

Application No:	19/01279/FUL	Author:	Maxine Ingram
Date valid:	24 September 2019	☎:	0191 643 6322
Target decision date:	19 November 2019	Ward:	Killingworth

Application type: full planning application

Location: Land Adjacent to Holystone Roundabout, A19 Trunk Road, Wallsend, Tyne And Wear

Proposal: Development of 6no. retail units (Use Class A1/A3), including associated servicing, car parking, landscaping, drainage, and other ancillary works (revised site plan and Transport Statement received 03.12.2019)

Applicant: Northumberland Estates, Mr Guy Munden, Quayside House, 110 Quayside, Newcastle NE1 3DX

RECOMMENDATION: Application Permitted

INFORMATION

1.0 Summary Of Key Issues & Conclusions

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

- Principle of the development;
- Impact on the amenity of surrounding occupiers and businesses;
- Impact on the character and appearance of the site and the surrounding area;
- Impact on traffic, parking and highway safety;
- Other issues.

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

2.0 Description of the Site

2.1 The site to which this application relates is an area of vacant land, measuring approximately 0.46 hectares (ha). It is designated as for employment uses (Site E018) under policy S2.2 of the Local Plan (LP).

2.2 The site is located to the south of the main Holystone roundabout. Immediately to the east of the site is a public house/restaurant and a hotel. To the west it is bound by Holystone Way and a new housing development to the south. A temporary bus stop is located to the south of the site.

2.3 The site itself is relatively flat, although there are embankments up to it from the adjacent roads. It can be accessed off Holystone Way, which is a left turn entrance only. This is the current access arrangement to the pub/restaurant and hotel. The site is exited via Edmund Road/Francis Way onto Holystone Way.

3.0 Description of the Proposed Development

3.1 Planning permission is sought for the construction of six retail units (Use Class A1 and A3) with a total gross floor of 839 square metres (sqm) (826sqm net).

3.2 The units will be divided up into the following configuration:

- Unit 1 Use Class A3 (102 sqm)
- Unit 2 Use Class A1 (102 sqm)
- Unit 3 Use Class A1 (138 sqm)
- Unit 4 Use Class A1 (280 sqm)
- Unit 5 Use Class A1 (102 sqm)
- Unit 6 Use Class A3 (102 sqm)

3.3 The applicant has advised in their supporting information that the proposed Class A1 units are to be for the sale of convenience goods only. However, the applicant seeks a degree of flexibility in terms of the ability to sub-divide and amalgamate retail units to suit potential future occupiers.

3.4 The development will be accessed from the existing road network off Holystone Way. Egress is then achieved from the northern access point of the development arriving back at Holystone Way via Edmund Road and Francis Way.

3.5 It is proposed to provide 50no. car parking spaces (including 2no. disabled spaces and 2no. spaces for electric vehicles with charging facilities). Servicing is provided through a proposed layby to the front of the units.

3.6 Landscaping is proposed to the perimeter of the site.

4.0 Relevant Planning History

4.1 Application site

None

4.2 Adjacent housing site

15/00945/FUL - Residential development of 460 dwellings (use class C3) comprising of 115 affordable dwellings and 345 open market dwellings with associated access, infrastructure and engineering works. Extension to rising sun country park with associated habitat, landscape and recreational improvements (further contamination information submitted 15.10.15) – Permitted 16.11.2015

5.0 Development Plan

5.1 North Tyneside Local Plan (2017)

6.0 Government Policies

6.1 National Planning Policy Framework (NPPF) (February 2019)

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

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

PLANNING OFFICERS REPORT

7.0 Detailed Planning Considerations

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

- Principle of the development;
- Impact on the amenity of surrounding occupiers and businesses;
- Impact on the character and appearance of the site and the surrounding area;
- Impact on traffic, parking and highway safety;
- Other issues.

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

8.0 Principle of the development

8.1 The Local Plan (LP) was adopted in July 2017 to guide development in the period up to 2032. The council acknowledges that the policies contained within the LP predate the publication of the revised NPPF however, it is clear from paragraph 213 of the NPPF that: "However, existing policies should not be considered out-of-date simply because they were adopted or made prior to the publication of this Framework. Due weight should be given to them, according to their degree of consistency with this Framework (the closer the policies in the plan to the policies in the Framework, the greater the weight that may be given)." The council considers that, as the plan is very recent, the local plan policies set out in this report are consistent with the NPPF and can be afforded significant weight.

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

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

only if material considerations in a particular case indicate that the plan should not be followed”.

8.4 Loss of employment land

8.5 The NPPF paragraph 80 states that planning decisions should help create the conditions in which businesses can invest, expand and adapt. 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.

8.6 Policy S1.1 ‘Spatial Strategy for Sustainable Development’ seeks to ensure North Tyneside's requirements for homes and jobs can be met with adequate provision of infrastructure, and in a manner that enables improvements to quality of life, reduces the need to travel and responds to the challenges of climate change, the Spatial Strategy for the location and scale of development is that:

a. Employment development will be located:

i. within the main urban area; and,

ii. at areas easily accessible to residents by a range of sustainable means of transport; and,

iii. where businesses may benefit from the Borough's excellent national and international transport connections - including the strategic road network and opportunities provided by the River Tyne.

c. Most retail, and leisure activities will be focused:

i. within the main town centres of Wallsend, North Shields and Whitley Bay, as well as Killingworth town centre, taking advantage of the excellent accessibility, services and infrastructure invested in those locations.

8.7 Policy DM1.3 ‘Presumption in Favour of Sustainable Development’ states 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.

8.8 Policy S2.1 ‘Economic Growth Strategy’ states proposals that make an overall contribution towards sustainable economic growth, prosperity and employment in North Tyneside will be encouraged.

8.9 Policy S2.2 ‘Provision of Land for Employment Development’ seeks to ensure an attractive and flexible supply of employment land is available to deliver the Council's strategy for economic prosperity and job growth and investment a total of 822ha of currently occupied or available employment land is recognised of particular value to the economy. This policy identifies the 150ha land available for development to 2032.

8.10 Policy DM2.3 'Development Affecting Employment Land and Buildings' states the Council will support proposals on employment land, as shown on the Policies Map, for new or additional development for uses within use classes B1, B2 or B8 or that which is deemed ancillary. Proposals on identified employment land or other buildings in use-class B1, B2 or B8 for uses that could conflict with the development and regeneration of sites for economic development, will be permitted where these proposals would not: a. result in the unacceptable loss of operating businesses and jobs; and b. result in an excessive reduction in the supply of land for development for employment uses, taking into account the overall amount, range, and choice available for the remainder of the plan period; and, c. have an adverse impact upon the amenity and operation of neighbouring properties and businesses".

8.11 Objections have been received regarding the loss of this employment land to provide retail units. The objectors clearly state within their representations that this conflicts with the LP.

8.12 Members are advised that this site identified as 'E018 Holystone', as with other employment land designated in the LP, the identified acceptable uses are Class B1 (offices, light industrial and Research and Development), B2 (general industrial) and B8 (storage and distribution). The explanatory text to Policy DM2.3 seeks to enable flexibility in the use and development of employment land whilst ensuring that developments support the overall growth and prosperity of North Tyneside.

8.13 To achieve this flexibility Policy DM2.3 seeks to ensure that applications for development on employment land are considered on the basis of their impact on economic prosperity of North Tyneside, rather than whether the use proposed falls within the identified planning uses. This is to ensure sufficient flexible opportunities for businesses that are within the identified planning uses are retained, but also that full use can be made of the economic potential of land in highly sustainable and accessible locations across North Tyneside.

8.14 National policy is clear that local authorities need to plan for future needs of economic development but a balance needs to be struck between making land available and reserving land that little likelihood of being taken up, where this is the case, other uses can be considered.

8.15 The applicant has submitted a Planning and Retail Statement to accompany their application. This has been considered by Planning Policy. Within this statement the applicant has advised that the prior to the adoption of the Local Plan (LP) (2017), this site was previously identified as an employment site within the former Unitary Development Plan (UDP), which was adopted in 2002. In their opinion, the employment allocation was effectively 'rolled forward' to form part of the adopted LP.

8.16 The applicant's supporting information considers that this development:
-Would not result in the loss of any existing businesses, jobs or operations within the area;
-Would generate employment opportunities in its own right;

- Would not undermine the quantitative supply of employment land within the Borough over the plan period given the need identified through the adopted Local Plan's evidence base and the supply identified;
- Would not result in a significant qualitative loss of employment land given that the site has been promoted for some years without notable market interest, and that the uses now surrounding the site would indicate a more appropriate use would be retail development. The site's loss as employment land is outlined as acceptable in the Council's Local Plan evidence base;
- Would not undermine the amenity of surrounding businesses and properties. Indeed, the uses proposed would be compatible with the neighbouring uses such as the hotel and public house/restaurant and provide sustainably located local facilities to support the surrounding residential uses;
- Pass the relevant retail planning policies given that an assessment of retail impact is not necessary and there are no sequentially preferable sites which can be seen as available, suitable and viable; and
- Would qualitatively address the localised shopping need which can sustainably support current, recent and on-going residential growth in the area.

8.17 It is clear from this supporting information that the applicant has instructed local commercial agents to provide advice on the prospects of bringing forward employment development on the land. They advised that the site is unlikely to be commercially attractive enough to be brought forward for employment uses and its location and surrounding uses compromise its ability to appeal to the market. It highlights the following principle points:

- Access arrangements would noticeably restrict the site's marketability;
- Commercial property market has slowed in 2019 and the focus is now predominantly on prioritising established employment locations and strategic development sites rather than land like the application site, which is likely to be too small and irregularly shaped for the majority of occupiers in the market;
- There is already a significant supply of employment land in North Tyneside and neighbouring authorities with vacancies in more established employment locations;
- The site is in a location which is not seen as a strategic priority for the council where the focus is more on the A19 corridor and banks of the River Tyne; and
- The surrounding residential uses will detract from its attractiveness for potential employment occupiers and it could restrict operations.

8.18 The site is designated for employment development under Policy S2.2 of the LP. A large proportion of this site is already developed accommodating a hotel and pub/restaurant. The remaining part of this site, subject of this application, is identified as available employment land (Site E018).

8.19 Officers acknowledge that the site has great access to the A19, is within close proximity to the Northumberland Park Metro Station and the Cobalt Business Park. On this basis, it is considered to be an excellent site for employment uses. However, Members must have regard to the evidence presented in the Planning and Retail Statement, including the commercial agents. The evidence presented indicates that the site has been available for over 10 years with no employment development coming forward and there is no indication of any interest in the immediate future.

8.20 The employment land to be lost as a result of this development, approximately 0.46ha, is relatively small in comparison to the overall land allocated for employment land (150ha). The applicant has advised that this would equate to a loss of approximately 0.3% of the total available employment land over the plan period. On top of this available employment land, the Council has identified a further 30ha of land as reserve employment sites. It is the view of officers, that this is not an excessive reduction in the supply of land for development of employment uses, considering the overall amount, range and choice available for the remainder of the plan period. This development would not result in an unacceptable loss of operational businesses and jobs as the land is currently vacant. Consideration must also be given to the fact that this development would generate employment opportunities. The applicant has estimated the job opportunities that can be generated from the completed development; approximately 41-55. This is in addition to direct, indirect and induced jobs that would be created through the development's construction stage. These employment opportunities tie in with the aims of the NPPF. On balance, the loss of employment to retail development would be in accordance with the criteria set out in Policy DM2.3. The criteria set out in Policy DM2.3 relating to impacts on neighbouring properties and businesses is considered in the latter sections of this report.

8.21 Impact on existing centres

8.22 NPPF paragraph 86 stipulates that local planning authorities should apply a sequential test to planning applications for main town centre uses, which are neither in an existing centre nor in accordance with an up-to-date plan. Main town centre uses should be located in town centres, then in edge of centre locations; and only if suitable sites are not available (or expected to become available within a reasonable period) should out of centre sites be considered.

8.23 Paragraph 90 of NPPF states that where an application fails to satisfy the sequential test it should be refused.

8.24 National Planning Practice Guidance (NPPG) advises that the application of the test will need to be proportionate and appropriate to any given proposal. NPPG also states that there is a requirement to demonstrate flexibility. If there are no suitably sequentially preferable locations, the sequential test is passed.

8.25 Policy S3.3 outlines the requirements for new retail floorspace in North Tyneside over the plan period and seeks to provide a majority of this at Northumberland Park through expansion to the existing District Centre.

8.26 Policy DM3.4 provides relevant policy criteria in respect of the assessment of retail (and other town centre uses) which are proposed and within designated centres. This highlights that all such proposals need to pass a sequential test which requires the applicant to demonstrate that a proposed development cannot be accommodated on any identified sites/properties that are within designated centres and also edge of centres or out of centre sites previously occupied by appropriate main town centre uses that are readily accessible to Metro stations or other transport connections.

8.27 The NPPF paragraph 92 states “To provide the social, recreational and cultural facilities and services the community needs, planning policies and decisions should: a) plan positively for the provision and use of shared spaces, community facilities (such as....places of worship) and other local services to enhance the sustainability of communities and residential environments; b) take into account and support the delivery of local strategies to improve health, social and cultural well-being for all sections of the community.....”

8.28 The NPPF makes sets out clear guidance for Local Authorities through the decision-making and plan-making process to ensure adequate provision of community services and to guard against unnecessary loss.

8.29 LP Policy S7.10 ‘Community Infrastructure’ states “The Council and its partners will ensure that local provision and resources for cultural and community activities are accessible to the neighbourhood they serve. In order to achieve this, amongst other matters: a) Priority will be given to the provision of facilities that contribute towards sustainable communities, in particular, catering for the needs of the growing population around key housing sites; c) Existing provision will be enhanced, and multi-purpose use encouraged, providing a range of services and resources for the community, at one accessible location”.

8.30 The supporting text to the above LP policy states “Community infrastructure provides for the health and wellbeing, social, educational, spiritual, recreational, leisure and cultural needs of the community through a wide range of venues and include shopping centres, cafes ..and other public venues.” It then goes on to state “Community infrastructure is an essential element in the creation of sustainable communities. The LP seeks to provide a range of services at the heart of every community which can contribute to community cohesion and identity and give opportunities for residents to pursue healthy and fulfilling lifestyles, and can also reduce the need to travel by providing easy access to multiple facilities.”

8.31 It is considered that Policy DM3.6 ‘Local Facilities’ can be afforded some weight. The supporting text to this policy states “To support sustainable development in the Borough the Plan supports out-of-centre provision of small-scale local facilities that could support local communities in appropriate retail and leisure uses, without having a significant impact on nearby centres recognised in the Centres Hierarchy. Policy S7.10 Community Infrastructure recognises the importance of community facilities serving more localised neighbourhood catchments and proposals for the loss of such facilities are covered in that policy.”

8.32 Objections have been received regarding the need for further retail development. It is clear from their comments that objectors consider that there are sufficient retail facilities within the immediate vicinity of the site.

8.33 There has been a notable amount of housing growth around the Holystone area over recent years; the most significant of which is the on-going development at Holystone Park directly to the south of the application site. It is the view of the applicant that, apart from the large Asda food store at Benton to the west of the site, there is little in way of local retail offer within the vicinity to fulfil day to day

requirements and provide the residents with amenities that are easily accessible (Northumberland Park District Centre is separated from the site by the A19). It is noted that the representations received from local residents do not share this view as they make specific reference to local services within the immediate vicinity of the site i.e. Asda and the petrol filling station.

8.34 Having regard to retail, the site is over 300m from the nearest designated centre (Northumberland Park District Centre); therefore, it would be classed as out of centre. The applicant has complied with the relevant policy requirements by submitting a sequential assessment within their supporting documents. This assessment considered other suitable, available and viable alternatives within other centres, including Northumberland Park District Centre and expansion land to the west of this District Centre (subject to Policy S3.3). At the time of carrying out their assessment the district centre was fully let and the units already constructed and under construction to the west of the district centre have been discounted due to their size, location and end-use. The applicant has also considered other sites within this assessment. These have been discounted due to their size, location and policy designation within the LP. Based on the evidence provided, officers consider that the proposal would be in accordance with Policy DM3.4.

8.35 Officers acknowledge that the proposed floorspace for this development is larger than a local facility as defined in Policy DM3.6. However, it is considered that this development could contribute towards the day to day needs of the surrounding populations, in particular the housing immediately to the south of the site and help to support social inclusion and sustainable travel by cycling and walking. Officers consider that due to the floor area specified in Policy DM3.6 conditions to prevent amalgamation and controlling the floor area of each unit are necessary and reasonable.

8.36 Both the NPPF and LP policies recognise social benefits arising from the provision of community facilities. It is considered that this development would be in accordance with paragraph 92 of the NPPF, which recommends that decisions for the provision of community facilities to enhance the sustainability of communities and residential environments should be considered positively. The immediate surrounding area has already seen an expansion of residential development and the provision of community infrastructure is considered an essential element in creating sustainable communities. This development would be in accordance with Policy S7.10 – ‘Priority will be given to the provision of facilities that contribute towards sustainable communities, in particular, catering for the needs of the growing population around key housing sites’.

8.37 Members need to determine whether the principle of the proposed development is acceptable. It is the view of officers that the principle of the proposed development is considered to be acceptable, subject to all other material considerations set out below being addressed.

9.0 Impact on amenity

9.1 Paragraph 180 of the NPPF states “Planning policies and decisions should also ensure that new development is appropriate for its location taking into account the likely effects (including cumulative effects) of pollution on health,

living conditions and the natural environment, as well as the potential sensitivity of the site or the wider area to impacts that could arise from the development. In doing so they should: a) mitigate and reduce to a minimum potential adverse impacts resulting from noise from new development – and avoid noise giving rise to significant adverse impacts on health and the quality of life; b) identify and protect tranquil areas which have remained relatively undisturbed by noise and are prized for their recreational amenity value for this reason; and c) limit the impact of light pollution from artificial light on local amenity, intrinsically dark landscapes and nature conservation”.

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

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

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

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

9.4 Objections regarding noise, litter, disruption, impact on residential amenity have been received. Specific reference is made to the volume of traffic that will exit the site through a residential estate.

9.5 The application site is located approximately 17m to the north of the recently constructed residential properties of Edmund Road (Nos. 17 – 21). These properties are separated by a road which currently provides access to Edmund Road, the hotel and pub/restaurant. The site inclines gradually away from this road. Immediately to the east of the site is a hotel; there are windows sited in its west elevation directly adjacent to this site. Immediately to the west of the site is Holystone Way, beyond which lies existing residential properties.

9.6 Views of the proposed development will be afforded from the residential properties located immediately to the south and west of the site and the hotel located to the east of the site. Due to the orientation of the proposed units, it is

not considered that the outlook from these properties or the hotel would be significantly affected.

9.7 Due to the siting of the proposed units, it is not considered that the residential amenity of residential properties or the hotel, in terms of loss of privacy and light, would be significantly affected.

9.8 The Manager for Environmental Health has been consulted. She has advised that there are concerns regarding the potential noise arising from the development including plant noise, delivery noise and potential odours if cooking provisions are provided within the retail units. It is clear from her comments that to minimise noise arising from the site conditions will be required to address deliveries, collections, plant noise and potential odours.

9.9 The NPPF, paragraph 54 states "Local Planning Authorities should consider whether otherwise unacceptable development could be made acceptable through the use of conditions or planning obligations." Paragraph 55 states "Planning conditions should be kept to a minimum and only imposed where they are necessary, relevant to planning and to the development to be permitted, enforceable, precise and reasonable in all other respects." The NPPF paragraph 180 aims to "avoid noise from giving rise to significant adverse impacts on health and quality of life". Members are advised that it is clear from the environmental health comments set out in paragraphs 1.32-1.37 of the appendix to this report that appropriate mitigation to reduce the impacts arising from the identified noise sources and odours can be secured by conditions. Subject to the imposition of the suggested conditions, it is not considered that this development would significantly impact on the residential amenity of nearby neighbouring properties.

9.10 Objections regarding air quality are noted.

9.11 The NPPF, paragraph 181 states "Planning policies and decisions should sustain and contribute towards compliance with relevant limit values or national objectives for pollutants, taking into account the presence of Air Quality Management Areas and Clean Air Zones, and the cumulative impacts from individual sites in local areas. Opportunities to improve air quality or mitigate impacts should be identified, such as through traffic and travel management, and green infrastructure provision and enhancement. So far as possible these opportunities should be considered at the plan-making stage, to ensure a strategic approach and limit the need for issues to be reconsidered when determining individual applications. Planning decisions should ensure that any development in Air Quality Management Areas and Clean Air Zones is consistent with the local air quality action plan."

9.12 The site does not lie within an identified Air Quality Management Area (AQMA). Therefore, there is no requirement for this application to be accompanied by an Air Quality Assessment. It is clear from the Environmental Health comments that she has not raised any concerns regarding air quality.

9.13 The NPPF, paragraph 182, states "Planning policies and decisions should ensure that new development can be integrated effectively with existing businesses and community facilities...Existing businesses should not have

unreasonable restrictions placed on them as a result of development permitted after they were established.”

9.14 It is clear from the Environmental Health comments that she has not raised any concerns regarding the impact of this development on the operations of existing businesses located immediately to the north east and east of the site.

9.15 Members need to determine whether the proposed development is acceptable in terms of its impact on amenity. It is officer advice that the proposed development is acceptable in terms of its impact on residential amenity (existing and future occupants), subject to the imposition of the suggested conditions. As such, it is officer advice that the proposed development does accord with the advice in paragraph 180 of the NPPF and LP policies DM5.19 and DM6.1.

10.0 Impact on character and appearance

10.1 Paragraph 124 of the NPPF encourages good design stating that “this is a key aspect of sustainable development, creates better places in which to live and work and helps make development acceptable to communities. Paragraph 130 of the NPPF makes it clear that “Permission should be refused for development of poor design that fails to take the opportunities available for improving the character and quality of an area and the way it functions, taking into account any local design standards or style guides in plans or supplementary planning documents”.

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

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

10.4 LP Policy DM5.9 ‘Trees, Woodlands and Hedgerows’ seeks to safeguard existing features such as trees.

10.5 The site has two access points, one via the left turn only off Holystone Way, and a second via the access to the existing public house and hotel. The first access picks up customers coming off the main Holystone roundabout, the second provides a more direct approach for those in the adjacent housing estate.

10.6 The design of the units follows their function: facing Holystone Way, with the car park and service/delivery area located to the front of the units and a screened zone for any plant and bins to the rear creating a tidy appearance. All units have their entrance and active frontage facing onto the car park.

10.7 The proposed units are single storey, accommodating a mono-pitch roof to assist in reducing its scale and mass. The units form part of a small terrace which steps in the middle to accommodate the two larger units. The parapet height of

the units stands at approximately 6.1m from ground level at the highest point, and approximately 4.4m at the lower side of the roof. The roof overhang to the front elevation, provides a covered walkway. The proposed materials (glazing, brickwork, powder coated aluminium and timber cladding) complement the contemporary design of the new houses to the south of the site.

10.8 The site, subject of this application, was previously used as a site compound for the adjacent housing scheme. Therefore, there is no landscaping that would be affected within the site. It is noted that there is some planting outside of the site to the northern boundary and the west embankment adjacent to Holystone Way. The areas outside of the site should be protected and retained as part of this scheme. A condition is recommended to secure this.

10.9 A landscape plan has been submitted to accompany this application. This has been considered by the council's Landscape Architect and Biodiversity Officer. They consider that the proposed landscaping is broadly acceptable, but some minor amendments are required regarding species mixes/percentages. It is clear that these changes can be agreed by imposing a detailed landscape condition.

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

11.0 Impact on highway safety

11.1 The NPPF paragraph 109 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 110 states, amongst other matters, that applications for development should give priority first to pedestrian and cycle movements both within the scheme and with neighbouring areas and address the needs of people with disabilities and reduced mobility in relation to all modes of transport.

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

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

11.5 Objections have been received regarding the impact on highway safety, including access/egress to the site and the impact this would have upon the adjacent housing. Objectors consider that the existing road infrastructure is inadequate and not safe.

11.6 This development will utilise the existing access/egress arrangements as the existing hotel and pub/restaurant. The site will be accessed via an existing road from Holystone Way/Edmund Road (in-only) and another access and the exit via Edmund Road/Francis Way onto Holystone Way. Servicing will take place wholly within the site – via a lay-by located to the front of the proposed units. Refuse will be stored to the rear. Parking has been provided in accordance with the council's current parking standards, including cycle provision and Electric Vehicle (EV) charging points.

11.7 A Transport Assessment (TA) has been submitted to accompany this application. This has been considered by the council's Highways Network Manager. He has advised that the adjacent highway network has been analysed and sufficient capacity remains at the junctions between the access from the A191 Holystone Bypass, the service road, Edmund Road and Francis Way connecting back to the bypass. Neither Edmund Way or Francis Way have any drives accessing directly onto these routes as the existing dwellings are served by a series of service roads and shared private drives.

11.8 Subject to the imposition of the suggested conditions, the Highways Network Manager has raised no objections to this development.

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

12.0 Other Issues

12.1 Contaminated Land

12.2 Paragraph 178 of the NPPF states planning policies and decisions should ensure that a site is suitable for its proposed use taking account of ground conditions and any risks arising from land instability and contamination i.e. mining or land remediation.

12.3 Paragraph 179 of the NPPF goes onto say that where a site is affected by contamination or land instability issues, responsibility for securing a safe development, rests with the developer and/or landowner.

12.4 Local Plan Policy DM5.18 Contaminated and Unstable Land sets out guidance on these constraints.

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

12.6 The Contaminated Land Officer has been consulted. She has raised no objection to the proposed development, subject to the imposition of the suggested conditions.

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

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

12.9 Flooding

12.10 Paragraph 157 of the NPPF advises that all plans should apply a sequential, risk-based approach to the location of development – taking into account the current and future impacts of climate change – so as to avoid, where possible, flood risk to people and property.

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

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

12.13 LP Policy DM5.15 states that applicants will be required to show, with evidence, they comply with the Defra technical standards for sustainable drainage systems (unless otherwise updated and/or superseded).

12.14 A Flood Risk Assessment (FRA) and Drainage Strategy has been submitted. This has been considered by the Lead Local Flood Authority (LLFA). It is proposed to provide surface water drainage with associated attenuation for up to 1 in 100 year rainfall event including an allocation for climate change. The development's surface water drainage system will be in the form of channel drains and permeable paving and attenuation will be provided by the use of storage crates. The surface water from the site will then discharge into an adjacent 600mm diameter sewer at a controlled discharge rate 3.5l/s in order to reduce the impact of the development on the local drainage network. A condition is recommended to ensure that the surface water drainage construction is built in accordance with the submitted planning application.

12.15 Community Infrastructure Levy (CIL)

12.16 This development is CIL liable.

13.0 Local Financial Considerations

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

the Community Infrastructure Levy. The proposal would result in additional business rates being received by the council and this is a benefit of the proposal.

14.0 Conclusion

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

RECOMMENDATION: Application Permitted

Conditions/Reasons

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

- Application form
- Location Plan Dwg No. 2196-AL(90)1250 Rev B
- Existing site plan Dwg No. 2196-AL(90)001 Rev B
- Proposed site plan Dwg No. 2196-AL(90)100 Rev G
- Proposed elevations Dwg No. 2196-AL(0)010 Rev A
- Proposed floor plans Dwg No. 2196-AL(0)100 Rev A
- Proposed site sectional elevations Dwg No. 2196-AL(0)500 Rev A
- Proposed roof plan Dwg No. 2196-AL(27)100 Rev A
- Flood Risk Assessment and Drainage Assessment (July 2019)

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. Restrict Hours No Construction Sun BH HOU00 *

4

4. Notwithstanding Condition 1, prior to the commencement of any part of the development hereby approved above damp proof course level a fully detailed landscape plan and a landscape management and maintenance plan for a minimum period of five years, including details of arrangements for its implementation, shall be submitted to and approved in writing by the Local Planning Authority. The landscape scheme shall include details and proposed timing of all new tree (trees to be a minimum 12-14cm girth) and shrub planting and ground preparation noting the species and sizes for all new tree planting. Details should also be provided regarding ground preparation and sowing of wildflower areas. 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 or plants that, within a period of five years after planting, are removed, die or become seriously damaged or defective, shall be replaced with others of species, size and number as originally approved, by the

end of the first available planting season thereafter. The landscape maintenance scheme shall be implemented in accordance with these agreed details.

Reason: In the interests of amenity and to ensure a satisfactory standard of landscaping having regard to Policies DM6.1 and DM5.9 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 2no. bird boxes to be installed into the new buildings, including specifications and locations, shall be submitted to and approved in writing by the Local Planning Authority. Thereafter, these agreed details shall be installed prior to the occupation of any building hereby approved on which they are to be installed and permanently 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).

6. Notwithstanding Condition 1, prior to the commencement of any development a Tree Protection Plan showing the type, height and position of protective fencing to protect existing landscape planting along the northern boundary and western embankment of the site and around each tree or hedge within or adjacent to and overhanging the site shall be submitted to and approved in writing by the Local Planning Authority. The protective fencing shall comprise a vertical and horizontal framework of scaffolding and well braced to resist impacts. These agreed details shall be in situ prior to any works commencing on site and shall be retained for the full duration of construction works. The protective fencing shall not be removed or repositioned without the prior written approval of the Local Planning Authority.

Reason: This information is required from the outset to ensure existing landscape features and wildlife populations are protected in the interests of ecology and having regard to the NPPF and Policies DM5.5 and DM5.9 of the North Tyneside Local Plan (2017).

7. No part of the development shall be occupied until an area has been laid out within the site for all delivery vehicles to turn in accordance with the approved drawing and that area shall not thereafter be used for any other purpose.

Reason: To enable vehicles to draw off and turn clear of the highway thereby avoiding the need to reverse onto the public highway having regard to policy DM7.4 of the North Tyneside Local Plan (2017).

8. 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 tree protection measures, 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

browsers, 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.

9. The scheme for parking and manoeuvring indicated on the approved plans shall be laid out prior to the occupation of any part of the development hereby permitted and these areas shall not thereafter be used for any other purpose.

Reason: To enable vehicles to draw off, park and turn clear of the highway to minimise danger, obstruction and inconvenience to users of the adjoining highway having regard to policy DM7.4 of the North Tyneside Local Plan (2017).

10. Notwithstanding Condition 1, prior to the commencement of any part of the development hereby approved above damp proof course level details of the provision of wheeled refuse facilities for all waste types and refuse collection management strategy, including appropriate methodology, signage and identifying a suitable storage area for collection day only, shall be submitted to and approved in writing by the Local Planning Authority. These details shall include areas of storage of refuse and recycling waste at each unit. Thereafter, these agreed details shall be provided prior to the occupation of each unit and permanently retained.

Reason: In order to safeguard the amenities of the area and highway safety having regard to policies DM7.4 and DM6.1 of North Tyneside Local Plan (2017).

11. No part of the development shall be occupied until a scheme for the following off-site highway works and a timetable for their implementation has been submitted to and approved in writing by the Local Planning Authority. This scheme shall be carried out in accordance with the agreed details and retained thereafter:

- Provision of new accesses
- Upgrade of footpath(s) immediately adjacent to the site
- Improved cycling & pedestrian crossing facilities serving the site
- Improved footpath links
- Associated street lighting
- Associated drainage
- Associated road markings
- Associated Traffic Regulation Orders
- Associated street furniture & signage

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

12. Notwithstanding Condition 1, no part of the development hereby approved shall be occupied until a car park management strategy including a detailed methodology for monitoring the car park and surrounding highway has been submitted to and approved in writing by the Local Planning Authority. This strategy shall be carried out in accordance with the agreed details and retained thereafter.

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

13. Notwithstanding Condition 1, no part of the development hereby approved shall be occupied until a scheme for secure, undercover cycle parking has been submitted to and agreed in writing by the Local Planning Authority. This scheme shall be carried out in accordance with the agreed details prior to the occupation of any part of the development and permanently retained thereafter.

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

14. Notwithstanding Condition 1, no part of the development hereby approved shall be occupied until a Travel plan, which shall include an undertaking to conduct travel surveys to monitor whether or not the Travel Plan targets are being met, has been submitted to and approved in writing by the Local Planning Authority. This Travel plan shall be implemented in accordance with the agreed details and retained thereafter

Reason: In the interests of sustainable transport having regard to Policy DM7.4 of the North Tyneside Local Plan (2017).

15. Notwithstanding Condition 1, prior to the installation of any plant or machinery (including condensing units, extraction and air conditioning equipment), a scheme shall be submitted to and approved in writing by the Local Planning Authority, which specifies the provisions to be made for the control of noise emanating from the site. This scheme shall include a background noise assessment which must be carried out in accordance with BS4142:2014 and details of the height, position, design and materials of any chimney or extraction vent to be provided in connection with the development. The noise assessment shall determine the background noise levels at the nearest residential property. An acceptable noise rating level for all plant and machinery shall be agreed in writing by the Local Planning Authority upon submission of the assessment. Thereafter, the development shall be carried out in full accordance with these agreed details.

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

16. Within one month of the installation of any plant and equipment pursuant to condition 15 acoustic testing shall be undertaken to verify compliance with this condition. This verification shall be submitted to and approved in writing prior to the permanent operation of this plant and equipment. Thereafter, it shall be maintained in working order.

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

17. Notwithstanding Condition 1, prior to the occupation of each unit a noise scheme, regarding the delivery operations to the unit(s) detailing measures to be taken to mitigate noise arising from delivery activities, and a timescale for the implementation of any required mitigation shall be submitted to and approved in writing by the Local Planning Authority. Thereafter the development shall be carried out in full accordance with these agreed details.

Reason: This information is required from the outset in order to safeguard the amenities of adjoining properties having regard to Policy DM5.19 of the North Tyneside Local Plan (2017).

18. 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).

19. Notwithstanding Condition 1, prior to any amplified music being played at the retail units, a noise management scheme, that has considered noise arising from the playing of amplified music, shall be submitted to and approved in writing by the Local Planning Authority. This scheme must detail the measures to be implemented and thereafter retained to minimise noise impacts from the playing of amplified music or other music events held within the units to ensure all activities and use of the premises is suitably mitigated via sound control measures. Thereafter, this scheme shall be carried out in full accordance with these agreed details.

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).

20. The development hereby approved shall only be operational (excluding deliveries or collections to the site and/or units) between the hours of 06:00 and 22:00. No deliveries or collections to the site or any unit shall take place outside the hours of 07:00 to 22:00.

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).

21. The use of all outdoor seating areas shall be restricted to 08:00 to 21:00 hours Monday to Saturdays and 09:00 to 21:00 hours Sundays and Bank Holidays.

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

22. Notwithstanding Condition 1, prior to the occupation of each unit, if required, details of the air ventilation systems shall be submitted to and approved in writing by the Local Planning Authority. The agreed scheme shall thereafter be implemented before the unit is first occupied in accordance with the approved details and permanently retained.

Reason: To safeguard the amenities of adjoining properties and the visual amenity of the surrounding area having regard to Policies DM6.1 and DM5.19 of the North Tyneside Local Plan (2017).

23. Notwithstanding Condition 1, prior to the installation of any refrigeration plant, if required, the details of any refrigeration plant to be installed in connection with the development shall 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 amenities of adjoining properties and the visual amenity of the surrounding area having regard to Policies DM6.1 and DM5.19 of the North Tyneside Local Plan (2017).

24. Notwithstanding Condition 1, prior to the installation of any odour suppression measures, if required, details of the odour suppression system for the arrestment of any odours associated with the development hereby approved shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall thereafter be implemented before the development or use commences in accordance with the approved details and permanently retained and maintained.

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

25. 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).

26. Notwithstanding any indication of materials which may have been given in the application, prior to the commencement of any construction above ground level a schedule and/or samples of the materials and external finishes for the development has been submitted to and approved in writing by the Local Planning Authority. Thereafter, the development shall not be carried out other than in accordance with the approved details.

Reason: To secure a satisfactory external appearance having regard to policies DM6.6 and DM6.1 of the North Tyneside Local Plan (2017).

27. Notwithstanding Condition 1, prior to the commencement of any construction works on the site details showing the existing and proposed ground levels and levels of thresholds and floor levels of the proposed units shall be submitted to and approved in writing by the Local Planning Authority. Such levels shall be shown in relation to a fixed and known datum point. Thereafter, the development shall not be carried out other than in accordance with the approved details.

Reason: This information is required to ensure that the work is carried out at suitable levels in relation to adjoining properties and highways, having regard to amenity, access, highway and drainage requirements and protecting existing landscape features having regard to the NPPF and policy DM6.1 of the North Tyneside Local Plan (2017).

28. Prior to the commencement of any part of the development hereby approved the following shall be submitted to and approved in writing by the Local Planning Authority in consultation with the Coal Authority:

- The undertaking of an appropriate scheme of ground gas monitoring;
- The submission of a report of findings arising from the ground gas monitoring;
- The submission of a scheme of mitigation/remedial works for approval; and
- Implementation of those remedial works/mitigation.

Thereafter the development shall be carried out in full accordance with these agreed details.

Reason: This information is required from the outset in order to safeguard the development and/or users thereof from possible future gas emissions from underground and or adverse effects of landfill gas which may migrate from a former landfill site having regard to policy DM5.18 of the North Tyneside Local Plan (2017) and National Planning Policy Framework.

29. No other part of the development shall be commenced until:-

- a) A detailed site investigation has been carried out to establish:
 - i) If the site is contaminated;
 - ii) To assess the degree and nature of the contamination present, and whether significant risk is likely to arise to the residents and public use of land;
 - iii) To determine the potential for the pollution of the water environment by contaminants and;
 - iv) The implication for development of the site and the quality of the environment for future users.

Such detailed site investigation to accord with a statement of method and extent which shall previously have been agreed in writing by the Local Planning Authority and

- b) The results and conclusions of the detailed site investigations referred to in (a) above have been submitted to and the conclusions approved in writing by the Local Planning Authority. The Phase 2 Report should be written using the current government guidelines.

c) If remediation is required following the assessment of the chemical results under current guidelines, then a method statement should be provided for comment. This should provide details of exactly how the remediation works are to be carried out, detailed site location plan of where material is to be deposited and details including drawings of gas protection scheme should be included.

d) If remediation is carried out on the site then a validation report will be required. This should provide evidence of what remediation has been carried out over the site. This report should confirm exactly what remediation has been carried out and that the objectives of the remediation statement have been met. This report should verification of the type, source, depth, location and suitability (to include any test certificates for material to be imported on site to ensure it is not contaminated) of the imported materials for their use on site. This should include cross sectional diagrams for the site and detailed plans of the site. This report should be submitted before the contaminated land condition can be removed from the planning application.

e) If any unexpected contamination or hotspots are encountered during the investigation and construction phases it will be necessary to inform the Local Authority then cease development and carry out additional investigative works and subsequent remediation if any unexpected contamination or underground storage tanks are discovered during the development. Work should be ceased until any risk is assessed through chemical testing and analysis of the affected soils or waters.

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

Reason: To ensure that the potential contamination of the site is properly investigated and its implication for the development approved fully taken in to account having regard to policy DM5.18 of the North Tyneside Local Plan (2017) and National Planning Policy Framework.

30. The development hereby permitted shall not be constructed above damp proof course level until the details of a scheme of site investigation and assessment to test for the presence and likelihood of gas emissions from underground workings, historic landfill, unknown filled ground or made ground has been submitted to and agreed in writing by the Local Planning Authority.

Upon approval of the method statement:

a) A detailed site investigation should be carried out to establish the degree and nature of the gas regime, and whether there is a risk likely to arise to the occupants of the development. The results and conclusions of the detailed site investigations should be submitted to and the conclusions approved in writing by the Local Planning Authority. The Ground Gas Assessment Report should be written using the current government guidelines.

b) In the event that remediation is required following the assessment of the ground gas regime using current guidelines, then a method statement must be submitted to and approved in writing by the Local Planning Authority.

The detailed design and construction of the development shall take account of the results of the site investigation and the assessment should give regard to results showing depleted oxygen levels or flooded monitoring wells. The method of construction shall also incorporate all the measures shown in the approved assessment.

This should provide details of exactly what remediation is required and how the remediation will be implemented on site; details including drawings of gas protection scheme should be included.

c) Where remediation is carried out on the site then a validation report will be required. This report should confirm exactly what remediation has been carried out and that the objectives of the remediation statement have been met.

The validation report should include cross sectional diagrams of the foundations and how any gas protection measures proposed in the remediation method statement are incorporated. In the event that integrity testing of membranes is required then any test certificates produced should also be included.

A verification report shall be submitted to and approved in writing by the Local Planning Authority before the development is occupied/brought into use.

d) In the event that there is a significant change to the ground conditions due to the development, for example grouting or significant areas of hard standing; then additional gas monitoring should be carried out to assess whether the gas regime has been affected by the works carried out. In the event that the gas regime has been altered then a reassessment of remediation options shall be submitted to the Local Planning authority to be agreed in writing before the development is occupied/brought into use.

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

Reason: In order to safeguard the development and/or the users thereof from possible future gas emissions from underground and or adverse effects of landfill gas which may migrate from a former landfill site having regard to policy DM5.18 of the North Tyneside Local Plan (2017) and National Planning Policy Framework.

31. Notwithstanding the provisions of the Town and Country Planning Act 1990 (as amended) none of the six units, shown on Dwg No. 2196-AL(90) 100 Rev G, shall be amalgamated with other units or sub-divided so as to result in any unit or units having a gross floor area or more than 280 sqm without the prior planning approval of the Local Planning Authority having first been obtained.

Reason: To enable the Local Planning Authority to retain control over the development, to prevent intensification of the use of the development hereby approved in order to protect the vitality and viability of existing centres in North Tyneside having regard to the National Planning Policy Framework and policy DM3.4 of the North Tyneside Local Plan 2017.

32. Notwithstanding the provisions of the Town and Country Planning (Use Classes) Order 1987, the A3 (Restaurants and Cafes) units identified as 1 and 6 on Dwg No. 2196-AL(90) 100 Rev G shall be used only for that purpose of A3 (Restaurants and Cafes) and for no other purpose.

Reason: To enable the Local Planning Authority to retain control over the use having regard to policy DM3.4 of the North Tyneside Local Plan (2017).

33. Notwithstanding the provisions of the Town and Country Planning (Use Classes) Order 1987, the A1 (Shops) units shall be used only for that purpose of A1 (Shops) (units identified as 2, 3, 4 and 5 on Dwg No. 2196-AL(90) 100 Rev G) and for no other purpose.

Reason: To enable the Local Planning Authority to retain control over the use having regard to policy DM3.4 of the North Tyneside Local Plan (2017).

34. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any order revoking and re-enacting that Order with or without modification) no development falling within Class A, B, C and D of Part 7 of Schedule 2 shall be carried out without the prior, express planning permission of the Local Planning Authority.

Reason: To maintain control over the total amount of retailing floorspace, to ensure the development does not impact on the vitality and viability of town centres in North Tyneside and in the interest of providing adequate parking levels having regard to policies DM3.4 and DM7.4 of the North Tyneside Local Plan (2017) and LDD12 Transport and Highways.

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 Req'd (I04)

Contact ERH Construct Highway Access (I05)

Contact ERH Works to Footway (I08)

No Doors Gates to Project Over Highways (I10)

Do Not Obstruct Highway Build Materials (I13)

Take Care Proximity to Party Boundary (I21)

Advice All Works Within Applicants Land (I29)

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

Street Naming and numbering (I45)

Highway Inspection before dvlpt (I46)



Application reference: 19/01279/FUL
Location: Land Adjacent To Holystone Roundabout, A19 Trunk Road, Wallsend, Tyne And Wear
Proposal: Development of 6no. retail units (Use Class A1/A3), including associated servicing, car parking, landscaping, drainage, and other ancillary works (revised site plan and Transport Statement received 03.12.2019)

Not to scale
 Date: 10.01.2020

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Appendix 1 – 19/01279/FUL

Item 1

Consultations/representations

1.0 Internal Consultees

1.1 Biodiversity Officer

1.2 The proposed development is for retail units and associated car parking. The site is located to the east of Holystone Way with new residential housing to the south, the Premier Inn and a Public House to the east and the Holystone Roundabout to the north.

1.3 The land proposed for development has been used as a compound area for the adjacent housing scheme and therefore, there is no landscaping that would be affected within the site. There is some planting outside of the site to the northern boundary and along the western embankment next to Holystone Way and these areas should be protected and retained as part of this scheme.

1.4 A landscape plan has been submitted to support the above application (DWG No: 1004-11-1 Rev A - Dec 2019) which is broadly acceptable, although some minor amendments will be required to species mixes/percentages which can be agreed by way of condition.

1.5 I have no objection to the application subject to the following conditions being attached to the application: -

1.6 Conditions

-Within one month of development commencing on site, a fully detailed scheme for the landscaping of the site has been submitted to and approved in writing by the Local Planning Authority. The landscape scheme shall include details and proposed timing of all new tree and shrub planting and ground preparation noting the species and sizes for all new tree planting. Details should also be provided regarding ground preparation and sowing of wildflower areas. 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. Any wildflower seeding that does not establish will be re-sown in the next available planting season.

-A 5 year 'Landscape Management & Maintenance Plan' for existing and proposed habitats within the site must be submitted to the Local Authority for approval prior to the occupation of the site. Management will be undertaken in accordance with the approved plan.

-No vegetation removal shall take place during the bird nesting season (March-August inclusive) unless a survey by a suitably qualified ecologist has confirmed the absence of nesting birds immediately prior to works commencing.

-2no. bird nesting features will be incorporated into the new build in suitable locations. Details of the specification and locations of the nesting features will 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.

-Existing landscape planting along the northern boundary and western embankment boundary of the site will be retained and adequately protected.

1.7 Landscape Architect

1.8 A revised landscape plan has been submitted in response to earlier comments (DWG No: 1004-11-1 Rev A - Dec 2019). This now shows a hedgerow along the western boundary with wildflower verges, shrubs and native trees and is acceptable subject to agreement of the species mix.

1.9 Suggested conditions

No trees, shrubs or hedges within the site which are shown as being retained on the submitted plans shall be felled, uprooted, wilfully damaged or destroyed, cut back in any way or removed during the development phase other than in accordance with the approved plans or without the prior written consent of the Local Planning Authority. Any trees, shrubs or hedges removed without such consent, or which die or become severely damaged or seriously diseased within three years from the completion of the development hereby permitted shall be replaced with trees, shrubs or hedge plants of similar size and species until the Local Planning Authority gives written consent to any variation

Prior to the commencement of any site clearance works there shall be submitted to the Local Planning Authority for their approval a Tree Protection plan showing the type, height and position of protective fencing to be erected around each tree or hedge within or adjacent to and overhang the site to be retained. Unless otherwise agreed in writing by the Local Planning Authority this shall comprise a vertical and horizontal framework of scaffolding, well braced to resist impacts No site clearance works or the development itself shall be commenced until such a scheme is approved by the Local Planning Authority and thereafter the development hereby permitted shall only be carried out in accordance with that scheme. The area surrounding each tree group /hedgerow within the approved protective fencing shall be protected for the full duration of the development and shall not be removed or repositioned without the prior written approval of the Local Planning Authority.

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

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 details and proposed timing of all new tree and shrub planting and ground preparation noting the species and sizes for all new plant species (trees to be a minimum 12-14cm

girth). Details should also be provided regarding ground preparation and sowing of wildflower areas. The landscaping scheme shall be implemented in accordance with the approved details within the first available planting season following the approval of details. No development shall take place until a schedule of landscape maintenance for a minimum period of five years including details of the arrangements for its implementation has been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved schedule.

1.10 Planning policy

1.11 The site is allocated for employment development in Policy S2.2 of the Local Plan (2017). This defines employment development as offices (B1), general industrial (B2) and storage and distribution (B8).

1.12 A large proportion of the site is already developed as a hotel (Premier Inn) and a pub/restaurant (Cookhouse and pub) and the remaining land is identified in Policy 2.2 as available employment land (Site E018 in Policy S2.2).

1.13 The site has great access to the A19, is within close proximity to the Northumberland Park Metro Station and the Cobalt Business Park and is considered to be an excellent site for employment uses. However, in consideration of evidence presented in the Planning and Retail statement (September 2019) and the commercial agents' advice it must be acknowledged that the site has been available for over 10 years with no employment development coming forward and there is no indication of any other interest in the immediate future.

1.14 The site area (0.46ha) is also relatively small in comparison to the overall land allocated for employment land (150ha) and its loss for retail development would be in accordance with the criteria set out in Policy DM2.3. The proposed development would not result in the unacceptable loss of operational businesses and jobs, with a number of jobs predicted to be created through the development, but it would be requested that the developer recognise the opportunity for the development to contribute towards the creation of local employment opportunities and support growth in skills. The development would not lead to an excessive reduction in the supply of land for development for employment uses, taking into account the overall amount, range, and choice available for the remainder of the plan period, nor would it have an adverse impact upon the amenity and operation of neighbouring properties and businesses, provided sufficient conditions were imposed so there was no unacceptable impact on the local amenity of residents or visitors to the existing businesses.

1.15 In retail terms the site is over 300m from the closest designated centre (Northumberland Park) and it would therefore be classed as out of centre development. As such the agent has complied with the policy requirements by submitting a sequential assessment to consider other suitable, available or viable alternatives within an existing centre or edge of centre site. It was agreed that due to the size of the site and its specific market function to capture the needs of the expanding residential population to the west of the A19, the sequential search area could be restricted to the designated centre of Northumberland Park and the expansion land allocated in Policy S3.3. Based on the evidence provided in the

Planning and Retail statement (September 2019) it is accepted that the proposal would be in accordance with Policy DM3.4.

1.16 Policy DM 3.6 considers the provision of small scale out of centre facilities serving local retail and leisure needs. This policy supports developments less than 500m² gross floorspace but the application is for 826m² net floorspace, therefore far larger than a local facility as defined in Policy DM3.6. That said, it is accepted that the development could contribute towards the day to day needs of the surrounding population and help to support social inclusion and sustainable travel by walking and cycling.

1.17 Officer note: A contribution towards supporting growth skills under Policy DM7.5 has not been sought as this is not a major development.

1.18 Design

1.19 No further comments to make, the revised plans respond to the previous concerns raised (refer to paragraphs 2.20-2.23 below).

1.20 The application for 6 retail units would provide easily accessible community facilities for local residents. The design of the retail units follows their function; it is a simple design that is positioned to be visible from Holystone Road, while also being designed to have a tidy appearance to the rear. The powered coated glazing, brickwork and timber cladding will complement the contemporary design of the new houses to the south of the site.

1.21 The design should avoid creating the potential for future conflict with neighbouring residents due to noise and disturbance. For this reason, it would be better to remove or relocate the area of outdoor seating associated with Unit 1. Planning Conditions should also restrict the times of deliveries. The Environmental Health Consultee will assess this further.

1.22 Landscaping is incorporated around the site boundary, however there is limited landscaping within the site. Two small areas of landscaping within the site are shown on the landscape strategy plan although these are not reflected on the site plan. Further landscaping within the site should be incorporated to soften the appearance of the parking area and improve the overall design. Landscaping should also be incorporated along the boundary to the south of the site where the current area of seating is located. This will create a more sensitive development edge next to neighbouring properties.

1.23 Parking bays should be surfaced in blocks rather than tarmac to contribute towards a well-designed development.

1.24 Highways Network Manager

1.25 The site is located next to the existing service road leading to the Premier Inn and Edmund Road which has been established for some time and before the Scaffold Hill residential development commenced. The site is accessed via this service road (in-only) and the Premier Inn access road (in and out). Servicing will take place wholly within the site - via a lay-by at the front of the row of units with refuse being stored to the rear. Parking has been provided in accordance with

current standards with cycle parking and Electric Vehicle (EV) charging points included in the layout.

1.26 As part of the application a Transport Assessment (TA) has been included. The adjacent highway network has been analysed and sufficient capacity remains at the junctions between the access from the A191 Holystone Bypass, the service road, Edmund Road and Francis way connecting back to the bypass. Neither Edmund Way nor Francis Way have any drives accessing directly onto these routes as the existing dwellings are served by a series of service roads & shared private drives.

1.27 For these reasons outlined above, conditional approval is recommended.

1.28 Recommendation - Conditional Approval

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

- Provision of new accesses
- Upgrade of footpaths surrounding site
- Improved cycling and pedestrian crossing facilities serving the site
- Improved footpath links
- Associated street lighting
- Associated drainage
- Associated road markings
- Associated Traffic Regulation Orders
- Associated street furniture and signage

1.30 Conditions:

- ACC25 - Turning Areas: Before Occ
- PAR04 - Veh: Parking, Garaging before Occ
- REF01 - Refuse Storage: Detail, Provide Before Occ
- SIT06 - Construction Method Statement (Minor)

No part of the development shall be occupied until a scheme for the following off-site highway works has been submitted to and agreed in writing by the Local planning Authority. This scheme shall be carried out in accordance with the agreed details and retained thereafter:

- Provision of new accesses
- Upgrade of footpaths surrounding site
- Improved cycling and pedestrian crossing facilities serving the site
- Improved footpath links
- Associated street lighting
- Associated drainage
- Associated road markings
- Associated Traffic Regulation Orders
- Associated street furniture and signage

Reason: In the interests of highway safety.

No part of the development shall be occupied until a car park management strategy including a detailed methodology for monitor the car & surrounding highway has been submitted to and agreed in writing by the Local planning Authority. This strategy shall be carried out in accordance with the agreed details and retained thereafter.

Reason: In the interests of highway safety.

No part of the development shall be occupied until a delivery, service & refuse management strategy including appropriate methodology & signage has been submitted to and agreed in writing by the Local planning Authority. This strategy shall be carried out in accordance with the agreed details and retained thereafter.

Reason: In the interests of highway safety.

No part of the development shall be occupied until a scheme for secure, undercover cycle parking has been submitted to and agreed in writing by the Local planning Authority. This scheme shall be carried out in accordance with the agreed details and retained thereafter.

Reason: In the interests of highway safety.

No part of the development shall be occupied until a Travel plan, which will include an undertaking to conduct travel surveys to monitor whether or not the Travel Plan targets are being met, has been submitted to and agreed in writing by the Local planning Authority. This Travel plan shall be implemented in accordance with the agreed details and retained thereafter

Reason: In the interests of sustainable transport.

1.31 Informatives:

I05 - Contact ERH: Construct Highway Access

I08 - Contact ERH: Works to footway.

I10 - No Doors/Gates to Project over Highways

I13 - Don't obstruct Highway, Build Materials

I45 - Street Naming & Numbering

I46 - Highway Inspection before dvlp

1.32 Environmental Health

1.33 The site is located within an area with an existing Hotel and Public house/Restaurant with residential properties located adjacent in Edmund Road approximately 20 metres from the boundary of the site and St Cuthbert's Way located across from Holystone Way. I would have concerned about potential noise arising from the development including plant noise, delivery noise and potential odours if cooking provisions are provided within the retail units.

1.34 Paragraph 180 of NPPF states that planning decisions should ensure that new

development is appropriate for its location taking into account the likely effects (including cumulative effects) of pollution 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 quality of life. To minimise noise arising from the site conditions will be required to address deliveries and collections and plant noise and to address potential odours if cooking is to be permitted within the units. A noise scheme must be submitted in accordance with BS4142 to determine the current background noise levels for daytime, evening and night. The rating level for all plant must not exceed the current background noise levels. It will be necessary for any flues to be acoustically mounted to the wall to prevent vibration noise. I would also have concerns if early morning deliveries and collections were to occur at the units, as I note that access will be from either Edmund Road or Francis Way, whereas all egress from the site will be via Edmund Road leading to Francis Way. This will result in delivery vehicles travelling through the residential areas and I would be concerned about early morning noise from these vehicles affecting the residential properties. I would therefore recommend a condition to restrict all delivery and collection operations to no earlier than 07:00 hours and not after 22:00 hours.

1.35 I would be concerned about noise from any music arising from the A3 use within the retail units, which includes for Restaurants and cafés if amplified or live music is played at the units affecting the neighbouring residential premises. It will be necessary to place conditions on the A3 unit to ensure a noise scheme is incorporated to assess the noise impact of such activities and to ensure adequate controls are attached. The proposed site plan does not appear to include any outdoor seating areas for the A3 units. If outdoor areas are to be provided, then they will need to be controlled via a condition to restrict their use. It is recommended that a condition be attached to restrict use to no later than 21:00 hours to protect the amenity of nearby residents.

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

Prior to the installation of any plant or machinery (including condensing units, extraction and air conditioning equipment), a scheme shall be submitted to and approved in writing by the Local Planning Authority, which specifies the provisions to be made for the control of noise emanating from the site. The scheme shall include a background noise assessment which must be carried out in accordance with BS4142:2014. This assessment shall determine the background noise levels at the nearest residential property. An acceptable noise rating level for all plant and machinery shall be agreed in writing by the Local Planning Authority upon submission of the assessment. It will be necessary following installation of the plant and equipment that acoustic testing is undertaken to verify compliance with this condition within one month of its installation and submitted for written approval prior to the operation of the plant and thereafter maintain in working order.

There shall be no deliveries or collections to the site outside the hours of 07:00 to 22:00.

A noise scheme shall be submitted, approved by Planning in writing and thereafter implemented with regard to the delivery operations to the retail units detailing measures to be taken to mitigate noise arising from delivery activities.

NOI02

Noise scheme: Amplified Music

Prior to amplified music being played at the retail units, a noise management scheme must be provided in writing to the Local Planning Authority that has considered noise arising from the playing of amplified music. The noise scheme must detail the measures to be implemented and thereafter retained to minimise noise impacts from the playing of amplified music or other music events held within the units to ensure all activities and use of the premises is suitably mitigated via sound control measures.

HOU03: to those on the application

Any outdoor seating areas to be restricted to 08:00 to 21:00 hours Monday to Saturdays and 09:00 to 21:00 hours Sundays and Bank Holidays.

EPL01

EPL02

EPL03

EPL04 The applicant shall maintain the odour suppression system as approved in accordance with the details provided by the manufacturer and submitted by the applicant for the purposes of demonstrating compliance with Standard Condition EPL04.

HOU04

LIG01

REF01

REF02

SIT03

1.37 In response to concerns with regard to air quality impacts arising from the retail development I would advise that air quality can be a material consideration where the development results in causing an air quality impact resulting from high concentrations of pollutants or if the development has a negative impact on an existing air quality management area. In assessing whether an air quality assessment was required for this development the IAQM guidance specifies that an air quality assessment is required where it is a major development of more than 1,000m² of floor space. The retail development does not meet the threshold where an air quality assessment was required as the floor space is only 826m².

1.38 Contaminated Land Officer

1.39 I have read the Phase 1 report and note the following:

“13. RECOMMENDATIONS

There is a potential for contamination of the shallow soils on site from the mining industry, and ground gas from off-site mining and landfill. It is therefore recommended that a limited Phase 2 Ground Investigation is undertaken to support the redevelopment of the site, targeted at the potentially significant pollutant linkages within the sites initial CM.

For an initial investigation of the site a 50m testing grid is considered suitable in accordance with the requirements BS5930:2015 Code of Practice for Ground Investigations and BS10175:2011+A2:2017 Code of Practice for Investigation of Potentially Contaminated Sites.

This work could be undertaken as part of a geotechnical investigation to provide information on foundation requirements for new properties and infrastructure. At least 3no. ground gas monitoring wells should be installed as part of the investigation in accordance with the requirements of CIRIA C665 guidance and the requirements of North Tyneside Council, and a programme of gas monitoring implemented in accordance with the requirements of current guidance such as CIRIA C665 or BS8485:2015+A1:2019.”

1.40 Con 001 and Gas 006 must be applied.

1.41 Lead Local Flood Authority (LLFA)

1.42 I have carried out a review of the surface water drainage proposals for the above planning application.

1.43 I can confirm that I have no objections to these proposals as the applicant's intentions are to provide surface water drainage with associated attenuation for up to a 1in100yr rainfall event including an allocation for climate change. The developments surface water drainage system will be in the form of channel drains and permeable paving and attenuation and will be provided by the use of storage crates. The surface water from the site will then discharge into an adjacent 600mm diameter sewer at a controlled discharge rate of 3.5l/s in order to reduce the impact of the development on the local drainage network.

1.44 I would recommend that a condition is placed on the application requiring that the surface water drainage construction is built in accordance with the submitted planning application.

2.0 Representations

2.1 Support

2.2 One letter of support has been received.

-Good to see new facilities being made available to those living nearby, and who travel past on daily basis. There is little in the way of convenience on my commute, other than large stores, so this will make a huge difference to the time taken by going to larger stores.

2.3 Objections and petition

2.4 Petition

2.5 A petition objecting to the application has been received. A total of 39 signatures.

2.6 Mary Glindon MP

2.7 Local residents have contacted Mary Glindon MP. The following comments from local residents and an objection letter, have been submitted on behalf of Mary Glindon MP who considers this development to be unnecessary and detrimental to the area,

2.8 The local residents state the following:

“All residents of Edmund Road on the new Holystone Park Estate are extremely worried by a proposed development by Northumberland Estates. I note that even when rejected they eventually get what they want. That has been the case on two occasions recently in very close proximity to Edmund Road. However, this current proposed scheme will be devastating for the residents of Edmund Road.

A new retail park is proposed with only one exit through Edmund Road which already supports the Premier Inn, Cookhouse and a newly created bus service. These are all 4 bedroom family homes we have all only been in 2 years. This proposal will mean that we will have the A19 on one side of us and the A191 on the other street and out street turned into a busy highway supporting 8 businesses. Road structures are totally inadequate and we already have many problems with speeding, types of traffic etc on the street.”

2.9 The objection letter submitted with this representation is set out below.

2.10 Representation from 31 Edmund Road on behalf of all residents of Edmund Road.

- Inadequate parking provision.
- Nuisance: disturbance, fumes, noise.
- Poor/unsuitable vehicular access.
- Traffic congestion.

For the attention of Councillor: Ken Barrie, Trish Brady, Brian Burdis, Linda Darke, Sandra Graham, Muriel Green, Frank Lott, Paul Richardson, Willie Samuel, John Stirling and Frances Wheetman,

I have spoken to a solicitor and have been advised that it is my right to directly lobby Councillors who form part of North Tyneside Council's Planning Committee.

That said, I would like all Councillors on the Planning Committee to receive an identical copy of this e-mail.

This is also my formal objection to the proposed development.

This proposed development is of great concern to all residents of Edmund Road and I am authorised on their behalf to write to you directly to try to stop planning permission being granted for the development at Holystone Park.

Although Northumberland Estates make no reference to residents within their submission, Edmund Road consists of large family homes with a great number of small children. This being the case we want our neighbourhood to be as safe as possible for our children to be able to play outdoors which is their right. North Tyneside's Council (NTC) ethos is 'to be a listening Council' and also 'to make our estates safe' and also to 'reduce carbon dioxide emissions'. To name but a few.

I have undertaken a great deal of research and would like to draw your attention to NTC's Local Plan 2017-2032.

First, I draw your attention to the fact that this land is designated as 'Employment Land' and not 'Retail Land'. This land falls under use of B1, B2 and B8 covering Business including offices, research and development of products and processes, light industry appropriate in a residential area and storage or distribution. It does not cover shops or retail units.

Page 41: S2.2 'Provision of land for Development' E018 covers Holystone Park and specifically states that this land is for Business use.

Page 48: Economy 5.51 Development Affecting New and Existing Employment Land and Buildings. Item C states that: "Proposals on identified employment land or other buildings in use-class B1, B2 or B8, for uses that could conflict with the development and regeneration of sites for economic development will be permitted where these proposals would not: Item C: have an adverse impact upon the amenity and operation of neighbouring properties or businesses."

I further draw your attention to Page 59 of the LP. Item S3.3 Future Retail Demand. Key sites are identified for retail development over the plan period are: Item 1 Northumberland Park: This site is identified and is currently under construction and is less than 5 minutes walk from Edmund Road. Two minutes further along the road we have a further development at Northumberland Park including Sainsburys, Card Factory, Subway, Herron Foods, a chemist, fish and chip shop and numerous others.

We have a brand new Aldi and a Costa Coffee. Travel towards Palmersville and we have a further Aldi and large-scale ASDA.

There are more than adequate retail outlets in the vicinity of Holystone. It cannot be argued that there is a further need. It is also my view, that this land is probably not suitable for much development as the impact on the residential estate and especially on residents of Edmund Road would be immense. Everything about this site is an after thought – the whole area is currently being developed and thought should have been given to the road infrastructure to support this land at the appropriate time. Surely there should have been some consultation undertaken with Northumberland Estates to ensure this happened?

We have the A19 directly behind us with 5m acoustic fencing and directly in front of us the A191 Holystone Bypass with 3m acoustic fencing. The traffic flow is horrendous and even with the Bypass upgraded considerably recently it still struggles to cope with the flow of traffic. How much more pressure when Murton Gap and Killingworth Moor are developed?

I draw your attention to the meaning of 'Road Bypass' as described in the Collins English Dictionary – A bypass is a main road which takes traffic around the edge of a town rather than through its centres. The whole point of the bypass is to keep traffic away from residential areas for safety reasons including road safety, noise, pollution, nuisance etc. Why on earth would we encourage transient drivers to leave the bypass and take a detour through our estate and to then leave via one exit point to buy their groceries on the way home when there are so many other local businesses which do not impact on neighbourhoods and are

situated on main roads? This would severely put our children in danger, will increase pollution within our residential street, noise, vibration and generally making our neighbourhood a poorer place to live.

I draw your attention to NTC's Air Quality Annual Report Status Report (ASR) published June 2019.

It advised that NTC has one area of concern for nitrogen dioxide within the borough based on air quality road modelling and that is the A1058 Coast Road. It states "In 2017 DEFRA identified in its UK Air Quality Plan for Tracking Nitrogen Dioxide as NT as one of the Local Authorities with a nitrogen dioxide (NO₂) exceedance."

Edmund Road being sandwiched between the A19 and the A191 Holystone Bypass has to be somewhere on par with this if not exceeding it. Traffic volume on both sides of the estate is vast and will far outweigh in numbers transport using the A1058. We listen to traffic noise all day.

This land is wholly unsuitable for a development of six retail units. Edmund Road is used for all traffic departing from the Premier Inn and the pub and all transport travelling from Palmersville direction as well as an hourly bus service. This in itself should not have been directed through a residential estate as it entails large scale delivery vehicles including food deliveries, laundry etc. Also, guests, customers to the pub, taxis (which are often speeding), contractors and very often trip buses. The road infrastructure for this is wholly not suitable and during the planning stages for Holystone Park and the new Holystone Bypass provision should have been made to direct these businesses away from a residential street. To add to this now six retail units would put this residential street at breaking point. It simply cannot be allowed to happen.

There have been many issues over the last two years since residents moved into their properties with traffic speeding on Edmund Road. Taylor Wimpey, Highways Department, Police etc and Gary Bell, Local Councillor have all been contacted with ongoing issues.

I draw your attention to Page 54 Item 6 Retail and Town Centres. I note that all Retail and Town Centres in North Tyneside have been designed and built as part of a development plan with neighbouring residential areas in mind and not put in situ as an afterthought as there is a bit of land that needs using up. All centres and local centres are accessed by wide road networks which bring traffic in from various directions and also, they disperse in the same manner. All are based on what can be described as main road networks.

Other items of concern are:

- Inadequacy of parking/loading and turning – infrastructure is not adequate;
- Highway safety – volume and speed of traffic;
- Traffic generation – Northumberland Estates will be anticipating a large footfall otherwise the units would not be viable;
- Increased noise and disturbance resulting from use;
- Generated smells from units – we already have a great deal of fatty odours from the Cookhouse and pub;

- Road access – wholly unsuitable with only one exit point on a residential street which would have to support eight businesses;
- Anti-social behaviour – it is widely documented that developments of this nature attract undesirable elements which spill over into the local neighbourhoods with graffiti and crime.

Residents are working closely with the Holystone Action Group. So much traffic has been diverted towards Holystone that there are traffic problems within Holystone itself (Whitley Road) and I believe that consideration is being given to actually closing the road off to make it residents only. To approve this application would make the problems for the residents of Edmund Road even worse.

The residents of Edmund Road thank you for taking this time to read this email and we hope that it gives you a wider perspective of what will be offered by Officers. We live in this community and we want it to be a safe and happy place for our children to grow and thrive.

2.11 44 objections have been received.

- Impact on landscape.
- Loss of privacy.
- Loss of visual amenity.
- Loss of residential amenity.
- Nuisance: disturbance, dust, dirt, fumes, noise.
- Poor traffic/pedestrian safety.
- Traffic congestion.
- Poor unsuitable/vehicular access.
- Will result in visual intrusion.
- Not in accordance with the development plan.
- Inappropriate design.
- Inadequate parking provision.
- Out of keeping with surroundings.
- Neighbourhood has plenty of amenities within walkable distance. There is no need for any more retail park.
- It would be ideal to use that land as a park or kids play area.
- Traffic volumes: Edmund Road already deals with a high volume of traffic with vehicles using the facilities at the Premier Inn, Cookhouse public house and drivers trying to bypass queues on the A191 as well as general access to the estate by residents. I note in the planning application it states “the facility is already located near to a bus stop in the immediate vicinity”. I was assured by Taylor Wimpey and NTC that this bus stop, located on the slip road that runs between the A186 and Edmund Road is temporary. I am very concerned at both the volume of traffic already using the street and the manner in which traffic passes down street, often at high speed with little or no concern for children playing who reside in the dwellings on Edmund Road. This problem is compounded by the fact many of these road users do not reside nearby or are transient in nature using the facilities mentioned and thus have little regard for residents of Edmund Road. The proposed plan is most definitely likely to increase this problem and without modifications to the existing road structure, present an unnecessary risk to my and other families living on Edmund Road. The fact the proposed development uses Edmund Road as its sole exit onto the A186 with entry being granted from both the aforementioned slip road and

Edmund Road is in my view, unacceptable. On a more practical note, I've lost count of how many vehicles I have seen contravene the no entry signs currently located at the Edmund road side of the slip road. I myself on entering the estate via the slip road have often had vehicles approaching me head on, having contravened the no entry signs currently in place on Edmund Road. This problem is likely to increase with the proposed development along with the issue of drivers turning right from the A186 onto the slip road rather than turn around at the Holystone A19 roundabout, an issue which is already a problem. I don't need to state how dangerous this already is for traffic using the A186 or people using the slip road. A compromise would be to make the said slip road two way or "on/off" so to speak from the A186 and close Edmund Road to through traffic entirely at the exit from the small roundabout at the south east corner of the proposed development. Thus, all traffic using the existing and proposed facilities would solely be using the slip road for access and exit as opposed to Edmund Road which would then only be accessed from Francis way. This would appear to be an acceptable compromise in my view and prevent Edmund Road having to deal with increased traffic volumes, increased risk to children playing and families living on the street, which is already at an unacceptable level. The slip road in question would require minimal alterations to facilitate this plan.

-Existing facilities: As a resident of Edmund Road, Holystone and the wider area in general, I would like to point out the following retail facilities are located near to Edmund Road and the surrounding estates. This is by no means an exhaustive list: ASDA Benton - 0.7 miles from Edmund Road, Aldi - 4 x locations - Holystone 0.3 miles (recently developed), Great Lime Road 1.2 miles, Wallsend High Street 2.5 miles, Wallsend Tynemouth Road 2.2 miles, JET Holystone Filling Station - 300yards, Silverlink Retail Park 1.2 miles, Boundary Mills 0.9 miles, Sainsbury's 0.5 miles, Heron 0.5 miles, Northumberland Retail Park 0.5 miles. This is to name but a few, as you are no doubt aware, since Holystone and the surrounding areas development began, there have been several new retail developments in the area. The area is already serviced by ASDA above, there are two industrial estates Wesley Way and North Tyne. Northumberland Retail Park has recently expanded to include a gym, Aldi and a Costa drive thru with a B and M bargains planned. The Pavilion, Holystone, Wheatsheaf and Cookhouse are all licensed premises serving Holystone. In short, the area already has sufficient facilities and does not require any further shops or retail units. In particular to my property and position as a resident of Edmund Road, the proposals at 20ft elevation at the highest point on the west side and 14.5ft on the lowest east side will be sufficient to affect light on my and neighbouring properties as well as lessen the overall value of property due to current views being obstructed from the front of my property and its proximity to it. This is without considering the negative social effects retail units can bring such as ASB, littering and parking issues. I have no doubt noise will also increase as I note there are loading facilities planned. This noise, in addition to noise generated by overall increased traffic flow, the bus service (rarely used), noise coming from the A19 corridor and traffic using the facilities already in place would render Edmund Road a noisier place than it currently is and no doubt at an unacceptable level. Air pollution is likely to increase in line with increased vehicle access and the destruction of a green belt sight the likes of which are less and less common in the area is of particular concern to me as a resident.

-There are many other grounds on which I would be strongly against the erection and creation of retail units in such close proximity to my property. I purchased my

house as a family home and hoped my child would be able to play on Edmund Road. It's becoming increasingly clear this is far too dangerous a prospect due to current traffic issues and the proposals would worsen these issues and render the street a no go area for the children who reside there. I would also be concerned with the increased traffic volumes mentioned earlier and the issues this may causing me entering and exiting my drive onto Edmund Road.

-If the road structure could be modified, it may be acceptable. In the current form I would strongly oppose the development.

-Cause disruptive behaviour.

-Huge eyesore for people living in their new homes.

-I don't want to be sat in my garden listening to people driving in and out or kids shouting there.

-Increase the chance of people breaking into property.

-The land would look better left green, especially in view of the Rising Sun Country Park.

-The roads don't have a safe crossing point. Traffic will be directed through residential streets, a park is due to be set on an area by a road so with the added traffic this is a recipe for disaster.

-Can the land not be used as a community space? All the green land has been removed already, children need a safe space to play.

-My absolute main concern is that we already have a hotel, pub and restaurant at the top of Edmund Road. All traffic exiting these facilities have to leave via Edmund Road. Edmund Road is a residential street and the volume of traffic already is substantial with guests, customers, delivery wagons, taxis etc. On top of this we have a bus running down Edmund Road from 6.30am until 11.30pm in the evening. To now propose an additional six retail units which will increase the volume of traffic dramatically is absolutely ridiculous and not acceptable. The submitted plans by Northumberland Estates should have included a new road structure which took all traffic away from the estate without accessing Edmund Road at all. You cannot seriously be contemplating that a development of this nature plus the existence of the already thriving hotel, restaurant and pub can simply be serviced by one residential street?

-We already have a great deal of problems on this street with speeding traffic etc especially from delivery vehicles to the hotel, traffic speeding round off the bypass and using the street as a short cut to miss queuing traffic and the Holystone roundabout. I have already due to these problems enlisted the support of local councillors, have been in contact with local police, Highways Department, Planning Department etc. To increase this further is unacceptable.

-I would also like to know what types of retail units are proposed. I have paid a great deal of money for my new home and know that developments of this nature drastically increase episodes of anti-social behavior, with youths congregating in the evenings, littering etc. Late night/early morning deliveries loading and unloading on a residential street. Not acceptable.

-This proposed development concerns me greatly with regards to residents safety and enjoyment of their homes. It is also absolutely disgusting that every single bit of green belt land is to be fully developed. This new proposed development is simple greed on behalf of Northumberland Estates.

-The Council cannot seriously consider the introduction of a further six retail units at the top of Edmund Road with simply one exit point of Edmund Road.

-We also have problems with joy riders coming off the A191 and using the street to race down. There have been many instances with regards to speeding. On top

of this we had the introduction of a temporary bus service some 18 months ago which runs from 06:30 to 23:30.

-This site has never been designated for retail use. It is designated for employment use. This covers offices, light industry, research and development and storage and distributions and falls under class B1, B2 and B8. I note the council does have the power to change the use of the land if it can be argued that there is a necessity for its use to be changed. However, in my opinion, in this instance this is not the case to argue for the change to retail as we have a vast amount of retail outlets in the local vicinity.

-The designation of status for this land was prior to the construction of the new Holystone Park Estate which commenced approximately 3 years ago. Even designated for the use of employment, Edmund Road would have been unsuitable because the intention for this land was in place long before the decision was made to construct a housing estate. Unfortunately, now, the two clash as one cannot support the other.

-If this land was to be developed a new road infrastructure should have been included as part of the new Holystone Bypass planning to ensure the traffic could access the site and leave the site without having to impact on residential streets. Forward planning by both Northumberland Estates and North Tyneside Council has not been implemented on this occasion and it makes development of this site unworkable.

-It seems to have evaded Northumberland Estates to mention that all traffic exiting the retail park will have to depart on the residential street of Edmund Road. The current infrastructure is totally inadequate to the support the addition of this facility.

-Access to the new proposed facility will come directly off the newly created Holystone bypass where speed is 40mph (but more often than not much faster). The turn into Holystone Park is very sharp and the proposed entrance to the new units is a very short distance from the entry point. I can see no mention by Northumberland Estates regarding the impact to the safety and well-being of residents on Edmund Road. There have already been a number of incidents on this street. I have written to the developer when a number of residents witnessed one of their employees almost being killed by a car speeding from the hotel. Following this event and a culmination of other issues my neighbour contacted a Councillor on behalf of residents of Edmund Road to seek help and assistance for the introduction of traffic calming measures. 20mph traffic calming and speed humps are to be introduced. Over the last two years I have called on the Planning Department, Highways Authority and Police due to traffic problems.

-This planning application has been in the pipeline for the last two years so why was there no communication between Northumberland Estates and the Council at this time? This was simply because Northumberland Estates would hope to push through this development at a later date without a monetary outlay with regards to road infrastructure.

-We have had to put up with the site compound at the top of Edmund Road for twelve months only last year and it was hell for residents at the time with JCB, vans running up and down the street all day. So even 12 months ago consideration could have been given for alterations to the roads.

-Northumberland Estates statement: "It is concluded that the proposed development meets all safety and planning policy regulations and will not impact on the highway network as such and there are no transport/highway reasons for refusal of this planning application."

-Disagree that there are no impacts on highway safety: hotel has doubled in size over the last three years and wants to extend further; pub/restaurant; all services, suppliers, taxis, guests and customers, a bus service, Edmund Road is used as a through road to the 440 houses (when finished) on the estate as a short cut. The proposed units will exacerbate this. Now you propose: the addition of six retail units which will have to be completely serviced by Edmund Road along with all customers and HGV service vehicles for 16 hours a day, seven days per week and there are no concerns with regards to highway safety.

-Prior to purchasing my property, I contacted the developer and checked with my solicitor with regards to bus access on the street. I was advised that this would definitely not happen. Roll on 6 months and we have a bus – but advised by North Tyneside only temporary until Francis Way is completed and the set route can be implemented.

-How can traffic movements be forecast if they do not know the end user?

-I noted with amusement Northumberland Estates forecast of Vehicular Trip Generation. As they are totally unaware of who will take these units at this point there is no way that they can forecast this unless they have a crystal ball. I note from the application that there will be 44 car parking spaces available. This seems to be inadequate for six units and I can bet my bottom dollar that overflow of cars will be parked on Edmund Road. Not only will this increase static traffic substantially but where will staff park their cars? I can guarantee in visitor parking bays on the local residential street of Edmund Road.

-Application, 15/00945/FUL, stipulated at Point 16 on the grant of planning permission for the well-being of residents the point of noise pollution from traffic. We have the A19 behind us and the A191 directly in front of us. To look out my window I see 3m acoustic fencing parallel to the A191 and 5m acoustic fencing parallel to the A19. This in North Tyneside's own words is "to protect properties and their gardens from noise pollution having regard to Policy E3 of the North Tyneside Unitary Development Plan and is in line with The World Health Organisation Community Noise Level of 55dB". In hindsight I would never have bought a property in this location. We have constant noise from both of these major roads. Now the proposal is to encourage these cars to not bypass the estate but to come into the estate and then exit by the only way possible Edmund Road.

-It is intended that all deliveries will be staggered and that the premises will be able to be open from 06:00 until 22:00 daily including Sunday trading. The application talks about noise and disturbance to the hotel but makes no mention to the homes which are equally, if not closer to the proposed development. What about these? Also, the proposed staggered off-peak deliveries. As we all know outlets often take deliveries late at night. What about the well-being and comfort of residents in their own homes. Why should we have to endure living what will essentially be in the middle of a retail park.

-What is proposed will greatly increase noise pollution. I would like to make a request that Air Quality Levels are reviewed on Edmund Road. Not only additional pollution from cars but also as residents we have considerable amount of smells from the hotel already. This will increase with the introduction of further food outlets.

-We encounter vibration in our homes from large vehicles. This will be compounded even more with large HGV delivery vehicles to the retail units on a daily basis.

-14m HGV's will need to access the units – how are these vehicles to access and depart? Retail units require dedicated service roads – there is no such facility being proposed or available at this site. Where in North Tyneside or any surrounding area do you see a retail park which is completely serviced by a residential street? What is proposed as the delivery point and turning point for HGV's is in fact the access road into the hotel and bar/restaurant. There is not sufficient room for the addition of a footpath for pedestrians walking up to the hotel or restaurant. What happens when more than one HGV wishes to deliver at the same time – only one thing can happen and that they will have to park up Edmund Road – there is simply nowhere else for them to be static. This contravenes by laws for public safety and for cars accessing from other side roads.

-We will have an element of youths hanging round. This results in graffiti, increased volumes of litter and also crime in the local vicinity and surrounding streets with the increase in car crime etc. I am not guessing at this, but this is a known fact.

-There is no facility whilst constructing this site to move earth, deliveries, heavy goods etc other than entry and exit on Edmund Road.

-Prior to this estate being built a road system should have been established to take traffic for the hotel. We live with the hotel because we know it was here before use. But for the additional of a retail park – no.

-This development would take away all enjoyment of residents who have paid a great deal of money for their homes on Edmund Road. We bought homes believing our children could play out and be safe and secure in that knowledge. Every single bit of green land has been consumed by greedy developers with absolutely no regard for the residents who live in this area.

-Difficulty in crossing dual carriageway A191 due to lack of toucan crossing points and excessive speed limit of 40mph.

-There is only one location marked for cycle parking and this is too far from some of the units. Cycle parking needs to be outside all units or at least at both ends and in the middle of them. Cycle parking also needs to be covered, especially if it is meant for staff working there as well as for visitors.

-I support the development of shops on this land, but I would be more in favour if it included a GP, a dentist, 1-2 independent shops/cafes, a fenced children's play area, better pedestrian crossings, better infrastructure to support the increased traffic, and noise reduction measures for the residents living directly opposite the developed land due to the increased traffic.

-The current infrastructure of Edmund Road already receives a lot of negative criticism as it is from the local residents: lack of decent tarmacked roads and footpaths, lack of adequate and appropriately places dropped kerbing, lack of speed restrictions, lack of green space, lack of places for children to play.

-If developed the council must address the existing infrastructure: block off the exit to Edmund Road from the mini roundabout, making the one-way slip road into a two way system and the only access to the Premier Inn, Cookhouse Pub and the developed land. All traffic would remain in that developed area instead of being forced to exit through the residential area. Limit parking on Edmund Road to residents only. Put up acoustic fencing/wall for all the houses facing directly onto the development.

-I would propose that Edmund Road is made a cul-de-sac at the current roundabout and the traffic enters and exits via the new slip road entrance to Edmund Road. This would mean that all new traffic and existing pub/hotel traffic

could access the new and existing site and the residents would benefit from even less traffic as the hotel and pub traffic would no longer come through the estate. This could be achieved by adding traffic lights and a filter lane to the Holystone bypass to allow traffic to enter and exit. Alternatively, the new retail park could be accessed directly from the Holystone bypass again using traffic lights. I have no objection to the retail park in principle, it will bring jobs and help the local economy. But I am strongly against the current access and exit proposal.

-This piece of land is better served as a children park and play area as the children in our estate, including our own, have nowhere safe to play.

-When we purchased our house, we were told there were plans for a park to be built at the front of the estate on the Bellway side (right hand side as you come into the estate) but currently just a mound of soil.

-As it stands, our school run walk to Holystone Primary can be a bit of a lottery trying to cross Holystone Way. I don't understand why the council did not put another pedestrian crossing from the Cookhouse Pub straight across Holystone Way, rather than the current design where we have to cross from the Cookhouse Pub, over the A19 slip road, then to the central roundabout, to cross back over to Holystone Way to reach Whitley Road and to Holystone Primary.

-Finally, I am concerned about any potential littering if permission is granted to takeaways.

-Air pollution can be defined as dirty air which damages human health, plant and animal life or property. The World Health Organisation defines air pollution as "substances put into the air by the activity of mankind into concentration sufficient to cause harmful effects to health, property, crop yield or to interfere with the enjoyment of property." The increase in traffic on Edmund Road will seriously interfere with the enjoyment of our property as well as that of our neighbours due to increase in Air Pollution and impact on human health. North Tyneside Council states: 'Everyone has a right to clean air'. At a time when the world is focusing on improved air quality pollution noise etc. This planning application if passed by the council will increase all of these in a concentrated residential No Through Road named Edmund Road. The residents of Edmund Road will have their right to clean air taken away. Local authorities in the UK have a responsibility to reduce environmental issues.

-North Tyneside Council says: 'GoSmarter plays its part in helping us to create healthy, low traffic neighbourhoods around homes, shops and schools across North Tyneside.' If this Planning Application is approved we will live in an unhealthy, high traffic neighbourhood.

-North Tyneside Council say: 'In the North Tyneside Transport Strategy we set out our aims to support health, fitness and mental wellbeing through promoting active travel, improve environmental sustainability and local air quality, and improve safety for all road users while increasing cycling and walking.' If this Planning Application is passed Road Safety & Air Quality will be compromised for residents

-The report below appears to be the latest from North Tyneside Council and appears on their website:

North Tyneside Council

2017 Air Quality Annual Status Report (ASR)

In fulfilment of Part IV of the Environment Act 1995

Local Air Quality Management

Date (June, 2017)

-The main pollutants of concern within the borough of North Tyneside are nitrogen dioxide and particulate matter which are principally traffic related emissions. North Tyneside continues to engage with the public and in decision making. The air quality strategy being developed will highlight air quality in decision making for all new developments and is incorporated into the Local plan. If this Planning Application is passed residents of Edmund Road will be exposed to increased nitrogen dioxide and particulate matter not only with an increase in cars but a significant increase in the number of diesel service vehicles.

-The Council promotes public participation to create an ethos that everyone can do their bit to improve air quality. I hope that by these objections and rejections of the Planning Application we as residents of Edmund Road are doing our bit to improve air quality.

-Cllr Carl Johnson cabinet member for transport and environment NTC says "as a council we are committed to creating clean, green, safe and sustainable environments.....not having cars clustered around school gates makes for a better local environment and helps improve air quality for everyone."

"We are a listening council and we know safety on our roads is one of residents' top priorities -it's one of ours too".

-I would only support it if there will be better infrastructure along Edmund road. For example, to block off the top of Edmund road. Then use entrance/exit from the slip road by the planned site. Also, to build an acoustic fence in front of the houses that are currently facing the planned site and also along the bypass.

-Even employment/industrial is not really required as there are numerous units empty locally.

-I use the restaurant next to this site and find crossing the road to get there is impossible – we have to go into the centre of the roundabout cross over the A19, cross the slip road to get on the correct side of the road (3 roads crossed) where it used to just take one crossing before the by-pass was "upgraded". People trying to get to this site will take chances to cross the bypass – this is unsafe as it is.

-Does no-one ask residents what they want? It's all about consulting everyone except the people actually impacted by the development. We don't care what the draft plan said – this is not necessarily what people want – it's what the council wants to impose on us.

-The units will not be self-contained. They suggest up to 55 employees and allow 40 'free' car parking spaces with four more in certain circumstances. If the units were fully occupied there would be a spill over of parking in residential areas nearby.

-Plans show very little allowance for loading areas which could be a problem. The delivery vehicles manoeuvring in and out could also be a safety issue.

-The developers comment about parents being able to pick up a newspaper or pint of milk on way to the local school is negated by the fact that there is a shop in the garage next door to the school where these items and many others can be bought.

-How would council committee members feel if this development was planned on your doorstep?

-The need for a taxi rank is unfathomable, with 50 car parking spaces plus a local bus service it is unclear why there needs to be this level of street traffic at all. Other local shopping areas such as Forest Hall does not have a taxi rank.

-This land is not designated for retail but business use. Northumberland Estates cannot on a whim suddenly decide to change its use to suit their own ends. They

had the opportunity to request that the lands designation be changed during the Local Plan consultation but they did not. Prior to purchasing my property my solicitor would have advised that this proposal for retail use was in place. As it the case with all my neighbours we would not have purchased this house in this location.

-Page 48 of the Local Plan clearly states that development affecting employment land will only be permitted where it does not have an adverse impact upon the amenity of neighbouring properties.

-Moving the departure point to the entry point for the hotel creates a bottleneck for accidents.

-Would the Duke of Northumberland like this development in front of his castle? Well neither do I for this is my castle which I have worked 50 years for.

- I would like to draw your attention to an inclusion in the original submission by Bradley Hall on Environmental and Amenity Impact on behalf of Northumberland Estates with regards to the viability of selling this piece of land.

“There is significant residential development in close proximity to the site which will be seen as a negative by many occupiers as it could, in some circumstances, limit hours of operation for a business or restrict business activity based on noise, smell or traffic concerns”. So, if these concerns were raised by Bradley Hall with regards to possible sale of the land how does Northumberland Estates think it would be a good idea to create a Retail Park which would present major problems for residents in all of these areas if not more? The fact is that this piece of land has been up for sale for the last 10 years with no interest. Surely during this time consideration should have been made to the highway layout to support any future business use as the land at Scaffold Hill had been sold for housing development.

- Another submission in the original proposal presented by Pegasus Group on behalf of Northumberland Estates states with regards to pedestrians from Holystone accessing shops at Northumberland Park:

“The site is located east of the A19 and is so not ideally located to serve the residents to the west of the A19 with local retail facilities which are capable of being accessed by foot. We consider that whilst there are crossing facilities the busy road network in this area does present a notable barrier for those living west of the A19 to access Northumberland Park District Centre.” So, what is this? A local facility for local residents of Holystone? No, because it has already been highlighted by Pegasus Group that this road network is dangerous on foot. So, this is a lie by Northumberland Estates. Pegasus Group are entirely correct on this point as the bypass is very dangerous to cross due to volume of traffic and speed of traffic.

-Northumberland Estates recently responded in the Chronicle to residents' objections and concerns with regards to this proposal and advised that this development is a local facility for local people where they can get a pint of milk and bread on their way back from the school run. If this was the case, we would need one small shop – which we already have next to the school where these items can be bought. If this was the truth this development would simply not be viable – no in their submission to North Tyneside Council they boast of the creation of up to 55 jobs. A local facility to buy a pint of milk and loaf of bread or paper does not require: HGVs to be staggered – how will this actually be enforced and who will enforce it? Service hours limited – this would obviously push deliveries to outside of peak hours – meaning more misery for local residents. Turning engine off – this point is beggars' belief – if an engine needs to

be turned off the proposed site is simply too close to residential properties. Again, who will police this? Traffic Marshalls and Banksmen – For a local facility? If these are requirements for this site there is simply no place for it here – the whole thing is a hair brained, knee jerking reaction scheme by a company who is having problems selling on a piece of land.

-This development is specifically designed to draw transient drivers off the dual carriageway into a housing estate to collect groceries on their way home on their busy commute. This type of customer has no respect or regard for the local area. Rush in and rush out to join the hoards speeding elsewhere on the dual carriageway. The letter of support submitted supports my point.

-Planning and Retail Statement: Proposals themselves seek to locate the car park away from the hotel and public house/restaurant and so disturbances from cars arriving and leaving from the development is minimized. It is therefore considered that the proposed development would not impinge or unduly undermine the amenity of these buildings. What about the residential homes that are situated right on the entry or those overlooking the units? Residential homes are much closer in proximity than the hotel but Northumberland Estates seem to be ignoring this fact. One of the homes that will be overlooking this are so worried about the impact that they have already put their home on the market. This is a disgusting state of affairs and shows contempt and a total lack of consideration by Northumberland Estates for the residents of Edmund Road. Pegasus Group in reference to Northumberland Park Retail facilities states that this is a 5-minute walk. That is the case and we have more than adequate retail facilities in the area. How much retail does one area need? No one wants this development and that is highlighted completely by the lack of support shown on North Tyneside Planning website.

-Air Quality: North Tyneside Council states that it is working towards reducing CO² emissions and is already an authority which has been highlighted with excessive CO² emissions. This being the case, why would they possibly consider this hair brained idea of encouraging traffic to leave the bypass to enter a residential estate – entry to Holystone Park from the roundabout is sharp and there is a need to slow right down to maneuver the junction to then be immediately be greeted with another sharp turn into a retail park. This is a no goer and traffic will in essence back up onto the bypass at busy times as cars wait to access the facility. Anyone coming into the estate will also be straight up the back of any cars which are stationary on the entry road also.

This road is simply too short and the turn is too sharp – this road should have been altered during the construction of the bypass and should have been made into a slip road. Also, best will in the world traffic cross the dual carriageway now to enter the hotel – this will increase considerably if there were the temptation of retail units there.

Why has there been no submission of plans which takes into account the possibility of altering the road network thereby pedestrianizing Edmund Road and returning all traffic directly to the bypass from the retail area? Because in my view, this is the only way that there is any possibility that this site could be now developed.

More cars mean more risks especially in relation to speed. The same is true for volume of traffic. Higher volumes, like higher speed are associated with higher injury risk. Volumes of traffic are correlated with local noise and pollution.

Research by the University of West of England – transient vehicles are damaging for residents. Streets become noisier, more populated, harder to cross and less

pleasant environments. A major threat to quality of life is high volumes of motor traffic associated with a wide range of mental and physical health detriments arising from air and noise pollution.

Air Quality Strategy: will highlight air quality in decision making for all new developments and must be considered as part of the Local Plan. This being the case this development should be totally rejected. I have spoken to every resident now on Edmund Road and everyone has stated that under no circumstances would they have ever considered buying a house here if they thought for one minute that there would be a possibility that a retail park could be built and totally serviced by our street.

-Noise Generation: Black's Law Dictionary states "noise nuisance" that which annoys and disturbs one in possession of his property, rendering its ordinary use and occupancy physically uncomfortable to him". The suggested level of motor vehicles is 30 dB but no more than 50 dB or this can be enforceably challenged. Noise level is already great. A number of residents are reporting that with all doors and windows closed that traffic noise is a constant nuisance from both the A191 and A19. This cannot be increased by encouraging more traffic to come into the estate.

NPPF Paragraph 180: all developments should be appropriate to location taking into account factors such as noise impact which would give rise to significant adverse impact on health and quality of life.

-NPPF on Pedestrian Safety, Paragraph 109 states that developments should be refused on highway grounds if there would be an unacceptable impact on highway safety – increasing a high volume of traffic down Edmund Road as this is the only exit point for all traffic would be totally unacceptable.

-This in itself is totally irrelevant as this is a residential street and we want it to remain so.

-Data generation for the junction of Edmund Road and Francis Way was undertaken mid-week on a Wednesday. We actually spoke to the person who was doing it. Run this data on a Friday, Saturday, Sunday or Monday and a completely different pattern would be read. Likewise, run it during the spring and summer months when occupancy of the hotel is greater. The time was very carefully planned. As for the speed indicators listed – these are total rubbish. We have constant problems with speeding on Edmund Road especially from service vehicles for the businesses and also problems with speeding cars and buses. Taxis and traffic simply passing through also are prone to high speeds. However, much you generate and try to manipulate data we do not want to become a service road, nor do we want even more traffic. Houses are still being built here and traffic will increase naturally through increased residency in times. Generation of numbers using retail park are also rubbish – Northumberland Estates cannot at this point advise of who will be occupying these units nor the nature of the business. They want the ability to sub divide and amalgamate as suit needs – this means that anything is possible. Also, the bypass will continue to attract increased levels of traffic and housing developments at Murton Gap and Killingworth Moor commence and establish. Also, housing continues to thrive at Backworth and large organisations such as Sage are establishing now at Cobalt. However, one thing that Northumberland Estates can predict is that this facility will attract a large vehicular movement as this site is in a prime location to draw transient drivers off the dual carriageway. Compound this with the hotel and pub restaurant.

-Parking Facilities: Simply look at other retail facilities in North Tyneside and we immediately know that parking is totally inadequate. There are simply not enough parking spaces available. The possibility of 55 employees – say half of these are employed at any one time – how many of these spaces will immediately be taken up with employee vehicles? That leaves very few spaces for customer parking – and we don't know what businesses will be taking them so really no one is fully aware of what will be required – but I do know that there simply won't be enough – this then means a spill over into the local streets. I looked at Costa Coffee at the new Northumberland Retail Park and they alone have approximately 100 spaces likewise with Toby Carvery – so how are 6 retail units going to manage with 40? The car park at the new Northumberland Park facility is vast – at the moment for two businesses the new ALDI and B & M and the massive car park is full to capacity. Likewise, travel along the road for a couple of minutes Northumberland Retail Park and the large car parking facility there often struggles to cope with car volume.

-Revised Plan: Where do you have a retail park without a dedicated service area? The whole thing is going from bad to worse. HGVs will be delivering front of store where pedestrians will be. The fact that it is stated that deliveries will be made outside peak hours compounds even further the disruption for Edmund Road residents who would overlook the facility. The slip road from the bypass into the actual retail park does not have the road distance to be safe. Immediately leaving the bypass cars will have to immediately navigate the entrance to the facility. Any hold up or stationary cars will be a problem as cars will back up on the bypass. The roads are simply not suitable for the volume of traffic which will be attracted to the site. I would have thought that this would have already been highlighted by the Highways Department.

-Transport Plan: Highlights service bus running on Edmund Road – currently we have 36 buses per day running from 6.30am until 11.30pm. This will cease once Francis Way is fully open.

-Improved Road Network: The simply answer to development of this land has to be in the improvement of the road network. If a scheme such as this would ever be acceptable to residents traffic accessing retail businesses need to come in off the bypass and reenter the bypass with Edmund Road being pedestrianized at the top and consideration being given to residents who currently overlook the site with trees and screening.

-Northumberland Estates talk about this facility being a betterment for the locality – how can this be the case with increased volumes of traffic, noise, vibration, fumes, speeding traffic, volume of traffic, increased litter, possible anti-social behavior etc.

-I draw your attention to two new local housing estates in the area – Gosforth Park where the retail facility of Miller and Carter is placed at the entrance to the estate and likewise the Pavillion at Heritage Green. Housing Estates are not built around business, but business needs to be sympathetically placed so as not to impact on residential estates.

-Our local councillors and Mary Glendon, MP also support the fact that this is simply not a required development and will have an adverse impact on the neighbourhood.

-I reside on Edmund Road and all the points I raised in my last objection are still relevant to this proposal. The minor change to direction of traffic inside the development would be of small comfort to the residents living opposite.

-Edmund Road will be used am and pm by diesel fueled LGVs servicing the units and no doubt, times in between depending on which businesses occupy the units. As well as diverting several hundred motorists per week off the bypass and into our estate with the sole exit route being back down Edmund Road.

-Edmund Road comprises of 3, 4- and 5-bedroom homes with young families in many. All residents have grave concerns about the volume, type and speed of vehicles which will use this development. Similar developments in North Tyneside are all built on main roads with a dedicated service road with access and egress not through a housing estate.

-The entrance and exit to the proposed development is directly opposite the entrance/exit to the hotel/bar potentially creating a bottleneck at busier times.

-The no entry signs to the North end of Edmund Road are ignored on a daily basis with vehicles turning right onto the bypass. Vehicles travelling from the Palmersville end ignore the Premier Inn advisory signs indicating to go round the roundabout and turn right off the bypass and into the hotel. The lack of a no-right turn sign here makes the problem worse. Residents are of the opinion that if the development goes ahead a mini-accident black spot will be created at this junction.

-The proposed development states the creation of 55 staff jobs and 46 car parking spaces with 4 in special circumstances – where will the staff park? Residents of Edmund Road believe the overflow from this development will park at the North end of Edmund Road and use the mini roundabout to U-Turn rather than parking in the development, thus creating another bottleneck.

-I will also be looking at my legal paperwork to check what covenants are in place reference parking on Edmund Road.

-It is my opinion that the current road layout is totally unsuitable for a development of this size and Northumberland Estates should liaise with the Highways Department with a view to creating a dedicated access road and filter/slip road for the hotel. This would be a better use of the land and would benefit residents and the busy hotel/bar which is no doubt a leasehold property built on Northumberland Estate's land.

-Where do you see a Retail Park that is serviced by only one residential road? There is no such facility in North Tyneside and probably never will be.

-If this goes ahead without a new road structure being put in place which has absolutely no impact on Edmund Road or Holystone Park it will be a disgrace. Because the whole estate is going to be impacted by the increase in traffic. Not only cars, but wagons and HGVs all hours of the day and night. We already have major problems within the estate with speeding traffic etc. This will put even more pressure onto this. I know there have been many complaints to the various Council departments including Police and Taylor Wimpey.

-Edmund Road needs to be made a cul-de-sac and blocked off at the top. Then, any development will stand independent and will not impact on residents safety and enjoyment of their homes and surroundings.

-Residents on Edmund Road are already sandwiched between the A19 and the A191 which are major roads. Since the upgrade to the A191 Holystone Bypass traffic volumes have increased tenfold.

-I notice that Environmental Health have been involved in the process in a number of areas but nothing seems to be mentioned with regards to the traffic that is actually going to travel along Edmund Road and Francis Way to rejoin the bypass. This area continues to develop – the estate is way from being completed yet. Traffic will continue to increase in the area once the developments at

Killingworth Moor and Murton Gap commence. As you are fully aware, we are tightly sandwiched between both the A191 Holystone Way Bypass and the A19 which are two of the most major road networks in the borough. We do not know what businesses will be taking the new units which means that we cannot know the full extent of the traffic which will pass through the estate. However, there seems to be no Environmental Health involvement in actually looking at the current levels of Nitrogen Dioxide or Noise Levels on these streets. These points seem to have been totally overlooked during your consultation process. North Tyneside Council are supposed to be fully committed to the reduction of CO² emissions in the borough. We already suffer with the noise of traffic from both major road networks. To bring a large volume of traffic now through the estate I believe will exceed World Health Organisation Guidelines with regards to decibels what residents should endure.

-We seem to only be able to see comments from certain consultees and notice that there is nothing on the public platform with regards to Planning Policy – is this because everything that is being proposed goes against what has been passed by the Government Inspector and agreed by Council?

3.0 External Consultees

3.1 Holystone Action Group

3.2 Two letters from HAG have been received and are amalgamated below.

3.3 This piece of land was designated for Employment Use but this proposed development is for Retail. It does not therefore accord with the Local Plan. The Local Plan was developed over many years and re-written after 2013. There was significant consultation with residents, businesses and land owners across North Tyneside prior to the Local Plan being submitted to the Government Inspector for approval. We understand that at no point in those consultations was there any consideration of the use of this land being altered. Therefore, the Government Inspector approved the Local Plan with this land in its designated form, not for Retail. The Local Plan is designed to inform development for fifteen years, the vast majority of which remain. For these reasons alone, this application should be refused.

3.4 The intended use as indicated within the Local Plan would be most likely to attract few vehicular movements outside of peak hours. Retail would be attracting vehicular movements throughout the day and evenings, too. Retail, to be viable, must attract significant footfall and – due to the nature and location of this proposed development – most of this footfall would be by people in their cars. The residents of Holystone village would be unlikely to access this proposed development on foot as there are no crossing points on this four-lane section of Holystone by-pass; there is not even a central reservation. It must be considered therefore that only residents who live adjacent to the proposed development, along with any guests staying at the Premier Inn, would access this proposed development on foot and all other footfall would be by car.

3.5 Vehicular access to this proposed development has to be through the Holystone Park estate and exit from the proposed development would particularly – and due to the single exit route - pose a real danger to children who may be playing out. It must be anticipated that there would be a significant footfall and thus a significant number of vehicular movements, for without significant footfall, the proposed development would not be viable. Indeed, in the revised

application, the developers are proposing an increase in parking spaces of 14% which clearly indicates they underestimated the amount of spaces needed and thus traffic footfall anticipated in their original application.

3.6 Service vehicles would also have to enter and exit via the same estate, posing an even greater risk to children out playing.

3.7 Added vehicular movements would increase air pollution in a housing estate, and in particular nitrous oxide from diesel vehicles, with all the service vehicles being of that type. The nitrous oxide emissions would pose an increased risk to health, especially of younger and elderly people. Increasing air pollution is contrary to Council Policy.

3.8 The proposed opening hours and type of development proposed would be highly likely to attract anti-social behaviour, both in terms of people hanging around but also with an extreme likelihood of increased litter. The by-pass is already blighted by litter thrown from cars, especially with reference to takeaway food and this development would increase that, including creating a litter issue in the Holystone Park estate's access roads.

3.9 Holystone Interchange is already at – or at times, beyond – vehicular capacity. Holystone by-pass is already dangerous for pedestrians wishing to cross, even where there are crossing points, none of which are adjacent to this proposed development. Current design of the Holystone by-pass was put in place to cater for the existing developments and also those coming on stream at Backworth, Shiremoor, Scaffold Hill, Station Road North (Wallsend) and the new retail units being built on the other side of Holystone Interchange. The proposed development would significantly add to the traffic on both Holystone Interchange and Holystone By-Pass, putting vehicle occupants at further risk on the Interchange and pedestrians significantly further at risk when crossing the By-Pass.

3.10 The developers correctly point out that there is a bus which stops outside the proposed development. However, what they do not state is that this bus service is temporarily funded through s.106 funding from the Holystone Park housing estate and is unlikely to continue beyond the expiration of that funding. Further, they do not point out that this bus will be routed away from the proposed development once the Holystone Park development is completed, so to include this information in their Traffic Statement is misleading.

3.11 For the Traffic Statement presented by the developers to suggest 'No Impact' is fanciful as there has to be significant footfall to make this proposed development viable. The traffic survey conducted with regards to traffic speed is clearly as it is now and therefore will bear no resemblance to how it would be if this proposed development is permitted – the statement is therefore misleading when it states 'No Impact' on Road Safety. Appendix Four of the Traffic Statement shows a 2km and 5km distance ring, which clearly indicates the developers are anticipating customers would come from distance, inevitably by car and this belies their assertion that this development is for local people.

3.12 The service area for the proposed development does not provide sufficient space for the service vehicles to park and turn safely, they would have to manoeuvre on the highway, blocking it and thus stopping vehicular access to/from the northern entrance/exit of the site and also for vehicles wishing to gain access/exit from the Premier Inn. Any obstruction to the highway is unacceptable, as is any obstruction to the view of vehicles entering/exiting the Premier Inn or the proposed development.

3.13 The proposed opening hours and type of development proposed would be highly likely to attract anti-social behaviour, both in terms of people hanging around but also with an extreme likelihood of increased litter. The by-pass is already blighted by litter thrown from cars, especially with reference to takeaway food and this development would increase that, including creating a litter issue in the Holystone Park estate's access roads.

3.14 For all the reasons outlined in this document, this Application should be refused.

3.15 The Coal Authority

3.16 The application site falls within the defined Development High Risk Area; therefore, within the application site and surrounding area there are coal mining features and hazards which need to be considered in relation to the determination of this planning application.

3.17 The Coal Authority records indicate that part of the site is likely to have been subject to historic unrecorded underground coal mining at shallow depth associated with a thick coal seam outcrop.

3.18 The applicant has submitted a Coal Mining Risk Assessment Report (July 2019, prepared by DBS Environmental Ltd). On the basis that the report is able to discount any risks posed to ground stability, but confirms that a programme of ground gas monitoring will be required to be able to inform the most appropriate mitigation. The Coal Authority has no objections subject to the imposition of an appropriate condition.

3.19 The following statement provides the justification why the Coal Authority considers that a pre-commencement condition is required in this instance:

3.20 The undertaking of intrusive site investigations, prior to the commencement of development, is considered to be necessary to ensure that adequate information pertaining to ground conditions and coal mining legacy is available to enable appropriate remedial and mitigatory measures to be identified and carried out before building works commence on site. This is in order to ensure the safety and stability of the development, in accordance with paragraphs 178 and 179 of the National Planning Policy Framework.

3.21 The Coal Authority concurs with the recommendations included in the Coal Mining Risk Assessment Report (July 2019, prepared by DBS Environmental Ltd); that coal mining legacy potentially poses a risk to the proposed development and that ground gas monitoring should be undertaken prior to development in order to establish the exact situation regarding this issue.

3.22 The Coal Authority recommends that the LPA impose a planning condition should planning permission be granted for the proposed development requiring the further ground monitoring prior to commencement of development.

3.23 In the event that the further monitoring confirms the need for mitigation/remedial works, which could include designing the foundations of the buildings to minimise risk, such as raft foundations incorporating gas protection or proofing measures, this should also be conditioned to ensure that any remedial works identified by the monitoring are undertaken prior to commencement of the development or are integral to it.

3.24 A condition should therefore require prior to the commencement of development:

- The undertaking of an appropriate scheme of ground gas monitoring;
- The submission of a report of findings arising from the ground gas monitoring;
- The submission of a scheme of mitigation/remedial works for approval; and
- Implementation of those remedial works/mitigation.

3.25 The Coal Authority therefore has no objection to the proposed development subject to the imposition of a condition or conditions to secure the above.

3.26 Newcastle International Airport Limited (NIAL)

3.27 I can confirm that NIAL have no objection to this application.