

Application No: 21/01510/FUL Author: Maxine Ingram
Date valid: 18 June 2021 ☎: 0191 643 6322
Target decision date: 13 August 2021 Ward: Killingworth

Application type: full planning application

Location: Unit 14, Wesley Way, Benton Square Industrial Estate, Benton, NEWCASTLE UPON TYNE

Proposal: Variation of conditions 1 (approved plans), 10 (holding area) and 11 (height limit) of planning approval 10/00552/FUL - to permit the display of goods externally

Applicant: Joseph Parr (Tyne & Wear) Ltd, Wesley Way Benton Square Industrial Estate Benton NE12 9TA

Agent: Mario Minchella Architects, Mr Mario Minchella Unit 4 Witney Way Hi-Tech Village Boldon Business Park Boldon NE35 9PE

RECOMMENDATION: Application Refused

INFORMATION

1.0 Summary Of Key Issues & Conclusions

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

- The impact on amenity (visual and residential); and,
- Other issues.

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

2.0 Description of the Site

2.1 The application site consists of an operational industrial unit located within Benton Square Industrial Estate. It is sited on a corner plot at the junction of Wesley Way and Wesley Drive and the junction of Wesley Way and Wesley Drive. The site slopes away from the adjacent highway, Whitley Road. The site is enclosed by mesh fencing.

2.2 Mature trees and shrubs are sited outside the site adjacent to part of its southern boundary.

2.3 To the south of Whitley Road are residential properties.

3.0 Description of the Proposed Development

3.1 Planning permission is sought to vary conditions 1 (approved plans), 10 (holding area) and 11 (height limit) of planning approval 10/00552/FUL - to permit the display of goods externally and increase the height of externally stored goods.

3.2 The full wording of the planning conditions imposed on the original grant of planning permission, 10/00552/FUL, are set out below:

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

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

Condition 10: The holding area identified on the proposed site plan (Project no. 2556 Dwg No A-01 Rev F) shall not be used to display goods for sale and there shall be no other external storage on the site.

Reason: In order to protect the amenity of the surrounding area having regard to Policy LE1/7 of the North Tyneside Unitary Development Plan 2002.

Condition 11: Any of the goods stored in the holding area shall not exceed a height of two metres.

Reason: In the interest of protecting the amenity of the surrounding area having regard to Policy LE1/7 of the North Tyneside Unitary Development Plan 2002.

3.3 The proposed variations to the above conditions are as follows:

Condition 1: Amend the wording of this condition to substitute the previously approved site plan with the proposed site plan Dwg No. ENF-01 Rev F.

Condition 10: Amend the wording this condition to permit the display of goods as shown on the proposed site plan Dwg No. ENF-01 Rev F.

Condition 11: Amend the wording this condition to permit the display of goods at the height shown on the proposed site plan Dwg No. ENF-01 Rev F.

4.0 Relevant Planning History

86/00001/FUL - Erection of external fire escape – Permitted 11.02.1986

91/01244/ADV - Various signage at UB (Ross Youngs) Ltd – Permitted 03.10.1991

10/00552/FUL - Proposed external alterations to install new doors, windows and access ramp. New 2.4m Steel Palisade Fencing to entire perimeter, concrete re-surfacing of site and widening of existing access to 8.1m – Permitted 06.08.2010

17/01472/FUL - Two storey extension to builders merchants providing showroom / offices to both floors and storage to the first floor – Permitted 11.12.2017

19/00856/ADV - 1no post mounted and 1no fence mounted signage to serve existing builders merchant – Refused 19.08.2019

20/00131/ADV - 1no fence mounted signage to serve existing builders merchant. (Resubmission) (Amended plan received 18.03.2020) – Permitted 17.04.2020

21/01930/FUL - Variation of conditions 12 and 13 of planning approval

10/00552/FUL - amendments to landscaping layout – pending consideration

5.0 Development Plan

5.1 North Tyneside Local Plan (2017)

6.0 Government Policies

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

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

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

PLANNING OFFICERS REPORT

7.0 Detailed Planning Considerations

7.1 The principle of the works approved via planning application 10/00552/FUL (Proposed external alterations to install new doors, windows and access ramp. New 2.4m Steel Palisade Fencing to entire perimeter, concrete re-surfacing of site and widening of existing access to 8.1m) has already been established as acceptable and this is not for re-consideration as part of the current application.

7.2 Within the current application the applicant is proposing the variation of conditions 1, 10 and 11 in order to make the following amendments:

- List the proposed site plan as an approved document.
- Permit the display of goods externally as shown on Dwg No. ENF-01 Rev F.
- Permit the display of goods externally at a height of 5m as shown on Dwg No. ENF-01 Rev F.

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

- The impact on amenity (visual and residential); and,
- Other issues.

7.4 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 The impact on amenity (visual and residential)

8.1 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.

8.2 Paragraph 126 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 134 of the NPPF makes it clear that development of a poor design should be refused.

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

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

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

8.6 LP Policy DM6.1 of the Local Plan states that proposals are expected to demonstrate a positive relationship to neighbouring buildings and spaces and a good standard of amenity for existing and future residents and users of buildings and spaces.

8.7 LP Policy DM2.3 ‘Development Affecting Employment Land and Buildings’ states that the Council will support proposals on employment lands for new or additional development for uses within use classes B1 (now use class E), B2 and B8. Amongst other matters this policy will not permit proposals that would have an adverse impact upon the amenity and operation of neighbouring properties and businesses.

8.8 The objections received regarding the impacts on residential and visual amenity area noted.

8.9 In 2010, a planning application was submitted for consideration of external alterations to the building, a new perimeter fence (2.4m high) and resurfacing of the site and widening of an existing access. The plans submitted with this application identified a holding area for the storage of bulk materials along the

western boundary only. The 2010 planning application was considered acceptable subject to conditions restricting the holding area to that identified on the proposed site plan and restricting the height of any goods stored in the holding area to no more than 2m.

8.10 Since the grant of planning permission in 2010, the amount of external storage on this site has increased to the entire perimeter of the site. The height of the external storage areas has also increased. To regularise the current situation on-site the applicant has submitted this application to vary conditions 1, 10 and 11 of application 20/00552/FUL. The proposed site plan, Dwg No. ENF01-F, shows external storage areas to the north, east, west and south boundaries of the site. The height of the materials to be stored in this area ranges from 2m (north east corner, eastern boundary and south east corner) to 5m (remaining part of the southern boundary, western boundary and northern boundary).

8.11 The site is sited in a prominent location in a mixed-use area of Benton (residential and commercial). It is sited on a corner plot at the junction of Wesley Way and Wesley Drive and Wesley Way and Whitley Road. Whitley Road is located to the south east of the site. To the south east side of Whitley Road are residential properties, Nos. 1, 3, 9, 11, 13, and 15 Whitley Road afford direct views of the application site. Nos. 5, 7, 17 and 19 Whitley Road afford less direct views of the application site. Commercial units are located to the south west of the site, to the north west beyond Wesley Drive and to the north east beyond Wesley Way. The commercial units fronting onto Wesley Drive are set back from the road and the areas immediately to the front of the buildings are primarily used for parking. The site opposite the application site, beyond Wesley Way, is relatively open when travelling along Whitley Road towards the site. Therefore, the site is visually prominent when travelling in this direction. When travelling in the opposite direction the site is screened by an existing commercial unit and the trees sited adjacent to part of the site's south east boundary. It is noted that these existing trees offer greater screening during the summer rather than the winter. The site is also visually prominent when viewed from Wesley Way and Wesley Drive.

8.12 The visual impacts of the proposed variations to the conditions can be fully considered as the site is already operating with materials being stored to the perimeter of the site at a height of 5m in some areas. Albeit, the site is located on an established industrial estate, this part of the industrial estate is sited near residential dwellings. These residential dwellings were in situ prior to the consideration of the 2010 planning application which imposed the conditions subject of this variation of conditions application. Therefore, the LPA must assess the visual impacts of the proposed variations on those residential properties immediately adjacent to the site. Due to the site's prominent position and the differing levels across the site, it is the view of the Local Planning Authority (LPA) that storing materials at a height of 5m in the areas shown on Dwg No. ENF01-F results in an unacceptable visual impact when viewed from the surrounding area and nearby residential properties. It is noted that whilst the existing trees adjacent to Whitley Road offer screening to part of the site during the summer, they do not offer the same level of screening during the winter. Therefore, the applicant's reliance on the tree coverage to part of the site for part of the year is

not considered to be an acceptable justification to retain a height of 5m storage in the areas shown on Dwg No. ENF01-F.

8.12 The case officer has discussed with the applicant if it would be possible to reduce the extent of the 5m high storage areas i.e. some external areas reduced to 2m along part of north west boundary, north east corner, south east boundary and south west and also 2m along north east and south east boundary. The applicant advised:

“The crux of this application is to obtain the additional heights for storage. We believe they have been strategically located, with all north east, east and south east areas at fence level. The south, west and north west are either cloaked by trees/buildings or face into the industrial estate with no sensitive exposure. This will become apparent from a site visit”.

8.13 As already discussed, the visual impacts of the external storage areas can be fully assessed by visiting the site. A site visit, the view of the LPA, confirms that the external storage areas, particularly those areas at a height of 5m, result in an unacceptable visual impact. The site is visually prominent and it is its visual prominence that exacerbates the visual impacts caused by the location and height of the materials stored on-site.

8.14 Members need to determine whether the variations to the conditions as set out in paragraph 3.3 of this report are acceptable in terms of their impact on the amenity of the area (visual and residential). It is officer advice the variation to the conditions are not acceptable. The proposed variations would significantly impact on the amenity of the area (visual and residential). As such, it is officer advice, that the proposed variations to the conditions do not comply with the advice in the NPPF and LP Policies DM6.1 and DM2.3.

9.0 Other Issues

9.1 Impact on highway safety

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

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

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

9.5 The objections received relating to highway and pedestrian safety are noted.

9.6 The Highways Network Manager has been consulted. He has advised that an additional condition would be required to ensure all turning and manoeuvring

areas are retained. On this basis, he has recommended approval subject to all previous conditions and informatives being re-imposed.

9.7 Members need to consider whether the proposed site layout is acceptable in terms of its impact on highway safety. It is officer advice that it is.

9.8 Landscape

9.9 The objections received relating to non-compliance with conditions 12 and 13 (landscaping and implementation) are noted.

9.10 LP Policy DM5.9 “Trees, woodland and hedgerows” seeks to protect existing landscape features.

9.11 The Landscape Architect has been consulted. She has advised that the proposals should not perceptibly affect the existing woodland groups surrounding the site and the landscape conditions relating to a landscape plan and timing should still apply.

9.12 The applicant has submitted a further variation of conditions application to deal with the landscape conditions. The LPA requested that the applicant amend their proposed site plan to make it clear that the area now shown to be gravelled does not form part of the consideration of this application.

9.13 Other matters

9.14 The LPA can only assess the matters relating to this application. The objector’s comments relating to other alleged breaches of planning conditions will need to be investigated as separate planning enforcement cases.

9.15 The applicant has submitted a revised proposed site plan. This plan confirms the height of the proposed storage areas and their locations. It also confirms that the area identified as gravel to the perimeter of the site would be subject of a separate application. On this basis, it was not considered necessary to re-consult.

10.0 Local Financial Considerations

10.1 Local financial considerations are defined as a grant or other financial assistance that has been, that will or that could be provided to a relevant authority by the Minister of the Crown (such as New Homes Bonus payments) or sums that a relevant authority has received or will or could receive in payment of the Community Infrastructure Levy (CIL). It is not considered that the proposal results in any local financial considerations.

11.0 Conclusion

11.1 Members need to determine whether the proposed variations to the conditions are acceptable in terms of their impact on amenity (visual and residential). It is the view of officers that the proposed development is not acceptable. As such, officers consider that the proposed development does not accord with national and local planning policies. Refusal is recommended.

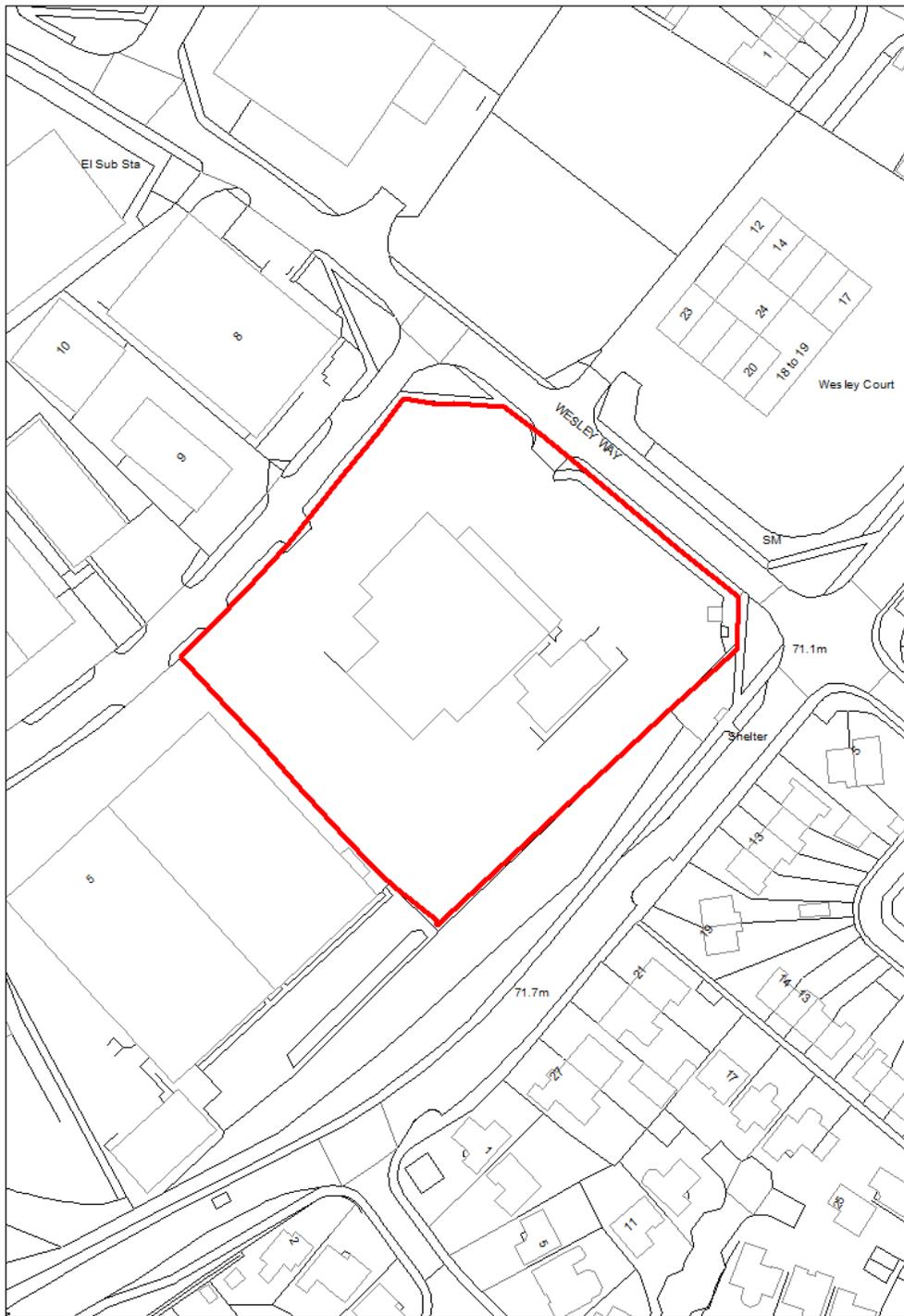
RECOMMENDATION: Application Refused

Conditions/Reasons

1. The proposed variations to conditions 1 (approved plans), 10 (holding area) and 11 (height limit) to increase the amount of goods displayed externally and increase the height of the externally considered goods is considered to be detrimental to both the visual amenity of this mixed use area and the impact on residential amenity in terms of outlook, by virtue of the location, height and amount of external goods to be displayed within the site. As such, the proposed variation to these conditions is contrary to policies S1.4, DM2.3 and DM6.1 of the North Tyneside Local Plan (2017).

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

The Local Planning Authority offered solutions to the applicant in order to make the development acceptable. The applicant was however unwilling to amend the plans. Without these amendments the proposal would not improve the economic, social and environmental conditions of the area and therefore does not comprise sustainable development. In the absence of amendments or conditions which could reasonably have been imposed to make the development acceptable it was not possible to approve the application. The Local Planning Authority has therefore implemented the requirements in Paragraph 38 of the National Planning Policy Framework.



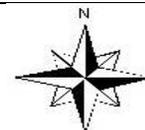
Application reference: 21/01510/FUL

Location: Unit 14, Wesley Way, Benton Square Industrial Estate, Benton
Proposal: Variation of conditions 1 (approved plans), 10 (holding area) and 11 (height limit) of planning approval 10/00552/FUL - to permit the display of goods externally

Not to scale

Date: 15.09.2021

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**Appendix 1 – 21/01510/FUL
Item 3**

Consultations/representations

1.0 Ward Councillors

1.1 Councillor Erin Parker-Leonard

1.2 There have been numerous infringements of the original planning application experienced by residents since the original planning application was accepted.

The most recent ones as reported to me and NTC over the past 6 months are:

-Lack of observation of the one-way system (condition 5 and addressed in the Design and Access Statement)

-External storage of goods. The original plan states that, The holding area identified in the proposal plan shall not be used to display goods for sale and there shall be no other external storage area on this site (condition 10) –

-Storing bricks higher than the 2 meters stated in the application - all goods stored in the holding area should not exceed a height of 2 metres (condition 11)

-Storing stock in the car parks (meaning haulage deliveries cannot access the site and have to offload in the streets opposite) this also affects refuse collection; and

-Staff Parking- 21 parking spaces (condition 5 and addressed in the Design and Access Statement) - not used appropriately as stated above.

-Signage has been erected on the perimeters that were not in the plan.

-No landscaping has been carried out in the past 11 years since the first planning application- which stated that, 'All planting, seeding or turfing comprised in the approval details of landscaping shall be carried out in the first planting and seeding season' (condition 13).

1.3 Some of the main safety issues have been:

-Wesley Way constantly has HGV's that have to mount pedestrian pathways.

-Extremely large HGVs are forced perform unsafe manoeuvres on Whitley Road as they try to swing round as they can't turn into Wesley Way because it is blocked.

-School children are actively encouraged to use these paths which brings danger to them.

1.4 This retrospective planning application seems to be a request and permission to enable the practices that they have been infringing from the first application.

1.5 We all want a way forward and for business and residents to be able to work alongside each other and co-exist. The residents that have contacted me have felt frustrated for more than ten years now.

1.6 Councillor Linda Darke

1.7 I was wondering if there is any date for this application, and any probability of it coming to Planning committee? I know this is at the discretion of the Chair of Planning, and wondered if any decision had been made? I am aware that requests for speaking rights have been asked for and wonder if they would be granted if it does indeed come to planning committee?

1.8 I know it is causing some concern for residents and would just like to say, in my opinion for what it's worth, it could be solved at a stroke, if the entrance to this industrial estate from Whitley Road was closed, and all traffic come in from Wesley Way.

1.9 Could I ask that my comment be added to the planning report, for consideration, please?

2.0 Internal Consultees

2.1 Landscape Architect

2.2 Existing Site Context

2.3 The proposed development area occupies land used as a site yard which supports the main warehouse building. The facility is bordered by roads to the north and south, with access from Wesley Way. There are no significant landscape features within the site compound, although a large tree group is located outside the site to the south offering screening to adjacent residential housing to the south.

2.4 Landscape Comments (Trees and Landscape Design)

2.5 Approval was granted for external alterations to install new doors, windows and access ramp, new 2.4m steel palisade fencing to entire perimeter, concrete re-surfacing of site and widening of existing access to 8.1m (10/00552/FUL). This application is to vary conditions 1 (approved plans), 10 (holding area) and 11 (height limit) of planning approval 10/00552/FUL.

2.6 The proposals should not perceivably affect the existing woodland groups surrounding the site and the landscape conditions relating to a landscape plan and timing should still apply.

2.7 Highways Network Manager

2.8 This application is for a variation of conditions 1 (approved plans), 10 (holding area) and 11 (height limit) of planning approval 10/00552/FUL - to permit the display of goods externally. An additional condition will be required to ensure all turning & manoeuvring areas are retained. Approval is recommended and all previous conditions & informatives apply.

2.9 Recommendation - Conditional approval

2.10 Condition:

Notwithstanding the details submitted, the scheme for the turning & manoeuvring of delivery & service vehicles shall be laid out in accordance with the approved plans. These areas shall not be used for any other purpose and retained thereafter.

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

3.0 Representations

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

- Inadequate parking provision
- Inappropriate design
- Inappropriate materials

- Out of keeping with surroundings
- Poor traffic/pedestrian safety
- Poor/unsuitable vehicular access
- Traffic congestion
- Will result in visual intrusion
- Impact on landscape
- Loss of visual amenity
- Loss of residential amenity
- None compliance with approved policy
- Nuisance - noise
- Inadequate drainage
- Nuisance - disturbance
- Nuisance - dust/dirt
- Nuisance - fumes
- Pollution of watercourse
- Precedent will be set

-This business is an eyesore. To have additional storage, at a higher level than now, would be an adverse effect on the visual amenity. The whole site should be screened from view.

-Since the original application in 2010, this building supplies company has shown total disregard for planning law and the local residents. It has deliberately and systematically flouted and ignored many of the planning stipulations and bent for its own convenience the legal agreements contained within that application.

-Even a brief visit reveals that goods are routinely stored over the height limit stipulated. It continues to store goods haphazardly in loading bays, in staff and the customer parking areas and it has previously erected obtrusive and overly large signage adjacent to the public highway that has not been applied for or approved by the relevant authority.

-Shortly after opening, management installed several extremely high-powered security lights which shone across the whole goods yard. They were so bright that they not only affected local residents but also the local birdlife and they disrupted their nesting ability by making the area around perpetual daylight. Again, all done without the relevant permissions and it is my belief that Environmental Health sought to have them removed under light pollution legislation.

-The consistent bad management of the site contributes to the noise and disruption caused to the local residents by its delivery companies. HGV's routinely block the highway (Wesley Way) and perform unsafe manoeuvres on Whitley Rd because of access issues on the site.

-This variation should be refused, and the original stipulations should be monitored and enforced.

-The main reason for the submission for amendments to the current planning authorisation is to seek legal acceptance of the widespread breach of their current consents. North Tyneside Council has consistently been made aware by the residents of Holystone of the infringements since the original application in 2010 which Joseph Parr have been deliberately breaking since that time. North Tyneside Council Planning Department has not enforced legal action due to the widespread abuse of the site authorisations during this time.

-The original application had a host of restrictions such as: incutilage parking for staff, visitors and unloading vehicles; a dedicated one-way system for vehicles that was supposed to be signed through the site; no external storage of goods on

the yard; and no bricks etc to be stored over the height of 2m (they have been storing them up to a height of 5m and want to do this permanently).

-Due to the fact that they are storing all the stock in the loading and parking bays the hauliers cannot unload goods onsite. As a result, Wesley Way constantly has HGV's all over pedestrian pathways and blocking vehicular access through the estate. Extremely large HGVs are forced perform unsafe manoeuvres on Whitley Road as they try to swing round as they can't turn into Wesley Way because it is blocked.

-They erected illegal signage advertising the company on the grass outside the premises without going through the proper procedures and were (eventually) told to remove them but the poles holding the signs are still there poking out the ground and the sign is dumped on the grass causing unauthorised littering and danger to individuals from the poles, predominantly by children. This is a direct reflection on their disregard to not only residents but the Council itself.

-The dust, dirt and fumes from the unauthorised use of the yard and HGV access directly affects residents. The Environmental impact of the current abuse of the widespread breaches can be witnessed in residents' homes and on public pathways. --Roads themselves are seriously deteriorated with potholes and cracking due to the HGV vehicles parking on pathways and roads, rather than unloading in the designated yard. Resident safety is at risk due to the HGVs abusing the one way in and out system. It should be noted that there is a primary school within half mile of this yard and children are actively encouraged to walk to school, receiving merits for each day they do this. There have been several near misses with HGVs and customer cars due to the blockage of the yard being used for storage.

-When Council rubbish lorries are doing their waste collection the road is totally blocked either way due to cars and lorries forced onto the pathways and roads due to the use of the delivery yard being used as storage.

-The applicant has been forced into this position because residents have been hounding planning enforcement about all the infringements. They are covering their backs and are trying to make their illegal actions, legal. Getting this through planning rewards them for all their bad behaviour.

-The applicant is guilty of longstanding non adherence to its current planning restrictions, upholding this application will result in it continuing to push and exceed permitted boundaries.

-This will cause significant safety issues for residential pedestrians, danger for primary children, environmental and health damage to the area due to runoff, dirt, dust and fumes.

-I have sent a copy of my reason for objecting to this application to Norma Redfearn, mayor of North Tyneside Council, Councillors Erin Parker Leonard, Gary Bell and Linda Darke, MP Mary Glendon and to the Head of Law and Governance due to the abuse of the existing permissions and inability for the Council to enforce them.

-The existing deciduous shrubs and trees will effectively screen the goods stored on the southern perimeter of the premises for approximately 30% of the year. For 70% of the year, those goods will be either partially or wholly visible. The insensitive design of the application pays scant regard to the negative impact on the visual amenity that it will have for the local community especially the residents of Whitley Road who live in property opposite the site.

-The covered cycle parking doesn't exist, there are no signs designating a one way traffic flow system, most of the parking bays are not marked out, goods are

already stored externally at 5M high (not the 2M height stipulated on their original planning application) across most of the site, goods are stored in areas not marked as storage areas on any of their plans and goods are stored on areas designated as staff parking bays. When I visited the site on the 6th July 2021, only one staff car was parked in the appropriate area and all of the other bays were covered with building materials. Presumably the staff cars were those parked on the pavement on Wesley Way.

-The applicant has been storing these building materials throughout their site and in a towering, precarious and unsightly manner for years (since at least July 2017), flat out ignoring both conditions 10 and 11 of their previous planning application 10/00552/FUL. Additionally, it was clear that they understood that what they were doing was wrong and that it went against their planning permission conditions, as the site map they have chosen to submit with their planning application dated December 2017 (17/01472/FUL) for a two storey extension omits the fact that they were engaging in storage and display areas of building materials in multiple areas around the entirety of their site, and instead portrays the storage area as contained to the planning permission area and height as laid out in planning permission conditions 11 and 12. As such, we feel strongly that it is very important that we are just blunt in our objection to this planning application, which seeks a variation of the conditions laid out by NTC in their 2010 application, but that we also expose this business' longstanding pattern of unwillingness to follow even simple rules and conditions (in general) that have been set out by NTC and the UK government in order to ensure businesses do not negatively impact the amenity and character of the surrounding local areas. This business has made little to no effort to follow these conditions set forth by NTC in the almost 11 years since they first applied for, and were granted planning permission. Choosing not to follow these conditions set forth by NTC was a deliberate choice that they made despite them knowing full well that it was necessary as part of the process of being granted planning approval. These conditions were put in place for a variety of specific reasons such as, (and most importantly to us) protecting the amenity of the surrounding area, but there are also items that were put in place to ensure the safety of the employees, pedestrians and drivers (while on their site) and to provide ample parking for employees and patrons within their property (which helps to protect both pedestrians and drivers who are active in the area surrounding the site. All of these conditions were carefully thought out by NTC planning department (many of which were taken directly from Local Government Guidelines, such as North Tyneside Unitary and Development Plan 2002) and the applicant had an obligation to follow through and meet these conditions in order to be granted planning permission for their 2010 application (10/00552/FUL), but they did not. As such, we feel that it is important to include a list of items, as a reminder to NTC and the applicant of the items that they either did not complete or have refused to adhere to over the last 11 years:

The development to which the permission relates shall be carried out in complete accordance with the approval plans and specifications (condition 1) – Reason – to ensure the development as carried out does not vary from the approved plans. Ignored.

The holding area identified in the proposal plan shall not be used to display goods for sale and there shall be no other external storage area on this site (condition 10) – Reason – In order to protect the amenity of the surrounding area. Ignored. The storage area has now spread out to include large portions of the

paved area throughout the entire site. Additionally, there are numerous displays for carpets, stepping stones, skip hires and others littering the site.

All goods stored in the holding area should not exceed a height of 2 metres (condition 11) – Reason – in the interest in protecting the amenity of the surrounding area (LE1/7 of The North Tyneside Unitary Development Plan 2002). Ignored. Most of the piles of building materials around the site as well as the lumber shelving far exceed (almost triple) the height limit set out by NTC on the previous planning application. Not only are the vast majority of these “stored goods” in the front and side areas visible from Whitley Road, but they create a negative impact on the amenity of the neighbourhood and those passing through the village of Holystone.

All planting, seeding or turfing comprised in the approval details of landscaping shall be carried out in the first planting and seeding season (condition 13) - Reason – In the interest of amenity and to ensure a satisfactory standard of landscaping (North Tyneside Unitary and Development Plan 2002). Never implemented. Additionally, in their latest application, dated 2021, their sitemap indicates that the landscaping has been removed and replaced with gravel. This contradicts their recent commitment given to NTC Planning Enforcement to implement landscaping. We believe there is more reason than ever for the applicant to follow through with this stated condition of the 2010 planning application. Despite the applicant stating that they plan to proceed with planting “during the next planting season” we have no reason to believe them, as this is the same thing that they said 11 years ago, and them leaving landscaping off their site plan for this application. Additionally, the original proposed planting areas currently house vast amounts of building materials, scraps, litter, and gravel and would be in need of much attention if this condition is to be met. 21 parking spaces (condition 5 and addressed in the Design and Access Statement) - Reason – in order to allow draw off, park and turn clear of the highway in order to minimise the danger, obstruction and inconvenience to the users of the adjoining highway. These areas shall not thereafter be used for any other purpose. – Ignored. In fact, this latest site map just submitted has lowered the total number of spaces on the sight from 21 to 19. Currently, employees do not use the designated spaces, but instead park on both sides of the public road (Wesley Way) outside the Joseph Parr site. On our last visit to this business’ site, the area that was designated for employee parking was instead filled with stacks of building materials. Also, parking spaces in front of the warehouse bay have “no parking” signs in front of them. There’s no indication that any of the customer parking spaces are disabled as there are no signs or lines marking out any of these spots in this small area that does not currently appear to be large enough to house 5 spaces.

A one-way system (condition 5 and addressed in the Design and Access Statement) – Reason – in order to allow draw off, park and turn clear of the highway in order to minimise the danger, obstruction and inconvenience to the users of the adjoining highway. These areas shall not thereafter be used for any other purpose. Never implemented. There are no signs at all indicating that this is a one-way system. In fact, they have a large sign on the site with arrows pointing both left and right directions to get to specific building materials (photo). Cars, vans and lorries go both ways in this site, reverse back the way they came and get jammed up in the front of the site due to the chaos (video). Also, much of this one-way system space for vehicles to move around the buildings safely has been sacrificed for the excessive storage of building materials. It is hard to believe that,

given the lack of current free driving space around the buildings and storage areas that this scheme could actually be enacted.

Noise/Hours of operation (condition 9) – Reason – to safeguard the amenity of the nearby residents. Ignored. There have been times that we have been awakened by light and noise from the site as early as 5:30am while employees loaded company trucks with merchandise for delivery, causing both a noise and lighting nuisance for surrounding residential houses. Additionally, lorries delivering merchandise to the site routinely line the streets of Wesley Way waiting to unload their deliveries to the site between the hours of 5:30-6:30 am, while continuing to loudly idle and unstrapping cargo until being waited on. Both of these noise/hours of operation breaches by the applicant are made significantly worse for local residents by the fact that the deliveries are being unloaded at the front of the business (due to the fact that all of the building material is currently being stacked/stored in the front of the building, despite the delivery area on their submitted site map clearly showing the designated delivery area as being around the back of the building), and trucks are also being loaded (during these early hours) in both the front and side of the property because that is where the merchandise is currently being stored, rather than the back storage area, which is what was approved by NTC.

Covered bike rack (condition 5). Never implemented – Reason – in the interest of highway safety (DCPS #4 of the North Tyneside Council Unitary Development plan 2002)

All other existing access points shall be stopped up by raising the existing dropped kerb and reinstating the footway verge and highway boundary in the same line, level and detail (condition 4) - Reason: to limit the number of access points along the site boundary. Ignored. This 2nd entrance to the site, while currently unused, still has a dropped kerb outside of it as well as the uneven pavements associated with a driveway entrance.

-The application for variations of conditions lacks any real substance, information or reasons as to why, after all of these years, that there should be any changes to them.

-No actual (designated) storage area submitted – application lacks measurements, designated zones or maximum height, for most of the proposed areas on application

Sporadically placed storage areas as opposed to well thought out site plan

-It would be impossible for NTC to enforce any breaches of these storage areas given the way they have currently been submitted, without more information (in particular specific measurements of those areas).

-There is no indication as to why these items are placed where they are or how they will ensure that they do not become mixed with other building materials (as is already happening).

-Shelving for storage of timber products in the back of the property towers over approved height (and security fencing) and are labelled “temporary”. There is no explanation as to why this is, when it will come down, how long they have been up or if they are up to standard.

-As application is about the need for increased storage, we ask that the applicant please provide information regarding the size and contents of indoor storage areas.

Site map provided does not accurately show the size or placement of current materials. There are many areas containing building materials that do not match site plan provided by applicant.

-This seems to be more of an issue of a greater need for proper ordering, organisation of product and adherence to the allocated storage space rather than a need to change the initial conditions set forth by NTC.

-The numerous piles of building materials negatively affect the amenity of the surrounding residential area due to the excessive amount of building materials housed in the front of the site, the excessive packaging materials left flapping in the wind and regularly discarded on the ground (some of which ends up in the street, or even in residents gardens), the varying colours/packaging which is in contrast to the organic feel of nature, the haphazard way in which they are both stored and stacked in a chaotic manner and the numerous display tableaux that litter the site with even more advertising, all of which are visible from Whitley Road and the neighbouring houses.

NTC identified the previous holding/storage (zone) in the interest of protecting the amenity of the surrounding area. There has been no reason given as to why NTC should change this condition from the 2010 application, and the applicant has defied these conditions for years and has shown no regard for how it affects the community around them.

-The building materials in front of the warehouse as well as the stacks of materials along both sides of the property clearly exceed the height limit of two metres set forth by NTC in 2010. As such, they are all clearly visible to those walking, driving or living in the surrounding community and negatively affect the amenity of the character of the surrounding area. Additionally, even the stacks of building materials that Joseph Parr has finally lowered somewhat (after 2 ½ years of residents' complaints, and only doing so the day before their inspection by an NTC planning enforcement officer, and then reduced further on the day they submitted this application) are also glaringly visible and a terribly ugly addition to the surrounding area and those traveling or walking on or near Whitley Road. There has again been no reason submitted as to why there would be any reason for NTC to vary this condition from the 2010 application.

-Litter has exponentially increased on Whitley Road from their site, since storage has moved to the front of building and stacks of building material tower over the current fencing, which is only 2.4 metres in height – plastic wrapping, labels, and packaging materials.

-The applicant has not followed through with the plantings/landscaping that was a condition of the previously (approved) proposal. Instead, they have used these designated landscaping areas listed in their previous proposed planting area for the storage of building materials and as an area to dispose of their litter, broken/damaged building materials and discarded advertising. As such, these areas have, and continue to be a blight on the surrounding community, rather than creating the positive impact they were meant to have, 11 years ago.

-There has been no commitment shown by the applicant to commit to the upkeep necessary to keep any landscaped areas tidy, even if they did finally commit to the required plantings. The boundary of their site is currently an overgrown jungle of weeds, unintended plant growth, and litter.

-Despite trying to clean up their site for the most recent NTC site visit continues to use their stacks of building materials to hide items/litter and miscellaneous items behind, presumably so as to not be visible to their customers (while on their site), but which are instead, clearly visible to homes, pedestrians and drivers in the Holystone community.

-Due to the front of the Joseph Parr site being so crammed with storage for building materials, and being too busy during the day for deliveries, their

deliveries are currently being made before the shop opens. As a result of this, large lorries line Wesley Way (intersection of Whitley Road) between 5:30-6:30 am, with their engines idling and loudly unstrapping merchandise. We find this to be an unnecessary noise nuisance directly caused by the lack of unused pavement in the site at Joseph Parr as the entire site has now become a storage space for building materials.

-The ugliness and litter and total disregard shown for the community by Joseph Parr, we believe, impacts the way that visitors treat our community. Visitors see a disrespected part of the village (while driving, walking or riding on the main road), and we feel strongly that this affects the respect that they in turn shown the community e.g. dropping litter, speeding, criminal damage.

-Negative safety effects on local community, visitors and surrounding area due to businesses use of majority of paved site for storage

-Due to the incredibly poor ratio of the size (area) of buildings and vast outdoor building material (storage) in relation to size (area) of total paved site on the property at Joseph Parr's— there is very little free space for cars, vans, lorries, forklifts and pedestrians to move freely at the same time, without constraints or backups within/on this property. As such, it continues to limit/shrink the amount of parking, the number of lorries, vans and cars and the number of pedestrians/employees that can enter, work, wander, shop or exit the premises simultaneously at any given time. As such, all of this excessive and unnecessary outdoor storage of building materials cause not only a safety issue within the boundaries of the Joseph Parr property but also a create an undeniable disruption to traffic, parking and movement in the area(s), streets and pavements that surround this business.

-Joseph Parr has clearly not provided sufficient parking spaces or access for its patrons. Despite the 2010 planning application stating that there would be 21 spaces, this new site map only includes 19. Additionally, the staff does not use the 6 spaces allocated as staff parking, as indicated on their submitted site map, but instead, choose instead to park on the adjacent street (Wesley Way). In fact, this site area designated for these 6 employee parking spaces has been instead filled with building materials. Also, for the last 2 1/2 years there have been "no parking" signs erected in front of the 8 parking warehouse bay parking spaces that are shown in front of the loading dock on the site map, so we have great doubts that these are used for parking either. As such, all of these employees and many of their customers instead park on Wesley Way, blocking pedestrian pavements and narrowing/limiting Wesley Way to one lane traffic for those entering and exiting the industrial estate.

-Employee/customer cars being parked outside of site on both sides of Wesley Way, which bottleneck Wesley Way into one lane of traffic, has led to back-ups onto Whitley Road while waiting for other vehicles to go through this narrowed street. It has also resulted in large vehicles having difficulty approaching, entering and exiting the Joseph Parr property. Both of which has caused oversized vehicles to perform dangerous U-turns and 3-point turns in the residential intersection where Whitley Road, St Aidan's Avenue and Wesley Way meet.

-Employee/customer vehicles that are parked on both sides of Wesley Way are also parking over/blocking the pavements on both sides of the road, and often block the ramps. This has resulted in pedestrians having to walk out into the road in order to walk around this large line of cars and lorries in order to get back on the pavements (while heading to the metro, entering the residential neighbourhood or visiting another business within the industrial park).

-Lorries also are forced to park or idle in queues on the side of the road (Wesley Way), also blocking pedestrian pavements, while waiting for their turn to enter the site because there is no space for them to enter or wait within the Joseph Parr property.

-As this site is in walking distance of Palmersville Metro Station (.41 miles away), blocking the pavements on both sides of Wesley Way due to employee parking and lorry parking has an adverse effect and causes a danger to pedestrians and cyclists attempting to pass the site. Additionally, pedestrians who are dependent on pavement ramps (which are blocked by parked cars and lorries) often have to cross to the other side of Whitley Road in order to continue on down the street.

-Large lorries have been forced to reverse back down Whitley Road or St. Aidan's Avenue and have used St. Aidan's Square as a turnaround point (all residential streets) in order to avoid backing up traffic while waiting to be able to pass through the tight one lane road in front of Joseph Parr. We witness such manoeuvres on a daily basis, with lorries driving on (and over) the pavements at times, manoeuvring very close to pedestrians and cyclists, causing a danger to other divers, and also causing damage to Council street/road signs.

-Lack of an actual one-way system – there are no signs at all on site, stating as such. In fact, they have an actual large (unapproved) sign that says to go right for lumber and left for building materials. As such vans, cars, lorries and forklifts are backing up, turning back the way they came in and causing general chaos within the front of the site each day.

-No signs for pedestrians or signs warning traffic of pedestrians within the site

-No designated crosswalks or safe areas for pedestrians to walk or cross over busy and crowded front, side and back areas

-There has been no thought put into where these scattered storage areas have been placed or how they might affect the safety of pedestrians or employees, while on foot

-There are no safety controls or braces on these piles of building materials to keep them in place or insure they do not fall over if bumped into by a vehicle or other source

-The recent lowering of piles of bricks, slabs and other materials at the front of the site (which is no doubt a temporary measure to ward off the issuing of an enforcement notice from NTC's Planning Enforcement officers which was imminent - hence this application from Joseph Parr at this time) – also now means that whilst some of the storage areas have reduced in height, these areas now cover a larger area at the ground level, and reduced even further the space and ability for vehicles and pedestrians to move around the site safely. The submitted site plan indicates much wider spaces around all sides of the site than is actually true in reality (again, no measurements of any kind were supplied with this application for the "new" storage areas); we trust that Planning Officers will visit site to assess this for themselves.

Clearly this is a matter for the Health and Safety Department at NTC as the items and storage in question are currently above the fence height of 2.4 metres, stacked higher than recommended by safety regulators within the UK, housed on uneven ground and shelving and all of these proposed areas (which are already in use!) surrounding Joseph Parr are accessible by the public, as there are no restrictions to pedestrians or consumers within this site.

At no point did Joseph Parr over the last 11 years ask the NTC for advice or file any variation of condition paperwork regarding any of the information that we have provided to you above. They have only done so now because we, the public

have complained about the shockingly shabby state of their property for the last two years. It should not be this hard to get a business to follow the rules or to clean up their property. It just magnifies their lack of respect and general contempt for the residential areas that surround them and the people who live near their site. It's disgusting that this has gone on as long as it has. The businesses across the road, and others within the industrial estate are a much better example of businesses of how taking care of your appearance and up keeping your property, by picking up litter, spending time weeding their borders and by adhering to government guidelines regarding signs can make a big difference to their overall appearance and amenity to the community. Though, at the end of the day it is still an industrial estate and would benefit greatly from NTC taking the steps to do their own landscaping and planting in front of the entrance on both sides of Wesley Way in order to help with the amenity of the Holystone Village.

-Asking for forgiveness rather than asking for permission has become the default behaviour for Joseph Parr and many other businesses located in the Benton Square Industrial Estate. This pattern of behaviour has unfortunately taken quite a negative toll on the amenity and the character of the surrounding community of Holystone. The behaviour of either ignoring the need for planning permission or feigning ignorance about having to actually follow through with conditions set forth by North Tyneside Council as part of approved planning applications has been going on for far too many years now. As you know, there are very good reasons for the parameters, rules and conditions set forth by the U.K. government and local government that oversee businesses regarding property upkeep, landscaping and signs (control of advertising) in order to ensure the impact that it has on the local community is a positive one. However, when companies like Joseph Parr continue to ignore them, the only people it ends up hurting are those who live in the local community. Businesses like Joseph Parr never seem to be held accountable. And when they actually are, they use stalling tactics and "kick the can" down the road so that these processes that are put in place actually require them to make finally make changes, or file delinquent/missing planning permission applications or are told comply with unfulfilled conditions end up taking years to finally take affect or be enforced by NTC. During which time the character and amenity of the surrounding area continues to suffer. This company has let its site to become a rundown eyesore with towering random piles of unsightly, disorganised building materials stacked haphazardly around the front and sides of their property (which is all clearly visible to local residents, pedestrians and drivers). Litter is thoughtlessly strewn throughout their site; peeling, damaged and faded signs continue to hang on their building and fencing and they also lay discarded on the ground where they were dropped. Including signs ordered to be taken down by NTC Planning, which after a long period of delays and stalling by Joseph Parr, were eventually taken down and just strewn on the ground, like rubbish (in clear sight of those traveling on Whitley Road), for well over a year now. Joseph Parr have also failed, despite being instructed, to remove the tall metal framework (5 metres in height, at the corner of Whitley Road and Wesley Avenue) which housed a large billboard sign that NTC requested be removed. Not only is it unsightly, but it also shows once again, that Joseph Parr has no desire to follow the rules set forth by NTC or help create a positive amenity for our local village. We respectfully ask you today to consider the overall amenity of the surrounding area as well as the rights of citizens who you represent and stand up for us in this matter. All we want to do is

live peacefully in a safe community where businesses are held accountable when they do not follow the rules. And, in the end, have a local community where visitors can see for themselves that the residents (and businesses) of Holystone care about our environment and, as such, have earned the right to expect that those passing through our community will treat our village with respect too. That being said, we again ask that you not only deny Joseph Parr their request for variants of conditions, but that additionally (since we have been fighting with JP for well over 2 1/2 years now) we also respectfully ask that all of these building materials be removed from the front (and sides) of their site immediately, while they file their appeal so that we not be subjected to this negative amenity from their property for any longer than we already have been. We feel very frustrated by this entire process and take offense that the onus is continually put us, as residents, to either to put up with businesses who refuse to follow the rules, or have to file multiple complaints in order to protect the character and visual amenity of our communities. We feel strongly that the burden and inconveniences should instead be shouldered by the businesses themselves rather than the local citizens. Choosing to not follow the rules should come with actual consequences for the businesses themselves, rather than the residents who live nearby having to wage a "fight" each and every time. These rules and regulations were put in place for a reason and we, as citizens should be confident that our local council is ready, willing and able to enforce them.

3.2 Case officer note: The objector has submitted several photographs.

4.0 External Consultees

4.1 None