
- There is no mention of the taxi rank sited outside the east entrance to the station or how it would be allowed to operate.
- The proposed cycle route on Tynemouth Road will remove overspill parking.
- No disabled parking provision.

### Ecology and trees

- Inappropriate in special landscape area.
- Loss of/damage to trees.
- Pollution of watercourse.
- Adverse effect on wildlife.
- Affect Site of Spec. Scientific Interest.
- Environmental impact on wildlife and trees, flora and fauna.
- Impact on TPO trees.
- Impact on protected species (bees, butterflies, bats).
- Disturbance to wildlife during construction.
- Loss of wildlife habitat.
- Impact of tree loss on CO2 levels and noise.
- Concerns about the timings/adequacy of the ecology surveys.
- Adverse impact on climate change.
- Damage to the wildlife corridor, natural environment, trees and bird life during the applicant's ownership of the site.
- Contradicts the Council's Climate Emergency Declaration (July 2019), Green Infrastructure Strategy and Biodiversity Action Plan.
- Will cause irreparable damage to the wildlife corridor.
- Impact on the wildlife corridor.
- Impact on protected species.
- No reference to Northumberland Park.
- Removal of trees will impact on sound attenuation, landscape, the stability of the bank and the wildlife corridor.
- All trees are described as poor quality.
- No green roofs or gardens.
- Should be marked as greenbelt to protect wildlife.
- The land should be left wild.

### Other

- Inadequate drainage.
- None compliance with approved policy.
- Not in accordance with development plan.
- Precedent will be set.
- Within greenbelt/no special circumstance.
- Not against the site being developed in a sensitive manor.
- Will the units be affordable?
- Impact on Tynemouth market and local businesses.
- The facilities and services of Tynemouth are inadequate for the additional residents.
- Profit driven proposal.
- No need for more shops, bars and restaurants.

- The area does not need any more flats.
- This land should be for community use.
- The viability statement should be scrutinised by the Council.
- There are numerous vacant sites in the borough.
- There is enough housing land elsewhere within the borough.
- This land could be used for extra parking.
- Not in accordance with Local Plan policies.
- Is not allocated for housing within the Local Plan.
- Not in accordance with the NPPF.
- No affordable homes.
- Where is the covered play area the conservation plan mentions?
- No community or leisure facilities.
- Fails to meet key criteria for sustainable development.
- Inadequate public consultation.
- The council has a 20% stake in Station Developments.
- Impact on existing businesses.
- Lack of an Environmental Assessment.
- The owner has sought to devalue the visual, environmental and biodiversity aspects of the site.
- Will deter visitors and tourism.
- Why has the Council not played a more active role in protecting the area?
- Little value is placed on resident's opinions.
- 150 voted against the proposal at the Tynemouth Action Group meeting.
- No improvement in the revised proposals.
- The revised plans include additional housing and less parking.
- No information regarding the thermal efficiency of the building, heating systems or sustainability.
- Issues raised previously have not been addressed.

3.2 4no. comments in support have been received. These are summarised below.

- Great design.
- Great need for housing.
- This land has been an eyesore for years.
- Will enhance the land and area.
- It would be even better if the housing were affordable.
- Makes good use of a brownfield site.
- The proposed parking is an excellent public facility.
- Fire proofing requirement must be met.
- The removal of trees must be compensated for by landscaping.
- The retail units could be provided elsewhere and the land used for parking.
- The parking provisions appear insufficient.
- The Tynemouth Road access must allow for emergency and service vehicles.
- Level of parking is compensated largely by other station and road areas.
- A retail unit will be useful.
- The roads, footpaths and access within the site appear to be of a high standard.

3.3 1no. neutral comment has been received. This is summarised below.

- Adverse effect on wildlife.
- Affect character of conservation area.
- Impact on landscape.

- Inadequate parking provision.
- Inappropriate design.
- Loss of residential amenity.
- None compliance with approved policy.
- Not in accordance with development plan.
- Nuisance - dust/dirt.
- Nuisance – noise.
- Out of keeping with surroundings.
- Will result in visual intrusion.
- I am broadly in favour of this development but have some concerns.
- Height of the development is out of character.
- There is no analysis of external daylight and overshadowing.
- No commitment by the developers to include solar panels, wind turbines, heat sink pumps etc to produce 'green' energy and reduce carbon emissions.
- Limited EV charging points.
- Inadequate parking will add to congestion.
- Should include rigorous safeguards around the wildlife corridor, planting and the 'greening' of the site.
- Impact of construction noise, dust, and emissions.
- No affordable housing.

#### 4.0 Councillor Comments

##### 4.1 Councillor Bartoli

4.2 I wish to object to the FUL and LBC applications above in the strongest possible terms. As the Ward Councillor and a resident in Tynemouth I have had the opportunity of talking with many residents who are extremely concerned that this proposal is totally inappropriate for this location. I have listed below the key concerns of myself and the residents who have contacted me.

4.3 The objections that I have received and read, highlight the fact that the residents have carefully reviewed the original and new proposal and are extremely concerned that this proposed development is; too big, not in keeping with a traditional village setting, overshadows an important heritage asset and peoples houses and will increase the pressures on parking. This new proposal, which increases the number of units whilst reducing the parking and appears to have completely ignored these concerns. The objectors are not opposed to change but this building would stand-out rather than blend-in and dominate the views and skyline of Tynemouth. It does not recognise the village-nature of its setting and would upset the balance between landmark buildings and townscape buildings.

4.4 I refer to the Village character statement which is planning guidance for the Tynemouth Conservation Area and was prepared by residents and officially adopted as Supplementary Planning Guidance, which states.

“Planning Decisions should be about managing change, not preventing it. Choices made by this generation will be the heritage of the next. In short we hope to preserve Tynemouth’s character.”

4.5 I would also wish to request speaking rights at any future planning committee.

#### 4.6 Grounds for objection

The site is not allocated for housing in the Local Plan.

The Local Plan (S4.3) specifically identifies sites for the future location for housing within North Tyneside. This site at Tynemouth station is not identified for this purpose.

#### 4.7 S4.3 Distribution of Housing Development Sites

The sites allocated for housing development are identified on the Policies Map, including those identified for both housing and mixed-use schemes.

4.8 Many sites in Tynemouth have been identified for new housing in the Local Plan (S4.3) and these are listed below:

Tanners Bank West (S)	Tynemouth	Brownfield	100
Stephenson House, Stephenson Street	Tynemouth	Brownfield	5
Land at Albion Road, North Shields	Tynemouth	Brownfield	10
Albion House, Albion Road,	Tynemouth	Brownfield	36
Land at North Shields Metro, Russell Street	Tynemouth	Brownfield	30
Coleman NE Ltd, North Shields	Tynemouth	Brownfield	14
East George St and surrounding area,	Tynemouth	Brownfield	174
Tanners Bank East	Tynemouth	Brownfield	42
Norfolk St/Stephenson St Car Parks Office,	Tynemouth	Brownfield	41

- This new development would be the third biggest development in the ward but not have been previously identified in the Local Plan as a site for housing.
- Other sites, not recognised in the Local Plan have already been allocated for additional housing in Tynemouth, most notably Bird Street (36 properties), Linskill Mews (9 properties) and most recently Unicorn House (40+ properties).
- Tynemouth is a small and densely populated ward with many heritage assets and historic and cultural sites, which must be protected from overdevelopment. There are already well over 500 new properties planned for Tynemouth ward. An additional 71 properties are not necessary and would result in overdevelopment.

The site is specifically identified for retail use within the Local Plan

4.10 The Local Plan specifically identifies this site as a future location for retail and not for housing.

4.11 Key sites identified for retail development over the plan period are:

Tynemouth Station	Tynemouth	1,011
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4.12 The original proposed plan contains 460sqm of space for commercial use. The update plans have reduced this down to only 130sqm by removing the commercial unit on the Tynemouth Road side of the development and replacing it with more residential units. This however is also being proposed as potential class E which could be restaurants, cafes or drinking establishments. I would also remind the Council that site is on the border of the cumulative impact policy as outlined below. Major new drinking establishments would have a very large impact on antisocial behaviour and alcohol related crime and nuisance in the area.

4.13 The development does not fulfil the criteria within the Local Plan for additional housing (a windfall site)

4.13 The Local Plan does make allowance for additional housing that is not within the plan however this site does not fulfil all of the criteria for this purpose. The Local Plan sets out the criteria required for a windfall site:

4.14 DM4.5 Criteria for New Housing Development

Proposals for residential development on sites not identified on the Policies Map will be considered positively where they can:

- f. Make a positive contribution towards creating healthy, safe, attractive and diverse communities; and,
- g. Demonstrate that they accord with the policies within this Local Plan

4.15 This development would not contribute positively, as is evidenced by the objections from the local community. It also is not in accordance with the Local Plan with regards to building on a Conservation area and wildlife corridor.

4.16 Policy DM4.5 looks to ensure that such proposals are appropriately located, sustainable and attractive and do not harm the amenity of neighbouring properties or land uses. This also reflects the principles of national planning policy in ensuring that new housing development is: Informed by the latest evidence of housing need; Takes full account of its surroundings;

4.17 This development is not attractive or appropriate for the site and its surroundings. The development will have a negative impact on its surroundings due to its size scale and design and will put pressure on local amenities, in particular; parking, schools and nurseries.

4.18 The development has insufficient parking for residents

4.19 The developer presents a scheme of 71 homes, 1 retail unit and only 43 parking spaces. This scheme contravenes the Council's Local Plan, formally adopted on 20/7/17, in the following sections:

4.20 DM6.1 Design of Development 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:

- e. Sufficient car parking that is well integrated into the layout; and,

4.21 AS8.23 Coastal Transport Through working in partnership with applicants for development, the community, public transport providers and Nexus, the Council will seek to improve the accessibility of the coastal area by:

- e. Maintaining adequate car parking provision that serves the coast with improved access for sustainable transport that would cause no adverse impacts on people, biodiversity and the environment

4.22 DM7.4 New Development and Transport The Council and its partners will ensure that the transport requirements of new development, commensurate to the scale and type of development, are taken into account and seek to promote sustainable travel to minimise environmental impacts and support residents health and well-being:



c. The number of cycle and car parking spaces provided in new developments will be in accordance with standards set out in the Transport and Highways SPD (LDD12).

4.23 The Council's Transport and Highways Supplementary Planning Document (LDD12) sets out the criteria for sufficient parking for new developments.

4.24 The Council's own planning guidance would require approximately 110-120 spaces for the residential properties.

4.25 The development is woefully short of parking for the residential elements and the developer unrealistically justifies their inadequate parking provision because they have decided that a high proportion of occupants won't have cars. I would draw the Council's attention to their own data on car ownership in Tynemouth which shows that over 70% of residents own at least one car and over 20% own 2 cars.

4.26 The assumption is also that the residents would commute to work therefore not require a car. I would again draw the Council's attention to their own data on methods of travel to work in Tynemouth which shows that the vast majority of residents still commute by car.

4.27 The development has insufficient parking for the commercial elements

4.28 Parking would also be required for the retail elements of the proposal. Currently there appears to be no associated parking provision. The developer is proposing 130sqm of class E use. Appendix D also sets out these standards.

4.29 If the space is used for shops this would require 2 spaces. If the space is used for A3 or A4 use this would require 13 spaces.

4.30 Under the same guidelines the commercial element also requires disabled bays which appear to have been omitted.

### 6.3 Non Residential Developments

6.3.3 Commercial proposals will be expected, regardless of size, to provide disabled parking spaces, which must take priority over other car parking needs.

4.31 The development is completely devoid of parking for the commercial elements. Tynemouth already has considerable parking issues and the area of Tynemouth Road and Station Road where this development is planned is particularly congested with both sides of the road filled with parked cars.

4.32 The development is not appropriate for a conservation area and being next to a heritage asset

4.33 Tynemouth Station is Grade II\* listed and is located within Tynemouth Village Conservation Area. The Station is an important form of transportation for both locals and visitors and also serves as a focal point for the community and functions as an art display area and a venue for the weekend market. This development would result in a major change to the setting of Tynemouth Station and would dominate the Station as a landmark building. The proposal would result in the loss of some views of the Station which would be harmful to the setting of the listed Station building.

4.34 The proposal is within the conservation area, which retains the character of the village. The dominant building form is two or three storey developments with pitched roofs. The new development would create a landmark building that would dominate the area in terms of size, design and scale and be harmful to the character and appearance of the conservation area.

4.44 The proposal is overly tall, bulky and fussy and would introduce a very large building into the conservation area that is not in keeping with the character and appearance of the village. The development would be visible from Birtley Avenue, Station Terrace, Tynemouth Road and Tynemouth Station platform and footbridge and completely change the roofline of the village.

4.45 The development is considered to be of a scale, mass and height which would substantially harm the character and appearance of the conservation area. This concern particularly relates to the fact that the design appears to completely ignore the traditional buildings that surround it and draw its influence from modern buildings such as Knots flats and Mariners Point

4.46 The proposal also includes the demolition of 50 metres of a curtilage listed stone wall fronting onto Tynemouth Road. This would remove a positive feature of the conservation area and part of the curtilage of the listed Station. The area of the proposed development is within a conservation area and guidance for building in this area is covered by:

- The Local Plan
- Tynemouth Village character statement
- Tynemouth Village conservation area character appraisal
- Tynemouth Village Conservation area management strategy

4.47 The plan contravenes the Local Plan in the following areas:

#### *DM6.1 Design of Development*

*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;*
- e. Sufficient car parking that is well integrated into the layout; and,*

*The Council has a good record of a proactive approach to the conservation of its heritage assets. Its strategy is to continue this: protecting, enhancing and promoting heritage assets so they can be understood and enjoyed by residents and visitors now and in the future.*

#### *S6.5 Heritage Assets*

*North Tyneside Council aims to pro-actively preserve, promote and enhance its heritage assets, and will do so by:*

- a. Respecting the significance of assets.*

*b. Maximising opportunities to sustain and enhance the significance of heritage assets and their settings.*

*DM6.6 Protection, Preservation and Enhancement of Heritage Assets*

*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:*

*e. Ensure that additions to heritage assets and within its setting do not harm the significance of the heritage asset;*

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

*9.25 Heritage assets, both designated and non-designated (as defined in the NPPF), are an irreplaceable resource and should be conserved in a manner appropriate to their significance. The settings of heritage assets can contribute significantly to their enjoyment through, for example, views, experiences and approaches, and should be given appropriate protection too. When assessing the potential impact of development on heritage assets and their settings, considerations could include scale, height, mass, footprint, materials and architectural detailing.*

4.48 The plan also contravenes the Village character statement. This document is planning guidance for Tynemouth Conservation Area prepared by the Village Character Statement Design Team. The Council officially adopted this document as Supplementary Planning Guidance.

*Visitors and residents alike have commented that Tynemouth has already been spoilt by inappropriate change. But they believe Tynemouth to have a strong and vibrant character, and want to be involved in its future. Consequently, the objectives for the future should be to manage change in order to preserve and improve the village. In order to achieve this objective, they said all new development should:*

- Respect the character and appearance of the conservation area and recognise the 'village nature' which it retains.*
- Not challenge the well established balance between 'landmark' buildings (e.g. churches) and 'townscape' buildings (e.g. terraces of houses) in the conservation area.*
- Be designed to 'blend in' rather than 'stand out' and not be in a 'visual fight for supremacy' along the street.*
- Reflect the design principles of each part of the conservation area. For example, it was felt that the Castle and Priory, the former Congregational church in Front Street, the Grand Hotel, the Drill Hall, the Collingwood Monument, and the railway station are all well separated by traditional buildings which combine to create Tynemouth's townscape.*
- Add to the architectural richness of the area. For example, a building can be distinctive but should be in context.*

- *Preserve the balance between buildings, streets and open space that is such a fundamental part of Tynemouth.*

4.49 The proposal will cause excessive congestion and subsequent pollution

4.50 Tynemouth village is already struggling badly with traffic congestion. The proposed site for the only entry into the properties is accessed via Tynemouth Road. This site is particularly problematic because.

- It is a very busy main road into the village which is beset with speeding issues and has recently had electronic traffic slowing signs fitted to slow traffic
- It is adjacent to the entries to both Kingswood Court and Kinder Castle nursery which will create 3 entries in close proximity.
- It is immediately prior to the speed change point from 30 to 20 as an entry into the village.
- It is between 2 nurseries and a major school that create problems with congestion during pick up and drop off times.
- The proposed entry point is regularly filled on both sides of the road with parked cars.
- There is a high probability that cars turning right into the development or out of the development (particularly at peak times) would cause congestion and queues and increase air pollution.

4.51 The proposed development does not protect a strategic wildlife corridor

4.52 The proposed site is within a strategic wildlife corridor and this building would have a huge impact on the movement and habits of species. Despite the efforts of the developer the scheme contravenes the Local Plan in the following areas.

*8.27 Wildlife corridors allow the movement of species between areas of habitat, linking wildlife sites and reducing the risk of small, isolated populations becoming unsustainable and dying out. Wildlife corridors are important features that should be protected, enhanced and created, to protect and promote biodiversity and to prevent fragmentation and isolation of species and habitats.*

*8.28 North Tyneside's wildlife corridors are made up of three key components of equal standing:*

*Strategic Wildlife Corridors*

*8.29 These corridors are important for their linkage value to the wider environment and not necessarily for their intrinsic ecological value but own particular significance on a regional basis. They can be the longest of wildlife corridors and sweep across important ecological assets contained within the Borough. They indicate the major open passageways between and into the urban areas.*

*DM5.7 Wildlife Corridors*

*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.*

4.53 The proposed cycle path along Tynemouth Road will remove overflow parking

4.54 Currently there are plans to create a cycle path from Tynemouth to North Shields and beyond along Tynemouth Road where this proposed development will be situated. It has been acknowledged that this will necessitate the removal of parking along one side of Tynemouth Road. This will remove much of the potential overspill space for residents or visitors to the development that will be required due to insufficient parking provision within the plans.

4.55 The views of residents have been disregarded

4.56 As the ward Councillor for Tynemouth this development has been the single issue that has consumed most of my discussions, surgeries, emails and phone calls with residents. The feedback provided to the designers directly at the consultation (at which I was present) and via the Council's planning portal were clear. The main concerns were that the development was too large, inappropriate in design and scale and had insufficient parking. The new plans have both increased the number of residential units while decreasing the number of parking spaces. This has not just ignored the people who will be directly affected but demonstrated a complete disregard for their views. This demonstrates that the consultation with residents was no more than a box-ticking exercise to satisfy the planning requirements and not a genuine attempt to work with or listen to those whose lives will be affected by this development.

4.57 Councillor Sarah Day

4.58 As ward Cllr for Tynemouth Ward I wish to place on record my objections to the planning applications: 20/00136FUL and 20/00137/LBC for the following reasons:

4.59 The proposals do not address the objections to the previous applications, in terms of height and density. There are in fact more units.

4.60 The proposals are out of keeping with the iconic restoration of Tynemouth Station.

4.61 As other objectors have pointed out, the restoration was fought for over many years by Ylana First MBE and whose vision made the possible the restoration of the station to its Victorian heyday. The station is a community asset and contributes greatly to the popularity of Tynemouth as a whole. These plans will vastly overshadow the station and is out of keeping with the conservation status of the village.

4.62 It will also impact residential amenity for the surrounding residents.

4.63 I am very concerned that parking spaces have been removed. This will contribute to the already difficult parking situation in Tynemouth, especially at weekends, when there are many visitors to the market on Tynemouth station and indeed to the coast itself.

4.64 I am very disappointed that there was no proper public consultation initially and none to my knowledge of this further application.

4.65 I would ask that this application goes before full planning committee and would also request speaking rights.

4.66 Alan Campbell MP

- A number of constituents have contacted me to raise their concerns about this application.
- I would like to request that the application is considered by full planning committee.
- I hope that the views of residents will be fully considered.
- The overwhelming view of residents is that the development is inappropriate for the area.
- Although there is some acceptance that the site will be developed the proposed development would be out of keeping and seems incompatible with the Local Plan.

**Application No:** 22/01053/FUL Author: Julia Dawson  
Date valid: 10 June 2022 ☎: 0191 643 6314  
Target: 9 September 2022 Ward: Howdon  
decision date:

Application type: full planning application

**Location: Football Pitches West Of, St Peters Road, Wallsend, Tyne And Wear**

**Proposal: The development of a new sports hub at St Peters Playing Field (west) which includes, New sports pavilion / clubhouse / Multi use community space. New 3G AGP (artificial grass pitch) New site fencing, car parking and other ancillary facilities**

Applicant: North Tyneside Council, Mr Paul Youlden Block A Killingworth Site Station Road Killingworth Newcastle-upon-Tyne NE12 6QQ

Agent: North Tyneside Council, Sharon Mackay The Killingworth Site Block A Killingworth Newcastle Upon Tyne NE12 6QQ

**RECOMMENDATION:** Application Permitted

## **INFORMATION**

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

#### 1.0 Main Issues

The main issues in this case are;

- The principle of the proposed development;
- The impact on the character and appearance of the site and the surrounding area;
- The impact upon residential amenity;
- The impact on the highway; and
- The impact on biodiversity.

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

#### 2.0 Description of the Site

2.1 The site to which the application relates are the football pitches to the west of St Peter's Road and to the south of the Coast Road in Wallsend. Residential dwellings are located beyond the eastern boundary. Beyond the northern boundary, on the opposite side of the Coast Road, is the Lidl supermarket and retail development on Battle Hill Drive and residential dwellings on Bellingham Close. Beyond the western boundary is a dense expanse of established tree planting, beyond which are residential dwellings on Kings Vale. Wallsend Dene

Local Wildlife Site (LWS) lies immediately adjacent to the western boundary of the site. Allotments and a cemetery are located to the south of the site. On the opposite side of St. Peter's Road, to the north of the housing on Ceasar Way and Roman Court, is Battle Hill Playing field, which is occupied by Wallsend Rugby Club. This site is enclosed by 2m high green paladin fencing and gates.

2.2 The application site consists of open space and grass playing field with sports pitches marked on in paint. A prefabricated, flat roofed, green coloured pavilion building, which provides changing rooms and an equipment store facility, is located within the north eastern perimeter of the site and this is enclosed by open green weldmesh style fencing, which is approximately 2m in height. A small car park is located to the south of the pavilion.

2.3 A designated Public Right of Way is located along the western boundary of the application site and an 'informal desire line' is located along the southern boundary.

2.3 The application site is located within an area of designated Open Space and a Wildlife Corridor (Local Plan 2017).

## 2.0 Description of the Proposed Development

2.1 The proposal relates to the creation of a new sports hub, which will include the following:

- A new single storey sports pavilion to include changing room facilities, function room and office space.
- A new 3G artificial grass pitch (AGP) with flood lighting (8no. 17m high columns) and secure 4.5 m high perimeter fencing.
- New car parking, associated landscaping and 2.5m high perimeter fencing.
- Reconfiguration of football pitches (within the new 2.5m high perimeter fence).

## 3.0 Relevant Planning History

87/00037/LAREG3 – Demolition of existing changing facilities and replacing with a new building (for the same use) – Approved 17.02.1987

95/01360/LAREG3 - 2 no. extensions to rear of existing 'premier transline' mobile building to form additional changing rooms – Approved 28.02.1996

01/01296/LAREG3 – Outline application for erection of new sports centre including swimming pools, sports hall, fitness, changing, community facilities and associated parking and access. Creation of new playing pitches and bowling green – Approved 30.10.2001

### 3.2 Battle Hill Playing Fields:

12/00378/LAREG3 - Reconfiguration of 2no. sports pitches for rugby to include the creation of adequate drainage and levelling works to provide a level playing surface – Permitted 20.06.2012

13/01195/FUL - Installation of new perimeter security fencing including new vehicular and pedestrian gate access points – Approved 02.10.2013



## 4.0 Development Plan

### 4.1 North Tyneside Local Plan (2017)

## 5.0 Government Policy

### 5.1 National Planning Policy Framework (NPPF) (July 2021)

### 5.2 National Planning Practice Guidance (NPPG) (As amended)

5.3 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**

### 6.0 Main Issues

6.1 The main issues in this case are;

- The principle of the proposed development;
- The impact on the character and appearance of the site and the surrounding area;
- The impact upon residential amenity;
- The impact on the highway; and
- The impact on biodiversity.

### 7.0 Principle

7.1 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 "... 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 LP policies set out in this report are consistent with the NPPF and can be afforded significant weight.

7.2 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.

7.3 Paragraph 98 of NPPF states that access to a network of high-quality open spaces and opportunities for sport and physical activity is important for the health and well-being of communities and can deliver wider benefits for nature and support efforts to address climate change.

7.4 Paragraph 99 of NPPF states that existing open space, sports and recreational buildings and land, including playing fields, should not be built on unless:

- a) an assessment has been undertaken which has clearly shown the open space, buildings or land to be surplus to requirements; or
- b) the loss resulting from the proposed development would be replaced by equivalent or better provision in terms of quantity and quality in a suitable location; or
- c) the development is for alternative sports and recreational provision, the benefits of which clearly outweigh the loss of the current or former use.

7.5 Sport England's 'Playing Fields Policy and Guidance' states that Sport England will oppose the granting of planning permission for any development which would lead to

the loss of, or would prejudice the use of:

- all or any part of a playing field, or
- land which has been used as a playing field and remains undeveloped, or
- land allocated for use as a playing field unless, in the judgement of Sport England, the development as a whole meets with one or more of five specific exceptions.

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

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

7.8 Policy S5.1 states the Council will seek the protection, enhancement, extension and creation of green infrastructure in appropriate locations within and adjoining the Borough which supports the delivery of North Tyneside's Green Infrastructure Strategy. Where deficiencies in the quality of green infrastructure and in particular types of green infrastructure are identified in relevant up-to-date evidence, improvements will be targeted to those areas accordingly.

7.9 Policy DM5.2 states that the loss of any part of the green infrastructure network will only be considered in the following exceptional circumstances:

- a. Where it has been demonstrated that the site no longer has any value to the community in terms of access and function; or,
- b. If it is not a designated wildlife site or providing important biodiversity value; or,
- c. If it is not required to meet a shortfall in the provision of that green space type or another green space type; or,
- d. The proposed development would be ancillary to use of the green infrastructure and the benefits to green infrastructure would outweigh any loss of open space.

7.10 Where development proposals are considered to meet the exceptional circumstances above, permission will only be granted where alternative provision, equivalent to or better than in terms of its quantity and quality, can be provided in equally accessible locations that maintain or create new green infrastructure connections. Proposals for new green infrastructure, or improvements to existing, should seek net gains for biodiversity, improve accessibility and multi-functionality of the green infrastructure network and not cause adverse impacts to biodiversity.

7.11 Policy DM5.3 states that accessible green space will be protected and enhanced to be of the highest quality and value. New development should sustain the current standards of provision, quality and value as recorded in the most up-to-date Green Space Strategy. Opportunities should be sought to improve provision for new and existing residents.

7.12 Policy S7.10 states that the Council will ensure that local provision and resources for cultural and community activities are accessible to the neighbourhoods that they serve. Specifically, it advises that opportunities to widen the cultural, sport and recreation offer will be supported, and the quantity and quality of open space, sport and recreation provision throughout the Borough will be maintained and enhanced.

7.13 The Council's Green Space Strategy 2015 (GSS) identifies a range of accessible green spaces including outdoor recreational facilities. The proposed development falls into this category and is identified as an Outdoor Sports Facility of medium value and quality with unlimited access. The GSS's objectives include:

- Playing pitches – The standards for quality, quantity and management set out in the North Tyneside Playing Pitch Strategy 2013-23 (PPS) should be followed.
- A range of outdoor facilities should be available within an appropriate travelling distance for all.

7.14 The Playing Pitch Strategy (PPS) identifies the site as “poor with undulating surface and limited parking” and with dated, but adequate, changing facilities. The PPS recommends that the site should continue to support football use and that opportunities should be taken to improve quality. Management objective (h) of the PPS identifies St Peters Playing Fields as one of a number of important key sites in North Tyneside which need to be high quality in order that they can accommodate a sufficient number of matches per week – ideally to service a range of sports. The creation of key multi-pitch sites is based on importance in a Borough-wide context (i.e. or where they accommodate the majority of play).

7.15 A significant number of objections have been submitted in respect of the need for the proposed development and the loss of accessible green open space for local residents. These concerns are noted.

7.16 The applicant is not required to demonstrate a need for the proposed development. However, it is clear from the objective set out in the Council's Playing Pitch Strategy and comments submitted by a representative of the Football Association that this site is an identified priority project for football in the North Tyneside Local Football Facility Plan, including for the development of a

new full size 3G pitch, new pavilion and improved grass pitches. The proposal would facilitate the relocation of Northumberland FA to the new site and for it to operate and maintain facilities. This increased access to a 3G pitch will help the County FA to deliver a wide range of football activity and outcomes from the site and to sustain, improve and maximise use of the surrounding grass pitches.

7.17 In addition, the proposed 3G pitch is to be delivered through the FA AGP Framework, informed by engagement with Rugby Football Union to meet guidelines for rugby union use.

7.18 The applicant has submitted an Open Space Assessment and a Planning Statement in support of the application. As set out by the applicant within the Open Space Assessment, it is important to note that although the proposed 3G AGP, pavilion, car park and newly laid out pitches will be enclosed by fencing, the formal Local Plan designation of the site as Open Space and the GSS identification of the site as an Outdoor Sports Facility will remain unchanged in that its overall use will remain the same as the existing. The principle of the proposed works is therefore considered to be in accordance with policies S5.1 and DM5.2 of the Local Plan in that the proposed works will be ancillary to use of the green infrastructure and the benefits to green infrastructure would outweigh any loss of open space. The open space in question will accommodate the new 3G AGP and associated pavilion and facilities.

7.19 In addition, the proposed works, which will provide much needed and improved facilities at the application site, are in accordance with the objectives of the Council's Playing Pitch Strategy and with Local Plan Policy S7.10 in that they will enhance the facilities on offer at the site, supporting the opportunity to widen the sport and recreation offer at this location. The perimeter of the entire site (outside of the new fence line) will remain open for recreational use (walkers and dog walkers etc.)

7.20 Sport England have reviewed the proposal and have advised that they consider that it meets exceptions 5, 2 and 3 of Sport England's Playing Field Policy. As such, they have raised no objection to the proposed works, subject to conditions to ensure that the 3G pitch is World Rugby 22 shockpad compliant to secure World Rugby 22 certification, and a community use agreement.

7.21 Members must determine whether the proposed development is acceptable on this site and whether it is in accordance with the relevant local and national policies.

## 8.0 Character and Appearance

8.1 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.

8.2 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).

8.3 Para.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.

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

8.4 The Council's Design Quality SPD states that innovative design and layout will be encouraged, 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. The Design Quality SPD makes it clear that boundary treatments can help to contribute towards the character of an area, improve the public realm and contribute towards natural surveillance and safety.

8.5 The applicant has submitted a Design and Access Statement in which they have described how the overall design concept creates a high-quality facility, achieved through a minimalist approach with the single storey pavilion being sympathetic in the context of the surrounding built environment and housing. The applicant considers the pavilion to be proportionate with an attractive external appearance, which will include a mixed pallet of materials, including traditional brick and render, which is in keeping with the surrounding context. The position of the proposed pavilion building utilises the existing site access and provides ease of access to the 3G pitch, informal pitches/open space and car parking.

8.6 The internal layout of the building will provide open plan accessible accommodation with multi-functionality in terms of how it is used, incorporating a bar, office and meeting space, changing facilities and hospitality/conference space. The building has been orientated to maximise the views over the pitches, including an external seating/viewing area for spectators.

8.7 The Council's Design Officer has been consulted and has noted that the elevations could be improved with some further variety of materials and detailing, including the use of more glazing (in particular taller glazing) to the south west elevation of the pavilion which would maximise views over the sports pitches. The applicant has considered this but has advised that they would prefer to keep the proposed design, which has been agreed by all stakeholders. Revisions to this would have cost implications.

8.8 In response to further comments by the Design Officer, the applicant has advised that roller shutters proposed are concealed Lintel roller shutters, so they

will not have a visual impact on the elevations. The proposed floodlights to the 3G pitch are required to be 17m high to be in accordance with FA requirements: based on the larger sized pitch in order to meet the maintained average illuminance of 200 lux for match play, and a minimum uniformity factor (min/ave) >0.6. The height is required to stretch the light across the pitch width whilst adhering to sporting requirements and the ILP guidance for the control of lighting to not spread beyond the site, highway, ecology and upwards into the night sky. The higher the columns, the more vertically angled they can be to control the lighting and mitigate these concerns. If they are lowered, then the lights are angled up to spread light further afield and worsen these attributes outside of permissible standards and requirements.

8.9 Again, in response to concerns regarding the height of the 3G pitch fence and the perimeter fence, the applicant has advised that these are FA requirements.

8.10. Members need to consider whether the proposed design, including pavilion, 3G pitch, and associated fencing is acceptable and determine whether it would harm the character and appearance of the surrounding area. It is officer advice that, on balance, taking into account the significant benefits of the proposed development, the proposal is acceptable in terms of design, scale; and the relationship with the surrounding area.

#### 9.0 Residential Amenity

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

9.2 The NPPF states that planning should always seek to ensure that developments create places that are safe, inclusive and accessible and which promote health and well-being, with a high standard of amenity for existing and future users.

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

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

9.5 Policy DM6.1 of the Local Plan states that proposals are expected to demonstrate a positive relationship to neighbouring buildings and spaces; a safe

environment that reduces opportunities for crime and antisocial behaviour; and a good standard of amenity for existing and future residents and users of buildings and spaces.

9.6 A Noise Assessment and a Lighting Assessment have been submitted as part of the application.

9.7 Objections have been submitted by local resident with regard to the impact of the proposed development on their residential amenity in terms of disturbance from noise and light pollution, amongst other matters. These concerns are noted.

9.8 The Environmental Health team have been consulted and their comments will be reported to Planning Committee via an addendum.

9.10 Members need to consider whether the impact on the amenity of the occupiers of nearby residential dwellings is acceptable. It is officer advice that the impact on amenity is acceptable subject to advice from the Environmental Health team and the suggested conditions

#### 10. Highway Impact

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

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

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

10.4 Local Plan Policy DM7.4 New Development and Transport states that the Council and its partners will ensure that the transport requirements of new development, commensurate to the scale and type of development, are taken into account and seek to promote sustainable travel to minimise environmental impacts and support residents health and well-being.

10.5 The Transport and Highways SPD set out the parking standards for new development.

10.6 A Transport Assessment Statement, Travel Plans, Parking and Highways statement has been submitted as part of the application.

10.7 Vehicular and cycle access will be from the existing access point on St. Peter's Road, which will be utilised and redesigned in accordance with the local

Highways Authority standards. The proposed scheme provides for 54no car parking spaces; 1no. EV space, 5no. disabled spaces and 2no. drop off spaces.

10.8 Objections have been received with regard to the impact of the proposed development on highway safety, both in terms of vehicle users and pedestrians, the access junction onto the Coast Road, increased congestion and insufficient parking provision within the proposed scheme. These objections are noted.

10.9 The Council's Public Rights of Way (PROW) Officer asked a number of questions regarding the existing PROW. In response the applicant has confirmed that the existing PROW along the western boundary of the site will be retained and accessible. The informal desire line along the southern perimeter of the site, which is not a formal PROW, is also to be kept open and free of obstruction. This will ensure that walkers, dog walkers, local residents, will be able to walk around the entire perimeter of the site unobstructed. There will be no impediment to the existing PROW, access road or informal desire line.

10.10 The Highway Network Manager has raised no objections to the proposed development and has recommended conditional approval.

10.11 The Sustainable Transport Team have also commented and raised no objection to the proposed development subject to the attachment of a condition requiring the submission of a Travel Plan.

10.12 Members need to determine whether the proposed development is acceptable in terms of parking provision and the impact on highway safety. It is officer advice that it is.

#### 11.0 Impact on Biodiversity

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

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

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

11.4 Policy DM5.5 of the Local Plan states that all development proposals should amongst other matters protect biodiversity and minimise the fragmentation of habitats and wildlife links.

11.5 Local Plan Policy DM5.2 relates to proposals which include any loss of any part of the green infrastructure network



11.6 Local Plan Policy DM5.6 states that proposals that are likely to have significant effects on features of internationally designated sites, either alone or in-combination with other plans or projects, will require an appropriate assessment. Proposals that adversely affect a site's integrity can only proceed where there are no alternatives, imperative reasons of overriding interest are proven and the effects are compensated.

11.7 Policy DM5.7 states that development proposals within a wildlife corridor 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.

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

11.9 The site currently consists of a large playing field (approx. 6ha) with trees along the southern and eastern boundaries and woodland forming part of the Wallsend Dene LWS along the western boundary. The site is located on land that is designated as open space and within a wildlife corridor. Wallsend Dene Local Wildlife Site (LWS) lies immediately adjacent to the western boundary of the site.

11.10 In support of the application has submitted a Daytime Bat Risk Assessment, Ecology Report, Biodiversity Net Gain Report, Arboricultural Method Statement and Landscaping Strategy.

11.11 A significant number of objections have been submitted by local residents in respect of the impact on the wildlife corridor and trees. The content of these is noted.

11.12 The Northumberland Wildlife Trust (NWT) originally objected to the proposal requesting clarification/additional information on a number of matters. The applicant provided the requested information and the NWT have subsequently advised that they have no objection to the proposed development and are satisfied that, subject to a number of conditions, the proposed landscaping will adequately limit pollutants entering Wallsend Dene LWS with surface run-off, and that it will provide increased habitat for wildlife and have a positive impact on biodiversity on the site.

11.13 The Council's Biodiversity Officer has been consulted and her final comments will be reported to planning committee via an addendum.

## 12.0 Other Issues

### 12.1 Flood Risk and Drainage

12.2 NPPF states that when determining applications, local planning authorities should ensure that flood risk is not increased elsewhere and only consider

development appropriate in areas at risk of flooding where informed by a site-specific flood risk assessment following the Sequential Test.

12.2 Policy DM5.12 Development and Flood Risk states that all new development should contribute positively to actively reducing flood risk in line with national policy, through avoidance, reduction, management and mitigation.

12.3 Paragraph 8.51 of the Local Plan advises that whilst increases in flood risk are normally associated with major development proposals, minor developments can cumulatively increase the risks of flooding if left unchecked. The Council will, therefore, encourage small scale proposals to incorporate appropriate sustainable drainage alternatives to offset or minimise the risks of flooding.

12.4 The site falls outside of all Flood Zones and it is not located within a Critical Drainage Area. However, in order for the Local Planning Authority to be able to fully consider the impacts of the proposed development the applicant has provided a Flood Risk Assessment and additional details on field drainage.

12.5 The Council's Local Lead Flood Authority has reviewed the application documents and advised that they have no objections subject to conditions requiring the submission of a detailed drainage design to include further details on the proposed attenuation features (cross section/long section of the storage pond, cross section of the 3G pitch showing sub-surface attenuation, details of the proposed outfall into the Wallsend Dene and the method for controlling the surface water discharge rate from 3G pitch, and details of the of the SuDS maintenance regime and the appointed SuDS management company.

12.6 Northumbrian Water have provided comments and raise no objections subject to the development being carried out subject to a condition that the development shall be implemented in line with the drainage scheme contained within the submitted document entitled "Flood Risk Assessment" dated "19th May 2022".

12.7 Members are advised that the proposed development would have an acceptable impact upon flood risk, subject to the suggested conditions.

#### 12.8 Ground Stability

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

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

12.11 The application site is located within a Contaminated Land buffer zone.

12.12 A Geo-Environmental and Ground Investigation Report have been submitted in support of the application.

12.13 The Coal Authority has raised no objection to the development and have recommended that the Coal Authority's Standing Advice should be included within the Decision Notice as an informative note to the applicant in the interests of public health and safety.

12.14 The Contaminated Land Officer has reviewed the submitted report and has raised no objections to the proposed development.

12.15 Members must determine whether the proposed development is acceptable in terms of contamination and ground stability. Officer advice is that the proposal is acceptable in this regard.

#### 12.16 Sustainability

12.17 Section 14 of the NPPF sets out the Government's objectives for the planning system in terms of meeting the challenge of climate change, flooding and coastal change. Para.152 of the NPPF states that the planning system should support the transition to a low carbon future in a changing climate, taking full account of flood risk and coastal change. It should help to: shape places in ways that contribute to radical reductions in greenhouse gas emissions, minimise vulnerability and improve resilience; encourage the reuse of existing resources, including the conversion of existing buildings; and support renewable and low carbon energy and associated infrastructure. Paragraphs 153 through to 158 set out measures for the planning system to address the climate change challenge, including the planning of green infrastructure, reduction of greenhouse gas emissions and increasing the use and supply of renewable and low carbon energy and heat. A planning application should be approved if its impact is, or can be made, acceptable.

12.18 Policy DM7.6 of the Local Plan states that proposals for development involving the provision of renewable and/or low carbon technologies, including micro-generation technologies, will be supported and encouraged except where the proposal would have unacceptable adverse effects that are not outweighed by the local and wider environmental, economic, social and other considerations of the development.

12.19 Within the submitted Design and Access Statement the applicant has advised that the building has been designed with a 'fabric first' approach to reduce carbon, this will be achieved through high levels of insulation and Air Source Heat Pumps (ASHP), which will be utilised for the heating and hot water provisions within the property.

12.20 Members need to determine whether the proposed development is acceptable in terms of its provision of renewable and/or low carbon technologies, incorporation of green infrastructure and measures to reduce greenhouse gas emissions in accordance with Policy DM7.6 and the NPPF.

#### 12.21 Archaeological Impact

12.22 The NPPF states that heritage assets are an irreplaceable resource and therefore should be considered in a manner appropriate to its significance.

12.23 Policy DM6.7 states that the Council will seek to protect, enhance and promote the Borough's archaeological heritage and where appropriate, encourage its interpretation and presentation to the public. Developments that may harm archaeological features will require an archaeological desk-based assessment and evaluation report with their planning application. Where archaeological remains survive, whether designated or not, there will be a presumption in favour of their preservation in-situ. The more significant the remains, the greater the presumption will be in favour of this.

12.24 The application site is identified in the Local Plan as being of archaeological interest and the applicant has submitted a Desk Based Archaeological Assessment.

12.25 The Tyne and Wear Archaeology Officer has reviewed the assessment and advised that, on balance, she does not consider that the site has enough archaeological potential to merit further investigation, and the requirements of the NPPF (para 194) have been met. Therefore, no further archaeological investigation is required.

### 13.0 Local Financial Considerations

13.1 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).

13.2 The proposed development will result in additional jobs created both during the construction period and when the site is operational.

13.3 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.

### 14.0 Conclusion

14.1 In conclusion, Members need to consider whether the principle of the proposed development is acceptable, and whether it is acceptable in terms of its impact on surrounding residents, existing land uses, the wildlife corridor, biodiversity, trees and the character and appearance of the area.

14.2 Members need to weigh the benefits of the proposal against the impacts and determine whether or not to grant planning permission.

14.3 It is officer advice, that subject to the outstanding comments from the Biodiversity Officer, and the imposition of appropriate conditions, the proposed development is acceptable.

**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 10.06.22
- Site Location Plan, 100, P1, 04.04.22
- Proposed Floor and Roof Plan, 101, P3, 12.08.22
- Proposed Elevations, 104, P1, 12.08.22
- Proposed Site Plan and Landscape Strategy, 402 , P1, 09.06.22
- Topographical Survey, T01, Rev.A, May 2022
- Proposed Floodlight Elevation, PPF-SSL-XX-ZZ-DR-A-04, 30.06.22
- Car Park Management Plan, Report Ref: 220404-1041 v2
- Biodiversity Net Gain Feasibility Report, 22052, May 2022
- Daytime Bat Risk Assessment, 21190, June 2022
- Ecological Appraisal, 22052, May 2022
- Noise Impact Assessment, 08.04.22 (DACS Ltd)
- LED Lighting to Oversized Pitch, CLS013, 11.01.22 (Woodchurch)
- Transport Statement, 1041-TS, Rev.3, 04.04.22
- Travel Plan, 1041-TP, Rev.3, 04.04.22
- Arboricultural Method Statement, inc. Impact Assessment, ARB/CP/2807, July 2022
- Flood Risk Assessment Including Surface and Foul Water Drainage Design Strategy, 22-034, 26.07.22

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 the details submitted, the scheme for the new means of access shall be laid out in accordance with the approved plans. This access shall be laid out prior to occupation 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).

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

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 the details submitted, the scheme for cycle parking shall be laid out in accordance with the approved plans and prior to the occupation. This cycle parking provision shall not be used for any other purpose and retained thereafter.

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

7. No part of the development shall be occupied until a methodology for monitoring parking on the surrounding highways has been submitted to and approved by in writing the Local Planning Authority. This methodology shall include the streets to be monitored, establish of pre-occupation base situation and details of further monitoring post-occupation. The area identified for overspill parking shall be implemented as well as any reasonable off-site mitigation measures if deemed necessary by the Local Highway Authority and at the applicant's expense.

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

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

9. No part of the development shall be occupied until details of taxi and private hire vehicle provision has been submitted to and approved by in writing the Local Planning Authority. This scheme shall be implemented in accordance with the approved details and retained thereafter.

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

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

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

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

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

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

Reason: To accord with Central Government and Council Policy concerning sustainable transport and of the development having regard to policy DM7.4 of the North Tyneside Local Plan (2017).

13. Prior to construction of the 3G AGP, a detailed drainage design must be submitted to and approved in writing by the Local Planning Authority. The scheme should include further details on the proposed attenuation features (cross section/long section of storage pond, cross section of the 3G pitch showing sub-surface attenuation, details of the proposed outfall into the Wallsend Dene and the method for controlling the surface water discharge rate from 3G pitch). The scheme must be implemented in accordance with the approved details and retained thereafter.

Reason: These details are required to be provided early in the construction process to ensure that the drainage details can be agreed so that they can be incorporated into the development as it proceeds having regard to policy DM5.12 of the North Tyneside Local Plan 2017.

14. Prior to occupation of the approved development full details of the SuDS maintenance regime and the appointed SuDS management company must be submitted to and approved in writing by the Local Planning Authority. Thereafter, the SuDs must be maintained and managed in accordance with the approved details.

Reason: In accordance with policy DM5.12 of the North Tyneside Local Plan 2017.

15. The approved development shall be implemented in line with the drainage scheme contained within the submitted document entitled "Flood Risk Assessment" dated "19th May 2022". The drainage scheme shall ensure that foul flows discharge to the combined sewer on St Peters Road and ensure that surface water discharges to the existing watercourse to the west of the site.

Reason: To prevent the increased risk of flooding from any sources in accordance with the NPPF and policy DM5.12 of the North Tyneside Local Plan 2017.

16. Notwithstanding any indication of materials which may have been given in the application, no development shall take place until a schedule and/or samples of the materials and finishes for the development and all surfacing materials for the ground has been submitted to and approved in writing by the Local Planning Authority. Thereafter, the development shall not be carried out other than in accordance with the approved details.

Reason: To secure a satisfactory appearance having regard to policy DM6.1 of the Local Plan 2017, the Design Quality SPD 2018 and NPPF.

17. Use of the development shall not commence until a community use agreement prepared in consultation with Sport England has been submitted to and approved in writing by the Local Planning Authority, and a copy of the completed approved agreement has been provided to the Local Planning Authority. The agreement shall apply to the Artificial Grass Pitch and changing accommodation and include details of pricing policy, hours of use, access by the rugby club, management responsibilities and a mechanism for review. The development shall not be used otherwise than in strict compliance with the approved agreement.

Reason: To secure well managed safe community access to the sports facility/facilities, to ensure sufficient benefit to the development of sport and to accord with Development Plan Policy.

18. The Artificial Grass Pitch hereby approved shall be constructed with a World Rugby 22 compliant shockpad in order to secure World Rugby 22 certification to the satisfaction of the Local Planning Authority. Thereafter the pitch's certification shall be retained through on-going testing.

Reason: To ensure that the AGP's full benefit to sport is achieved in accordance with paragraph 99 of the NPPF.

19. Prior to the installation of any odour extraction/suppression equipment/air ventilation system/refrigeration or plant equipment installed at the premises in connection with the approved development full details must be submitted to and approved in writing by the Local Planning Authority. The scheme shall thereafter be implemented in accordance with the approved details and permanently retained.

Reason: To safeguard the amenity of nearby residents having regard to the National Planning Policy Framework.

20. Prior to the installation of any external plant or machinery in connection with the approved development (pursuant to condition no.19 of this approval) a noise scheme must be submitted to and approved in writing by the Local Planning Authority. The scheme shall be carried out in accordance with BS4142 and must



determine the current background noise levels for daytime, evening and night (if the plant or equipment is operating for 24 hours) without the plant operating, at the boundary of the nearest residential premises and include appropriate mitigation measures, where necessary, to ensure the rating level of all external plant and equipment does not exceed the background noise levels. Thereafter the plant must be installed and maintained in accordance with the approved details.

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

21. Within one month of the installation of any external plant and equipment acoustic testing shall be undertaken to verify compliance with condition no.20 of this approval and the results submitted in writing for the approval of the Local Planning Authority. Thereafter, the plant and equipment shall be operated in complete accordance with the approved details and maintained in working order.

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

22. All plant and machinery shall be enclosed with sound insulation materials in accordance with a scheme to be submitted to and agreed by the Local Planning Authority in writing and the plant and machinery shall not be used until the approved soundproofing has been implemented.

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.

23. No deliveries shall be made to the site before 07:00 hrs and after 21:00 hrs Monday - Saturday and no deliveries shall be permitted on Sundays and Bank Holidays.

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

24. 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: To protect trees in accordance with policy DM5.9 of the North Tyneside Local Plan 2017.

24. Notwithstanding the approved details and prior to the 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.

To reduce external lighting that may deter bats using boundary hedges, high intensity security lights should be avoided. Where security lights are required, these should be of minimum practicable brightness, be set on a short timer and be motion sensitive only to larger objects. The lighting shall be installed and maintained in accordance with the approved scheme.

Reason: In the interests of visual amenity and to ensure that local wildlife populations are protected in the interests of ecology, having regard to the NPPF and Policies DM5.19 and DM5.5 of the North Tyneside Local Plan.

- |     |                                       |            |   |
|-----|---------------------------------------|------------|---|
| 25. | Restrict Hours No Construction Sun BH | HOU00<br>4 | * |
| 26. | Restrict Hours No Demolition Sun BH   | HOU00<br>5 | * |

**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)

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

The applicant is advised that a licence must be obtained from the Local Highway Authority before any works are carried out on the footway, carriageway verge or other land forming part of the highway. Contact [Highways@northtyneside.gov.uk](mailto: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](mailto:Highways@northtyneside.gov.uk) for further information.

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

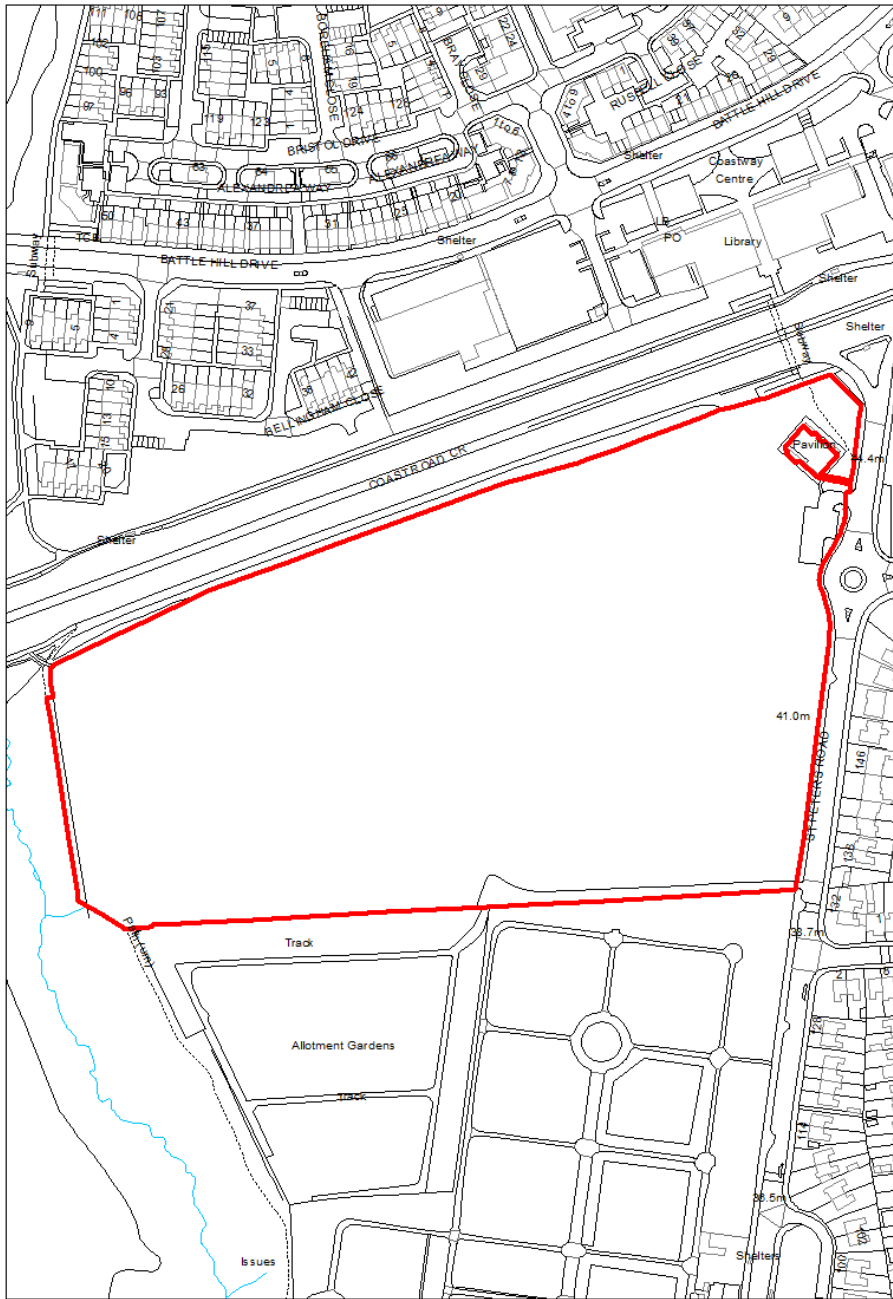
The applicant is advised that free and full access to the Public Right of Way network is always to be maintained. Should it be necessary for the protection of route users to temporarily close or divert an existing route during development, this should be agreed with the council's Public Rights of Way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

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

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



**Application reference: 22/01053/FUL**

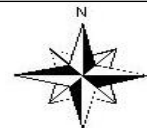
**Location: Football Pitches West Of, St Peters Road, Wallsend**

**Proposal: The development of a new sports hub at St Peters Playing Field (west) which includes, New sports pavilion / clubhouse / Multi use community space. New 3G AGP (artificial grass pitch) New site fencing, car parking and other ancillary facilities**

Not to scale

Date: 18.08.2022

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**Consultations/representations**

**1.0 Representations**

206no. responses to the public consultation. These are broken down into 42no. objections, 162no. support and 2no. representations. A number of the support comments are from the same individuals/address. Summarised below:

**1.1 Objections:**

**1.2 Highways Issues**

- Clear lack of parking facilities will result in St Peter's Road becoming congested and dangerous for road users and pedestrians.
- Danger to Coast Road users as a result of floodlighting.
- Proposal will make access onto Coast Road dangerous.
- Traffic is a nightmare in this area already and the proposal will exacerbate this.
- Not enough parking for existing rugby facilities which causes problems.
- I question the Highways Officer's comments. Surely they should assess what is provided in plan and in full use. I equate that this could have over 200 + cars on site at a time and having experience of youth football know this to be an issue at every venue you travel too. Nobody ever follows a parking plan.
- The parking plan does not mention a second car park being used - would this not also be in use or will the rugby club just use all fields in Wallsend. I question the research on parking issues with these sites and note that at no point is any survey completed or provided to support this application. I also note in the parking plan that all teams travel by mini bus, which again is not true as clubs cannot afford this. This is an accident waiting to happen if this site is allowed to go ahead.

**1.3 Residential Amenity**

- Light pollution from floodlighting, especially past 9pm.
- The lights and noise from the current floodlights used by the club are a nightmare now and will only get worse on this new plan.
- Direct impact on my home (St Peter's Road) with excessive flood lighting up to 23:00, and the opening of a bar serving alcohol, including an outdoor beer garden, which will encourage and facilitate anti-social and dangerous behaviour.
- The site does not need a social club. This will increase anti-social behaviour to the residents when they have held 18th or 21st birthdays and hundreds of drunk people leave the facility and cause disturbance, vandalism and violence.
- Disturbance from loud music being played from the site
- Flood lighting will keep my children up and have a direct impact on my health and well-being.
- A club house focused on children should have an alcohol licence or intention to sell alcohol.
- Increase in noise.
- Looking at the plans it would likely remove the current road that allows users access to the allotments and would remove access to the wagonway/bus stop behind the field.

- Site will be swamped by non-local clubs, kids and adults from outside the area driving to the site and using this which again is not in the community or residents best interests.
- The area is recognised as having high deprivation yet the proposal will exclude a society by taking away free public space.
- Kings estate will be used as a short cut back to Wallsend for people not in a vehicle.
- Intrusion and total loss of privacy to my home as well as our neighbours.
- I am concerned that development will mean there is no access from the Coast Road to the path that leads to Holy Cross i.e. at the west end of the development. Also, the bridle path on the west side of the dene will become used by motor bikes and quads that sometimes illegally use the proposed site. This issue could be addressed by adequate fencing at the North end of the bridle path that allows pedal cycles through but not motor bikes or quads.

#### 1.4 Character and Appearance/Design/Layout

- Not in keeping with the area.
- If it this is for the benefit of the Rugby club why is the application not for the land currently occupied for the rugby club (to the east).
- The plan to build the new social club they mention is not on the existing site that a lot seem to think it will be on.

#### 1.5 Open Space /Greenspace

- Loss of open space. Lots of open playing fields and open space have already been lost as a result of development, including the Queens Vale development where one of the conditions was that this open space would remain open for all residents to access.
- No need to enclose a site that is there for all to use, this stops residents accessing the field which what it was there for.
- This field is designated open space and needs to remain so, enclosing this space with a fence and restrictions is not inclusive and of any benefit to local residents.
- The Rugby club already has a site directly opposite the application site and has enclosed this to give no access to the field to any local residents, it does need another enclosed site.
- Site is used regularly by local families and local teams. This would then be the second and last remaining open space in Wallsend to be removed from public access.
- This will be a massive loss to families who actually live in this area who use the field to play with their children or their children to play with their friends.
- Do not privatise our public spaces for a minority of individuals.
- Where will children play?
- We need more open spaces, fields for all to access not another fenced in field that is currently directly east of this proposed site.
- I want a safe place so I can walk on the field and exercise my dog, this is how I exercise and due to my ill health I need this to remain unfenced and free to walk on when I desire.
- Open space belongs to the local community.
- Proposals are contrary to Local Plan policies.

### 1.6 Biodiversity

- This is part of an important designated wildlife corridor that provides a safe and vast hive of wildlife and their habitats.
- Proposal will stop wildlife migration, affecting wildlife corridor.
- 3G pitch materials harmful to biodiversity and leads to increase flooding which will make any grass spaces more susceptible to flooding.
- Birds and wildlife (deer, foxes, squirrels, owls) we see constantly on this site will be pushed away by this proposal and can say on an evening we are constantly seeing bats flying around the field so we are confused by the report that says they seen no signs of them.
- Harmful impact on wildlife from floodlights.
- A protected Adder snake was recently spotted on the fields.
- Incomplete bat survey – this should have been undertaken at night.
- Lack of tree survey (*this was submitted after the original documents were submitted*).
- To remove a natural wildlife corridor is criminal. There should be no removal of trees that will affect the natural habitats of our natural world. This will destroy a natural resource for our wildlife for a development that is not required or needed.

### 1.7 Flooding/Drainage

- Proposals will result in increased flooding.
- Drainage will be deposited into the Dene so that it will be full of chemicals from the fertilisers used on the field. This will destroy our dene and pollute our water ways killing wildlife habitats that have existed for hundreds of years.

### 1.8 Need

- There are existing underused floodlit facilities at Burnside/Hadrian centre and Wallsend football club.

### 1.9 Other

- Lack of community engagement regarding the proposals by the applicant before the application was submitted. This gives a clear indication of how this provision is being planned for use and that the local community and residents are not involved from the start.
- Not a community development, what it does is forces people to pay money to have access to something that is rightly free currently during a cost of living crisis.
- Granting permission will set a major precedent for the future of the site allowing future developers to build.
- Floodlights are contrary to NTC's agenda on climate change where one of the recommendations is to minimise artificial lighting.
- Application will model to our youngest children an association of sport and alcohol which is a trend that needs to be broken.
- No planning consultation letters have been sent out.
- This is greed for the FA to take land away from the residents to make it a private business where they charge people to use a facility.
- Late submission of documents, surely the public consultation period should be extended?
- The rubber crumb used to support 3G pitches have major health risks. These crumbs are full of toxic chemicals and generate dust that with light winds can be

blown into local residential estates as well as the conservation areas of the Dene wildlife conservation zone.

- How can the club afford to pay for the cost of operating floodlighting without increasing costs to end users which would make this facility elitist not inclusive.
- People in support of this application are not local to the area.
- The application documents are poor and amateur. It does not fully identify the plans of this site and hides the matter that a local green belt area will be destroyed and long term impact left on this

#### 1.10 Support

- Amazing for the area/local community.
- Will greatly enhance access to sports for young people and will provide an excellent communal social space for local residents.
- Much-needed facility/access to all-weather sporting activities for young people in the area.
- Will help with getting kids more involved with sports like Football and Rugby, opening the door for more diverse groups to become part of the sporting community.
- This could help reduce ASB in the local area tenfold, if ran correctly.
- This will bring visitors to this area.
- The addition of a members bar area also adds to the community feel and could be used for private events.
- Prime location next to coast road sure to have a positive impact.
- Good use of this unsupported playing field and finally a home for Wallsend Rigby Club.
- Will really benefit residents of all ages, the area has been long overdue this type of investment
- Will bring great benefits to the surrounding areas and massively increase revenue for shops and businesses in the area. Will also give plenty opportunities for teams to train/play on throughout winter. Less kids on the streets.
- Sports play a crucial in influencing people's lives, abolishing social differences and encouraging an active and healthy lifestyle.
- Positive all round impact of sport.
- This will also reduce the potential disruptive behaviour and burnt out cars on those fields.
- The building and pitches are very modest and will be in keeping with the area offering so much community space.
- Club house will provide jobs.
- This will vastly improve the site and will be very well maintained
- Our town has lost too many green spaces and others are under-developed. I think this development will again put Wallsend on the sporting map and will not encroach on areas which have not historically been Sports Fields.
- I am the current President of Northumberland Rugby Union. This joint project with Northumberland FA will provide a fantastic resource for the local community, helping to grow both sports.
- The provision of this new facility will meet and align with several of North Tyneside's existing policies on health, in particular the authority's own policies in Active North Tyneside. It also specifically addresses a council target of people living in the 20% most deprived areas of North Tyneside being more active. Wallsend being in this category deserves high quality and well managed facilities such as this.



- I am the recently elected President of Wallsend RFC. I wholeheartedly support the proposed development.

#### 1.11 Northumberland Football Association

1.12 I am writing to outline Northumberland FA's unequivocal support for the development of St. Peter's Playing Fields, St Peters Road, Wallsend, NE28 7HH. The prospective development will house the headquarters of Northumberland Football Association Limited as its registered office.

1.13 During 2021, Northumberland FA undertook extensive stakeholder engagement – both within and outside of the affiliated game. Of those engaged, almost every demographic noted access to facilities, the quality of facilities and access to affordable facilities as key issues impacting grassroots football.

1.14 Plan (LFFP) for North Tyneside local authority area this includes the creation of 5 (five) new AGP sites. The LFFP outlines that the number one football development priority for North Tyneside is the procurement of additional AGP facilities. Although the LFFP outlines an overall high deliverable score of 91% for the site – the existing affiliated football provision is limited to a small number of adult 11v11 teams, it is therefore undeniable that there would be risk in developing the site without the attachment of Northumberland FA for its headquarters.

1.15 As part of the development, Northumberland FA has approached several its affiliated clubs including adult, junior and disability provision regarding being based at the site – this will therefore more than meet the usage demands which led the site to be being placed in the LFFP in the first place.

Advanced discussions have taken place with the following affiliated clubs:

- Tynemouth United Juniors – 14 teams
- Whitley Bay Sporting Club Juniors – 60 teams
- Willington Quay Saints – 12 teams

This is in addition to the current site users:

- North East Sporting Club – 5 teams
- Hadrian FC – 3 teams
- The Flying Scotsman – 1 team

1.16 Furthermore, advanced engagement with Wallsend Rugby Club has taken place to ensure their access as a user to demonstrate the multi-sport nature of the project. Finally, further users will come from Tyne Metropolitan College, Newcastle United Foundation and Man v Fat which demonstrates the community aspect unlocked by the project.

1.17 The new AGP, which will be super-sized, will allow for at eight 5v5 pitches, four 7v7 pitches, two 9v9 pitches or one 11v11 pitch to be configured at any one time.

1.18 Furthermore, the site proposals would incorporate the remaining grass pitches within a newly erected fence line. It is planned that all remaining pitches

will be taken through The Football Foundation's grass pitch improvement scheme to facilitate further training and matchday environments, particularly across the spring and summer months and on weekends.

1.19 It is abundantly evident the project will unlock considerable strategic potential through a significant financial investment that will sit at the heart of a community. Furthermore, the facility will be operated by a registered charity with the provision of health, fitness, well-being through sports provision at its core.

#### 1.20 Rugby Football Union

1.21 It gives me great pleasure to endorse the plans of North Tyneside Council, in conjunction with Wallsend Rugby Football Club, to establish new ancillary facilities on the St Peter's Playing Field (West) site to serve demand from both rugby union (Wallsend RFC) and football (Northumberland FA amongst others). For a number of years Wallsend RFC has been working to establish appropriate local facilities that it can use for both pre and post rugby activities, which would not only endeavour to support the club's sustainability as a business but also sustain and strengthen the community feel that the Club has cultivated since its inception.

1.22 The ancillary facilities will support the club's on pitch activities at St Peter's Playing Field (East) and be a notable upgrade on existing provision for changing and social activities. It is considered that the off-field developments will support the growing on-field offer by providing a safe and secure setting from which participants, parents and children can converge.

1.23 The associated World Rugby Regulation 22 compliant artificial grass pitch (AGP) with a 3G surface and shock pad will further grow participation in rugby union locally; and be a significant improvement on existing training facilities available to the club, which currently consists of portable sports lights or utilising AGPs at local school sites that are not World Rugby compliant. There are other World Rugby compliant AGPs locally, however, access to these is limited, inconsistent and expensive, frequently resulting in the club either cancelling training or accommodating training activity on its grass pitch site, which in turn has a detrimental effect on the match day experience due to the current pitch quality.

1.24 As mentioned, the RFU is supportive of the overall project and has worked with North Tyneside Council, Wallsend RFC and Northumberland FA to ratify the facility provision and to consider future site operations. The club keep rugby's values of Teamwork, Respect, Enjoyment, Discipline and Sportsmanship at the heart of everything they do, ensuring they are able to provide a good quality experience for players of all ages.

#### 1.25 Internal Consultees

#### 1.26 Highway Network Manager

1.27 This application is for the development of a new sports hub at St Peters Playing Field (west) which includes - new sports pavilion/clubhouse/multi-use community space, new 3G AGP (artificial grass pitch), new site fencing, car parking and other ancillary facilities.

1.28 The site has been established for some time and the proposals will enhance the existing facilities. A Transport Assessment (TA) has been submitted as part of the application and the impact of the development on the local highway network is not considered to be severe.

1.29 The developer is confident that the proposed parking provision is sufficient for the needs of the site, however, they have acknowledged that the site may become more popular with the enhanced facilities and as such have identified an area that can be developed for additional parking if required and for adjacent streets to be surveyed to identify any parking issues when the site becomes fully operational. A parking management plan will also be implemented.

1.30 The site has good links to public transport and a Travel Plan has been submitted to reduce single car occupancy trips associated with the site and cycle parking will be provided. Conditional approval is recommended.

1.31 Notwithstanding the details submitted, the scheme for the new means of access shall be laid out in accordance with the approved plans. This access shall be laid out prior to occupation 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).

1.32 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).

1.33 Notwithstanding the details submitted, the parking plan shall be implemented in accordance with the agreed details and retained thereafter.  
Reason: In the interests of highway safety and of the development having regard to policy DM7.4 of the North Tyneside Local Plan (2017).

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

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

1.36 No part of the development shall be occupied until a methodology for monitoring parking on the surrounding highways has been submitted to and approved by in writing the Local Planning Authority. This methodology shall include the streets to be monitored, establish of pre-occupation base situation and details of further monitoring post-occupation. The area identified for overspill

parking shall be implemented as well as any reasonable off-site mitigation measures if deemed necessary by the Local Highway Authority and at the applicant's expense.

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

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

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

1.38 No part of the development shall be occupied until details of taxi and private hire vehicle provision has been submitted to and approved by in writing the Local Planning Authority. This scheme shall be implemented in accordance with the approved details and retained thereafter.

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

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

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

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

approved. If the agreed measures are not operational then no vehicles shall exit the development site onto the public highway.

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

1.42 Informatives:

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

1.44 The applicant is advised that a licence must be obtained from the Local Highway Authority before any works are carried out on the footway, carriageway verge or other land forming part of the highway. Contact [Highways@northtyneside.gov.uk](mailto:Highways@northtyneside.gov.uk) for further information.

1.44 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](mailto:Highways@northtyneside.gov.uk) for further information.

1.45 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](mailto:Highways@northtyneside.gov.uk) for further information.

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

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

1.48 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](mailto:Streetworks@northtyneside.gov.uk) for further information

1.49 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](mailto:New.Developments@northtyneside.gov.uk) for further information.

#### 1.50 Local Lead Flood Authority

1.51 I have carried out a review of the flood risk and surface water drainage proposals for planning application 22/01053/FUL, I can confirm in principle the surface water drainage proposals are acceptable. The applicant will be providing surface water attenuation within the site for a rainfall event of 1in100yr + 40% increase for climate change, the surface water storage for the 3G pitch will be attenuated within the pitch sub-base and the surface water attenuation for the Pavilion and car park areas will be via the use of a storage pond. The surface water discharge rate from the 3G football pitch will be restricted to 4.67l/s and the Pavilion and car park areas storage pond will be restricted to 2l/s. The overall sites surface water drainage will then discharge into the Wallsend Dene located to the West of the proposed development.

1.52 If granted approval I will require the following conditions to be placed on the application.

1.53 Prior to construction;

- Detailed Drainage design including cross section / long section of storage pond, cross section of the 3G pitch showing sub-surface attenuation, details of the proposed outfall into the Wallsend Dene and the method for controlling the surface water discharge rate from 3G pitch.

1.54 Prior to occupation;

- Details of the SuDS maintenance regime and the appointed SuDS management company.

#### 1.55 Sustainable Transport Team

1.56 This application is for the development of a new sports hub at St Peters Playing Field (west) which includes a new sports pavilion, clubhouse and multi-use community space. The development would also look to create a new 3G artificial grass pitch with site fencing, increased car parking provision and other ancillary facilities. As part of the application, a Transport Assessment (TA) was submitted that looked at sustainable modes of transport to and from the site. Access remains unchanged and parking will be provided and monitored to meet the needs of the site as well as the provision of cycle parking for staff and visitors. will be provided as well as a Travel Plan (TP) and the site also has reasonable links with public transport.

1.57 Recommendation - Conditional Approval

1.58 I suggest the TP Condition text below:

1.59 Notwithstanding the details submitted in the Travel Plan, no part of the development shall be occupied until a Full Travel Plan in accordance with the council's Travel Plan Scope, has been submitted to and approved by in writing the Local Planning Authority. Thereafter, the development shall be carried out in full accordance with the agreed Travel Plan. The Travel Plan will require the Travel Plan Coordinator to be in place three months prior to first occupation until

at least five years from first occupation and will also include an undertaking to conduct annual travel surveys to monitor whether the Travel Plan targets are being met with a Monitoring Report submitted to the council within two months of surveys being undertaken.

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

#### 1.60 Public Rights of Way Officer

1.61 What width will be left between the fence and the heavy tree line? The prowl has a def width of 9 foot. Are we not looking to utilise the PROW so the site can be accessed from it and the bus stop/subway at NW corner? Are funds available to improve the ramp down from that corner? Also, along the south boundary there is a recordable way that the public have used for decades – this needs to be protected and it appears it is being fenced off? I assume secure overlooked cycle parking is being provided.

#### 1.62 Contaminated Land Officer

1.63 I have read the ground investigation report for this site and I am satisfied that there are no contamination issues. No conditions are required.

#### 1.64 Design Officer

1.65 a) A new single storey sports Pavilion, with changing room facilities, function room and office space.

1.66 The single-story sports pavilion has been designed to provide the required internal accommodation to support the sports hub. The building is located to have easy access to the playing pitches and car park and is positioned to maximise the views over the pitches.

1.67 The proposed elevations do not correspond to the floor plans. Accurate plans are required. A roof plan should also be submitted. The elevations could be improved with some further variety of materials and detailing. The use of more glazing (in particular taller glazing) is encouraged which would maximise views over the sports pitches. No details are provided for any security shutters. If these are required, then careful consideration should be given to ensure that they contribute towards a well-designed scheme.

1.68 b) A new 3G artificial sports pitch, with flood lighting and secure 4.5m high perimeter fencing. Reconfiguration of football pitches within the perimeter fence.

1.69 Around the new pitches, a 4.5m high fence and 17m high flood lighting is proposed. This would be an uncharacteristic feature of the local area although it would be seen in the context of a sports facility. The fence is proposed to be green to help reduce its impact. New tree planting is also proposed to the boundaries of the site to mitigate the effects of the development. Even with this mitigation, these elements would still be highly prominent, and their visual impact will need to be balanced with the public benefits of the scheme which would improve sport and recreation opportunities for the community. This issue is referred to the Case Officer.

1.70 c) New car parking, associated landscaping and 2.5m high perimeter fence.

1.71 Parking is proposed to the northeast of the site, next to the sports pavilion. A mix of surface materials should be used to ensure a high-quality design. This

should be conditioned. The parking area includes some areas of landscaping and the detailed design of this should be conditioned.

1.72 It is unclear why a 2.5-meter-high fence is required around the whole site and further information is required.

1.73 The construction of the proposed layout requires the removal of one individually surveyed tree and a section of one group of trees. New tree planting is proposed. It is recommended that further advice is sought from the Council's Tree Officer.

1.74 Conclusion

1.75 The further information and amendments requested above should be provided to the planning case officer within a timescale that would allow for the case to be determined within its deadline. The planning case officer should assess the request above and set a suitable timescale for this further submission.

1.76 Suggested Conditions:

- a) Materials of construction
- b) Hard surfacing
- c) Landscape design proposals
- d) Landscape works implementation

1.77 Tyne and Wear Archaeology Officer

1.78 The applicant has submitted an archaeological desk-based assessment for the site carried out by Vindomora Solutions Ltd (HER event 5306 report 2022/23). The report concluded that the site has low potential for archaeological remains from the prehistoric and Roman periods, and moderate potential for archaeological remains from the later medieval period, which are likely to be agricultural in nature. The potential for archaeological remains from the post medieval and modern periods was assessed as high due to the presence of truncated post-medieval ridge and furrow across the site. Two other features were identified within the site, a north-south aligned 18th-19th century field boundary, and the remnants of the early 19th century Willington Wagonway (HER1164 <https://www.twsitelines.info/SMR/1164>) running northwest-southeast through the extreme northeast corner of the site.

1.79 The applicant has also submitted a Ground Investigation Report by soiltechnics. The ground investigation included seven hand dug trial pits in the north-eastern (higher) part of the site. These identified topsoil with inclusions of coal, brick, and occasional ceramic and glass, overlying a layer of made ground up to 0.6m deep. This consisted of a layer of reworked clay with inclusions of sandstone, brick, and occasional coal and chalk. Below this was natural clay.

1.80 The results of the ground investigation, which indicate that the site was landscaped in the 1970s or earlier when the existing sports fields were created, are not entirely consistent with the survival of post medieval ridge and furrow on the site. It is possible that the apparent ridge and furrow is not agricultural in nature but in fact a product of the landscaping. On balance, I do not consider that the site has enough archaeological potential to merit further investigation, and the



requirements of the NPPF (para 194) have been met. No further archaeological investigation is required.

1.81 The route of the early 19th century Willington Wagonway in the extreme northeast corner of the site will not be significantly impacted by the proposed development, as this area is shown on the landscape strategy plan as retaining the existing trees, with some new planting to the north. No archaeological works are recommended in relation to the wagonway.

#### 1.82 Environmental Health (Pollution)

1.83 Awaiting Comments

#### 1.84 Biodiversity Officer

1.85 Awaiting Comments.

#### 1.86 External Consultees

##### 1.87 Northumberland Wildlife Trust

1.88 We are satisfied that the proposed landscaping will adequately limit pollutants entering Wallsend Dene Local Wildlife Site with surface run-off, and will provide increased habitat for wildlife and have a positive impact on biodiversity on the site. We therefore withdraw our holding objection, provided that:

1. A CEMP is provided which ensures that no pollution from construction work enters Wallsend Dene LWS.
2. The proposed drainage system is created as planned, with a swale through which surface water will run before exiting the site into Wallsend Dene. Native non-invasive wetland plants must be included for planting in the area around the swale. This will filter out pollutants before the water reaches Wallsend Dene.
3. A condition is included in the planning permission requiring that the strategies set out in the Ecological Appraisal are followed. These include ecologically-informed habitat creation to provide Biodiversity Net Gain, with meadow areas, locally-native trees/shrubs and planted wetland areas, and continued sensitive management of these habitats into the future. This will ensure that the work on the site is of net benefit to wildlife, increasing available habitat and connectivity with other natural spaces in the area. The landscaping and planting schemes should also be approved by the North Tyneside Biodiversity Officer prior to implementation.

#### 1.75 Sport England

1.76 Sport England does not wish to raise an objection to this application as it is considered to meet exceptions 5, 2 and 3 of Sport England's Playing Field Policy. The absence of an objection is subject to the following conditions being attached to the decision notice should the local planning authority be minded to approve the application:

- 1)The Artificial Grass Pitch hereby approved shall be constructed with a World Rugby 22 compliant shockpad in order to secure World Rugby 22 certification to the satisfaction of the Local Planning Authority. Thereafter the pitch's certification shall be retained through on-going testing.

Reason – to ensure that the AGP’s full benefit to sport is achieved in accordance with NPPF para.99

2) Use of the development shall not commence until a community use agreement prepared in consultation with Sport England has been submitted to and approved in writing by the Local Planning Authority, and a copy of the completed approved agreement has been provided to the Local Planning Authority. The agreement shall apply to the Artificial Grass Pitch and changing accommodation and include details of pricing policy, hours of use, access by the rugby club, management responsibilities and a mechanism for review. The development shall not be used otherwise than in strict compliance with the approved agreement.

Reason: To secure well managed safe community access to the sports facility/facilities, to ensure sufficient benefit to the development of sport and to accord with Development Plan Policy

#### 1.89 Northumbrian Water

1.90 We request that the following approval condition be attached to any planning consent granted, so that the development is implemented in accordance with the named document:

CONDITION: Development shall be implemented in line with the drainage scheme contained within the submitted document entitled “Flood Risk Assessment” dated “19th May 2022”. The drainage scheme shall ensure that foul flows discharge to the combined sewer on St Peters Road and ensure that surface water discharges to the existing watercourse to the west of the site.

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

1.91 It should be noted that we are not commenting on the quality of the flood risk assessment as a whole or the developers approach to the hierarchy of preference. The council, as the Lead Local Flood Authority, needs to be satisfied that the hierarchy has been fully explored and that the discharge rate and volume is in accordance with their policy.

#### 1.92 The Coal Authority

1.93 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 and safety.

#### 1.94 Newcastle International Airport

1.95 The proposed floodlight columns are to be 17m in height. This would be located a sufficient distance of 73m below the Obstacle Limitation Surface of the aerodrome. The proposed floodlights are to be downward lit with no upward facing luminaires. This will ensure that the proposed external lighting would not provide a significant visual distraction to aircraft entering and exiting the

aerodrome. As a result of the above, Newcastle Airport raises no objection to the proposals.

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**Application No:** 22/00755/FUL Author: Maxine Ingram  
Date valid: 4 May 2022 ☎: 0191 643 6322  
Target: 29 June 2022 Ward: Killingworth  
decision date:

Application type: full planning application

**Location: Unit 14, Wesley Way, Benton Square Industrial Estate, Benton, NEWCASTLE UPON TYNE**

**Proposal: Variation of conditions 1 (approved plans), 10 (holding area) and 11 (height limit) of planning approval 10/00552/FUL - to permit the display of goods externally**

Applicant: Joseph Parr (Tyne & Wear) Ltd, Wesley Way Benton Square Industrial Estate Benton NE12 9TA

Agent: Mario Minchella Architects, Mr Mario Minchella Unit 4 Witney Way Hi-Tech Village Boldon Business Park Boldon NE35 9PE

**RECOMMENDATION:** Application Permitted

## INFORMATION

### 1.0 Summary Of Key Issues & Conclusions

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

- The impact on amenity (visual and residential); and,
- Other issues.

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

### 2.0 Description of the Site

2.1 The application site consists of an operational industrial unit located within Benton Square Industrial Estate. It is sited on a corner plot at the junction of Wesley Way and Wesley Drive and the junction of Wesley Way and Whitley Road. The site slopes away from the adjacent highway, Whitley Road. The site is enclosed by mesh fencing.

2.2 Mature trees and shrubs are sited outside the site adjacent to part of its southern boundary.

2.3 To the south of Whitley Road are residential properties.

### 3.0 Description of the Proposed Development

3.1 Planning permission is sought to vary conditions 1 (approved plans), 10 (holding area) and 11 (height limit) of planning approval 10/00552/FUL - to permit the display of goods externally and increase the height of externally stored goods.

3.2 The full wording of the planning conditions imposed on the original grant of planning permission, 10/00552/FUL, are set out below:

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

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

Condition 10: The holding area identified on the proposed site plan (Project no. 2556 Dwg No A-01 Rev F) shall not be used to display goods for sale and there shall be no other external storage on the site.

Reason: In order to protect the amenity of the surrounding area having regard to Policy LE1/7 of the North Tyneside Unitary Development Plan 2002.

Condition 11: Any of the goods stored in the holding area shall not exceed a height of two metres.

Reason: In the interest of protecting the amenity of the surrounding area having regard to Policy LE1/7 of the North Tyneside Unitary Development Plan 2002.

3.3 The proposed variations to the above conditions are as follows:

Condition 1: Amend the wording of this condition to substitute the previously approved site plan with the proposed site plan Dwg No. ENF-01 Rev H.

Condition 10: Amend the wording this condition to permit the display of goods as shown on the proposed site plan Dwg No. ENF-01 Rev H.

Condition 11: Amend the wording this condition to permit the display of goods at the height shown on the proposed site plan Dwg No. ENF-01 Rev H.

### 4.0 Relevant Planning History

86/00001/FUL - Erection of external fire escape – Permitted 11.02.1986

91/01244/ADV - Various signage at UB (Ross Youngs) Ltd – Permitted 03.10.1991

10/00552/FUL - Proposed external alterations to install new doors, windows and access ramp. New 2.4m Steel Palisade Fencing to entire perimeter, concrete re-surfacing of site and widening of existing access to 8.1m – Permitted 06.08.2010

17/01472/FUL - Two storey extension to builders merchants providing showroom / offices to both floors and storage to the first floor – Permitted 11.12.2017

19/00856/ADV - 1no post mounted and 1no fence mounted signage to serve existing builders merchant – Refused 19.08.2019

20/00131/ADV - 1no fence mounted signage to serve existing builders merchant. (Resubmission) (Amended plan received 18.03.2020) – Permitted 17.04.2020

21/01510/FUL - Variation of conditions 1 (approved plans), 10 (holding area) and 11 (height limit) of planning approval 10/00552/FUL - to permit the display of goods externally – Refused 29.09.2021. Dismissed at appeal.

21/01930/FUL - Variation of conditions 12 and 13 of planning approval 10/00552/FUL - amendments to landscaping layout – Refused 25.10.2021

22/00361/ADV - Erection of wall mounted flush advertising panels – Permitted 25.04.2022

22/00603/FUL - Variation of condition 12 and removal of condition 13 of planning approval 10/00552/FUL - amendments to landscaping layout – Pending consideration

## 5.0 Development Plan

5.1 North Tyneside Local Plan (2017)

## 6.0 Government Policies

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

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

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

## **PLANNING OFFICERS REPORT**

### 7.0 Detailed Planning Considerations

7.1 The principle of the works approved via planning application 10/00552/FUL (Proposed external alterations to install new doors, windows and access ramp. New 2.4m Steel Palisade Fencing to entire perimeter, concrete re-surfacing of site and widening of existing access to 8.1m) has already been established as acceptable and this is not for re-consideration as part of the current application.

7.2 Within the current application the applicant is proposing the variation of conditions 1, 10 and 11 in order to make the following amendments:

- List the proposed site plan as an approved document.
- Permit the display of goods externally as shown on Dwg No. ENF-01 Rev H.

-Permit the display of goods externally at a height of 5m as shown on Dwg No. ENF-01 Rev H.

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

- The impact on amenity (visual and residential); and,
- Other issues.

7.4 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 The impact on amenity (visual and residential)

8.1 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.

8.2 Paragraph 126 of the NPPF encourages good design stating that “this is a key aspect of sustainable development, creates better places in which to live and work and helps make development acceptable to communities”. Paragraph 134 of the NPPF makes it clear that development of a poor design should be refused.

8.3 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.

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

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

8.6 LP Policy DM6.1 of the Local Plan 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 and users of buildings and spaces.

8.7 LP Policy DM2.3 ‘Development Affecting Employment Land and Buildings’ states that the Council will support proposals on employment lands for new or additional development for uses within use classes B1 (now use class E), B2 and



B8. Amongst other matters this policy will not permit proposals that would have an adverse impact upon the amenity and operation of neighbouring properties and businesses.

8.8 The objections received regarding the impacts on residential and visual amenity are noted.

8.9 In 2010, a planning application was submitted for consideration of external alterations to the building, a new perimeter fence (2.4m high) and resurfacing of the site and widening of an existing access. The plans submitted with this application identified a holding area for the storage of bulk materials along the western boundary only. The 2010 planning application was considered acceptable subject to conditions restricting the holding area to that identified on the proposed site plan and restricting the height of any goods stored in the holding area to no more than 2m.

8.10 Since the grant of planning permission in 2010, the amount of external storage on this site has increased within the site. To regularise the current situation on-site and to take into consideration the recent appeal decision, the applicant has submitted this application to vary conditions 1, 10 and 11 of application 10/00552/FUL. The proposed site plan, Dwg No. ENF01-H, shows external storage areas to the northwest, southwest, part of the northeast and part of the southeast boundaries of the site. The height of the materials to be stored along the southeast, southwest, northwest and adjacent to the building will be 5m. The height of the materials to be stored along the splay closest to the junction with Wesley Drive and Wesley Way will be 2m. No storage is shown on the proposed site plan between the edge of the mature tree belt adjacent to Whitley Road towards the splay closest to the junction of Wesley Way and Whitley Road. No storage is shown on the proposed site plan from the junction of Wesley Way and Whitley Road to the site access.

8.11 The site is located in a prominent location in a mixed-use area of Benton (residential and commercial). It is sited on a corner plot at the junction of Wesley Way and Wesley Drive and Wesley Way and Whitley Road. Whitley Road is located to the southeast of the site. To the southeast side of Whitley Road are residential properties, Nos. 1, 3, 9, 11, 13, and 15 Whitley Road afford direct views of the application site. Nos. 5, 7, 17 and 19 Whitley Road afford less direct views of the application site. Commercial units are located to the southwest of the site, to the northwest beyond Wesley Drive and to the northeast beyond Wesley Way. The commercial units fronting onto Wesley Drive are set back from the road and the areas immediately to the front of the buildings are primarily used for parking. The site opposite the application site, beyond Wesley Way, is relatively open when travelling along Whitley Road towards the site. When travelling in the opposite direction the site is screened by an existing commercial unit and the trees sited adjacent to part of the site's southeast boundary. It is noted that these existing trees offer greater screening during the summer rather than the winter. The site is also visible when viewed from Wesley Way and Wesley Drive.

8.12 Members are advised that the previous application to vary the conditions subject of this application was refused and dismissed at appeal. This recent

appeal decision is a material planning consideration in assessing this application. The following extracts from this appeal decision are considered to be important:

*“The open forecourts to the front of the industrial sites adjacent to Whitley Road and the lower ground level of these sites reduces the visual significance of the industrial buildings from the Whitley Road frontage. In addition, the mature trees, hedges and grass verges along Whitley Road contribute positively to the character and appearance of the area and the setting of the residential and commercial buildings.*

*The trees within the verge adjacent to Whitley Road next to the rear and side of the appeal site are densely planted and filter views from the residential properties opposite. The outside storage area behind the trees is not a prominent or intrusive feature of the Whitley Road street scene.*

*Further, the contemporary shelving visible from Wesley Drive is seen in the context of other industrial development and located where the street is dominated by car parking and hard surfaced areas. The temporary shelving is not out of place and does not harm the adjacent industrial environment.*

*Nevertheless, because of the appeal site’s prominent corner location at the edge of the industrial estate, the height and amount of outside storage on the forecourt between the buildings and Wesley Way, is openly viewed from Whitley Road. The storage draws the eye and is an unsightly and conspicuous addition to the street scene.*

*The appellant considers that the site is not within a mixed-use area, rather, Whitley Road is the interface zone between the residential and commercial uses along it. However, even though land uses of different types are located adjacent to Whitley Road, the outside storage on the exposed forecourt area influences the overall character of Whitley Road and is detrimental to the adjacent residential environment and the character and appearance of the Whitley Road frontage. Residential properties on the corners of Whitley Road and St Aidans Avenue overlook the site and due to the nature of the storage and its effects on the area’s character and appearance, their outlook is detrimentally affected”.*

8.13 It is clear from the appeal decision that the siting and height of the storage behind the existing tree belt and the temporary shelving adjacent to Wesley Drive is acceptable. Regarding the storage between the building and Wesley Way the applicant has significantly reduced the amount of storage to a small amount along the splay that is closest to the junction of Wesley Drive and Wesley Way. The height of this storage is area shown as 2m. Given the distance that exists between this storage area and the residential properties on the corners of Whitley Road and St Aidans Avenue it is officer opinion that it will not significantly affect their outlook or detract from the character and appearance of the area when viewed from Whitley Road.

8.14 Members need to determine whether the variations to the conditions as set out in paragraph 3.3 of this report are acceptable in terms of their impact on the amenity of the area (visual and residential). It is officer advice the variation to the conditions are acceptable. The proposed variations would not significantly impact

on the amenity of the area (visual and residential). As such, it is officer advice, that the proposed variations to the conditions comply with the advice in the NPPF and LP Policies DM6.1 and DM2.3.

#### 9.0 Other Issues

##### 9.1 Impact on highway safety

9.2 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.

9.3 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.

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

9.5 The Highways Network Manager has been consulted. He has advised that an additional condition would be required to ensure all turning and manoeuvring areas are retained. On this basis, he has recommended approval subject to all previous conditions and informatives being re-imposed.

9.6 Members need to consider whether the proposed site layout is acceptable in terms of its impact on highway safety. It is officer advice that it is.

##### 9.7 Other matters

9.8 The Manager of Environmental Health has raised no objections to this application.

9.8 This application can only consider material planning considerations and not the objections raised relating to other alleged breaches of planning control. Any alleged breaches of planning control will need to be investigated as a separate matter by planning enforcement.

9.9 The applicant has submitted a revised proposed site plan during the course of the application. This plan confirms the height of the proposed storage areas and their locations. On this basis, it was not considered necessary to re-consult.

9.10 Should this application be approved and planning application 22/00603/FUL be approved, it is considered necessary to impose the revisions to the conditions on both applications to ensure consistency.

#### 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 variations to the conditions are acceptable in terms of their impact on amenity (visual and residential). It is the view of officers that the proposed variations are acceptable. As such, officers consider that the proposed development does accord with national and local planning policies. Approval is recommended.

## **RECOMMENDATION:     Application Permitted**

### **Conditions/Reasons**

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

- Ordnance survey Dwg No. A-00
- Proposed site plan including external storage areas Dwg No. ENF-01 Rev H

- Existing elevations Dwg No. A-04
- Existing plan showroom Dwg No. A-02
- Proposed elevation Dwg No. A-05
- Proposed plan showroom Dwg No. A-03
- Unit existing plan Dwg No. A-06
- Unit proposed plan Dwg No. A-07
- Proposed fencing Dwg No. A-15 B

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

2. The scheme for parking and manoeuvring and cycle storage shall be laid out in full accordance with the approved plans 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 DM2.3 of the North Tyneside Local Plan (2017).

3. Restrict Hours No Construction Sun BH     HOU04     \*

4. External storage shall be restricted to the areas shown on the Proposed site plan including external storage areas Dwg No. ENF-01 Rev H only.

Reason: In order to protect the amenity of the surrounding area having regard to Policy DM2.3 of the North Tyneside Local Plan (2017).

5. Any of the goods stored in the storage areas shall not exceed the height and locations shown on the Proposed site plan including external storage areas Dwg No. ENF-01 Rev H only.

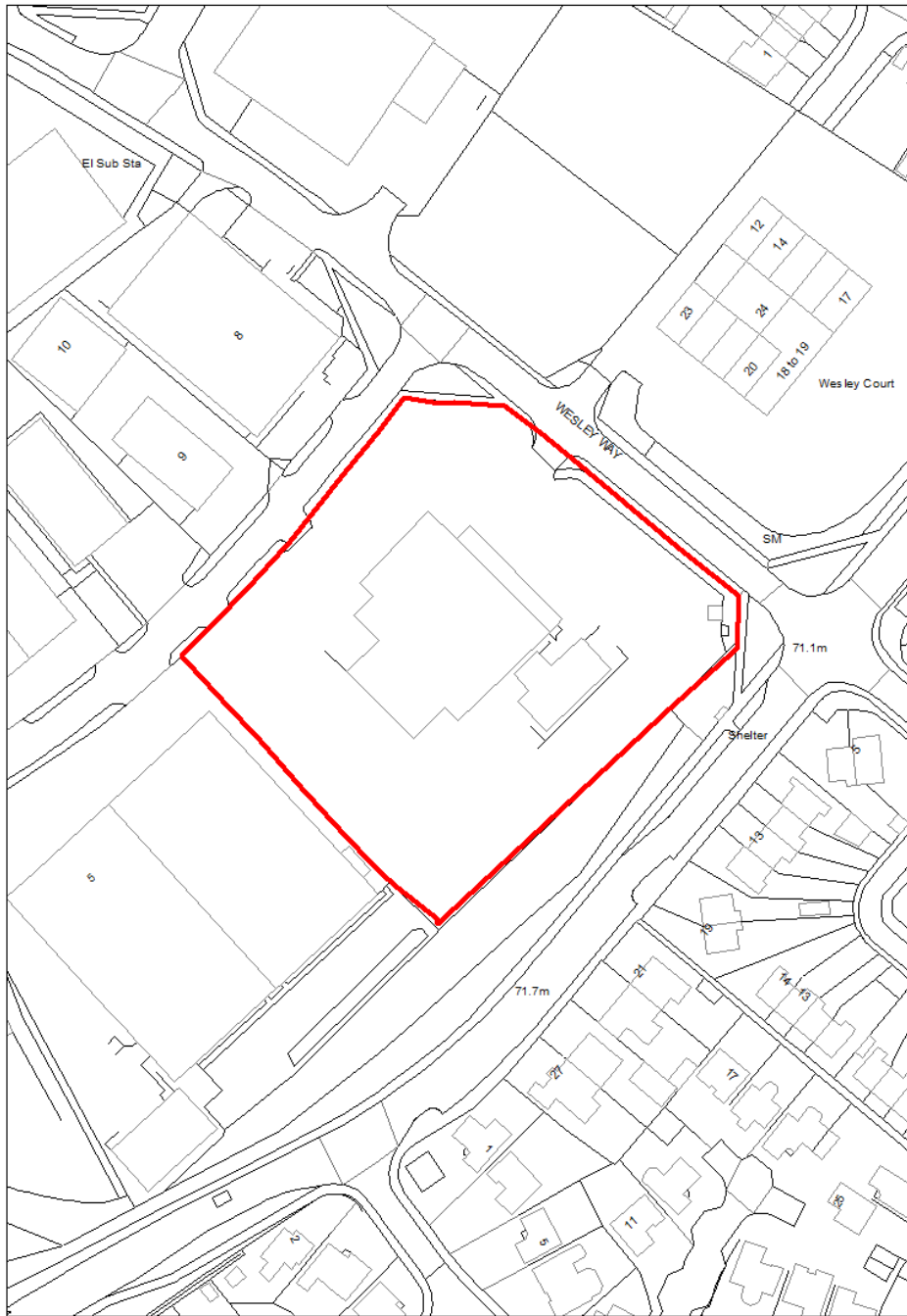
Reason: In order to protect the amenity of the surrounding area having regard to Policy DM2.3 of the North Tyneside Local Plan (2017).

6. All planting works shall be carried out in full accordance with the landscape details as shown on the approved 'Proposed Landscaping Site Dwg No. ENF-02 Revision D' and to a standard in accordance with the relevant recommendations of British Standard 8545:2014. The landscaping works shall be carried out during the next planting season (November 2022) and managed and maintained thereafter. Any trees or plants that, within a period of 12 months and 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 policy DM5.9 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.



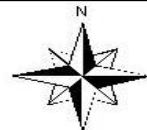
**Application reference: 22/00755/FUL**

**Location: Unit 14, Wesley Way, Benton Square Industrial Estate, Benton  
 Proposal: Variation of conditions 1 (approved plans), 10 (holding area) and  
 11 (height limit) of planning approval 10/00552/FUL - to permit the display  
 of goods externally**

Not to scale

Date: 18.08.2022

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**Appendix 1 – 22/00755/FUL  
Item 4**

**Consultations/representations**

1.0 Internal Consultees

1.1 Highways Network Manager

1.2 Approval is recommended on the current variation application, all other conditions and informatives should be retained.

1.3 Recommendation - Conditional approval

1.4 Manager for Environmental Health (Pollution)

1.5 No objection in principle to this application.

1.6 Manager for Environmental Health (Contaminated Land)

1.7 No objection.

2.0 Representations

2.1 One objection has been received. This is set out below:

We would like to submit our objection to the planning application 22/00755/FUL which proposes a variation of the conditions 10 and 11 of planning approval 10/00552/FUL. We feel strongly that there should have been more oversight from the planning department at NTC when dealing with this business and guiding them in their most current application as to remind them and encourage them to work within the parameters, guidelines and conditions that have already been set forth by NTC and the planning inspectorate upon submitting a new application proposal for variations of conditions. However, this does not seem to be the case, and once again we are left objecting to, what we strongly feel, are the same problems with negative visual amenity that we (and NTC) has had with the last few applications by this business. As such, we wrote to the planning department to query why this application was able to be put forth by Joseph Parr when it still clearly violates the conditions that were put forth by both NTC and the Planning Inspectorate, and how this whole application appears to be a waste of everyone's time. Unfortunately, we have not heard back from NTC regarding these questions/concerns that we have put forth to them. Obviously, we are disappointed not to hear back from your office (NTC planning department) regarding our email about the redundancy and continuing breaches of previously ruled on items in this application, but since we have not had any word that this application is being amended by the applicant, we submit to you the following objection:

This objection boils down to the fact that the applicant's proposal, once again fails to take into consideration the visual amenity of the local residents and surrounding community by not adhering to conditions set forth in their previous (approved, 2010) planning application, not adhering to the guidelines set forth by NTC in their previous application (2021) that was denied by the NTC planning department and not adhering to the guidelines set forth by the Planning Inspectorate in their submitted appeal, which was also denied. All of these applications and the appeal had one basic thing in common, that the property

owned by the applicant (Joseph Parr) and their prohibited outdoor storage and displays were having a negative impact on the residential properties (which are in near proximity to the business) and the surrounding local community. The original planning application (in 2010 stated very clearly in its list of conditions that the applicant was not to store building materials or have displays in the front part of their property, but could only do so in the designated area which was located in the back of their property. Since that time, both NTC and the planning inspectorate have also agreed with this condition (in more recent applications for variations of conditions by Joseph Parr) and both not only denied Joseph Parr's 2021 application for outdoor storage around the entire property but also upheld this decision on appeal. It is clear to us, because of these rulings that the visual amenity for both individual residents and the overall community is paramount when deciding issues of planning requests which will have a negative impact on both local residents and the neighbouring community.

However, we do understand and believe that the Planning Inspectorate left open the possibility for Joseph Parr to expand their outdoor storage area to some additional outdoor areas of their property that are satisfactory shielded from local residential properties and the surrounding village area. And additionally, that the tall (already existing) 5M high storage shelves that are currently located in the back of the Joseph Parr property do not pose any negativity to the amenity of the surrounding areas/resident, and we agree. That being said, the current application not only has dedicated outdoor areas both around the perimeter fencing and in front of the warehouse that clearly breach the conditions laid out by both NTC and the planning inspectorate, therefore we, once again object to this proposal. Additionally, the applicant has also applied to have display areas (already in place) approved as part of this application.

Despite the applicant's submitted site plan which suggests that the storage areas and display "shelves" located in the front portion of their property are tidy, non-offensive and well contained it is clear to anyone who visits this site that this is not the case. Please see some examples of this in the attached photos. In this same vein, we contend that these storage areas, shelving and display units are too tall, too visually unappealing, appear in multiple areas that are not listed on their submitted site map and are not only visible to local residents but are also visible to pedestrians, passing traffic on Whitely Road and anyone passing by or near this property on their way to the metro or nature trails at the other end of this estate. As such, we also object to these display "shelves" and storage shelves that are being requested on this planning application 22/00755/FUL. We contend that these have already been considered and rejected by the council on multiple occasions and have been deemed as contributing to a negative amenity to the surrounding area by the planning inspectorate. We would also like to add that there are no other businesses within the Industrial Estate, that we have seen, that have outdoor storage in the front of their businesses.

And finally, we would like to pose the question as to why more of the building materials that are currently being stored outdoors on the Joseph Parr property not going into the huge storage facility that they have secured behind their current property? It was relayed to us by the head of the planning department that the excess building materials that was in view of the local community/residents was going to be moved to this location.



3.0 External Consultees

3.1 None

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**Application No:** 22/00603/FUL Author: Maxine Ingram  
Date valid: 13 April 2022 ☎: 0191 643 6322  
Target: 8 June 2022 Ward: Killingworth  
decision date:

Application type: full planning application

**Location: Unit 14, Wesley Way, Benton Square Industrial Estate, Benton, NEWCASTLE UPON TYNE**

**Proposal: Variation of condition 12 and removal of condition 13 of planning approval 10/00552/FUL - amendments to landscaping layout**

Applicant: Joseph Parr (Tyne & Wear) Ltd, Wesley Way Benton Square Industrial Estate North Tyneside Benton NE12 9TA

Agent: Mario Minchella Architects, Mr Mario Minchella Unit 4 Witney Way Hi-Tech Village Boldon Business Park Boldon NE35 9PE

**RECOMMENDATION:** Application Permitted

## **INFORMATION**

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

1.0 The main issues for Members to consider in this case are:  
-The impact on amenity (visual and residential); and,  
-Other issues.

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

### 2.0 Description of the Site

2.1 The application site consists of an operational industrial unit located within Benton Square Industrial Estate. It is sited on a corner plot at the junction of Wesley Way and Wesley Drive and the junction of Wesley Way and Whitley Road. The site slopes away from the adjacent highway, Whitley Road. The site is enclosed by mesh fencing.

2.2 Mature trees and shrubs are sited outside the site adjacent to part of its southern boundary.

2.3 To the south of Whitley Road are residential properties.

### 3.0 Description of the Proposed Development

3.1 Planning permission is sought to vary condition 12 and remove condition 13 of planning approval 10/00552/FUL – amendments to landscaping layout.

3.2 The full wording of the planning conditions imposed on the original grant of planning permission, 10/00552/FUL, are set out below:

Condition 12: The development hereby permitted shall be landscaped and planted in accordance with a fully detailed scheme which shall be submitted to and approved in writing by the Local Planning Authority before the development of the site commences.

Reason: In the interests of amenity and to ensure a satisfactory standard of landscaping having regard to policy LE1/7 of the North Tyneside Unitary Development Plan 2002.

Condition 13: All planting, seeding or turfing comprised in the approved details of landscaping shall be carried out in the first planting and seeding seasons following the occupation of the buildings or the completion of the development, whichever is the sooner, and any trees or plants which, within a period of five years from the completion of the development, die are removed or become seriously damaged or diseased, shall be replaced in the current or first planting season following their removal or failure with others of similar size and species, unless the Local Planning Authority first gives written consent to any variation.

Reason: In the interests of amenity and to ensure a satisfactory standard of landscaping having regard to policy LE1/7 of the North Tyneside Unitary Development Plan 2002.

3.3 The proposed variation to the above condition is as follows:

Condition 12: All planting works shall be carried out in full accordance with the landscape details as shown on the approved 'Proposed Landscaping Site Dwg No. ENF-02 Revision D' and to a standard in accordance with the relevant recommendations of British Standard 8545:2014. The landscaping works shall be carried out during the next planting season (November 2022) and managed and maintained thereafter. Any trees or plants that, within a period of 12 months and 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 policy DM5.9 of the North Tyneside Local Plan (2017).

Condition 13 is no longer required as the timescales and management of the landscaping are details on the plan referred to in the suggested wording of condition 12.

### 4.0 Relevant Planning History

86/00001/FUL - Erection of external fire escape – Permitted 11.02.1986

91/01244/ADV - Various signage at UB (Ross Youngs) Ltd – Permitted 03.10.1991

10/00552/FUL - Proposed external alterations to install new doors, windows and access ramp. New 2.4m Steel Palisade Fencing to entire perimeter, concrete re-surfacing of site and widening of existing access to 8.1m – Permitted 06.08.2010

17/01472/FUL - Two storey extension to builders' merchants providing showroom / offices to both floors and storage to the first floor – Permitted 11.12.2017

19/00856/ADV - 1no post mounted and 1no fence mounted signage to serve existing builders' merchant – Refused 19.08.2019

20/00131/ADV - 1no fence mounted signage to serve existing builders' merchant. (Resubmission) (Amended plan received 18.03.2020) – Permitted 17.04.2020

21/01510/FUL - Variation of conditions 1 (approved plans), 10 (holding area) and 11 (height limit) of planning approval 10/00552/FUL - to permit the display of goods externally – Refused 29.09.2021. Dismissed at appeal.

21/01930/FUL - Variation of conditions 12 and 13 of planning approval 10/00552/FUL - amendments to landscaping layout – Refused 25.10.2021

22/00361/ADV - Erection of wall mounted flush advertising panels – Permitted 25.04.2022

22/00755/FUL - Variation of conditions 1 (approved plans), 10 (holding area) and 11 (height limit) of planning approval 10/00552/FUL - to permit the display of goods externally – Pending consideration

## 5.0 Development Plan

5.1 North Tyneside Local Plan (2017)

## 6.0 Government Policies

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

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

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

## **PLANNING OFFICERS REPORT**

### 7.0 Detailed Planning Considerations

7.1 The principle of the works approved via planning application 10/00552/FUL (Proposed external alterations to install new doors, windows and access ramp. New 2.4m Steel Palisade Fencing to entire perimeter, concrete re-surfacing of site and widening of existing access to 8.1m) has already been established as acceptable and this is not for re-consideration as part of the current application.

7.2 Within the current application the applicant is proposing to vary condition 12 and remove condition 13.

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

- The impact on amenity (visual and residential); and,
- Other issues.

7.4 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 The impact on amenity (visual and residential)

8.1 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.

8.2 Paragraph 126 of the NPPF encourages good design stating that “this is a key aspect of sustainable development, creates better places in which to live and work and helps make development acceptable to communities”. Paragraph 134 of the NPPF makes it clear that development of a poor design should be refused.

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

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

8.5 LP Policy DM6.1 of the Local Plan 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 and users of buildings and spaces and respond to existing landscape features.

8.6 LP Policy DM5.9 “Trees, woodland and hedgerows” seeks to protect existing landscape features.

8.7 LP Policy DM2.3 'Development Affecting Employment Land and Buildings' states that the Council will support proposals on employment lands for new or additional development for uses within use classes B1 (now use class E), B2 and B8. Amongst other matters this policy will not permit proposals that would have an adverse impact upon the amenity and operation of neighbouring properties and businesses.

8.8 The objections received regarding the impacts on residential and visual amenity area, ground conditions to enable planting and not complying with previously imposed planning conditions are noted.

8.9 The site is sited in a prominent location in a mixed-use area of Benton (residential and commercial). It is sited on a corner plot at the junction of Wesley Way and Wesley Drive and Wesley Way and Whitley Road. Whitley Road is located to the southeast of the site. To the southeast side of Whitley Road are residential properties, Nos. 1, 3, 9, 11, 13, and 15 Whitley Road afford direct views of the application site. Nos. 5, 7, 17 and 19 Whitley Road afford less direct views of the application site. Commercial units are located to the southwest of the site, to the northwest beyond Wesley Drive and to the northeast beyond Wesley Way. The commercial units fronting onto Wesley Drive are set back from the road and the areas immediately to the front of the buildings are primarily used for parking. The site opposite the application site, beyond Wesley Way, is relatively open when travelling along Whitley Road towards the site. Therefore, the site is visible when travelling in this direction. When travelling in the opposite direction the site is screened by an existing commercial unit and the trees sited adjacent to part of the site's southeast boundary. It is noted that these existing trees offer greater screening during the summer rather than the winter.

8.10 The plans submitted in 2010, planning application 10/00552/FUL, identified that the grass verge referred to in the objections formed part of the application site. These plans showed the extent of vegetation removal within the application site which included the removal of the grassed area and existing vegetation. This application was accompanied by a proposed landscape plan, Arboricultural Impact Assessment (AMS) and Arboricultural Method Statement. These reports advised that some of the existing trees were required to be removed to accommodate the development and to establish a higher level of arboricultural management for the site. These reports also confirmed that to mitigate the removal of the trees and section of hedge, new planting should take place throughout the site. This information was considered by the Council's Landscape Architect. The landscaping condition agreed the location and type of planting to be provided along the southeast, northeast and northwest boundaries. Members are advised that the landscaping was to provide mitigation for the landscaping to be lost as result of the development.

8.11 The previously agreed landscaping details have not been implemented. The revised landscape plan (Dwg No. ENF-02 Revision D) has been amended to provide landscaping to the southeast boundary within the application site from the existing mature tree belt to the splay (junction of Whitley Road and Wesley Way) and along part of the northeast boundary. The section closest to Whitley Road, including the splay, will provide a native hedgerow mix (Hawthorn, Blackthorn, Guelder Rose, Hazel and Holly) of different sizes to deal with the

level difference within the site. The remainder of the proposed landscaping will be a Laurel hedge. The native mix will provide ecological benefits as well as screening and the Laurel will provide further screening when viewed from Wesley Way. As there is no storage proposed adjacent to the native hedgerow it is officer opinion that the proposed hedgerow mix provides an acceptable compromise. It is noted that the area proposed to be planted between the edge of the existing tree belt and the splay is currently concrete therefore it will require further ground preparation to accommodate the proposed planting. The proposed landscape plan details the amount, mix and type of planting to be implemented, details of planting preparation, management and maintenance of the landscaping and timings of planting.

8.12 The Council's Landscape Architect has been consulted. She has advised that the proposed landscape plan is acceptable.

8.13 No landscaping is proposed adjacent to Wesley Drive. Members are advised that the appeal decision relating to the storage of materials within the site (Ref: 21/01510/FUL) states:

*"Further, the temporary shelving visible from Wesley Drive is seen in the context of other industrial development and located where the street is dominated by car parking and hard surfaced areas. The temporary shelving is not out of place and does not harm the adjacent industrial environment)."*

8.14 Therefore, it is officer opinion, that there would not be any benefit to implementing landscaping adjacent to the temporary shelving. Members are advised that this land will be gravelled.

8.15 Members need to determine whether the variation and removal of conditions as set out in paragraph 3.3 of this report are acceptable in terms of their impact on the amenity of the area (visual and residential). It is officer advice that the variation to the condition is acceptable. Subject to imposing the revised wording of condition 12 it is not considered that the proposed revisions will significantly impact on the amenity of the area (visual and residential). As such, it is officer advice, that the proposed variations to the conditions comply with the advice in the NPPF and LP Policies DM6.1 and DM2.3.

## 9.0 Other Issues

9.1 The Highways Network Manager has raised no objection to the proposed variations to the landscape conditions.

9.2 The objections received regarding the loss of the grassed area to the perimeter of the site are noted. It is a national requirement that any planning application is accompanied by a certificate relating to the ownership of the land subject of the application. It is not the role of the Local Planning Authority (LPA) to investigate the information provided but the LPA will investigate if any further information is brought to our attention to suggest a certificate might have been incorrectly completed. In this case, the applicant indicated that they owned the full site subject of their 2010 planning application which included land up to the back of the footpath extending along Wesley Way.



9.3 Historic records have been checked again but there is no evidence that this grass verge was ever part of the highway or in North Tyneside Council ownership. Land Registry records have been reviewed and the full enclosed site appears to fall within one title. In the 2010 planning application, it is clear that the existing conifer trees were to be removed to facilitate developing the site and this was considered acceptable given that new landscaping was proposed. A length of hedge was to be retained within the fenced site, but the Landscape Architect had noted at the time the hedge was formed of Leyland Cypress which does not recover well from pruning where this is into brown wood. The hedge was also subsequently removed.

9.4 The objections raised relating to drainage, parking, nuisance, poor traffic and pedestrian safety and traffic congestion are noted. However, these objections are not considered material to the determination of whether the proposed variations to the landscape condition are acceptable.

9.5 Should this application be approved and planning application 22/00755/FUL be approved, it is considered necessary to impose the revisions to the conditions on both applications to ensure consistency.

9.6 The applicant has submitted a revised proposed landscape plan during the course of the application. This plan includes additional planting between the existing tree belt and the splay sited closest to the junction with Whitley Road. On this basis, it was not considered necessary to re-consult.

#### 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 variation to condition 12 and the removal of condition 13 are acceptable in terms of their impact on amenity (visual and residential). It is the view of officers that the proposed revisions to the landscaping scheme are acceptable. As such, officers consider that the proposed development does accord with national and local planning policies.

11.2 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 approved plans and specifications:

- Ordnance survey Dwg No. A-00
- Proposed site plan including external storage areas Dwg No. ENF-01 Rev H

- Existing elevations Dwg No. A-04
- Existing plan showroom Dwg No. A-02
- Proposed elevation Dwg No. A-05
- Proposed plan showroom Dwg No. A-03
- Unit existing plan Dwg No. A-06
- Unit proposed plan Dwg No. A-07
- Proposed fencing Dwg No. A-15 B

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

2. The scheme for parking and manoeuvring and cycle storage shall be laid out in full accordance with the approved plans 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 DM2.3 of the North Tyneside Local Plan (2017).

3. Restrict Hours No Construction Sun BH HOU04 \*

4. External storage shall be restricted to the areas shown on the Proposed site plan including external storage areas Dwg No. ENF-01 Rev H only.

Reason: In order to protect the amenity of the surrounding area having regard to Policy DM2.3 of the North Tyneside Local Plan (2017).

5. Any of the goods stored in the storage areas shall not exceed the height and locations shown on the Proposed site plan including external storage areas Dwg No. ENF-01 Rev H only.

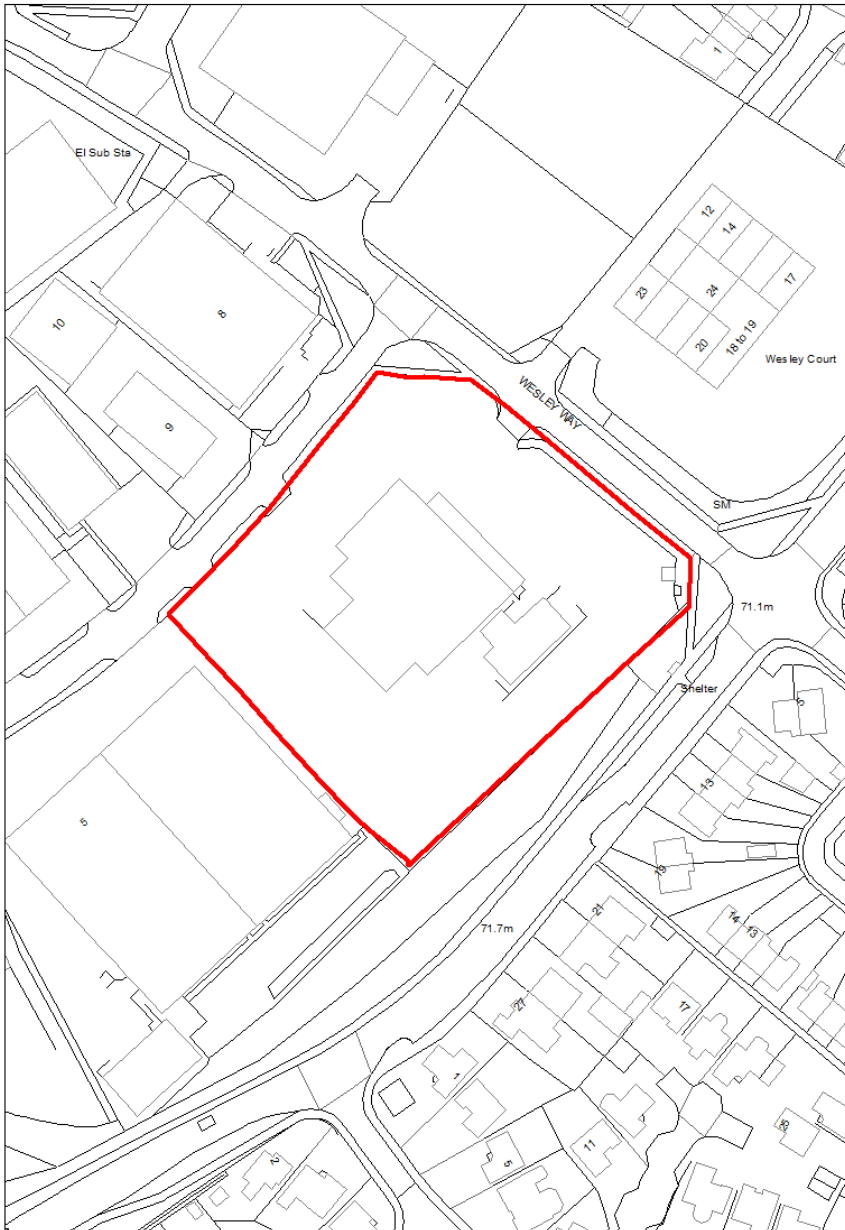
Reason: In order to protect the amenity of the surrounding area having regard to Policy DM2.3 of the North Tyneside Local Plan (2017).

6. All planting works shall be carried out in full accordance with the landscape details as shown on the approved 'Proposed Landscaping Site Dwg No. ENF-02 Revision D' and to a standard in accordance with the relevant recommendations of British Standard 8545:2014. The landscaping works shall be carried out during the next planting season (November 2022) and managed and maintained thereafter. Any trees or plants that, within a period of 12 months and 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 policy DM5.9 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.



**Application reference: 22/00603/FUL**

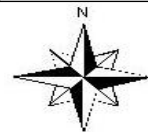
**Location: Unit 14, Wesley Way, Benton Square Industrial Estate, Benton**

**Proposal: Variation of condition 12 and removal of condition 13 of planning approval 10/00552/FUL - amendments to landscaping layout**

Not to scale

Date: 18.08.2022

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**Consultations/representations**

1.0 Ward Councillors

1.1 Councillor Parker Leonard

1.2 I would like it to be highlighted that they keep trying to move the goal posts. I do not think it is a big ask to get some landscaping done in the appropriate seasons to ensure that the area looks decent to the community. If we still do not have the information from the Landscape Architect, I would like to ensure that it is looked at more widely by the committee and I am hopeful we will have the information needed by then.

1.3 Just to confirm I do understand some of it will be hedges but I do feel these hedges need to follow on all the way around the perimeter where it faces residential houses.

2.0 Internal Consultees

2.1 Landscape Architect

2.2 Further to comments made in July 2022, a revised landscape plan has been provided (93083 ENF-02 rev D).

2.3 On site, a single line of laurel hedge planting has been undertaken adjacent to Wesley Way near the existing fence line. In addition, some of the native hedgerow has been planted along the inside of the fence along Whitley Road. However, it does not extend all the way to the existing tree group as shown on the submitted revised plan. Some bindweed is starting to establish on a section of fence along Whitley Road. Unfortunately, many of the plants on site have died or struggling to survive.

2.4 The landscape plan has been revised and includes the revisions requested from previous comments and is now acceptable.

2.5 Conditions:

All planting works shall be carried out in accordance with the landscape plan (93083 ENF-02 rev D) and to a standard in accordance with the relevant recommendations of British Standard 8545:2014. The works shall be carried out during the next planting season (November 2022) and maintained thereafter. 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.

3.0 Representations

3.1 Four objections have been received. These objections are set out below:

- Adverse effect on wildlife
- Impact on landscape
- Inadequate drainage
- Inadequate parking provision

- Inappropriate design
- Loss of residential amenity
- Loss of visual amenity
- Loss of/damage to trees
- None compliance with approved policy
- Nuisance - disturbance
- Nuisance - dust/dirt
- Nuisance - fumes
- Nuisance - noise
- Out of keeping with surroundings
- Pollution of watercourse
- Poor traffic/pedestrian safety
- Poor/unsuitable vehicular access
- Precedent will be set
- Traffic congestion
- Will result in visual intrusion
- Inappropriate materials

Despite having only very recently been refused permission by a Planning Inspector to vary their planning application, this local building company seeks to once again submit an application showing variations of little merit to the environment, overall amenity and aesthetic appeal of the site.

Indeed, this variation seeks to cover up previous bad management practices, site design and haphazard storage and the previous installation of a large area of concrete abutting the perimeter fence used for the storage of materials, mainly bricks, did not form part of the original planning application granted in 2010. Until early in 2022 this concrete area routinely stored bricks and breeze blocks up to the height of 5M but was initially a grassed area with perimeter shrubbery and trees providing substantial and much needed screening of the site via a long-established beech hedge. This environmentally friendly green area was knowingly destroyed to facilitate this organisation's attempts to store more stock than was initially permitted under their 2010 planning application. The overall effect of this brick wall was that the local residents were faced with an ugly towering monstrosity that did not appear very safe and the amenity and aesthetic appeal when passing the site, was and still remains, utterly hideous.

In this variation proposal it is suggested by the company that a bed of red 60mm gravel on an open graded sub base will allow water to permeate. The water permeation is hardly believable given that it will be laid on the concrete mentioned previously, unless it is the intention to install extra drainage, which I note is not mentioned in the application.

The proposal to use planting as screening is a step forward from previous applications and a change of opinion and a complete volte-face by this company whose previous landscape consultant advised that the perimeter of the site would not support planting of any description. Clearly, the abundance of wild plants and weeds thriving on the site margins demonstrate that is not the case.

The specification of native plant species is certainly welcome but only if this company actually abides by the 2m storage height restrictions they have stated

on their proposals. Even so, given that the planting will possibly not take place until the Autumn at the earliest and these species are not particularly fast growing, it will take at least 5-10 years before it will make an effective and aesthetic screen for local residents, unlike the suggested Laurel hedgerow proposed for hedge 2 bordering Wesley Way which grows at a faster rate. One wonders why the proposals are different?

Notwithstanding, the issue with installing gravel over concrete the plans, they are presenting are partially viable. However, I am doubtful that this company will fulfil any of the remedial works required to tidy up this site. In my experience this company ignores any and all attempts to get them to adhere to any planning stipulation. Haphazard storage, continued use of staff and customer parking to store materials encouraging on street parking and access into the site remaining difficult for large deliveries, all continue as before.

I have no confidence that should this application be granted that this company would actually do any of this work.

Whilst it is encouraging to see that Parrs are attempting to reduce the impact of their site upon the visual amenity of the area for the residents and local community, they do not go far enough.

It is the residents that live opposite and those who travel along Whitley Road, either on foot or in vehicles, that are most subjected to the eyesore that is their site. The whole site needs to be screened from view in a manner keeping with the local area.

Leaving part of the boundary with a concrete base and no screening serves two purposes for Joseph Parrs:

It enables swift and efficient removal of the proposed landscaping (if it is ever installed) so that they can easily store building material. As experience has shown Parrs are likely to do whatever suits them, not their community, best and would be likely to not comply with any enforcement requests to remove those building supplies.

It would save Parrs money as they wouldn't have to create a suitable environment for plants to grow.

I would urge the Planning Committee to reject this variation unless Parrs agree to plant shrubs and bushes along the full site boundary to ensure that the whole sight is screened from view. Planting mature shrubs and bushes would reduce the time required for them to grow and fully screen the site. At least the community can be assured that Parrs are trying to repair their local reputation and become good neighbours whilst acknowledging their responsibility to their neighbours by making the site as visually amenable as possible whilst still being able to operate their business effectively.

It is our understanding that the initial condition (12) was put in place by the council to ensure a pleasant amenity for local residents and the surrounding community.

However, it is clear to all concerned that this condition was never met by the applicant nor was it enforced by NTC, until now. As such, our community and the local residents who live in near proximity to this business have been subjected to a business who has flouted conditions that would have protected this village's amenity over the last 10 years as well as a business who has knowingly and willingly further added to this negative amenity by way of storing building materials, outdoor displays as well as other visually offensive garbage/broken items/and discarded advertising signage littering the property.

It is also our firm belief that this current landscaping site map is both inaccurate and misleading in the manner with which it has been drawn. It appears to us that this business has strayed from its original site map (in 2010) that was approved by NTC. One only has to walk around this property to see that this business made no attempt to keep a green border around the property, and as such, they have inaccurately shown these "green areas" on all of their site maps submitted to NTC (both past and present).

Instead, this business has paved its property/car park in such a way that the pavement actually ends at the property fence in quite a few areas around the perimeter of the property and much of the areas that were meant to stay "green" have instead had concrete applied over them. One of these areas is of significant interest to us as we strongly contend that this particular stretch of property boundary should be required to be planted with screening trees/hedge/plants in order to ensure that residential houses across from this area are not subjected to further negative amenity of this property, as spelled out by NTC in the conditions of the initial (approved) application 10/00552/FUL.

Unfortunately, this business has instead disregarded this area in its new planning application and has requested that it be instead be covered with landscaping gravel.

We find this to be an unacceptable change to the original landscaping requirement and hope that NTC sees the benefit (for the amenity of local residents) and works with this business to provide screening on this stretch of property as well. The area that we are referring to is located in the east portion of the property that runs along Whitley Road in between the mature trees (on Whitley Road) and the corner of Whitley Road and Wesley Way. Unfortunately, this area (in red) on the landscaping site map does not actually exist. This area has been dug out by the business and is now part of the car park, several feet below the other areas. As such, we contend that gravel would not only not seen by the public, but it would be of little to no benefit to the local amenity either. However, we contend that this area could still be broken up in order to plant a tall, fast growing hedge or utilised to house a large potted hedge in order to provide screening in this area. Additionally, we contend that the plantings selected for the corner of Whitley Road and Wesley Way (at the front of this business) to shield this business from local residents are quite slow growing and would require years of growth in order to even to provide a marginal amount of screening. As such, we would request that NTC consider requiring that this business installs mature trees/bushes in this area and also imposes a minimum height for these initial plantings. We contend that this business has failed to



comply with this condition(s) for the last 10 years we feel strongly that this would be a fair requirement, as any tree or shrub planted 10 years ago would now be quite large and mature at this point in 2022.

It is also our understanding that should NTC enforce the previous conditions from 10/00552/FUL (or approves this current variant of conditions application 22/00603/FUL) that the business would not be responsible for installing these landscaping plants/trees/hedges until the next planting season (Fall/winter 2022 – spring 2023). However, we contend because this business has done away with the green areas of grass and fertile soil (shown on their site maps) and instead chosen to pave over and apply concrete to these areas (in order to sure up these spaces instead for the storage of both tall and heavy building materials) that the council move forward with the enforcement of this condition with immediate effect forcing this business to prepare these areas for landscaping in order to ensure that they are indeed planted in the next planting season. We believe that the preparation and treatment of these areas may take several months in order to bring them back to a state that would be amenable to planting and healthy growth of the installed landscaping.

As evidence of the green space that was in place before this business chose to pave the car park we submit two photos from 2009 and 2010 for your consideration. It is clear from these photos that these green “perimeter” areas that were shown in the applicant’s 2010 planning application actually existed at the time of the application, but that they knowingly and willingly chose to get rid of these green spaces despite the NTC landscaping condition that required them not to. And lastly, we also submit to NTC that as a result of this businesses paving their property 10 years ago, that they removed no less than 14 mature trees, 4 large hedges, 2 zones of plantings and a massive grassy area that blanketed much of their property. As such, we contend that it is imperative that this business finally follow through on a thoroughly planned out and well-tended landscaping scheme for the good of the local area in order to provide a positive (green) amenity for the community and local residents. It is clear to us that this business feels separate from the residential homes and does not feel as though it is actually a part of our local community (as they stated in their recent planning appeal - re: variation of outdoor storage of building materials) but we feel strongly that they are. We contend that either they don’t remember what their property looked like before they installed the paved car park or that there is no one left working at this site who was around at that time. We are hopeful that you (NTC) will share the attached photos with them so that they can compare how the community viewed their property before and what we have had to put up with more recently.

The applicant has regularly breached their consents in regard to this site. Please refer to photographs of the site prior to purchase by Parrs and immediately following it. Compare those photos to the existing site and it will be clearly seen that Parrs have extended to boundary of their site onto the Council owned verge. NTC should check whether this was authorised and whether residents were consulted. The original land was grassed and had trees growing have been removed. The applicant wish to avoid reinstating the grass and landscaping by placing gravel on top of the concrete. The concrete on itself does not allow surface water drainage age and the gravel will collect dust and dirt compounding

the problem. The concreted area is used by heavy lorries to park two wheels on it so that other vehicles can pass, this is because the applicant has used their yard parking to extend their storage, which in itself is an issue and there are no apparent bonds or sumps to catch the brick dust and debris. The original curtilage was used by residents as a pathway to cut through the estate to Great Lime Road, please bear in mind this now includes schoolchildren and their parents returning from Holystone Primary School to the Forest Gate area. They are now forced to walk in the centre of the road. By retaining the concrete, the issue with heavy vehicle parking and blocking of the road will continue. The concrete is also used to assist the heavy trucks to get into Wesley Road as some are unable to manoeuvre the mini roundabout. In recent months a lorry has blocked the whole of Whitley Road and another reversed back through Whitley Road after discovering he was in a weight controlled area. Both of these incidents were at school leaving time. In the past the area as it was close to Rising Sun Countryside Centre had a vast amount of wildlife including rabbits, frogs and even crested newts. All of which were regular visitors to local gardens. This is now in decline due largely to the antics of the applicant. The vehicles parking on the verge force pedestrians to walk on the road itself. The applicant knows by grassing this area it will be clearly evident what they are doing by the damage they will create. Vehicles cannot currently park in their parking yard due to this now being used as outside storage with no evidence of bunds or sumps.

The site is visually intrusive and not in keeping with the area. NTC should investigate the expansion of the curtilage and ensure that the landscaping is fully reinstated and policed. Enforcement action is long overdue against Parrs who are poor neighbours.

#### 4.0 External Consultees

##### 4.1 None