

Item No: 2
Application No: 23/00634/FUL
Date valid: 16 May 2023
Target decision date: 11 July 2023
Author: Rebecca Andison
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Ward: Chirton

Application type: full planning application

Location: The Redburn, Wallsend Road, North Shields, Tyne And Wear, NE29 7AF

Proposal: The Erection of a fuel filling station, convenience store, canopy, petrol pumps, with associated access and car parking (AMENDED PLANS AND ADDITIONAL INFORMATION)

Applicant: Mr Ali Rezaei

Agent: AJ Riley Architects

RECOMMENDATION: Application Permitted

INFORMATION

1.0 Summary Of Key Issues & Conclusions

1.0 Main Issues

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

- whether the principle of the proposal is acceptable;
- the impact upon neighbours living conditions;
- the impact of the proposal on the character and appearance of the surrounding area; and
- whether sufficient parking and access would be provided.

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

2.0 Description of the Site

2.1 This application relates to a detached public house sited to the east of the Wallsend Road (A193)/Norham Road roundabout.

2.2 The site is surrounded by highways on all sides. Waterville Road runs along the southern boundary, Brackley Grove is to the east and the A193 is to the northwest.

2.3 There are two existing vehicular access points into the site, one from Waterville Road and the other from the A193. Within the site are a number of partially completed structures.

2.4 The surrounding area is predominantly residential in character.

3.0 Description of the Proposed Development

3.1 Planning permission is sought to demolish the existing buildings and construct a fuel filling station and convenience store with an associated canopy, petrol pumps, access and car parking.

4.0 Relevant Planning History

17/01389/FUL - Variation of condition 1 (approved plans) of planning approval 17/00866/FUL to amend for additional screening to stone wall – Permitted 09.11.2017

17/00866/FUL - Change of use to form car wash to the north facing car park – Permitted 02.08.2017

15/00969/FUL - Allow the use of part of the car park on the Wallsend Road side of the pub for a car wash – Refused 13.04.2016

15/00388/FUL - Change of use to allow use of the car park on the Wallsend Road side of the pub for a car wash – Refused 07.05.2015

01/01587/FUL - Change of use of part of public house to private hire/taxi booking office. – Refused 26.04.2002

5.0 Development Plan

5.1 North Tyneside Local Plan 2017

6.0 Government Policy

6.1 National Planning Policy Framework (September 2023)

6.2 Planning Practice Guidance (As amended)

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

PLANNING OFFICERS REPORT

7.0 Main Issues

7.1 The main issues for Members to consider in this case are:
- whether the principle of the proposal is acceptable;

- the impact upon neighbours living conditions;
- the impact of the proposal on the character and appearance of the surrounding area; and
- whether sufficient parking and access would be provided.

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

8.0 Principle

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

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

8.3 The NPPF (para.81) states that significant weight should be placed on the need to support economic growth and productivity, taking into account both local business needs and wider opportunities for development.

8.4 Paragraph 87 of NPPF, states that local planning authorities should apply a sequential test to planning applications for main town centre uses that are not in an existing centre and not in accordance with an up-to-date Local Plan.

8.5 Policy S1.4 of the Local Plan states that proposals for development will be considered favourably where it can be demonstrated that they would accord with the strategic, development management or area specific policies of this Plan. Should the overall evidence based needs for development already be met additional proposals will be considered positively in accordance with the principles for sustainable development.

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

8.7 Policy S2.1 states that proposals that make an overall contribution towards sustainable economic growth, prosperity and employment in North Tyneside will be encouraged.

8.8 Policy DM3.4 of the Local Plan states that proposals for main town centre uses on sites not within the town centres will be permitted where they meet the following criteria:

- a. In order of priority, there are no sequentially preferable sites in-centre, then edge of centre, and then existing out-of-centre development sites previously occupied by appropriate main town centre uses that are readily accessible to

Metro stations or other transport connections to the town centres and then finally existing out-of-centre locations;

b. The suitability, availability and viability of sites should be considered in the sequential assessment, with particular regard to the nature of the need that is to be addressed, edge-of-centre sites should be of a scale that is appropriate to the existing centre;

c. There is flexibility in the business model and operational requirements in terms of format; and

d. The potential sites are easily accessible and well connected to town centres.

Proposals for retail development outside a town centre will require an impact assessment where they would provide either:

e. 500m² gross of comparison retail floorspace, or more; or

f. 1,000m² gross of retail floorspace for supermarkets/superstores, or more.

The proposal would be supported when the necessary Impact Assessment has shown that:

g. The proposal would have no significant adverse impacts, either individually or cumulatively, on existing, committed and planned public and private investment in a centre or centres in the catchment area of the proposal; and

h. The proposal would have no significant adverse impact on the vitality and viability of a town centre, including consumer choice and trade in the town centre and wider area, up to five years from the time the application is made. For schemes where the full impact will not be realised in five years, the impact should also be assessed up to ten years from the time the application is made.

8.9 Policy DM3.6 states that 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 within 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;

d. Safeguard the retail character and function of existing centres and not detract from their vitality and viability.

8.10 Policy S7.10 states The Council and its partners will ensure that local provision and resources for cultural and community activities are accessible to the neighbourhoods that they serve. Planning permission for the re-use or redevelopment of any land or buildings used for community infrastructure will be permitted where the community's ability to meet its day-to-day needs for services are not reduced.

8.11 The site contains a public house, which has been vacant since January 2023, and several partially built structures. The proposal is to construct a petrol filling station and convenience store. A convenience store is a town centre uses as defined by NPPF. As the site is in an out of centre location the impact on the borough's town centres should be considered.

8.12 The proposed building has a floor area of 340 sqm of which 240sqm would be retail floor space. Out of centre local facilities of this size are supported by Local Plan Policy DM3.6 where the criteria set out within the policy are met. The proposed retail unit is considered to be of an appropriate size to meet day-to-day needs of residents and, given its size and location in relation to North Shields town centre, it is not considered that it would harm the vitality or viability of existing centres. It is therefore considered that the proposal complies with parts a and d of Policy DM3.6. Parts b and c are discussed in the later sections of this report.

8.13 The proposal would result in the loss of an existing community facility. The applicant has advised that the public house ceased trading in January 2023 following many attempts to sustain the business. There have been more than 100no. objections to the application and while the loss of the building is raised as a concern due to its history and architecture, it is noted that there are no objections to the loss of a public house. The public house is not included on the Council's List of Assets of Community Value.

8.14 The proposal would bring a currently vacant and derelict site back into use, securing economic development and creating 5no. full time and 10no. part time jobs.

8.15 Having regard to the above, it is officer opinion that the principle of the proposed development is acceptable and in accordance with the NPPF and Local Plan Policies S1.4, DM3.4, DM3.6 and S7.10 subject to consideration of the following matters.

9.0 Impact on Amenity

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

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

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

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

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

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

9.7 The site is located within a predominantly residential area. There are residential properties immediately to the rear of the site on Brackley Grove and to the southeast and northeast on Waterville Road and Wallsend Road.

9.8 The proposed petrol filling station and shop would be open 24 hours per day and have the potential to impact on nearby residents as a result of noise from customers, vehicle movements and plant.

9.9 The Manager of Environmental Health has been consulted and provided comments. They note that the site is located adjacent to residential properties but is enclosed by a stone wall which will help to mitigate noise from the proposed parking bays. Conditions are recommended in respect of a noise scheme, external lighting, restricting cooking equipment, the means of ventilation, extraction and refrigeration and to control the times during which deliveries can be carried out.

9.10 Subject to these conditions, it is officer opinion that the impact of noise on existing residents is acceptable.

9.11 The proposed building is single storey with no windows facing the adjacent residential properties. The impact on residential amenity in terms of loss of light, outlook or and privacy is therefore considered to be acceptable.

9.12 A number of objectors have raised concern regarding the potential for the proposed development to generate crime and ant-social behaviour.

9.13 Section 17 of the Crime and Disorder Act 1998 required all local authorities to exercise their functions with due regard to their likely effect on crime and disorder, and to do all they reasonably can to prevent crime and disorder. The prevention of crime and the enhancement of community safety are matters that a local authority should consider when exercising its planning functions under Town and Country Planning legislation.

9.14 This duty is supported by paragraph 92 of the NPPF, which states that planning policies and decisions should aim to achieve healthy, safe and inclusive places where crime and disorder, and the fear of crime, do not undermine quality of life or community cohesion. Fear of crime is therefore a material consideration

in planning decisions, although the weight that can be given to it is often limited unless there is significant evidence to show that the increased fear of crime would actually occur.

9.15 Northumbria Police have been consulted and provided comments. They advise that petrol stations and convenience stores, like any other business, are exposed to a variety of crime risk and can attract crime. They state that there is an existing 24h petrol filling station just over 1km from the site which attracted just over 7% of all recorded crime in the area. This figure is comparable to another convenience stores within the area which does not operate 24/7. Northumbria Police recommend that extra security measures are implemented to help mitigate crime and ASB issues. They do not object to the application.

9.16 The submitted Design and Access Statement includes details of crime prevention measures that will be adopted. These include a security system to meet Northumbria Police's requirements, ram raid posts, internal and external security cameras and a dead lock switch on the main entrance door.

9.17 Taking into the comments provided by Northumbria Police and that crime prevention measures will be employed; it is officer opinion that the impact on crime and fear of crime is acceptable.

9.18 It is officer advice that the impact on existing and future residents, in terms of noise, light, outlook and privacy is acceptable, and that the proposed development accords with the NPPF and LP Policies DM5.19 and DM6.1.

10.0 Impact on Character and Appearance

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

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

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

10.4 The Design Quality SPD applies to all planning applications that involve building works. Relevant sections of the Design Quality SPD include:

4.1 "The successful integration of new development within the surrounding area will depend largely on the quality of its design and layout."

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

4.3 *“The scale, mass and form of new buildings are some of the most important factors in producing good design and ensuring development integrates into its setting.”*

10.5 Section 5.8 Out-of- centre Commercial Development states:

“Proposals should provide an active frontage development with clear entrances into buildings.”

“Materials should be appropriate to their context, should be of good quality and be easily maintainable for future years. The use of contemporary materials and/or those associated with sustainability and energy efficiency are encouraged where these contribute to and are consistent with the overall design of the building.”

10.6 The Northumberland and Newcastle Society have objection to the demolition of the building. They state that it has architectural significance and value to the local community, and that a more constructive approach should be found to its re-use.

10.7 The existing building is constructed from stone with pitched roof/gable features and bay windows. While it is an attractive building, it is not formally listed or included on the Local List. Overall, the site does not currently add to the streetscene due to its run-down appearance and the partially completed structures that have been built. It is therefore officer opinion that the demolition of the building would not be grounds on which to refuse planning permission.

10.8 The surrounding area contains a variety of building types, including 2-storey brick and rendered houses and 3-storey flats.

10.9 It is proposed to remove all the existing buildings/structures and construct a single storey building adjacent to the rear boundary of the site. The area in front of the building would contain a 6.1m high canopy and 4no. double sided petrol pumps. Parking spaces and a delivery are proposed on either side of the building. The existing stone boundary walls which enclose the site would be retained.

10.10 The proposed building is modern in design with a sloping roof and a largely glazed frontage. It would be constructed from red brick with grey composite roof cladding and grey aluminium framed windows.

10.11 It is officer opinion that the design of the proposed development is acceptable and relates well to the character of the surrounding area. It is officer

opinion that the development complies with the NPPF, Local Plan Policy DM6.1 and the Design Quality SPD.

11.0 Highways Impacts

11.1 The NPPF states that Transport policies have an important role to play in facilitating sustainable development and also in contributing to wider sustainability and health objectives. The NPPF also states that development should only be prevented or refused on transport grounds where residual cumulative impacts of development are severe.

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

- a. Accessibility will be improved and transport choice widened, by ensuring that all new development is well serviced by an attractive choice of transport modes, including public transport, footways and cycle routes. Connections will be integrated into existing networks with opportunities to improve connectivity identified.
- b. All major development proposals likely to generate significant additional journeys will be required to be accompanied by a Transport Assessment and a Travel Plan in accordance with standards set out in the Transport and Highways SPD (LDD12).
- c. The number of cycle and car parking spaces provided in new developments will be in accordance with standards set out in the Transport and Highways SPD (LDD12).
- d. New developments will need to demonstrate that existing or proposed public transport services can accommodate development proposals, or where necessary, identify opportunities for public transport improvements including sustainable access to public transport hubs.
- e. New developments in close proximity to public transport hubs, whenever feasible, should provide a higher density of development to reflect increased opportunities for sustainable travel.
- f. On developments considered appropriate, the Council will require charging points to be provided for electric vehicles in accordance with standards set out in the Transport and Highways SPD (LDD12).

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

11.4 The site is located on a busy highway junction adjacent to a roundabout. It is proposed to retain the site's two existing access points from the A193 and Waterville Road and provide 9no. parking spaces, including 1no. loading bay. A Transport Assessment (TA) and swept path analysis have been submitted in support of the application.

11.5 The TA states that the development is expected to receive two deliveries per week which will typically take place outside highway peak hours. During the busiest hours on the local highway network (weekday 17:00-18:00) the development would result in around 141no. two-way movements, equivalent to

just over 2no. vehicles either arriving or departing from the site per minute. An assessment of the impact on the operation of the surrounding highway network has been carried out. The modelling indicates that the traffic generated by the proposal would not have a material impact on the operation of the adjacent roundabout, which will continue to operate with significant spare capacity.

11.6 The Highway Network Manager has provided comments. They state that the Transport Assessment demonstrates that the traffic associated with the site would not cause capacity issues at the site access or within the wider network, and that the level of parking provided accords with the Transport and Highways SPD. They recommend that the application is approved with conditions. These include the provision of EV charging points, a service management strategy and cycle parking.

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

11.8 In this case it is officer opinion that the development would not have an unacceptable impact on highway safety or a residual cumulative impact on the road network that would be severe.

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

12.0 Other issues

12.1 Contaminated Land

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

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

12.4 The Contaminated Land Officer has provided comments. They recommend that conditions are imposed to address contamination issues and in respect of gas protection measures.

12.5 Subject to the conditions recommended by the Contaminated Land Officer, it is officer advice that the proposal complies with policy DM5.18 of the Local Plan 2017.

12.6 Local Financial Considerations

12.7 Paragraph 11 of National Planning Practice Guidance states that Section 70(2) of the Town and Country Planning Act 1990 (as amended) provides that a local planning authority must have regard to a local financial consideration as far as it is material. Section 70(4) of the 1990 Act (as amended) defines a local financial consideration as a grant or other financial assistance that has been, will

or that could be provided to a relevant authority by a Minister of the Crown (such as New Homes Bonus payments) or sums that a relevant authority has received, or will or could receive, in payment of Community Infrastructure Levy (CIL).

12.8 Whether or not 'a local financial consideration' is material to a particular decision will depend on whether it could help make the development acceptable in planning terms.

12.9 The proposal would result in the creation of jobs during the construction phase and once the development is operational. It is considered these factors are material in terms of making this development acceptable in planning terms.

13.0 Conclusion

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

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

13.3 The proposal would bring a vacant site back into use, securing economic development and creating jobs in accordance with the NPPF and LP Policy S2.1. In officer opinion that the principle of development is acceptable. The impact on nearby residents, the streetscene and the highway network is also considered to be acceptable.

13.4 The development is considered to comply with relevant national and Local Plan policies and is therefore recommended for conditional approval.

RECOMMENDATION: Application Permitted

Conditions/Reasons

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

- Application form
- Existing site layout and proposed site location plan Drawing No.101
- Proposed site Block Plan Drawing No.200 Rev.B
- Proposed site layout Drawing No.100 Rev.B
- Proposed elevations Drawing No.102 Rev.A
- Proposed floor plan Drawing No.101 Rev.A
- Proposed street scene Drawing No.201 Rev.A
- Swept path analysis using an oil tanker Drawing No.2953-002
- Design and Access Statement May 2023

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

2. Standard Time Limit 3 Years FUL MAN02 *

3. The scheme for access shall be laid out in accordance with the approved plans prior to the development 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).

4. The scheme for parking shall be laid out in accordance with the approved plans prior to the development being brought into use. These parking areas shall not be used for any other purpose and retained thereafter.

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

5. The scheme for Electric Vehicle (EV) charging shall be laid out in accordance with the approved plans prior to the development being brought into use. This EV charging 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. The scheme for the provision of and storage of refuse shall be laid out in accordance with the approved plans prior to the development being brought into use. These refuse 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).

7. The scheme for the provision of undercover, secure cycle provision shall be laid out in accordance with the approved plans prior to the development being brought into use. This cycle provision shall not be used for any other purpose and retained thereafter.

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

8. 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. If the agreed measures are not operational, then no vehicles shall exit the development site onto the public highway.

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

9. Prior to the installation of any external plant and equipment including ventilation and extraction systems a noise scheme must be submitted to and approved in writing by the Local Planning Authority. The noise scheme shall include mitigation measures, details of all noisy plant and equipment, including any tonal or impulsivity characteristics to the plant, and must be carried out in accordance to BS4142. It shall include the overall equivalent noise level and noise rating level for different worst case operational scenarios for both daytime and nighttime arising from the site to the nearest noise sensitive housing. Thereafter the noise mitigation scheme shall be implemented in accordance with the agreed details.

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

10. Within one month of the plant and equipment being installed acoustic testing must be undertaken to verify compliance with condition 9 and a report of the findings submitted to and approved in writing by the Local Planning Authority.

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

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

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

12. Noise No Tannoys Externally Audible NOI002 *

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

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

14. Prior to the installation of any air ventilation systems full details of the system must be submitted to and approved in writing by the Local Planning Authority. The scheme shall thereafter be implemented in accordance with the approved details and permanently retained.

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

15. Prior to the installation of any refrigeration plant full details of the system must be submitted to and approved in writing by the Local Planning Authority. The plant shall thereafter only be installed in accordance with the approved details and permanently retained as such.

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

16. Prior to the installation of any chimney or extraction vent to be provided in connection with the development details of the height, position, design and materials shall be submitted to and approved in writing by the Local Planning Authority. Thereafter, the development shall not be carried out other than in accordance with the approved details.

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

17. No equipment for the cooking of foods (other than small appliances for the reheating of foods) shall be installed or used within the retail area at any time.

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

18. Flood Lighting Scheme Details LIG001 *

19. No deliveries or collections shall take place outside the hours of 07:00 and 23:00 hours on any day.

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

20. Desk Study and Method Statement CON00 *
3

21. Site Investigation CON00 *
4

22. Remediation Method Statement	CON00 5	*
23. Validation Report	CON00 6	*
24. Unexpected Hotspots	CON00 7	*
25. Gas Investigate no Development	GAS00 6	*

26. A petrol interceptor shall be installed within the development's drainage system in order to capture and retain any pollutants leaving the site.

Reason: In order to prevent pollution of the wider drainage network; having regard to Policy DM5.18 of the Local Plan.

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

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

Informatives

Building Regulations Required (I03)

Contact ERH Construct Highway Access (I05)

Contact ERH Works to Footway (I08)

Do Not Obstruct Highway Build Materials (I13)

Contact ERH Erect Scaffolding on Rd (I12)

No Doors Gates to Project Over Highways (I10)

Highway Inspection before dvlpt (I46)

Street Naming and numbering (I45)

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

The applicant is advised to install crime prevention measure in accordance with Secured By Design guidelines: <https://www.securedbydesign.com/>

The petrol filling station must meet the requirements of the Environmental Permitting Regulations 2010. This places obligations on the operators of service stations to ensure stage I and stage II vapour recovery controls are met and a requirement to obtain a permit from Environmental Health for the vapour recovery systems installed at the site. Please see: Process Guidance Note 1/14 Unloading of Petrol into Storage at Petrol Stations.



Application reference: 23/00634/FUL

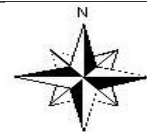
Location: The Redburn, Wallsend Road, North Shields, Tyne And Wear

Proposal: The Erection of a fuel filling station, convenience store, canopy, petrol pumps, with associated access and car parking

Not to scale

Date: 30.11.2023

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**Appendix 1 – 23/00634/FUL
Item 2**

Consultations/representations

1.0 Internal Consultees

1.1 Highway Network Manager

1.2 This application is for the erection of a fuel filling station, convenience store, canopy, petrol pumps, with associated access and car parking.

1.3 A Transport Assessment (TA) was submitted as part of the planning application and the traffic associated with the site will not cause capacity issues at the site access or wider network.

1.4 Parking will be provided in accordance with current standards, and the site has reasonable links with public transport. Conditional approval is recommended.

1.5 Recommendation - Conditional Approval

1.6 Conditions:

The scheme for access shall be laid out in accordance with the approved plans. This access shall not be used for any other purpose and retained thereafter.
Reason: In the interests of highway safety and of the development having regard to policy DM7.4 of the North Tyneside Local Plan (2017).

The Service Management Plan, including the proposed swept path for a petrol tanker shall be carried out in accordance with the approved details and plans 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).

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).

The scheme for Electric Vehicle (EV) charging shall be laid out in accordance with the approved plans. This EV charging 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).

The scheme for the provision of and storage of refuse shall be laid out in accordance with the approved plans and prior to the occupation. These refuse 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).

The scheme for the provision of undercover, secure cycle provision shall be laid out in accordance with the approved plans and prior to the occupation. This cycle provision shall not be used for any other purpose and retained thereafter. Reason: In the interests of highway safety and of the development having regard to policy DM7.4 of the North Tyneside Local Plan (2017).

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. If the agreed measures are not operational, then no vehicles shall exit the development site onto the public highway.

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

1.7 Informatives:

The applicant is advised that the vehicular access to the highway must be constructed by or to the satisfaction of the Local Highway Authority. Contact Highways@northtyneside.gov.uk for further information.

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

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

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

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

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

1.8 Manager of Environmental Health (Pollution)

1.9 The premises are located in an area surrounded by residential in Brackley Grove.

1.10 I would suggest that applicant is informed of the necessity to meet the requirements of the Environmental Permitting Regulations 2010 for the petrol station. This places obligations on the operators of service stations to ensure stage I and stage II vapour recovery controls are met and a requirement to obtain a permit from Environmental Health for the vapour recovery systems installed at the site. I would suggest the applicant refers to Process Guidance Note 1/14 Unloading of Petrol into Storage at Petrol Stations.

1.11 A noise scheme will be necessary for any new external plant and equipment installed at the site to ensure the noise levels do not impact on the amenity of the nearby residential properties on Brackley Grove. The noise assessment for new external plant and equipment must be assessed in accordance to BS4142.

1.12 Noise from deliveries will need to be considered and I would recommend a restriction on the times for deliveries and collections.

1.13 I note that the application requests for 24 hour operations, the site is enclosed by an existing stone wall which will assist in mitigating noise from the car parking bays for customers attending at the site during the night period.

1.14 I would also recommend a condition to require a lighting assessment for the lighting scheme for the site.

1.15 If planning approval is to be given I would recommend the following conditions:

Noise condition: New External Plant and Equipment

Prior to the installation of new plant and equipment including ventilation and extraction systems to the development, a noise scheme must be submitted to

the planning authority agreed in writing giving mitigation measures and thereafter implemented and maintained. The noise scheme must provide details of all noisy plant and equipment including any tonal or impulsivity characteristics to the plant and the assessment must be carried out in accordance to BS4142. The noise scheme shall include the overall equivalent noise level and noise rating level for different worst case operational scenarios for both daytime and night time arising from the site to the nearest noise sensitive housing .

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

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

NOI02

Deliveries or collections to the site to be restricted to between 07:00 hours and 23:00 hours.

HOU04

HOU05

SIT03

EPL01

EPL02

EPL03

LIG01

Non standard condition: Cooking of foods

No equipment for the cooking of foods to be installed or used within the retail area at any time. Only small appliances for the reheating of foods shall be permitted for use in the retail area.

1.16 Manager of Environmental Health (Contaminated Land)

1.17 Possibility of landfill (within 250m of landfill buffer zone). Please apply conditions;

CON003

CON004

CON005

CON006

CON007

GAS006

1.18 Local Lead Flood Authority

1.19 I would recommend that a condition is placed on the application requiring a petrol interceptor to be installed on the developments local drainage network. This is in order to capture and retain any pollutants leaving the site and impacting on the wider drainage network.

2.0 External Consultees

2.1 Coal Authority

2.2 The application site does not fall within the defined Development High Risk Area

and is located instead within the defined Development Low Risk Area. This means

that there is no requirement under the risk-based approach that has been agreed with the LPA for a Coal Mining Risk Assessment to be submitted or for The Coal Authority to be consulted.

2.3 Northumberland and Newcastle Society

2.4 The Northumberland and Newcastle Society (N&N) objects to grant of planning approval for this scheme for the reasons referred to below.

2.5 The Redburn was built as the vicarage of St John's Church, Percy Main, which lies a short distance to the south on St John's Terrace, on what was the southern edge of the village. The church, built in 1862, is listed grade 2. The architect was the esteemed Anthony Salvin and it seems reasonable to assume that the vicarage was built about the same time by the same architect. It has many of the architectural features of the period and we note late 19th century maps show it set in a garden among trees. The pub takes its name from the Red Burn, a stream that ran in front of the vicarage and is now culverted.

2.6 It is believed that the vicarage was sold in the 1940s when it became a pub. There have been several planning applications which affect its character. Several unfinished alterations add to its derelict appearance but the original vicarage is still clearly intact.

2.7 As a generic principal the Society is opposed to the demolition of structurally viable buildings and specifically those that have architectural merit and or are valued by local communities. Whilst we note this building is not a listed heritage asset, nonetheless it has great significance to the community as is demonstrated by the extent of objections to the scheme. Given its historic significance and value to the local community, the Society believes there is a powerful case for The Redburn to be protected as a heritage asset within the local list, both as a remnant of Percy Main village and equally due to its individual, substantial architectural interest.

2.8 We would expect an exhaustive approach to finding a more constructive use for this site rather than to encourage its short term use as a filling station given the requirement to phase out internal combustion engine driven vehicles. There are surely already sufficient fuel stations locally available and to demolish a building of local importance in order to provide such a time limited capability is not justified.

2.9 The Society notes the strong local opposition to this application in the form of a petition. The site is on the edge of what is now a residential area where an increase in traffic is not desirable. The roundabout is already very busy and the proposal would add to congestion, with turning movements hindering free flow.

2.10 This site demands a more constructive approach to its reuse and we see no reason why an imaginative design incorporating the existing building cannot deliver capability and viability for the developer. Conversion into apartments would seem to be worth investigating as one possibility.

2.11 Additionally, it is evident the proposed scheme seeks to use the existing pub car park entry and exit points for vehicular access from the adjacent roundabout. The application form states that pedestrian and vehicle access are not altered, but we see this as questionable. There is at present no viable vehicle access to the pub from Wallsend Road to the north or Brackley Road at the rear. From a further practical perspective the Swept Path Analysis drawing for tankers also shows the difficulties they would have in manoeuvring.

2.12 In summary the Society is opposed to the current scheme and would strongly recommend a reappraisal of the proposals to retain the existing building and incorporate a residential element to this site. The pub and the church are almost the only visible remnants of the history of Percy Main and its colliery and for this reason the Society considers there is a strong case for finding an alternative use.

2.13 Northumbria Police

2.14 The proposed re-development of the Redburn site as a 24-hour petrol station/convenience store has attracted a degree of concern from residents worried that the site may impact on crime and ASB in the area. Such concerns are not without basis, but as with most planning matters need to be given due consideration as to the context and benefit of the case.

2.15 Criminological theory would suggest that petrol stations are crime attractors rather than crime generators. Patricia and Paul Brantingham (1993) were key figures in the development of crime pattern theory, which states that crime is significantly shaped by the intersection of people's routine activities, which themselves are shaped by the physical environments in which these activities take place. Crime pattern theory defines the types of problem spaces:

- A crime generator is a location that takes people with no criminal intention and converts them into intending criminals. An example of a crime generator could be a bar or pub, where the presence of alcohol makes people more likely to commit crimes, and the presence of drunk bystanders with cash on hand makes for easy targets.

- A crime attractor is a location that draws in individuals specifically intending to commit a crime. A crime attractor could be a shopping mall, where an intending thief knows he can steal something, or a busy venue, where distracted crowds make for easy pickpocketing.

2.16 Borrowing from the routine activities framework, these types of spaces see high crime rates due to the routine presence of particularly easy targets and a low police and security presence.

- The third type of location is a fear generator. This is a space that leads individuals to believe that they are in danger of being victimized, but in reality, there is little data to support the claim that the area is high in crime. A fear

generator could be any graffiti-covered alley that in reality poses no threat to a passer-by.

- Last, there are crime neutral spaces, which see little-to-no criminal activity, a crime neutral space could be just about any area that is low in crime.

2.17 Petrol stations and convenience stores, like any other business, are exposed to a variety of crime risks. Being either a crime generator or a crime attractor should not in of itself be a barrier to development, unless that the negative prospect is adjudged to outweigh any potential benefit, but it may require some place and design-based mitigation.

2.18 The site for redevelopment sits on the D1G3 police beat where in 2018 there were 499 crimes reported, in 2019 502 crimes were reported, in 2020 there were 457 crimes reported, in 2021 there were 497 and in 2022 there were 466 crimes reported.

2.19 In the case of this development, we have a direct comparator business just over a kilometre away, which is also situated on the fringe of the Meadow Well estate and already operates 24/7. That premises has attracted just over 7% of all recorded crime committed in the last five years. This is quite a high figure but roughly equivalent to another local convenience store that was created in the re-development of a licensed premises on the Meadow Well estate, and which doesn't operate 24/7.

2.20 In mitigation of potential ASB and crime issues we would recommend that the premises consider extra security measures most of which can be achieved later through Licensing conditions:

- Subject to identified need, the premises should have access to uniform guarding. The specific hours of deployment to be consistent with any ongoing risk assessment of local issues.
- It is a common feature of modern petrol stations to locate the point of sale/ counter furthest from the customer door, presumably because it generates greater impulse sales, and facilitates oversight of the forecourt, however in a locality where ASB and theft may be a re-occurring issue we would recommend that the internal layout be re-designed to establish a point of control closer to the customer entrance.
- The internal layout of the store should be organised in such a manner that any alcohol displays are in close proximity to, and visible from, the till area and that any spirits display is located behind the counter and spirits should not be available as a self-serve item.
- If alcohol is to be part of the retail offering, no alcohol should be displayed in close proximity to the entrance door.
- The premise should be equipped with a CCTV system that meets the standards agreed with Northumbria Police
- The premises should have a monitored alarm system which will include provision for personal attack.
- A time delay safe should be used to store cash, with a drop deposit facility limiting the amount in the tills.
- The street scene visualisation suggests that the retail provision might include a coffee station, it is suggested therefore that if the premises has wifi, this be kept

as a private network and not extended to customers. There is a correlation between sites that offer public access to wi-fi and ASB hot spots, particularly focussed on fast food restaurants which can encourage ASB gathering.

2.21 On balance, whilst there is some basis in local residents' concern, we don't think it is, in isolation, sufficient for us to object to the proposed development but we would urge the Applicant to consider our recommendations toward mitigation.

3.0 Representations

3.1 104no. objections have been received. These are summarised below:

- Affect setting of listed building.
- Adverse effect on wildlife.
- Affect character of conservation area.
- Loss of privacy.
- Loss of residential amenity.
- Inadequate drainage.
- Nuisance – disturbance.
- Nuisance - dust/dirt.
- Nuisance – fumes.
- Nuisance – noise.
- Out of keeping with surroundings.
- Poor traffic/pedestrian safety.
- Poor/unsuitable vehicular access.
- Inadequate parking provision.
- Traffic congestion.
- Will result in visual intrusion.
- Impact on landscape.
- Not a planning issue.
- Not in accordance with development plan.
- Inappropriate design.
- Letter or petition of support.
- Inappropriate in special landscape area.
- Pollution of a watercourse.
- Loss of/damage to trees.
- Adverse effect on surrounding area.
- Loss of a listed building.
- The existing building is visually pleasing.
- Petrol fumes.
- Additional noise pollution.
- Impact of noise and lighting on the health of residents.
- Increased litter.
- 24h use will be detrimental to residents due to noise, lighting and fumes.
- Additional traffic.
- Highway safety issues due to location on an already busy roundabout.
- There is already a lot of traffic congestion queuing for the Tyne Tunnel.
- Impact on the safety of children crossing the roads.
- Traffic has already increased since new housing has been built nearby.
- Existing problems of speeding traffic.
- Impact on access to adjacent streets.
- Difficult access for fuel tankers could result in road blockages.
- Poor pedestrian crossing facilities on the roundabout.

- Too many accidents already occur.
- The site is situated at the convergence of 5 main roads and is already a bottleneck.
- A filling station will compound the existing problems.
- Lack of parking for the shop.
- No need for another petrol station.
- There are already numerous petrol stations in the area.
- Impact on local shops.
- Devaluation of property.
- Social disturbance.
- Impact of crime problems on future customers and staff.
- Additional temptation to criminals and impact on safety of homes.
- The building could be put to better use.
- Should be trying to reduce our carbon footprint, not increase it.
- Does not fit in with NTC plan to reduce carbon emissions by 2030.

3.2 A petition against the development containing 169no. signatures has been received.

3.3 Councillor Comments

3.4 Cllr Rebecca O'Keefe

- Nuisance – disturbance.
- Nuisance - dust/dirt.
- Nuisance – fumes.
- Nuisance – noise.
- Poor/unsuitable vehicular access.
- Traffic congestion.
- Will result in visual intrusion.

3.5 I oppose this application due to the various factors.

1. Road safety - the roundabout and roads cannot at this time deal with the flow of traffic. We have been advocating as Cllr's and residents for speeding measures to be put in place, parking bays and speed reduction measures for years across Front Street , Wallsend Road and Waterville Road. I have also witnessed individuals being knocked down and car collisions at this very point.

2. Chirton Ward being demographically the most deprived in the borough, placing a 24hour station metres away from people sleeping in their homes and those who suffer from drug and alcohol Dependency is not in the public health interest of the ward or the wider community.

3. Anti social behaviour - I believe this will attract further ASB in the already struggling under funded ward.

3.6 The residents deserve more than a filling station which we have three in less than a mile of the Redburn Pub. We also have convenience stores in abundance across Chirton and Riverside wards.

3.7 Cllr Hannah Johnson

3.8 With regards to the above planning application, I am emailing to request that this goes to the Planning Committee rather than be an officer decision. With the application already having a number of comments and us as Councillors having received a number of messages from residents, I believe it is only suitable for this to be sent to the committee so the residents' concerns can be heard.

3.9 Cllr Matthew Thirlaway

3.10 I am requesting that planning application 23/00634/FUL be determined by the Planning Committee.

3.11 I believe the planning application is so significant due to the detrimental impact on the traffic, the safety of pedestrians especially school children, and local residents.