

**Application No:** 21/01774/FUL Author: Maxine Ingram  
Date valid: 6 August 2021 ☎: 0191 643 6322  
Target decision date: 1 October 2021 Ward: Weetslade

Application type: full planning application

**Location: Land Rear of Former School Cottages, Sandy Lane, North Gosforth, NEWCASTLE UPON TYNE**

**Proposal: Erection of gym with associated parking (Re-submission) - (Additional information: landscape plan, tree report, biodiversity net gain assessment, received and uploaded 25.02.2022, additional information: AIA, TPP received 12.01.2023)**

Applicant: Mr W Collard

Agent: George F White

**RECOMMENDATION:** Application Permitted

## **INFORMATION**

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

1.0 The main issues for Members to consider are:

- The principle of the development,
- The impact on character and appearance including the conservation area, the setting of the listed building and the green belt,
- The impact upon residential amenity,
- The impact on the highway,
- The impact on biodiversity; and
- Other issues.

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

### 2.0 Description of the Site

2.1 The site to which this application relates is a vacant parcel of land measuring approximately 0.18 hectares (ha). It is located at the junction of B1318 and Sandy Lane. To the north the site is bound by Sandy Lane. To the west the site is bound by the B1318. Within the site there are several trees, these are protected

by the Sandy Lane West Tree Preservation Order (TPO) 2007. Immediately beyond the southern and eastern boundaries of the site is an area of designated green belt. This encompasses a large, wooded area, the trees located within this area are also protected by the Sandy Lane West TPO. Further to the south of the site are the Church of the Sacred Heart (Grade II Listed Building), Church Hall and Presbytery. Beyond the highways to the north and west of the site are residential properties.

2.2 The application site is located within the Sacred Heart Conservation Area.

### 3.0 History of the Site

3.1 The site has a detailed and complicated history which is set out in greater detail in Section 4 of this report. The site was formerly occupied by a Victorian building, known as the Old School House. The former buildings on the site were damaged by fire, resulting in the demolition of the buildings several years ago. Since the demolition of these buildings the site has remained vacant and undeveloped. Members are advised that the history of events leading to the demolition of the former buildings is not a material planning consideration in the determination of this application nor is it a reason to refuse any form of development on this site.

3.2 It is noted that there have also been several enforcement cases relating to this site. Members are advised that the enforcement cases are not a material planning consideration in the determination of this application, which must be assessed on its own merits.

3.3 The last appeal decision related to the construction of 8no. managed residential letting properties (Planning Ref: 17/01543/FUL). This appeal was dismissed. The Planning Inspector found the appeal scheme, in combination of scale, mass and form, a dense development in close proximity to the undeveloped woodland that would consequently result in a harmful effect on the character and appearance of the area and the Conservation Area. The Planning Inspector considered that the proposed development would cause less than substantial harm to the significance of the Conservation Area as a whole and whilst there may be some public benefit that did not overcome the harm they identified.

3.4 The Planning Inspector considered that appropriately worded conditions could deal with the drainage works without having an unacceptable detrimental impact on the protected trees. They also considered that an appropriately worded condition could secure a lighting scheme that would not have an unacceptable impact on the woodland. They concluded that the development would not have an unacceptable impact on biodiversity.

3.5 The Planning Inspector did not find that the additional activity generated by the appeal scheme would be sufficient to have a notable detrimental impact on the living conditions of the occupiers on the nearby Sandy Lane and the busy B1318 road.

#### 4.0 Description of the Proposed Development

4.1 Planning permission is sought for the construction of a gym and associated parking.

4.2 The proposed development would comprise of three linked buildings. The central building would accommodate a lobby/reception that would sit beyond the front of the adjacent buildings. The central building would be set back from the rear of the adjacent buildings creating a courtyard to the rear. Each of the buildings would accommodate a pitched roof. The height of the two larger buildings would be approximately 9.5m to ridge (approximately 5.2m to eaves). The height of the central building would be approximately 6.5m to ridge (approximately 3.5m to eaves).

4.3 The proposed building would be sited away from the shared boundaries.

4.4 Pedestrian and vehicular access would be from the northeast corner of the site. Part of the existing stone wall would need to be removed to facilitate the new access. 17no. parking pays are proposed in the most eastern part of the site. A refuse store is proposed behind the stonewall to the east side of the access. Cycle storage is also proposed.

#### 5.0 Relevant Planning History

5.1 The planning history confirms that all applications received relating to tree works were returned.

21/01569/FUL - Erection of 4no detached dwellings (Resubmission) (Additional information: landscape plan, tree report, biodiversity net gain assessment, received and uploaded 10.01.2022) – Pending consideration

20/01261/FUL - Erection of a Gym / Nursery Building (Additional information submitted February (various reports) and April 2021 (sequential assessment)) - 10.05.2021

20/01260/FUL - Erection of 4no detached dwellings (Additional information submitted) – Withdrawn 15.03.2021

17/01543/FUL - Development of 8no. managed residential letting properties, including construction of new site access and parking area and removal of one protected tree (Amended plans/documents received 22.05.2018) – Refused 08.08.2018. Dismissed at appeal 30.04.2019.

09/03313/FUL - Demolition of existing structure and erection of a single detached dwelling house incorporating parking, guest house and landscaping/maintenance plan. Two options for design of guest accommodation (Amended proposal and additional option (2)) – Withdrawn 17.01.2013

09/03314/CON - Demolition of existing structure and erection of a single detached dwelling house incorporating parking, guest house and landscaping/maintenance plan. Two options for design of guest accommodation (Amended proposal and additional option (2)) – Withdrawn 17.01.2013

09/02158/FUL - Demolition of existing derelict building and construction of residential dwelling and detached garage – Refused 16.10.2009.

Allowed at appeal.

09/02159/CON - Demolition of existing derelict building and construction of residential dwelling and detached garage – Refused 16.10.2009.

Allowed at appeal.

08/03479/FUL - Demolition of existing building and construction of residential dwelling and detached garage – Withdrawn 26.01.2009

08/03480/CON – Demolition of existing building - Withdrawn 26.01.2009

07/00902/CON – Demolition of dangerous structure – Refused 11.05.2007

06/03017/OUT – Proposed 2 storey residential care home providing 42 private bedrooms and associated accommodation – Refused 13.12.2006

## 6.0 Development Plan

6.1 North Tyneside Local Plan (2017)

## 7.0 Government Policies

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

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

7.3 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**

### 8.0 Main Issues

8.1 The main issues in this case are:

- Principle of the development,
- The impact on the character and appearance including the conservation area, the setting of the listed building and the Green Belt,
- Impact upon residential amenity,
- Impact on highway safety,
- Impact on biodiversity; and,
- Other issues.

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

## 9.0 Principle of the development

9.1 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.

9.2 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.

9.3 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”.

9.4 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.’

9.5 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.’

9.6 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.’

9.7 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.

9.8 The underlying principle of national planning policy is to deliver sustainable development to secure a better quality of life for everyone now and future generations. This principle is key to the role of the planning system in the development process. The aims of how the Local Plan contributes towards achieving sustainable development for North Tyneside are set out under Policy S1.1 'Spatial Strategy for Sustainable Development'. This policy sets out the broad spatial strategy for the delivery of the objectives of the Plan.

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

9.10 Policy DM1.3 'Presumption in Favour of Sustainable Development' requires to the Council to 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.

9.11 Policy DM3.4 'Assessment of Town Centre Uses' sets out the requirements for considering proposals for main town centre uses on site not within the town centres.

9.12 Policy DM3.6 'Local Facilities' sets out the requirements for considering small scale centre facilities.

9.13 The objections received regarding inappropriate development and sufficient gyms already in existence within the vicinity of the site are noted. Members are advised that existing facilities in the vicinity of the site is not a material planning consideration. There is no requirement to demonstrate need.

9.14 The site is not designated for any particular use in the LP. It is located within an existing built environment. The buildings formerly occupying this site have been demolished and cleared, leaving a vacant brownfield site. This application seeks to construct a gym on the site. It is noted that the application refers to a gym as D2 use class but following the amendments to the Use Classes Order

(1987) in September 2020 the development should be regarded as an E use class. The E use class covers many types of uses and gyms are E use class part (d), covering indoor, sport and recreation or fitness.

9.15 A gym is defined as a main town centre use in the NPPF. As the proposed development is a town centre use, in an out of centre location, the Local Planning Authority (LPA) is expected to consider if there any sequentially preferable sites within relevant designated centres that are suitable, available and viable. Both the applicant and the Local Authority (LA) are expected to demonstrate flexibility on issues such as format and scale so that opportunities to consider alternative sites are fully explored. Therefore, the search for sites must acknowledge the business needs of the applicant within the sequential assessment.

9.16 In accordance with the NPPF and LP Policy DM3.4 this application is accompanied by a sequential assessment. The sequential 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.

9.17 The submitted sequential assessment has considered potential options within the relevant centres based on the catchment area of the proposal and extended the search area to include Longbenton Local Centre, which is outside of the primary catchment area. It is clear from the Planning Policy comments that this approach is welcomed and displays flexibility in the applicant's approach to their sequential assessment. Members are advised that both in centre and edge of centre locations have been considered but no sites were found to be suitable, available, or viable. Therefore, the application has met the requirements of the NPPF and Policy DM3.4 of the Local Plan (2017).

9.18 The proposed gym is 417sqm (gross). This is below the national requirement (2,500 sqm) to consider the impact of the proposal on neighbouring town centres and below the local threshold (1,000 sqm), which only applies to retail floorspace. The Local Planning Authority would therefore not consider it to be a scheme that would have a significant detrimental impact to the designated centres within the catchment of the proposal.

9.19 The Planning Policy comments have also advised that proposed gym is less than 500 sqm (gross), which the Local Plan (2017) sets as a threshold when seeking to support small scale out of centre facilities serving local retail or leisure needs (Policy DM3.6). They consider this site to be within convenient and safe walking distance of surrounding communities and could contribute towards social inclusion and sustainable development by providing a facility for people to spend time together and improve their health and well-being.

9.20 Members need to determine whether the principle of the proposed development, in terms of its impact on existing town centres is acceptable and whether it meets the requirements of the NPPF and LP Policies DM3.4 and DM3.6. It is the view of officers that the impacts on existing town centres is acceptable, and it would bring a vacant brownfield site back into use. Therefore, the principle of the proposed development is considered acceptable, subject to all other material considerations set out below being addressed.

10.0 Impact on character and appearance, including the conservation area, the setting of the listed building and the green belt

10.1 Under Sections 66(1)) of the Planning (Listed Buildings and Conservation Areas) Act 1990 states that when considering granting planning permission which affects a listed building, or its setting, the LPA shall have special regard to the desirability of preserving the building or its setting, or any feature of special architectural or historic interest which it possesses. Section 72(1) of the same Act contains similar requirements with respect to buildings or land in a conservation area.

10.2 Paragraph 195 of the NPPF requires Local Planning Authority's to identify and assess the particular significance of any heritage asset that may be affected by a proposal (including by development affecting the setting of a heritage asset) taking account of the available evidence and any necessary expertise. Local Planning Authority's should take this into account when considering the impact of a proposal on a heritage asset, to avoid or minimise any conflict between the heritage asset's conservation and any aspect of the proposal.

10.3 Paragraph 196 of the NPPF states "Where there is evidence of deliberate neglect of, or damage to, a heritage asset, the deteriorated state of the heritage asset should not be taken into account in any decision."

10.4 Paragraph 197 of the NPPF requires Local Planning Authority's to determine applications taking account of the following:

- the desirability of sustaining and enhancing the significance of heritage assets and putting them to viable uses consistent with their conservation;
- the positive contribution the conservation of heritage assets can make to sustainable communities including their economic vitality; and
- the desirability of new development making a positive contribution to local character and distinctiveness.

10.5 In respect of designated heritage assets, the NPPF states that when determining the impact on the significance of a heritage asset, great weight should be given to the asset's conservation. The more important the asset, the greater the weight should be. This is irrespective of whether any potential harm amounts to substantial harm total loss, or less than substantial harm to its significance (para 199). Potential impacts on heritage assets are further considered in paragraphs 200-202 of the NPPF.

10.6 Paragraph 206 of the NPPF encourages Local Planning Authority's to look for opportunities for new development within conservation areas or the setting of heritage assets to enhance or better reveal their significance. Proposals that preserve those elements of the setting that make a positive contribution to or better reveal the significance of the asset should be treated favourably.

10.7 Members are advised that the application site is not located within designated Green Belt; it borders the designated Green Belt to the east and south. The main purpose of the Green Belt is to check the spread of the built-up area by keeping land permanently open, preventing urban sprawl and merging settlements. In conformity with the NPPF, Policy DM1.6 'Positive uses within the

Green Belt' the Council will regard the construction of new buildings in the Green Belt as inappropriate.

10.8 LP Policy S6.5 'Heritage Assets' seeks to pro-actively preserve, promote and enhance its heritage assets.

10.9 LP Policy DM6.6 'Protection, Preservation and Enhancement of Heritage Assets' states:

"Proposals that affect heritage assets or their settings will be permitted where they sustain, conserve and, where appropriate, enhance the significance, appearance, character and setting of heritage assets in an appropriate manner. As appropriate, development will:

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

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

Heritage assets that are to be affected by development will require recording (including archaeological recording where relevant) before development commences.

Any heritage reports prepared as part of a development scheme will be submitted for inclusion on the Tyne and Wear Historic Environment Record (HER) and published where considered appropriate."

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

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

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

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

10.14 LP Policy DM6.1 ‘Design of Development’ states: “Applications will only be permitted where they demonstrate high and consistent design standards. Designs should be specific to the place, based on a clear analysis of the characteristics of the site, its wider context and the surrounding area. Proposals are expected to demonstrate:

- a. A design responsive to landscape features, topography, wildlife habitats, site orientation and existing buildings, incorporating where appropriate the provision of public art;
- b. A positive relationship to neighbouring buildings and spaces;
- c. A safe environment that reduces opportunities for crime and antisocial behaviour;
- d. A coherent, legible and appropriately managed public realm that encourages accessibility by walking, cycling and public transport;
- e. Sufficient car parking that is well integrated into the layout; and,
- f. A good standard of amenity for existing and future residents and users of buildings and spaces.”

10.15 LP Policy DM7.9 ‘New Development and Waste’ states “All developments are expected to:

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

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

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

10.18 The Sacred Heart Church Conservation Area Character Appraisal was adopted in January 2009. It acknowledges that most of the conservation area forms part of the green belt and therefore consideration must be given to how it looks when viewed from its environs, including the adjoining areas of green belt. Specific reference is made about the application site in this document stating, "Whilst it is acknowledged that the derelict site cannot remain in its current state, any proposed development will be subject to intense scrutiny and extremely careful consideration to ensure that it is deemed suitable for this sensitive site and be able to preserve or enhance the character and appearance of the conservation area".

10.19 The objections received regarding the impact on the conservation area, affecting the setting of a listed building, inappropriate design, inappropriate materials, out of keeping with surroundings and amount of development proposed are noted. This site is not designated as a Site of Special Scientific Interest (SSSI), and it is not located in the Green Belt; it borders the Green Belt to the east and south.

10.20 The Northumberland and Newcastle Society considers the design of the application to be modern incorporating steep pitched roofs. They do not consider that the chosen design approach and layout addresses the challenges of this site set out in Council documents. They consider that it ignores the importance of the corner site and the elevation to the B1318 road. They do not support the construction of a gym and further consideration should be given to the orientation of the building and location of the car park.

10.21 The objector's comments regarding the footprint of the development being greater than the buildings that previously occupied the site is noted. Members are advised that this application must be assessed on its own merits and consider whether, in their opinion, that the site is capable of accommodating the development proposed and consider whether its design is appropriate.

10.22 The application site is located within the Sacred Heart Church Conservation Area occupying a corner position. The conservation area has an undeveloped character, its only buildings being the Grade II listed Sacred Heart RC Church, Parish Hall and Presbytery. The wider Conservation Area is largely covered in mature woodland and is also designated as Green Belt. It is bound to

the north by Sandy Land and to the west by the B1318. The residential properties located to the north of the site vary in terms of design.

10.23 The proposed building will comprise of three buildings: two larger buildings that are linked by a central reception/lobby. The proposed reception/lobby will sit beyond the adjacent buildings that will accommodate the gym area. To the rear of the reception/lobby there will be a courtyard area. The building will be sited away from the site boundaries. The height of the pitched roof over the central reception/lobby will be lower than the adjacent buildings. The west elevation will accommodate several windows which assist in adding visual interest to this elevation. To the east of the building a parking area is proposed. A bin store is proposed in the northeast corner of the site.

10.24 Heritage and Design comments have been sought. The officer has advised that contemporary architecture has the potential to sit successfully alongside and enhance existing areas but is important that architecture maintains a relationship to its surroundings through the scale and form and use of materials. In this case, the officer considers the design, form and mass of the development to be appropriate. They have had regard to the mixture of building forms and styles around the site. They consider the proposal for three linked buildings has the effect of reducing the massing footprint. The central link due to it being subservient will also allow views through the site from Sandy Lane to the woodland. The pitched roofs and low eaves height will also allow views of the tree canopy to the rear of the site.

10.25 It is clear from the Heritage and Design comments that they have considered the proposed materials in the context of the surrounding area. The officer considers, whilst there is a variety of materials in the immediate area, the use of grey bricks is not appropriate. The proposed materials should reflect the colours and tones of existing materials in the local area. The officer considers that a red or buff brick would be more appropriate. The small elements of render and terracotta tiles are acceptable. All roof lights should be conservation style with a flush recessed fitting/flashing. All rainwater goods and windows should be metal. Conditions are suggested to secure appropriate materials.

10.26 Based on the advice set out in the Heritage and Design comments, officers consider the design and size of the of the proposed building and its impact on the Conservation Area to be acceptable. Due to the separation distance that will exist between the proposed development and the listed building, including the intervening woodland, it is not considered that the setting of the listed building would be significantly affected. No alterations are proposed to the existing stone wall on the western boundary.

10.27 The proposed parking area is proposed to the east of the building. It would result in some visual impact, but the existing boundary treatment would assist in reducing this impact when viewed from the north.

10.28 As already discussed, the site lies adjacent to the Green Belt. Given that the site is well screened to the east and south by the existing woodland, it is the view of the case officer that the proposed development would not impact on the openness of the Green Belt.

10.29 Members need to determine whether the impact of the development is acceptable in terms of its impact on the character and appearance of the conservation area, it is acceptable in terms of its design, scale and mass and its impact on the green belt. It is officer advice that it is acceptable.

#### 11.0 Impact upon residential amenity

11.1 Paragraph 185 of the NPPF states that planning decisions should ensure that new development is appropriate for its location considering the likely effects (including cumulative effects) of pollution on health, living conditions and the natural environment, as well as the potential sensitivity of the site or the wider area to impacts that could arise from the development. In doing so, they should amongst other matters; mitigate and reduce to a minimum potential adverse impact resulting from new development – and avoid noise giving rise to significant adverse impacts on health and quality of life.

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

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

11.4 LP Policy DM6.1 'Design of Development' 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.

11.5 The objections received regarding the impact on residential amenity, increase in noise and disturbance and impacts from lighting are noted.

11.6 The proposed development would be constructed on previously developed land. It is sited on a corner plot close to the junction of Sandy Lane and the B1318. The site is enclosed by a stonewall to its north and west boundaries with an access/egress from Sandy Lane. Immediately to the north of the site are two existing residential dwellings, No. 1 The Villas and Roscobie, which directly overlook the site. The remaining properties on Sandy Lane do not afford direct views of the application site. Immediately to the west of the, beyond the B1318, are existing residential dwellings Avonside, Stella Maris, Cherholme, Singapura that afford direct view of the application site.

11.7 The proposed development would be set back from the north and west boundaries of the application site. A separation distance of over 20m would exist between the proposed development and the existing residential dwellings located to the north and west of the site. The properties located to the west of the site would afford views of one of the larger buildings of the proposed development.

The pitched roof over this part of the proposed development would pull away from the western boundary which would assist in reducing its scale and mass when viewed from the west. Views from the lower window and door openings towards the residential properties to the north and west would be partially obscured by the existing stone wall. The higher window openings would not affect the privacy of the residential properties located to the north and west of the site as there is no first floor proposed in the building. The proposed development consists of three linked buildings with the central reception/lobby being lower than the buildings either side. The staggered height of the buildings and their pitched roofs would allow views through the built form from the north towards the woodland to the rear of the site. Due to the intervening distances between the proposed development, its design and the positioning of doors and windows, it is the view of the case officer that it would not significantly affect the living conditions of existing occupiers in terms of overlooking, loss of privacy, overshadowing or outlook.

11.8 The Manager of Environmental Health has been consulted. She has raised concerns about potential noise arising from the development affecting neighbouring properties to the north and west of the site. Impact noise will occur from activities taking place in the gym i.e. exercise equipment, dance/exercise classes may include amplified music. These impacts would be greater if doors and windows were to be opened to provide ventilation to the gym. As no noise assessment has been submitted, she has advised that conditions will need to be imposed to ensure appropriate mitigation is secured to protect existing residents from undue noise and disturbance. She has recommended conditions to control the hours of operation, no music or use of fitness machines or equipment are to be permitted at the premises whilst doors and windows are open. She has also recommended a condition to control the hours of operation.

11.9 To the rear of the reception/lobby is an outdoor area. The Manager of Environmental Health has raised concerns if this area is to be used for outdoor classes. However, it is clear from her comments that these impacts can be mitigated for by fencing around this area. She has recommended to secure appropriate mitigation by condition.

11.10 The Manager for Environmental Health has recommended further conditions to control noise from any external plant and equipment.

11.11 The NPPF, paragraph 55 states "Local Planning Authorities should consider whether otherwise unacceptable development could be made acceptable through the use of conditions or planning obligations." Paragraph 56 states "Planning conditions should be kept to a minimum and only imposed where they are necessary, relevant to planning and to the development to be permitted, enforceable, precise and reasonable in all other respects." The NPPF paragraph 185 aims to "avoid noise from giving rise to significant adverse impacts on health and quality of life". The Manager of Environmental Health has clearly set out in her comments that she considers conditions can be imposed to secure appropriate mitigation to minimise the impacts of the proposed development.

11.12 Members need to consider whether the proposed development, including having regard to the advice from the Manager of Environmental Health, would result in an acceptable impact on the residential amenity of existing residents living conditions in accordance with NPPF and LP Policies DM6.1 and DM5.19 and weight this in their decision. Officer advice is that subject to imposing the suggested conditions, the impact on the amenity of existing and future occupants is acceptable.

## 12.0 Highways

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

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

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

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

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

12.6 The Council's maximum parking standards are set out in the Transport and Highways SPD (2022).

12.7 The objections received regarding the impact on the highway network, lack of parking provision, poor traffic and pedestrian safety and poor and unsuitable vehicular are noted.

12.8 Vehicular access to the site would be provided from Sandy Lane. Part of the existing stonewall will be cut back to facilitate the access into the site. Parking bays have been provided within the site.

12.9 The Highways Network Manager has been consulted. He has advised that parking has been provided to meet the needs of the site and cycle storage is proposed. He has not raised any concerns regarding the impact on highway safety in his comments. On this basis, he has recommended conditional approval.

12.10 Refuse storage has been identified adjacent to the site access.

12.11 Members need to consider whether the proposed development is acceptable in terms of its impact on highway safety and parking provision. It is officer advice that it is.

### 13.0 Biodiversity

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

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

13.3 Paragraph 179 of the NPPF states that when determining planning applications Local Planning Authority'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.

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

13.5 LP DM5.5 'Managing effects on Biodiversity and Geodiversity', amongst other matters, seeks to protect the biodiversity and geodiversity value of land, protected and priority species and buildings and minimise fragmentation of habitats and wildlife links.

13.6 The application has submitted an Aboricultural Impact Assessment and Method Statement (AIA and AMS) and Tree Protection Plan (TPP) and a Biodiversity Net Gain has been submitted. This information has been assessed by the Council's Biodiversity Officer and Landscape Architect.

13.7 The site consists of semi-improved grassland and scrub with several large mature trees and shrubs close to the east and south boundary. The collective trees and tree groups skirting the proposed development form part of a larger woodland area that affords protection by a Tree Preservation Order (TPO) and Conservation Area.

13.8 The consultees have advised that the land surrounding the application site is valuable habitat for wildlife and biodiversity with the trees being the most important feature providing some amenity and screening. There are 18 significant individual trees and one tree group within influence of the site. The proposed development will not require the removal of any trees, but the consultees have advised some ground works are scheduled near the trees and within Root Protection Area's (RPA's). Works within the RPA must employ special construction techniques to minimise disturbance to tree roots. Such measures

are detailed in the AMS regarding the installation of drainage and parking provision.

13.9 The submitted landscape plan includes a mixed native hedge to the western boundary of the site and a wildlife hedgerow to the eastern boundary of the site. This is supported by woodland meadow mixes, hedging, ornamental shrub planting, bulb planting and new tree planting. The consultees have advised that the planting is in accordance with the habitat creation outlined within the Biodiversity Net Gain (BNG) Assessment. Overall, with on-site and off-site habitat creation there would be a BNG. The agent, acting on behalf of the applicant, has confirmed that the applicant owns the adjacent woodland. Therefore, a planning condition is suggested to secure the off-site habitat creation.

13.10 The submitted information advises that a 1.2m high post and rail fence is proposed to the east and south boundaries. The applicant has confirmed that the fence they have proposed is acceptable in terms of security. The consultees have suggested a condition to ensure that the fence is installed without damaging the roots of adjacent trees.

13.11 The consultees have suggested conditions to appropriately mitigate the impacts of this development regarding its impact on trees and protected species, including lighting conditions. It is noted that the TPP differs from the proposed site layout plan in terms of the number of parking bays proposed. The consultee has advised that the 17no. parking bays may result in greater impacts on the retained trees, but it is clear from their comments that the parking could be provided using the construction techniques described in the AIA/AMS.

13.12 Members need to determine whether the development results in significant harm to ecology trees and adjacent woodland. It is officer advice that the development would not result in significant harm.

#### 14.0 Other issues

##### 14.1 Flooding

14.2 Paragraph 167 of the NPPF states “When determining any planning applications, local planning authorities should ensure that flood risk is not increased elsewhere. Where appropriate, applications should be supported by a site-specific flood-risk assessment....”

14.3 The Local Lead Flood Authority (LLFA) has been consulted. They have carried out a review of the surface water drainage proposals. The development would provide surface water attenuation within the site for a 1 in 100 year rainfall event plus 40% increase for climate change via the use of permeable paving and underground storage crates. The proposed surface water discharge rate would be restricted to 2.5 litres/second (l/s) and would discharge into the highway drainage system location on Sandy Lane.

14.4 Members need to determine whether the proposed development is acceptable in terms of flood risk and drainage. It is officer advice that it is.

##### 14.5 Ground conditions

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

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

14.8 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.

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

14.10 The Contaminated Land Officer has been consulted. She has advised that the site is located within close proximity to unknown filled ground and mine workings. It is clear from her comments that conditions can be imposed to deal with ground conditions.

#### 14.11 Archaeology

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

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

14.14 Previous planning applications have confirmed that there are no archaeological constraints affecting this site.

#### 14.15 Aviation

14.16 Newcastle International Airport has raised no objections to the proposed development subject to a condition controlling the landscaping.

#### 14.17 North West Villages Sub Area

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

#### 15.0 Local Financial Considerations

15.1 Paragraph 11 of National Planning Practice Guidance states that Section 70(2) of the Town and Country Planning Act 1990 (as amended) provides that a local planning authority must have regard to a local financial consideration 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, will or that could be provided to a relevant authority by a 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 Community Infrastructure Levy.

15.2 Whether or not 'a local financial consideration' is material to a particular decision will depend on whether it could help make the development acceptable in planning terms. It is not considered that New Homes Bonus or CIL contributions are material in terms of making this development acceptable in planning terms.

## 16.0 Conclusions

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

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

16.3 The site is not designated for a specific use in the LP. Members need to consider whether the principle of the proposal is acceptable and whether it would significantly impact the viability and vitality of existing town centres. It is officer advice that the principle of the proposed development is acceptable, and it will not significantly affect the viability and vitality of existing town centres.

16.4 Members need to consider whether the design and layout of the proposal is acceptable in terms of its impact on existing residential dwellings, its impact on the character and appearance of the Sacred Heart Church Conservation Area and the adjacent Green Belt. It is officer advice that it is acceptable.

16.5 Members need to consider whether this development will result in an unacceptable impact on the residential amenity of existing residential dwellings having regard to the NPPF and Local Plan Policies DM6.1 and DM5.19. Based on the advice from the Manager for Environmental Health this development will not result in a significant adverse impact on the residential amenity of existing residential dwellings. It is officer that it is acceptable subject to imposing the suggested conditions.

16.6 Members need to consider whether this development is acceptable in terms of its impacts on highway safety and whether sufficient parking is provided. It is officer advice that this proposal will provide sufficient parking and will not have an unacceptable impact on highway safety.

16.7 Members need to consider whether this development is acceptable in terms of biodiversity and trees. The development will not significantly impact on the trees or biodiversity. It is officer advice that is acceptable.

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

16.9 It is therefore recommended that planning permission should be granted subject to conditions.

**RECOMMENDATION:     Application Permitted**

**Conditions/Reasons**

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

- Location plan Dwg No. 01
- Proposed site layout SB1 Si1 Rev B
- Proposed ground floor SB1 PL1 Rev B
- Proposed elevations SB1 EL1 Rev B
- Drainage Strategy Report Ref JCC21-030-C-03 Rev 02, April 2022

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

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

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

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

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

4. Notwithstanding Condition 1, 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).

5. Notwithstanding Condition 1, prior to the occupation of the development hereby approved details of the refuse enclosure shall be submitted to and approved in writing by the Local Planning Authority. Thereafter, the scheme for the provision of and storage of refuse shall be laid out in accordance with the approved plans and these agreed details. 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).

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; 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. Cabins, storage of plant and materials, parking are to be shown on a plan and not to be located within the Root Protection Area (RPA) of the retained trees as defined by the revised Tree Protection Plan which is to be submitted pursuant to condition 28 and maintained for the duration of the works. Any new kerb edges within the RPA of retained trees are to be constructed using materials and construction methods that minimize excavation depths or other methods to approval.

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. 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

8. Notwithstanding Condition 1, prior to the development hereby being approved being brought into use a noise scheme, to minimise noise impacts from all gym activities and demonstrate that neighbouring premises of Sandy Lane, The Villas, Woodlands Park are affordable suitable mitigation via sound attenuation schemes, shall be submitted to and approved in writing by the Local

Planning Authority. Thereafter, the development shall be carried out in full accordance with these agreed details which shall be installed prior to the development being brought into use and shall be permanently maintained and retained.

Reason: To protect the amenity of residential premises against noise having regard to Policy DM5.19 of the Local Plan (2017).

9. Prior to the installation of any external plant and equipment, a noise scheme shall be submitted to and approved in writing by the Local Planning Authority. This scheme must demonstrate that the rating level from plant and equipment, as measured one metre from facade of nearest residential property, does not exceed the background noise level. The measurement shall be carried out in accordance with BS4142:2014. Thereafter, the development hereby approved shall be carried out in accordance with these agreed details and any details pursuant to Condition 10 which shall be permanently retained and maintained.

Reason: To protect the amenity of residential premises against noise having regard to Policy DM5.19 of the North Tyneside Local Plan (2017).

10. Within one month of the installation of the plant and equipment acoustic testing shall be undertaken to verify compliance with Condition 9. These details shall be submitted to and approved in writing by the Local Planning Authority prior to the operation of the plant.

Reason: To protect the amenity of residential premises against noise having regard to Policy DM5.19 of the North Tyneside Local Plan (2017).

11. Notwithstanding Condition 1, prior to the development hereby approved being brought into use details of a ventilation scheme to protect against windows and doors at the site being opened during fitness classes and when fitness equipment is operational within the gym or when background music is being played shall be submitted to and approved in writing by the Local Planning Authority. Thereafter, the development shall be carried out in accordance with these agreed details and shall be permanently maintained and retained.

Reason: To protect the amenity of residential premises against noise having regard to Policy DM5.19 of the North Tyneside Local Plan (2017).

12. Doors and windows shall be kept closed at all times when the fitness equipment is operational or if any fitness classes in the gym are taking place, except for access and egress, or in the case of an emergency.

Reason: To protect the amenity of residential premises against noise having regard to Policy DM5.19 of the North Tyneside Local Plan (2017).

13. Notwithstanding Condition 1, the outdoor area shall only be used between the hour of 08:00 and 18:00 Mondays to Saturdays. The outdoor area shall not be used on any Sundays or Bank Holidays.

Reason: To protect the amenity of residential premises against noise having regard to Policy DM5.19 of the North Tyneside Local Plan (2017).

14. Notwithstanding Condition 1, prior to the development hereby approved being brought into use a noise scheme outlining the outdoor activity management plan and details of a 2m high acoustic barrier to enclose the outdoor area shall be submitted to and approved in writing by the Local Planning Authority.

Thereafter, the development hereby approved shall be carried out in accordance with these agreed details which shall be implemented prior to the development hereby approved being brought into use and shall be permanently maintained and retained.

Reason: To protect the amenity of residential premises against noise having regard to Policy DM5.19 of the North Tyneside Local Plan (2017).

15. Deliveries and collections shall be restricted to between the hours of 07:00 and 23:00 Monday - Saturday and no deliveries or collections shall be permitted on Sundays and Bank Holidays.

Reason: To protect the amenity of residential premises against noise having regard to Policy DM5.19 of the North Tyneside Local Plan (2017).

16. 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).

17. The development hereby approved shall only be operational between the hours of 07:00 - 21:00 hours Monday to Friday, 07:00 - 17:00 hours Saturdays and 09:00 to 16:00 hours Sundays.

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).

18. 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.

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

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

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

19. Notwithstanding Condition 1, prior to the development hereby approved being brought into use details of any of the following shall be submitted to and approved in writing by the Local Planning Authority:

-the height, position, design and materials of any chimney or extraction vent to be provided;

-any refrigeration plant to be installed in connection with the building;

-air ventilation systems;

-any odour suppression system.

Thereafter, the development shall not be carried out other than in accordance with the approved details which shall be installed prior to the occupation of the development or hereby approved or an agreed timescale and 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).

20. 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.

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

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

22. 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.

23. 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.

24. 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.

25. 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

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.

26. 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.

27. Notwithstanding Condition 1, no development shall commence until a condition survey has been carried out on the highway drain from point of connection through to point of discharge and submitted to and approved in writing by the Local Planning Authority in consultation with the Lead Local Flood Authority. Any issues identified shall be resolved by the application prior to connection from the development.

Reason: This information is required from the outset to ensure that an appropriate drainage connection can be achieved and the development would not increase flood risk having regard to the National Planning Policy Framework (July 2021).

28. Notwithstanding Condition 1, prior to the commencement of any part of the development hereby approved a revised Arboricultural Impact Assessment (AIA) and Arboricultural Method Statement (AMS) including a Tree Protection Plan showing the site layout and 17no. parking spaces shall be submitted to and approved in writing by the Local Planning Authority. Thereafter the development hereby permitted shall only be carried out in accordance with the revised Arboricultural Method Statement, Tree Protection Plan, BS5837:2012 'Trees in relation to design, demolition and construction - Recommendations' and the National Joint Utilities Group (NJUG) 'Guidelines for the Planning, Installation and Maintenance of Utility Apparatus in Proximity To Trees'.

Reason: This information is required from the outset to ensure the satisfactory retention of existing trees, shrubs and hedges and in the interests of visual amenity having regard to policy DM5.9 of the North Tyneside Local Plan (2017).

29. All works within the Root Protection Area (RPA) of retained trees involving excavation of soil, including the installation of all services, drainage, construction for vehicular drives, parking areas, installation of drop kerbs, foundations, lighting and other hard surfacing (for example) are to be installed in accordance with the Arboricultural Method Statement which is to be submitted pursuant to condition 28 with all works being undertaken using an air spade or dug by hand with a photographic record of works undertaken (Areas of 'Special No Dig Construction'

as defined on the revised TPP). Confirmation of the proposed working method is to be submitted for approval.

Reason: To ensure the satisfactory retention of existing trees, shrubs and hedges and in the interests of visual amenity having regard to policy DM5.9 of the North Tyneside Local Plan (2017).

30. 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 and confirmation of levels within the root protection areas not being raised have 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 Policies DM6.1 and DM5.19 of the North Tyneside Local Plan (2017).

31. Notwithstanding Condition 1, prior to the installation of any boundary treatments details indicating the design, materials and position on-site shall be submitted to and approved in writing by the Local Planning Authority. All works where they impact on the RPA's of retained trees are to be carried out by hand and in accordance with BS 5837:2012 and AMS with a photographic record of works undertaken.

Reason: To ensure the satisfactory retention of existing trees, shrubs and hedges and in the interests of visual amenity having regard to policy DM5.9 of the North Tyneside Local Plan (2017).

32. No pruning works to any of the retained trees on site shall be carried out until details have been submitted to and approved in writing by the Local Planning Authority. Any agreed works shall be carried out in full accordance with the agreed details and the requirements of British Standard 3998: 2010 - Recommendations for Tree Works, detail of which are to be submitted for approval.

Reason: To ensure the satisfactory retention of existing trees, shrubs and hedges and in the interests of visual amenity having regard to policy DM5.9 of the North Tyneside Local Plan (2017).

33. Prior to any works commencing on site an arboricultural consultant shall be appointed by the developer to advise on the tree management for the site and to undertake regular supervision visits to monitor and oversee the implementation of the works as set out in the Arboricultural Method Statement (AMS) and shall be submitted to and approved in writing the Local Planning Authority. This condition may only be fully discharged on completion of the development subject to satisfactory written and photographic evidence of regular monitoring and compliance by the pre-appointed tree specialist during construction.

Reason: To ensure the satisfactory retention of existing trees, shrubs and hedges and in the interests of visual amenity having regard to policy DM5.9 of the North Tyneside Local Plan (2017).

34. Notwithstanding Condition 1, prior to the commencement of any part of the development hereby approved above damp proof course level a fully detailed on and off site landscape plan shall be submitted to and approved in writing by the Local Planning Authority. The landscape scheme shall be in accordance with the habitat creation and enhancement details set out within the Biodiversity Metric and BNG Report (E3 Ecology Feb 2022) and shall include details of the extent (sqm) of all new and enhanced habitats within the site and the woodland area off-site, including the proposed timing of all new tree, shrub and wildflower grassland planting and ground preparation noting the species and sizes for all new plant species. All new trees shall be a minimum of 14-16cm girth and planted in accordance with the relevant recommendations of British Standard 8545:2014. The works shall be carried out prior to the occupation of any part of the development or in accordance with the timetable agreed with the Local Planning Authority. 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. The development shall be carried out in accordance with the approved schedule.

Reason: To ensure that local wildlife populations are protected and existing landscape features are retained and enhanced in the interests of ecology having regard to the NPPF and Policy DM5.5 of the North Tyneside Local Plan (2017).

35. Notwithstanding Condition 1, prior to the commencement of any part of the development hereby approved above damp proof course level a 'Landscape Ecological Management & Monitoring Plan' (LEMMP) for on and off-site landscape mitigation and enhancement shall be submitted to and approved in writing by the Local Planning Authority. The Plan shall be in accordance with approved on and off-site Landscape Plans and the details set out within the submitted BNG Report and Biodiversity Metric (E3 Ecology Feb 2022) and shall be implemented on these sites on completion of the scheme and thereafter for a minimum period of 30 years. The Management Plan will be a long-term management strategy and will set out details for the creation, enhancement, management and monitoring of landscaping and ecological habitats within the site and off-site compensation areas for a minimum period of 30 years. The Plan will also include details of regular Net Gain Assessment updates that include habitat condition assessments to evidence the success of the scheme and net gain delivery. Thereafter, these areas shall be managed and maintained in full accordance with these agreed details unless first agreed in writing by the Local Planning Authority.

Reason: To ensure that local wildlife populations are protected and existing landscape features are retained and enhanced in the interests of ecology having regard to the NPPF and Policy DM5.5 of the North Tyneside Local Plan (2017).

36. Vegetation clearance/tree felling will be undertaken outside of the bird nesting season (March to August inclusive) unless a checking survey by a suitably experienced ornithologist confirms the absence of active nests immediately prior to works commencing.

Reason: To ensure that local wildlife populations are protected in the interests of ecology having regard to the NPPF and Policy DM5.5 of the North Tyneside Local Plan (2017).

37. All groundworks will follow the Reptile and Amphibian Method Statement set out in Appendix 2 of the E3 Ecology Report (January 2021).

Reason: To ensure that local wildlife populations are protected in the interests of ecology having regard to the NPPF and Policy DM5.5 of the North Tyneside Local Plan (2017).

38. Felling of any approved trees on the eastern or southern boundary of the site will be undertaken in accordance with the Bat/Tree Method Statement in Appendix J of the E3 Ecology Report (January 2021).

Reason: To ensure that local wildlife populations are protected in the interests of ecology having regard to the NPPF and Policy DM5.5 of the North Tyneside Local Plan (2017).

39. Two months prior to any works hereby approved commencing on-site a checking survey for any red squirrel dreys or badger setts that may have become established since the original survey shall be undertaken and this survey shall be submitted to and approved in writing by the Local Planning Authority prior to any works commencing on site. Thereafter the development hereby approved shall be carried out in accordance with these agreed details.

Reason: To ensure that local wildlife populations are protected and existing landscape features are retained and enhanced in the interests of ecology having regard to the NPPF and Policy DM5.5 of the North Tyneside Local Plan (2017).

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

Reason: To ensure that local wildlife populations are protected in the interests of ecology having regard to the NPPF and Policy DM5.5 of the North Tyneside Local Plan (2017).

41. Prior to any works commencing onsite a Construction Environmental Management Plan (CEMP) shall be submitted to and approved in writing by the Local Planning Authority. The CEMP shall include appropriate pollution control measures in accordance with the latest Pollution Prevention Guidelines to avoid pollution of the watercourse. The development site will also be fenced to prevent access to or disposal of waste within the adjacent woodland. Thereafter, the development hereby approved shall be carried out in full accordance with these agreed details.

Reason: To ensure that local wildlife populations are protected and the existing watercourse is protected in the interests of ecology having regard to the NPPF and Policy DM5.5 of the North Tyneside Local Plan (2017).

42. Prior to the commencement of any part of the development hereby approved above damp proof course level details of 7no. bird boxes including 2no. sparrow terraces and 5no. bird boxes suitable for a range of species shall be provided on buildings and/or trees within or adjacent to the site. Details of bird box specifications, locations and a timetable for their installation shall be submitted to and approved in writing by the Local Planning Authority. Thereafter, the development hereby approved shall be carried out in accordance with these agreed details and the agreed bird boxes shall be permanently maintained and retained.

Reason: To ensure that local wildlife populations are protected in the interests of ecology having regard to the NPPF and Policy DM5.5 of the North Tyneside Local Plan (2017).

43. Prior to the commencement of any part of the development hereby approved above damp proof course level details of 2no. Schwegler bat boxes shall be provided on trees within or adjacent to the site. Details of bat box specifications, locations and a timetable for their installation shall be submitted to and approved in writing by the Local Planning Authority. Thereafter, the development hereby approved shall be carried out in accordance with these agreed details and the agreed bird boxes shall be permanently maintained and retained.

Reason: To ensure that local wildlife populations are protected in the interests of ecology having regard to the NPPF and Policy DM5.5 of the North Tyneside Local Plan (2017).

44. Notwithstanding Condition 1, prior to any works commencing on-site details of the following shall be submitted to and approved in writing by the Local Planning Authority:

- materials of construction for the building (walls roof, doors, windows), including sample materials for brickwork, render and roof tiles,
- hard surfacing materials,
- rainwater goods which shall be in black painted cast iron or aluminium.

Thereafter, the development shall not be carried out other than in accordance with the approved details.

Reason: In the interests of preserving the character and appearance of the conservation area having regard to Policy DM6.6 of the North Tyneside Local Plan 2017.

45. Prior to their installation as part of the works hereby approved, detailed drawings of the rooflights, which should be flush with the roof slope, together with a description or specification of the materials and colour/finish, 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: In the interests of preserving the character and appearance of the conservation area having regard to Policy DM6.6 of the North Tyneside Local Plan 2017.

46. Notwithstanding the provisions of the Town and Country Planning (Use Classes) Order 1987 (or any Order revoking or re-enacting that Order), the development hereby approved shall be used only for the purpose of E (d) 'gym' and for no other purpose including any other purpose within Use Class E or any other use in the Town and Country Planning (Use Classes) Order 1987 (or any Order revoking or re-enacting that Order).

Reason: To enable the Local Planning Authority to retain control over the use, to protect the character and appearance of the conservation area, to protect town centres (if required), ensure appropriate parking provision is provided and to protect the residential amenity of neighbouring properties from undue noise and disturbance having regard to Policies DM6.1, DM6.6 and DM5.19 of the North Tyneside Local Plan (2017).

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

The proposal 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 a license must be obtained from the Highways Authority before any works are carried out on the footway, carriageway verge or other land forming part of the highway. Contact [Streetworks@northtyneside.gov.uk](mailto:Streetworks@northtyneside.gov.uk) for further information.

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

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

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

The applicant is advised 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.

Take Care Proximity to Party Boundary (I21)

Advice All Works Within Applicants Land (I29)

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



**Application reference: 21/01774/FUL**  
**Location: Land Rear Of Former School Cottages, Sandy Lane, North Gosforth, NEWCASTLE UPON TYNE**  
**Proposal: Erection of gym with associated parking (Re-submission)**

Not to scale  
 Date: 02.03.2023

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**Appendix 1 – 21/01774/FUL  
Item 4**

**Consultations/representations**

1.0 Ward Councillors

1.1 Councillor Michelle Fox

1.2 As you're aware this area is a conservation area and in the heart of residential dwellings as well as a nearby church. I have had contact from residents who have made it clear to me as their councillor that they object to the plans, not only for the above reasons I've mentioned but because of the adverse impact locally on wildlife, traffic congestion, concerns about the height of the design and how having a commercial business opposite their homes will impact their quality of life.

1.3 I also share concerns about the above and about the design proposed, which in my view would not integrate well with the local setting and is much higher than it needs to be to accommodate a single level.

1.4 Also, as residents have mentioned to me, there are nearby industrial estates which might be a more suitable location, has this been explored in earnest by the builder, as opposed to locating it in a residential area?

2.0 Internal Consultees

2.1 Planning Policy

2.2 The site is a former school house and cottages that have been demolished and cleared, leaving a vacant brownfield site. The applicant seeks to develop a gym on the site, which is within Sacred Heart Conservation Area and subject to an Article 4 (2) Direction (2007).

2.3 The application refers to a gym as a D2 use class but following the amendments to the Planning Use Classes Order (1987) in September 2020, the development should be regarded as an E use class. The E use class covers many different types of development and gyms are E use class part (d), covering indoor sport, recreation or fitness.

2.4 A gym is defined a main town centre use in the National Planning Policy Framework (NPPF) and the comments in this policy consultation response refer only to the impact of the proposal on town centres and does not consider the design or conservation area impacts of the scheme.

2.5 Due to the development being a town centre use, in an out of centre location, the Local Planning Authority (LPA) is expected to consider if there are any sequential preferable sites within relevant designated centres that are suitable, available and viable. Both the applicant and the local authority are expected to demonstrate flexibility on issues such as format and scale so that opportunities to consider alternative sites are fully explored. The search for sites therefore has to acknowledge the business needs of the applicant within the sequential assessment.

2.6 The applicant has provided a sequential assessment that has considered potential options within relevant centres based on the catchment area of the proposal and extended the search area to include Longbenton Local Centre, which is outside of the primary catchment area. This approach is welcomed and displays a flexibility in their approach to the sequential assessment. Both in centre and edge of centres locations have been considered but no sites were found to be suitable, available, or viable. Therefore, the application has met the requirements of the NPPF and Policy DM3.4 of the Local Plan (2017).

2.7 The proposed gym is 405 sqm (gross) and therefore below the national requirement (2,500 sqm) to consider the impact of the proposal on neighbouring town centres and below the local threshold (1,000 sqm), which only applies to retail floorspace. The authority would therefore not consider it to be a scheme that would have a significant detrimental impact to the designated centres within the catchment of the proposal.

2.8 However, the application is less than 500 sqm (gross), which the Local Plan (2017) sets as a threshold when seeking to support small scale out of centre facilities serving local retail or leisure needs (Policy DM3.6). The proposal is within convenient and safe walking distance of surrounding communities and could contribute towards social inclusion and sustainable development by providing a facility for people to spend time together and improve their health and wellbeing.

2.9 Conclusion:

2.10 The proposed development would support sustainable development in the Borough on a brownfield site. The proposed development would be in accordance with Policy DM3.4 and DM3.6 of the Local Plan (2017).

#### 2.11 Highways Network Manager

2.12 The site is accessed via the old Sandy Lane, parking and cycle parking will be provided in accordance with current standards, refuse will be stored on site and conditional approval is recommended.

2.13 Recommendation - Conditional Approval

2.14 Conditions:

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

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

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

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

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

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

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

## 2.15 Informatives:

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

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

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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.

## 2.16 Manager for Environmental Health (Pollution)

2.17 I would have concerns about potential noise arising from this development affecting neighbouring properties on Sandy Lane and The Villas to the north of the site and Woodlands Park to the west.

2.18 Impact noise will occur from activities taking place in the gym. No information has been provided on what activities will occur whether the gym will utilise use of weights, exercise equipment and provide dance/exercise classes that will incorporate the use of amplified music. No information is provided on the proposed operating hours for the gym and a noise scheme will be required to ensure the building will adequately mitigate noise arising from these activities.

2.19 I would also be concerned if doors and windows are to be opened to provide ventilation to the gym, a condition will be necessary to require no music or use of the fitness machines or equipment are to be permitted at the premises whilst doors and windows are open.

2.20 It is noted that outdoor areas are to be provided to the rear of the site for exercising. No specific times are provided for the outdoor areas or the type of activities taking place within the outdoor area. No information on the proposed number of people outside at anyone time have been provided and this information should be provided as part of a noise mitigation scheme. As a minimum 2m high double boarded fencing around the area will be to be provided and a condition attached to require details on the location of the fencing and details on its design.

2.21 It is unclear whether any kitchen facilities are to be provided at the site, if external plant and equipment was to be installed a noise scheme would be required to ensure noise arising from the new plant and equipment did not give rise to potential noise nuisance to neighbouring residential properties. Conditions are therefore recommended to require details on what extraction, ventilation and refrigeration is to be installed at the site.

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

NOI03 Prior to operation a noise scheme must be submitted to the Local Planning Authority for approval that must be implemented and thereafter retained to minimise noise impacts from the gym activities at the site to ensure neighbouring premises of Sandy Lane, The Villas and Woodlands Park are afforded suitable mitigation via sound attenuation schemes.

#### External plant only

A noise scheme must be submitted to the planning authority for written approval and implemented prior to development to ensure the rating level from plant and equipment, as measured one metre from façade of nearest residential property, does not exceed the background noise level. The measurement shall be carried out in accordance with BS4142 :2014.

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.

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

#### Ventilation

An appropriate ventilation scheme must be provided prior to occupation and thereafter maintained to protect against windows and doors at the site being opened during fitness classes and when fitness equipment is operational within the gym or when background music is being played.

Doors and windows to be kept closed at all times when the fitness equipment is operational or if any fitness classes in the gym are taking place, except for access and egress, or in the case of an emergency.

Outdoor play areas permitted for use between 08:00 hours and 18:00 hours Monday to Saturdays, no use of the outdoor areas on Sundays and Bank Holidays.

Submit for approval prior to implementation and use a noise scheme outlining the outdoor play activity management plan and details of a 2m high acoustic barrier to be fitted about any outdoor play areas.

Deliveries and collections shall be restricted to between 07:00 hrs and 23:00 hrs Monday - Saturday and no deliveries or collections shall be permitted on Sundays and Bank Holidays.

NOI02

HOU03: 07:00 -21:00 hours Monday - Friday, 07:00-17:00 hours Saturdays and 09:00-16:00 hours Sundays

LIG01 for any new external lighting provided.

EPL01(Flue to 1 m above roof ridge as indicated on layout plan)

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.

REF01

REF02

HOU04

SIT03

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

2.24 The site is located within close proximity to unknown filled ground and mine workings.

2.25 Due to the proposed sensitive end use and the potential for ground gas I recommend that the following conditions be applied:

Con 003

Con 004

Con 005

Con 006

Con 007

Con 007

Gas 006

### 2.26 Lead Local Flood Authority (LLFA)

2.27 I have carried out a review of the surface water drainage proposals for planning application 21/01774/FUL, I can confirm in principle that I have no objections to the proposals as the development will be providing surface water attenuation within the site for a 1in100yr rainfall event + 40% increase for climate change via the use of permeable paving and underground storage crates. The proposed surface water discharge rate will be restricted to 2.5l/s and will discharge into the highway drainage system located on Sandy Lane.

2.28 I would recommend that a condition is placed on this application requiring a condition survey is carried out on the highway drain from point of connection through to point of discharge. Condition survey to be provided to LLFA and any issues identified to be resolved by applicant prior to connection from development.

### 2.29 Landscape and Ecology

2.30 The proposed application site is located on the junction of Sandy Lane and the B1318, between Wideopen and Gosforth and is approximately 0.18 hectares in size and is currently vacant. The site is within a central location in North Gosforth close to the main road network of the immediate and wider area. The site is bounded by residential development to the north and west, with the B1318 trunk road delineating its western boundary and the original course of Sandy Lane to the north. A free-standing boundary stone wall with ornamental capstones and pier, contains part of the west site boundary of the proposed development area. This wall structure continues to run the length of the western boundary of the woodland, south to the B1318 and the junction with Sandy Lane. The topography of the site is generally flat and consists of semi-improved grassland and scrub with a number of large mature trees and shrubs close to the proposed south and eastern boundary. The collective trees and tree groups skirting the proposed development form part of a larger woodland area, which is associated with the Sacred Heart RC Church, affording protection both by a Tree Preservation Order (A1) and by its location within the Sacred Heart Conservation Area. The trees within the survey site are a mix of Ash, sycamore, Lime, beech and oak, with sycamore being present in the greatest numbers.

2.31 The following Local Plan policies apply to this application:

Policy S5.4 Biodiversity and Geodiversity

Policy DM5.5 Managing Effects on Biodiversity and Geodiversity

Policy DM 5.9 Trees, woodland and hedgerows

Policy S5.1 Strategic Green Infrastructure

DM5.2 Protection of Green Infrastructure

2.32 The land surrounding the application site is valuable habitat for wildlife and biodiversity. The trees are the most important feature on this site and provide the site with some amenity and screening. Their retention along with the planting of new trees will contribute to the setting of the development and should be an integral part of any new development. Maintaining the existing trees on site will enhance visual and residential amenity, provide biodiversity and environmental benefits and strengthen linkages between adjacent greenspaces and wildlife areas. The presence of the mature trees in the landscape have significant amenity value, and consequently of major importance to the character of the conservation area. Any tree removal either as a result of the development or long-term tree removal, will be harmful to the character of the area.

2.33 The proposed development is for a gym/nursery with proposed parking for 16 vehicles and associated landscaping. Concerns have been raised in previous responses (7 September 2021, 30 March 2022 and 17 June 2022) regarding the impacts on trees from the proposed drainage and insufficient landscaping to achieve a biodiversity net gain. Additional information has been provided by the

applicant in response to the issues raised with regard to the Biodiversity Net Gain Assessment, sequential assessment, and proposed landscape layout (Drawing 19-14 SB 1 Si2 (13/12/21). Previous comments in March 2022 address these issues.

2.34 In response to the request for outstanding information, the following has been submitted. Revised AIA/AMS (dated January 2023) to include the impacts of the proposed drainage on the retained trees.

2.35 Arboricultural Impact Assessment and Method Statement (AIA and AMS) V4. Following discussions with the applicant, a revised Arboricultural Impact Assessment, Method Statement and Tree Protection plan, (Woodsman Arboricultural Consultancy V4, January 2023) has been submitted in accordance with the best practice guidelines set out in BS 5837 (2012) Trees in Relation to Construction Sites: Recommendations.

2.36 There are eighteen significant individual trees and one tree group within influence of the site many of which are protected by a TPO (A1). The site is also located within the Sacred Heart Conservation Area.

2.37 The proposed development will not require the removal of any trees. However, some groundworks including excavation and resurfacing are scheduled near retained trees and within Root Protection Areas (RPAs). These works must employ special construction techniques to minimise disturbance to tree roots which have been detailed in the report. An Arboricultural Method Statement (AMS) is incorporated into the document (section 6) which provides details of the protective measures and construction techniques that are required.

2.38 The special construction techniques apply to three high retention value trees (T1, T2 and T13). These works must employ special construction techniques to minimise disturbance to tree roots. The construction of the car park against the eastern boundary appears to be outside the RPA's of the retained trees and damage should be minimal as long as the tree protective fencing and associated works are undertaken in accordance with the method statement.

2.39 The tree protection plan differs from the site layout plan in that 14no car parking spaces are shown on the TPP and 17no car parking spaces are shown on the layout plan. As 17no car parking spaces are required, the AIA and TPP are incorrect and there is likely to be greater impacts on the retained trees. However, it is likely that the additional car parking could be accommodated using the construction techniques that are described in the AIA/AMS but updated plans showing this will be required. This information can be conditioned.

2.40 The site plan (TPP) also shows two T15 trees which is confusing, although it is confirmed in the AIA report that no trees are to be removed. A condition will be applied to ensure that no protected trees are removed.

2.41 Drainage Strategy

2.42 The revised AIA/AMS includes a plan that now corresponds with the landscape plan and drainage strategy REV C (2<sup>nd</sup> April 2022). The Arboricultural method statement includes details for the installation of drainage in relation to the

protected trees, in particular, the installation of a new manhole (SW IC1) within the RPA of T1 (A) Oak.

#### 2.43 Landscape strategy

2.44 A Landscape Plan (Drawing 19-14 SB 1 Si2 (13/12/21) has been submitted that includes a mixed native hedge to the western boundary of the site and a 'wildlife hedgerow' to the eastern boundary of the site. This is supported by woodland meadow mixes, hedging, ornamental shrub planting, bulb planting and new tree planting. The planting is in accordance with the habitat creation outlined within the Biodiversity Net Gain (BNG) Assessment report and in combination with the off-site enhancements proposed to 0.1ha of broadleaf woodland adjacent to the site (location indicated within the BNG Report).

#### 2.45 Biodiversity Net Gain

2.46 The site consists of approximately 0.18ha of habitat including modified grassland, ruderal/ephemeral habitat and broadleaf woodland. The woodland will be retained but the other habitats will be lost as part of the development. Post intervention habitat creation on the site will include the creation of modified and neutral grassland, introduced shrub and urban trees which will result in an overall net loss of habitat of 13%. However, off-site enhancement of 0.1ha of broadleaf woodland adjacent to the site from moderate condition to 'fairly good' condition will increase habitat units resulting in an overall net gain of 22% from both on-site and off-site habitat creation and enhancement. In addition, 90m of new native hedgerow and native species rich hedgerow will be created within the site, resulting in 100% net gain in hedgerow units.

#### 2.47 Boundary treatment

2.48 Boundary treatments had been detailed on the landscape plan with a 1.2m high post and rail fence proposed to the southern and eastern boundary of the site. This type of fence is acceptable to the applicant in terms of security and a condition will be applied to ensure that the fence is installed without damaging the roots of adjacent trees.

#### 2.49 Suggested conditions:

All trees on the site and adjacent to the site are to be retained (including T15). No trees, shrubs or hedges within the site which are shown as being retained on the submitted plans shall be felled, uprooted, wilfully damaged or destroyed, cut back in any way or removed during the development phase other than in accordance with the approved plans or without the prior written consent of the Local Planning Authority. Any shrubs or hedges removed without such consent, or which die or become severely damaged or seriously diseased within five years from the completion of the development hereby permitted shall be replaced with shrubs or hedge plants of similar size and species. Any retained trees within the application site that die within five years from the completion of the development hereby permitted shall be replaced with a semi mature standard (18-20cm girth) unless the Local Planning Authority gives written consent to any variation.

Prior to the commencement of any site clearance works, a revised Arboricultural Impact Assessment (AIA) and Arboricultural Method Statement (AMS) including a Tree Protection Plan is to be submitted for approval to show the layout of the

17no car parking spaces. Thereafter the development hereby permitted shall only be carried out in accordance with the revised Arboricultural Method Statement, Tree Protection Plan, BS5837:2012 'Trees in relation to design, demolition and construction – Recommendations' and the National Joint Utilities Group (NJUG) 'Guidelines for the Planning, Installation and Maintenance of Utility Apparatus in Proximity To Trees').

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

All works within the RPA of retained trees involving excavation of soil, including the installation of all services, drainage, construction for vehicular drives, parking areas, installation of drop kerbs, foundations, lighting and other hard surfacing (for example) are to be installed in accordance with the AMS with all works being undertaken using an air spade or dug by hand with a photographic record of works undertaken (Areas of 'Special No Dig Construction' as defined on the revised TPP). Confirmation of the proposed working method is to be submitted for approval.

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

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

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

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

the duration of the works. Any new kerb edges within the RPA of retained trees are to be constructed using materials and construction methods that minimize excavation depths or other methods to approval.

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

Within one month from the start on site of any operations such as site excavation works, site clearance (including site strip) for the development, a fully detailed on and off-site landscape plan shall be submitted to and approved in writing by the Local Planning Authority. The landscape scheme shall be in accordance with the habitat creation and enhancement details set out within the Biodiversity Metric and BNG Report (E3 Ecology Feb 2022) and shall include details of the extent (sqm) of all new and enhanced habitats within the site and the woodland area off-site, including the proposed timing of all new tree, shrub and wildflower grassland planting and ground preparation noting the species and sizes for all new plant species. All new trees shall be a minimum of 14-16cm girth and planted in accordance with the relevant recommendations of British Standard 8545:2014. The works shall be carried out prior to the occupation of any part of the development or in accordance with the timetable agreed with the Local Planning Authority. 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. The development shall be carried out in accordance with the approved schedule.

Within 4 weeks of any of the development hereby approved commencing on site, a 'Landscape Ecological Management & Monitoring Plan' (LEMMP) for on and off-site landscape mitigation and enhancement shall be submitted to and approved in writing by the Local Planning Authority. The Plan shall be in accordance with approved on and off-site Landscape Plans and the details set out within the submitted BNG Report and Biodiversity Metric (E3 Ecology Feb 2022) and shall be implemented on these sites on completion of the scheme and thereafter for a minimum period of 30 years. The Management Plan will be a long-term management strategy and will set out details for the creation, enhancement, management and monitoring of landscaping and ecological habitats within the site and off-site compensation areas for a minimum period of 30 years. The Plan will also include details of regular Net Gain Assessment updates that include habitat condition assessments to evidence the success of the scheme and net gain delivery. Thereafter, these areas shall be managed and maintained in full accordance with these agreed details unless first agreed in writing by the Local Planning Authority.

Prior to installation of any floodlighting or other form of external lighting, a lighting scheme, that must be designed to minimise light spill (less than 2 lux) to wildlife habitats within the site or adjacent to the site, shall be submitted to and approved

in writing by the Local Planning Authority. This shall include the following information:

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

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

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

Vegetation clearance/tree felling will be undertaken outside of the bird nesting season (March to August inclusive) unless a checking survey by a suitably experienced ornithologist confirms the absence of active nests immediately prior to works commencing.

All groundworks will follow the Reptile and Amphibian Method Statement set out in Appendix 2 of the E3 Ecology Report (January 2021).

Felling of any approved trees on the eastern or southern boundary of the site will be undertaken in accordance with the Bat/Tree Method Statement in Appendix J of the E3 Ecology Report (January 2021).

A checking survey for any red squirrel dreys or badger setts that may have become established since the original survey will be undertaken within two months prior to commencement of works. Details to be submitted to the Local Authority for approval prior to development commencing.

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

A Construction Environmental Management Plan (CEMP) will be submitted to the LPA for approval prior to development commencing on site. The CEMP shall include appropriate pollution control measures in accordance with the latest Pollution Prevention Guidelines to avoid pollution of the watercourse. The development site will also be fenced to prevent access to or disposal of waste within the adjacent woodland.

7no. bird boxes including 2no. sparrow terraces and 5no. bird boxes suitable for a range of species will be provided on buildings and/or trees within or adjacent to the site. Details of bird box specifications and locations shall be submitted to the Local Authority for approval in writing prior to development commencing and will be installed in accordance with the approved plans on completion of works and permanently retained.

2no. Schwegler bat boxes will be provided on trees within or adjacent to the site. Details of bat box specification and locations shall be submitted to the Local Authority for approval in writing, prior to development commencing and will be installed in accordance with the approved plans on completion of works and permanently retained.

### 2.50 Heritage and Design

2.51 The application site lies within the Sacred Heart conservation area, near to the grade II listed Sacred Heart church. The conservation area is relatively small and has an undeveloped character, its only buildings being the Church, Parish Hall and Presbytery. The application site is situated in a prominent position at the junction of Sandy Lane and the B1318 and faces on to residential properties. To the rear of the site is an area of dense woodland.

2.52 The proposed application is for the erection of a gym, designed with a contemporary architectural approach. Contemporary architecture has the potential to sit successfully alongside historic buildings and enhance existing areas. However, it is important that architecture maintains a relationship to its surroundings through the scale and form and use of materials. In this case, the form and mass of the proposed design is considered to be appropriate. There is a mixture of building forms and styles around the site, and they are all unified by pitch roofs which create a visual link between buildings. The proposed application continues this visual link.

2.53 The trees make a significant contribution to the character of the conservation area, and the application outlines that the woodland background is a key driver for the design. The proposal for three linked buildings has the effect of reducing the massing footprint. The pitched roofs use a low eaves height which allows views of the tree canopy to the rear of the site.

2.54 The proposed materials include grey bricks, natural clay terracotta tiles and some elements of white render. While there is a variety of materials in the immediate area, the grey bricks do not relate to the surrounding context and are

inappropriate. While there is potential to use high quality contemporary materials on the site, they should reflect the colours and tones of existing materials in the local area. A red or buff brick would be more appropriate. The small elements of render and terracotta tiles are acceptable. All rooflights should be conservation style with a flush recessed fitting/flashing. Rain waters and windows should be metal. These elements can be conditioned.

2.55 A parking area is proposed to accommodate 16 vehicles and this area would result in some visual impact. Grass blocks are proposed to be used on some bays in order to minimise the visual appearance of the car park when vehicles are not parked on it. This will be essential in order for the parking area to sit comfortably within the conservation area and the use of green materials for some bays should be extended further. Surface materials should be conditioned.

2.56 Refuse bins are located behind the existing wall. These should be screen by an appropriately designed enclosure. This should be conditioned.

2.57 Overall, the position of the building has been well considered to reflect the existing woodland and the design responds to its surrounding built context. The brick colour is unacceptable although this could be conditioned. The following conditions are recommended:

Boundary walls and fences

Materials of construction

Sample of materials

Hard surfacing

Windows and doors

Rainwater goods

Refuse storage

*2.58 Case officer note: It is noted that the Planning Policy comments make reference to a floor area of 405sqm. This has been queried with the agent, acting on behalf of the applicant, and they have confirmed that the floor area is 417sqm. This has been raised with Planning Policy who have verbally confirmed that it is not necessary to submit a revised Sequential Assessment as the floor area would still not exceed the thresholds referred to in their comments or affect the conclusions of this assessment.*

*2.59 It is noted that the Heritage and Design comments refer to 16no. parking spaces. To confirm 17no. parking spaces are being proposed and these spaces are shown on the proposed site plan and landscape plan.*

### 3.0 Representations

3.1 30 objections have been received. These objections are set summarised below:

- Adverse effect on wildlife
- Affect character of conservation area
- Affect setting of listed building
- Affect Site of Spec. Scientific Interest
- Impact on landscape
- Inadequate drainage
- Inadequate parking provision

- Inappropriate design
- Inappropriate in special landscape area
- Inappropriate materials
- Loss of privacy
- Loss of residential amenity
- Loss of visual amenity
- Loss of/damage to trees
- None compliance with approved policy
- Not in accordance with development plan
- Nuisance: disturbance, dust/dirt, fumes, noise
- Out of keeping with surroundings
- Pollution of watercourse
- Poor traffic/pedestrian safety
- Poor/unsuitable vehicular access
- Precedent will be set
- Traffic congestion
- Will result in visual intrusion
- Within greenbelt/no special circumstance

This proposal is within the Sacred Heart Church Conservation area and is adjacent to the Sacred Heart Church built in 1835 and is a Grade II listed building.

The Sacred Heart Church Conservation Area Character Appraisal produced by North Tyneside Council (<https://my.northtyneside.gov.uk/sites/default/files/web-page-related-files/sacred%20heart%20CA%20CA.pdf>) states "any proposed development will be subject to intense scrutiny and extremely careful consideration to ensure that it is deemed suitable for this sensitive site and be able to preserve or enhance the character and appearance of the conservation area."

A commercial development such as a gym will have a detrimental effect on the Conservation Area. There is no justification to bring commercial uses within this quiet residential area with family housing and would be very out of place and character. A new gym had recently opened within Woodlands Park and there are other gyms at Hazelrigg and at Gosforth Park.

The gym is of a substantial scale and hence it is a significant over development, far greater than the footprint of the Old School House residence that was on the site for over 140 years until it was burnt down under the management of the current owner. North Tyneside Council insisted any development would not exceed the original footprint of the Old School House and to preserve the character and appearance of this conservation area.

I also note the perpetual scattergun approach to (re)submissions of plans for unsuitable and overdeveloped buildings by the owner (including gyms, nurseries and oversized housing) over the years, as well as the cynical timing, during the summer holidays, when many residents are away and unable to comment within the short timeframe allowed.

I appeal to the planners to refuse both this planning application and the second one running concurrently for housing with 20 bedrooms (21/01569/FUL).

A commercial business in a quiet residential street with high quality dwellings is completely out of character and totally inappropriate. Furthermore, there are already a number of gyms in walking distance of the proposed site: The Grand Hotel, Gosforth Park, Gosforth Park Axis, Hazlerigg, Lake Side Killingworth, Holiday Inn Seaton Burn, David Lloyd in South Gosforth, Qfit in Dudley, Nuffield Health plus a new gym has opened on Woodlands Park. Another Gym in this locality is not needed and would severely impact these existing businesses.

There is insufficient parking in the proposed plan, which will result in overspill parking on Sandy Lane.

Opening hours of a gymnasium will lead to unsatisfactory noise levels from early morning to late at night for the residents in close proximity to the proposed site.

The building design and proposed materials for construction are inappropriate with the character of existing residential dwellings on Sandy Lane and The Villas. The wildlife in the woodland area adjacent to the proposed gymnasium will be affected by noise and incremental increase of personnel, some of which are protected species i.e. bats, in addition there are owls and woodpeckers - The Wildlife & Countryside Act 1981 provides protection for owls and most other wild bird species in England.

There is already land set aside for commercial use within less than a mile (Indigo Park).

There has been massive development of new housing locally, (Five Mile Park, North Gosforth Park, Havannah Park) which has overloaded the local infrastructure, adding commercial levels of traffic will have unbearable further impact on local residents.

The area is a conservation area, and the wildlife should not be subject to the intrusion of large-scale development.

Sacred Heart Church would not appreciate the noise while conducting a funeral or wedding service as this would undoubtedly happen. What would be the opening hours? Not nine to five. Is this not a little unfair on the residents who would have cars arriving and leaving at all hours. Light pollution would also be a problem for wildlife.

Noise Pollution from such a development from the Gym and Nursery with music playing for the various classes from early morning until late at night.

Air Pollution from the increase in cars and cars parking everyday with walkers and dog walkers going off around the Weetslade Country Park and Gosforth Park. Also, the footfall on the lane has increased considerably, not to mention the pollution from the cars attending the gym adding to the considerable increase since the Five Mile Park was built and all the other developments in the area with adults, school children and older people out taking a daily walk or going off to work or school which raises the question of road safety.

The plans submitted seem to overstep the footprint of the Old School House and would be an encroachment on the woodland which now has an even more diverse number of wildlife and bird population needing protection.

Any development should be in keeping with the Old School House – details of which are recorded in the History of the Old School House and Cottage in the Tyne and Wear Historic Environment Records. The core text states: Rare survival in this area of Victorian Gothic Revival dates to circa 1865. ‘Revival’ in this area is not blessed with many historic buildings which puts extra value on the few that remain. The loss of the Old School House was therefore a very serious local loss to North Gosforth, Wideopen and the surrounding area. Some appropriate dwelling for this historic site should be considered and definitely not a gym.

Strongly object to any trees being felled for this application as the wood has a conservation order and is an important part of the wildlife corridor. It is and has become home for a century or more to nature and many varieties of wildlife and deer.

This wood is an oasis for the local residents to filter the noise and pollution from the ever-increasing traffic on Sandy Lane and the main road into Wideopen. The traffic on the road at the top of the Sandy Lane cul-de-sac is now three fold since the Five Mile Park was built and will only get worse when the homes on the new sites in Hazelrigg are completed. Also, access to and from the Sandy Lane cul de sac. should be considered in the light of the many new developments in the area and, of course, the additional cars associated with the proposed development.

This application had previously been submitted and refused so unsure why the council would consider granting permission to a previously refused application.

The building design is not in keeping with surrounding buildings.

There are plenty other redundant commercial sites locally that could be used for a gym or other commercial use.

The site is within a Conservation Area. There is an adopted Conservation Area Appraisal and that appraisal states that it is an area of special architectural and historic interest. In Conservation Areas there are some extra planning controls to protect the historic and architectural elements which make the place special. Any development in a Conservation Area will be subject to intense scrutiny to ensure it is deemed suitable for this sensitive site. The proposal needs to accord with requirements of section 16 of the National Planning Policy Framework. The Old School House was a much-loved attractive building. It was a fine example of an early English gothic styled building which sat comfortably alongside the Grade Two listed church. To replace the Old School House with modern buildings consisting of a gym would be an absolute disgrace and make a mockery of a Conservation Area and this particular unique and sensitive site. The applicant has failed to provide any detail to identify how the proposal takes account of and responds to the Conservation Area in terms of design, scale, mass and materials.

After the fire and subsequent demolition of the Old School House, North Tyneside Council representatives stated that any proposal for the site should be within the footprint of the Old School House. They advised that any development to be located outside the footprint should be no greater in terms of scale, height and massing. The footprint of the Old School House was 256 sqm. The footprint of the gym 530 sqm. An increase of 107% plus recreational spaces and parking for 13 cars. There appears to be no appreciation of the architectural style and design characteristics of the building that was lost to fire. The applicant has failed to respond to the residential characteristics of the surrounding residential developments. There is clear conflict with the requirements of paragraph 189 of the National Planning Policy Framework and Policy DM6.6 of the North Tyneside Local Plan. The owner has failed to provide any justification to bring commercial uses within a residential area. He has failed to provide any impact assessment to justify this and has failed to consider any alternative sites either within agreed town/district/local centres or edge of centre sites. There does not appear to have been a sequential test conducted for this application just the old test for the submission of the Gym/Nursery. The applicant has failed to provide any justification on highway grounds to justify the introduction of these uses into a residential area. Highway Engineers have stated that there should be more parking spaces for this size of gym and that that the development would cause havoc to residents and highway safety. The Highway Engineers have already stated that this application be refused. Driving in and out of Sandy Lane is very difficult at peak times due to traffic waiting at the newly installed traffic lights nearby. The applicant has failed to provide any justification for the scheme which will prove that the proposal does not adversely impact upon the amenity of adjacent residents (PolicyDM3.6). This application should be refused as there is clear conflict with the provision of the National Planning Policy Framework and the adopted NTC Local Plan. Can I make a request for speaking rights.

This proposal is within the Sacred Heart Church Conservation area and is adjacent to the Sacred Heart Church built in 1835 and is a Grade II listed building.

The trees within the proposed site have a preservation order, and the footprint of the proposal will have an impact on tree roots and damage to the existing trees is inevitable during the construction phase.

There is also protected wildlife in the woods, bats, woodpeckers and deer.

The gym would be much greater in terms of design, scale, mass and materials of the Old School House and the Council stated that this should not be allowed to happen.

The gym would not fit into the Conservation Area alongside the Grade 2 Listed Church.

The Planning history for this site is extremely long since the owner purchased this site in 2006. Meanwhile the residents of Sandy Lane, The Villas and Woodlands Park those residents who overlook onto the site have had all this to contend with for the past 16 years. All these residents take pride in the surrounding area and this proposal would have a detrimental visual effect on the

Conservation Area and area as a whole. The proposal to erect a gym on this site should be rejected and I urge the Council Planners to do this.

The inappropriate modern style, excessive footprint, height and materials are definitely not in keeping nor suited with the surrounding conservation area and is entirely out of keeping with existing homes of the 1920/1930's period. This proposed development will not enhance the existing character of this conservation area at all. It would in fact be an absolute carbuncle and a visible intrusion from all angles and is clearly an over development.

There are trees which are currently protected by a Tree Preservation Order The developer clearly has total disregard in respect of TPO's as there is clear evidence that trees with TPO's have already been illegally removed.

The Sacred Heart Church lies within the conservation area providing a sanctuary for silence and solitude essential for prayer, reflection and the delivery of Mass. The intrusion of unsociable noise pollution resulting from this commercial development would be detrimental to both the church and its parishioners.

I have great concerns regarding opening times, excessive noise from amplified music from exercise/dance classes, additional public nuisance noise, further highway congestion, road and pedestrian safety and the environmental impact on such a development.

The first proposal for the same building began in 2020. This proposal was for a Gym/Nursery and residents were asked for their opinion. Additional information was added in Feb 2021 and further information was added in April 2021 and each time residents were asked for their opinions. In May 2021 the application was finally withdrawn. In August 2021 a new proposal was for a gym only using the same building that was proposed for the Gym/Nursery. Again, residents were asked for their opinion. In Feb 2022 additional information was added and once again residents were asked to respond.

### 3.2 Support

3.3 One representation supporting the application has been received. This is set out below:

This is a much better idea than building more housing on a somewhat small plot of land and will actually add something to the local area that it doesn't already have.

### 4.0 External Consultees

#### 4.1 Newcastle Airport International Limited (NIAL)

4.2 The Airport raises no objection to the proposal subject to the proposed planting mix of the landscape being limited to no more than 10% berry bearing species.

#### 4.3 The Northumberland and Newcastle Society

4.4 We understand this site has become vacant due to the destruction and demolition of the former school buildings which were a key element in the designation of the Sacred Heart Conservation Area.

4.5 The Sacred Heart Conservation Area Character Appraisal states at para.6.1, page 19:- “the potential redevelopment of this site is a challenge for this conservation area”; and at para 5.5, p18:-“Any proposed redevelopment will be subject to intense scrutiny and extremely careful consideration to ensure it is deemed suitable for this sensitive site and be able to preserve or enhance the character and appearance of the conservation area.”

4.6 The Design and Heritage Statement prepared by CEAD Architects to accompany application 20/01260/FUL refers on page 10 to an application 17/01543/FUL which was refused on appeal. This was for eight holiday lets in an L shaped block. The negative points of the plans were highlighted in the refusal as being the location of the hardstanding built into the trees, the visual relationship to the trees and the failure to use the corner to its full potential. Photo 1 on page 8 of the document shows how visually important what happens on the corner will be. These points were stated to have been adopted on page 11 of the Statement (Concept). The submitted scheme however was for four detached houses, which overcame the objection to the positioning of the area of hardstanding while ignoring in particular the last point concerning the corner treatment. After a negative response to the designs and materials but not to the concept of four detached houses this application was withdrawn, resulting in the current re-submission 21/01569/FUL. This redesigns the house types but does not address the previous requirement concerning the potential for the corner treatment. If it was considered to be of importance then, what has changed so that it is no longer considered a valid design element in the conservation area.

4.7 The N&N considers the designs of both applications are fair examples of modern design with similarities in the use of steep pitched roofs, the breaking down of the massing and the angled orientation towards Sandy Lane. Neither is considered to address the challenges of this sensitive site, which were acknowledged in the Council’s documentation. The designs of the houses are repetitive and perhaps too many to achieve an appropriate treatment of the site. Both applications ignore the previously acknowledged importance of the corner site and the elevation to the B.1318 road. The N&N considers it preferable for houses to be built on the site and would seek an amendment for an individual house at the corner would be more likely to address the issue satisfactorily. We do not support construction of a gymnasium but if this option were to be approved further consideration should be given to the orientation of the building and the location of the car parking.