



North Tyneside Council

# Planning Committee

6 January 2023

To be held on **Tuesday, 17 January 2023** 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 13 December 2022.	<b>5 - 8</b>

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<p>5.     <b>Planning Officer Reports</b></p> <p>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.</p>	<b>9 - 12</b>
<p>6.     <b>22/01122/FUL, Land at Centurion Park, Rheydt Avenue, Wallsend</b></p> <p>To determine a full planning application from Bellway Homes (North East) for the erection of 215no. residential dwellings with access, landscaping, sustainable drainage and associated infrastructure.</p> <p>Speaking rights have been granted to:</p> <ul style="list-style-type: none"> <li>• Objectors, Charli McNicol, Maureen Walsh, Katie McNally, Angela Mciver, Peter Kirkley, Paula Leathers and Martin Collins</li> <li>• Councillors Louise Marshall and Gary Madden, Wallsend Ward Councillors</li> <li>• A representative of the applicant, Bellway Homes (North East)</li> </ul>	<b>13 - 72</b>
<p>7.     <b>22/02118/FUL, Unit 21 Mylord Crescent, Camperdown Industrial Estate</b></p> <p>To determine a full planning application from Gurteen Transport for extension to existing commercial unit to form additional warehousing space, extension to car park.</p> <p>Speaking rights have been granted to:</p> <ul style="list-style-type: none"> <li>• Councillors Peter Earley, Lisa Ferasin and Tracy Hallway, Camperdown Ward Councillors</li> <li>• A representative for the applicant, Gurteen Transport</li> </ul>	<b>73 - 100</b>
<p>8.     <b>22/02125/FULH, 54 Brierdene Crescent, Whitley Bay</b></p> <p>To determine a householder planning application from Mr &amp; Mrs Taylor for loft conversion with rear dormer and rooflights to front. Roof to be replaced with hip gable roof extensions. Works to include: Installation of cedar cladding to gable ends of the property; lap wood effect in c62 violet blue. Replacement of roof tiles from concrete rosemary to marley modern old english. Cladding of existing dormer in anthracite grey zinc.</p> <p>Speaking rights have been granted to:</p> <ul style="list-style-type: none"> <li>• Mr Duffy, a neighbouring resident</li> <li>• Mr Johnson on behalf of the applicants</li> </ul>	<b>101 - 108</b>

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**9. 22/01191/FUL, Unit C, Bellway Industrial Estate, Benton**

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To determine a full planning application from Northumberland Estates for demolition of existing buildings and proposed retail development and drive through cafe with associated access, car parking, landscaping and all ancillary works.

**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)

## Planning Committee

**Tuesday, 13 December 2022**

Present: Councillor P Richardson (in the Chair)  
Councillors J Cruddas, P Earley, M Hall, John Hunter,  
C Johnston and T Mulvenna.

In attendance: Councillors L Arkley and W Samuel.

Apologies: Councillors K Barrie, M Green, J O'Shea and J Shaw

### **PQ47/22 Appointment of substitutes**

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

Councillor P Earley for Councillor M Green

### **PQ48/22 Declarations of Interest**

There were no declarations of interest or dispensations reported.

### **PQ49/22 Minutes**

**Resolved** that the minutes of the meeting held on 25 October 2022 be confirmed and signed by the Deputy Chair.

### **PQ50/22 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.

### **PQ51/22 21/02539/FUL, The Sandpiper, Farringdon Road, Cullercoats**

The Committee considered a report from the planning officers, together with an addendum circulated prior to the meeting, in relation to a full planning application from Malhotra Leisure Limited for demolition of existing public house and redevelopment of site to provide 1no.retail unit (Class E), 1no.drinking establishment with expanded food provision (Sui Generis) and 14no. apartments, associated car parking, infrastructure and landscaping works.

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

In accordance with the Committee's Speaking Rights Scheme, Fraser Doherty addressed

the Committee on behalf of a number of local residents who objected to the proposed development. Mr Doherty explained that the dimensions of the development contained in the planning officers report indicated that the building was taller and closer to their homes than residents had understood and so the impact of the development would be greater than anticipated. He challenged the findings contained within the applicant's overshadowing study with his own calculations which demonstrated how neighbouring properties would be detrimentally affected by a loss of sunlight. As there were windows on every elevation of the proposed development there would be overlooking onto neighbouring properties. Reference was made to the precedence set by previous planning decisions in the area on the grounds of highway safety, the amenity of neighbouring residents, privacy and proposed changes of use being incompatible with the area. Mr Doherty also expressed concerns regarding the size and frequency of deliveries to the commercial units.

Steven Robinson had also been granted permission to speak to the Committee. Mr Robinson had spearheaded a campaign opposed to the development which had generated approximately 1000 objections. He had spoken to residents who were 100% certain they did not want this development. He emphasised that the decision of the Planning Committee carried a great deal of weight and that elected members had a duty to represent and listen to the wishes of residents.

Councillors Willie Samuel and Linda Arkley had both been granted permission to speak to the Committee as ward councillors for Cullercoats. Councillor Samuel stated that the revised proposals did not address the fundamental concerns of local residents relating to the adequacy of car parking and access and its impact on the amenity of surrounding occupiers and future occupiers, on the character of the area and on trees and biodiversity. On these issues he challenged the conclusions contained in the planning officers report, he contended that the case had not been made for the application and asked the Committee to reject the application.

Councillor Arkley expressed her concerns regarding the loss of privacy caused by windows to the rear of the development overlooking neighbouring properties, an inadequate provision of 34 car parking spaces which would cause parking problems in the area, security concerns shared by the Police regarding the installation of an Automated Teller Machine (ATM) and overnight storage facilities, the risk of flooding and the risks associated with the site lying within a high risk coal mining area.

Harvey Emms of Lichfields addressed the Committee on behalf of the applicant to respond to the speakers' comments. Mr Emms explained that the scheme had been subject to consultation with the public and close working with the Council's officers to formulate a proposal for a brownfield site and to replace the unviable Sandpiper public house. During this process evidence had been presented to demonstrate that the shadowing caused by the building would conform to the BRE standards. The roof and car parking had been redesigned to ensure that it was compliant with the Council's planning policies. The applicants had agreed to fund the installation of a pedestrian crossing in the area and to provide for a taxi drop off point. The development would result in biodiversity net gain. Mr Emms dismissed references to previous planning decisions as each application ought to be considered on its merits. He stated that the applicants had brought forward a viable proposal after taking into account the views of residents and he supported the officer recommendation.

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

- a) the location of windows on the proposed development and the separation distances between it and neighbouring properties;
- b) the height and scale of the development within the local street scene;
- c) the adequacy of the proposed car parking provision and vehicular access on the site bearing in mind the nature of the development and the traffic levels and parking in the area;
- d) the proposed condition requiring the applicant to submit for approval a parking management strategy;
- e) the likely impact of the installation of an ATM in terms of causing noise disturbance for neighbouring residents;
- f) details of the proposed surface water attenuation within the site and the local lead flood authority's comments on these measures;
- g) the proposed condition requiring the applicant to undertake investigations to establish the risks posed by past coal mining activity and to take remedial or mitigating measures as may be necessary;
- h) the proposed terms of the Section 106 legal agreement to secure 4 affordable homes;
- i) the process for consulting ward councillors in relation to the terms of the legal agreement; and
- j) the effect of the Housing Land Availability Assessment published in November 2022 which confirmed that the Council did not have a five year housing supply of deliverable housing sites. Consequently, there was a presumption in favour of the development unless the impacts of the development significantly and demonstrably outweighed the benefits.

(Councillor W Samuel withdrew from the meeting during the Committee's deliberations and voting on the application.)

The Chair proposed acceptance of the planning officer's recommendation.

On being put to the vote, 2 members voted for the recommendation and 5 members voted against the recommendation.

**Resolved** that planning permission be refused on the following grounds:

1. The proposal by virtue of its height, bulk and mass would be much taller than surrounding buildings would have a significant adverse impact upon the character and appearance of the surrounding area contrary to policy DM6.1 of the North Tyneside Local Plan 2017 and the advice in National Planning Policy Framework (2021).
2. The proposal would have a significant adverse impact upon neighbours living conditions by virtue of loss of privacy contrary to policies S1.4, DM6.1 of the North Tyneside Local Plan, The Design Quality Supplementary Planning Document (2018) and the advice in National Planning Policy Framework (2021).
3. Insufficient parking would be provided so that additional on-street parking would occur which would have an unacceptable impact upon highway safety contrary to policy DM6.1 of the North Tyneside Local Plan (2017) and the advice in National Planning Policy Framework (2021)

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## PLANNING COMMITTEE

Date: 17 January 2023

### 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.

# Agenda Item 6

**Application No:** 22/01122/FUL Author: Julia Dawson  
Date valid: 23 June 2022 ☎: 0191 643 6314  
Target decision date: 22 September 2022 Ward: Northumberland

Application type: full planning application

**Location: Land At, Centurion Park, Rheydt Avenue, Wallsend, Tyne and Wear**

**Proposal: Full planning application for the erection of 215no. residential dwellings with access, landscaping, sustainable drainage and associated infrastructure (Archaeological Trenching Report uploaded 02.12.22)**

Applicant: Bellway Homes (North East)

Agent: Pegasus Group

## **RECOMMENDATION:**

**It is recommended that:**

- a) the Committee indicates that it is minded to grant the application; and**
- b) the Director of Regeneration and Economic Development be authorised to issue a notice of grant of planning permission subject to:**
  - i) the conditions set out in the planning officers report;**
  - ii) the addition, omission or amendment of any other conditions considered necessary by the Director of Regeneration and Economic Development;**
  - iii) consultation with the Biodiversity Officer and Landscape Architect. If, in the opinion of the Director of Regeneration and Economic Development, any issues or objections arise from this consultation that were not previously considered by the Committee then the application be referred back to the Committee for reconsideration; and**
  - iv) completion of a legal agreement under Section 106 of the Town and Country Planning Act 1990 to secure a financial contribution for the following:**
    - Affordable housing provision**
    - Allotments £21,600.00**
    - Ecology and Biodiversity £41,925.00**
    - Parks and Greenspace £114,421.00**
    - Built Sports Facilities £186,932.00**
    - Play/Multi Use Games Area £150,500.00**
    - Playing Pitches £162,219.00**
    - Primary Education £65,000**
    - Coastal mitigation £32,465.00**
    - Employment and Training £49,000.00**

## **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 upon amenity;
- The impact on character and appearance/design and layout;
- The impact on ecology and trees; and
- The impact on the highway.

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 application site relates to the Centurion Park Golf Club in Wallsend and comprises approximately 9.6ha of land. A public footpath runs along the northern boundary of the site, beyond which is the Golf Course. Benfield School and associated playing fields are located to the west of the site and beyond the south boundary are the playing fields and car park of Kirkley Park (Wallsend Boys Club). The Golf Course also extends beyond the eastern boundary of the site.

2.2 The Club House, shop and car park are located within the northern part of the application site, adjacent to an area of hardstanding and the Golf Club's driving range. An artificial grass pitch, three multi use games areas and former playing field are located within the southern part of the application site. A bowling green is also located within the southern part of the site, this is to be retained as part of the proposed development.

2.3 The site is located to the north west of Wallsend town centre. The boundary between Newcastle City and North Tyneside lies to the west/south west of the site. The A1058 Coast Road lies to the north, beyond the Golf Course. Residential properties are located beyond the Golf Course to the east on West Street. Further to the south east of the application site, also beyond the Golf Course, lies Western Community Primary School which has vehicular access off Rutland Road. There are residential properties in Rutland Road to the south east, and Rutland Road gives access to Rheydt Avenue from which the existing golf clubhouse and Wallsend Boys Club are accessed. The East Coast mainline railway line runs to the west of the existing Golf Course site.

2.3 The (Wallsend Golf Course, Wallsend, Tyne and Wear) Tree Preservation Order, No.2, 2010 covers some of the trees on the site.

2.3 The application site is located within an area of designated Open Space and a Wildlife Corridor (Local Plan 2017). It is also identified within the Council's Green Space Strategy as an Outdoor Sports Facility (Wallsend Sports Centre & Wallsend Golf Course).

## 2.0 Description of the Proposed Development

2.1 The proposal relates to the construction of 215no. residential dwellings with access, landscaping, sustainable drainage and associated infrastructure. The proposed development will consist of 62no. two bed dwellings, 50no. three bed dwellings, 87no. four bed dwellings and 16no. five bed dwellings. Six of the two bed dwellings will be bungalows, the rest of the dwellings will be two storey. Vehicular access is to be provided from Rheydt Avenue, which is to be upgraded to adoptable standard.

## 3.0 Relevant Planning History

01/02454/OUT- Demolition of Wallsend Sports Centre redevelopment of site associated playing fields part of golf course for residential purposes new golf clubhouse, new access to highway, alteration of existing access to highway – Withdrawn

08/02049/FUL - Proposed internal alterations and extension to the rear of the existing golf club. Extension to the driving range and alter the car park and immediate surrounding landscaping. Description amended 27.11.2008 to include closure and diversion of footpath and new additional path through site. Car park layout amended and additional information received 20.03.2009 relating to footpath diversion and new planting on site - Approved 09.04.09

09/03178/FUL - Erection of new hotel and sports injury rehabilitation clinic. Refurbishment of former sports centre including external alteration a new squash court and bar/dining facilities. Proposed 6no all weather pitches, 3no tennis courts, par 3 golf course, adventure course and batting cage. Relocation of groundsman compound. Amended car parking layout to include additional parking. Supplementary information and amended plans received due to repositioning of hotel building – Approved 19.10.11

Land to north and north east:

20/01181/FUL - Construction20/01181/FUL - Construction of a driving range with associated parking, including ancillary sports bar/restaurant, pro shop, golf academy, golf club changing facilities, and function rooms, creation of a new vehicular access and reconfiguration of Wallsend Golf Course – Approved 16.03.2021

Wallsend Boys Club:

17/00194/FUL - Proposed extension to existing boys club, comprising of a first floor extension to the existing facilities to provide meeting spaces, offices and events areas. Erection of new indoor pitch and new external 4G pitch to replace the existing large pitch – Approved 16.06.2017

22/01659/FUL - Variation of condition 1 (approved plans) of planning approval 17/00194/FUL in order to install pitched roof in lieu of flat roof, solar panel array and alterations to the external elevations. – Approved 05.12.2022

## 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 upon amenity;
- The impact on character and appearance/design and layout;
- The impact on ecology and trees; and
- The impact on the highway.

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

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

7.4 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.

7.5 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.

7.6 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.

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

7.8 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.

7.9 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.

7.10 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.

7.11 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.

7.12 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.

7.13 The Council's Green Space Strategy 2015 (GSS) identifies a range of green spaces including outdoor recreational facilities. The application site comprises two separate 'Outdoor Sports Facility' sites within the GSS. The Golf Course is identified as an Outdoor Sports Facility of high quality and medium value with members only access. The existing golf facilities within the northern part of the application site are to be relocated on land to the north-east of the existing Golf Course. This relocation was approved under a separate planning application (reference 20/01181/FUL). The area to the north east corner of the application site also includes an area identified for biodiversity net gain enhancements which was required as part of application 20/01181/FUL and this will be retained. This does not form part of the current planning application.

7.14 The site of the former Wallsend Sports Centre is identified within the GSS as being of high quality and medium value with unlimited access. This part of the site consists of a bowling green and pavilion; a disused Artificial Grass Pitch (AGP); 3 disused Multi Use Games Areas (MUGAs); and vacant land which was formerly used as a playing field. This land was last used as part of Wallsend Sports Centre - the AGP has been closed since 2004/2005, the MUGAs and grass pitch to the west have not been used since circa 2000, and the cricket pitch to the east has not been used since circa 2015.

7.15 A significant number of objections have been submitted in respect of the loss of the open space from local residents and Ward Councillors. These concerns are noted. Wallsend Boys Club have also submitted a detailed objection in which they have set out how the proposed development will restrict further investment in the Club and will inhibit the pressing need for expansion of their facilities which they have stated can only be achieved through efficiencies of the existing grounds or expansion northward using the application site. They consider this to be contrary to Local Plan policies. These objections are noted.

7.16 Firstly, with regard to the loss of the open space, the application site is designated as Open Space within the Local Plan. As such, the applicant has submitted an Open Space Assessment in which they have considered the northern and southern parts of the site separately as Parcels 'A' and 'B' respectively. The existing golf facilities within Parcel A will be replaced on land to the north east of the golf course.

7.17 They have advised that the southern part of the site (parcel B), although currently accessible and used for dog walking etc., is of limited quality given that is not maintained and consists of derelict sporting infrastructure (i.e, the redundant MUGAs and AGP). In addition, it is private land. Whilst the application site is owned by North Tyneside Council, it is subject to a long lease to Keeping Inn Limited for a term of 125 years who have full responsibility and control of the site and the wider golf course under the letting arrangement.

7.18 It is noted that whilst some elements of the open space may be of lesser quality (hardstanding), it could be argued that the site as a whole contributes to the overall open space and green infrastructure, providing a recreational resource for the public and has value due to its location within a wildlife corridor. It is also acknowledged that the land has been used informally by the community for recreation and dog walking on an informal basis for which demonstrates that the land is well regarded by the local community in terms of access and function and therefore still retains some value in this regard.

7.19 However, the fact that the land no longer serves the purpose for which it was originally designated (sport and recreation), and that it is privately owned and access to the public can be closed off at any time without any control by the Local Planning Authority (as planning permission would not be required) is a material planning consideration which must be given due weight. The applicant has also set out, within the Open Space Assessment, how the proposed development will incorporate areas of high-quality open space along the eastern boundary of the application site and to the south of the site, incorporating a SuDS basin and surrounding informal open spaces and landscaping. This will provide 2.83ha of informal open space which, although is less in quantum to the informal areas of green space in Parcel B, they consider it to be of a better quality through its design and long-term maintenance.

7.20 The applicant has submitted revised landscaping plans which further help to assimilate the proposed development into the surrounding greenspace via increased hedgerow and scrub planting and improvements to the amenity open space to be provided within the site. The Biodiversity and Landscape comments

on the additional/revised information will be reported to planning committee via an addendum.

7.21 The applicant has also identified that (not including the bowling green, which is to be retained), the proposed development will result in a loss of approximately 1.35ha of informal green space (within Parcel B). This is due to the fact that there are areas within this area of the site (which extends to 6.667ha), which are not actually used for this purpose (for the purposes of informal green space), i.e. the bowling green, AGP and MUGA's. As such, Parcel B currently provides 4.18ha of informal green space itself. As 2.83ha is being provided within the proposed scheme, this results in a loss of approximately 1.35ha.

7.22 The Council's GSS identifies that there is a significant quantity of Green Space within the Northumberland Ward, which is all high/medium quality. The loss of the residual open space would equate to a loss of approximately 0.913% of the Ward's green space. The GSS also identifies that there is also a high provision of other typologies, such as parks and equipped play, and that 99.1% of properties within the Ward are within 300m of accessible green space. In this context, the loss of the open space as a result of the proposed development will not result in significant harm.

7.23 With regard to the loss of the playing fields, a previously approved planning application for residential development at the application site (01/02454/OUT) resulted in mitigation for their loss by way of replacement facilities being provided at Churchill College between 2001-2003, as well as replacement leisure facilities at Burnside Business and Enterprise College in Wallsend. Wallsend Boys Club have objected to this point, stating that these playing fields already existed and, although possibly slightly improved, they are not an appropriate replacement of green space, but merely met demand elsewhere. Wallsend Boys Club have also questioned Sport England's consultation response.

7.24 However, Sport England have reviewed the proposals and Wallsend Boys Club's objections and have advised that whilst the housing development did not proceed at that point in time (following the grant of planning permission), the agreed playing field replacement did proceed in anticipation of the site being brought forward for development in the future. Sport England accepts that replacement playing field of sufficient quantity was created immediately south of the application site (approximately 6.5Ha), and to the west of Churchill Community College (approximately 0.93Ha) meaning that the quantitative test within playing field policy exception 4 has been met.

7.25 Whilst it is acknowledged that the application site is not allocated for housing within the Local Plan, it is considered that the principle of bringing the site forward for residential development is in accordance with paragraph 11 of NPPF in that the Council is unable to demonstrate a five-year housing land supply and therefore the 'tilted balance' presumption applies in that planning permission should be granted unless there are adverse impacts which would significantly and demonstrably outweigh its benefits.

7.26 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 North Tyneside Council Housing Land Supply

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

8.18 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, November 2022. It identifies the total potential 5-year housing land supply in the borough at 4,008 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 three-year supply of housing land. It is important to note that this assessment of five-year land supply includes over 1,000 homes at proposed housing allocations within the Local Plan (2017). The potential housing land supply from this proposal is not included in this assessment. However, the 215no. proposed dwellings would make a contribution towards the borough achieving a five-year housing land supply.

### 9.0 Impact on 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 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:

9.7 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’.

9.8 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.

9.9 Internal Space in a Home:

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

*9.10 Existing Occupiers of Surrounding Sites*

9.11 Concerns have been raised by local residents and Councillors with regard to the impact of the proposed development on their amenity in terms of a loss of residential amenity, impact on privacy, increase in air pollution and noise and disturbance from construction traffic. Concerns have also been raised by Wallsend Boys Club with regard to the future continued operation of the Boys Club due to noise and activities at the Boys Club and potential noise as a result of the future extension to the Club House (subject of an extant planning permission) being at conflict with the new residential dwellings. The Boys Club also questioned the accuracy of the noise assessment. These points are noted. The Council’s Environmental Health Officer (EHO) also originally raised some concerns with regard to the extent of the noise assessment and the potential noise impact and requested further information.

9.12 In response the applicant has provided a response from their Environmental Consultant. The EHO has reviewed this, noting that the updated assessment has modelled the noise based on 6 football pitches being used at Wallsend Boys Club at one time and that noise exposure at the nearest residential properties will be below the World Health Organisation Community Noise guidance level. In addition, noise from the proposed golf driving range is unlikely to give rise to

nuisance and likely to be inaudible given the distance to the new residential properties. Noise from the grass cutting at the golf course has been assessed and shown to give noise levels of 44.3 dB LAeq for the activity, some 10 dB below existing background noise levels. The updated assessment also demonstrates that internal noise levels (with windows open) for the new dwellings can be achieved at the application site in accordance with WHO Community noise guidelines.

9.13 With regard to the concerns regarding the impact of future outdoor events associated with the extension to the Boys Club, it is noted that planning approval 17/00194/FUL makes no reference to the future use of the outdoor space associated with the extension for social events. Indeed, the D&A Statement submitted with 17/00194/FUL states that first floor offers a large space which can be used for presentations and events. There is balcony to the first floor, but this is located to the south of the new building a significant distance from the application site and is unlikely to lead to significant disturbance from noise for the new residents. Revisions were made to the plans approved via 17/00194/FUL to change the roof and enlarge the balcony. If the existing external areas are used for social events and these lead to a statutory nuisance, the Council's Environmental Health team would be able to take action under separate legislation. In addition, the dwellings to the south of Wallsend Boys Club, which are closer to the new building approved via 17/00194/FUL would be more directly affected by such external noise. The Boys Club must be mindful of their neighbours when undertaking social events.

9.14 With regard to air quality concerns, the EHO has reviewed the Air Quality Assessment and notes that it has concluded that there will be a negligible increase in both nitrogen dioxide and particulates and overall air pollutant levels will be below the air quality objective levels for NO<sub>2</sub> and particulates if the development was to occur. Mitigation measures have been recommended within the air quality assessment that includes for transport related measures such as electric vehicle charging infrastructure and travel plans. Construction dusts have also been considered and a condition is recommended to ensure the dust mitigation measures as outlined in appendix D of the report are implemented.

9.15 Additional conditions in relation to the submission of a Construction Method Statement and to control working hours will further assist in alleviating the impact on the amenity of local residents during construction works.

9.16 The nearest dwellings to the application site are located a significant distance to the south on Alderwood Crescent and Appletree Gardens. These properties will not be adversely affected by any loss of outlook, daylight, sunlight or privacy due to this significant distance.

#### *9.16 Future Occupiers of Proposed Dwellings*

9.17 As stated within paragraph 9.13 the updated noise assessment has adequately demonstrated that the new dwellings can provide an acceptable standard of accommodation in terms of noise disturbance from existing uses surrounding the site.

9.18 The layout of the development is also considered to be acceptable in terms of the standard of living accommodation provided for future occupiers. Each dwelling would be provided with a front and rear garden and the dwellings have adequate windows to provide good levels of light, outlook and privacy. Each dwelling is in accordance with the Government's Nationally Described Space Standard (NDSS).

9.19 Members need to consider whether the impact the proposed development on the amenity of the existing occupiers of sites is acceptable, and whether it will provide acceptable living conditions for future occupants.

## 10.0 Character and Appearance

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

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

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

10.4 The 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.

10.5 The applicant has submitted a Design and Access Statement in which they have described how the overall design concept aims to aim to realise the creation of a contextual yet distinctive residential environment that will enhance the profile of the local area by providing a new community which attempts to mesh within the landscape and the surrounding area. The proposed development is organised as a suburban townscape, comprising a mix of detached, semi-detached and terraced house types congruous with the surrounding built environment. Whilst a variety of architectural styles and finishes are proposed, the development is knitted together by traditional building materials and construction techniques. The housing within the scheme allows for a mix of 2-5 bed units, including affordable housing. The main access to the site for vehicles cyclists and pedestrians will be via Rheydt Avenue and the existing pedestrian



footpath that runs along the northern boundary will also provide a key pedestrian access point as well.

10.6 The applicant has advised that their Design Team are aware of the ecological value of established green infrastructure and have used these areas as design constraints for development. Housing is set back from key hedgerows and other existing vegetation, which are retained and enhanced to provide a sensitive and considered development proposal. The 'green character' of the scheme is further reinforced by the public open green space central to the development.

10.7 In response to the original consultation on the proposed development, the Council's Design Officer advised that the architectural design of the house types is in general acceptable and that the units are arranged well to provide a distinct arrival point with units overlooking the open space and main road into the site. He also raised a number of concerns. In response to these, the applicant submitted a response to each concern along with additional information. The Design Officer has reviewed these and noted that they largely address his concerns with regard to surface materials and pedestrian connectivity. However, he remains concerned with regard to a narrow section of existing landscaping within the centre of the site, which would be enclosed by rear boundary fences, which he considers is a missed opportunity to create a focal point. He has also noted that there is no amenity grass as part of the layout, and it was recommended that an area with opportunities for recreation and play should be included.

10.8 With regard to the narrow section of existing landscaping within the centre of the site the applicant has advised this has been considered but that it is not possible to achieve front facing properties along this area of landscaping without losing dwellings and severely impacting the proposed layout which currently achieves a high-quality design. This would lead to issues regarding the overall deliverability of the proposals and the delivery of much needed housing. It should be noted that this area of landscaping will play a key role in breaking up the proposed development from a visual perspective through its tree canopies and to also aid wildlife connectivity through the proposed development from north to south as, supporting the site's function in the wildlife corridor.

10.8 With regard to the amenity grass the applicant has noted that some is provided throughout the development as seen on the proposed Landscape Masterplan. However, other areas have been landscaped to ensure that the site's role within the wider wildlife corridor is protected and that they contribute towards net gains in biodiversity. It is considered that an appropriate balance has been taken to serve both needs of local residents and local wildlife. It should be noted that there are also local areas of recreation and play close to the site.

10.9 Members need to consider whether the design and layout of the proposed development is acceptable and determine whether it would harm the character and appearance of the surrounding area.

#### 11.0 Highway Impact

11.1 NPPF states that transport issues should be considered from the earliest stages of plan-making and development proposals. It states that significant

development should be focused on locations which are or can be made sustainable, through limiting the need to travel and offering a genuine choice of transport modes.

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

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

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

11.5 The Transport and Highways SPD set out the parking standards for new development.

11.6 Significant objection on highways grounds has been submitted and these are noted. Newcastle City Council also originally submitted an objection on highways grounds. However, following the receipt of additional information submitted by the applicant for the consideration of Newcastle City Council's Highways Officer they have advised that a financial contribution towards the Low Traffic Neighbourhood scheme in the Appletree Gardens area would address these concerns. The exact figure will be presented to planning committee within an addendum.

11.7 A Transport Assessment (TA) has been submitted as part of the planning application.

11.8 The Council's Highway Network Manager has reviewed the Transport Assessment and noted that it has analysed junctions in the vicinity of the site as well as the proposed site accesses and concluded that the impact of the development on the adjacent highway network is not considered to be severe. He has also noted that site will be accessed via Rheydt Avenue, which will be brought up to an adoptable standard along with some improvements at the junction with Rutland Road. Parking will be provided in accordance with current standards and the proposed highway layout is acceptable. The site has reasonable links with public transport and the development will be linked with the existing footpath to the north.

11.9 The Council's Sustainable Transport Team and Public Rights of Way (PROW) Officer originally raised a number of points which have been incorporated into the scheme. They have raised no objections to the proposed development.

11.10 The Highway Network Manager has raised no objections to the proposed development and has recommended conditional approval.

11.11 Members need to determine whether the proposed development is acceptable in terms of access, parking provision and the impact on highway safety. It is officer advice that it is.

## 12.0 Impact on Biodiversity and Landscaping

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

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

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

12.4 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.

12.5 Local Plan Policy DM5.2 relates to proposals which include any loss of any part of the green infrastructure network

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

12.7 Policy DM5.7 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.

12.8 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.

12.9 The site is located on land that is designated as open space and within a wildlife corridor. In support of the application has submitted a Bat Survey, Breeding Bird Survey, Ecological Appraisal, an Arboricultural Impact Assessment, Landscape Masterplan and a Biodiversity Net Gains Assessment. The applicant has confirmed that offsite compensation will be provided on a one-hectare area of land in Wideopen which is within their wider land holding. A detailed management plan will be produced and adhered to, to ensure delivery of the target habitats and conditions. Habitat creation, in the form of both 'other neutral grassland' and native mixed scrub is proposed within the off-site compensation area.

12.10 Objections have been received in respect of the impact on the wildlife corridor and trees. The content of these is noted.

12.11 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. The Council has re-consulted the NWT but has not received any further response.

12.12 Natural England have raised no objection subject to securing appropriate mitigation for recreational pressure impacts on habitat sites.

12.13 The Council's Biodiversity Officer and Landscape Architect initially raised a number of concerns in relation to the landscape plan, biodiversity net gain plan and calculations, loss of hedgerows, impact on the wildlife corridor and open space. The applicant has provided additional and revised information in order to address these concerns. The Biodiversity Officer and Landscape Architects have been consulted on the additional information and their comments will be reported to Planning Committee via an addendum.

### 13.0 Other Issues

#### 13.1 Flood Risk and Drainage

13.2 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.

13.2 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.

13.3 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.

13.4 The site falls is located within Flood Zone 1. The applicant has submitted a Flood Risk Assessment and Drainage Strategy with the application which concludes that site has a risk of less than 1 in 1,000 annual probability of river or

sea flooding (0.1%) and that the risk of flooding from other sources is considered to be low and/or manageable with mitigation.

13.5 Newcastle City Council originally objected to the proposal on the basis that the site is at high risk of surface water flooding and requested that the applicant submit a flood flow analysis (acceptable to North Tyneside LPA) that shows overland flows from the site are not increased as a result of the proposed development. In response the applicant advised that they consider that a Flood Flow Analysis can be secured via a suitably worded planning condition and that this is a logical approach as they would need to undertake further detailed modelling and design work in order to complete the Flood Flow Analysis which would result in delays to the application and therefore securing this work prior to commencement of development through a planning condition would be a more pragmatic way forward. Newcastle City Council have subsequently that they have no further objection on flooding grounds subject to the attachment of an adequately worded condition.

13.6 The Council's Local Lead Flood Authority has reviewed the application documents and advised that they have no objections subject to conditions requiring the Flood Flow Analysis Report, further details of the proposed outfall into the Wallsend Burn, details of Suds features and attenuation basin maintenance regime programme and details on pollution mitigation measures to be employed to ensure there is no detrimental impact to the watercourse during the construction phase.

13.7 Northumbrian Water have provided comments and raise no objections subject to the development being carried out subject to a condition requiring a detailed scheme for the disposal of foul and surface water.

13.8 Members are advised that the proposed development would have an acceptable impact upon flood risk, subject to the suggested conditions.

#### 13.9 Ground Stability

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

13.11 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.

13.12 The application site is located within a Contaminated Land buffer zone.

13.13 A Phase 1 and Phase 2 Geo-Environmental Site Assessment has been submitted in support of the application.

13.14 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.

13.15 The Contaminated Land Officer has reviewed the submitted report and has raised no objections to the proposed development, subject to conditions.

13.16 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.

#### 13.17 Sustainability

13.18 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.

13.9 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.

13.10 Within the submitted Design and Access Statement the applicant has advised that the proposed development has been designed with a 'fabric first' approach which places the greatest emphasis on the thermal performance of the building envelope and is less reliant upon applied renewable technologies. This ensures that thermal performance and sustainability are embedded within the fabric for the lifetime of the building. Some properties will also be installed with solar panels to encourage use of renewable energy. The design proposals for the scheme seek to address the most cost-effective method of improving energy efficiency, reducing energy demand and reducing the long-term carbon emissions of any new development through the optimisation of dwelling orientation aided by good passive solar and thermal design.

13.11 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.

#### 13.12 Archaeological Impact

13.13 The NPPF states that heritage assets are an irreplaceable resource and therefore should be considered in a manner appropriate to its significance.

13.14 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.

13.15 The application site is identified in the Local Plan as being of archaeological interest and the applicant has submitted a Desk Based Archaeological Assessment, a report on an Archaeological Geophysical Survey and a Trenching Report.

13.16 The Tyne and Wear Archaeology Officer reviewed the information which was originally submitted and raised no objections to the proposed development subject to the attachment of conditions requiring archaeological excavation and recording, and post excavation reports. Since the comments were provided the applicant has submitted additional information to the Tyne and Wear Archaeology Officer requesting the conditions are phased due to the scale of the site and the phased approach to undertaking the development. The Archaeology Officer has reviewed the additional information (Written Scheme of Investigation (WSI)) and has provided a list revised conditions which address the phased nature of the development.

#### 13.17 S106 Contributions

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

13.19 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.

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

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

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

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

13.24 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.

13.25 The applicant has confirmed that they are agreeable to the following financial contributions and off-site mitigation requested by service areas:

- Affordable housing provision
- Allotments £21,600.00
- Ecology and Biodiversity £41,925.00
- Parks and Greenspace £114,421.00
- Built Sports Facilities £186,932.00
- Play/Multi Use Games Area £150,500.00
- Playing Pitches £162,219.00
- Primary Education £65,000
- Coastal mitigation £32,465.00
- Employment and Training £49,000.00

13.26 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.

13.27 A CIL payment will be required in respect of this development.

#### 13.28 Local Financial Considerations

13.29 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).

13.30 The proposal involves the creation of 215 new dwellings. Granting planning permission for new dwellings therefore increases the amount of New Homes Bonus, which the Council will potentially receive. The New Homes Bonus is a government grant for each home built equivalent in value to the average



Band D Council Tax charge in England in the preceding year. New Homes Bonus is paid to the Authority each year for new homes completed for a period of four years from the completion of each new home. An additional sum is paid for each empty home brought back in to use and for each affordable home delivered.

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

13.32 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.

#### 13.34 Conclusions

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

13.36 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.

13.37 This proposal would make a valuable contribution towards the requirement for the council to have a 5-year supply of deliverable housing sites. This is a material consideration of significant weight in favour of the proposal.

13.38 The design and layout of the proposal would not have an adverse impact upon the character and appearance of the site.

13.39 The proposal would ensure sufficient separation distances to neighbouring properties so as to not adversely affect their privacy or amenity.

13.40 The proposed will provide an acceptable standard of residential accommodation for future occupiers.

13.41 The proposal would provide parking in accordance with the Council adopted standards and would not have an unacceptable impact on highway safety or result in a residual cumulative impact that would be severe.

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

13.43 The Council does not have a 5-year supply of deliverable housing sites. It therefore follows that planning permission should be granted unless the impacts of the development significantly and demonstrably outweigh the benefits. In the opinion of officers, the impacts of the development would not significantly and demonstrably outweigh the benefits. It is therefore recommended that that, subject to the outstanding comments from the Biodiversity Officer and Landscape

Architect and the imposition of appropriate conditions, planning permission should be granted subject to a S106 Legal Agreement and conditions.

## **RECOMMENDATION:**

**It is recommended that:**

- c) the Committee indicates that it is minded to grant the application; and**
- d) the Director of Regeneration and Economic Development be authorised to issue a notice of grant of planning permission subject to:**
  - iv) the conditions set out in the planning officers report;**
  - v) the addition, omission or amendment of any other conditions considered necessary by the Director of Regeneration and Economic Development;**
  - vi) consultation with the Biodiversity Officer and Landscape Architect. If, in the opinion of the Director of Regeneration and Economic Development, any issues or objections arise from this consultation that were not previously considered by the Committee then the application be referred back to the Committee for reconsideration; and**
- iv) completion of a legal agreement under Section 106 of the Town and Country Planning Act 1990 to secure a financial contribution for the following:**
  - Affordable housing provision**
  - Allotments £21,600.00**
  - Ecology and Biodiversity £41,925.00**
  - Parks and Greenspace £114,421.00**
  - Built Sports Facilities £186,932.00**
  - Play/Multi Use Games Area £150,500.00**
  - Playing Pitches £162,219.00**
  - Primary Education £65,000**
  - Coastal mitigation £32,465.00**
  - Employment and Training £49,000.00**

## **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, 001, scale 1:2500
  - Site Plan as Proposed, 831-BEL-SD-10.02F
  - Adopted Highways, 831-BEL-SD-10.04G
  - Surface Treatment Plan, 831-BEL-SD-10.05F
  - Site Access Mitigation, 22-069-002 REV E
  - Landscape Masterplan, 5962-99-001 REV.K
  - Boundary Treatment Plan, 831-BEL-SD-10.03G
  - Engineering Layout, 21198-D001 REV.3
  - Proposed Pedestrian Infrastructure Improvements, 22-069-003 REV A.
  - Swept Path Analysis Refuse Vehicle, 22-069-TK01

- Swept Path Analysis Refuse Vehicle & Family Car, 22-069-TK02
- The Chandler Elevations, CH-3B-2S-CB-E
- The Chandler Floor Plans, CH-3B-2S-P1
- The Coiner Elevations, CN-2B-2S-CB-E
- The Coiner Floor Plans, CN-2B-2S-P1
- The Cutler Elevations, CU-4B-2S-CB-E
- The Cutler Floor Plans, CU-4B-2S-P1
- The Draper Elevations, DR-5B-2S-CB-E
- The Draper Floor Plans, DR-5B-2S-P1
- The Faber Elevations, FB-3B-2S-CB-E
- The Faber Floor Plans, FB-3B-2S-P1
- The Harper Elevations, FB-3B-2S-CB-E
- The Hillard Elevations, HI-3B-2S-CB-E
- The Hillard Floor Plans, HI-3B-2S-P1
- The Hooper Elevations, A/790HP/00/CB/02
- The Hooper Floor Plans, HP-3B-2S-P1
- The Lorimer Elevations, LO-4B-2S-CB-E
- The Lorimer Floor Plans, LO-4B-2S-P1
- Bungalow Plans & Elevations, M43-01
- The Parteger Elevations, PG-4B-2S-CB-E
- The Parteger Floor Plans, PG-4B-2S-P1
- The Potter Elevations, PO-2B-2S-CB-E
- The Potter Floor Plans, PO-2B-2S-P1
- The Reedmaker Elevations, RE-4B-2S-CB-E
- The Reedmaker Floor Plans, RE-4B-2S-P1
- The Sawyer Elevations, SY-3B-2S-CB-E
- The Sawyer Floor Plans, SY-3B-2S-P1
- The Mercer Elevations, ME-4B-2S-CB-E
- The Mercer Floor Plans, ME-4B-2S-P1
- The Weaver Elevations, WE-4B-2S-CB-E
- The Weaver Floor Plans, WE-4B-2S-P1
- Plane - M4(2)/NDSS Planning Elevations, A/1796CB/00/CB/02
- Plane - M4(2)/NDSS Planning Floorplans, A/1796CB/00/CB/01
- Double Garage, A/436/00/CB/R1/01
- Single Garage, A/218/00/CB/R1/01
- Design and Access Statement, April 2022
- Planning Statement, P21-2621, R001v2 PL
- Flood Risk Assessment & Drainage Strategy, RWO/FRADS/21198
- Assessment of Noise Levels and Noise Amelioration Measures,

#### LAE1177.1

- Noise Memo, LAE1220, 08.11.22
- Phase 1 and Phase 2 Geo-Environmental Site Assessment, 18-258-r03
- Remediation and Enabling Works Strategy, 18-258-r04/RevB
- Open Space Assessment, P21-2621, V4, 10.08.22
- Air Quality Assessment, 102822V3
- Bat Survey, 22042, V1
- Bird Strike Assessment, Final, 12.10.22
- Breeding Bird Survey, 22042, V2 (Final)
- Ecological Appraisal, 22042, V4
- Transport and Travel Plan, MTP Ref: 22-069-N, Rev.D
- Archaeological Desk Based Assessment, 403, March 2021

- Archaeological Geophysical Survey, 414, September 2022
- Archaeological Evaluation Phase 1, 418, November 2022
- BNG Measurements Plan, 91-001 REV.D
- Biodiversity Net Gains Assessment, 22042 BNG V8
- Biodiversity Metric 3.1 V10

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, a programme for the delivery of the following off-site highway works as set out in drawing number 22-069/02 - Revision E: and subject to Technical Approvals and Road Safety Audits, shall be submitted to and approved in writing by the Local Planning Authority implemented in accordance with the approved timescale and retained thereafter:

Upgrade of roads and footpaths on Rheydt Avenue to an adoptable standard

Alterations to existing access of Rheydt Avenue with Rutland Road

Pedestrian refuge on Rutland Road

Associated drop crossings

Associated highway drainage

Associated street lighting

Associated traffic calming

Associated road markings

Associated signage

Associated legal orders

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 roads, footpaths, internal junctions, shared surfaces, turning areas, traffic calming and visibility splays shall be laid out in accordance with the approved plans. These 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 driveways, private parking spaces, visitor parking spaces and garages shall be laid out in accordance with the approved plans. These parking areas shall not be used for any other purpose and retained thereafter.

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

6. Notwithstanding the details submitted, the scheme for cycling and pedestrian links within the site and connecting into the wider network shall be laid out in accordance with the approved plans. 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).

7. 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).

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

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

9. Notwithstanding the details submitted, no part of the development shall be occupied until a scheme for Electric Vehicle (EV) charging points for each dwelling has been submitted to and approved by in writing the Local Planning Authority. This scheme shall be implemented in accordance with the approved details before the development is occupied and retained thereafter.

Reason: In the interests of promoting sustainable transport in accordance with NPPF.

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 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. The development shall not be occupied until a noise scheme providing details of the acoustic specification of the window glazing to be provided to habitable rooms in accordance with Section 7 of Noise Report LAE1177.1 has been submitted to and approved in writing by the Local Planning Authority. The submitted noise scheme shall ensure that internal noise levels can be achieved to meet BS8233 and the World Health Organisation community noise guidelines. All habitable rooms must meet a noise level of 35 dB LAeq for living rooms and bedrooms and a level of 30 dB LAeq at night, with no exceedances of the maximum noise levels of 45 dB(A). Thereafter the development shall only be carried out 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.

13. Restrict Hours No Construction Sun BH	HOU00 4	*
14. Restrict Hours No Demolition Sun BH	HOU00 5	*
15. Site Investigation	CON00 4	*
16. Remediation Method Statement	CON00 5	*
17. Validation Report	CON00 6	*
18. Unexpected Hotspots	CON00 7	*

19. Prior to the commencement of the approved development, details of the proposed outfall into Wallsend Burn, which shall include energy dissipation measures, must be submitted to and approved in writing by the Local Planning Authority. Thereafter, the development shall be carried out in accordance with the approved details.

Reason: This needs to be pre-commencement to ensure that suitable drainage can be installed in advance of starting works to prevent the increased risk of flooding from any sources in accordance with the NPPF.

20. Prior to the commencement of the approved development, details of the Suds features, attenuation basin maintenance regime programme and contact details of the management company must be submitted to and approved in writing by the Local Planning Authority. Thereafter, the development shall be carried out and maintained in accordance with the approved details.

Reason: This needs to be pre-commencement to ensure that suitable drainage can be installed in advance of starting works to prevent the increased risk of flooding from any sources in accordance with the NPPF.

21. Prior to the commencement of the approved development, details of pollution mitigation measures to be employed by the contractor to ensure no detrimental impact to watercourse during construction phase must be submitted to and approved in writing by the Local Planning Authority. Thereafter, the development shall be carried out in accordance with the approved details.

Reason: This needs to be pre-commencement to ensure that there is no pollution of or detrimental impact on the watercourse during construction works in in accordance with the NPPF.

22. Prior to the commencement of the approved development, a Flood Flow Analysis Report must be submitted to and approved in writing by the Local Planning Authority. Thereafter, the development shall be carried out in accordance with the approved details.

Reason: This needs to be pre-commencement to ensure that suitable drainage can be installed in advance of starting works to prevent the increased risk of flooding from any sources in accordance with the NPPF.

23. Development shall not commence until a detailed scheme for the disposal of foul and surface water from the development hereby approved has been submitted to and approved in writing by the Local Planning Authority in consultation with Northumbrian Water and the Lead Local Flood Authority. Thereafter the development shall take place in accordance with the approved details.

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

24. Prior to the use of any cranes over 90m in height at the application site a Crane Method Statement for the duration of the construction period must be submitted to and approved in writing by the Local Planning Authority. The statement shall provide the ground height of the site and stipulate the maximum height of any crane to be used on the site. All cranes over 90m in height must be fitted with 2000 candela steady red obstacle lights at their highest point, the light should be illuminated at all times during low light conditions and the jib shall only be in the raised position during use. The Airport's Air Traffic Control Service must be informed prior to use of the crane or any other construction equipment over 90m in height, which shall also be fitted with red obstacle lights and red steady obstacle lights at the highest point on the structure. The statement should set out at least the following:

- The exact location of the centre of the crane, as an OS Grid reference (to at least 6 figures for each of eastings and northings), or marked on a map showing the OS Grid each time the crane is raised and should be communicated with ATC;

- The maximum operating height in metres Above Ordnance Datum (AOD), or the height of crane Above Ground Level (AGL) plus ground level in AOD;
- The type of crane/equipment;
- The radius of the jib/boom of a fixed crane/the area of operation of a mobile crane;
- The intended dates and times of operation;
- Applicant's name and contact details, and;
- Proposed obstacle lighting to be installed (Low intensity steady red obstacle lights should be used).

Reason: In the interest of aerodrome safeguarding and in accordance with the National Planning Policy Framework.

25. All street lighting associated with the development should be fully cut off so as not to direct lighting up into the atmosphere with the potential to distract pilots flying aircraft overhead.

Reason: In the interest of aerodrome safeguarding and in accordance with the National Planning Policy Framework.

26. Prior to the commencement of the approved works above damp proof course level, the following details shall be submitted to and approved in writing by the Local Planning Authority:

- details (specification or samples) of all construction materials and hard surfacing finishes
- Location of flues, vents, utility boxes and any other utility equipment

Thereafter the development shall be carried out in accordance with the approved details.

Reason: In order to ensure that works are carried out in an appropriate manner with the advice in National Planning Policy Framework and Local Plan Policy DM6.1.

27. Prior to the first occupation of any part of the approved development details of the security fencing and golf ball netting (to include dimensions, materials and exact locations) must be submitted to and approved in writing by the Local Planning Authority. Thereafter, the development must be carried out in accordance with the approved details prior to first occupation and retained.

Reason: In order to ensure that works are carried out in an appropriate manner with the advice in National Planning Policy Framework and Local Plan Policy DM6.1.

28. No groundworks or development shall commence in Phase 1 until a programme of archaeological fieldwork (to include evaluation and where appropriate mitigation excavation) has been completed. This shall be carried out in accordance with a Written Scheme of Investigation approved in writing by the Local Planning Authority.

Reason: The site is located within an area identified as being of potential archaeological interest. The investigation is required to ensure that any archaeological remains on the site can be preserved wherever possible and recorded, in accordance with paragraph 205 of the NPPF, Local Plan S6.5 and policies DM6.6 and DM6.7.



29. The building(s) in Phase 1 shall not be occupied/brought into use until an assessment report of the results of the archaeological fieldwork undertaken in pursuance of condition 28 has been submitted to and approved in writing by the Local Planning Authority.

Reason: The site is located within an area identified as being of potential archaeological interest. The investigation is required to ensure that any archaeological remains on the site can be preserved wherever possible and recorded, in accordance with paragraph 205 of the NPPF, Local Plan S6.5 and policies DM6.6 and DM6.7.

30. No groundworks or development shall commence in Phase 3 until a programme of archaeological fieldwork (to include evaluation and where appropriate mitigation excavation) has been completed. This shall be carried out in accordance with a Written Scheme of Investigation approved in writing by the Local Planning Authority.

Reason: The site is located within an area identified as being of potential archaeological interest. The investigation is required to ensure that any archaeological remains on the site can be preserved wherever possible and recorded, in accordance with paragraph 205 of the NPPF, Local Plan S6.5 and policies DM6.6 and DM6.7.

31. The 150th completed dwelling shall not be occupied/brought into use until the final report of the results of the archaeological fieldwork undertaken in pursuance of conditions 28 and 30 has been submitted to and approved in writing by the Local Planning Authority.

Reason: The site is located within an area identified as being of potential archaeological interest. The investigation is required to ensure that any archaeological remains on the site can be preserved wherever possible and recorded, in accordance with paragraph 205 of the NPPF, Local Plan S6.5 and policies DM6.6 and DM6.7.

32. The 190th completed dwelling shall not be occupied/brought into use until a report detailing the results of the archaeological fieldwork undertaken has been produced in a form suitable for publication in a suitable and agreed journal and has been submitted to and approved in writing by the Local Planning Authority prior to submission to the editor of the journal.

Reason: The site is located within an area identified in the Unitary Development Plan as being of potential archaeological interest and the publication of the results will enhance understanding of and will allow public access to the work undertaken in accordance with paragraph 205 of the NPPF, Local Plan S6.5 and policies DM6.6 and DM6.7.

**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**

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 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 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, doors 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.

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.

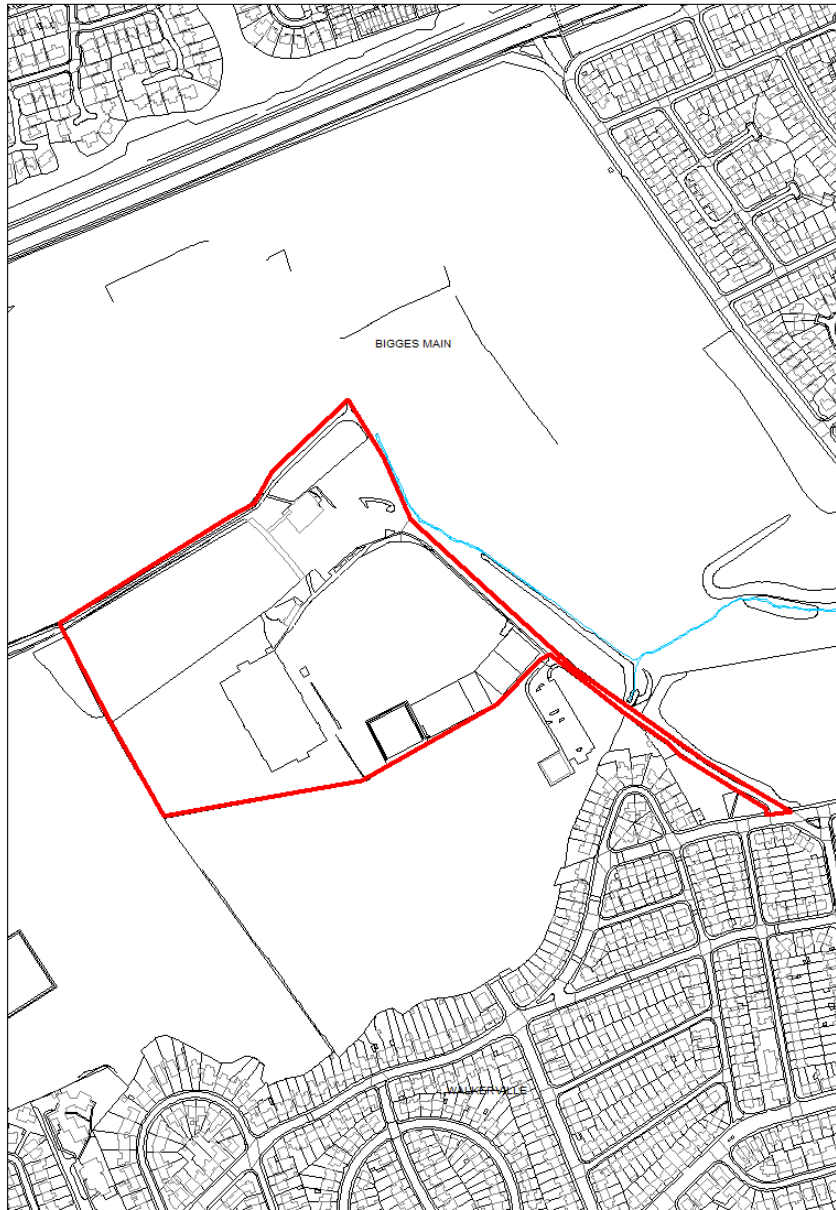
The applicant is advised that requests for Street Naming and Numbering must be submitted and approved by the Local Highway Authority. Any complications, confusion or subsequent costs that arise due to non-adherence of this criteria will be directed to applicant. Until a Street Naming and Numbering & 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 they may be required to provide waiting restrictions on the access road (Rheydt Avenue) and a residents parking permit scheme within the development to deal with potential overspill parking from adjacent uses. Contact [New.Developments@northtyneside.gov.uk](mailto:New.Developments@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.

Coal Mining Standing Advice (FUL,OUT) (144)



**Application reference: 22/01122/FUL**

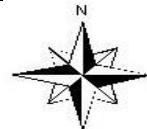
**Location: Land At, Centurion Park , Rheydt Avenue, Wallsend**

**Proposal: Full planning application for the erection of 215no. residential dwellings with access, landscaping, sustainable drainage and associated infrastructure (Archaeological Trenching Report uploaded 02.12.22)**

Not to scale

Date: 05.01.2023

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**Consultations/representations**

**1.0 Representations**

1.1 There have been 376no. individual responses to the public consultation from local residents. These are broken down into 367no. objections, 6no. support and 3no. representations. These are summarised below:

**1.2 Support:**

- Good for the local area, need more houses.
- Overall the plan looks fairly well thought out with a good mix of house sizes. I am a fan of the water run off pond which will provide areas for dog walking and assist wildlife. The left hand side of the plan could do with a bit of green spreading through it though.
- New estate will be an asset to Wallsend.
- Development would provide much needed larger houses to accommodate families.

**1.3 Objections:**

**1.4 Highways Issues**

- Exacerbation of existing major traffic problems due to the boys club.
- Inadequate parking provision.
- Narrow access road.
- Inadequate access for emergency vehicles.

**1.5 Amenity**

- Loss of residential amenity.
- Loss of accessible open amenity space for residents/dog walkers/children to play.
- Increase in air pollution.
- Danger to health and safety of school children.
- Impact on privacy.
- Noise/disturbance construction traffic.

**1.6 Character and Appearance/Design/Layout**

- Loss of open space.
- Inappropriate design.
- Out of keeping.
- Overdevelopment.
- Harmful impact on landscape.

**1.7 Environment/Greenspace/Biodiversity**

- Harm to wildlife.
- Pollution of watercourse.
- Loss of trees.

**1.8 Other**

- Too much council land being sold off for profit.
- Houses need to be kept affordable.

- Homes could be provided by refurbishment of present buildings at a more acceptable cost to our environment and an economy fit for the future.
- Impact on local infrastructure – schools, doctors, etc.
- Flooding.
- Loss of sporting facilities.
- Negative impact on Wallsend Boys Club.
- Development increases the amount of emissions that would increase the carbon footprint of the Borough, which would likely lead to the Authority missing its Carbon Net-Zero targets for 2030.

### 1.9 Wallsend Boys Club

1.10 A detailed objection has been submitted by Wallsend Boys Club, this is summarised below:

- Proposed development will restrict further investment in the Club and thus have a major impact on our ability to support and sustain the benefits we provide to the wider community.
- Direct conflict with the Local Plan, particularly policy DM5.2.
- Highway and pedestrian safety will be severely compromised.
- Proposal will severely inhibit the continued operation of the Boys Club, given the noise emanating from the club facilities which have not been properly addressed by the applicants.
- The Boys Club has a pressing need for expansion of their facilities which can only be achieved through efficiencies of the existing grounds or expansion northward (application site). This need and demand has failed to be addressed or acknowledged by the applicant, thus the proposal is in direct conflict with DM5.2 (a).
- Fails to accord with DM5.2 (c) as it cannot be said that it is not required to meet the shortfall in provision of green space associated with sports operated at the Boys Club.
- Contrary to policies S1.2, S1.4 and S5.1.
- Direct conflict with policy DM7.4 as it fails to promote sustainable travel and support resident's health and wellbeing.
- Rheydt Avenue is heavily used and barely wide enough to accommodate current users. It cannot be brought up to adoptable standards without the loss of trees or taking land from the edge of the golf course or Boys Club.
- On the days of operational use of the Boys Club parking on Rheydt Avenue prohibits movements north of the Club to single file traffic and pedestrians, including children, travail the length of the road passing between cars to stationary vehicles. Construction traffic and new residents vehicular movements would conflict with existing users.
- The Transport Statement underplays the number of proposed vehicle movements, which will give rise to substantial risk and danger and displace cars onto Rutland Road giving rise to conflict with users and residents.
- Development is not sustainable – distance to bus stops, local services etc.
- The noise survey was not undertaken over a typical 24 hour operational period of the Club, failing to take full account of activities undertaken at the club and the noise generated.
- Noise survey does not assess the impact of the use of the outdoor space associated with the extant approved permission for the extension to the Club House.

- We would question the conclusions which have been extrapolated using base evidence of a typical similar sports pitch. The facilities at the Boys Club are not a typical operational sports pitch by comparison.
- The application fails in any part to address the impact of the Club's flood lighting on the amenity of the future residents.
- We were surprised by the passive nature of Sport England in their consultation document dated 11 August 2022, clear conflict between their conclusion and SE's established policy. SE have not spoken to us and there is no evidence they have consulted with the Northumberland FA.

## 2.0 Member of Parliament

### 2.1 Mary Glindon MP for North Tyneside

2.2 I fully concur with the objection letter by Wallsend Boys Club. In particular the restrictions the development would place on the future expansion of the club, which in turn will directly affect the wider local community. I have been contacted by constituents living in the area, who have serious concerns about the increased volume of traffic the housing development will bring and also pedestrian safety, in relation to the school sited adjacent to the proposed development and the narrow residential streets.

## 3.0 Ward Councillors

### 3.1 Councillor Louise Marshall (Wallsend)

3.2 I request speaking rights. I have been consulting with residents and would like to present my findings to the committee to ensure their views are considered.

### 3.3 Councillor Gary Madden (Wallsend)

3.4 I have serious concerns for the impact this development will have on the narrow streets surrounding the entrance to the development. The road is blocked off at western school which will funnel traffic through the narrow streets. I was also assured by the owner of the land that they had no intention of trying to build homes on the course. This was at a public meeting during the waves of the pandemic.

3.5 I am also concerned about the knock-on effect this development will have on the boys club for parking. This will force additional cars onto the new development and onto Rutland, Cresswell, St Aidans, etc. this will be a nightmare for our residents. There is also the fact that this land is not designated for housing. It is for leisure facilities. The fact that the facilities were allowed to stop being used is a real shame but shouldn't detract from the fact that this land is not for housing. I would like the opportunity to speak.

## 4.0 Internal Consultees

### 4.1 Local Lead Flood Authority

4.2 I have carried out a review of the surface water drainage proposals as submitted as part of planning application 22/01122/FUL and established the potential flood risks associated with site and the surrounding area. I can confirm I have no objections to the proposed development as the site will be providing surface water attenuation in the form of a suds pond which will provide suitable attenuation for a storm event of 1 in 100 year + 40% allocation for climate change and 10% urban creep. The surface water treatment for the development will be

achieved via filter strips and attenuation basin before discharging into the Wallsend Burn.

4.3 I would request that the applicant verifies the proposed discharge rate for the development as there are discrepancies within the submitted documents for the proposed greenfield discharge rate with the Engineering plan showing 42.4 l/s discharge rate and the flood risk assessment stating 44.8 l/s. In addition can the applicant provide verification that surface water sewer from suds basin through to outlet is to be part of Section 104 agreement with Northumbrian Water.

4.4 I would also recommend that as part of the development proposals a new sloped faced culvert grille is provided on the inlet to the West Street culvert located within the adjacent golf course, this grille has a history of blockages due to its current design and as the proposed development will be discharging upstream into the Wallsend Burn increasing the current flow rates this will have a detrimental impact to the surrounding area by raising the flood risk at the culvert inlet. An improved culvert grille in this location will help to reduce the flood risk and will provide mitigation for the new development proposals to discharge the surface water from the site into the Wallsend Burn.

4.5 I will require the following conditions to be placed on the application;

- Further details of the proposed outfall into the Wallsend Burn to be provided to the LLFA prior to construction these should include details of the energy dissipation measures to be installed in the watercourse depending on design these may require consent from the Local Authority.
- Details of Suds features and attenuation basin maintenance regime programme and contact details of management company to be provided to LLFA. If this is to be adopted by Northumbrian Water written confirmation to be provided to LLFA.
- Details on pollution mitigation measures to be employed by contractor to ensure no detrimental impact to watercourse during construction phase to be provided to LLFA prior to construction.

4.6 I would be happy for a condition to be placed on the application requiring a flood flow analysis report to be produced if the application is successful.

#### 4.7 Design Officer

(Comments following receipt of additional information, provided 31.10.22):  
Following comments dated 27th July 2022, which raised concerns, further information has been submitted and the agent has responded to each of the concerns. Updated comments are set out below.

4.8 Amendments have been made to surface materials. These are acceptable. No further information has been submitted about the detailed landscape design although this can be conditioned.

4.9 The site is located in approximately the middle of Centurion Park Sports Centre and is surrounded on all sides by open space. Further information has been submitted about pedestrian connectivity. There will be a 2-metre-wide footway along the western side of Rheydt Avenue which will provide pedestrian connections to Wallsend and to the south of the site. A 5.5m access road would also provide space for on road cyclists. To the north of the site there will be two



connections onto the existing Public Right of Way for pedestrians and cyclists. The further information shows that the scheme will provide connections to help integrate into its surroundings, although there is likely to be a high dependency on car use.

4.10 In the middle of the site, there is a narrow section of existing landscaping which would be enclosed by rear boundary fences. This is a missed opportunity to create a focal point within the site layout. The site incorporates some areas of open space which accommodate existing landscaping, new SUDs and wildlife and biodiversity mitigation. There is no amenity grass as part of the layout, and it was recommended that an area with opportunities for recreation and play should be included. Some further information about open space provision within the wider area has been submitted but no changes to the provision of amenity open space has been made. In larger developments such as this one, it is important that areas of amenity open space are provided as part of designing successful places with opportunities for recreation and play. On the landscape plan, there is an area identified as "Centurion Golf Course Planning application area" which would be ideal for amenity open space. Further information is required about the intended use of this area and if this could be amenity green space.

4.11 Given the open nature of the surroundings, particular care is required to the design of the edges of the site. To the south of the site, there is an area of existing landscaping. Some rear gardens seem to extend into the area of existing landscaping and this results in very small areas of useable garden space. The trees are likely to impact on residential amenity and cause pressure for their removal in the future. This issue is referred to the Landscape Officer for further comments.

4.12 A boundary treatment plan has been submitted. On two sides of the site, a 2 metre high security fence is proposed along with a 100 metre long area of golf ball netting. This is required to protect properties from stray golf balls. This will be set between two existing hedgerows which will screen the appearance of the netting. Subject to an acceptable design, this is acceptable. The detailed design should be conditioned. The netting may pose a hazard to birds and bats, however this issue is referred to the Ecology Officer for comments.

4.13 Overall, the key issue which needs further consideration is providing some amenity open space as part of designing successful places. 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.

4.14 Suggested Conditions:

MAT03 Materials of construction

LAN003 Landscape design proposals

LAN005 Landscape works implementation

Detailed design of security fencing and golf ball netting

External features (Vents, flus and meter boxes)

4.15 (Original Comments provided 22.07.22):

Previous discussions have been undertaken for this site, and advice provided about the design and layout. There are minor changes to the layout but in general it remains the same.

4.16 The site is located in approximately the middle of Centurion Park Sports Centre and is surrounded on all sides by open space. The proposed location would be an isolated development rather than being connected to the existing community. There are some links to existing pedestrian routes, although it is unclear if these have lighting to help meet the needs of walking and cycling at different times of the day. Further information is required about pedestrian connectivity and consideration should be given to opportunities to connect and improve existing footpaths, cycleways and bridleways. There are no bus stops proposed within the layout and there is likely to be a high dependency on car use. There are bus stops nearby the site although it appears complicated or lengthy to reach these by foot.

4.17 The layout includes a mix of property types and sizes. The architectural design of the house types is in general acceptable although some units would benefit from further variation of detailing or materials. The units are arranged well to provide a distinct arrival point with units overlooking the open space and main road into the site. There are primary and secondary roads that vary in width. Street trees are shown on the landscape plan, however no detailed information has been submitted to ensure that the right tree species are planted in the right places.

4.18 The site incorporates some areas of open space, however these accommodate existing trees or new SUDs. In the middle of the site, there is a narrow section of existing landscaping which would be enclosed by rear boundary fences. This is a missed opportunity to create a focal point within the site layout. There is no amenity grass as part of the layout and including an area with opportunities for recreation and play should be reviewed. Including this type of space, would increase the design quality and functionality of the site for future residents. A bowling green is proposed to be retained although it is not clear if there is any parking associated with this to facilitate easy access and continued use of the space.

4.19 Amendments are required to surface materials to create a well-designed area with a sense of character. Visitor parking bays are proposed to be surfaced in tarmac. This should be amended to blocks to contribute towards a well-designed street scene. This is a requirement of the Design Quality SPD which states "visitor car parking should be enhanced in suitable adoptable materials, such as block paving, to improve the street scene". This is expected on all new developments. Key junctions and feature points within the road layout should also be broke up with other suitable materials. On the surface material plan, driveways are illustrated in block work, however the description proposes tarmac. This should be amended.

4.20 Given the open nature of the surroundings, particular care is required to the design of the edges of the site. To the south of the site, there is an area of existing landscaping. Some rear gardens seem to extend into the area of existing landscaping and result in very small areas of useable garden space. To the west

of the site there is existing landscaping (with some gaps) and a native hedge is proposed to be planted. No detailed information has been submitted about the width and species mix of this hedge and further information is required.

4.21 A boundary treatment plan has been submitted which describes different types of boundary treatments. Illustrations of the different boundary treatments are required. On two sides of the site, a 2 metre high security fence is proposed although no reason is given for this. A 100 metre long area of golf ball netting is required near some of the houses. There are concerns about the appearance of this. The netting may also pose a hazard to birds and bats, however this issue is referred to the Ecology Officer for comments.

4.22 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.

#### 4.23 Highway Network Manager

4.24 This application is for the erection of 215 residential dwellings with access, landscaping, sustainable drainage, and associated infrastructure.

4.25 A Transport Assessment (TA) was submitted as part of the planning application that analysed junctions in the vicinity of the site as well as the proposed site accesses and the impact of the development on the adjacent highway network is not considered to be severe.

4.26 The site will be accessed via Rheydt Avenue, which will be brought up to an adoptable standard along with some improvements at the junction with Rutland Road.

4.27 Parking will be provided in accordance with current standards and the proposed highway layout is acceptable. The site has reasonable links with public transport and the development will be linked with the existing footpath to the north. Recommendation - Conditional Approval

4.28 The applicant will be required to enter into a Section 278 Agreement with the Local Authority for the following works as set out in drawing number 22-069/02 - Revision E:

4.29 Upgrade of roads and footpaths on Rheydt Avenue to an adoptable standard

Alterations to existing access of Rheydt Avenue with Rutland Road

Pedestrian refuge on Rutland Road

Associated drop crossings

Associated highway drainage

Associated street lighting

Associated traffic calming

Associated road markings

Associated signage

Associated legal orders

4.30 Conditions:

4.31 Notwithstanding the details submitted, a programme for the delivery of the following off-site highway works as set out in drawing number 22-069/02 - Revision E: and subject to Technical Approvals and Road Safety Audits, shall be submitted to and approved in writing by the Local Planning Authority and retained thereafter:

4.32 Upgrade of roads and footpaths on Rheydt Avenue to an adoptable standard

Alterations to existing access of Rheydt Avenue with Rutland Road

Pedestrian refuge on Rutland Road

Associated drop crossings

Associated highway drainage

Associated street lighting

Associated traffic calming

Associated road markings

Associated signage

Associated legal orders

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

4.33 Notwithstanding the details submitted, the scheme for roads, footpaths, internal junctions, shared surfaces, turning areas, traffic calming and visibility splays shall be laid out in accordance with the approved plans. These 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).

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

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

4.35 Notwithstanding the details submitted, the scheme for cycling & pedestrian links within the site and connecting into the wider network shall be laid out in accordance with the approved plans. 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).

4.36 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).

4.37 Notwithstanding the details submitted, the scheme for storage of cycles shall be laid out in accordance with the approved plans and prior to the

occupation of each dwelling. These storage areas shall not be used for any other purpose and retained thereafter.

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

4.38 Notwithstanding the details submitted, no part of the development shall be occupied until a scheme for Electric Vehicle (EV) charging points for each dwelling has been submitted to and approved by in writing the Local Planning Authority. There This scheme shall be implemented in accordance with the approved details before the development is occupied and retained thereafter.

Reason: In the interests of promoting sustainable transport.

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

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

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

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

4.41 Informatives:

4.42 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.

4.43 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.

4.44 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.

4.45 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

4.46 The applicant is advised that no part of the gates, doors 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.

4.47 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.

4.48 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.

4.49 The applicant is advised that they may be required to provide waiting restrictions on the access road (Rheydt Avenue) and a residents parking permit scheme within the development to deal with potential overspill parking from adjacent uses. Contact [New.Developments@northtyneside.gov.uk](mailto:New.Developments@northtyneside.gov.uk) for further information.

4.50 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.

4.51 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.

#### 4.52 Sustainable Transport

4.53 This application is a full planning application for the erection of 228no residential dwellings (*revised to 215no. dwellings*) with access, landscaping, sustainable drainage and associated infrastructure at Rheydt Avenue in Wallsend. There is an existing Public Right of Way running along the north of the site and existing claimable paths to the east of the site.

#### 4.54 Sustainable Travel / PROW Recommendations:

The following recommendations would be expected to be taken into consideration to improve the permeability of the site:

1. Footpath link opposite Plot 172 – This should be relocated west to connect into the footway near Plot 139.
2. Existing Bridleway is should be reconstructed from Cherrywood to the link path referenced in Recommendation 1. The bridleway should be 3m wide and constructed in flexible paving, with a 1m verge on both sides. The bridleway should be illuminated.
3. Existing Bridleway east of path referenced in Recommendation 1 should be reconstructed with a dust footway. We would recommend the dust footway extends east from the link path around the northern, then eastern perimeter of the site and connects to the VP bays on Rheydt Avenue. This should also be illuminated.
4. We would recommend a 3m wide flexible footpath between Plot 51 and Plot 9. This should be illuminated.

4.55 The recommendations above look to seek walking, wheeling and cycling improvements through the estate.

4.56 I am aware that the Development Control team have discussed changes with the applicant and advised them that the Sustainable Transport and PROW comments would be issued. We would be more than happy to discuss these recommendations with the applicant in a meeting if required.

#### 4.57 Environmental Health (Pollution)

4.58 I have reviewed the updated air quality assessment. The air quality assessment has considered the potential increase in air pollutants resulting from the development. The principal pollutants of concern are nitrogen dioxide and particulates, arising from road traffic vehicles. The air quality assessment has concluded that there will be a negligible increase in both nitrogen dioxide and particulates and overall air pollutant levels will be below the air quality objective levels for NO<sub>2</sub> and particulates if the development was to occur. With regard to

PM2.5 levels, although there is a limit level within the 2010 Regulations there are no specific target limits set within the LAQM Technical Guidance (TG22) for Local Authorities in England to work towards. It is recognised that there are no safe levels for particulates and that Local Authorities must have policies in place to reduce the levels to as low a level as possible. Mitigation measures have been recommended within the air quality assessment that includes for transport relates measures such as electric vehicle charging infrastructure and travel plans. Construction dusts have also been considered and a condition is recommended to ensure the dust mitigation measures as outlined in appendix D of the report are implemented as the track out risk has been assessed as medium.

4.59 I have reviewed the Memo response dated 8th November 2022 regarding the noise assessment. I note that the applicant suggests that the measurements obtained from one location over a 24-hour period is representative based on the dominant noise being road traffic on the Coast Road. An updated assessment for the football pitches has been carried out which has modelled the noise based on 6 football pitches being used. This has shown that the noise exposure at the nearest residential houses will be 51 dB at the façade. Garden amenity for the majority of the properties will be below 50 dB LAeq and below the World Health Organisation Community Noise guidance level of 55 dB LAeq.

4.60 The noise assessment Memo has outlined that noise from the proposed golf driving range is unlikely to give rise to nuisance and likely to be inaudible given the distance to the new residential properties. Noise from the grass cutting at the golf course has been assessed and shown to give noise levels of 44.3 dB LAeq for the activity, some 10 dB below existing background noise levels.

4.61 The daytime noise levels for internal spaces should aim for a level of 35 dB and night time of 30dB in accordance to WHO Community noise guidelines. The consultant has shown that internal noise levels can be achieved, with open window. And has recommended a glazing specification of 4 /6-16mm/ 4.

4.62 If planning consent is to be given I would recommend the following conditions:

4.63 Prior to occupation submit and implement on approval of the local Planning Authority a noise scheme in accordance with Section 7 of noise report LAE1177.1, providing details of the acoustic specification of the window glazing to be provided to habitable rooms, to ensure bedrooms meet the good internal standard of 30 dB LAeq T at night and prevent the exceedance of Lmax of 45 dB(A) and living rooms meet an internal equivalent noise level of 35dB LAeq T in accordance with the World Health Organisation community noise guidelines and BS8233.

4.64 HOU04 and SIT03

#### 4.65 Contaminated Land Officer

I have read the Phase 2 report and the Remediation & Enabling Works Strategy. The Remediation & Enabling Works Strategy stated:



“Table 3.1 Enabling Works Schedule, Section RE-7

At the time of the site investigation parts of the site were occupied by buildings, hardstanding and live utility services, which restricted access for the investigation of these areas. As and when the site is cleared, further investigation should be undertaken in these areas to confirm ground conditions. Samplings of Made Ground should be taken, and further samples will be collected to assess the potential presence of any contamination that would represent a risk to chronic human health or the wider environs. Where a potentially unacceptable degree of risk is identified, or where contamination or ground conditions different from those already encountered on the site, the remediation strategy will need to be revised accordingly and in agreement with the regulatory authorities.”

4.66 As further site investigation works are proposed works then Con 004 will be required to attached. As the remediation strategy may need to be revised Con 005 with still need to be attached. As remediation works have been identified as being required Con 006 will need to be attached. Con 007 is required to be attached.

4.67 The site investigation has indicated that no gas protection measures are necessary. Although a number of the boreholes were flooded on occasion, I am satisfied that sufficient readings were taken to support the outcome of this assessment. No gas condition is required.

4.68 Biodiversity & Landscape

Concerns have been raised in response to a lack of detailed information on the landscape plan, biodiversity net gain plan and calculations, loss of hedgerows, impact on the wildlife corridor and open space. The applicant has provided additional and revised information in order to address these concerns. The Biodiversity Officer and Landscape Architects have been consulted on the additional information and their comments will be reported to Planning Committee via an addendum.

5.0 External Consultees

5.1 Sport England

5.2 (Comments in response to re-consultation, provided 22.11.22):

5.3 Further to Sport England’s response dated 11 August, I wanted to provide further clarity about the sport National Governing Bodies (NGBs) that Sport England engaged with and to confirm Sport England’s understanding of where the quantitative element of playing field had been replaced.

5.4 Consultation with National Governing Bodies (NGBs):

Sport England consulted with relevant National Governing Bodies and comments about their respective sports were provided by the Football Foundation (on behalf of the Football Association (FA) in consultation with the Northumberland FA), England Golf, England Bowls, England and Wales Cricket Board (ECB) and England Hockey (EH).

5.5 Sport England formalised consultation procedures with the pitch sport NGBs in 2014 in a Memorandum of Understanding. This process has provided additional detail and understanding for Sport England in making statutory responses on the impact of development for sports at both site level and more

broadly across a local area. NGB feedback on the planning application suggests measures agreed in 2001 have had mixed results for the respective sports.

#### 5.6 The Proposal and Replacement Playing Field:

The proposed development will result in the complete loss of the disused playing field at the application site amounting to an area of circa 6 hectares. The applicant has set out in an Open Space Assessment how the playing field and associated facilities were replaced following the site being first proposed for redevelopment in 2001. The document is both comprehensive and detailed but contains a number of points which Sport England sought clarification upon. The Assessment's detail has been confirmed and supported by correspondence from the Council's Head of Sport, Leisure and Libraries. The correspondence confirms the Council's understanding of Sport England's requirements for the application site's replacement under playing field policy, and the subsequent measures and schemes that the Council undertook to address them. Housing development did not proceed at that point in time, but the agreed playing field replacement did, in anticipation of the site being brought forward for development in the future.

5.7 Having reviewed aerial photos, associated planning approvals, and strategy documents, Sport England accepts that replacement playing field of sufficient quantity was created immediately south of the application site (approximately 6.5Ha), and to the west of Churchill Community College (approximately 0.93Ha) meaning that the quantitative test within playing field policy exception 4 has been met.

5.8 Notwithstanding ECB and EH views on how successful the implemented replacement playing field measures have been, Sport England accepts that playing field policy had been addressed to the Council's best endeavours at that time and in accordance with the advice provided by Sport England in 2001. Some of the issues that have become apparent for individual sports are usually highlighted by regular joint working by Sport England, NGBs and the Local Authority on an assessment of the adequacy of playing pitch provision followed by a strategy and action plan to tackle measures identified. The Council's Playing Pitch Strategy is however now 5 years out of date and this application has exposed sports concerns that the Council is acting incrementally without the strategic overview as to the spatial adequacy of pitch provision compared to the needs of the clubs and teams participating in pitch sports. Sport England shares these concerns.

5.9 Again, we strongly urge the Council to commit to working with Sport England and the respective sports NGBs to undertake a new Playing Pitch Strategy for the District.

5.10 (Comments in response to original consultation, provided 11.08.22):

#### 5.11 The Proposal and Impact on Playing Field:

The proposed development will result in the complete loss of the disused playing field at the application site.

#### 5.12 Assessment against Sport England Policy:

This application relates to the loss of existing playing fields and/or the provision of replacement playing fields. It therefore needs to be considered against exception 4 of the above policy, which states:

5.13 'The area of playing field to be lost as a result of the proposed development will be replaced, prior to the commencement of development, by a new area of playing field:

- of equivalent or better quality, and
- of equivalent or greater quantity, and
- in a suitable location, and
- subject to equivalent or better accessibility and management arrangements.'

5.14 I have therefore assessed the existing and proposed playing fields against the above policy to determine whether the proposals meet exception 4.

#### 5.15 Assessment of Existing Playing Fields:

The proposal will involve the loss of 6Ha of playing of partly disused playing and a golf driving range. Aerial photos from 2001 show how the site was previously used when fully operational. A tree/hedgerow line running north-south roughly divides the site in two. To the east there was a cricket ground, adult football pitch, a bowling green and a series of floodlit MUGAs. To the west there was a floodlit short pile AGP and a further (under 18s) football pitch.

#### 5.16 Assessment of Proposed Playing Fields:

The applicant has set out how the playing field and associated facilities were replaced following the site being first proposed for redevelopment in 2001. The document is both comprehensive and detailed but contains a number of points which Sport England has sought clarification upon. We have also engaged with the NGBs of the pitches and facilities which the application formerly hosted. Their responses are:

5.17 Football - Wallsend Boys Club was previously user of the application site many years ago, using what were the Leisure Centre's grass pitches. However, the club has since over time developed its own site adjacent to the south for grass pitches, a 3G pitch and pavilion which is earmarked for further development. Consequently, the club ceased using the leisure centre facilities over time in line with the development and growth of its own onsite provision. We are satisfied that the principle of off-site mitigation has been demonstrated as acceptable through previous consents (not acted upon) and that the facilities proposed for loss at the application site have been suitably replaced across three other sites as required of the previous planning consents, one of which was at Wallsend Boys Club directly adjacent.

5.18 Golf - It would appear that the facilities connected to the golf course that are affected as part of this application are being replaced and subject to a separate application which has been approved. On that basis, there are no concerns regarding the loss of facilities outlined in this application.

5.19 Bowls - The application includes retention of the bowling green therefore we have nothing to add.

5.20 Cricket - Wallsend CC used to play there but moved to a school site in 2008 due to poor quality facilities. The site was subsequently used as a site for "Last Man Stands". This ceased around 9 years ago – again because of perceived poor quality facilities. Facilities have not been replaced and local PPS show large local demand for facilities with local residents travelling significant distances to play cricket. Given the above we believe financial contribution into Backworth and Percy Main cricket clubs would be beneficial to help improve their facilities in areas of deprivation.

5.21 Hockey - The AGP on site was formally the home of Tynemouth HC and Whitley Bay HC and was vibrant site both on grass and then with an AGP when the sport shifted to artificial turf. EHs understanding and local intelligence has told us that the site was not maintained or invested into so clubs had no choice but to move away due to the dangerous condition of the surface. If the site were to be brought back into a usable state then clubs would come back. The conclusion of the document is incorrect for hockey in suggesting that the replacement of the AGP has been satisfied by building a 3G pitch on neighbouring land. 3G is not an appropriate surface for Hockey and cannot be accepted as being suitable replacement. There is a shortfall of Hockey facilities in North Tyneside with clubs being exported to pitches located in Newcastle City Council area and at times even further afield. EH would expect for the replacement of this facility as part of any mitigation for the development of this land. The conclusion of the document is insulting to Hockey by suggesting that the replacement of the AGP has been satisfied by building a 3G pitch on neighbouring land. 3G is not an appropriate surface for Hockey and cannot be accepted as being suitable replacement. There is a shortfall of Hockey facilities in North Tyneside with clubs being exported to pitches located in Newcastle City Council area and at times even further afield. EH would expect for the replacement of this facility as part of any mitigation for the development of this land.

5.22 Having reviewed aerial photos and associated planning approvals, Sport England accepts that replacement playing field of sufficient quantity was created immediately south of the application site, and adjacent to Churchill Community College mean that the quantitative test within playing field policy exception 4 has been met.

5.23 Given the elapse of time it is more difficult to reach a definitive conclusion about qualitative test. The cricket club moved off the site in 2008 as a cricket wicket had also been created at Churchill Community College. Clearly a single wicket is not an adequate replacement for a multi-wicket ground that had its own pavilion and it is noted that Wallsend Cricket Club has not survived the intervening period. Sport England shares ECB's concerns that this may have placed additional strains on remaining local clubs.

5.24 Hockey are correct to point out that the AGP developed at Burnside College cannot be used for hockey as it is has a pile length and infill unsuited to hockey. The Council has subsequently advised that it is ensured (during refurbishment) that the two AGPs at the Parks Sports Centre have remained as short pile

surfaces in order to provide for hockey's needs. We note the merger of the two former separate clubs into one entity and England Hockey's claims as to shortage of provision across the district.

5.25 On balance, we consider that playing field policy exception 4 has been met, albeit the passage of time suggests that some measures has proved successful for some sports and less so for others. The Council's Playing Pitch Strategy is now 5 years out of date and this application has exposed sports concerns that the Council is acting incrementally without the strategic overview as to the spatial adequacy of pitch provision compared to the needs of the clubs and teams participating in pitch sports. Sport England shares these concerns.

5.26 Conclusions and Recommendation:

Given the above assessment, Sport England does not wish to raise an objection to this application as it is considered to broadly meet exception 4 of the above policy.

5.27 We would however strongly urge the Council to commit to working with Sport England and the respective sports to undertake a new Playing Pitch Strategy for the District.

5.28 Sport England would also like to be notified of the outcome of the application through the receipt of a copy of the decision notice.

5.29 The absence of an objection to this application, in the context of the Town and Country Planning Act, cannot be taken as formal support or consent from Sport England or any National Governing Body of Sport to any related funding application, or as may be required by virtue of any pre-existing funding agreement.

5.30 Newcastle City Council

5.31 (Comments in response to re-consultation, provided 22.12.22 - Flooding):  
The response proposes that Flood Flow Analysis is conditioned and that no objection has been received from North Tyneside LLFA. Newcastle LLFA will contact North Tyneside LLFA to ensure a suitably worded condition is applied to the application. We have no further objection to the proposal.

5.32 (Comments in response to re-consultation, provided 20.12.22 – Highways):  
My colleagues in highways have advised that the comments in paragraph 5.11 regarding the trip distribution are noted, however there are still concerns that the flow diagram figure 13 does not show the likely traffic flow on Appletree Gardens. Nor does the trip distribution take into account times when the Coast Road would be busy and residents would seek alternative routes. To address these concerns, Highways would request a financial contribution towards the Low Traffic Neighbourhood scheme in the Appletree Gardens area.  
Therefore, Newcastle City Council's position is to maintain the objection given the lack of evidence on impacts on local road network.

5.33 (Comments in response to original consultation, provided 29.07.22):  
From an adjoining authority perspective, the main issues are flood risk and highways matters. I have consulted colleagues on these issues and have the following comments.

5.34 In relation to flood risk, the site is at high risk of surface water flooding. Flooding appears to be contained with the site, which may be providing protection to downstream properties. However, as the site is to be positively drained, a well-designed SuDS can improve flood risk in the area. The drainage strategy is to attenuate surface water in a basin at the low lying south eastern corner of the site before discharge from the site into the Wallsend Burn to the east. The site is downstream of the flood defences in Benfield School that protect properties on Appletree Gardens and adjacent streets.

5.35 This defence should not be affected by the proposal, but the bund at Wallsend Boys' Club in North Tyneside looks as though it would retain any off-site flows from the development. If these flows increase as a result of the development, this would be acceptable for residents on Appletree Gardens and adjacent streets in Newcastle. The proposal will need to ensure that the SuDS are designed to manage the 1 in 100 year storm event with allowance for climate change on site and that exceedance beyond this is managed away from properties. The engineering layout suggests there is little in the way of source control SuDS on the site which means overland flows are likely to be generated.

5.36 Newcastle City Council object to the proposal unless and until the applicant has submitted a flood flow analysis (acceptable to North Tyneside LPA) that shows overland flows from the site are not increased as a result of the proposed development.

5.37 In relation to highways matters, you may be aware that Newcastle City Council made a pre-application response to North Tyneside Council. This was as follows:

5.38 According to our ward maps the city boundary runs to the east of the properties on the east side of Alderwood Crescent and Oaktree Avenue, meaning that only a very short section of Rutland Road is under our jurisdiction.

5.39 I would see that the most appropriate way to manage the site and its new traffic is to ensure it all travels via Rutland Road and West Street to access the primary road network. There should be no need to gain access through the Appletree Gardens estate. The access from Rutland Road into Rheydt Avenue should be constructed so it is right in and left out only, which will discourage any traffic travelling through the estate.

5.40 The whole of Appletree Gardens estate has a 7.5T weight limit in place except for access to properties on the estate so any CMS should ensure that all construction traffic accesses via their main site entrance directly onto Rutland Road and West Avenue.

5.41 I should imagine that the Appletree Gardens estate will be somewhere that we will be expecting to introduce LTN measures to cut routes through the estate

which may deal with this issue in advance of the development. I would be tempted to consider asking for a closure of Rutland Road somewhere around the city boundary which would help mitigate any issues for us though.

5.42 The Transport Assessment submitted with the application has been reviewed. It is considered that the Transport Assessment should be updated to include baseline survey data in the vicinity of the site access. The proposed access arrangements for the development make use of the existing access from Rheydt Avenue, this will be the main access for the development. The trip distribution appears to be suggesting that traffic travels via Rutland Road to the east of the access. The Transport Assessment assumes that no trips are predicted to go through the Walkerville estate. We have concerns that this would not be correct. Some vehicles would use Appletree Gardens unless there is something preventing them from doing so. The Transport Assessment states that trips generated by the development will dilute across three directions, with the majority heading either east or north to access the Coast Road. The Transport Assessment does not include any junction capacity assessments. Newcastle City Council object to the proposal unless and until the applicant has submitted details of what measures are proposed to deter vehicles from travelling through Walkerville estate

5.43 In summary, Newcastle City Council object to the proposal unless and until the applicant has submitted details to show that overland water flows from the site are not increased and details of how vehicles will be deterred from travelling through Walkerville estate.

#### 5.44 The Coal Authority

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

#### 5.46 Tyne and Wear Archaeology Officer

5.47 (Response provided 05.01.23)

I have reviewed the report, and I agree with that further work is required in relation to the probable prehistoric features in trench 6, and Coxlodge Wagonway in trench 2. There is also the remaining trial trenching in the northwest quadrant to do. AD Archaeology have submitted a Written Scheme of Investigation (WSI) to me which is fundamentally sound. I have adapted the standard conditions, as attached, to accommodate the remaining trial trenching, and the further work, and some of Bellway's request re phasing for each phase of construction:

##### 1 Archaeological Excavation and Recording Condition (Phase 1)

No groundworks or development shall commence in Phase 1 until a programme of archaeological fieldwork (to include evaluation and where appropriate mitigation excavation) has been completed. This shall be carried out in accordance with a Written Scheme of Investigation approved in writing by the Local Planning Authority.

Reason: The site is located within an area identified as being of potential archaeological interest. The investigation is required to ensure that any

archaeological remains on the site can be preserved wherever possible and recorded, in accordance with paragraph 205 of the NPPF, Local Plan S6.5 and policies DM6.6 and DM6.7.

#### 2 Archaeological Post Excavation Report Condition (Phase 1)

The building(s) in Phase 1 shall not be occupied/brought into use until an assessment report of the results of the archaeological fieldwork undertaken in pursuance of condition ( 1 ) has been submitted to and approved in writing by the Local Planning Authority.

Reason: The site is located within an area identified as being of potential archaeological interest. The investigation is required to ensure that any archaeological remains on the site can be preserved wherever possible and recorded, in accordance with paragraph 205 of the NPPF, Local Plan S6.5 and policies DM6.6 and DM6.7.

#### 3 Archaeological Excavation and Recording Condition (Phase 3)

No groundworks or development shall commence in Phase 3 until a programme of archaeological fieldwork (to include evaluation and where appropriate mitigation excavation) has been completed. This shall be carried out in accordance with a Written Scheme of Investigation approved in writing by the Local Planning Authority.

Reason: The site is located within an area identified as being of potential archaeological interest. The investigation is required to ensure that any archaeological remains on the site can be preserved wherever possible and recorded, in accordance with paragraph 205 of the NPPF, Local Plan S6.5 and policies DM6.6 and DM6.7.

#### 4 Archaeological Post Excavation Report Condition

The 150th completed dwelling shall not be occupied/brought into use until the final report of the results of the archaeological fieldwork undertaken in pursuance of conditions (1 and 3) has been submitted to and approved in writing by the Local Planning Authority.

Reason: The site is located within an area identified as being of potential archaeological interest. The investigation is required to ensure that any archaeological remains on the site can be preserved wherever possible and recorded, in accordance with paragraph 205 of the NPPF, Local Plan S6.5 and policies DM6.6 and DM6.7.

#### 5 Archaeological Publication Report Condition

The 190th completed dwelling shall not be occupied/brought into use until a report detailing the results of the archaeological fieldwork undertaken has been produced in a form suitable for publication in a suitable and agreed journal and has been submitted to and approved in writing by the Local Planning Authority prior to submission to the editor of the journal.

Reason: The site is located within an area identified in the Unitary Development Plan as being of potential archaeological interest and the publication of the results will enhance understanding of and will allow public access to the work undertaken in accordance with paragraph 205 of the NPPF, Local Plan S6.5 and policies DM6.6 and DM6.7.

(Response provided 03.11.22):



5.48 Following the previous submission of an archaeological desk-based assessment carried out in 2021 by AD Archaeology (HER event 5309 report 2021/94), the applicant has submitted a report on an Archaeological Geophysical Survey (HER event 5324 report 2022/34). Subsequently Tyne and Wear Archaeology have provided a specification for archaeological trial trenching. This has been under discussion with the applicant's archaeological contractor, AD Archaeology, and a programme for evaluating the site is now in place. As not all of the site is currently available for archaeological fieldwork, it is not possible to carry out all of the trial trenching prior to determination of the application, and I have therefore requested that conditions should be applied to any consent (email of 13 October 2022).

5.49 (Response provided 13.10.22):

5.50 Regarding my comments on this application, the applicant has commissioned an archaeological contractor to carry out trial trenching, but they are having major problems with access as the current occupants of the site want to keep the driving range and cricket pitch in use and avoid damage, and the area around the clubhouse has live drainage.

5.51 In view of this I would like to revise my comments to allow trial trenching post-determination to be secured by conditions

#### 5.55 Northumbrian Water Limited

5.56 At this time the planning application does not provide sufficient detail with regards to the management of foul and surface water from the development for Northumbrian Water to be able to assess our capacity to treat the flows from the development. We therefore request the following condition:

5.57 Development shall not commence until a detailed scheme for the disposal of foul and surface water from the development hereby approved has been submitted to and approved in writing by the Local Planning Authority in consultation with Northumbrian Water and the Lead Local Flood Authority. Thereafter the development shall take place in accordance with the approved details.

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

#### 5.58 How to Satisfy the Condition

The applicant should develop their surface water drainage solution by working through the Hierarchy of Preference contained within Revised Part H of the Building Regulations 2010. Namely:-

- Soakaway
- Watercourse, and finally
- Sewer

#### 5.59 Northumbria Police

5.60 In July Northumbria Police offered the following comment:

#### 5.61 Boundary Treatments

I have noted the Design and Access Statement (DAS) makes mention of Secured by Design (SBD) and that "the development broadly accords with Secured by

Design principles". It is disappointing therefore to see (as per the Boundary Treatment Plan (Drawing No. SD-10.03) the sub-divisional fencing is a 900mm high post and rail fencing. This type of fencing does not deter or prevent anyone from unlawfully moving from one garden to another. I would recommend a sub-divisional boundary of 1.8m high fence, which could consist of a minimum 1.5m solid fence with 300mm of trellis topping.

5.62 It is therefore disappointing that the applicant persists (see drawing SP-10.33) with a style of sub-divisional fencing that will do nothing to offer security for the residents. Over recent years developers have increasingly made reference to Secured by Design but fall short of adopting it, and that of course is their privilege, but the Applicant espouses secured by design principles but submits a layout design that has Plots 94 to 139 backing onto open ground and 215 plots with inadequate sub divisional boundaries.

5.63 Design Quality Supplementary Planning Document May 2018 states that :

#### 4.10 Boundary Treatments

Boundary treatments can help to contribute towards the character of an area, improve the public realm and contribute towards natural surveillance and safety. Boundary treatments are an important feature of a property whether to its front, side or rear. It encloses not only the buildings but the space between the buildings which is often a road or street. Corner properties require careful consideration to avoid a monotonous and scene; sensitive planting can be used to make street corners more attractive.

In considering the design and siting of boundary treatments, a balance has to be struck between privacy, safety and security and aesthetic considerations. Boundary treatments should relate to the property that it surrounds and be appropriate to the appearance, style and scale of the building and street scene.

5.64 This development is on the D3 Policing sector, where in 2021/22 there were 196 Burglaries and in the first seven months of 2022/23 there have already been 103. It is our position that the Applicant has to do more than play lip service to Secured By Design and deploy 1.8m close boarded fencing.  
Reason: To accord with Para 92(b) and 130(f) of the NPPF

#### 5.65 Newcastle International Airport

5.66 The Airport has the following comments to make in relation to the proposals.

#### 5.67 Bird Strike Risk Assessment:

Given the proximity of the site to flight paths, and the proposed SUDS, the Airport previously requested that a Bird Strike Risk Assessment should be undertaken to inform the development of the scheme. The Airport welcomes the fact that this has now been submitted as part of the application. The Airport accepts the findings of the report and that the SUDs element, landscaping features, construction phase and building design are not likely to attract and support hazardous birds that could detrimentally impact the Airport's operations.

#### 5.68 Physical Development:

Given the location of the proposed development, NIAL would request that a crane method statement is produced for any crane or construction equipment that is over 90 metres in height and this should be conditioned upon planning decision.

5.69 Cranes used during operation may be a physical hazard to airlines, as well as potentially impacting on protected navigational surfaces. In order to assess this, NIAL require the ground height of the site and an indication from the developer what the maximum height of the cranes will be.

5.70 NIAL request that a crane method statement is produced for any crane that is over 90 metres in height, and we request that this is conditioned upon planning decision.

5.71 As the crane could present a collision hazard to low flying aircraft, it is essential that any crane above 90m in height is suitably lit and is identified on airspace maps. The highest point of the crane should also be fit with a 2000 candela steady red obstacle light. The light should be illuminated at all times during low light conditions. If a crane or other construction equipment over 90m in height is required, it is requested that the jib is only in the raised position during use, the Airport's air traffic control service is informed before use, should be fit with lighting, and work should cease during poor visibility and cloud ceilings. The crane will need to be fitted with red obstacle lights and fitted with red steady obstacle lights. The lights should be located at the highest point on the structure and be lit at all times when the jib is in the raised position. The crane method statement should at least set out the following:

- The exact location of the centre of the crane, as an OS Grid reference (to at least 6 figures for each of eastings and northings), or marked on a map showing the OS Grid each time the crane is raised and should be communicated with ATC;
- The maximum operating height in metres Above Ordnance Datum (AOD), or the height of crane Above Ground Level (AGL) plus ground level in AOD;
- The type of crane/equipment;
- The radius of the jib/boom of a fixed crane/the area of operation of a mobile crane;
- The intended dates and times of operation;
- Applicant's name and contact details.
- Proposed obstacle lighting to be installed (Low intensity steady red obstacle lights should be used).

#### 5.72 Landscaping:

The Airport accepts the analysis made within the Bird Strike Risk Assessment submitted as part of the application. The assessment states that 'at this distance from the airport, and in this location, any arboreal or small flocking species attracted to the landscaping aspect of this design will not impact on the bird strike risk to aircraft operating out of the Airport.' While the application site sits within the aerodrome buffer zone, the Airport accepts the analysis of the report and does not wish to raise an objection to the outline landscaping proposed as part of the plans. The Airport does request to be consulted on any future discharge of condition application in relation to the proposed landscaping of the site.

#### 5.73 SUDS:

It is noted that SUDS in the form of a SUDS basin is proposed. Therefore, the following advice on drainage and open water should be taken into consideration.

5.74 There is a general presumption against the creation of open water bodies within 13 km of an Aerodrome, which in relation to this scheme is Newcastle International Airport. This is due to the increased likelihood of bird strike as a result of habitat formation within close proximity to the flight path, when aircraft are typically flying at lower level having departed or preparing for arrival at the aerodrome. Within the Bird Strike Risk assessment it states that the SUDS system will collect surface water run-off from the site during a rainfall event and then release the water off site at a slower rate. Permanent water is not proposed in the SUDS basin as this will drain after the rainfall events. The basin is also designed to have a natural appearance and will be planted with reeds, wet grassland and wetland trees. As such the basin will be generally dry. Planting of trees such as willow and alder, and of Common Reed, *Phragmites australis*, will help to further decrease the visibility of any open water present and exclude the larger hazardous waterbird species which require a larger area of open water to be present. The Airport accepts that the measures introduced would mitigate any potential increase to the site of hazardous birds. The Airport wishes to be consulted on any potential future discharge of condition application in relation to SUDS details.

#### 5.74 Lighting:

All street lighting associated with the development should be fully cut off so as not to direct lighting up into the atmosphere with the potential to distract pilots flying aircraft overhead. This should be conditioned as part of the planning permission.

#### 5.75 Natural England

5.76 (Response received on 08.11.22 following re-consultation on revised information):

Natural England has previously commented on this proposal and made comments to the authority in our response dated 18 July 2022 Reference number (399772).

5.77 The advice provided in our previous response applies equally to this additional information. The proposed amendments to the original application are unlikely to have significantly different impacts on the natural environment than the original proposal.

5.78 (Original Response received on 18.07.22):

5.79 Designated sites (European) – No objection subject to securing appropriate mitigation for recreational pressure impacts on habitat sites (European sites).

5.80 Natural England considers that this advice may be used for all applications that fall within the parameters detailed below:

5.81 This advice relates to proposed developments that falls within the 'zone of influence' (ZOI) for one or more European designated sites, such as Northumbria

Coast Special Protection Area (SPA). It is anticipated that new residential development within this zone is 'likely to have a significant effect', when considered either alone or in combination, upon the qualifying features of the European Site due to the risk of increased recreational pressure that could be caused by that development and therefore such development will require an appropriate assessment.

5.82 Your authority has measures in place to manage these potential impacts through a strategic solution which we have advised will in our view be reliable and effective in preventing adverse effects on the integrity of the relevant European Site(s) from such impacts associated with such development. The strategic solution may or may not have been adopted within the local plan but must be agreed to by Natural England.

5.83 Natural England is of the view that if these measures, including contributions to them, are implemented, they will be effective and reliable in preventing adverse effects on the integrity of the relevant European Site(s) from recreational impacts for the duration of the development proposed within the relevant ZOI.

5.84 However, the application of these measures to avoid adverse effects on site integrity from recreational impacts associated with development proposed within the relevant ZOI should be formally checked and confirmed by your Authority, as the competent authority, via an appropriate assessment in view of the European Site's conservation objectives and in accordance with the Conservation of Habitats & Species Regulations 2017 (as amended). In this regard, Natural England notes the People Over Wind Ruling by the Court of Justice of the European Union that mitigation may not be taken into account at screening stage when considering 'likely significant effects', but can be considered at appropriate assessment.

5.85 Providing that the appropriate assessment concludes that the measures are secured as planning conditions or obligations by your authority to ensure their strict implementation for the full duration of the development, and providing that there are no other likely significant effects identified (on this or other protected sites) as requiring to be considered by your authority's appropriate assessment, Natural England indicates that it is likely to be satisfied that your appropriate assessments will be able to ascertain that there will be no adverse effect on the integrity of the European Site (from recreational pressure in view of its conservation objectives). Natural England will likely have no further comment regarding the Appropriate Assessment, in relation to recreational disturbance.

#### 5.86 Northumberland Wildlife Trust

5.87 (Comments in response to original consultation, provided 25.07.22):

We would like to submit a holding objection to this application, due to a number of important points which have not yet been addressed in the Ecological Appraisal or any other document. We also have concerns about the overall reduction in green space.

Information which this application is currently lacking includes:

1. A Biodiversity Net Gain assessment. The Planning Statement mentions that the north-east corner includes an area identified for Biodiversity Net Gain enhancements, but unless these enhancements are detailed in full, it is impossible to judge their impact for wildlife. Moreover, many of the mitigation recommendations in the Ecological Appraisal are very vague, for example, habitat being “retained where possible” (p.28) and a “discussion with LPA with regards to an appropriate conservation strategy to achieve a “net gain” for biodiversity” (p.29). These mitigation measures are sensible, and welcomed; however, until their details are published, overall judgement cannot be made on their scope or impact.

The North Tyneside Local Plan states in Policy DM5.5 that  
“All development proposals should:

(c) Incorporate beneficial biodiversity and geodiversity conservation features providing net gains to biodiversity, unless otherwise shown to be inappropriate.”

A full Biodiversity Net Gain report is therefore imperative to assess whether this proposal adheres to the North Tyneside Local Plan in providing net gains to biodiversity.

2. Any detail on the nature of the green space to be created as part of the development. The structure and species composition of green space, as well as its connectivity to other habitats, are crucial factors in determining how well it can be used by wildlife for food and shelter. A detailed plan of the layout of the planting and landscaping, with the species to be planted, is therefore necessary to determine how much benefit to wildlife this green space will provide.

Native tree species should be prioritised, including species with blossom and berries such as wild cherry (*Prunus avium*), rowan (*Sorbus aucuparia*) and hawthorn (*Crataegus monogyna*). Areas of grassland should be sown with native, locally-sourced meadow seed and allowed to grow long to provide habitat and forage for invertebrates and mammals. The proposed SUDS area should be planted with locally-native wetland species to attract invertebrates.

3. Results of further species surveys, including for birds, bats, badgers, hedgehogs and common toads. The Ecological Appraisal mentions that these surveys are still ongoing; this is understandable given the time of year, but an accurate assessment of the impacts the development will have on these species cannot be done until these results are available.

4. An assessment of the effects of increased visitor numbers on local parks and reserves, many of which are designated: in particular, Wallsend Dene (LNR/LWS), Jesmond Dene (LWS), Rising Sun (LWS), Cochrane Park (SLCI) and Richardson Dees (SLCI). Increased erosion from footfall, dog fouling and disturbance of wildlife are some of the main causes for concern here. This issue is acknowledged within the Ecological Appraisal, but no suggestion is made as to how it may be alleviated.

5. Details of mitigation against the potential for water pollution. This is another problem mentioned in the Ecological Appraisal, without detail of how it may be countered.

5.88 NWT also has reservations regarding the loss of green space. The North Tyneside Local Plan Policies Map recognises that a Wildlife Corridor runs through the area, incorporating the development site. Given that much of the rest of the corridor to the south and west of the development site is structureless amenity grassland, it would seem prudent to add more than a boundary hedge and some narrow patches of trees, if a useable corridor of habitat is to be protected. This would be in keeping with the Council's Local Plan, which states in Policy S5.4 that "Priority will be given to:

- c. Conserving, enhancing and managing a Borough-wide network of local sites and wildlife corridors, as shown on the Policies Map; and
- d. Protecting, enhancing and creating new wildlife links".

5.89 Moreover, Paragraph 8.27 states that:

"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."

5.90 The site as it currently stands contains scrub and open brownfield areas, which are valuable habitat for nesting and foraging birds, and for foraging and basking pollinators. Again, the proposed habitat creation does not seem sizeable enough to replace this, and the plans for what form it will take are insufficient.

5.91 A reduction in open space is also detrimental to people, particularly within the only area of publicly-accessible green space in the west end of the Ward. All of the proposed new green space is also at the east end of the site, with none at all planned for the western half and no apparent way out on the western or southern sides. The closest informal green spaces are Richardson Dees Park and Iris Brickfield, neither of which are within a kilometre of the proposed development via walking routes.

5.92 Engagement with nature and time spent in green space can improve people's physical and mental health as well as their respect for the natural environment. With this in mind, the claim made in Paragraph 4.8 of the Open Space Assessment that the site is "of limited quality, value and function" as informal green space does not seem well supported; even less so the claim that it would be replaced as part of the development, given the reduction in size and the fragmentation of the proposed open space. As the surrounding land consists of sports pitches and a golf course, this is the only informal green space where local residents are free to roam and engage with the natural world. Finally, the claim that the site is no longer utilised or valued as informal recreational space is rather negated by claims in the Ecological Appraisal that "regular recreational use is likely to dissuade" use of the site by ground-nesting birds.

5.93 When a detailed analysis of the predicted impacts of this development on local wildlife becomes available, alongside well-considered plans for the mitigation of these impacts, Northumberland Wildlife Trust will be grateful for the opportunity to make further comment.

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**Application No:** 22/02118/FUL Author: Maxine Ingram  
Date valid: 22 November 2022 ☎: 0191 643 6322  
Target: 17 January 2023 Ward: Camperdown  
decision date:

Application type: full planning application

**Location: Unit 21, Mylord Crescent, Camperdown Industrial Estate, Camperdown, Newcastle Upon Tyne**

**Proposal: Extension to existing commercial unit to form additional warehousing space, extension to car park**

Applicant: Gurteen Transport

Agent: Maria Ferguson Planning Limited

## **RECOMMENDATION:**

**It is recommended that:**

- a) **the Committee indicates that it is minded to grant the application; and**
- b) **the Director of Regeneration and Economic Development be authorised to issue a notice of grant of planning permission following expiry of the consultation period subject to:**
  - i) **the conditions set out in the planning officers report;**
  - ii) **the addition, omission or amendment of any other conditions considered necessary by the Director of Regeneration and Economic Development; and**
  - iii) **any issues or objections arising from the consultation which, in the opinion of the Director of Regeneration and Economic Development, were not previously considered by the Committee then the application be referred back to the Committee for reconsideration.**

## **INFORMATION**

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

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

- The principle of the development,
- The impact on amenity (noise, residential amenity, and visual impacts)
- The impact on highway safety, and,
- Other issues.

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

## 2.0 Description of the Site

2.1 The application site is currently occupied by a factory unit within the Camperdown Industrial Estate, which is an allocated site (Site E006) for employment uses in the Local Plan (LP) (2017). It is located on the eastern side of the industrial estate, with accesses of Mylord Crescent and Locomotion Way. The unit is occupied by Gurteen Recycling Ltd (Gurteen Transport) as its main warehousing and distribution facility.

2.2 The site is bound by a 2m high mesh fence. To the front of the unit there is a car park. The site of the proposed extension is a grassed area to the east of the unit.

2.3 Existing commercial uses are located to the north, south and west of the site. Residential properties of Atkin Street are located to the east of the site. Residential properties of Silverbirch Drive are located to the south of the site beyond the road.

2.4 To the north of the site there is a footpath.

## 3.0 Description of the Proposed Development

3.1 Planning permission is sought for the construction of an extension to the existing commercial unit comprising approximately 900 square metres (sqm) of floor space. The extension will be used for storage and distribution purposes (Use Class B8).

3.2 Planting is proposed to provide a screening belt between the site and residential properties of Atkin Street. The car park to the front will be extended to provide additional car parking spaces and a larger area for the manoeuvring of vehicles. An area of soft landscaping will be retained between the site and Mylord Crescent.

3.3 The proposed extension will measure approximately 36m by 27.5m. It will have an overall height of approximately 8m. Two loading bay doors are proposed to the south elevation. Access doors are proposed to the east and north elevation.

## 4.0 Relevant Planning History

08/02555/FUL - Renewal of temporary planning permissions for three free-standing storage containers permitted by consents 04/03673/FUL and 04/02609/FUL. Containers are located entirely within the curtilage of the property – Permitted 05.01.2009

04/03673/FUL - Amendment of condition 2 of planning permission 04/02609/FUL to enable the free standing metal storage container to remain on site until October 2008 instead of September 2006 – Permitted 15.12.2004

04/02609/FUL - Renewal of temporary planning permission for one free standing metal storage container – Permitted 21.09.2004

03/02189/FUL - Renewal of temporary planning permission for 2nd temporary storage containers – Permitted 18.09.2003

02/03014/FUL - Erection of one free standing metal storage container and amendments to existing perimeter fence – Permitted 04.03.2003

02/01202/FUL - Erection of two free standing metal containers – Permitted 08.07.2002

00/01539/FUL - Erection of 2.4 m high paladin welded mesh fence to boundary of storage facility. (Amended Scheme) – Permitted 08.01.2001

85/01934/ADV - Two internally illuminated fascia signs – Permitted 10.12.1985

## 5.0 Development Plan

5.1 North Tyneside Local Plan (2017)

## 6.0 Government Policies

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

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

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

## **PLANNING OFFICERS REPORT**

### 7.0 Detailed Planning Considerations

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

- The principle of the development,
- The impact on amenity (noise, residential amenity, and visual impacts)
- The impact on highway safety, and,
- Other issues.

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

### 8.0 Principle of the development

8.1 The Local Plan (LP) was adopted in July 2017 to guide development in the period up to 2032. The council acknowledges that the policies contained within

the LP predate the publication of the revised NPPF however, it is clear from paragraph 219 of the NPPF that: “However, existing policies should not be considered out-of-date simply because they were adopted or made prior to the publication of this Framework. Due weight should be given to them, according to their degree of consistency with this Framework (the closer the policies in the plan to the policies in the Framework, the greater the weight that may be given).” The council considers that the Local Plan policies set out in this report are consistent with the NPPF and can be afforded significant weight.

8.2 The NPPF makes it clear that the purpose of the planning system is to contribute to the achievement of sustainable development. Achieving sustainable development means that the planning system has three overarching objectives: an economic objective; a social objective; and an environmental objective. Planning policies and decisions should play an active role in guiding development towards sustainable solutions, but in doing so should take local circumstances into account, to reflect the character, needs and opportunities of each area.

8.3 The NPPF paragraph 11 makes it clear that plans and decisions should apply a presumption in favour of sustainable development. However, the presumption in favour of sustainable development does not change the statutory status of the development plan as the starting point for decision making. The NPPF paragraph 12 states “Where a planning application conflicts with an up-to-date development plan permission should not normally be granted. Local Planning Authorities (LPA’s) may take decisions that depart from an up-to-date development plan, but only if material considerations in a particular case indicate that the plan should not be followed”.

8.4 Paragraphs 81-83 of the NPPF set out the Government’s strategy for building a strong, competitive economy. Paragraph 81 states that planning policies and decisions should help create the conditions in which businesses can invest, expand and adapt, and that significant weight should be placed on the need to support economic growth and productivity, taking into account both local business needs and wider opportunities for development.

8.5 LP Policy S2.2 ‘Provision of Land for Employment Development’ seeks to ensure an attractive and flexible supply of employment land is available to deliver the Council’s strategy for economic prosperity, job growth and investment over the plan period.

8.6 LP Policy DM2.3 ‘Development Affecting Employment Land and Buildings’ states “The Council will support proposals on employment land, as shown on the Policies Map, for new or additional development for uses within use classes B1, B2 or B8 or that which is deemed ancillary.

Proposals on identified employment land or other buildings in use-class B1, B2 or B8, for uses that could conflict with the development and regeneration of sites for economic development, will be permitted where these proposals would not:

- a. Result in the unacceptable loss of operating businesses and jobs; and,
- b. Result in an excessive reduction in the supply of land for development for employment uses, taking into account the overall amount, range, and choice available for the remainder of the plan period; and,

c. Have an adverse impact upon the amenity and operation of neighbouring properties and businesses.”

8.7 Camperdown Industrial Estate is an allocated site for employment uses in Policy S2.2 of the North Tyneside Local Plan (2017). The Local Plan Policies Map also identifies reserved employment land. Part of the application site is allocated as reserved employment land. The supporting text to Policy S2.2 states:

“Reserve land is not expected to be available for development during the Plan period. Reserve land generally forms land around existing businesses and is within the curtilage of land controlled by those businesses. Often such land could only reasonably be developed as a result of expansion of the existing business, or potentially other employment development. Policy DM2.4 relating to proposals for new employment uses outside of available or existing employment land should be considered for the future development of reserve land”.

8.8 The supporting information accompanying this application advises the following:

-The main purpose of the proposed extension is to accommodate the arm of the existing business which presently operates from a warehouse in Longbenton, because the lease for that premises expires in October 2023. The efficiencies that this move would enable will allow both parts of the business to expand and thrive, creating a number of new employment positions locally. It will bolster the financial viability of the business, enabling it to better respond to rising costs and volatile energy and fuel prices.

-The development will secure the continued employment of some 20 full time staff, and future growth will enable further employment within a 5-year and 10-year business plan. The business provides an important service to other enterprises within the area and further afield. There are currently 21 full time equivalent (FTE) jobs and with the proposed development this would increase to 26 FTE.

8.9 Policy S2.2 of the Local Plan defines employment uses as those in the former use class of B1 (now part of the wider definition of the E Class) and the extant use class B2 and B8. Policy DM 2.3 of the Local Plan aims to support proposals for B8 uses on employment sites. The proposed extension will expand the existing warehouse building (Use Class B8) and make use of an area of reserved employment land within an allocated industrial estate. The proposed extension falls within the preferred use classes set out in Policies S2.2 and DM2.3.

8.10 The proposed development would support economic prosperity and job growth in the Borough supporting Policy S2.1 of the Local Plan. This also meets the aims of the NPPF, which seeks to create the conditions in which business can invest, expand and adapt.

8.11 The proposed development meets the requirements of Local Plan Policies S2.2 and DM2.3 and the NPPF which advises that significant weight should be placed on the need to be support economic growth. Members need to determine whether the principle of the proposed development is acceptable. It is the view of officers that the principle of the proposed development is considered to be

acceptable, subject to all other material considerations set out below being addressed.

#### 9.0 Impact on amenity (noise, residential amenity, and visual impacts)

9.1 Paragraph 185 of the NPPF states “Planning policies and decisions should also ensure that new development is appropriate for its location taking into account the likely effects (including cumulative effects) of pollution on health, living conditions and the natural environment, as well as the potential sensitivity of the site or the wider area to impacts that could arise from the development. In doing so they should: a) mitigate and reduce to a minimum potential adverse impacts resulting from noise from new development – and avoid noise giving rise to significant adverse impacts on health and the quality of life; b) identify and protect tranquil areas which have remained relatively undisturbed by noise and are prized for their recreational amenity value for this reason; and c) limit the impact of light pollution from artificial light on local amenity, intrinsically dark landscapes and nature conservation”.

9.2 LP Policy S1.4 “General Development Principles” states “Proposals for development will be considered favourably where it can be demonstrated that they would accord with the strategic, development management or area specific policies of this Plan.” Amongst other matters this includes: be acceptable in terms of their impact upon local amenity for new or existing residents and businesses, adjoining premises and land uses; and be accommodated by, and make best use of, existing facilities and infrastructure, particularly in encouraging accessibility and walking, cycling and public transport, whilst making appropriate provision for new or additional infrastructure requirements”.

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

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

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

9.4 The objections received regarding the impact on residential amenity, including air quality, light intrusion, noise and disturbance, loss of light, outlook and privacy are noted. The objections raised regarding noise impacts from existing businesses are noted however, the Local Planning Authority (LPA) can only assess the impacts of this proposal. Property values are not a material planning consideration.

9.5 The Manager for Environmental Health has been consulted. She has raised concerns regarding the proposed development as it will result in an intensification of operations that will be closer to residential properties to the east on Atkin Street and Silverbirch Drive approximately 60m to the south. She has advised that the proposed construction of the industrial warehousing space will result in noise from vehicle movements to and from the site, noise from the unloading/loading of materials at the site and the use of forklift trucks etc. It is clear from their comments that an air quality assessment is not required.

9.6 The Manager for Environmental Health has reviewed the noise assessment that considers the proposed increase in operations from the new warehousing space. This assessment advises that daytime weekday background noise levels were assessed as being in the region of 47 dB LA90 at Atkin Street and 50 dB LA90 at Silverbirch Drive. The noise monitoring shows that the background noise levels during the evening drop, by at least 5dB, with the noise assessment assuming that operations will continue to occur between 0800-1800 hours. Noise mitigation in the form of an acoustic fence has been recommended to ensure noise levels from operations do not cause adverse impacts for residents of Atkin Street.

9.7 The NPPF, paragraph 55 states “Local Planning Authorities should consider whether otherwise unacceptable development could be made acceptable through the use of conditions or planning obligations.” Paragraph 56 states “Planning conditions should be kept to a minimum and only imposed where they are necessary, relevant to planning and to the development to be permitted, enforceable, precise and reasonable in all other respects.” Although concerns have been raised by the Manager of Environmental Health it is clear from her comments that she does not object and she has recommended conditions to ensure noise from activities from loading/unloading and HGV movements do not give rise to nuisance for neighbouring residents. Members are advised that it is clear from the Environmental Health comments set out in the appendix to this report that appropriate mitigation to reduce the impacts arising from noise can be secured by conditions. She has also recommended conditions to control the hours of operation of the extension and a further condition requiring details of any further external lighting to be installed. Subject to the suggested conditions it is considered that the impacts on residential amenity can be appropriately mitigated for.

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

9.9 LP Policy DM6.1 ‘Design of Development’ makes it clear that applications will only be permitted where they demonstrate high and consistent design standards. Amongst other matters proposed developments are responsive to their location, including topography, wildlife habitats, site orientation and existing buildings; ensuring a positive relationship to neighbouring buildings and spaces; ensuring sufficient parking is well integrated into the layout; and a good standard of amenity for existing and future residents.

9.10 LDD11 ‘Design Quality’ SPD applies to all planning applications that involve building works.

9.11 The objections received regarding unacceptable design are noted.

9.12 The application site, albeit an allocated employment site and land as suitable for the expansion of the existing premises in the Local Plan, it is located in close proximity to residential properties: Atkin Street immediately to the east of the site and Silverbirch Drive to the south.

9.13 The proposed extension will be located approximately 30m to the west of the residential properties of Atkin Street and approximately 23m from the garden areas serving these properties. Taking into consideration these separation distances it is not considered that the privacy of these residential properties, the outlook from them or the amount of light entering them will be significantly affected to such an extent that will sustain a recommendation of refusal.

9.14 An acoustic fence, approximately 2m high, is required to mitigate potential noise impacts. This fence will extend along part of the eastern edge of the area of hard surfacing. It will be located to the west of the residential properties of Atkin Street. Taking into consideration the height and siting of the fence, it is not considered that it will significantly affect the outlook from these residential properties to such an extent that will sustain a recommendation of refusal.

9.15 The residential properties of Silverbirch Drive are located to the south of the site. The closest residential properties are separated from the application site by a road, Mylord Crescent. An existing commercial building located to the east and south of the application site will provide some screening when viewed from Silverbirch Drive. No. 1 Silverbirch Drive faces west and the rear gardens serving Nos. 19-28 Silverbirch Drive are enclosed by timber fencing. An area of landscaping separates these rear gardens from the adjacent footpath and road. The proposed extension and alterations to the site layout, by virtue of their siting and proximity to Silverbirch Drive, will not significantly affect the residential amenity of these neighbouring properties in terms of outlook.

9.16 When viewed from within the industrial estate the proposed extension will be seen in the context of existing commercial/industrial buildings. The proposed design, scale and materials of the extension will be in keeping with surrounding industrial/commercial buildings. The loss of part of an existing grassed area to the southwest corner of the site to accommodate an extended parking area is regrettable. A buffer planting area is to be retained to soften the appearance of the extended parking area. This area of soft landscaping will provide a visual link to the grassed verge sited outside of the application site. It is noted that an area of landscaping, including a bund, is proposed along the eastern boundary of the site adjacent to the residential properties of Atkin Street. There are concerns regarding the visual impact of the bund. A condition is recommended to secure final landscaping details, including any changes to level, to ensure that an appropriate landscape buffer is achieved in this location.

9.17 Members need to determine whether the proposed development is acceptable in terms of its impact on the amenity of neighbouring and nearby properties and the character and appearance of the immediate surrounding area. It is officer advice that the proposed development is, subject to the imposition of



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

#### 10.0 Impact on highway safety

10.1 The NPPF paragraph 111 makes it clear that development should only be prevented or refused on highway grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.

10.2 The NPPF paragraph 112 states, amongst other matters, that applications for development should give priority first to pedestrian and cycle movements both within the scheme and with neighbouring areas and address the needs of people with disabilities and reduced mobility in relation to all modes of transport.

10.3 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.

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

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

10.6 The site will continue to make use of the existing access arrangements which will remain unchanged. The main car park and delivery area accessed from Mylord Crescent will be reconfigured to improve Heavy Goods Vehicle (HGV) manoeuvring and 27no. car parking spaces. The existing car access of Locomotion Way will have 10 formalised car parking spaces. The HGV loading bay access at the northwest corner of the site, accessed off Locomotion Way will remain as existing.

10.7 Pedestrians and cyclists will continue to use the main access off Mylord Crescent.

10.8 The Highways Network Manager has been consulted and he has reviewed the submitted transport information. He considers that the increase in parking provision will meet the needs of the site. He has also advised that the applicant has submitted a swept path analysis of an HGV which demonstrates that a vehicle can enter the site, turn and leave in a forward direction. He has recommended conditional approval.

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

## 11.0 Other Issues

### 11.1 Contaminated Land

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

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

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

11.5 The Contaminated Land Officer has been consulted and her comments will be reported to planning committee via an addendum.

11.6 Members need to consider whether the proposed development is acceptable in terms of its impact on ground conditions. It is officer advice that it is.

### 11.7 Flooding

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

11.9 The site is located within a Critical Drainage Area. A Flood Risk Assessment has been submitted. This assessment concludes that surface water can be attenuate within the site. Surface water will be restricted to a discharge rate of 5 litres/second (l/s) to Northumbrian Water’s water sewer with on-site attenuation.

11.10 The Lead Local Flood Authority (LLFA) has been consulted and their comments will be reported to planning committee via an addendum.

11.11 Members need to determine whether the proposed development is acceptable in terms of flood risk. It is officer advice that it is, and it would accord with both national and local planning policies.

### 11.12 Strategic Policy Area

11.13 Policy AS8.24 ‘The North West Villages Sub Area’ seeks to encourage and support the availability of good public transport and active travel options, improve the public realm and work positively with owners of vacant sites to bring them back into use.

11.14 It is the view of officers that this development will not impact the aims of Policy AS8.24.

## 12.0 Local Financial Considerations

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

the Community Infrastructure Levy (CIL). The proposal is CIL liable and therefore Members need to take this into account as part of their decision.

### 13.0 Conclusion

13.1 Members need to determine whether the proposed development is acceptable in terms of the principle of the development, its impact on amenity, its impact on the character and appearance of the area and all other issues including its impact on highways, flood risk and ground conditions. It is the view of officers that the proposed development is acceptable. As such, officers consider that the proposed development does accord with national and local planning policies. Approval is recommended.

### **RECOMMENDATION:**

**It is recommended that:**

- c) the Committee indicates that it is minded to grant the application; and**
- d) the Director of Regeneration and Economic Development be authorised to issue a notice of grant of planning permission following expiry of the consultation period subject to:**
  - iv) the conditions set out in the planning officers report;**
  - v) the addition, omission or amendment of any other conditions considered necessary by the Director of Regeneration and Economic Development; and**
  - vi) any issues or objections arising from the consultation which, in the opinion of the Director of Regeneration and Economic Development, were not previously considered by the Committee then the application be referred back to the Committee for reconsideration.**

### **Conditions/Reasons**

1. The development to which the permission relates shall be carried out in complete accordance with the approved plans and specifications.
  - Existing and proposed site plan Dwg No. 05 Rev P3
  - Existing elevations Dwg No. 02 Rev P1
  - Existing plan and roof plan, existing site location plan Dwg No. 01 Rev P1
  - Proposed elevations Dwg No. 04 Rev P1
  - Proposed plan and roof plan Dwg No. 03 Rev P1
  - Swept path analysis Dwg No. 001 Rev 01Reason: To ensure that the development as carried out does not vary from the approved plans.
  
2. The development hereby permitted shall be begun before the expiration of three years from the date of this permission.  
Reason: To comply with the requirements of Section 91 of the Town and Country Planning Act 1990.

3. Notwithstanding Condition 1, the scheme for parking shall be laid out in accordance with the approved plans prior to the extension hereby approved being brought into use. This parking layout/scheme 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).

4. Notwithstanding Condition 1, the scheme for Heavy Good Vehicle (HGV) turning shall be laid out in accordance with the approved plans. This scheme 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 Condition 1, the scheme for cycle parking shall be laid out in accordance with the approved plans. This scheme shall not be used for any other purpose and retained thereafter.

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

6. Notwithstanding Condition 1, no development shall commence until a Construction Method Statement for the duration of the construction period has been submitted to and approved in writing by the Local Planning Authority. The approved statement shall: identify the access to the site for all site operatives (including those delivering materials) and visitors, provide for the parking of vehicles of site operatives and visitors; storage of plant and materials used in constructing the development; provide a scheme indicating the route for heavy construction vehicles to and from the site; a turning area within the site for delivery vehicles; a detailed scheme to prevent the deposit of mud and debris onto the highway and a dust suppression scheme (such measures shall include mechanical street cleaning, and/or provision of water bowsers, and/or wheel washing and/or road cleaning facilities, and any other wheel cleaning solutions and dust suppressions measures considered appropriate to the size of the development). 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.

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

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

8. There shall be no demolition activity or vehicle movements to, from or within the site outside the hours of 0800-1800 Monday to Friday, 0800-1400 Saturday with no working on Sundays or Bank Holidays.

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

9. The extension hereby approved as shown on the approved plans listed in Condition 1 shall only be operational/open for business between the hours of 07:00 - 18:00 Mondays to Saturdays with no activities permitted on Sundays or Bank Holidays.

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

10. Deliveries/collections to the extension hereby approved as shown on the approved plans listed in Condition 1 shall only take place between the hours of 07:00 - 18:00 Mondays to Saturdays with no deliveries or collections to take place on Sundays or Bank Holidays.

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

11. No sound reproduction equipment which is audible outside the curtilage of the premises shall be operated on the site.

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

12. Notwithstanding Condition 1, prior to the extension hereby approved being brought into use the 2.0 m high acoustic barrier must be installed as set out in section 6.0 and Appendix C of noise report reference number NIA-10489-22-10665 - v0.1 and shall be permanently maintained and thereafter retained.

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

13. Prior to installation of new external plant and equipment within the extension hereby approved a noise scheme must be submitted to and approved in writing by the Local Planning Authority to show that the rating level for all plant and equipment does not exceed the current daytime background noise levels of 47 dBLA90 at nearest sensitive residential receptor of Atkin Street. Thereafter the development shall be carried out in accordance with these agreed details and verification details pursuant to condition 14.

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

14. Within one month of the installation of any plant and equipment acoustic testing shall be undertaken to verify compliance with condition 13. These details shall be submitted to and approved in writing by the LPA prior to the operation of

the plant and equipment being brought into permanent use. Thereafter the plant and equipment shall be operated and maintained in full working order.

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

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

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

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

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

16. Notwithstanding Condition 1, prior to the installation of any chimney or extraction vent to be provided in connection with the development details of the height, position, design and materials 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 occupiers of adjacent properties from undue noise of other associated disturbance having regard to policy DM5.19 of the North Tyneside Local Plan (2017).

17. Levels Details Exist Prop Before Devel      LEV001 \*

18. Notwithstanding Condition 1, prior to the construction of any part of the extension hereby approved above damp proof course level a schedule and/or samples of the 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 having regard to Policy DM6.1 of the North Tyneside Local Plan (2017).

19. Notwithstanding Condition 1, prior to the commencement of any part of the extension hereby approved above damp proof course level a landscape plan, including any changes in levels to the landscape areas, and a schedule of

landscape maintenance shall be submitted to and approved in writing by the Local Planning Authority in consultation with Newcastle International Airport Limited (NIAL). The landscaping scheme shall be implemented in accordance with the approved details within the first available planting season following the approval of details. All hard and soft landscape works shall be carried out in accordance with the approved details and to a standard in accordance with the relevant recommendations of British Standard 8545:2014. Any trees or plants that, within a period of five years after planting, are removed, die or become seriously damaged or defective, shall be replaced with others of species, size and number as originally approved, by the end of the first available planting season thereafter. The development hereby approved shall be implemented in accordance with these agreed details.

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

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

The proposal complies with the development plan and would improve the economic, social and environmental conditions of the area. It therefore comprises sustainable development and the Local Planning Authority worked proactively and positively to issue the decision without delay. The Local Planning Authority has therefore implemented the requirements in Paragraph 38 of the National Planning Policy Framework.

**Informatives**

Building Regulations Required (I03)

Consent to Display Advertisement Reqd (I04)

Take Care Proximity to Party Boundary (I21)

Advice All Works Within Applicants Land (I29)

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

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

The applicant is advised that a license must be obtained from the Local Highway 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.

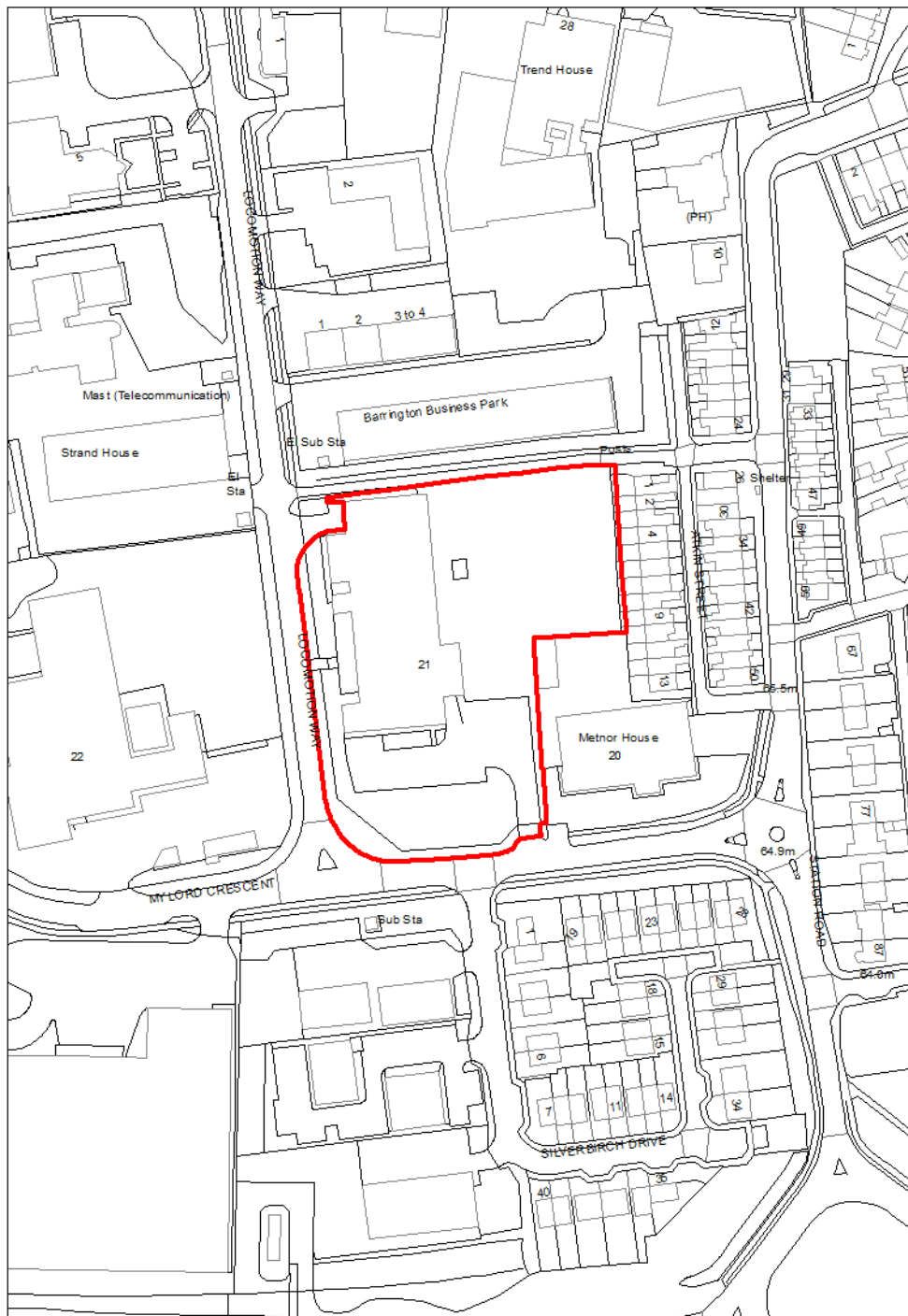
The applicant is advised that, the site abuts adopted highway, if access to this highway is to be restricted during the works the applicant must contact the Local Highway Authority to obtain a temporary footpath closure. Contact [Streetworks@northtyneside.gov.uk](mailto:Streetworks@northtyneside.gov.uk) for further information.

The applicant is advised that they should contact the Local Highway Authority 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 no part of the gates or doors 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.





**Application reference: 22/02118/FUL**

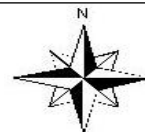
**Location: Unit 21, Mylord Crescent, Camperdown Industrial Estate, Camperdown**

**Proposal: Extension to existing commercial unit to form additional warehousing space, extension to car park**

Not to scale

Date: 06.01.2023

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0100016801



**Consultations/representations**

1.0 Councillors

1.1 Ward Councillors Tracy Hallaway, Lisa Ferasin and Peter Earley.

1.2 I write on behalf of the three Camperdown Ward Councillors who are united in their objection to this application. We are in full agreement with the concerns expressed by local residents in the other objections made and as ward councillors request that this application is referred for a decision to be made by the full Planning Committee and furthermore we request speaking rights, as ward councillors, at the committee should that request be accepted.

1.3 Ward Councillors have already received numerous complaints about the current operation of Gurteen Transport on the site which would be substantially worsened by the extension of the warehouse facility on such a scale and would have a materially detrimental impact on residents, on housing and on the surrounding area.

1.4 We object on the grounds that -

- Access to the the site for HGV traffic is already poor and HGV traffic would increase as a result of the proposed development making access more difficult and dangerous for pedestrians, residents and other road users.
  
- Existing parking problems would be worsened, whilst the application addresses the issue of parking for additional staff it does not resolve the existing problems with HGV's being parked on kerbs and verges outside the site. The problems were so acute that ward councillors had to arrange for the installation of bollards to prevent this parking.
  
- The extended warehouse provision would mean that the buildings would be very close to existing residential properties, exacerbating what residents say is already an unacceptable level of noise and light pollution, visual intrusion, and a negative effect on privacy to their properties from the site. The noise assessment submitted by the applicant is based upon noise only occurring during limited hours whereas residents would say noise occurs at all hours of the day and night and this would be worsened by any expansion on the site.
  
- We understand the argument that the extension would have an economic benefit by preserving 20 existing jobs through their transfer of operations from the Company's existing Longbenton site. However, we can see no evidence that any consideration has been given to transferring these operations to a more suitable location than the Camperdown site. In addition, we would say the detrimental effects on the surrounding community would outweigh the alleged economic benefits.
  
- Impact on landscape
- Loss of privacy
- Loss of visual amenity

- Nuisance - disturbance
- Nuisance - dust/dirt
- Nuisance - fumes
- Nuisance - noise
- Poor traffic/pedestrian safety
- Poor/unsuitable vehicular access
- Traffic congestion
- Will result in visual intrusion

## 2.0 Internal Consultees

### 2.1 Highways Network Manager

2.2 This application is for an extension to the existing commercial unit to form additional warehousing space and extension to the car park. The site is long-established, access locations remain unchanged and there is an increase in parking provision to meet the needs of the site. The applicant has provided a swept path analysis of an HGV, which demonstrates that a vehicle can enter the site, turn, and leave in a forward direction. Conditional approval is recommended.

### 2.2 Recommendation - Conditional Approval

#### 2.3 Conditions:

Notwithstanding the details submitted, the scheme for parking shall be laid out in accordance with the approved plans. This scheme 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 Heavy Good Vehicle (HGV) turning shall be laid out in accordance with the approved plans. This scheme 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 cycle parking shall be laid out in accordance with the approved plans. This scheme shall not be used for any other purpose and retained thereafter.

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

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

washing and/or road cleaning facilities, and any other wheel cleaning solutions and dust suppressions measures considered appropriate to the size of the development). 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.

#### 2.4 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 a license must be obtained from the Local Highway 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, the site abuts adopted highway, if access to this highway is to be restricted during the works the applicant must contact the Local Highway Authority to obtain a temporary footpath closure. Contact [Streetworks@northtyneside.gov.uk](mailto:Streetworks@northtyneside.gov.uk) for further information.

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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.

#### 2.5 Manager for Environmental Health (Pollution)

2.6 I have concerns about the proposed extension of the warehousing space as this will result in an intensification of operations that will be closer to residential properties to the east on Atkin Street and Silverbirch Drive approximately 60m to

the south. The proposed construction of the industrial warehousing space will result in noise from vehicle movements to and from the site, noise from the unloading/loading of materials at the site and use of forklift trucks etc.

2.7 I have reviewed the noise assessment provided with the application that has considered the proposed increase in operations from the new warehousing space. Daytime weekday background noise levels were assessed as being in the region of 47 dB LA90 at Atkin Street and 50 dB LA90 at Silverbirch Drive. The noise monitoring shows that the background noise levels during the evening, drop by at least 5 dB, with the noise assessment assuming that operations will continue to occur between 0800-1800 hours. Noise mitigation in the form of an acoustic fence has been recommended to ensure noise levels from operations do not cause adverse impacts for residents of Atkin Street. I would therefore recommend the following conditions are attached if planning consent is to be given, to ensure noise from activities from loading/unloading and HGV movements do not give rise to nuisance for neighbouring residents.

#### 2.8 Conditions:

HOU03 for the extension 07:00 - 18:00 hours Monday to Saturdays with no activities permitted on Sundays or Bank Holidays.

Deliveries and collections for the extension to be restricted to 07:00 - 18:00 hours Monday to Saturdays.

#### NOI02 New extension

##### Acoustic fence

Prior to operations within the extension warehousing space the 2.0 m high acoustic barrier must be installed as set out in section 6.0 and Appendix C of noise report reference number NIA-10489-22-10665 - v0.1, maintained and thereafter retained.

##### Noise condition: New External Plant and Equipment

Prior to installation of new external plant and equipment within the warehouse extension area a noise scheme must be submitted to show that the rating level for all plant and equipment does not exceed the current daytime background noise levels of 47 dBLA90 at nearest sensitive residential receptor of Atkin Street. It will be necessary following installation of the plant and equipment that acoustic testing is undertaken to verify compliance with this condition within one month of its installation and submitted for written approval prior to the operation of the plant and thereafter maintain in working order.

#### LIG01 for any new external lighting

#### EPL01 for any new external vents and chimneys

#### HOU04

#### SIT03

### 3.0 Representations

3.1 25 objections have been received. These objections are set out below:

- Impact on landscape
- Nuisance – disturbance, fumes, noise, dust, dirt
- Poor traffic/pedestrian safety
- Poor/unsuitable vehicular access
- Inappropriate design
- Poor traffic/pedestrian safety
- Traffic congestion
- Adverse effect on wildlife
- Inadequate parking provision
- Loss of residential amenity
- Inappropriate design
- Inappropriate in special landscape area
- Loss of residential amenity
- Loss of visual amenity
- Out of keeping with surroundings
- Will result in visual intrusion
- Currently have issues regarding this firm and the current site and their lack of consideration for the surrounding area. To agree to any extension would only increase these issues greatly. The noise from the trucks/workers etc can begin very early in the morning and that is without factoring in the glare from the very strong security lights which are sometimes left on all night, with the light shining into our homes. The fact that the proposed extensions will be right outside our homes will affect the natural light, not to mention the additional pollution from the exhaust fumes as the trucks are idling and revving before leaving the premises. Increasing the size and therefore more trucks, adding in more security lighting etc will not help the residents.
- Aware that the street backed onto light industrial area but that is now stretching that description with this firm and their application proposal.
- Businesses come and go from these premises and Gurteen are by far the worst. They have no consideration for anyone around them and to have a large fence built as well as a warehouse extension is just not acceptable. Planting some trees along the boundary will not, in our view help, with either the noise pollution or the air pollution. We will still be able to view the proposed new extension. This may also well have an impact on the value of our homes.
- When they do maintain the current grounds, they have no consideration to the residents of Atkin Street with grass blown all over our gardens and weeds growing through the existing fence. The "dumping" of the 2 shipping containers on the field with a camouflage net thrown over them, to help them "blend" in does not bode well for the future maintenance of the site if this proposal was to go ahead. In addition, the building of the hard standing they had installed, all soil etc was shovelled into the middle of the field and allowed to become overgrown. If they cannot maintain the current site in a respectable manner, what will a bigger site look like.
- I have already made a complaint to the local council regarding Gurteen, due to the use of flood lighting, so they can work in the yard loading and unloading during unsociable hours, along with the lighting pollution this causes there is the noise element that goes alongside it sometimes at 4am until after 10pm at night. It is also common to see multiple lorries already parked up on the grass verges around the unit, damaging curbs, the grass itself and bollards in the area. Access

to the site is already insufficient for its current capacity in a light industrial zone without adding to the unit.

-If this business is allowed to further expand even closer to the properties on Atkin Street, this will mean more light pollution, noise pollution and diesel pollution from the lorries. In addition to this those of us who live on Atkin Street, we will also have our gardens overlooked by both elements proposed, which will reduce our privacy as well as effecting the natural daylight we receive to our gardens and homes. This during a cost-of-living crisis, homes need every bit of sun they can get to help heat and light them.

-The individuals who work at these businesses have very little concern or consideration for the residents, we often deal with litter from when they use the local deli and shop, and they dump their litter in the walkways around our homes. I myself have had to deal with verbal abuse from these individuals over the last 12 months.

-There is also a lot of rubbish from the loading bays, they let the plastic coverings blow all around the fields, over fences and into people's property, again with absolute disregard for the locals. Along with this they currently show no respect for our property when cutting their grass, as they will not use the box on the back of the mower to stop cuttings blowing not only into our gardens but also our houses when windows are open. They have also in the last 6 months planted trees/hedges that we have since been advised will grow easily past 6ft again this will already affect the natural light we current get into our properties.

-We have tried to approach the occupiers of Gurteen regarding these issues and so have others in the street, we get very little response, in fact the only reaction we have had is 'I can build up to the fences if I like', they have no regard for the locals in the area at all. All the above is an issue as the property currently stands.

-This will seriously affect the values of the properties on Atkin Street, what compensation will residents receive if these plans were allowed to be passed?

-The Planning Statement concludes that there will be no loss of residential amenity and that site access arrangements are not an issue. On these grounds it is argued that the proposal is consistent with NTC policy S1.4 (protecting the amenity of residents) and NPPF (approve unless adverse impacts outweigh benefits). Neither the Planning Statement nor the Transport Statement consider the actual difficulties experienced especially by 44 tonne articulated lorries in accessing the site. Frequently, these larger vehicles have to reverse into the site because right turns off Mylord Crescent are infeasible because of the tight geometry and narrow gate (compare much wider gates / entrances at Fenwick, John Lewis, Mania and Entek). The impact of these manoeuvres is not mentioned. They cause huge disruption in Mylord Crescent. The reports assert but make no attempt to demonstrate that increased paved areas will allow large vehicles to turn around on site. In reality, increased business from relocating the Longbenton site business) will mean that the site will remain congested and difficult for especially these largest vehicles to access, turn around and exit. Without demonstration based on realistic predicted usage of the site, current experience suggests that difficulties will remain if not worse. The Planning Statement's conclusion that suitable access can be achieved is not tenable. The proposed development therefore fails the test for automatic approval; under NPPF (and Policy S1.4).

-They continue to mount the footpath/verges as gates to Gurteen are too tight for lorries/wagons.

-Gurteen already causing noise and air pollution.

- Wagons arriving at and before 6am in a part residential area.
  - Gurteen truck wrecked the roundabout and was fixed at council cost.
  - Gurteen ran over the bollards that are there for public safety, reset at public cost.
  - We can no longer have peaceful use of our gardens, the back of mine faces Gurteen.
  - Gurteen already have blinding security flood lights, I wish they'd only come on with movement, rather than all night.
  - Exiting Silverbirch Drive in the mornings is already hazardous due to the number of Gurteen vehicles, an increase in Gurteens activities will make this a lot worse and less safe.
  - NTC should not have allowed Gurteen to open at this location and should as they are partly responsible, help Gurteen find suitable accommodation elsewhere. This area was sold to use as light industrial, Gurteen is so busy, noisy and polluting.
  - This site backs on to where I live and an increase to the size of this site will just cause more problems. Strong security lights are left on all night and wagons are loaded up before 6am most days. No consideration is given at all to residents. We knew when we moved here that it was a light industrial area and we have had no issues with the previous occupants of this site. Gurteen are by far the worst. When they cut the grass it is blown out of the mower onto all of our gardens. I strongly object to this proposal.
  - Gurteen already occupy a site which has an adverse effect on the residents here. The access to their site is poor and damages our residential area frequently. My home backs on to the site and it is very disruptive and loud 24 hours a day. There is no room for more.
  - Site access is not capable for any in increase, there is not enough parking on site for the existing lorries causing them to park outside and in front of a T junction
- Due to the size of the entrance the lorries also have issues going into site causing damage to the curb and bollards, the bollards that were recently installed have been damaged by multiple time by the lorries.
- Gurteens site access is not sufficient for their current amount of trucks. Please see Fenwicks, John Lewis and Scania on the estate for correct entry ways onto an estate for this number of trucks.
  - Gurteens current setup does not allow for them to efficiently unload and load wagons due to the narrow access point this results in wagons mounting the curb and pavement damaging grass and pavement. This is also a risk to the public walking on this section of the path. Furthermore, if this plan goes ahead, I have concerns surrounding the air quality in the area with wagons sitting with engines running throughout the day and night. This will also add to the already noisy road and surrounding area. Currently at the access point to Mylord Crescent (roundabout) is flooded with wagons and cars coming round at speed this will only add to the current problems.
  - Fenwick, Scania and Entek, to name a few other businesses on the same industrial estate, have access arrangements that are designed for large vehicles. Gurteen's access is not. Their access gate is too narrow for the articulated trucks to access properly. This results in damage on their side of Mylord Crescent (a drain cover is very close to the access). It also results in continued damage to the verge opposite - despite bollards having been placed to assist drivers. Although it is good to see that the developer wants to improve onsite parking, the intention to increase warehousing space as well may mean that the existing problems of on-



site congestion, on-street parking of large trucks would very soon recur. As the business grows, the impacts poor vehicular access issues will continue to worsen.

-At the very least, permission should be conditional on improved access off Mylord Crescent. If this cannot be done, then permission should be refused, and they should be encouraged to find a site where proper access can be provided.

-The traffic impact report says it will add just a few more trucks per hour and that the road network has plenty of capacity. But it says nothing at all about the poor site access, or the impact on local traffic, of their trucks parking on Mylord Crescent. Gurteen's site access is not designed for large vehicles, and I draw attention to Fenwick, Scania and Entek as examples of properly designed access points.

-They have a huge outside light that is switched on at 7am if not earlier in the morning, this is blinding when you drive out in the morning going to work. They park their vehicles out of their area on the roadside where we struggle to have any views of oncoming directions in 3 ways.

-If this application were to be passed it would be for all the wrong reasons.

-This will cause more issues than what are already being caused for the residents of Silverbirch Drive (residential estate opposite) we are already experiencing issues with Gurteen lorries blocking the view to exit our estate safely due to their parking. We have had to have bollards installed due to their access being already unsuitable.

-The building in discussion is directly located next to the residential Silverbirch Drive.

-The zoning is 'light industrial', Gurteen is a very busy, noisy and disruptive neighbour. We have tried as a community to address these issues directly with Gurteen's owner who has told us he rents the unit to Palletline and to take up issues with them. Neither Gurteen or Palletline are suitable for such a small site so closely located to Silverbirch Drive.

-We hear Gurteen all day long, reversing sounds from trucks, truck engines, noisy from the very active yard from workers. We have added diesel fumes in the air. Since Gurteen moved in it has spoiled the use of our own gardens and opening of windows due to the noise and air pollution.

-Gurteen should relocate to a more suitable premises elsewhere and North Tyneside Council (NTC) should properly vet future businesses that occupy this site.

-Along with others I currently have issues with the existing use of this unit due to noise, light and traffic pollution. Noise can be the constant clatter of forklifts/pallets, vehicles running/moving in and out and this also occurs outside the hours of 7am - 10pm. During the summer when windows are open this has been compounded and I have been awoken a number of times between the hours of 4-6am. There is now added light pollution with floodlights hitting properties on Atkin Street. I walk my dog like a number of others around Camperdown Industrial estate (with further access to the Wagonways), the large vehicles reversing in the totally unsuitable junction are a menace, holding up the traffic as well as causing damage and fear to pedestrians using the paths.

-This end of Camperdown Industrial estate close to residential properties has been light industry/office space for at least 20 years, previously Unit 21 was office use for Northern Rock and the neighbouring Metnor house is office space, you did/do not notice them, further to this the estate now has residential properties (built on former offices) actually within the estate cementing the fact that this

location is totally unsuitable for this sort of business and any further development of this nature will add to already existing problems that is effecting all the neighbouring residential properties.

-I live in Silverbirch Drive and we have to now pay for parking permits due to the cars using this site parking in the housing estate. They still park in the areas outside of the site that don't have yellow lines and the volume of traffic is high, if you close off more of the parking for this extension will drive more cars out into the estate.

-Commenting as resident of village, user of waggonways and local area for family and dog walking. I am concerned about the impact on the environment and local area as well as residents due to increased HGV causing extra pollution, noise, inconvenience to residents and safety concerns around accessing the site and the closeness of the mini roundabout to the main Burradon roundabout. Also to the traffic turning on to Moorview from the main street.

-It will affect the safety of my young child who I have just given birth to in future. The increase in emissions and noise pollution is something that is also going to affect the area hugely. The increased vehicles coming into the small village that is Camperdown is also going to have a huge impact on the area! We do not need anymore commercial spaces in the front of our beautiful homes. I also agree with all other points raised by residents on Atkin street and surrounding areas. I look forward to hearing that this ridiculous suggestion to extend has been squashed.

-The houses were built well before the industrial estate and consideration was obviously given to the situation of the houses when the unit was first built, so why it should be changed now is beyond me.

-Weeks after moving in I looked out my window and was astounded to see a huge monstrosity of a dirty container, with huge lettering across it, very unsightly. Sometime after that a huge mountain of soil was dumped, making our view even worse. Gurteens have absolutely no regard for anyone but themselves and their profit. As for "local" employment, for a start, HGV are like gold dust and jobs generally are plentiful and it is my understanding recruiters are struggling generally to recruit.

-Camperdown Industrial Estate is considered a light industrial estate, I believe. The entrance from the small roundabout simply does not cater for this kind business. The nature of the goings on at Gurteens does not constitute "light". They have the huge HGVs coming and going from very early to late in the evenings, producing more emissions. Damage to the paths, greenery, and the small roundabout (the Council has had to remove nice block paving to the damaged little roundabout at the entrance with tarmacadam (at the Council's and my expense being a Council Taxpayer). The nature of Gurteens business is absolutely not suitable for this site surrounded by residential housing.

-I am unable to open windows due to the noise, they have installed what I can only describe as flood lights to monitor their containers. The whole site is a complete mess. A couple of trees have been cut down too exposing the carpark to Metnor to my front window and also what they dump beside the containers.

-Further, there is a rapid response Ambulance despatch unit on the industrial estate and further HGVs will most certainly have an impact on their urgent departure from the site.

-From the documents online, it is suggested trees/shrubs will be planted to obscure this monstrosity. These were all planted some months ago, dead. Not one shrub has flourished.

-A building of this type can only have a detrimental effect on the value of our homes too which of course is absolutely devastating, especially in these hard times. Who on earth would want a building of this construction be built right outside their front window? I assume not one person reading this.

-I moved back to Atkin Street because it is such a lovely street. We are a little community. We have bistro tables and chairs out the front, are all very friendly and socialise together, having BBQs and get togethers. This warehouse is going to totally obscure light and our enjoyment to life in general and I strongly object to it. We are entitled to this light as I am sure you are aware.

#### 4.0 External Consultees

##### 4.1 None

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**Application No:** 22/02152/FULH Author: Claire Dobinson Booth  
Date valid: 2 December 2022 ☎: 0191 643 6341  
Target: 27 January 2023 Ward: St Marys  
decision date:

Application type: Householder Full application

**Location: 54 Brierdene Crescent, Whitley Bay, Tyne And Wear, NE26 4AD,**

**Proposal: Loft conversion with rear dormer and rooflights to front. Roof to be replaced with hip gable roof extensions. Works to include: Installation of cedral cladding to gable ends of the property; lap wood effect in c62 violet blue. Replacement of roof tiles from concrete rosemary to marley modern old english. Cladding of existing dormer in anthracite grey zinc.**

Applicant: Mr and Mrs Taylor

Agent: Outer Space Solutions Ltd

**RECOMMENDATION:** Application Permitted

## **INFORMATION**

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

1.0 The main issues for Members to consider in this case are:  
- Whether the proposed materials are acceptable.

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

1.2 A key material consideration in this instance is the fall-back position. This is what could be done without an application for planning permission. Regard must be had to the fall-back position, providing that it is realistic and implementable. Members will note an earlier application for a certificate of lawfulness for a proposed use (21/01718/CLPROP) for the same proposal. This application was approved because the proposal was permitted development and hence did not require an application for planning permission. This was on the condition that the materials used for the extensions were of a similar appearance to those used in the construction of the exterior of the existing dwellinghouse. The materials are not similar, the proposal is no longer permitted development and hence the current application. It is important for Members to note that if the development

was constructed using materials that are similar to those used in the construction of the exterior of the exterior or the existing dwelling, then this would mean that it could be constructed under permitted development rights without the need for this application. Therefore the principle of the rear dormer with a Juliet balcony and the hip to gable roof alteration are acceptable.

## 2.0 Description of the site

2.1 The site which the application relates is a south facing, two-storey detached dwelling in an established area of Whitley Bay. The property has recently been extended to the side and rear with a contemporary, rendered, flat roof extension.

## 3.0 Description of the proposed development

3.1 Planning permission is sought to construct a loft conversion with rear dormer and rooflights to front. The proposal includes the replacement of the existing roof with hip gable roof extensions. The gable ends will be clad with lap wood effect in c62 violet blue with the dormer clad in anthracite grey zinc. The roof tiles will be replaced with Marley modern old English from concrete rosemary.

## 4.0 Relevant planning history

21/01718/CLPROP, Loft conversion with rear dormer and rooflights to front. Roof to be replaced to match existing with hip to gable roof extensions, permitted September 2021 with a condition requiring materials of the extension to be of a similar appearance to those used in the construction of the exterior of the existing dwelling house.

17/01677/FULH, Demolition of existing garage and outbuildings and replaced with new single storey side and rear extension with flat roof, permitted January 2018.

## 5.0 Development Plan

5.1 North Tyneside Local Plan (2017)

## 6.0 Government Policy

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

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

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

## **PLANNING OFFICERS REPORT**

### 7.0 Detailed Planning Considerations

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

- Whether the proposed materials are acceptable.

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

## 8.0 Relevant Planning Policy

### 8.1 National Planning Policy Framework

8.2 Paragraph 126 of the National Planning Policy Framework states that the creation of high quality, beautiful and sustainable buildings and places is fundamental to what the planning and development process should achieve. Good design is a key aspect of sustainable development, creates better places in which to live and work and helps make development acceptable to communities.

8.3 Paragraph 130 states that planning policies and decisions should ensure that developments will function well and add to the overall quality of the area, not just for the short term but over the lifetime of the development; are visually attractive as a result of good architecture, layout and appropriate and effective landscaping; are sympathetic to local character and history, including the surrounding built environment and landscape setting, while not preventing or discouraging appropriate innovation or change, and; establish or maintain a strong sense of place, using the arrangement of streets, spaces, building types and materials to create attractive, welcoming and distinctive places to live, work and visit;

### 9.0 Local Plan (2017) - Policies

9.1 Policy DM6.1 sets out guidance on the design of development. This policy states that:

“Applications will only be permitted where they demonstrate high and consistent design standards. Designs should be specific to the place, based on a clear analysis of the characteristics of the site, its wider context and the surrounding area.”

9.2 Policy DM6.2 sets out guidance on extending existing buildings. It states that: “Extensions should complement the form and character of the original building. This should be achieved either by continuation of the established design form, or through appropriate contrasting, high quality design. The scale, height and mass of an extension and its position should emphasise subservience to the main building. This will involve a lower roof and eaves height, significantly smaller footprint, span and length of elevations.”

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

e. The effect that the extension will have on the existing property and whether it enhances the overall design.

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

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

10.2 The Design Quality SPD states that when considering residential extensions, materials should show sensitivity to their surroundings and should aim to be of the highest quality, directly responding to the existing built fabric, whether by utilising similar or sympathetic materials or by positive contrast.

#### 11.0 Whether the proposed materials are acceptable

11.1 The immediate street scene is largely characterised by semi-detached and detached residential dwellings, with single storey bungalows to the rear of the application site. The architectural style of the area is varied with a wide variety of materials and colours evident. There are numerous examples of extensions and dormer windows in the surrounding area.

11.2 The proposal includes violet blue cedar wood cladding to the gable ends of the property, the replacement of roof tiles from concrete rosemary to Marley Modern Old English and the cladding of the dormer in anthracite grey zinc.

11.3 Although the materials that have been used are not of a similar appearance to those used in the construction of the exterior of the existing dwellinghouse, they would provide a positive contrast in accordance with the advice in the Design Quality SPD.

11.4 Given there is a variety of materials and styles within the surroundings, it is officer advice that the proposal will not have a harmful impact. It will just add to the range of styles and materials within the surrounding area.

11.5 Members need to determine whether the proposed materials are acceptable and whether they would accord with policies DM6.1 and DM6.2, the Design Quality SPD and the advice in NPPF.

#### 12.0 Local Financial Considerations

12.1 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.

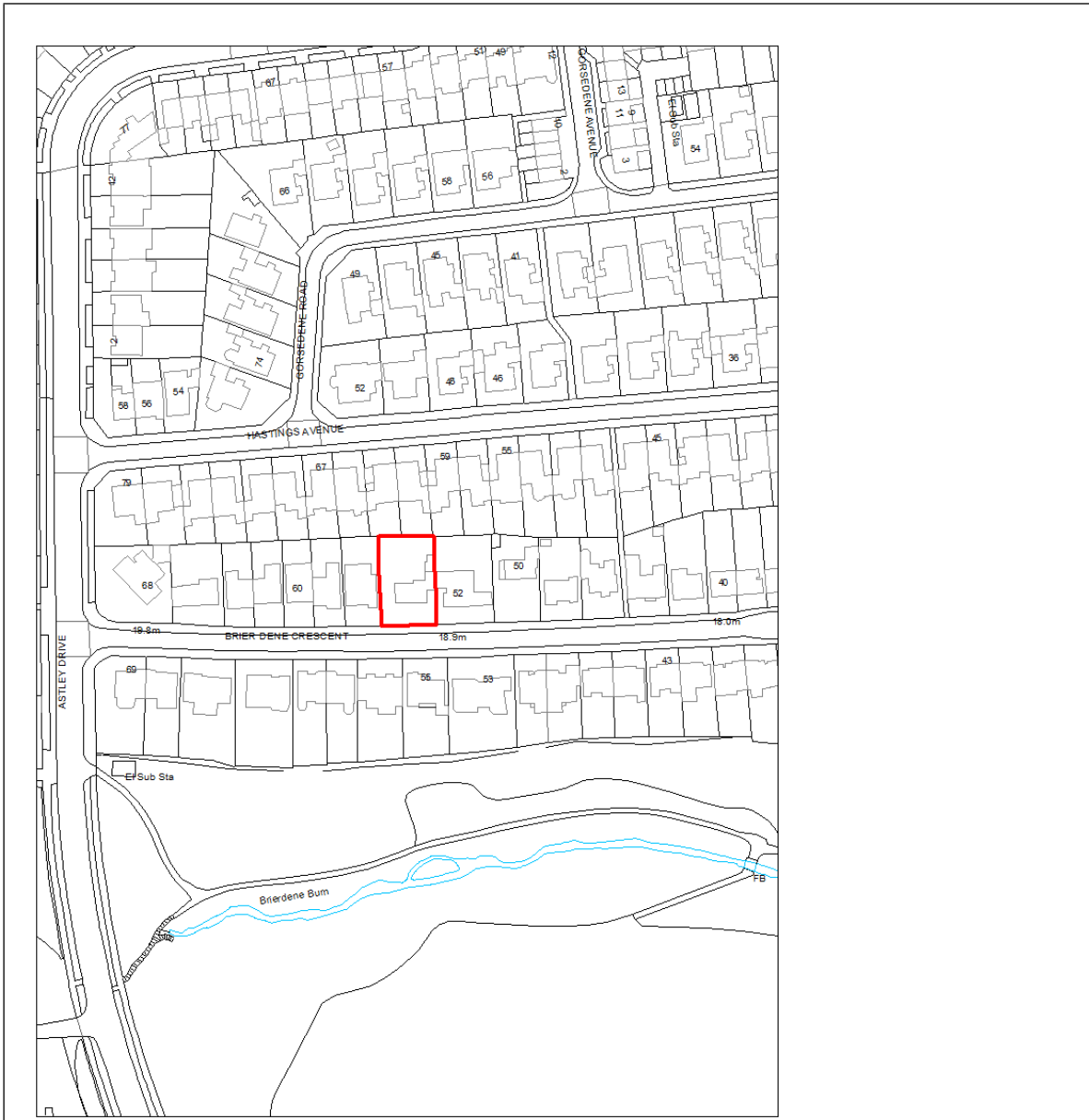
#### 13.0 Other Matters

13.1 The concerns of Cllr Wallace in terms of size and scale of the proposal are noted, however it is important to note that a development of this size and scale is permitted development and does not require an application for planning permission, providing the materials are of a similar appearance to those used in the construction of the exterior of the existing dwellinghouse.

13.2 The concerns of neighbours in terms of privacy are also noted, however it is important to note that properties to the rear and side are already overlooked by the existing first floor rear windows of the application property. A rear dormer could be constructed under permitted development rights. It would be remiss of the Local Planning Authority to refuse planning permission for the rear dormer on







**Application reference: 22/02152/FULH**

**Location: 54 Brierdene Crescent, Whitley Bay, Tyne And Wear, NE26 4AD**

**Proposal: Loft conversion with rear dormer and rooflights to front. Roof to be replaced with hip gable roof extensions. Works to include: Installation of cedar cladding to gable ends of the property; lap wood effect in c62 violet blue. Replacement of roof tiles from concrete rosemary to marley modern old english. Cladding of existing dormer in anthracite grey zinc.**

Not to scale

Date: 06.01.2023

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**Appendix 1 – 22/02152/FULH  
Item 3**

**Consultations/representations**

1.0 Ward Councillors

1.1 Councillor J Wallace (St. Mary's)

1.2 I request that the above application be put before the Planning Committee, rather than decided by officers, my reasons being the size and scale of the development, its affect upon nearby properties and the appearance of the area and its affect upon privacy of neighbouring bungalows. The development would result in a significant change to the character of this area.

1.3 The application has caused concern amongst neighbouring residents and objections have been submitted. Some would welcome the opportunity to address the Committee in person and will seek speaking rights.

2.0 Internal Consultees

None

3.0 Representations

3.1 Eight objections have been received from five neighbouring properties. These are summarised as follows:

- Impact on landscape
- Inappropriate design
- Inappropriate materials
- Loss of privacy
- None compliance with approved policy
- Nuisance - disturbance
- Out of keeping with surroundings
- Will result in visual intrusion
- Precedent will be set
- Never in a million years would anyone agree to this outrageous structure.
- This extension is a massive intrusion of our privacy, the original extension brought the property 15 metres closer to ours. Adding another level is a step too far.
- This is now a three-storey building overlooking single-storey bungalow.
- The height of this extension means that the view from the window looks directly into our bedroom, a further intrusion of our privacy.
- Our garden, and the rear of our bungalow can be visible, and we value our privacy.
- The loft conversion is going to massively infringe on this privacy and that is very upsetting.
- This extension is a massive intrusion of our privacy.
  - It overlooks our back garden, and it is also in a direct line of site of our bedroom window.
  - The purpose of a Juliet balcony is to sit on it and enjoy the view. The only view that they will have is of our back garden and the back of our house.
  - I bought my property approximately four years ago and the main attraction of my house was undoubtedly the privacy in my back garden - this is imperative and of major importance to me. The extension is very much overlooking my back

garden and does substantially impinge on my privacy - this is extremely disappointing and upsetting.

- The already well-advanced extension is out of keeping with the other properties in the area.

- The development comprises a fundamental change in the character of the area.

- I note in your letter the mention of, for example, c62 violet blue, and it does concern me that materials are going to be used which are not similar to the existing house.

- I also have concerns that the cladding and "violet blue" is not in any way in-keeping with the house and surrounding neighbourhood.

- There has been no consultation with the neighbours with regard to this extension.

- There was no prior knowledge of this dormer window until the day it was very rapidly installed. Had anyone taken the trouble to advise us of what was happening, we may have been able to arrive at a compromise acceptable to all parties.

- Work was started 5-6 weeks ago, the situation unacceptable.

External Consultees

None.

**Application No:** 22/01191/FUL      Author: Maxine Ingram  
Date valid: 27 June 2022      ☎: 0191 643 6322  
Target decision date: 26 September 2022      Ward: Killingworth

Application type: full planning application

**Location: Unit C, Bellway Industrial Estate, Benton, Newcastle Upon Tyne, NE12 9SW**

**Proposal: Demolition of existing buildings and proposed retail development and drive through cafe with associated access, car parking, landscaping and all ancillary works**

Applicant: Northumberland Estates

## **RECOMMENDATION:**

It is recommended that:

- a) the Committee indicates that it is minded to grant the application; and
- b) the Director of Regeneration and Economic Development be authorised to issue a notice of grant of planning permission subject to:
  - i) the conditions set out in the planning officers report;
  - ii) the addition, omission or amendment of any other conditions considered necessary by the Director of Regeneration and Economic Development;
  - iii) consultation with the Biodiversity Officer and Landscape Architect If in the opinion of the Director of Regeneration and Economic Development any issues or objections arise from this consultation that were not previously considered by the Committee then the application be referred back to the Committee for reconsideration; and
  - iv) completion of a legal agreement under Section 106 of the Town and Country Planning Act 1990 to secure a financial contribution for the following:
    - A £15,000 Travel Plan Bond is required. This will have to be paid if the Travel Plan Targets are not met 5 years from first occupation.
    - A £2,500 Travel Plan Monitoring Fee (£500 per annum) is required. This is for North Tyneside Council (NTC) Officer time spent monitoring the travel plan delivery, evaluating annual travel plan progress reports and annual survey results as submitted by the Travel Plan Coordinator (TPC).

## **INFORMATION**

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

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

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

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

### 2.0 Description of the Site

2.1 The application site is located to the north of Whitley Road (A191) and is currently occupied by the Bell Truck and Van premises. The site comprises a building incorporating a showroom and garage, along with associated parking and hardstanding areas. The site also includes areas of vegetation and mature trees along its southern part.

2.2 The site is accessed from the west and north via the roads serving the wider industrial estate.

2.3 To the north the site is bounded by existing commercial/industrial units, beyond which lies the Metro line. To the south the site is bounded by Whitley Road beyond which lies committed residential developments. To the east the site is bounded by retail units. To the west the site is bounded by the road serving the industrial estate, beyond which lies Arnold Clarke car sales premises.

2.4 The site is located on the Bellway Industrial Estate, which is an allocated site (E014) for employment uses in the Local Plan (LP) (2017). The site is designated as a wildlife corridor.

### 3.0 Description of the Proposed Development

3.1 Planning permission is sought for the demolition of the existing buildings and the construction of a retail store and drive through café with associated access, car parking, landscaping and all ancillary works.

3.2 The applicant had advised the following:

- a Lidl food store of 1,895 square metres (sqm) gross/1, 251 sqm net (sales) floorspace;
- a drive through bakery, to be operated by Greggs, comprising 168 sqm;

- 135 car parking spaces;
- a new/improved access into the site from the industrial estate road; and,
- associated hard and soft landscaping across the site.

3.3 The proposed food store will be located on the northern part of the site. The entrance to the store will be located at the western end of the building, adjacent to the trolley store, with servicing being undertaken at the eastern end. The new Greggs drive through bakery would be located on the middle part of the site (to the other side of the customer car park), with the existing woodland on the southern part being retained.

3.4 A vehicular access is proposed from the west, in broadly the same location as one of the existing accesses. New hard and soft landscaping will be provided across the development, and existing trees retained where possible. Pedestrian linkages would be provided through the site, connecting the different uses with footways on Whitley Road.

#### 4.0 Relevant Planning History

18/00102/ADV – Replacement external commercial vehicle dealership and forecourt signs – Permitted 16.03.2018

13/01903/FUL - Change of use to the grassed area to develop a surface which will be suitable to park and display vehicles including improvements to the landscape arrangement – Permitted 17.04.2014

08/02274/ADV - 4no 8m high flag poles and additional directional signage for customer parking – Permitted 10.09.2009

08/02273/FUL - Proposed parking and display of sales vehicles on grassed area – Permitted 10.09.2009

06/00067/FUL - Provision of new wash bay area to include pre-fabricated steel ramp and masonry retaining wall – Permitted 20.03.2006

#### 5.0 Development Plan

5.1 North Tyneside Local Plan (2017)

#### 6.0 Government Policies

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

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

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

## PLANNING OFFICERS REPORT

### 7.0 Detailed Planning Considerations

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

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

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

### 8.0 Principle of the development

8.1 The Local Plan (LP) was adopted in July 2017 to guide development in the period up to 2032. The council acknowledges that the policies contained within the LP predate the publication of the revised NPPF (July 2021) however, it is clear from paragraph 219 of the NPPF that: “However, existing policies should not be considered out-of-date simply because they were adopted or made prior to the publication of this Framework. Due weight should be given to them, according to their degree of consistency with this Framework (the closer the policies in the plan to the policies in the Framework, the greater the weight that may be given).” The council considers that the Local Plan policies set out in this report are consistent with the NPPF and can be afforded significant weight.

8.2 The NPPF makes it clear that the purpose of the planning system is to contribute to the achievement of sustainable development. Achieving sustainable development means that the planning system has three overarching objectives: an economic objective; a social objective; and an environmental objective. Planning policies and decisions should play an active role in guiding development towards sustainable solutions, but in doing so should take local circumstances into account, to reflect the character, needs and opportunities of each area.

8.3 The NPPF paragraph 11 makes it clear that plans and decisions should apply a presumption in favour of sustainable development. However, the presumption in favour of sustainable development does not change the statutory status of the development plan as the starting point for decision making. The NPPF paragraph 12 states “Where a planning application conflicts with an up-to-date development plan permission should not normally be granted. Local Planning Authorities (LPA’s) may take decisions that depart from an up-to-date development plan, but only if material considerations in a particular case indicate that the plan should not be followed”.

8.4 LP Policy S2.2 ‘Provision of Land for Employment Development’ seeks to ensure an attractive and flexible supply of employment land is available to deliver the Council’s strategy for economic prosperity, job growth and investment over the plan period.

8.5 LP Policy DM2.3 Development Affecting Employment Land and Buildings states “The Council will support proposals on employment land, as shown on the



Policies Map, for new or additional development for uses within use classes B1, B2 or B8 or that which is deemed ancillary.

Proposals on identified employment land or other buildings in use-class B1, B2 or B8, for uses that could conflict with the development and regeneration of sites for economic development, will be permitted where these proposals would not:

- a. Result in the unacceptable loss of operating businesses and jobs; and,
- b. Result in an excessive reduction in the supply of land for development for employment uses, taking into account the overall amount, range, and choice available for the remainder of the plan period; and,
- c. Have an adverse impact upon the amenity and operation of neighbouring properties and businesses.”

8.6 Paragraph 87 of the NPPF states that ‘LPA’s should apply a sequential test to planning applications for main town centre uses which are neither in an existing centre nor in accordance with an up-to-date plan. Main town centre uses should be located in town centres, then in edge of centre locations; and only if suitable sites are not available (or expected to become available within a reasonable period) should out of centre sites be considered.’

8.7 Paragraph 88 of the NPPF states ‘When considering edge of centre and out of centre proposals, preference should be given to accessible sites which are well connected to the town centre. Applicants and LPA’s should demonstrate flexibility on issues such as format and scale, so that opportunities to utilise suitable town centre or edge of centre sites are fully explored.’

8.8 Paragraph 91 of the NPPF states ‘Where an application fails to satisfy the sequential test or is likely to have significant adverse impact on one or more of the considerations in paragraph 90, it should be refused.’

8.9 Paragraph 122 of the NPPF advises that planning policies and decisions need to reflect the changes in the demand for land. Where the LPA considers there to be no reasonable prospect of an application coming forward for the use allocated in a plan: in the interim, prior to updating the plan, applications for alternative uses on the land should be supported, where the proposed use would contribute to meeting an unmet need for development in the area.

8.10 The National Planning Practice Guidance (NPPG) provides advice on how the sequential test should be applied to development proposals. The NPPG states that it is for the applicant to demonstrate compliance with the sequential test and sets out the key considerations that be taken into account in determining whether a proposal complies with the sequential test:

-With due regard to the requirement to demonstrate flexibility, has the suitability of more central sites to accommodate the proposal been considered? Where the proposal would be located in an edge of centre or out of centre location, preference should be given to accessible sites that are well connected to the town centre. Any associated reasoning should be set out clearly.

-Is there scope for flexibility in the format and/or scale of the proposal? It is not necessary to demonstrate that a potential town centre or edge of centre site can accommodate precisely the scale and form of a development being proposed,

but rather to consider what contribution more central sites are able to make individually to accommodate the proposal.

-If there are no sequentially preferable locations, the sequential test is passed.

8.11 The site is an allocated employment site (E014) in the LP, which supports development in Use Classes former B1 (now Use Class E), B2 and B8 (Policy S2.2). The site is currently operated by Bell Trucks and Vans.

8.12 This application is for a mixture of E use classes with the predominant use being a Lidl supermarket and a smaller separate unit being a Greggs drive through bakery. Both uses would be considered to be use class E (a) within the updated the Town and Country Planning (Use Classes) Order 1987 (as amended) with The Town and Country Planning (Use Classes) (Amendment)(England) Regulations 2020.

8.13 The uses proposed are town centre uses in an out of centre location. In accordance with the NPPF (paras. 87 and 90) and LP Policy DM3.4 this application requires a sequential and impact assessment to be submitted for consideration. The assessment must provide sufficient evidence that the development would not have an adverse impact on the centres within the catchment of the development and that no suitable, available, or viable sites were sequentially preferable.

8.14 This assessment has been submitted and considers the potential impact on the surrounding town centres, including the recently regenerated town centres that include a discount supermarket as a key anchor to its offer and overall success, e.g. Battle Hill, Northumberland Park and Wallsend. The impact assessment advises that the anticipated trade diversion of the town centre supermarkets was not significant when considered against the company average turnover of each store and the overall impact to the centres was not significant e.g. the trade diversion impact for the Aldi at Wallsend was forecast to be 3% but the store is performing at a level around 260% of the company average. The Planning Policy comments advise that the greatest impact of the development would be on the existing Asda on Whitley Road, but because this is an out of centre store it has no planning protection against such an impact.

8.15 LP Policy S3.3 identifies sites for future retail demand. These sites along with others identified in the town centres have been discounted in the applicant's sequential assessment due to the size and business requirements of the development proposed.

8.16 The comments from Regeneration are noted. However, the applicant has submitted the relevant assessments in accordance with the requirements of the NPPF and LP policies which demonstrate that the proposed development would not impact existing town centres. Planning policy have not raised any objections to this development.

8.17 Members need to consider whether the development meets the requirements of national and local retail policy. It is officer advice that it does.

8.18 The other main consideration for Members to consider is the loss of allocated employment land for former B1 (now Use Class E), B2 and B8 uses to a supermarket and drive through bakery (Use Class E). LP Policy DM2.3 does accept development for uses outside of former B1 (now Use Class E), B2 and B8 so long as the development meets certain criteria. These include ensuring the development would not result in an unacceptable loss of operating businesses and jobs, an excessive reduction in the supply of land for development in employment uses or have an adverse impact upon the amenity and operation of neighbouring uses.

8.19 The supporting evidence confirms that the current occupiers, Bell Truck and Van, have recently secured planning permission for a new site elsewhere, which better meets their business needs, and will not be closing this branch of the business. The existing jobs on the site would therefore not be lost and the proposed development is estimated to create approximately 50 new (FTE) jobs in total. This is estimated to be a net increase in jobs at the site. The site is already operating as a sui generis use, which is outside of the preferred B use classes supported in the LP (Policy S2.2) and would therefore not result in an excessive reduction in the supply of land for development in employment uses. The impacts upon the amenity and operation of neighbouring uses will be considered in a latter part of this report. The proposed development would be in accordance with Policy DM2.3.

8.20 Members need to determine whether the principle of the proposed development, in terms of its impact on existing town centres and loss of employment land is acceptable and meets the requirements of Policies S2.2 and DM2.3. It is the view of officers that the principle of the proposed development is considered to be acceptable, subject to all other material considerations set out below being addressed.

### 9.0 Impact on amenity

9.1 Paragraph 185 of the NPPF states “Planning policies and decisions should also ensure that new development is appropriate for its location taking into account the likely effects (including cumulative effects) of pollution on health, living conditions and the natural environment, as well as the potential sensitivity of the site or the wider area to impacts that could arise from the development. In doing so they should: a) mitigate and reduce to a minimum potential adverse impacts resulting from noise from new development – and avoid noise giving rise to significant adverse impacts on health and the quality of life; b) identify and protect tranquil areas which have remained relatively undisturbed by noise and are prized for their recreational amenity value for this reason; and c) limit the impact of light pollution from artificial light on local amenity, intrinsically dark landscapes and nature conservation”.

9.2 LP Policy S1.4 “General Development Principles” states “ Proposals for development will be considered favourably where it can be demonstrated that they would accord with the strategic, development management or area specific policies of this Plan.” Amongst other matters this includes: be acceptable in terms of their impact upon local amenity for new or existing residents and businesses, adjoining premises and land uses; and be accommodated by, and make best use of, existing facilities and infrastructure, particularly in encouraging accessibility

and walking, cycling and public transport, whilst making appropriate provision for new or additional infrastructure requirements”.

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

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

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

9.4 The Manager for Environmental Health has been consulted. She has raised concerns regarding noise arising from customer noise, vehicle noise, delivery noise and plant noise. She has also advised there may also be associated cooking odours if cooking or reheating of food occurs within the café and drive through.

9.5 The site is located on an established industrial estate, approximately 200m to the north of residential properties. A noise assessment has been submitted and this has been considered by the Manager for Environmental Health. This assessment has considered the proposed noise impacts from the operations of the site including delivery noise, noise from the car park and drive through as well as plant noise which has been assessed in accordance with BS4142. She has expressed concerns about potential impacts of the use of the café which includes for an external seating area. It is clear from her comments that she considered the external seating area should not be in use after 21:00 hours. The assessment has also considered operational noise from the site and concludes this as being negligible.

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

9.7 The Manager for Environmental Health has advised that odour abatement may be required for the café, but this will be dependent on the type of cooking facilities to be provided.

9.8 The submitted Air Quality Assessment has been considered by the Manager for Environmental Health. This assessment considers the air quality impacts arising from the development which have been determined as being negligible and impacts will not be significant. Odour from cooking has also been considered and the assessment concludes that the impacts would be low. In accordance with the NPPF (para.55), it clear from her comments that conditions can be imposed to ensure that appropriate mitigation is secured to prevent fugitive odours.

9.9 The Manager for Environmental Health has also recommended further conditions to control the hours of construction and a compliance condition to control the lighting scheme.

9.10 Members need to determine whether the proposed development is acceptable in terms of its impact on the amenity (noise and odours) of neighbouring and nearby properties. It is officer advice that the proposed development is acceptable, subject to the imposition of the suggested conditions. As such, it is officer advice that the proposed development accords with the advice in paragraph 185 of the NPPF and LP policies DM5.19 and DM6.1.

#### 10.0 Impact on character and appearance

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

10.2 LP Policy DM6.1 'Design of Development' makes it clear that applications will only be permitted where they demonstrate high and consistent design standards. Amongst other matters proposed developments are responsive to their location, including topography, wildlife habitats, site orientation and existing buildings; ensuring a positive relationship to neighbouring buildings and spaces; ensuring sufficient parking is well integrated into the layout; and a good standard of amenity for existing and future residents.

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

10.4 Existing buildings on the site are to be demolished, which comprise the two storey Mercedes Benz Bell Truck and Van Vehicle Garage and associated warehouse building. The proposed buildings would comprise of a single storey foodstore and a single storey drive through. The foodstore is the larger of the two buildings and is therefore positioned further to the north. The front facade of the foodstore is primarily glazed to provide an active frontage to the road. The design of the building is simple and would not appear out of place on this industrial estate. Parking is located to the front of the foodstore. The drive through building is smaller than the foodstore in scale and mass. It has been positioned closer to the front of the site, to reduce the building mass when viewed from Whitley Road. This also allows for a clear view to the foodstore for prospective customers. The overall appearance of the development is modern, contemporary and functional and is considered to be acceptable in terms of its impact on the surroundings.

10.5 The proposed layout seeks to retain existing trees, as the excavation and building works avoid the wildlife corridor and its root protection zones. Retaining the existing treed area provides screening to Whitley Road to the south.

10.6 The positioning of the proposed buildings would not significantly affect the amenity of residential properties located to the south of the site.

10.7 Members need to consider whether the impact on the character and appearance of the immediate surrounding area is acceptable. It is officer advice that, the proposed development would not result in a significant visual impact on the character or appearance of the immediate surrounding area. As such, the proposed development accords with national and local planning policies.

#### 11.0 Impact on highway safety

11.1 The NPPF paragraph 111 makes it clear that development should only be prevented or refused on highway grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.

11.2 The NPPF paragraph 112 states, amongst other matters, that applications for development should give priority first to pedestrian and cycle movements both within the scheme and with neighbouring areas and address the needs of people with disabilities and reduced mobility in relation to all modes of transport.

11.3 LP Policy DM7.4 'New Development and Transport' makes it clear that the Council will ensure that the transport requirements of new development, commensurate to the scale and type of development, are taken into account and seek to promote sustainable travel to minimise environmental impacts and support resident's health and well-being.

11.4 The Council's maximum parking standards are set out in the Transport and Highways.

11.5 The submitted Transport Assessment (TA) has been considered by the Highways Network Manager. This assessment analysed junctions in the vicinity of the site as well as the proposed site accesses. The impact of the development on the adjacent highway network is not considered to be severe.

11.6 As part of the proposal, the developer has proposed off-site mitigation to improve the junction of the A191 Whitley Road and Bellway Industrial Estate, introduce a light-controlled crossing on Whitley Road and improve pedestrian access to the site.

11.7 The site would be accessed from the main estate road on Bellway Industrial Estate and parking would be provided to meet the needs of the site. Cycle parking will also be provided.

11.8 Servicing would be carried out wholly within the site with service provision for each element of the development deemed appropriate.

11.9 The Highways Network Manager considers the proposal to be acceptable subject to imposing the suggested conditions.

11.10 The Sustainable Transport Team Leader has advised that the submitted Travel Plan (TP) would need to be amended to reflect the relevant scope. He has advised this can be secured by condition. A TP Bond is required to ensure if the TP Targets are not met alternative provision can be secured.

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

## 12.0 Impacts on Biodiversity

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

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

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

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

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

12.6 The Council's Landscape Architect and Biodiversity Officer have been consulted. and their comments will be reported to planning committee via an addendum.

12.7 Members need to consider whether the proposed development is acceptable in terms of its impact on biodiversity and landscaping. It is officer advice that it is.

### 13.0 Other Issues

#### 13.1 Contaminated Land

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

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

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

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

13.6 The Coal Authority has been consulted. They have raised no objection to the proposed development.

13.7 Members need to consider whether the proposed development is acceptable in terms of its impact on ground conditions. It is officer advice that it is.

#### 13.8 Flooding

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

13.10 LP Policy “DM5.12 Development and Flood Risk” states that all major developments will be required to demonstrate that flood risk does not increase as a result of the development proposed, and that options have been taken to reduce overall flood risk from all sources, taking into account the impact of climate change over its lifetime.

13.11 The Lead Local Flood Authority (LLFA) has been consulted. They have confirmed that they have no objections to the proposal as surface water would be attenuated within the site. Surface water attenuation would include the use of permeable paving and an underground storage tank which are designed to accommodate a 1in100 year storm event +40% increase for climate change. The surface water from the development is proposed to discharge into Northumbrian Water’s adjacent 300mm diameter surface water sewer. The rate of discharge from the site will be restricted to the equivalent to greenfield run-off rate of 3.9l/s and would be controlled via the use of a flow control device. Due to the nature of the development, the LLFA have advised that some form of pollution control measure is required to be installed on the surface water drainage network before it enters the adjacent sewer network. It is clear from their comments that this can be conditioned.

13.12 Northumbrian Water have been consulted. They have recommended conditional approval.



13.13 Members need to determine whether the proposed development is acceptable in terms of flood risk. It is officer advice that it is, and it would accord with both national and local planning policies.

#### 13.14 Police

13.15 Northumbria Police have been consulted. They have raised no objection to the proposed development from a crime prevention point of view.

#### 14.0 Local Financial Considerations

14.1 Local financial considerations are defined as a grant or other financial assistance that has been, that will or that could be provided to a relevant authority by the Minister of the Crown (such as New Homes Bonus payments) or sums that a relevant authority has received, or will or could receive in payment of the Community Infrastructure Levy (CIL). The proposal is CIL liable and therefore Members need to take this into account as part of their decision.

#### 15.0 Conclusion

15.1 Members need to determine whether the proposed development is acceptable in terms of the principle of the development, including its impact on existing town centres and loss of employment land, its impact on amenity (noise and odour), its impact on the character and appearance of the area and all other issues including its impact on highways, biodiversity, ground conditions and flood risk. It is the view of officers that the proposed development is acceptable. As such, officers consider that the proposed development does accord with national and local planning policies.

15.2 It is therefore recommended that planning permission should be granted subject to a S106 Agreement and conditions.

#### **RECOMMENDATION:**

**It is recommended that:**

- c) the Committee indicates that it is minded to grant the application; and**
- d) the Director of Regeneration and Economic Development be authorised to issue a notice of grant of planning permission subject to:**
  - v) the conditions set out in the planning officers report;**
  - vi) the addition, omission or amendment of any other conditions considered necessary by the Director of Regeneration and Economic Development;**
  - vii) consultation with the Biodiversity Officer and Landscape Architect If in the opinion of the Director of Regeneration and Economic Development any issues or objections arise from this consultation that were not previously considered by the Committee then the application be referred back to the Committee for reconsideration; and**
  - viii) completion of a legal agreement under Section 106 of the Town and Country Planning Act 1990 to secure a financial contribution for the following:**
    - A £15,000 Travel Plan Bond is required. This will have to be paid if the Travel Plan Targets are not met 5 years from first occupation.**

**-A £2,500 Travel Plan Monitoring Fee (£500 per annum) is required. This is for North Tyneside Council (NTC) Officer time spent monitoring the travel plan delivery, evaluating annual travel plan progress reports and annual survey results as submitted by the Travel Plan Coordinator (TPC).**

### **Conditions/Reasons**

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

Location plan Dwg No. ZZ-XX-DR-A-900001 S2 P2

Proposed site plan Dwg No. ZZ-XX-DR-A-910001 S3 P30

Building elevations (west and south) Dwg 3No. H069-003

Building elevations (north and east) Dwg No. H069 -004

Floor plans Dwg No. H069-002

Existing site plan Dwg No. ZZ-XX-DR-A-900002 S3 P2

External lighting layout Dwg No. 2022004-2-96-L001-PL05

General Arrangement Elevations Greggs Dwg No. ZZ-XX-DR-A-020002 S3

P2

General Arrangement Elevations Lidl Dwg No. ZZ-XX-DR-A-020001 S3 P2

General Arrangement Ground Floor Gregs Dwg No. ZZ-XX-DR-A-010003

S3 P2

General Arrangement Ground Floor Lidl Dwg No. ZZ-XX-DR-A-010001 S3

P2

General Arrangement Roof Plan Greggs Dwg No. ZZ-XX-DR-A-010004 S3

P2

General Arrangement Roof Plan Lidl Dwg No. ZZ-XX-DR-A-010002 S3 P2

Indicative Photovoltaic Area Layout Dwg No. 2022004-2-96-L002 PL02

Landscape Proposals Plan Dwg No. 147517/8001 Rev B

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

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

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

3. Notwithstanding Condition 1, the scheme for off-site highway works as set out in drawing number 300760-002 - Revision A shall be carried out prior to occupation and subject to Technical Approvals and Road Safety Audits and includes the following measures:

Alterations to junction of the A191 Whitley Road & Bellway Industrial Estate  
Light-controlled crossing on A191 Whitley Road

New footpath link from A186 Station Road to proposed crossing on A191 Whitley Road

Upgraded footpath from A191 Whitley Road & Bellway Industrial Estate to site access

Associated street lighting

Associated road markings

Associated signage

Associated Traffic Regulation Orders

Detailed highway design

Road safety audit

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 Condition 1, the scheme for access shall be laid out in accordance with the approved plans prior to the occupation of any part of the development hereby approved. This access 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 Condition 1, the scheme for parking shall be laid out in accordance with the approved plans prior to the occupation of any part of the development hereby approved. These parking areas shall not be used for any other purpose and retained thereafter.

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

6. Notwithstanding Condition 1, the scheme for Electric Vehicle (EV) charging shall be laid out in accordance with the approved plans prior to the occupation of each unit hereby approved. These EV charging areas shall not be used for any other purpose and retained thereafter.

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

7. Notwithstanding Condition 1, the scheme for undercover cycle storage shall be laid out in accordance with the approved plans prior to the occupation of each unit hereby approved. This cycle storage shall not be used for any other purpose and retained thereafter.

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

8. Notwithstanding the Condition 1, the scheme for servicing shall be laid out in accordance with the approved plans prior to the occupation of each unit hereby approved. These turning areas shall not be used for any other purpose and retained thereafter.

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

9. Notwithstanding Condition 1, the scheme for the provision of and storage of refuse shall be laid out in accordance with the approved plans and prior to the occupation of each unit hereby approved. 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).

10. Notwithstanding Condition 1, prior to the occupation of any part of the development hereby approved the following details shall be submitted to and approved in writing by the Local Planning Authority:

-Details of a car park management plan and a timescale for its implementation. Thereafter the car park management plan shall be implemented in full accordance with the approved details and retained thereafter.

-Details of a service management plan and a timescale for its implementation. Thereafter the service management plan shall be implemented in full accordance with the approved details and retained thereafter.

-Details of a taxi and private hire servicing plan which shall include details of drop off and pick up points and allocated parking bays as necessary. Thereafter the taxi and private hire servicing plan shall be implemented in full 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).

11. 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.

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

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

13. Notwithstanding the details submitted in the Travel Plan, no part of the development hereby approved 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.

14. Notwithstanding Condition 1, prior to the installation of any chimney or extraction vent to be provided in connection with the development details of the height, position, design and materials shall be submitted to and approved in writing by the Local Planning Authority. Any flues required for odour abatement purposes to 1 m above roof ridge of the buildings. Thereafter, the development shall not be carried out other than in accordance with the approved details which shall be permanently maintained.

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

15. Notwithstanding Condition 1, prior to the installation of any air ventilation systems details 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 which shall be permanently maintained and retained.

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

16. Notwithstanding Condition 1, prior to the installation of any refrigeration plant to be installed in connection with the development details 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 which shall be permanently maintained and retained.

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

17. Notwithstanding Condition 1, prior to the commencement of any part of the development hereby approved above damp proof course level details of an odour suppression system for the arrestment of fugitive odours 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 which shall be permanently maintained and retained and installed prior to the unit it relates to being brought into use.

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

18. Notwithstanding Condition 1, prior to the commencement of any part of the development hereby approved above damp proof course level a noise scheme

shall be submitted to and approved in writing by the Local Planning Authority. This noise scheme must be submitted in accordance with BS4142 that demonstrates that the rating level for all plant and equipment installed at the site does not exceed the current background noise levels for day time 07:00 - 23:00 hours and night time 23:00 - 07:00 hours, detailed in noise report no. NJD22-0013-002R. Thereafter the development shall be carried out in accordance with these agreed details and verification details pursuant to condition 19.

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

19. Within one month of the installation of any plant and equipment acoustic testing shall be undertaken to verify compliance with condition 18. These details shall be submitted to and approved in writing by the LPA prior to the operation of the plant and equipment being brought into permanent use. Thereafter the plant and equipment shall be operated and maintained in full working order.

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

20. Notwithstanding Condition 1, prior to the commencement of any part of the development hereby approved above damp proof course level details of a noise scheme to prevent and control noise emanating from the site shall be submitted to and approved in writing by the Local Planning Authority. The approved scheme shall be implemented in full prior to the occupation of each unit hereby approved.

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

21. No sound reproduction equipment which is audible outside the curtilage of the premises shall be operated on the site.

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

22. Deliveries and collections to the site shall be restricted to between 06:00 and 23:00 hours on any day.

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

23. The premises/buildings hereby approved shall only be open for business in accordance with the following:

-Lidl - foodstore

08:00 to 22:00 hours Monday to Saturday

08:00 to 20:00 hours Sundays

-Greggs - drive through

06:00-22:00 hours on any day

Any external seating area hereby approved shall only be open for business in accordance with the following:

08:00 - 21:00 hours on any day

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

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

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

25. There shall be no demolition activity or vehicle movements to, from or within the site outside the hours of 0800-1800 Monday to Friday, 0800-1400 Saturday with no working on Sundays or Bank Holidays.

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

26. Notwithstanding Condition 1, the external lighting shall be carried out in full accordance with Dwg No. 2022004-Z-96-L001 Rev 5 unless otherwise agreed in writing by the Local Planning Authority.

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

27. Prior to commencement of development a detailed Site Investigation (Phase 2) must be carried out including an interpretative report on potential contamination of the site. This must be prepared by an appropriately qualified person and submitted to and approved in writing by the LPA to establish:

- i) If the site is contaminated;
- ii) To assess the degree and nature of the contamination present, and an assessment whether significant risk is likely to arise to the end users and public use of land, building (existing or proposed) or the environment, including adjoining land;
- iii) To determine the potential for the pollution of the water environment by contaminants and;
- iv) an appraisal of remedial options, and proposal of the preferred option(s).

The Site Investigation report must include the following information:

- A site plan with sampling points and log;
  - Results of sampling and monitoring carried out in accordance with sampling strategy, and;
  - An interpretative report on potential contamination of the site, conclusions must be prepared by a competent person (a person with a recognised relevant qualification, sufficient experience in dealing with the type(s) of pollution or land instability, and membership of a relevant professional organisation).
- The Site Investigation report should be written in accordance with the current government guidelines including but not exclusive of those including in the BS10175 2011+A1 2013, BS 5930 2015 +A12020, Development on Land Affected by Contamination YALPAG Version 11.2 - June 2020, Land Contamination Risk Management - Environment Agency.

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

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

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

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

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

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

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

This report must contain the following:

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



- Cross sectional diagrams for the site and detailed plans of the site.

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

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

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

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

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

31. The development hereby permitted shall not be constructed above damp proof course level until the details of a scheme of site investigation and assessment to test for the presence and likelihood of gas emissions from underground workings, historic landfill, unknown filled ground or made ground has been submitted to and agreed in writing by the Local Planning Authority.

Upon approval of the method statement:

a) A detailed site investigation should be carried out to establish the degree and nature of the gas regime, and whether there is a risk likely to arise to the occupants of the development. The results and conclusions of the detailed site investigations should be submitted to and the conclusions approved in writing by the Local Planning Authority. The Ground Gas Assessment Report should be written using the current government guidelines.

b) In the event that remediation is required following the assessment of the ground gas regime using current guidelines, then a method statement must be submitted to and approved in writing by the Local Planning Authority.

The detailed design and construction of the development shall take account of the results of the site investigation and the assessment should give regard to results showing depleted oxygen levels or flooded monitoring wells. The method of construction shall also incorporate all the measures shown in the approved assessment.

This should provide details of exactly what remediation is required and how the remediation will be implemented on site; details including drawings of gas protection scheme should be included.

c) Where remediation is carried out on the site then a validation report will be required. This report should confirm exactly what remediation has been carried out and that the objectives of the remediation statement have been met.

The validation report should include cross sectional diagrams of the foundations and how any gas protection measures proposed in the remediation method statement are incorporated. In the event that integrity testing of membranes is required then any test certificates produced should also be included.

A verification report shall be submitted to and approved in writing by the Local Planning Authority before the development is occupied/brought into use.

d) In the event that there is a significant change to the ground conditions due to the development, for example grouting or significant areas of hard standing; then additional gas monitoring should be carried out to assess whether the gas regime has been affected by the works carried out. In the event that the gas regime has been altered then a reassessment of remediation options shall be submitted to the Local Planning authority to be agreed in writing before the development is occupied/brought into use.

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

Reason: In order to safeguard the development and/or the occupants thereof from possible future gas emissions from underground and or adverse effects of landfill gas which may migrate from a former landfill site having regard to policy DM5.18 of the North Tyneside Local Plan (2017) and National Planning Policy Framework.

32. No development shall take place until plans of the site showing the existing and proposed ground levels and levels of thresholds and floor levels of all proposed buildings has been submitted to and approved in writing by the Local Planning Authority. Such levels shall be shown in relation to a fixed and known datum point. Thereafter, the development shall not be carried out other than in accordance with the approved details. Reason: This needs to be pre-commencement condition to ensure that the work is carried out at suitable levels in relation to adjoining properties and highways, having regard to amenity, access, highway and drainage requirements having regard to policy DM6.1 of the North Tyneside Local Plan (2017).

33. Notwithstanding Condition 1, prior to the installation of any solar panels/photovoltaics details shall be submitted to and approved in writing by the Local Planning Authority. Thereafter, the solar panels/photovoltaics shall only be installed in accordance with these agreed details and shall be permanently maintained.

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

34. Prior to any demolition of the existing buildings an asbestos demolition survey shall be submitted to and approved in writing by the Local Planning Authority. Thereafter, the buildings shall be demolished in accordance with these agreed details.

Reason: This information is required from the outset to ensure that any asbestos is appropriately disposed of having regard to Policy DM5.18 of the North Tyneside Local Plan (2017).

35. Development shall be implemented in line with the drainage scheme contained within the submitted document entitled "Flood Risk Assessment" dated "June 2022". The drainage scheme shall ensure that foul flows discharge to the foul sewer at manholes 7003 and 8102 and ensure that surface water discharges to the surface water sewer at manhole 8001. The surface water discharge rate shall not exceed the available capacity of 3.4l/sec that has been identified in this sewer. 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.

36. Notwithstanding Condition 1, prior to the commencement of any part of the development hereby approved above damp proof course level a detailed surface water drainage design and discharge rates, including pollution control measures and details of the appointed SUDS management company, shall be submitted to and approved in writing by the Local Planning Authority in consultation with the Lead Local Flood Authority. Thereafter, the surface water drainage, including pollution control measures, shall be installed in accordance with these agreed details prior to any unit hereby approved being brought into use and permanently maintained and retained by the agreed management company.

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

37. Prior to the first operation of the hereby approved store, a scheme for three (3) apprenticeships for North Tyneside residents, including a programme for monitoring and demonstrating compliance of appointing apprentices, shall be submitted to and approved in writing by the Local Planning Authority. The apprenticeship schemes shall be run in full accordance with the agreed details.

Reasons: To contribute towards the creation of local employment opportunities and support growth in skills in line with policy DM7.5 of the North Tyneside Local Plan 2017.

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

The proposal complies with the development plan and would improve the economic, social and environmental conditions of the area. It therefore comprises sustainable development and the Local Planning Authority worked proactively and positively to issue the decision without delay. The Local Planning Authority has therefore implemented the requirements in Paragraph 38 of the National Planning Policy Framework.

**Informatives**

Building Regulations Required (I03)

Consent to Display Advertisement Reqd (I04)

The applicant is advised that 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 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 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.

The applicant is advised to 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.

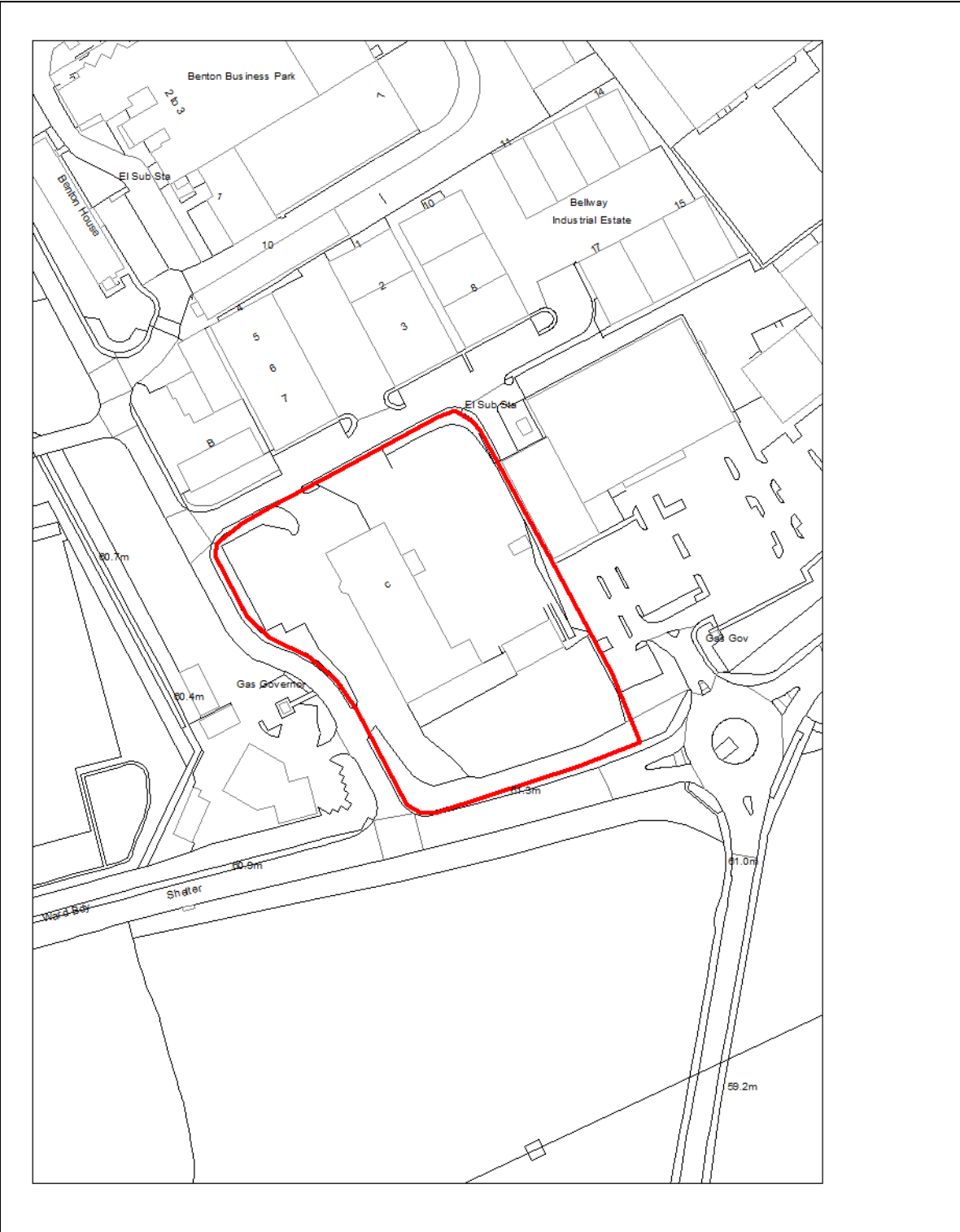
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The applicant is advised to contact the council's Public Rights of Way Officer prior to construction arrange s joint inspection of the Public Right of Way network on and adjacent to the site. If this inspection is not carried out, the Local Highway 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.

Take Care Proximity to Party Boundary (I21)

Advice All Works Within Applicants Land (I29)



**Application reference: 22/01191/FUL**  
**Location: Unit C, Bellway Industrial Estate, Benton, Newcastle Upon Tyne**  
**Proposal: Demolition of existing buildings and proposed retail development and drive through cafe with associated access, car parking, landscaping and all ancillary works**

Not to scale  
 Date: 05.01.2023

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 0100016801



**Consultations/representations**

1.0 Internal Consultees

1.1 Planning Policy

1.2 The site is located at the entrance to Bellway Industrial Estate and currently occupied by Bell Truck and Van. The site is clearly visible from Whitley Road (A191) and is surrounded by a car showroom and service centre to the west, industrial units to the north, an out of centre retail store to the east and a small group of trees to the south, which partially screens the development from Whitley Road when travelling in a westerly direction.

1.3 The current use of the site is considered to be sui generis but it appears to be a mix of sales (sui generis) and servicing repairs (B2), without seeing a detailed breakdown of the relationship between the two uses it is presumed that the sales area is the principal use of the site and the servicing and repairs garage is ancillary.

1.4 The site is an allocated employment site (E014) in the North Tyneside Local Plan (2017), which supports development in B2, B8 and the former B1 use class (Policy S2.2).

1.5 The application is for a mixture of E use classes with the predominant use being a Lidl supermarket (1,895m<sup>2</sup> gross) and a smaller separate unit being a Greggs drive through bakery (168m<sup>2</sup> gross). Both uses would be considered to be use class E (a) within the updated the Town and Country Planning (Use Classes) Order 1987 (as amended) with The Town and Country Planning (Use Classes)(Amendment)(England) Regulations 2020.

1.6 The proposed development would be for two units that are both town centre uses in an out of centre location and therefore paragraph 87 and 90 of National Planning Policy Framework (NPPF) and Policy DM3.4 of the Local Plan (2017) require a sequential and impact assessment to be submitted with the application. The applicant has submitted both. It is the officer's opinion that each assessment provides sufficient evidence that the development would not have a significant adverse impact on the centres within the catchment of the development and that no suitable, available, or viable sites were sequentially preferable.

1.7 The assessment considers the potential impact on the surrounding town centres, especially the recently regenerated town centres that include a discount supermarket as a key anchor to its offer and overall success, e.g. Battle Hill, Northumberland Park and Wallsend. The impact assessment revealed that the anticipated trade diversion to each of the town centre supermarkets was not significant when considered against the company average turnover of each store and the overall impact to the centres was not significant e.g. The trade diversion impact for the Aldi at Wallsend was forecast to be 3% but the store is performing at a level around 260% of the company average. The greatest impact of the

development would be on the existing Asda on Whitley Road, but because this is an out of centre store it has no planning protection against such an impact.

1.8 The Local Plan does identify sites for future retail demand (Policy S3.3). These sites along with others identified in the town centres have been discounted in the applicant's sequential assessment.

1.9 Accepting the development meets the requirements of national and local retail policy the other main policy consideration is the loss of allocated employment land for B1, B2 and B8 uses to a supermarket and drive through bakery (E use class). Policy DM2.3 of the Local Plan does accept development for uses outside of B1, B2 and B8 so long as the development meets certain criteria. These include ensuring the development would not result in an unacceptable loss of operating businesses and jobs, an excessive reduction in the supply of land for development in employment uses or have an adverse impact upon the amenity and operation of neighbouring uses.

1.10 The supporting evidence confirms that the current occupiers, Bell Truck and Van, have recently secured planning permission for a new site elsewhere in the region, which better meets their business needs, and will not be closing down this branch of the business. The existing jobs on the site would therefore not be lost and the proposed development is estimated to create approximately 50 new (FTE) jobs in total. This is estimated to be a net increase in jobs at the site. The site is already operating as a sui generis use, which is outside of the preferred B use classes supported in the Local Plan (Policy S2.2), and would therefore not result in an excessive reduction in the supply of land for development in employment uses or have an adverse impact upon the amenity and operation of neighbouring uses. The proposed development would be in accordance with Policy DM2.3.

1.11 Conclusion: The proposal has not been able to identify any sequentially preferable sites within the catchment area and the impact assessment has proven the development would not have a significant adverse impact on the viability or vitality of the relevant town centres. Considering national guidance and the need for the Council to support sustainable economic growth, the application would be in accordance with Policy S2.1, DM2.3 and DM3.4 of the Local Plan (2017).

1.12 There are no objections raised.

#### 1.13 Highways Network Manager

1.14 A Transport Assessment (TA) was submitted as part of the planning application that analysed junctions in the vicinity of the site as well as the proposed site accesses and the impact of the development on the adjacent highway network is not considered to be severe.

1.15 As part of the proposal, the developer has proposed off-site mitigation to improve the junction of the A191 Whitley Road & Bellway Industrial Estate, introduce a light-controlled crossing on Whitley Road and improve pedestrian access to the site.



1.16 The site will be accessed from the main estate road on Bellway Industrial Estate and parking will be provided to meet the needs of the site. Cycle parking will also be provided, and a Travel Plan has also been produced.

1.17 Servicing will be carried out wholly within the site with service provision for each element of the development deemed appropriate.

1.18 Conditional approval is recommended.

1.19 The applicant will be required to enter into a Section 278 agreement for the off-site highway works set out in drawing number 300760-002 - Revision A, which is subject to Technical Approvals and Road Safety Audits and includes the following measures:

- Alterations to junction of the A191 Whitley Road & Bellway Industrial Estate
- Light-controlled crossing on A191 Whitley Road
- New footpath link from A186 Station Road to proposed crossing on A191 Whitley Road
- Upgraded footpath from A191 Whitley Road & Bellway Industrial Estate to site access
- Associated street lighting
- Associated road markings
- Associated signage
- Associated Traffic Regulation Orders
- Detailed highway design
- Road safety audit

1.20 Conditions:

Notwithstanding the details submitted, the scheme for off-site highway works as set out in drawing number 300760-002 - Revision A shall be carried out prior to occupation in and subject to Technical Approvals and Road Safety Audits and includes the following measures:

- Alterations to junction of the A191 Whitley Road and Bellway Industrial Estate
- Light-controlled crossing on A191 Whitley Road
- New footpath link from A186 Station Road to proposed crossing on A191 Whitley Road
- Upgraded footpath from A191 Whitley Road & Bellway Industrial Estate to site access
- Associated street lighting
- Associated road markings
- Associated signage
- Associated Traffic Regulation Orders
- Detailed highway design
- Road safety audit

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 access shall be laid out in accordance with the approved plans. This access shall not be used for any other purpose and retained thereafter.

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

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

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

Notwithstanding the details submitted, the scheme for Electric Vehicle (EV) charging shall be laid out in accordance with the approved plans. These EV charging areas shall not be used for any other purpose and retained thereafter.

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

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

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

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

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

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

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

No development above ground floor level shall take place until details of a taxi and private hire servicing plan have been submitted to and approved in writing by the local planning authority. This plan shall include details of drop off and pick up points and allocated parking bays as necessary. Thereafter the taxi and private hire servicing plan shall be implemented in accordance with the approved details and retained thereafter.

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

No development above ground floor level shall take place until details of a car park management plan has been submitted to and approved in writing by the local planning authority. This plan shall be implemented in accordance with the approved details and retained thereafter.

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

No development above ground floor level shall take place until details of a service management plan has been submitted to and approved in writing by the local planning authority. This plan 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).

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

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

#### 1.21 Informatives:

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 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 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.

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#### 1.22 Sustainable Transport Team Leader

1.23 A Travel Plan (TP) for this site was submitted as part of the application, however it would need amending to reflect the Council's scope.

#### 1.24 Recommendation - Conditional Approval

#### 1.25 Travel Plan:

1.26 A Travel Plan is required to be submitted as part of the Planning Application. See attached scope for information to be included within the Travel Plan.

1.27 A £15,000 Travel Plan Bond is required, to be included as a Section 106 Agreement. This will have to be paid if the Travel Plan Targets are not met 5 years from first occupation.

1.28 A £2,500 Travel Plan Monitoring Fee (£500 per annum) is required, to be included as a Section 106 Agreement. This is for North Tyneside Council (NTC) Officer time spent monitoring the travel plan delivery, evaluating annual travel plan progress reports and annual survey results as submitted by the Travel Plan Coordinator (TPC).

1.29 I suggest the TP Condition text below:

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.

#### 1.30 Regeneration Team

1.31 The Regeneration Team are prioritising the borough's town centres to revitalise our high streets and build back better following the impact the pandemic has had on town centres across the UK. Out-of-town retail sites such as this one deters retail investment from town centres which will only exacerbate the current issues.

#### 1.32 Manager for Environmental Health (Pollution)

1.33 I would have concerns with regard to the proposed development as noise will arise from customer noise, vehicle noise, delivery noise and plant noise.

There may also be associated cooking odours if cooking occurs or reheating of foods occur within the cage and drive through.

1.34 The site is located within a dedicated industrial estate, approximately 200m north of residential properties. A noise assessment has been provided that has considered the proposed noise impacts from the operations of the site including delivery noise, noise from the car park and drive through as well as plant noise which has been assessed in accordance with BS4142. I would also have concerns about potential impacts of the use of the cafe which includes for an external seating area, this would need to be restricted for use to no later than 9pm. Operational noise from the site has been assessed as being negligible. Conditions are recommended to ensure noise is controlled and complies with the noise levels specified within the noise assessment.

1.35 Depending on the cooking facilities to be provided for cafe odour abatement may be required. An air quality assessment has been provided. This has considered the air quality impacts arising from the development which have been determined as being negligible and impacts will not be significant. Odour from cooking has been assessed in accordance to the Institute of Air Quality Management's 'Guidance on the assessment of odour for planning' rather than the former Defra guidance for the Control of Odour and Noise from Commercial Kitchen Exhaust System. The assessment has determined that odour impacts will be low. Conditions are recommended to require the commercial kitchen to be fitted with appropriate extraction and abatement plant to mitigate for any fugitive odours in accordance to the former Defra guidance for the Control of Odour and Noise from Commercial Kitchen Exhaust System. The odour scheme must consider the type and quantity of food, the proximity of housing and outlet, its dispersion and provide details of odour abatement having regard to the former DEFRA report "Guidance and Control of Odour and Noise from Commercial Kitchen Exhaust Systems".

1.36 It will also be necessary to control noise arising from the site and a lighting scheme for any new external lighting to be installed at the site to ensure it is installed in accordance with the external lighting layout plan.

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

EPL01(Any flues required for odour abatement purposes to 1 m above roof ridge of the buildings)

EPL02

EPL03

EPL04 The applicant shall maintain the odour suppression system as approved in accordance with the details provided by the manufacturer and submitted by the applicant for the purposes of demonstrating compliance with Standard Condition EPL04.

Noise condition: New External Plant and Equipment

A noise scheme must be submitted in accordance with BS4142 that demonstrates that the rating level for all plant and equipment installed at the site

does not exceed the current background noise levels for day time 07:00 - 23:00 hours and night time 23:00 - 07:00 hours, detailed in noise report no. NJD22-0013-002R. It will be necessary following installation of the plant and equipment that acoustic testing is undertaken to verify compliance with this condition within one month of its installation and submitted for written approval prior to the operation of the plant and thereafter maintain in working order.

NOI10

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.

Deliveries and collections to be restricted to between 06:00 and 23:00 hours.

NOI02

HOU03 to those on detailed in the noise report Supermarket 0800-2200 hrs Monday to Saturday, 0800-2000 hrs Sundays, Drive Thru 0600 - 22:00 hours

HOU04

SIT03

REF01

REF02

LIG01 in accordance to external lighting layout plan no. 2022004-Z-96-L001 Rev 5.

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

1.39 The Phase 1 report has identified pollutant linkages will require further investigation to allow a quantitative risk assessment to be undertaken. The ground investigation should therefore allow for chemical testing of soils and groundwater for the identified Contaminants of Concern and leachate testing of soils for the identified Contaminants of Concern, along with a programme of gas and groundwater monitoring.

1.40 The following must be attached:

Con 004

Con 005

Con 006

Con007

Gas 006

1.41 The Phase 1 report has also identified the potential for asbestos in existing buildings on-site. Therefore, an asbestos demolition survey of existing buildings is required prior to commencing any demolition works.

#### 1.42 Lead Local Flood Authority (LLFA)

1.43 I have carried out a review of planning application 22/01191/FUL surface water drainage proposals. I can confirm in principle I have no objections to these proposals as the applicant will be providing surface water attenuation within the development via the use of permeable paving and an underground storage tank

which are designed to accommodate a 1in100yr storm event + 40% increase for climate change. The surface water from the development is proposed to discharge into Northumbrian Water's adjacent 300mm diameter surface water sewer. The rate of discharge from the site will be restricted to the equivalent to greenfield run-off rate of 3.9l/s, and will be controlled via the use of a flow control device. Due to the nature of the development, I will require some form of pollution control measure to be installed on the surface water drainage network before it enters the adjacent sewer network.

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

- A copy of the detailed surface water drainage design including pollution control measures to be provided to the LLLFA for approval prior to construction.
- Details of the appointed Suds management company to be provided to LLFA upon completion of development.

## 2.0 Representations

2.1 None

## 3.0 External Consultees

### 3.1 The Coal Authority

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

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

### 3.4 Northumbria Police

3.5 We have no objections or comments from a crime prevention viewpoint.

### 3.6 Northumbrian Water

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

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

3.9 We have no issues to raise with this application, provided it is approved and carried out within strict accordance with the submitted document entitled "Flood



Risk Assessment". This document reflects our pre-planning enquiry advice identifying foul connections at manholes 7003 and 8102 and surface water connection at manhole 8001 at a restricted rate of 3.4l/sec.

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:

3.10 Condition: Development shall be implemented in line with the drainage scheme contained within the submitted document entitled "Flood Risk Assessment" dated "June 2022". The drainage scheme shall ensure that foul flows discharge to the foul sewer at manholes 7003 and 8102 and ensure that surface water discharges to the surface water sewer at manhole 8001. The surface water discharge rate shall not exceed the available capacity of 3.4l/sec that has been identified in this sewer. 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.

3.11 It should be noted that we are not commenting on the quality of the flood risk assessment as a whole or the developer's 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. The required discharge rate and volume may be lower than the Northumbrian Water figures in response to the National and Local Flood Policy requirements and standards. Our comments simply reflect the ability of our network to accept flows if sewer connection is the only option. They are not part of any approval process for determining whether the proposed drainage layouts / design put forward at the planning stage satisfies the adoption criteria as set out in the Code for Sewer Adoption (sewer sector guidance). It is important for developers to understand that discussions need to take place with Northumbrian Water prior to seeking planning permission where it is their intention to offer SuDS features for adoption.

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