

Application No:
Date valid: 2 August 2021
Target decision date: 27 September 2021

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Ward: Northumberland

Application type: approval of reserved matters

Location: Land West of Mackley Court, Wallsend, Tyne And Wear

Proposal: Reserved matters for the approval for the access, scale, layout, appearance and landscaping of planning approval 12/02025/FUL - Construction of 1no. retail / commercial unit falling within Use Class E (Amended plans received 17.01.2023)

Applicant: VB Benton Limited

Agent: BH Planning & Design

RECOMMENDATION: Application Permitted

INFORMATION

1.0 Summary Of Key Issues & Conclusions

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

-Whether the revised matters relating to the layout, scale, appearance, landscaping and access for the construction of one commercial/retail unit falling within Use Class E of the hybrid planning permission 12/02025/FUL are acceptable.

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

2.0 Description of the Site

2.1 The application site forms part of a wider residential development that was allowed at appeal on 15 December 2014. The site is currently a grassed area that is located to the southeast of the roundabout junction (A186/Moor Drive). Only the most northern part of the grassed area relates to this application. Members are advised that planning permission has been granted, subject to the completion of the legal agreement, for 13no. residential properties on the southern part of this grassed area. The site slopes north to south. The site is bound by Moor Drive to the north, beyond which lies residential properties. The site is bound by Mackley Court to the east, beyond which lies residential

properties. The site is bound by Station Road (A186) to the west, beyond which lies a committed residential development (Ref: 16/01885/FUL). Beyond the southern boundary of the grassed area are existing residential dwellings and apartments and associated parking provision.

2.2 The site is designated in the Council's Local Plan (LP) (2017) as a site with an existing planning permission for residential development.

3.0 Background information and a description of the proposed development

3.1 In 2014, a hybrid application was allowed at appeal. This application granted full planning permission for 225 dwellings and outline planning permission for 425 dwellings, including approximately 718 sqm of commercial space.

3.2 This application seeks approval of all the matters reserved under condition 3 of the hybrid planning permission for the construction of a commercial/retail unit.

3.3 The proposed building would be sited in the northeast corner of the site closest to the junction of Moor Drive and Mackley Court. The delivery area would be sited on the north side of the building, and it would be enclosed to its north and east side by a 2.4m high fence. The proposed plant would be sited on the southeast corner of the building, and it would be enclosed by a 2.4m high fence. Parking is proposed to the west of the building, including 14no. parking bays and 2no. disabled bays. Cycle parking provision is proposed to the front of the building.

3.4 The proposed building would be single storey with a pitched roof.

3.5 Vehicular access is proposed from Mackley Court. Pedestrian access is provided from Mackley Court and Moor Drive.

3.6 Landscaping is proposed to the north, west and east boundaries of the site. Landscaping is also proposed adjacent to the most southern parking bays.

4.0 Relevant Planning History

Site known as East Benton Rise

21/01958/FUL - Development of 13 residential dwellings (C3 use) with the associated infrastructure and landscaping, Station Road (East), Phase 4 – Pending decision

20/01047/FUL - Development of 35 residential dwellings (C3 use) with the associated infrastructure and landscaping – Permitted 11.01.2021

18/00452/REM - Reserved matters for the submission of details of; Appearance, Landscaping, Layout and Scale in respect of erection of 295 dwellings, garages and car parking together with associated boundary treatment and infrastructure pursuant of hybrid application 12/02025/FUL (Revised site layout) – Permitted 05.09.2018

17/01224/REM - Reserved matters for the submission of details of appearance, landscaping, layout and scale in respect of erection of 130 dwellings, garages and car parking together with associated boundary treatment and infrastructure

pursuant of hybrid application 12/02025/FUL (Amended site plan received 6.10.17, drainage and highway plans received 16.10.17). Discharge of conditions for Phase B (Part 1) only: 12 (gas), 13 (gas), 14 (contaminated land), 20 (refuse storage), 26 (pollution prevention), 36 (bus stop), 38 (cycle storage), 39 (multi user links), 41 (traffic calming), 42 (surface water disposal), 43 (foul disposal) of 12/02025/FUL – Permitted 23.11.2017

12/02025/FUL - Hybrid application comprising: Outline planning permission with all matters reserved: Development of 18.976ha for residential uses capable of accommodating approximately 425 dwellings and approximately 400sqm of A1 retail use, 318sqm of D1 health centre use and associated car parking. Full planning permission: Erection of 225 dwellings, construction of a 3 arm roundabout at the roundabout at the A186 (Station Road) and provision of associated open space, landscaping and SUDs and strategic open space. EIA Development – Refused 24.10.2013 . Allowed at appeal 15.12.2014.

Station Road West

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

19/01085/REM - Reserved matters application for the submission of details of appearance, landscaping, layout and scale in respect of erection of 66 dwellings, garages, car parking together with associated boundary treatment and infrastructure pursuant to hybrid application 16/01885/FUL (amended plans 28.11.2019) – Permitted 07.06.2022

21/02460/REM - Development of 115no 3 and 4 bedroom properties with associated infrastructure – Permitted 03.08.2022

New Lidl, Whitley Road

22/01191/FUL - Demolition of existing buildings and proposed retail development and drive through cafe with associated access, car parking, landscaping and all ancillary works – Pending decision

5.0 Development Plan

5.1 North Tyneside Local Plan (2017)

6.0 Government Policy

6.1 National Planning Policy Framework (July 2021)

6.2 National Planning Practice Guidance (As Amended)

6.3 Planning applications must be determined in accordance with the development plan unless material considerations indicate otherwise. The NPPF is a material consideration in the determination of all applications. It requires LPAs to apply a presumption in favour of sustainable development in determining

development proposals. Due weight should still be attached to Development Plan policies according to the degree to which any policy is consistent with the NPPF.

PLANNING OFFICERS REPORT

7.0 Detailed Planning Considerations

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

-Whether the reserved matters relating to layout, scale, appearance, landscaping and access for the commercial part of outline planning approval, Ref: 12/02025/FUL, are acceptable.

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

8.0 Preliminary Matters

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

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

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

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

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

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

8.5 LP Policy DM3.6 'Local Facilities' states: "Small-scale out of centre facilities serving local retail and leisure needs of less than 500m² gross floorspace, or extensions to existing facilities, will be permitted if it can be shown that all of the following requirements are met: a) The proposal is of an appropriate size and function to meet specific day-to-day needs of a neighbourhood population with convenient, safe walking distance (300m); b) It will not have an adverse effect on the amenity of neighbouring uses; c) Contribute to social inclusion and

sustainable development; and d) Safeguard the retain character and function of existing centres and not detract from their vitality and viability.....”

8.6 The objections received regarding sufficient provision already being provided and impacts on existing town centres are noted. Members are advised that residents are also supporting a retail unit on this estate.

8.7 The wider residential estate accommodates 685 properties approved under 12/02025/FUL and 20/01047/FUL. An application for 13 residential dwellings on the land to the south of this site has also been recently considered by Members of Planning Committee. This application is minded to grant subject to completion of the legal agreement. Members are also advised that to the west of Station Road up to 593 residential dwellings are to be constructed and works have already commenced on site for the first phase. The proposed retail unit has the potential to serve existing and proposed properties.

8.8 The principle of constructing commercial/retail provision on this site has already been firmly established by the granting of the previous outline permission. Members are advised that it is only reserved matters that are being assessed in relation to layout, scale, appearance, landscaping and access.

9.0 Layout, scale and appearance

9.1 Paragraph 126 of the NPPF recognises that the creation of high-quality buildings and places is fundamental to what the planning and development process should achieve. Good design is a key aspect of sustainable development, creates better places in which to live and work and helps make development acceptable to communities. These aims are further supported by paragraph 130 of the NPPF.

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

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

9.4 LP Policy DM6.1 ‘Design of Development’ states applications will only be permitted where they demonstrate high and consistent design standards. Designs should be specific to the place, based on a clear analysis the characteristics of the site, its wider context and the surrounding area. Proposals are expected to demonstrate a positive relationship to neighbouring buildings and spaces and a good standard of amenity for existing and future residents.

9.5 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.

9.6 The objections received regarding the impacts on visual amenity, residential amenity, layout, design, loss of open space, impacts from noise and disturbance as result of vehicles, customers and plant equipment and impacts on health are noted.

9.7 The application site sits within a wider residential estate that is characterised by a variety of property types, including heights and materials. The site is prominently located at the entrance to the wider residential estate and it is visible from the A186 and internal estate roads.

9.8 The proposed building would be single storey and it would accommodate a pitched roof. No windows are proposed to its north, east or south elevations. It is officer advice that the proposed building would not significantly affect the privacy of neighbouring properties.

9.9 The proposed building would occupy the east part of the site and it would be located to the north of the proposed road. Parking provision would occupy the west part of the site. The proposed delivery bay and goods entrance are sited on the north side of the building. They would be enclosed by a 2.4m high fence. The proposed plant is proposed to the southeast corner of the building. This would be enclosed by 2.4m high fence. The entrance to the building is from the west side. The positioning of the entrance would improve natural surveillance towards the car park and the proposed pedestrian access from Moor Drive. Natural surveillance would also be provided from the existing dwellings to the north, south and east of the site and further natural surveillance would be provided should the 13 residential dwellings be constructed immediately to the south of the site. The chosen boundary treatment is discussed in greater detail in paragraphs 9.19 and 9.20.

9.10 The proposed building would be sited close to the existing footpath which bounds the site to the north and east. Areas of soft landscaping are proposed between the building and these footpaths which would assist in reducing the visual impact of the building and the fencing proposed to the north and east of the delivery bay and goods entrance.

9.11 The proposed building would be located to the south of No. 1 Benton Rise, Nos. 3, 5, 7 and 9 Moor Drive. These properties are separated from the application site by the estate road. These properties also sit at a higher level than the application site. No. 1 East Benton Rise is orientated west-east therefore it is not considered that the siting of the proposed building would significantly affect the residential amenity of this property. Nos. 3, 5, and 7 Moor Drive face towards the application site. An area of parking is located immediately to the front of these properties. A separation distance of over 18m would exist from the front of these properties to the north boundary of the application site. No. 9 Moor Drive faces towards the application site. This property has an open plan garden to front. The parking provision serving this property is located to the rear and visitor parking bays are located to the east. A separation distance of over 14m would exist from the front of this property to the north boundary of the application site. Having regard to the separation distances that would exist between the site and these neighbouring properties, the scale of the proposed building and the levels, it is

not considered that their residential amenity (outlook and light) would be significantly affected to such an extent that would sustain a recommendation of refusal.

9.12 No. 2 Moor Drive is located to the east of the site. This property is separated from the site by an estate road. It is orientated north-south. Its rear garden is enclosed by a brick wall with pillars and timber fencing. It is noted that there are windows sited in its gable, but these windows do not appear to serve habitable rooms. A separation distance of approximately 8m would exist between this neighbouring property and the east boundary of the site. Due to the orientation of this neighbouring property and its existing boundary treatment, it is not considered that the proposed layout or scale of the building would significantly affect its residential amenity (outlook and light) to such an extent that would sustain a recommendation of refusal.

9.13 To the southeast of the vehicular entrance into the site are the bungalows of Mackley Court. No. 37 Mackley Court would be the closest bungalow to the site. There are no windows sited in its west elevation and its rear garden is enclosed by a brick wall with pillars and timber fencing. This existing boundary treatment would assist in reducing the visual impact of the proposed building from this neighbouring property.

9.14 Obscure views of the application site would be afforded from Nos. 28 and 29 Mackley Court. However, these views would be limited to the windows sited in their front elevation only. Due to the positioning of the proposed building in relation to these neighbouring properties it is not considered that their outlook would be significantly affected to such an extent that would sustain a recommendation of refusal.

9.15 Due to the separation distance that would exist between the application site and the residential properties located to the south of the site, it is not considered that the proposed site layout or the scale of the building would significantly affect their residential amenity (outlook and light) to such an extent that would sustain a recommendation of refusal.

9.16 Should planning permission 21/01958/FUL be implemented four residential dwellings would be located to the south of the proposed building. These dwellings would front onto the proposed road and would afford views of the proposed building. A separation distance of approximately 15m would exist between the front of these dwellings and the south boundary of the site. No windows are proposed to the south side of the building. Due to the scale of the building and the separation distance that would exist, it is not considered that the residential amenity (outlook, privacy and light) of future occupants would be significantly affected to such an extent that would sustain a recommendation of refusal. This planning permission also approved nine apartments which, if built, would be located to the south of the proposed parking. Due to the siting of these apartments, it is not considered that the proposed layout, including the positioning of the buildings entrance, would significantly affect the residential amenity of future occupants in terms of outlook or privacy.

9.17 As already discussed, the proposed building would be single storey. The scale of the building is considered to relate well to the adjacent housing and bungalows. It is noted that a condition relating to levels (Condition 17) was imposed as a condition as part of the hybrid application. It is not necessary to duplicate this condition. The wording of this condition is set out below:

“In each phase, no development shall take place until details of the existing and proposed ground levels and the proposed finished floor levels have been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details.”

9.18 The design of the building is simple. It would be constructed predominantly in brickwork with contrasting soldier courses. The roofs will be pitched, gables and constructed in plain concrete tiles. The chosen design approach is considered in keeping with the character and appearance of the surrounding residential properties.

9.19 The Design Quality SPD sets out guidance on boundary treatments. Boundary treatments should relate to the property that it surrounds and be appropriate to the appearance, style and scale of the building and street scene. Where new boundary treatments are required, their design should match those used elsewhere locally and comprise of materials and details which relate to the context of the site.

9.20 It is proposed to enclose the delivery bay and the external plant and equipment area with a 2.4m high timber fence. This fence would be visually prominent, and it would detract from the character and appearance of this part of the street scene. It is noted that careful consideration has been given to boundary treatments on the wider estate particular those plots that lie adjacent to footpaths or are positioned on corners. In these locations the boundary treatments tend to be a brick wall with pillars and timber infill panels. It is considered that this type of boundary treatment would be more appropriate to enclose the proposed delivery bay and external plant and equipment. A condition is recommended to secure these details to ensure it is acceptable in terms of its visual appearance and provides the necessary acoustic protection.

9.21 Members are advised that the hybrid application, Ref: 12/02025/FUL, identified this site as delivering built development. The site formed part of the outline application which suggested that it would bring forward commercial development on this site to make provision for commercial uses of approximately 718 square meters (sqm) of which 400sqm for retail purposes and 318 sqm for a doctor's surgery. It is noted that some objector's have advised that they were not aware this part of the site was to be brought forward for such uses, unfortunately sales matters or information provided by the developer to those purchasing a property is not a material planning consideration. As the commercial part of the development formed part of the outline permission it does not mean that a doctor's surgery must be delivered or comply with the layout shown as this matter was reserved for future consideration. Regarding the doctor's surgery the hybrid application secured either the delivery of a surgery on-site or a financial contribution to improve existing health facilities. Members are advised that a financial contribution has been secured to improve existing health facilities. The

footprint of the proposed building complies with the area specified in the outline permission.

9.22 As already discussed, this site was identified as bringing forward built development. It was not intended to be used as open space or an area to provide informal recreation.

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

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

9.25 The Manager of Environmental Health has been consulted. She notes that the proposed layout has been revised and that external plant would be located to the southeast of the site. The distance to sensitive residential receptors is similar and therefore the noise report should be reflective of the revised location. The submitted noise assessment for the plant and equipment has not considered the proposed residential properties to the south of the site for planning application 21/01779/REM, but a noise emission target can be conditioned with a requirement to validate the noise levels following installation.

9.26 The location of the delivery bay has been relocated to the north of the site. The Manager for Environmental Health has considered delivery and collection noise in relation to the nearest residential properties, including those to the north of the site. She has confirmed that the noise assessment has not been updated to reflect the revised location but the distance to sensitive receptors is similar and therefore the noise levels given within the noise report would be relevant. She has advised that daytime noise levels were calculated as adverse impact with appropriate acoustic screening. The applicant has advised that a 2.4m high timber fence is proposed to enclose the delivery bay but no details on its design have been submitted. As already discussed, a 2.4m high fence in this location is not acceptable, as it would result in an unacceptable visual impact and a condition is recommended to secure the same height boundary treatment but with a different visual appearance. This condition will also need to include acoustic details to ensure appropriate mitigation can be secured.

9.27 Members are advised that conditions relating to the outline application of 12/002025/FUL were included on the appeal decision notice. These conditions included controlling the hours of operation and delivery and collections relating to the commercial element. These conditions (7 and 8) are set out below:

“No construction work shall be carried out or deliveries made to the site outside of the following times: 08:00 to 18:00 hours from Monday to Friday, and 0800 to 1400 on Saturdays. No construction work shall be carried out or deliveries made to the site at any time on Sundays or public holidays.

The hours of operation of the A1 and D1 units and the use of the adjacent car park shall be restricted to the following times: 0730 to 2200 hours. No deliveries shall be made, or collections taken from the A1 and D1 units outside the following times: 0730 to 2200 hours.”

9.28 It is noted that the hours put forward by the applicant do not comply with the conditions set out on the appeal decision notice. The Manager for Environmental Health has expressed concerns if deliveries and collections are to be made before or after the times set out in the appeal conditions. The applicant is required to comply with the conditions imposed as part of the hybrid application. A condition relating to the hours of construction was also imposed as part of the hybrid application. It is not necessary to duplicate these conditions.

9.29 With regard to air quality issues, this was considered as part of the hybrid application. The Council does monitor local air quality in the vicinity of Station Road representative of residential facades and air quality objectives levels are being met. Short term use of generators would contribute to air pollution but not to an extent to result in exceedances of the annual objective level. Also, numbers of vehicles attending the store will not result in a sufficient increase of traffic on the roads to require a detailed air quality assessment to be submitted for consideration.

9.30 The Town and Country Planning (Use Classes) Order 1987 (as amended) Use Class E covers a range of commercial business and services. The former Use Class A now falls under Use Class E. Given the range of uses that are covered by Use Class E it is considered reasonable to impose a condition restricting the use of the proposed building to Use Class E(a) ‘Display of retail sale of goods, other than hot food’ only to ensure the residential amenity of adjacent properties is adequately protected from any potential changes of use that may result in impacts that need to be further considered by the Local Planning Authority.

9.31 Members need to determine whether the proposed layout, scale and appearance are acceptable and whether they accord with policies DM5.19 and DM6.1 and the Design Quality SPD and weight this in their decision. It is officer advice that, subject to imposing the suggested conditions and compliance with the conditions imposed as part of the hybrid application, the proposed layout, scale and appearance are acceptable and accord with national and local planning policies. An informative is suggested to advise the applicant that the conditions imposed as part of the hybrid application must be complied with.

10.0 Landscaping

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

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

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

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

10.4 The ecology issues associated with the development of this land have been assessed and fully considered as part of the approved hybrid application, Ref 12/02025/FUL. As part of the approved hybrid application a landscape buffer to be provided around the perimeter of the wider site and sustainable drainage was secured. It was agreed that this landscape buffer would be provided in phases and these details were conditioned as part of the original hybrid application.

10.5 The objections received regarding loss of open space and impacts on wildlife are noted.

10.6 The Council' Landscape Architect and Biodiversity Officer have been consulted.

10.7 A landscape plan to enhance the site and mitigate for the loss of improved grassland of low habitat value has been submitted. This plan provides native hedgerows and shrub mixes along the perimeter areas of the development. The planting has been chosen to provide visual amenity, wildlife connectivity and important green links with the areas to the wider development site as approved under 12/02025/FUL. The planting would to some extent screen the development from adjacent residential areas but the addition of standard trees within the proposed native hedgerows will filter any direct views whilst still showcasing the proposed development. The requirement for standard tree planting will be included in a condition.

10.8 The proposed development would not affect the agreed landscaping required to be delivered as part of the hybrid application.

10.9 Members need to consider whether the proposed landscaping would be acceptable and in accordance with policies DM5.5 and DM5.9 and weight this in

their decision. Based on the comments from the consultees and subject to conditions, it is officer advice that the proposed landscaping is acceptable and accords with national and local planning policies.

11.0 Access

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

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

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

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

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

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

11.7 The objections received regarding impacts on the highway network, impacts on pedestrian safety, preventing emergency vehicles from accessing the estate, lack of parking provision on the existing estate particularly for visitors and health care workers, estate roads not being able to accommodate heavy goods vehicles and existing junctions and residents parking being blocked are noted. Members are advised that this application is required to mitigate its own impacts not mitigate the existing impacts raised by residents.

11.8 The site would be accessed from the adjacent A186 via Moor Drive and Mackley Court. It would utilise the existing road spur that exists onsite which is located opposite the driveways serving Nos. 2 and 4 Moor Drive and the rear garden serving No. 37 Mackley Court.

11.9 Members are advised that the hybrid application and subsequent reserved matters application for the housing have all been assessed in accordance with the Council's Transport and Highways SPD. The parking requirements for housing developments has not changed since the determination of the hybrid and reserved matters application. Each residential dwelling on the wider estate is provided with parking provision to meet the Council's parking standards as well

as visitor parking provision. It is not considered that the proposed development would affect this existing level of residential parking provision.

11.10 The proposed development provides parking on-site. A total of 16no. parking bays, including 2no. disabled parking bays to the front of the building, are to be provided. Cycle parking is also proposed to the front of the building. Deliveries would be carried out within the site. Pedestrians can access the site from Moor Drive or Mackley Court.

11.11 The Highways Network Manager has been consulted. His comments confirm the off-site highway improvements secured under the hybrid applications. He has confirmed that these agreed highway improvements included bringing this site forward for commercial development.

11.12 The Highways Network Manager has advised that the parking proposed would meet the needs of the site and servicing would take place in the site. On this basis, he has recommended conditional approval.

11.13 The Public Rights of Way (PRoW) comments are noted. However, the hybrid application required a landscape buffer to the west of the application site and to support this landscape buffer landscaping is required to be delivered around the northwest corner of the site. Any further connections in this area would erode the landscaping. Cycle connections, albeit not the most direct route, are available from the site entrance from Mackley Court via Moor Drive or the footpath that exists to the south of the site from the A186.

11.14 Members need to consider whether the proposed access would be acceptable. Based on the comments from the consultees and subject to conditions, it is officer advice that the proposed landscaping is acceptable and accords with national and local planning policies.

12.0 Other Matters

12.1 Flood Risk

12.2 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....”

12.3 A Flood Risk Assessment (FRA) was submitted as part of the hybrid application (12/02025/FUL).

12.4 The Council’s Lead Local Flood Authority (LLFA) has been consulted. They have advised that the proposed development would provide surface water treatment on site via the use of inline storm water treatment unit which would ensure any pollutants from the development would be contained within the drainage system reducing the risk of pollution to the main developments sustainable drainage system. The development would not be providing on site attenuation but will be utilising the East Benton Rise sustainable drainage system to provide surface water attenuation.

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

12.6 Members need to consider whether the impacts on flood risk are acceptable. Based on the consultee comments, it is officer advice that the proposed development would not increase flood risk and accords with the advice in the NPPF.

12.7 Ground conditions

12.8 The Contaminated Land Officer has confirmed that no conditions relating to gas or contaminated land are necessary.

13.0 Public Sector Equality Duty

13.1 In determining this application, Members must have regard to the public sector equality duty (PSED) under section 149 of the Equalities Act. This means that the Council must have due regard to the need (in discharging its functions). The PSED must be considered as a relevant factor in making this decision but does not impose a duty to achieve the outcomes in s.149, it is only one factor that needs to be considered and may be balanced against other relevant factors.

13.2 The PSED, under s.149 of the Equality Act 2010 requires the LPA, in considering and determining this planning application, to eliminate unlawful discrimination, harassment and victimisation, and to advance equality of opportunity and foster good relations between people who share a protected characteristic and people who do not.

13.3 The objections are noted, but subject to conditions to control opening hours, construction work and noise, it is considered that the proposal would meet the requirements of the Public Sector Equality Duty.

14.0 Conclusion

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

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

14.3 Approval is recommended.

RECOMMENDATION: Application Permitted

Conditions/Reasons

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

- Site Location Plan Dwg No. EW-90-900 PL04
- Proposed Site Plan Dwg No. EW-90-902 Rev T07
- Elevation A (West) Elevation B (South) As Proposed Dwg No. EL-(20)-200 Rev T03
- Elevation C (East) Elevation D (North) As Proposed Dwg No. EL-(20)-201 Rev T03
- Proposed Plan Dwg No. PO-(20)-100
- Proposed drainage layout Dwg No. P20-387-4050HYD-ZZ-XX-DR-C-100 Rev P02
- Proposed drainage maintenance plan Dwg No. P20-387-4050HYD-ZZ-XX-DR-C-1002 Rev P02
- Surface water catchment plan Dwg No. P20-387-4050HYD-ZZ-XX-DR-C-1000 Rev P02
- Micro Drainage Calculations

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

2. Notwithstanding Condition 1, the scheme for access shall be laid out in accordance with the approved plan (Proposed site plan Dwg No. EW-90-902 Rev T07) prior to the development hereby approved being brought into use. This access shall not be used for any other purpose and retained thereafter.

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

3. Notwithstanding the details submitted, the scheme for parking shall be laid out in accordance with the approved plan (Proposed site plan Dwg No. EW-90-902 Rev T07). These parking areas shall not be used for any other purpose and retained thereafter.

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

4. Notwithstanding Condition 1, the scheme for servicing and refuse collection shall be provided and laid out in accordance with the approved plan (Proposed site plan Dwg No. EW-90-902 Rev T07) prior to the development hereby approved being brought into use. These areas shall not be used for any other purpose and retained thereafter.

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

5. Notwithstanding Condition 1, prior to the commencement of any part of the development hereby approved above damp proof course level details of a scheme for the provision of and storage of refuse shall be submitted to and approved in writing by the Local Planning Authority. Thereafter, these agreed details shall be provided and laid out in accordance with the approved plans and prior to the development hereby approved being brought into use. 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, the scheme for the provision of cycle parking shall be provided and laid out in accordance with the approved plans (Proposed site plan Dwg No. EW-90-902 Rev T07) prior to the development hereby approved being brought into use. The cycle 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).

7. Notwithstanding Condition 1, no part of the development hereby approved shall be occupied until details of Electric Vehicle (EV) charging provision has been submitted to and approved by in writing the Local Planning Authority. This scheme shall be implemented in accordance with the approved details prior to the development hereby approved being brought into use and retained thereafter.

Reason: In the interests of improving parking options having regard to policy DM7.4 of the North Tyneside Local Plan (2017).

8. No part of the development shall be occupied until details of a parking management strategy has been submitted to and approved by in writing the Local Planning Authority. This scheme shall be implemented in accordance with the approved details and retained thereafter.

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

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

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

10. Notwithstanding Condition 1, prior to the commencement of any part of the development hereby approved damp proof course levels, a fully detailed landscape plan shall be submitted to and approved in writing by the Local Planning Authority. The landscape scheme shall include a fully detailed specification, including full details of the species, plant numbers and sizes for all new planting. The landscape plan is to be revised to include standard tree planting at approximately 5.0m intervals to the native hedgerows (trees to be a minimum 12-14cm girth). All details of ground preparation are to be provided to ensure successful establishment. The landscaping scheme shall be implemented in accordance with the approved details within the first available planting season following the approval of details. Any trees and shrubs that die or are removed within five years of planting shall be replaced in the next available planting season with others of similar size and species.

Reason: To ensure an appropriate landscape scheme is secured in the interest of amenity having regard to policy DM5.9 of the North Tyneside Local Plan (2017).

11. Prior to the development hereby approved being brought in use/occupied a long term 'Landscape Maintenance and Management Plan', including long term design objectives, management responsibilities and maintenance schedules for all landscape areas, shall be submitted to and approved in writing by the Local Planning Authority. The landscape management plan shall be carried out as approved.

Reason: To ensure an appropriate landscape scheme is secured in the interest of amenity having regard to policy DM5.9 of the North Tyneside Local Plan (2017).

12. 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 degrees.

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

13. Notwithstanding Condition 1, 2no. bird boxes and 1no. integrated bat box shall be provided on the building hereby approved. Prior to the commencement of any part of the development hereby approved above damp proof course level details of bird/bat box specifications and locations shall be submitted to and approved in writing by the Local Planning Authority. Thereafter, these agreed details shall be implemented prior to the development hereby approved being brought into use/occupation and shall be permanently maintained and retained.

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

14. 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).

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

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

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

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

16. Notwithstanding the provisions of the Town and Country Planning (Use Classes) Order 1987 (or any Order revoking or re-enacting that Order), the land and/or building(s) shall be used only for the purpose of Use Class E (a) and for no other purpose including any other purpose within the Town and Country Planning (Use Classes Order) 1987 (or any Order revoking or re-enacting that Order).

Reason: To enable the Local Planning Authority to retain control over the use to ensure an appropriate standard of amenity and parking provision is retained having regard to Policy DM6.1 of the North Tyneside Local Plan (2017).

17. The noise rating level from any external plant and equipment must not exceed 5 dB above the existing daytime background noise level of 42 dBLA90 1hr as measured in accordance with BS4142. Following installation of the plant and equipment acoustic testing must be undertaken to verify compliance with this condition within one month of its installation and submitted for written approval to the Local Planning Authority prior to the permanent operation of the plant/equipment and thereafter permanently retain in accordance with these agreed details and maintain in working order.

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

18. Prior to the commencement of any part of the development hereby approved details of all boundary enclosures, including a 2.4m high acoustic screen of a brick wall with pillars and timber infill enclosing the delivery area and external plant/equipment area, shall be submitted to and approved in writing by the Local Planning Authority. Thereafter, the agreed boundary enclosures shall be installed and permanently retained and maintained in accordance with these

agreed details prior to the development hereby approved bring brought into use/occupied.

Reason: To ensure that the proposed development does not adversely affect the residential amenity of neighbouring properties from undue noise and disturbance and to ensure a satisfactory environment within the development having regard to policies DM5.19 and DM6.3 of the North Tyneside Local Plan (2017).

19. The hours of operation of the building hereby approved and use of the adjacent car park shall be restricted to the following times: 0730 to 2200 hours. No deliveries or collections shall be made or taken from the development hereby approved outside the following times: 0730 to 2200.

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

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

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

Informatives

Building Regulations Required (I03)

Consent to Display Advertisement Reqd (I04)

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

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

The applicant is advised to contact Highway Maintenance to arrange for an inspection of the highways adjacent to the site. The applicant should be aware that failure to do so may result in the Council pursuing them for costs of repairing

any damage in the surrounding area on completion of construction. Contact Highways@northtyneside.gov.uk for further information.

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

The applicant is advised that it is an offence under the Highways Act 1980 to deposit mud or debris on the highway and reasonable measures must be in place to prevent this occurrence in the first instance and to remove any occurrences, should they occur. Contact New.Developments@northtyneside.gov.uk for further information.

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

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

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

Take Care Proximity to Party Boundary (I21)

Advice All Works Within Applicants Land (I29)

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

The development hereby approved must comply with the conditions set out on the appeal decision notice Ref: APP/W4515/A/13/2210012 (Dated 15.12.2014) (Application ref: 12/02025/FUL). Any variations to these conditions will need to be dealt with as a separate application.



Application reference: 21/01779/REM

Location: Land West Of, Mackley Court, Wallsend, Tyne And Wear

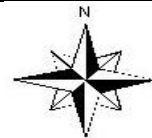
Proposal: Reserved matters for the approval for the access, scale, layout, appearance and landscaping of planning approval 12/02025/FUL -

Construction of 1no. retail / commercial unit falling within Use Class E

Not to scale

Date: 27.04.2023

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Number 0100016801



Consultations/representations

1.0 Ward Councillors

1.1 Councillor Andy Newman

1.2 I have been contacted by a number of residents who want to ensure that the above application is heard by the planning committee.

1.3 I wasn't sure if this application was going in front of the committee or if an officer was going to make the decision. If it is not going in front of the planning committee, can I take this opportunity on behalf of the residents who have contacted me to ask that it be sent to the Planning Committee for consideration.

2.0 Internal Consultees

2.1 Highways Network Manager

2.2 This is a reserved matters application for access, scale, layout, appearance, and landscaping of planning approval 12/02025/FUL - construction of 1 retail unit.

2.3 A hybrid application was granted permission on appeal in 2014 (12/02025/FUL) on the eastern side of Station Road and another hybrid application granted permission on the western side of the road in 2017 (16/01885/FUL). There have been several reserved matters and full applications on each site since.

2.4 A Transport Assessment (TA) was included as part of the previous applications that assessed the local highway network and the following off-site highway improvements have been or will be carried out as part of the two previous applications:

Station Road East (12/02025/FUL):

New roundabout junction to the south of the site

Secondary T-junction access to the north of the site

Traffic signals at the junction of Hotspur Road

Localised widening at the junction of Mullen Road & Wiltshire Drive

Improvements to the junction with the A1058 Coast Road

Improvements to junction of A186 Station Road & A191 Whitley Road roundabout

Station Road West (16/01885/FUL):

New roundabout junction at the site access (north)

Alterations to the roundabout junction at the site access (south)

New traffic signals with pedestrian & cycle crossing facilities at the junction of the A1058 (Coast Road) & A186 (Station Road North)

Toucan crossing on the A191 to the east of Proctor & Gamble connecting into existing routes

Localised road widening

Upgrade & widening of footpaths surrounding the site

Connection & enhancements to the continuous shared footway/cycleway on southern side of A191 (Whitley Road)

Associated street lighting

Associated drainage

Associated road markings

Associated Traffic Regulation Orders

Associated street furniture & signage

2.5 The highway improvements previously agreed considered this proposal. The site will be accessed from the main access road – Moor Drive and Mackley Court. Parking will be provided to meet the needs of the site, as well as cycle parking and servicing will take place in the site. Conditional approval is recommended.

2.6 Recommendation - Conditional Approval

2.7 Conditions:

Notwithstanding Condition 1, the scheme for access shall be laid out in accordance with the approved plan (Proposed site plan Dwg No. EW-90-902 Rev T07) prior to the development hereby approved being brought into use. This access shall not be used for any other purpose and retained thereafter.

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

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

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

Notwithstanding Condition 1, the scheme for servicing and refuse collection shall be provided and laid out in accordance with the approved plan (Proposed site plan Dwg No. EW-90-902 Rev T07) prior to the development hereby approved being brought into use. These areas shall not be used for any other purpose and retained thereafter.

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

Notwithstanding Condition 1, details of a scheme for the provision of and storage of refuse shall be submitted to and approved in writing by the Local Planning Authority. Thereafter, these agreed details shall be provided and laid out in accordance with the approved plans and prior to the development hereby approved being brought into use. 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, the scheme for the provision of cycle parking shall be provided and laid out in accordance with the approved plans (Proposed site plan Dwg No. EW-90-902 Rev T07) prior to the development hereby approved

being brought into use. The cycle parking areas shall not be used for any other purpose and retained thereafter.

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

No part of the development shall be occupied until details of Electric Vehicle (EV) charging provision has been submitted to and approved by in writing the Local Planning Authority. This scheme shall be implemented in accordance with the approved details prior to the development hereby approved being brought into use and retained thereafter.

Reason: In the interests of improving parking options having regard to policy DM7.4 of the North Tyneside Local Plan (2017).

No part of the development shall be occupied until details of a parking management strategy has been submitted to and approved by in writing the Local Planning Authority. This scheme shall be implemented in accordance with the approved details and retained thereafter.

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

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

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

2.8 Informatives:

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

disabled, either by lack of mobility or impaired vision. Contact Highways@northtyneside.gov.uk for further information.

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

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

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

2.9 Lead Local Flood Authority (LLFA)

2.10 I have carried out a review of the surface water drainage design proposed to be installed as part of planning application 21/01779/REM. I can confirm in principle I have no objections to the drainage design as the applicant will be providing surface water treatment on site via the use of inline storm water treatment unit which will ensure any pollutants from the development will be contained within the drainage system reducing the risk of pollution to the main

developments sustainable drainage system. The development will not be providing on site attenuation but will be utilising the East Benton Rise sustainable drainage system to provide surface water attenuation.

2.11 Landscape Architect and Biodiversity Officer

2.12 This reserved matters application is submitted for retail development pursuant to a hybrid planning consent for mixed use development on land adjacent to the junction of the A186 and Moor Drive at East Benton (12/02025/FUL). The principle of retail/ commercial development on the site has already been established in this case through the granting of the outline planning consent, however in 2017 the Council adopted the Local Plan which outlines the policies that any development is required to meet for an application to be successful.

2.13 The application site comprises of approximately 0.152ha of land located south of Moor Drive and east of the A186 at East Benton (East Benton Rise). The site is an open-aspect area of former arable farmland, largely rectangular in shape and incorporating a gentle but progressive sloping landform, which falls south-easterly from the junction of the A186 Station Road and Moor Drive. The adjacent land to the north, east and south contains recent residential development and there are no significant landscape assets within the current site area.

2.14 The proposed retail/commercial unit would include car parking and associated landscaping. Following discussions with the applicant/agent, a landscape plan to enhance the site and mitigate for the loss of improved grassland of low habitat value, has been developed that meets the environmental policies (Landscape and biodiversity) as set out in the Local Plan.

2.15 The approved masterplan (12/02025/FUL) shows a continuation of the linear landscaped parkland to the western boundary of the application site. This is supported by standard tree and shrub planting along all its boundaries. This has been designed to provide a landscape buffer zone between the respective and adjacent residential and semi-natural land uses.

2.16 A revised landscape plan associated with the application site (146664/8001 Rev D) provides native hedgerows and shrub mixes along the perimeter areas of the development. The planting has been chosen to provide visual amenity, wildlife connectivity and important green links with the areas to the wider development site as approved under 12/02025/FUL. The planting will to some extent screen the development from adjacent residential areas but the addition of standard trees within the proposed native hedgerows will filter any direct views whilst still showcasing the proposed development. The requirement for standard tree planting will be included in a condition.

2.17 Should the application be supported; the following conditions are to be applied.

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

Planning Authority. The landscape scheme shall include a fully detailed specification, including full details of the species, plant numbers and sizes for all new planting. The landscape plan is to be revised to include standard tree planting at approximately 5.0m intervals to the native hedgerows (trees to be a minimum 12-14cm girth). All details of ground preparation are to be provided to ensure successful establishment. The landscaping scheme shall be implemented in accordance with the approved details within the first available planting season following the approval of details. Any trees and shrubs that die or are removed within five years of planting shall be replaced in the next available planting season with others of similar size and species.

Before the development is first occupied or brought into use, a long term 'Landscape Maintenance and Management Plan', including long term design objectives, management responsibilities and maintenance schedules for all landscape areas, shall be submitted to and approved in writing by the Local Planning Authority. The landscape management plan shall be carried out as approved.

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 degrees.

2no. bird boxes and 1no. integrated bat box will be provided on buildings within the development site. Details of bird/bat box specifications and locations must be submitted to and approved in writing by the Local Planning Authority within 4 weeks of development commencing on site and will be installed in accordance with the approved plans on completion of works and permanently retained.

2.18 Manager for Environmental Health (Contaminated Land)

2.19 I have read the Geo-Environmental report and note that it states:

"This proposed development lies within a wider site and development area which was investigated in 2013 for the adjacent residential development currently under construction, known as East Benton Rise.

The findings contained in the Phase 2: Ground Investigation Report (GIR) produced for the whole site area by Arc Environmental Limited, reference 13-497, dated December 2013, has been reviewed as part of this report with the findings used to aid the design and scope of the intrusive investigation works carried out on site by GEOL."

2.20 5.4 Landfill & Waste and Hazardous Ground Gas Risk Assessment

There are no Historical or Registered Landfill Sites or potential in located within a plausible migration distance from the site (i.e. lateral distance of 250m), and as such no plausible sources of ground gas have been identified.

2.21 As part of the ground investigation works carried out by Arc Environmental Limited, reference 13-497, dated December 2013, in situ ground gas monitoring was undertaken within eight boreholes installed across the wider site area, with monitoring completed on six occasions over a minimum period of 3 months. No elevated levels of Methane or Carbon Dioxide were recorded, and the risk

assessment concluded that the site would be classified as Characteristic Situation 1 indicating that the site would not require gas protection measures.

2.22 I accept these findings and no further gas assessment is required.

2.23 From the results of the laboratory testing, none of the maximum concentration values for the generic contaminants or PAH's listed in the Tables exceed the critical concentration values adopted for this site. In addition, none of the samples screened were found to contain the presence of asbestos. Therefore, the topsoil and made ground deposits present across the site do not pose a risk to human health and are considered suitable for reuse on this site within areas of soft landscaping without the need for any remedial measures.

2.24 I accept these findings and no further contamination assessment or remediation is required.

2.25 Based on the above no conditions relating to contamination or gas are required.

2.26 Manager for Environmental Health (Pollution)

2.27 I note that the layout for the store has been revised and that external plant will be located to the southeast of the site. The distance to sensitive residential receptors is similar and therefore the noise rating levels given in the noise report should be reflective of the revised location. However, the noise assessment for the plant and equipment has not considered proposed residential properties to the south of the site for planning application 21/01779/REM, but a noise emission target can be conditioned with a requirement to validate the noise levels following installation.

2.28 With regard to delivery and collection noise the location of the delivery bay has been relocated to the north of the site. Nearest residential properties are located across the main road into the estate. The noise assessment has not been updated to reflect the revised location but the distance to sensitive receptors is similar and therefore the noise levels given within the noise report will be relevant. Day time noise levels were calculated as adverse impact with appropriate acoustic screening. I note the noise assessment for the delivery operation states a delivery between 0600-0700 hours but planning consent for 12/02025/FUL provided condition 8 to restrict deliveries and collections before 07:30 hours and I would have concerns if deliveries were permitted during night time hours. I note that 2.4m high timber fencing is to be provided around the delivery bay but full details on its design have not been given. I would recommend a condition is attached to any approval to require these details are submitted for approval.

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

The noise rating level from external plant and equipment must not exceed 5 dB above the existing daytime background noise level of 42 dBLA90 1hr as measured in accordance with BS4142. Following installation of the plant and equipment acoustic testing must be undertaken to verify compliance with this

condition within one month of its installation and submitted for written approval to the Local Planning Authority prior to the operation of the plant and thereafter maintain in working order.

NOI02

Details of the 2.4m high acoustic screening to be provided about the delivery area, must be submitted in writing details to the Local Planning Authority for approval and thereafter implemented and retained.

LIG01

HOU04

SIT03

2.30 Public Rights of Way

2.31 There is no link from Station Road into the site for cycles from the shared path and refuge crossing. A simple link with drops between parking bays 14 and 15 would suffice. Also, are there drops in front of cycle parking units to transition from road. Units could be turned east/west to aid matters.

3.0 Representations

3.1 Objections

3.2 29 objections have been received. These objections are summarised below:

- Adverse effect on wildlife
- Affect Site of Spec. Scientific Interest
- Impact on landscape
- Inadequate drainage
- Inadequate parking provision
- Inappropriate in special landscape area
- Loss of privacy
- Loss of residential amenity
- Loss of visual amenity
- Loss of/damage to trees
- Nuisance – disturbance, dust, dirt, fumes, noise
- Out of keeping with surroundings
- Pollution of watercourse
- Poor traffic/pedestrian safety
- Traffic congestion
- Will result in visual intrusion

-In reference to "Swept Path Analysis", dated 08/02/23. This analysis assumes no other vehicles are parked on Mackley Court entrance off Moor Drive allowing kerb to kerb turning radius of 11.00m. This turning radius is not safe if vehicles are parked on Moor Drive and / or Mackley Court as pointed out in objections and proved in the analysis.

-Looking at the revised plans I cannot see any significant changes that haven't already been widely objected to. Swapping the plant room and delivery bay does not solve any of the original problems. Noise created from both has not been addressed, it has simply moved the issue from one household to another. The unit is still unnecessarily close to neighbouring properties.

-Living on Moor Drive, near to the entrance to the estate, it takes a matter of minutes to understand the infrastructure and layout of the estate it does not lend

itself to coping with an increased level of traffic. Lack of parking for residents and visitors results in cars parking, and blocking, the main thoroughfare. Access into and out of driveways on Mackley Court is already challenging at times, and with a main entrance into the car park situated so near, will be nigh on impossible. An entrance to the carpark off Mackley Court, and the resultant increase in flow of traffic on that route, will increase the risk of accidents in the area.

- A large part of East Benton Rise are young families with children often playing, cycling, scootering the streets. A simple risk assessment of the area would identify the hazards associated with increased vehicles from shoppers and deliveries. This is particularly relevant with the completed structure causing a blind corner at the junction of Moor Drive/Mackley Court.

- Locally there are already a number of convenient retail units. Asda (1.1 miles), Iceland/The Range (0.4 miles), B&M (0.8 miles). Recent plans for a Lidl supermarket (in a much more suitable and accessible area), approximately 0.4 miles from this site also brings into question the competition and necessity for a Co-op.

- This development should be viewed in context with planning application 21/01958/FUL, the development of 13 residential dwellings, the two are interlinked and have the potential to be detrimental to each other.

- Lidl and Greggs want to build retail stores less than 500 meters away from this proposed development. As this looks very likely to go ahead (as so far there have been no objections) Lidl would be closer than the Co-op for around 40% of the residents of East Benton Rise, a large percentage of Fallow Park and all the Charles Church development giving easier access to staple foods. As the Lidl development is not within a residential housing estate but is very much within walking distance for residents the Co-op would have to attract a large number of customers from outside the estate. This will increase of traffic onto the East Benton Rise roads particularly from online deliveries and peak time passing trade.

- Radical change to original plans (made as part of the East Benton Rise development).

- Noise disturbance due to commercial business activities and equipment.

- Anti-social behaviour increases in a residential area.

- Increase of traffic in a residential area.

- Inadequate roads to support HGV's due to parked cars and narrow roads.

- Pedestrian safety concerns-particularly children.

- Light pollution and disturbance from exterior lighting and signage.

- After input from Environmental Health regarding the noise being generated from HGV deliveries so close to the proximity of new housing to be built, the revised plans show a change to the unloading of deliveries. Delivery input is now to be positioned on Moor Drive. This unloading site is now closer to residential property (2 Moor Drive) than it would have been to the new properties therefore bringing the problem of noise to existing housing. I would like Environment Health to comment on this as their original concern was to houses that hadn't even been built.

- The building to be erected offers little if anything in the way of energy reduction or efficiency something that we are all being asked to reduce our consumption of. There will be air conditioning and refrigeration systems running constantly. The building design does not lend itself to make use of renewable energy sources such as solar panels.

-Concealed driveways on Mackley Court (from No. 2 and 4 Moor Drive). As vehicular and pedestrian traffic increases due to the retail shop, I need to raise awareness of these driveways (holding four cars). This could cause a problem for the expected HGV's and LGV's as these vehicles carry large loads and have poorer line of sight and less braking efficiencies. There is to be an 8ft fence build to contain the delivery site meaning this driveway is not visible from any approach to drivers coming into Mackley Court from Moor Drive. This is a hazard for both the owners of the driveways and traffic coming into the Co-op.

-Is it a good idea to increase vehicle traffic into a residential and family estate that already has significant vehicle and parking issues? Is it acceptable to have the sale of alcohol brought into a residential estate increasing anti-social behaviour as is proved by crime figures of other licensed shops in the area? Are the estate roads suitable and wide enough for HGV and LGV daily use without causing inconvenience and disturbance to residents?

-I would like the opportunity to speak to the planning committee to make representations about this and previous objections.

-I strongly object to the revised plan, turning it around without considering the same problems as before, speaking to the planning was requested last time these plans were submitted yet not one of the residents were contacted.

-We moved into our bungalow in February 2017 with the understanding a medical centre and one unit was earmarked for this site (I have a copy of the original plan submitted). We are all elderly residents (within 10 bungalows) with at least one person in each bungalow with a severe health condition. We feel our quality of life would be severely affected if planning permission was to be granted. A commercial unit of this size would not only affect our health and wellbeing but the impact would be so traumatic and result in many more residents having greater health issues (no quality of life at all).

-Building far too close to residential bungalows and housing (not as original plans show).

-Noise and pollution from traffic all day until late at night.

-Traffic congestion on estate roads due to delivery's and customers cars from early morning till late at night.

-Noise from all plant air conditioning extractor fans and refrigeration units situated far too close to residents homes. Revised plans show it nearer to our bungalow and we will get all the noise pollution.

-Disturbance and traffic pollution all day long and we will not be able to sit and enjoy our garden as it is directly opposite the proposed entrance to this site.

-This commercial unit is absolutely not necessary as we have plenty of shops that cover this area 24hrs a day ASDA. We understand planning permission been submitted for a new Lidl site just a walk away.

-Poor drainage on estate, site field prone to flooding. This can be seen after heavy rainfall.

-No parking at all due to lack of parking spaces on the estate. Nowhere for any visitors and most importantly nurses who visit every day to attend to elderly.

-We hope the planning committee takes into account all objections and refuses this planning application.

-We would hope that the planning committee would be trying to save our shops in Wallsend Town Centre instead of making more people's lives a misery by granting more unwanted shops.

-If this land has to be developed on it would be better if more bungalows (which is needed) or houses are built here or a much needed medical centre that was on

original plans over 6 years ago would be a much better option as more people need Doctors than more shops.

-Turning the development around still does not account for the extra traffic now Fallow Park has started.

-No thought has been put into the supporting infrastructure for all these new homes, no medical centres, no schools, there are just shops, shops, houses and shops. Along with the 13 more houses Persimmons still wish to build on the same land.

-I am appealing for someone in planning to have some common sense and think of the affect, of such a large development will have on the elderly people in the Mackley Court bungalows and the surrounding residents this development is literally going to be squeezed into the space.

-This is a despicable disrespectful plan for the residents of this new estate, instead of a small green patch where children of the estate can play, I will now view the back of a building, the inflow of traffic, customers, delivering wagons, and staff the noise and congestion is positively accidents and major disruption to residents living near to this unsightly building, the congestion to enter this estate is at breaking point already. I am disabled and housebound and live in a social housing bungalow, I would never have moved here if I'd known this was to come.

-The proposed retail unit will contribute to an already busy entry road to the estate. Access to neighbouring driveways will be compromised, with increased traffic also risking the safety of residents. Carpark and delivery access through existing road infrastructure will impact greatly on surrounding properties.

-The layout of the proposed plant of the building will impact on our residential building and cause significant noise pollution. Delivery vehicles will be constant impacting on congestion on Mackley Court road and affecting our entrance to our garage. Mackley Court road is already a busy road with constant pedestrians and traffic, it will lead to further noise and disturbance to our residential building.

-Kids use that field to play. At a time when we're encouraging kids to play outside for exercise does it make sense to close the only available space to them?

-Mackley Court is a narrow residential street. The junction is very close to Moor Drive and this will cause the residents considerable problems with noise and vehicle parking on Mackley Court outside our homes and on Moor Drive to gain access into the loading area of the shop when the loading dock is in use from the proposed 6am to 11pm. There are also great concerns that this is a housing estate that has families and young children using this street all day and we feel that their safety will be compromised greatly.

-The use of this street being used a lot right up until 11pm at night is not going to be good for all the residents on Moor Drive and Mackley Court who will be constantly being bombarded by the noise from the shop with the traffic on our street and there is an element of noise and disruption coming from the delivery vehicles and the shop will attract the normal young persons who will be hanging around the shop at night and our part of the estate causing noise and hassle for the residents and this is not acceptable at all outside our front doors.

-Mackley Court we have a lot residents that have got major health issues and we do not need to be disturbed during the said hours of trading from the shop. Residents that have major illnesses do not need this kind of disruption in the lives during their crisis that they are trying to deal with, and I can speak from myself with my major health problems.

- Build the shop further up Station Road beside the other retail shops that are already there. This would be the right choice to do instead of resident's lives being made a misery.
- Original development plans had a GP surgery which is now not included. If you look at local area GP service capacity is currently high and once Fallow Park estate is built will put more pressure on these services. There is a local service need for a GP surgery over retail outlet.
- Then there is the building etc of the shop and storage facilities and the hassle of trucks and machines and muck that we have yet again having to put up with is not good at all and not acceptable
- The existing residents of the flats adjacent to the site frequently complain about lack of parking, and this will be confounded if additional residential units are built on the other half of the site. Therefore, it would not be surprising if some of the 18 spaces are used by nearby residents. Furthermore, staff working at the retail unit also need to park and if driving will take up more spaces for customers.
- If spaces are limited and therefore staff and customers cannot find a space to park, they may be forced to park elsewhere on the estate. This will have numerous effects on the residents of the estate. Firstly, this will take away parking spaces used by residents which are already limited. Secondly, increasing the number of cars driving looking for a space will worsen pollution. Finally, our streets have no pavements meaning children and pets often have to walk along the road (and children often play on less busy streets). Increasing the number of vehicles looking for a space will mean that their safety may be compromised.
- We are happy for a retail unit to be built, however we feel increased parking provision should be available, by increasing the number of spaces on the plans. Customers and staff should be encouraged to park on site and should not be penalised for this. Every step should be taken to reduce the burden of increased traffic on the surrounding residents.
- Mackley Court consists of 10 social housing bungalows some are occupied by sick, elderly, and disabled people. I am disabled with very poor mobility, and I am housebound. The intrusion into our lives is going to affect us greatly, the traffic situation for a start, the inroad to the estate is very narrow, any cars parked on the road make access difficult the oncoming traffic must wait for courtesy forward waves from drivers in the opposite direction. Station Road is gridlocked with traffic at the slightest interruption. The addition of a retail unit on the site will add greatly to this traffic congestion, not to mention how the huge delivery lorries are going to enter the estate, getting in and out of the estate is already difficult along Moor Drive when entering or exiting, add to that, delivery lorries, staff, customers cars, and the increase that will happen when Fallow Park is completed.
- There will also be a lot of extra noise added to a very quiet part of the estate, with deliveries from huge lorries, very early in the mornings and then the bread and newspaper deliveries later in the day, every day. The plant at the corner of Moor Drive and the road down to Mackley Court, will be going 24/7 which we will all be able to hear. The noise assessment was done on a calm quiet day, which seems ridiculous as it was carried out before the construction of Fallow Park had begun, we have noise and dirt from the site, we were the first here on the East Benton Rise site, so we have already been through being surrounded by construction and all the noise and dirt that comes with it. Now we are getting noise and dirt from the Fallow Park site, we were not informed of any plans for the patch of green next to the bungalows, I strongly object to going through it for

a third time in such close range to the bungalows I would never, have moved here if I'd known this was planned.

-The estate is very family orientated, this is the only patch of green left, the children play on the field every day, where are they to play, with the increased level of traffic its and accident waiting to happen. The added traffic is also going to be a hazard as the road is going to get extremely busy. I cannot see the need for, yet another shop especially so closely tucked into the estate, we already have convenient stores locally, One Stop, Premier on Mullen Road and the coast road, Nobles Convenience store on Station Road, B & M, The Range and Asda all within walking distance.

-The opening times of this Co-op, from very early in the morning until 11.00 at night, which means mostly alcohol will be what is served, encouraging a late night stream of traffic, youths hanging around drinking, the noise, not to mention the fact that there are 10 vulnerable people living next to all that activity late at night, when building the bungalows Persimmons forgot to erect street lights and instead installed solar lights, in the dark winter nights these are useless and makes Mackley Court very dark, the threat of burglaries concerns me greatly, in fact this whole debacle has been detrimental to my health and that of my neighbour's.

-I first must comment on how disappointed I am with Cooperative Group LTD on this matter, for a business that prides itself on its ethics, transparency and community commitments they and their developer have failed to attempt to engage or consult with any residents on the East Benton Rise estate. I also need to state that these plans are a radical change from those proposed and approved in the original planning application submitted (a GP's surgery, small retail unit and car park) which I had no issue with.

-The plant area containing refrigeration, gas cooling and air conditioning is less than 20 meters from my front door (18.6 meters), these will run day and night causing a noise disturbance. These systems will run at around 60 decibels as stated in the specifications submitted in the planning drawings. Once ambient noise drops through the night this will become a nuisance. Although the area of plant will be screened off by a fence on the Mackley Court side the fencing on Moor Drive could only be partial due to the units needing good air flow from both top and bottom, this is not acceptable. These systems should be away from nearby homes, it's not normal design practice to place these so close to residential housing due to the noise generated.

-Light pollution will also be an issue, I'm concerned that signage will be illuminated, and lighting will be needed on the outside of the building (car park and delivery / staff areas). Lighting will cause a nuisance for surrounding homes.

-Deliveries to the unit will inevitably cause a disturbance to residents on both Moor Drive and Mackley Court as it would be expected that these would take place from 6am to 7pm, however there would be nothing stopping the Co-Op having deliveries at any time and for any length of time after the unit is constructed and disregarding any noise survey recommendations.

-The selling of alcohol attracts anti-social behaviour hence why it's a licensed activity. This estate already suffers from problems with anti-social behaviour usually fuelled by alcohol on a weekend with the Police being called out on several occasions. This retail unit would be adding to the problem of anti-social behaviour in a residential area particularly to Moor Drive and Mackley Court. Other than its legal statutory responsibilities what would the Co-Op be willing to

put in place to ensure its customers do not cause anti-social behaviour and what would they do to support the community and local residents on these matters?

-Moor Drive and Mackley Court streets are intended for residential use. Moor Drive measures 6.6 meters wide kerb to kerb and Mackley Court only 5.8 meters wide and are not main roads. Parking is a serious issue on the estate however it's a particular problem on the entrance to Moor Drive (this being the main access to the estate and proposed entrance of the new retail unit) and Mackley Court. When entering the estate on Moor Drive vehicles are usually confronted with parked cars on the left of them, vehicles entering must give way to vehicles exiting as there is no room for two cars to pass. This causes traffic to back up onto the roundabout on Station Road. It is also a problem when exiting from Ridge Way to Moor Drive as visibility is severely restricted by parked cars.

Mackley Court also has the same problem as when residents have visitors the only parking is on the road again meaning two cars cannot pass. These roads are unsuitable and inadequate for use by HGV's, we've seen this already with Persimmon having deliveries and vehicles struggling to pass parked cars with some being damaged on Moor Drive. Having a retail unit here will inevitably generate more traffic, not only from residents but from the general public.

-This estate is full of families with young children and highway safety is a particular concern, I have already spoken to North Tyneside Council regarding this matter, they have recommended that traffic calming measures including speed bumps are installed on Moor Drive, this goes against the noise survey recommendations. I cannot see that attracting more traffic to an already congested residential street would be a good thing, not only will pollution increase but as traffic builds it will lead to more residential streets being used as rat runs as people look for alternative routes around pinch points and key times. Many of these streets have no pavements or pedestrian safety areas. Please see photos of Moor Drive for current parking and access issues.

-Where would staff members for the retail unit park their vehicles, on the premises or in surrounding streets? It would be nice to think that staff would be encouraged to use green forms of transport to get to and from work but in reality, this rarely happens due to early starts and late finishes.

-My son is disabled and goes to a special school and is picked up and dropped off by a local authority bus. Due to my son's disability this takes place at the front of our house however the bus has problems parking due the current volume of traffic; this will only get worse if this Co-Op is built. The bus cannot use Ridge Way as this street has no footpath and is only 4.9 meters wide in sections and once parked causes a blockage for other vehicles. It can take between 5-10 minutes for him to board the bus. The only option the bus currently has is to park on Moor Drive or Mackley Court. How would the Co-Op be willing to ensure that disabled residents on the estate are not discriminated by having to alter their lives and way of living to accommodate this proposed retail unit?

-Whilst purchasing my property from Persimmon I was told there would be a retail unit and possibly a GP surgery built. Now the councillor is saying 9 additional houses will be built instead of the GP surgery. This was not what I was told when purchasing my property. I am not objecting to the shop, I always knew about this, I am objecting to the sudden 9 new proposed properties.

-I was told a fence would be erected alongside our private car park so that shoppers would not park in our allocated and VP parking. I expect this still to be the case.

-The plan shows four additional houses and some apartment buildings that were not on the original plan for that area. That whole of that area was originally intended to be for a commercial unit and a Medical Centre, now it is just the shop.

-The houses that are facing the proposed building will be more affected than what our property will be, no matter what is attempted in the landscaping, they will always be looking onto a shop. I would have thought that this would have a detrimental effect on the values of those homes. We live in social housing so that applies to our landlord, Bernicia.

-It is difficult to park in Moor Drive and Mackley Court as it is, no spaces for visitors or room for blue light vehicles, without adding additional traffic to those two streets. Add to that the traffic that will be added once Fallow Park is up and running, the roundabout on Station Road/Moor Drive will become even more of a nightmare. The cul de sac on Mackley Court for the 10 bungalows, only has one space per house. Each of these bungalows has at least one disabled person living there, their dependence on blue light traffic can only increase.

-The roundabout on Station Road at the junction of Moor Drive, will become denser with traffic when there is no space to turn into Moor Drive and the build-up goes up and down the road. The only option to residents is to get in their car and join the circus. Whilst I realise that we are hoping to cut down on traffic emissions, there are still older vehicles on the road contributing to it. Partner is in a wheelchair and is at that level where the emissions are worst which will add to her medical condition.

-Having read the noise report, I am not convinced that there will not be excessive noise through the night with the running of the generator and cooling systems required for the shop. There is also the fumes from the generator, as I expect that will be diesel. Those families on Moor Drive with young children will, I believe, have a harder job of getting younger members to sleep with the additional noise and light.

-Increase of litter, encouraging rats with resulting environmental health concerns

-No thought was put into parking for numbers 1 to 7 Moor drive, we have 1 allocated parking space per house, (other Seaton houses have more parking) however these are 3 bedroomed houses so obviously most have more than 1 car. We have no visitor parking at all which means we have no choice but to park on the road itself. As you know Moor Drive is only narrow which means only 1 car can pass at a time which is difficult as this is the main entrance into the estate from Station Road.

-I'm worried about crime and anti-social behaviour that the shop could/would attract; I've looked at the crime figures from the Police website and can see that shops that sell alcohol in the very close area have had problems with this. B&M stores and ASDA, both very close to us, have had problems reported to the Police in the past 12 months. I don't see why this would be any different if a shop selling alcohol was built.

-I am in poor health and find this extremely distressing, I am also worried of the effects this will have on my granddaughter who is on the autism spectrum and regularly stays over at my house in the front bedroom. She could not cope with this at all. This would completely ruin the quality of life for those of us who are closely affected.

-The current planning application does not consider the direct effect on the quality of life of those living directly in the surrounding area of the Coop shop. The additional traffic, lightening, and noise will hugely negatively impact on

several homes.

-Positioning the building to the west of the site would move loading and unloading activities away from dwellings and reduce noise impact.

-I have family who live on Moor Drive, and I am a frequent visitor, due to childcare. I often have problems parking. The parking bays beside their property are regularly used by residents, therefore no visitor parking available in bays. The road outside is also used for resident parking. There is no chance of parking on Ridgeway as it is very narrow and has many driveways leading off it. I find myself parking as far as Mackley Court area, and as my mobility is not what it was this is not very convenient.

-Moor Drive is a very busy road, and some drivers speed along it. I worry about children in the area, especially at times as they come from school, and during school holiday time. The housing development is populated with young families.

3.3 Support

3.4 17 representations supporting this application have been received. These comments are summarised below:

-No access to a car a lot of the time, a shop within easy walking distance of the house would be absolutely ideal.

-We frequently run into problems just getting simple household items without driving to ASDA and back for 2-3 things late at night. This would not only save us time but mean we're using the car less for things I'd happily just walk to buy.

-I have young children and don't drive. The nearest shop is a 15 minute walk which doesn't sound much but when the weather is bad, shift work and children a shop 5 minutes away would be ideal.

-I believe the addition of retail units would be of great benefit to local residents. There's nowhere easily accessible that'd provide the same level of goods as the proposed Co-op store would. Also providing fresh and healthier options that nearby corner shops offer etc.

-To have a shop on this land on the estate would be so vital. Especially to those like me, who do not drive and do not have the luxury of jumping in a car to the various shops in the wider area. It also would be beneficial due to being able to purchase things like medicine or other baby/child products at late hours, making it a lifeline for a lot of people on the estate. The shop would also bring jobs for a lot of people on the estate including young adults, not to mention the benefit of having a cash point within an appropriate walking distance.

-A shop on the East Benton Rise estate is greatly needed. The nearest supermarket is a drive away Asda. It was one of the main selling points to us when we bought on this estate. As there will be ample parking and not that much disruption I don't see any reason to object.

-I fully support the building of a Co-Op. The building of a full retail unit was made very clear when purchasing the Property in February 2019.

-I fully support the building of a Co-op/retail space on this site. I do however object to the plans to build additional residential houses on the site as well. I cannot see how there is space for a shop and the number of proposed residential houses on the site given the area in question. There will not be enough car parking provision and the houses will be too close together and too close to the shop.

-I do have some initial concerns about adding to the already busy station road traffic but with careful consideration given to the exits and entrances to the store, it could be avoided. Consideration should also be given to the noise of the plant;

it is not quiet on Mackley Court because of Station Road, but the constant rattle of machinery would be unpleasant. Overall, if due care is taken, support the plans as it gives much needed store that sells reliable products. Nothing else exists on this estate. The current green is a flooded eyesore where people just take their dogs to dirty.

4.0 External Consultees

4.1 None