

Application No: 22/00603/FUL

Author: Maxine Ingram

Date valid: 13 April 2022

☎: 0191 643 6322

Target decision date: 8 June 2022

Ward: Killingworth

Application type: full planning application

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

Proposal: Variation of condition 12 and removal of condition 13 of planning approval 10/00552/FUL - amendments to landscaping layout

Applicant: Joseph Parr (Tyne & Wear) Ltd, Wesley Way Benton Square Industrial Estate North Tyneside 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 Permitted

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 Whitley Road. 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 condition 12 and remove condition 13 of planning approval 10/00552/FUL – amendments to landscaping layout.

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 12: The development hereby permitted shall be landscaped and planted in accordance with a fully detailed scheme which shall be submitted to and approved in writing by the Local Planning Authority before the development of the site commences.

Reason: In the interests of amenity and to ensure a satisfactory standard of landscaping having regard to policy LE1/7 of the North Tyneside Unitary Development Plan 2002.

Condition 13: All planting, seeding or turfing comprised in the approved details of landscaping shall be carried out in the first planting and seeding seasons following the occupation of the buildings or the completion of the development, whichever is the sooner, and any trees or plants which, within a period of five years from the completion of the development, die are removed or become seriously damaged or diseased, shall be replaced in the current or first planting season following their removal or failure with others of similar size and species, unless the Local Planning Authority first gives written consent to any variation.

Reason: In the interests of amenity and to ensure a satisfactory standard of landscaping having regard to policy LE1/7 of the North Tyneside Unitary Development Plan 2002.

3.3 The proposed variation to the above condition is as follows:

Condition 12: All planting works shall be carried out in full accordance with the landscape details as shown on the approved 'Proposed Landscaping Site Dwg No. ENF-02 Revision D' and to a standard in accordance with the relevant recommendations of British Standard 8545:2014. The landscaping works shall be carried out during the next planting season (November 2022) and managed and maintained thereafter. Any trees or plants that, within a period of 12 months and 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.

Reason: In the interests of amenity and to ensure a satisfactory standard of landscaping having regard to policy DM5.9 of the North Tyneside Local Plan (2017).

Condition 13 is no longer required as the timescales and management of the landscaping are details on the plan referred to in the suggested wording of condition 12.

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

21/01510/FUL - 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 – Refused 29.09.2021. Dismissed at appeal.

21/01930/FUL - Variation of conditions 12 and 13 of planning approval 10/00552/FUL - amendments to landscaping layout – Refused 25.10.2021

22/00361/ADV - Erection of wall mounted flush advertising panels – Permitted 25.04.2022

22/00755/FUL - 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 – 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 to vary condition 12 and remove condition 13.

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 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.

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

8.5 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 and respond to existing landscape features.

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

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, ground conditions to enable planting and not complying with previously imposed planning conditions are noted.

8.9 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 southeast of the site. To the southeast 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 southwest of the site, to the northwest beyond Wesley Drive and to the northeast 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 visible 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 southeast boundary. It is noted that these existing trees offer greater screening during the summer rather than the winter.

8.10 The plans submitted in 2010, planning application 10/00552/FUL, identified that the grass verge referred to in the objections formed part of the application site. These plans showed the extent of vegetation removal within the application site which included the removal of the grassed area and existing vegetation. This application was accompanied by a proposed landscape plan, Arboricultural Impact Assessment (AMS) and Arboricultural Method Statement. These reports advised that some of the existing trees were required to be removed to accommodate the development and to establish a higher level of arboricultural management for the site. These reports also confirmed that to mitigate the removal of the trees and section of hedge, new planting should take place throughout the site. This information was considered by the Council's Landscape Architect. The landscaping condition agreed the location and type of planting to be provided along the southeast, northeast and northwest boundaries. Members are advised that the landscaping was to provide mitigation for the landscaping to be lost as result of the development.

8.11 The previously agreed landscaping details have not been implemented. The revised landscape plan (Dwg No. ENF-02 Revision D) has been amended to provide landscaping to the southeast boundary within the application site from the existing mature tree belt to the splay (junction of Whitley Road and Wesley Way) and along part of the northeast boundary. The section closest to Whitley Road, including the splay, will provide a native hedgerow mix (Hawthorn, Blackthorn, Guelder Rose, Hazel and Holly) of different sizes to deal with the

level difference within the site. The remainder of the proposed landscaping will be a Laurel hedge. The native mix will provide ecological benefits as well as screening and the Laurel will provide further screening when viewed from Wesley Way. As there is no storage proposed adjacent to the native hedgerow it is officer opinion that the proposed hedgerow mix provides an acceptable compromise. It is noted that the area proposed to be planted between the edge of the existing tree belt and the splay is currently concrete therefore it will require further ground preparation to accommodate the proposed planting. The proposed landscape plan details the amount, mix and type of planting to be implemented, details of planting preparation, management and maintenance of the landscaping and timings of planting.

8.12 The Council's Landscape Architect has been consulted. She has advised that the proposed landscape plan is acceptable.

8.13 No landscaping is proposed adjacent to Wesley Drive. Members are advised that the appeal decision relating to the storage of materials within the site (Ref: 21/01510/FUL) states:

"Further, the temporary shelving visible from Wesley Drive is seen in the context of other industrial development and located where the street is dominated by car parking and hard surfaced areas. The temporary shelving is not out of place and does not harm the adjacent industrial environment)."

8.14 Therefore, it is officer opinion, that there would not be any benefit to implementing landscaping adjacent to the temporary shelving. Members are advised that this land will be gravelled.

8.15 Members need to determine whether the variation and removal of 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 that the variation to the condition is acceptable. Subject to imposing the revised wording of condition 12 it is not considered that the proposed revisions will significantly impact on the amenity of the area (visual and residential). As such, it is officer advice, that the proposed variations to the conditions comply with the advice in the NPPF and LP Policies DM6.1 and DM2.3.

9.0 Other Issues

9.1 The Highways Network Manager has raised no objection to the proposed variations to the landscape conditions.

9.2 The objections received regarding the loss of the grassed area to the perimeter of the site are noted. It is a national requirement that any planning application is accompanied by a certificate relating to the ownership of the land subject of the application. It is not the role of the Local Planning Authority (LPA) to investigate the information provided but the LPA will investigate if any further information is brought to our attention to suggest a certificate might have been incorrectly completed. In this case, the applicant indicated that they owned the full site subject of their 2010 planning application which included land up to the back of the footpath extending along Wesley Way.

9.3 Historic records have been checked again but there is no evidence that this grass verge was ever part of the highway or in North Tyneside Council ownership. Land Registry records have been reviewed and the full enclosed site appears to fall within one title. In the 2010 planning application, it is clear that the existing conifer trees were to be removed to facilitate developing the site and this was considered acceptable given that new landscaping was proposed. A length of hedge was to be retained within the fenced site, but the Landscape Architect had noted at the time the hedge was formed of Leyland Cypress which does not recover well from pruning where this is into brown wood. The hedge was also subsequently removed.

9.4 The objections raised relating to drainage, parking, nuisance, poor traffic and pedestrian safety and traffic congestion are noted. However, these objections are not considered material to the determination of whether the proposed variations to the landscape condition are acceptable.

9.5 Should this application be approved and planning application 22/00755/FUL be approved, it is considered necessary to impose the revisions to the conditions on both applications to ensure consistency.

9.6 The applicant has submitted a revised proposed landscape plan during the course of the application. This plan includes additional planting between the existing tree belt and the splay sited closest to the junction with Whitley Road. 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 variation to condition 12 and the removal of condition 13 are acceptable in terms of their impact on amenity (visual and residential). It is the view of officers that the proposed revisions to the landscaping scheme are acceptable. As such, officers consider that the proposed development does accord with national and local planning policies.

11.2 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 approved plans and specifications:

- Ordnance survey Dwg No. A-00
- Proposed site plan including external storage areas Dwg No. ENF-01 Rev H

- Existing elevations Dwg No. A-04
- Existing plan showroom Dwg No. A-02
- Proposed elevation Dwg No. A-05
- Proposed plan showroom Dwg No. A-03
- Unit existing plan Dwg No. A-06
- Unit proposed plan Dwg No. A-07
- Proposed fencing Dwg No. A-15 B

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

2. The scheme for parking and manoeuvring and cycle storage shall be laid out in full accordance with the approved plans 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 DM2.3 of the North Tyneside Local Plan (2017).

3. Restrict Hours No Construction Sun BH HOU04 *

4. External storage shall be restricted to the areas shown on the Proposed site plan including external storage areas Dwg No. ENF-01 Rev H only.

Reason: In order to protect the amenity of the surrounding area having regard to Policy DM2.3 of the North Tyneside Local Plan (2017).

5. Any of the goods stored in the storage areas shall not exceed the height and locations shown on the Proposed site plan including external storage areas Dwg No. ENF-01 Rev H only.

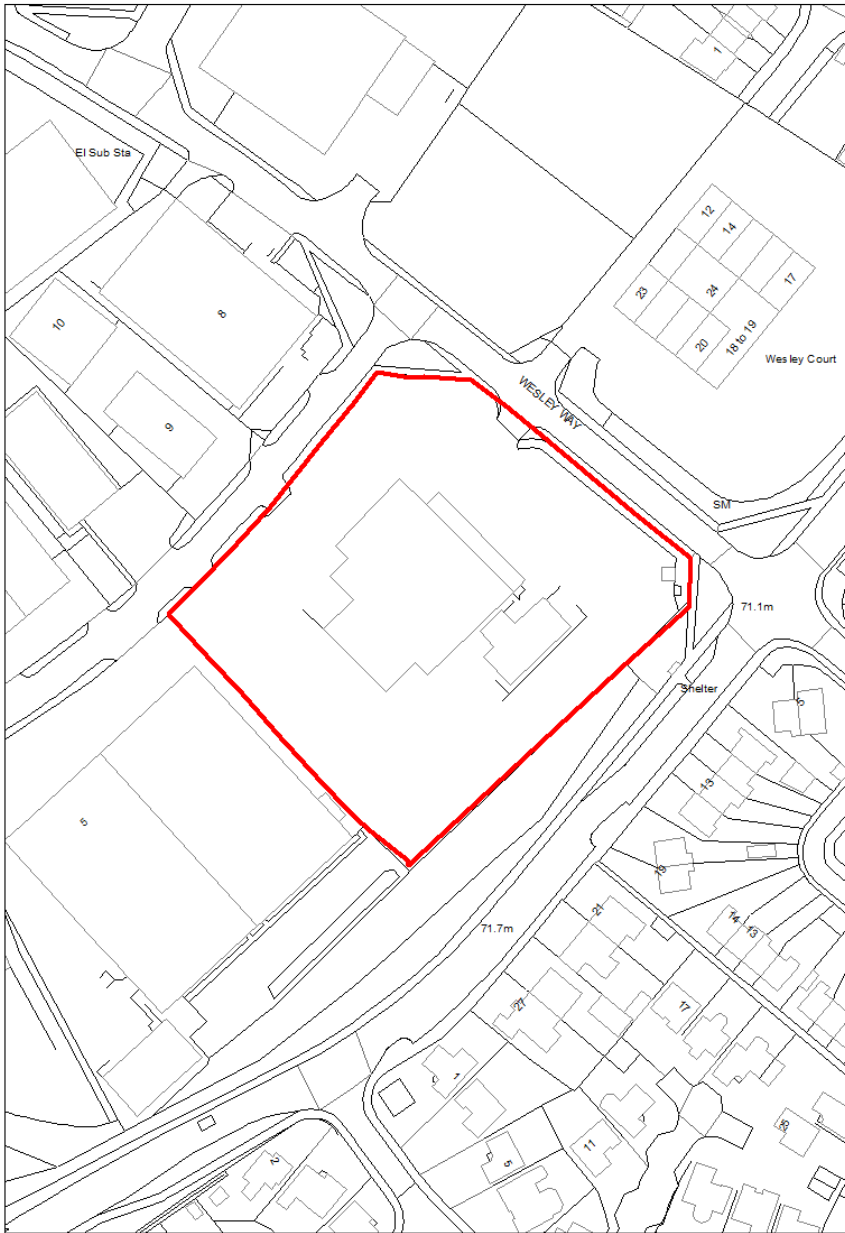
Reason: In order to protect the amenity of the surrounding area having regard to Policy DM2.3 of the North Tyneside Local Plan (2017).

6. All planting works shall be carried out in full accordance with the landscape details as shown on the approved 'Proposed Landscaping Site Dwg No. ENF-02 Revision D' and to a standard in accordance with the relevant recommendations of British Standard 8545:2014. The landscaping works shall be carried out during the next planting season (November 2022) and managed and maintained thereafter. Any trees or plants that, within a period of 12 months and 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.

Reason: In the interests of amenity and to ensure a satisfactory standard of landscaping having regard to policy DM5.9 of the North Tyneside Local Plan (2017).

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

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



Application reference: 22/00603/FUL

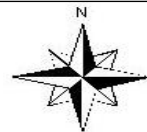
Location: Unit 14, Wesley Way, Benton Square Industrial Estate, Benton

**Proposal: Variation of condition 12 and removal of condition 13 of
planning approval 10/00552/FUL - amendments to landscaping layout**

Not to scale

Date: 18.08.2022

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**Appendix 1 – 22/00603/FUL
Item 5**

Consultations/representations

1.0 Ward Councillors

1.1 Councillor Parker Leonard

1.2 I would like it to be highlighted that they keep trying to move the goal posts. I do not think it is a big ask to get some landscaping done in the appropriate seasons to ensure that the area looks decent to the community. If we still do not have the information from the Landscape Architect, I would like to ensure that it is looked at more widely by the committee and I am hopeful we will have the information needed by then.

1.3 Just to confirm I do understand some of it will be hedges but I do feel these hedges need to follow on all the way around the perimeter where it faces residential houses.

2.0 Internal Consultees

2.1 Landscape Architect

2.2 Further to comments made in July 2022, a revised landscape plan has been provided (93083 ENF-02 rev D).

2.3 On site, a single line of laurel hedge planting has been undertaken adjacent to Wesley Way near the existing fence line. In addition, some of the native hedgerow has been planted along the inside of the fence along Whitley Road. However, it does not extend all the way to the existing tree group as shown on the submitted revised plan. Some bindweed is starting to establish on a section of fence along Whitley Road. Unfortunately, many of the plants on site have died or struggling to survive.

2.4 The landscape plan has been revised and includes the revisions requested from previous comments and is now acceptable.

2.5 Conditions:

All planting works shall be carried out in accordance with the landscape plan (93083 ENF-02 rev D) and to a standard in accordance with the relevant recommendations of British Standard 8545:2014. The works shall be carried out during the next planting season (November 2022) and maintained thereafter. 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.

3.0 Representations

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

- Adverse effect on wildlife
- Impact on landscape
- Inadequate drainage
- Inadequate parking provision

- Inappropriate design
- Loss of residential amenity
- Loss of visual amenity
- Loss of/damage to trees
- None compliance with approved policy
- Nuisance - disturbance
- Nuisance - dust/dirt
- Nuisance - fumes
- Nuisance - noise
- Out of keeping with surroundings
- Pollution of watercourse
- Poor traffic/pedestrian safety
- Poor/unsuitable vehicular access
- Precedent will be set
- Traffic congestion
- Will result in visual intrusion
- Inappropriate materials

Despite having only very recently been refused permission by a Planning Inspector to vary their planning application, this local building company seeks to once again submit an application showing variations of little merit to the environment, overall amenity and aesthetic appeal of the site.

Indeed, this variation seeks to cover up previous bad management practices, site design and haphazard storage and the previous installation of a large area of concrete abutting the perimeter fence used for the storage of materials, mainly bricks, did not form part of the original planning application granted in 2010. Until early in 2022 this concrete area routinely stored bricks and breeze blocks up to the height of 5M but was initially a grassed area with perimeter shrubbery and trees providing substantial and much needed screening of the site via a long-established beech hedge. This environmentally friendly green area was knowingly destroyed to facilitate this organisation's attempts to store more stock than was initially permitted under their 2010 planning application. The overall effect of this brick wall was that the local residents were faced with an ugly towering monstrosity that did not appear very safe and the amenity and aesthetic appeal when passing the site, was and still remains, utterly hideous.

In this variation proposal it is suggested by the company that a bed of red 60mm gravel on an open graded sub base will allow water to permeate. The water permeation is hardly believable given that it will be laid on the concrete mentioned previously, unless it is the intention to install extra drainage, which I note is not mentioned in the application.

The proposal to use planting as screening is a step forward from previous applications and a change of opinion and a complete volte-face by this company whose previous landscape consultant advised that the perimeter of the site would not support planting of any description. Clearly, the abundance of wild plants and weeds thriving on the site margins demonstrate that is not the case.

The specification of native plant species is certainly welcome but only if this company actually abides by the 2m storage height restrictions they have stated

on their proposals. Even so, given that the planting will possibly not take place until the Autumn at the earliest and these species are not particularly fast growing, it will take at least 5-10 years before it will make an effective and aesthetic screen for local residents, unlike the suggested Laurel hedgerow proposed for hedge 2 bordering Wesley Way which grows at a faster rate. One wonders why the proposals are different?

Notwithstanding, the issue with installing gravel over concrete the plans, they are presenting are partially viable. However, I am doubtful that this company will fulfil any of the remedial works required to tidy up this site. In my experience this company ignores any and all attempts to get them to adhere to any planning stipulation. Haphazard storage, continued use of staff and customer parking to store materials encouraging on street parking and access into the site remaining difficult for large deliveries, all continue as before.

I have no confidence that should this application be granted that this company would actually do any of this work.

Whilst it is encouraging to see that Parrs are attempting to reduce the impact of their site upon the visual amenity of the area for the residents and local community, they do not go far enough.

It is the residents that live opposite and those who travel along Whitley Road, either on foot or in vehicles, that are most subjected to the eyesore that is their site. The whole site needs to be screened from view in a manner keeping with the local area.

Leaving part of the boundary with a concrete base and no screening serves two purposes for Joseph Parrs:

It enables swift and efficient removal of the proposed landscaping (if it is ever installed) so that they can easily store building material. As experience has shown Parrs are likely to do whatever suits them, not their community, best and would be likely to not comply with any enforcement requests to remove those building supplies.

It would save Parrs money as they wouldn't have to create a suitable environment for plants to grow.

I would urge the Planning Committee to reject this variation unless Parrs agree to plant shrubs and bushes along the full site boundary to ensure that the whole sight is screened from view. Planting mature shrubs and bushes would reduce the time required for them to grow and fully screen the site. At least the community can be assured that Parrs are trying to repair their local reputation and become good neighbours whilst acknowledging their responsibility to their neighbours by making the site as visually amenable as possible whilst still being able to operate their business effectively.

It is our understanding that the initial condition (12) was put in place by the council to ensure a pleasant amenity for local residents and the surrounding community.

However, it is clear to all concerned that this condition was never met by the applicant nor was it enforced by NTC, until now. As such, our community and the local residents who live in near proximity to this business have been subjected to a business who has flouted conditions that would have protected this village's amenity over the last 10 years as well as a business who has knowingly and willingly further added to this negative amenity by way of storing building materials, outdoor displays as well as other visually offensive garbage/broken items/and discarded advertising signage littering the property.

It is also our firm belief that this current landscaping site map is both inaccurate and misleading in the manner with which it has been drawn. It appears to us that this business has strayed from its original site map (in 2010) that was approved by NTC. One only has to walk around this property to see that this business made no attempt to keep a green border around the property, and as such, they have inaccurately shown these "green areas" on all of their site maps submitted to NTC (both past and present).

Instead, this business has paved its property/car park in such a way that the pavement actually ends at the property fence in quite a few areas around the perimeter of the property and much of the areas that were meant to stay "green" have instead had concrete applied over them. One of these areas is of significant interest to us as we strongly contend that this particular stretch of property boundary should be required to be planted with screening trees/hedge/plants in order to ensure that residential houses across from this area are not subjected to further negative amenity of this property, as spelled out by NTC in the conditions of the initial (approved) application 10/00552/FUL.

Unfortunately, this business has instead disregarded this area in its new planning application and has requested that it be instead be covered with landscaping gravel.

We find this to be an unacceptable change to the original landscaping requirement and hope that NTC sees the benefit (for the amenity of local residents) and works with this business to provide screening on this stretch of property as well. The area that we are referring to is located in the east portion of the property that runs along Whitley Road in between the mature trees (on Whitley Road) and the corner of Whitley Road and Wesley Way. Unfortunately, this area (in red) on the landscaping site map does not actually exist. This area has been dug out by the business and is now part of the car park, several feet below the other areas. As such, we contend that gravel would not only not seen by the public, but it would be of little to no benefit to the local amenity either. However, we contend that this area could still be broken up in order to plant a tall, fast growing hedge or utilised to house a large potted hedge in order to provide screening in this area. Additionally, we contend that the plantings selected for the corner of Whitley Road and Wesley Way (at the front of this business) to shield this business from local residents are quite slow growing and would require years of growth in order to even to provide a marginal amount of screening. As such, we would request that NTC consider requiring that this business installs mature trees/bushes in this area and also imposes a minimum height for these initial plantings. We contend that this business has failed to

comply with this condition(s) for the last 10 years we feel strongly that this would be a fair requirement, as any tree or shrub planted 10 years ago would now be quite large and mature at this point in 2022.

It is also our understanding that should NTC enforce the previous conditions from 10/00552/FUL (or approves this current variant of conditions application 22/00603/FUL) that the business would not be responsible for installing these landscaping plants/trees/hedges until the next planting season (Fall/winter 2022 – spring 2023). However, we contend because this business has done away with the green areas of grass and fertile soil (shown on their site maps) and instead chosen to pave over and apply concrete to these areas (in order to sure up these spaces instead for the storage of both tall and heavy building materials) that the council move forward with the enforcement of this condition with immediate effect forcing this business to prepare these areas for landscaping in order to ensure that they are indeed planted in the next planting season. We believe that the preparation and treatment of these areas may take several months in order to bring them back to a state that would be amenable to planting and healthy growth of the installed landscaping.

As evidence of the green space that was in place before this business chose to pave the car park we submit two photos from 2009 and 2010 for your consideration. It is clear from these photos that these green “perimeter” areas that were shown in the applicant’s 2010 planning application actually existed at the time of the application, but that they knowingly and willingly chose to get rid of these green spaces despite the NTC landscaping condition that required them not to. And lastly, we also submit to NTC that as a result of this businesses paving their property 10 years ago, that they removed no less than 14 mature trees, 4 large hedges, 2 zones of plantings and a massive grassy area that blanketed much of their property. As such, we contend that it is imperative that this business finally follow through on a thoroughly planned out and well-tended landscaping scheme for the good of the local area in order to provide a positive (green) amenity for the community and local residents. It is clear to us that this business feels separate from the residential homes and does not feel as though it is actually a part of our local community (as they stated in their recent planning appeal - re: variation of outdoor storage of building materials) but we feel strongly that they are. We contend that either they don’t remember what their property looked like before they installed the paved car park or that there is no one left working at this site who was around at that time. We are hopeful that you (NTC) will share the attached photos with them so that they can compare how the community viewed their property before and what we have had to put up with more recently.

The applicant has regularly breached their consents in regard to this site. Please refer to photographs of the site prior to purchase by Parrs and immediately following it. Compare those photos to the existing site and it will be clearly seen that Parrs have extended to boundary of their site onto the Council owned verge. NTC should check whether this was authorised and whether residents were consulted. The original land was grassed and had trees growing have been removed. The applicant wish to avoid reinstating the grass and landscaping by placing gravel on top of the concrete. The concrete on itself does not allow surface water drainage age and the gravel will collect dust and dirt compounding

the problem. The concreted area is used by heavy lorries to park two wheels on it so that other vehicles can pass, this is because the applicant has used their yard parking to extend their storage, which in itself is an issue and there are no apparent bonds or sumps to catch the brick dust and debris. The original curtilage was used by residents as a pathway to cut through the estate to Great Lime Road, please bear in mind this now includes schoolchildren and their parents returning from Holystone Primary School to the Forest Gate area. They are now forced to walk in the centre of the road. By retaining the concrete, the issue with heavy vehicle parking and blocking of the road will continue. The concrete is also used to assist the heavy trucks to get into Wesley Road as some are unable to manoeuvre the mini roundabout. In recent months a lorry has blocked the whole of Whitley Road and another reversed back through Whitley Road after discovering he was in a weight controlled area. Both of these incidents were at school leaving time. In the past the area as it was close to Rising Sun Countryside Centre had a vast amount of wildlife including rabbits, frogs and even crested newts. All of which were regular visitors to local gardens. This is now in decline due largely to the antics of the applicant. The vehicles parking on the verge force pedestrians to walk on the road itself. The applicant knows by grassing this area it will be clearly evident what they are doing by the damage they will create. Vehicles cannot currently park in their parking yard due to this now being used as outside storage with no evidence of bunds or sumps.

The site is visually intrusive and not in keeping with the area. NTC should investigate the expansion of the curtilage and ensure that the landscaping is fully reinstated and policed. Enforcement action is long overdue against Parrs who are poor neighbours.

4.0 External Consultees

4.1 None