



North Tyneside Council

Planning Committee

19 October 2018

To be held on **Tuesday 30 October 2018** in room 0.02, Ground Floor, Quadrant East, The Silverlink North, Cobalt Business Park, North Tyneside, NE27 0BY **commencing at 10.00am.**

Agenda Item	Page
1. Apologies for absence To receive apologies for absence from the meeting.	
2. Appointment of substitutes To be informed of the appointment of any substitute members for the meeting.	
3. To receive any declarations of interest You are invited to declare any registerable and/or non-registerable interests in matters appearing on the agenda, and the nature of that interest. You are also requested to complete the Declarations of Interests card available at the meeting and return it to the Democratic Services Officer before leaving the meeting. You are also invited to disclose any dispensation from the requirement to declare any registerable and/or non-registerable interests that have been granted to you in respect of any matters appearing on the agenda.	
4. Minutes To confirm the minutes of the meeting held on 2 October 2018.	3

Continued overleaf

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5.	Planning officer reports	7
	To give consideration to the planning applications contained in the above report relating to:	
5.1	18/01155/FUL Units 13 & 14 Collingwood Centre, Preston North Road, North Shields (Collingwood Ward)	12
5.2	18/01156/ADV Units 13 & 14 Collinwood Centre, Preston North Road, North Shields (Collingwood Ward)	32
5.3	18/01060/FUL Land north east of Holystone Roundabout, Earsdon Road, Shiremoor (Valley Ward)	38

Members of the Planning Committee:

Councillor Jim Allan	Councillor Gary Madden
Councillor Trish Brady	Councillor David McMeekan (Deputy Chair)
Councillor Sandra Graham	Councillor Paul Mason
Councillor Muriel Green	Councillor Margaret Reynolds
Councillor John Hunter	Councillor Lesley Spillard
Councillor Frank Lott (Chair)	

Planning Committee

2 October 2018

Present: Councillor F Lott (Chair)
Councillors J M Allan, T Brady,
S Graham, M A Green, John Hunter,
G Madden, D McMeekan and L Spillard.

PQ22/10/18 Apologies

Apologies for absence were received from Councillor P Mason.

PQ23/10/18 Substitute Members

There were no substitute members.

PQ24/10/18 Declarations of Interest and Dispensations

There were no declarations of interest or dispensations reported.

PQ25/10/18 Minutes

Resolved that the minutes of the meeting held on 4 September 2018 be confirmed as a correct record, subject to the inclusion of Councillor G Madden among the list of those members present, and signed by the Chair.

PQ26/10/18 Planning Officer's Reports

Resolved that (1) permission to develop pursuant to the General Development Provisions of the Town and Country Planning Act 1990 and the Orders made thereunder, be granted for such class or classes of development or for such limited purpose or purposes as are specified, or not granted as the case may be, in accordance with the decisions indicated below; and

(2) any approval granted for a limited period be subject to the usual conditions relating to the restoration of land, removal of buildings and discontinuance of temporary use.

Application No:	18/01097/OUT	Ward:	Northumberland
Application Type:	Outline planning application		
Location:	Land adjacent to 87 Sunholme Drive, Wallsend		
Proposal:	Outline permission for the erection of 2no detached 3 bedroom houses with garage and additional parking for 2no cars each		
Applicant:	Shenstone Properties		

The Committee gave consideration to a report of the planning officer in relation to the application, together with an addendum to the report which had been circulated to

members prior to the meeting. A planning officer presented details of the application with the aid of various maps, plans and photographs.

Prior to consideration of the application a member of the Committee requested that the matter be deferred to allow members to undertake a fact finding site visit. This would enable members to gain a better understanding of the concerns raised by residents including access to the site and the risk of flooding. The request was rejected by the Committee.

In accordance with the Committee's Speaking Rights Scheme, Mr Simon King of 58 Sunholme Drive was permitted to speak to the Committee. Mr King had lived at the address for 25 years and he recounted the occasions when the watercourse to the east of the site had flooded, twice affecting properties in Sunholme Drive. He was also concerned that the housing development at East Benton Rise would add to the flooding risk. Mr King described the parking difficulties in Sunholme Drive which would be made worse by the proposed development. He understood that the site had been designated as a play area. The space had been used for many years by children in the neighbourhood and there was not any alternative open areas in the immediate vicinity. For these reasons Mr King believed that the proposed development would have a detrimental impact on the existing community living in Sunholme Drive.

The applicants, or their representatives, were not present at the meeting.

Members of the Committee asked questions of Mr King and officers and made comments. In doing so the Committee gave particular consideration to:

- a) the status of the site, which was not identified for any specific purpose in the Local Plan but had previously been subject to a Section 38 highways adoption agreement;
- b) the effect of a proposed condition requiring the applicant to submit to the Council for approval a construction method statement which would include details of where plant and machinery would be stored on site;
- c) the flood risk from the adjacent watercourse and the impact of the neighbouring East Benton Rise development on the flood risk;
- d) the likely impact of the development on the character and appearance of the area and on the residential amenity of existing properties;
- e) the car parking difficulties in the area; and
- f) the loss of open space in the area.

Decision

Application refused on the grounds that:

1. The application site occupies a prominent position within an existing residential estate. The proposed development would result in an overdevelopment of this site to the detriment of the surrounding area, including parking provision. As such the proposed development is contrary to policy DM6.1 of the North Tyneside Council Local Plan (2017);
2. The proposed development would result in the loss of an area of open space to the detriment of the function of the surrounding area. As such the proposed development is contrary to policies DM4.5 and DM6.1 of the North Tyneside Council Local Plan (2017);
3. The proposed development by virtue of its layout and siting would result in an unacceptable impact on the character and appearance of the immediate surrounding area. As such the proposed development is contrary to policy DM6.1 of the North Tyneside Council Local Plan (2017); and

4. The proposed development by virtue of its layout and siting would result in an unacceptable impact upon the residential amenity of existing properties. As such the proposed development is contrary to policy DM6.1 of the North Tyneside Council Local Plan (2017).

Application No:	18/01144/FUL	Ward:	Whitley Bay
Application Type:	Full planning application		
Location:	46-60 Park View, Whitley Bay		
Proposal:	Renovation and subdivision of the existing vacant unit into two units and change of use from A1 (retail) to A3 (cafe/restaurant) and A4 (drinking establishment)		
Applicant:	HT Leisure Ltd		

The Committee gave consideration to a report of the planning officer in relation to the application, together with an addendum circulated to the Committee at the meeting. A planning officer presented details of the application with the aid of various maps, plans and photographs.

In accordance with the Committee's Speaking Rights Scheme, Councillor John O'Shea, the ward councillor for Whitley Bay Ward, was permitted to speak to the Committee. Councillor O'Shea explained he was speaking on behalf of residents in Roxburgh Terrace and Park View who had objected to the planning application and related licensing application. Councillor O'Shea had attended the Licensing Sub-Committee on 18 September 2018 when a Premises Licence had been granted but the applicants had agreed on a number of compromises which had addressed many of the residents' concerns about noise, the hours of operation and the use of the rear of the premises. However some concerns remained about the dispersal of customers from the premises and the noise and disturbance they may cause in Park View. Councillor O'Shea also expressed concerns regarding the possibility of tables and chairs being placed on the pavement of Park View.

Mr Heron and Mr Talbot, Directors of the applicant company, HT Leisure Ltd, accompanied by Ms P Ramsay of Nicholson Nairn Architects, spoke to the Committee to respond to Councillor O'Shea's points. They described how the company had purchased the property to operate two separate businesses, The Giraffe Lounge and Mr Petit. These were commercial operations but the company sought to provide training and employment opportunities for young people with Autism and learning difficulties. They confirmed that they had agreed to a number of compromises at the licensing hearing and they indicated that they accepted the proposed conditions set out in the planning officer's report.

Members of the Committee asked questions of Councillor O'Shea, Mr Talbot, Mr Heron and officers and made comments. In doing so the Committee gave particular consideration to:

- a) the proportion of the premises to be used by each business and the nature of each business;
- b) the effect of a proposed condition limiting the time period within which any permission for furniture to be placed on the adopted highway could apply;
- c) the meaning of the term "drinking establishment" as defined in The Town and Country Planning (Use Classes) Order 1987;
- d) the Council's powers to regulate the conduct of customers smoking outside the premises; and
- e) the Council's policies contained within the Local Plan aimed at promoting the vitality and viability of town centres.

Decision

Application approved, subject to the conditions set out in the planning officer's report, as the development was considered to be acceptable in terms of the principal of development and its impact on residential amenity, the character and appearance of the area and on highway safety in accordance with the relevant policies contained within the National Planning Policy Framework and the Council's 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.

PLANNING COMMITTEE

Date: 30 October 2018

PLANNING APPLICATION REPORTS

Background Papers - Access to Information

The background papers used in preparing this schedule are the relevant application files the numbers of which appear at the head of each report. These files are available for inspection at the Council offices at Quadrant East, The Silverlink North, Cobalt Business Park, North Tyneside.

Principles to guide members and officers in determining planning applications and making decisions

Interests of the whole community

Members of Planning Committee should determine planning matters in the interests of the whole community of North Tyneside.

All applications should be determined on their respective planning merits.

Members of Planning Committee should not predetermine planning applications nor do anything that may reasonably be taken as giving an indication of having a closed mind towards planning applications before reading the Officers Report and attending the meeting of the Planning Committee and listening to the presentation and debate at the meeting. However, councillors act as representatives of public opinion in their communities and lobbying of members has an important role in the democratic process. Where members of the Planning Committee consider it appropriate to publicly support or oppose a planning application they can do so. This does not necessarily prevent any such member from speaking or voting on the application provided they approach the decision making process with an open mind and ensure that they take account of all the relevant matters before reaching a decision. Any Member (including any substitute Member) who finds themselves in this position at the Planning Committee are advised to state, prior to consideration of the application, that they have taken a public view on the application.

Where members publicly support or oppose an application they should ensure that the planning officers are informed, preferably in writing, so that their views can be properly recorded and included in the report to the Planning Committee.

All other members should have regard to these principles when dealing with planning matters and must avoid giving an impression that the Council may have prejudged the matter.

Planning Considerations

Planning decisions should be made on planning considerations and should not be based on immaterial considerations.

The Town and Country Planning Act 1990 as expanded by Government Guidance and decided cases define what matters are material to the determination of planning applications.

It is the responsibility of officers in preparing reports and recommendations to members to identify the material planning considerations and warn members about those matters which are not material planning matters.

Briefly, material planning considerations include:-

- North Tyneside Local Plan (adopted July 2017);
- National policies and advice contained in guidance issued by the Secretary of State, including the National Planning Policy Framework, Planning Practice Guidance, extant Circulars and Ministerial announcements;
- non-statutory planning policies determined by the Council;
- the statutory duty to pay special attention the desirability of preserving or enhancing the character or appearance of conservation areas;
- the statutory duty to have special regard to the desirability of preserving a listed building or its setting or any features of special architectural or historic interest which it possesses;
- representations made by statutory consultees and other persons making representations in response to the publicity given to applications, to the extent that they relate to planning matters.

There is much case law on what are material planning considerations. The consideration must relate to the use and development of land.

Personal considerations and purely financial considerations are not on their own material; they can only be material in exceptional situations and only in so far as they relate to the use and development of land such as, the need to raise income to preserve a listed building which cannot otherwise be achieved.

The planning system does not exist to protect private interests of one person against the activities of another or the commercial interests of one business against the activities of another. The basic question is not whether owners and occupiers or neighbouring properties or trade competitors would experience financial or other loss from a particular development, but whether the proposal would unacceptably affect amenities and the existing use of land and buildings, which ought to be protected in the public interest.

Local opposition or support for the proposal is not in itself a ground for refusing or granting planning permission, unless that opposition or support is founded upon valid planning reasons which can be substantiated by clear evidence.

It will be inevitable that all the considerations will not point either to grant or refusal. Having identified all the material planning considerations and put to one side all the immaterial considerations, members must come to a carefully balanced decision which can be substantiated if challenged on appeal.

Officers' Advice

All members should pay particular attention to the professional advice and recommendations from officers.

They should only resist such advice, if they have good reasons, based on land use planning grounds which can be substantiated by clear evidence.

Where the Planning Committee resolves to make a decision contrary to a recommendation from officers, members must be aware of their legislative responsibilities under Article 35 of the Town & Country Planning (Development Management Procedure) (England) Order 2015 (as amended) to:

When refusing permission:

- state clearly and precisely the full reasons for any refusal including specifying all the policies and proposals in the development plan relevant to the decision; or

When granting permission:

- give a summary of the reasons for granting permission and of the policies and proposals in the development plan relevant to the decision; and
- state clearly and precisely full reasons for each condition imposed, specifying all policies and proposals in the development plan which are relevant to the decision; and
- in the case of each pre-commencement condition, state the reason for the condition being a pre-commencement condition.

And in both cases to give a statement explaining how, in dealing with the application, the LPA has worked with the applicant in a proactive and positive manner based on seeking solutions to problems arising in relation to dealing with the application, having regard to advice in para.s 186-187 of the National Planning Policy Framework.

Lobbying of Planning Committee Members

While recognising that lobbying of members has an important role in the local democratic process, members of Planning Committee should ensure that their response is not such as to give reasonable grounds for their impartiality to be questioned or to indicate that the decision has already been made. If however, members of Committee express an opinion prior to the Planning Committee this does not necessarily prevent any such member from speaking or voting on the application provided they approach the decision making process with an open

mind and ensure that they take account of all the relevant matters before reaching a decision. Any Member (including any substitute Member) who finds themselves in this position at the Planning Committee are advised to state, prior to consideration of the application, that they have taken a public view on the application.

Lobbying of Other Members

While recognising that lobbying of members has an important role in the local democratic process, all other members should ensure that their response is not such as to give reasonable grounds for suggesting that the decision has already been made by the Council.

Lobbying

Members of the Planning Committee should ensure that their response to any lobbying is not such as to give reasonable grounds for their impartiality to be questioned. However all members of the Council should ensure that any responses do not give reasonable grounds for suggesting that a decision has already been made by the Council.

Members of the Planning Committee should not act as agents (represent or undertake any work) for people pursuing planning applications nor should they put pressure on officers for a particular recommendation.

5.1	18/01155/FUL	Collingwood
Unit 13 To 14 Collingwood Centre Preston North Road North Shields Tyne And Wear NE29 9QR		
Speaking rights requested -Gordon Dennett, 22 Heybrook Avenue North Shields		
5.2	18/01156/ADV	Collingwood
Unit 13 To 14 Collingwood Centre Preston North Road North Shields Tyne And Wear NE29 9QR		
5.3	18/01060/FUL	Valley
Land North East Of Holystone Roundabout Earsdon Road Shiremoor NEWCASTLE UPON TYNE		

Item No: 5.1
Application No: 18/01155/FUL
Date valid: 22 August 2018
Target decision date: 17 October 2018
Author: Amelia Robson
☎: 0191 643 6339
Ward: Collingwood

Application type: full planning application

Location: Unit 13 To 14, Collingwood Centre, Preston North Road, North Shields, Tyne And Wear

Proposal: Subdivision and part change of use from A1 to A1 and A3 mixed use including new aluminium shopfronts and two new extract grilles

Applicant: Greggs Plc, Mrs Sara Humphries B3 Mucklestone Business Park
Eccleshall Road Market Drayton Shropshire TF9 4FB

RECOMMENDATION: Application Permitted

INFORMATION

1.0 Summary Of Key Issues & Conclusions

1.0 Main Issues

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

- Principle of the proposed development;
- Impact of the proposal upon the character and appearance of the site and surrounding area;
- Impact on neighbouring residential amenity; and
- Impact on highway safety.

2.0 Description of the Site

2.1 The application site is located within the Collingwood Centre, on Preston Road North Shields. The application site is an end unit, No. 14.

2.2 The unit is currently vacant and unit 13 & 14 were formerly the Fat Butcher (Use Class A1). 'Subway' (Use Class A1) is directly adjacent at No. 12. The unit is east facing with a large car park directly adjacent.

2.3 To the rear (west) of the development, there is a residential area (Heybrook Avenue) with vegetation buffer and access road in between. To the south are areas of planting, which separate the Collingwood Centre from Beach Road.

2.4 The site lies within the area designated as Preston Grange Local Centre by the Local Plan.

3.0 Description of the Proposed Development

3.1 The proposed development relates to part change of use from A1 to A1 and A3 mixed use including new aluminium shop fronts and two new extract grilles.

4.0 Relevant Planning History

18/01156/ADV - 2no fascia signs and 2no internal posters. – Pending consideration

18/00983/FULC - Sub-division of existing retail unit into 2 equal sized units. External alterations to include blocking up unwanted openings to rear elevation and creating new double door exit / service door. Removal of shop front glazing and provision of temporary timber hoarding awaiting new tenant shop fit out. Alterations to footpath to create a level access threshold to new retail unit. – Application Permitted 12.09.2018

Land to south of units 13 & 14:

17/01852/FUL - Erection of a drive thru restaurant with associated access, disabled car parking, cycle stands, and hard and soft landscaping – Application Refused 03.04.2018

17/01853/ADV - "KFC" Lettering Fascia sign to be attached to eastern and southern frontage. KFC logo Fascia sign to be attached to eastern frontage. 2no single wall mounted "Leader board" Fascia Signs to be attached to southern frontage. 4no wall mounted "Menu Board" Fascia Sign to be attached to southern frontage. "Menu Board" Fascia Sign will be orientated at an angle off the building towards vehicles using the drive through. 4no directional signs. – Application Refused 03.04.2018

5.0 Development Plan

5.1 North Tyneside Local Plan (2017)

6.0 Government Policy

6.1 National Planning Policy Framework (July 2018)

6.2 National Planning Practice Guidance (As Amended)

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

PLANNING OFFICERS REPORT

7.0 The main issues for Members to consider are:

- Principle of the proposed development;
- Impact of the proposal upon the character and appearance of the site and surrounding area; and
- Impact on neighbouring residential amenity.
- Impact on highway safety.

7.1 Consultation 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 principle of development

8.1 The Government is committed to ensuring that the planning system does everything it can to support sustainable economic growth. Significant weight should be placed on the need to support economic growth through the planning system.

8.2 The NPPF sets out the core planning principles which, should underpin decisions and notes that planning should amongst other matters, proactively drive and support sustainable economic development to deliver the homes, business and industrial units, infrastructure and thriving local places that the country needs. Every effort should be made objectively to identify and then meet the housing, business and other development needs of an area, and respond positively to wider opportunities for growth.

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

8.4 Policy DM1.3 states that the Council will work pro-actively with applicants to jointly find solutions that mean proposals can be approved wherever possible that improve the economic, social and environmental conditions in the area through the Development Management process and application of the policies of the Local Plan. Where there are no policies relevant to the application or relevant policies are out of date at the time of making the decision, and then the Council will grant permission unless material considerations indicate otherwise.

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

8.6 Policy DM3.4 of the Local Plan lists the criteria which proposals for main town centre uses on sites not within the town centres are required to meet.

8.7 The proposal relates to subdivision and change of use to the existing vacant retail unit (use class A1) into a mixed use retail unit and cafe (use class A1/A3). The subdivision of the units would allow the applicant to occupy the end unit, No. 14.

8.8 The proposed use class of A1/A3 would be appropriate for this location. The proposed site is an existing local centre therefore it is easily accessible. The part change of use would therefore be in accordance with policy DM3.4. The proposed development would secure economic development and create additional jobs in accordance with the aims of the NPPF.

8.9 The NPPF states that local planning authorities amongst other matters should recognise town centres as the heart of their communities and pursue policies to support their viability and vitality.

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

8.11 The proposed use is a main town centre use as defined by the NPPF. The application site lies within Preston Grange Local Centre. Paragraph 6.1 of the Local Plan advises that references to town centres apply to town centres, district centres and local centres, but exclude small parades of shops of purely neighbourhood significance.

8.12 Given that the application site is located within a designated Local Centre the principle of the use is considered to be acceptable in terms of the above policies.

8.13 The NPPF paragraph 91 states that the planning system can play an important role in creating healthy and inclusive communities. It is clear that the link between planning and health has been set out in the NPPF and is integrated within the Local Plan, in particular policies DM3.7 and S1.2.

8.14 Policy S1.2 states: The wellbeing and health of communities will be maintained and improved by:

- a. Working in partnership with the health authorities to improve the health and well-being of North Tyneside's residents.
- b. Requiring development to contribute to creating an age friendly, healthy and equitable living environment through:
 - i. Creating an inclusive built and natural environment.
 - ii. Promoting and facilitating active and healthy lifestyles, in particular walking and cycling.
 - iii. Preventing negative impacts on residential amenity and wider public safety from noise, ground instability, ground and water contamination, vibration and air quality.
 - iv. Providing good access for all to health and social care facilities.
 - v. Promoting access for all to green spaces, sports facilities, play and recreation opportunities.
- c. Promoting allotments and gardens for exercise, recreation and for healthy locally produced food.
- d. Controlling the location of, and access to, unhealthy eating outlets.

8.15 Use class

8.16 Objections have been raised on the grounds that the use is contrary to the Local Plan Policy. It is important to establish what use class the applicant would fall under to determine whether policy DM3.7 should be a material consideration in assessing this proposal.

8.17 Policy DM3.7 states: Proposals for A5 hot food take-aways will be permitted unless:

- a. It would result in a clustering of A5 uses to the detriment of the character, function, vitality and viability of the defined centres or it would have an adverse impact on the standard of amenity for existing and future occupants of adjacent land and buildings.
- b. There are two or more consecutive A5 uses in any one length of frontage. Where A5 uses already exist in any length of frontage, a gap of at least two non A5 use shall be required before a further A5 use will be permitted in the same length of frontage. To promote healthier communities, the Council will:
- c. Prevent the development of A5 use within a 400m radius of entry points to all middle and secondary schools, as shown on the Policies Map.
- d. Prevent the development of A5 use in wards where there is more than 15% of the year 6 pupils or 10% of reception pupils classified as very overweight*.
- e. Assess on an individual basis, the impact hot food take-aways have on the well-being of residents.

8.18 Public health have objected to this proposal because of the negative impact that it will have on the well-being of residents as the site is located within 400m of John Spence High School in Collingwood Ward which has one of the highest rates of very overweight and obese year 6 children in North Tyneside.

8.19 Objections have been received from Public Health, Councillors and residents on the grounds that Greggs should be considered as A5 (hot food takeaway).

8.20 An A5 use in the use class order is defined as for the sale of hot food for the consumption off the premises.

8.21 Objectors have considered the current marketing of Greggs as 'food-on-the-go' which would suggest the primary use of the applicant site as takeaway. However it is considered that Greggs does not provide a large proportion of hot food. Therefore, it cannot be considered as use class A5.

8.22 In support of the proposal the applicant has provided the following:

- 1) I have numerous examples of where we have been granted mixed A1/A3 use, however, I would advise that Greggs trade under A1 consent in around 90% of our 1700 + stores throughout the UK.
- 2) The primary use of this property is proposed as a take-away selling bakery products that are 'baked off' throughout the day alongside other goods such as sandwiches, cakes and drinks. Hot food sales amount to 8% of our overall take away offer, which primarily is our breakfast offer; some shops do have a Nuttalls hot sandwich unit, which cooks hot sandwiches to order, but this is not being provided in this particular shop. The majority of our savoury products are not sold hot, they are merely baked throughout the day and sold to the customer at whatever temperature they have cooled to from our counters. These products are not baked hot to order or kept hot. As well as a planning issue there is also a VAT issue which you may recall in 2012, after extensive lobbying by Greggs, the Government accepted that these savouries are not 'hot food'.
- 3) In early 2010, customer feedback showed that customers would occasionally like to eat their products on seats in our shops. Due to this feedback we

designed our shops with limited seating for our customers where space permitted. The seating is designed to be functional and practical for customers to stay for a limited period of time before they move on. If space permits, as is the case with this unit, a customer toilet is included but this tends to be the exception rather than the norm. It is our view that increasing our seating has not changed our primary purpose which is a class A1 food on the go retailer. However, as we are proposing to install 17 internal customer seats, we thought it prudent to apply for the mixed class use here.

8.23 A recent application was refused by Planning Committee regarding the development of a drive-thru restaurant (17/01852/FUL). The Case Officer recommended that the proposal failed to comply with Policy DM3.7 because of the nature of the food being served. The drive-thru restaurant would have served mostly hot, which would be made hot when ordered for that specific customer. In regards to the application currently being assessed, it is apparent that the food being served would not be cooked for the specific customer but would be mostly served at the temperature to which it had cooled during the day.

8.24 Officer advice is that the site is located within Collingwood Centre where several retail and café units are already established. It is officer advice that the use class which is proposed should be considered as a mixed use A1/A3. The primary use proposed is shop (A1) and café (A3) and not a hot food takeaway (A5). It is officer advice that the principle of a mixed use A1/A3 is therefore considered to be acceptable in this commercial parade of units. Members need to consider whether they consider the principle of use to be acceptable. It is officer advice that it is.

9.0 Impact on residential amenity

9.1 The NPPF states that there are three dimensions to sustainable development; economic, social and environmental. The planning system needs to perform each of these roles. The environmental role contributes to protecting and enhancing our natural, built and historic environment, and as part of this, helping minimise waste and pollution.

9.2 Paragraph 180 of the NPPF states that planning policies and decisions should ensure that new development is appropriate for its location taking into account the likely effects (including cumulative effects) of pollution on health, living conditions and the natural environment, as well as the potential sensitivity of the site or the wider area to impacts that could arise from the development. In doing so they should mitigate and reduce to a minimum potential adverse impacts resulting from noise from new development and avoid noise giving rise to significant adverse impacts on health and the quality of life.

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

9.4 DM5.19 states that development proposals that may cause pollution either individually or cumulatively of water, air or soil through noise, smell, smoke, fumes, gases, steam, dust, vibration, light and other pollutants will be required to incorporate measures to prevent or reduce their pollution so as not to cause

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

9.5 Policy DM6.1 of the Local Plan states that proposals are expected to demonstrate a positive relationship to neighbouring buildings and spaces; a safe environment that reduces opportunities for crime and antisocial behaviour; and a good standard of amenity for existing and future residents and users of buildings and spaces.

9.6 Residential properties are located on Heybrook Avenue, approximately 48m to the west of the application site. These properties are separated from the application site by a natural buffer of trees/shrubs.

9.7 Objections have been raised by residents on the grounds that the proposed use will result in additional disturbance as a result of the cooking odours and noise, and disturbance from customers, plant and delivery vehicles, particularly during the evening. A petition of 73 signatures has also been submitted. These concerns are noted.

9.8 The service yard is located at the west end of the building and is enclosed by 3.5m high walls.

9.9 There are no details regarding opening hours but Environmental Health (pollution) has recommended that these are restricted to 07:30-21:00. This is to minimise potential late evening noise to the rear of the site which could potentially negatively impact on the amenity of residents at Heybrook Avenue.

9.10 The applicant has not provided information on quantities of food or whether any frying or grilling equipment is to be utilised. There has been a report on odour control but Environmental Health (pollution) has commented that this is not site specific. There is also no information on odour control or noise levels from any proposed plant equipment – or on details of flues and extract vents. Environmental Health (pollution) have also commented that the applicant needs to demonstrate that noise from plant and equipment can be kept to a level to prevent no further increase in the ambient background noise levels for the day and evening and night.

9.11 It is acknowledged that Environmental Health (pollution) has recommended the proposal for refusal on the grounds that there is insufficient information provided. However, they have recommended several conditions should the application be approved.

9.12 The impact of the proposal upon residential amenity in particular upon the occupiers of Heybrook Avenue is an important material consideration. As established by Environmental Health (pollution) there are potential adverse impacts identified but it is officer advice that these can be adequately controlled through planning conditions.

9.13 Members must determine whether, with the recommended conditions attached, the proposal is acceptable in terms of its impact on the residential amenity of surrounding occupiers. It is officer opinion that it is acceptable subject to conditions.

10.0 Impact on Character and Appearance

10.1 The National Planning Policy Framework states that good design is a key aspect of sustainable development and that permission should be refused for development of poor design.

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

10.3 LDD11 'Design Quality' applies to all planning applications that involve building works. It states that extensions must offer a high quality of design that will sustain, enhance and preserve the quality of the built and natural environment. It further states that extensions should compliment the form and character of the original building.

10.4 The Collingwood Centre contains a row of single storey brick units facing east towards the car park with the larger 2-storey Morrisons store to the north.

10.5 The proposal would require external alterations to the existing retail unit. Currently, unit 14 does not have a door to the front elevation as the access door is located on unit 13. The proposal includes installing a new aluminium and glazed manual swing door to the front elevation with a micro perforated roller shutter. The proposal also includes retaining the side elevation window and existing AC units. Two extract grilles are proposed to the rear elevation and the blocking up of rear doors.

10.6 Environmental Health (pollution) stated that to ensure a good dispersal of cooking odours, a minimum of 1 metre above ridge height is recommended for kitchen extract flues. It is considered that this would have an adverse impact on the character of the surrounding area. However, the applicant has submitted details to show that a 1 metre flue above ridge height would not be necessary.

10.7 Members need to determine whether the proposed development would be acceptable in terms of its impact on the character and appearance of the site and surrounding area. It is officer advice that the external changes and alterations to the front elevation would not have an adverse impact on the character of the surrounding area.

11.0 Impact on highway safety

11.1 The NPPF states that Transport policies have an important role to play in facilitating sustainable development, but also contributing to wider sustainability and health objectives.

11.2 Paragraph 109 of the NPPF also states that development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.

11.3 Policy DM4.7 New Development and Transport states that the council and its partners will ensure that the transport requirements of new development, commensurate to the scale and type of development, are taken into account and seek to promote sustainable travel to minimize environmental impacts and support residents health and well-being.

11.4 The Highway Network Manager has been consulted and does not object, noting that the site is located within the existing Collingwood Centre with substantial parking available and no changes to access or servicing.

11.5 Members must determine whether the proposal is acceptable in terms of its impact on the highway network. It is officer advice that the proposal would not have an adverse impact on highway safety or parking.

12.0 Local Financial Considerations

12.1 There are three threads of sustainability outline in NPPF, these being the environment, economic and social threats, together with the policies in the NPPF as a whole.

12.2 Economically there would be benefits in terms of the provision of jobs via the employment of staff at the site and during the construction phase.

13.0 Conclusion

13.1 In conclusion, Members need to consider whether the principle of the proposed development is acceptable, and whether the proposal is acceptable in terms of its impact on residential amenity and the impact on character and appearance of the area.

12.2 On balance, and with regard to all the above, it is considered that the proposed part change of use for this site and external alterations are acceptable. It is therefore recommended that the application is approved subject to conditions.

RECOMMENDATION: Application Permitted

Conditions/Reasons

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

- Application form, date: 22.08.2018
- Site Location Plan, 21.08.2018
- Proposed GA, Ref: RNTH/S5199/03, date: 17.08.2018
- Proposed Shopfront, Ref: RNTH/S5199/06, date: 13.08.2018

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

2. Standard Time Limit 3 Years FUL MAN02 *

3. Notwithstanding Condition 1, no development shall take place until details of the height, position, design and materials of any chimney or extraction vent to be provided in connection with the development have been submitted to and approved in writing by the Local Planning Authority. Thereafter, the development shall not be carried out other than in accordance with the approved details.

Reason: This information is required pre-commencement to ensure the amenity of nearby residents is safeguarded having regard to policy DM5.19 of the North Tyneside Local Plan (2017) and National Planning Policy Framework.

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

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

5. Notwithstanding Condition 1, prior to the occupation of any part of the unit details of any refrigeration plant to be installed in connection with the development shall be submitted to and approved in writing by the Local Planning Authority. The plant shall thereafter only be installed in accordance with the approved details and permanently retained as such.

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

6. Notwithstanding Condition 1, no development shall take place until details of an odour suppression system; have been submitted to and approved in writing by the Local Planning Authority. The scheme shall thereafter be implemented before the development or use commences in accordance with the approved details and permanently retained. The applicant shall permanently maintain the odour suppression system as approved in accordance with the submitted details provided by the manufacturer.

Reason: This information is required pre-commencement in order to protect the amenities of occupiers of nearby properties having regard to policy DM5.19 of the North Tyneside Local Plan (2017).

7. There shall be no cooking equipment permitted for the shallow frying, deep fat frying or grilling of foods unless full details have been submitted to, and agreed in writing by, the Local Planning Authority. Thereafter any cooking

equipment for the provision of shallow frying, deep fat frying or grilling of foods shall not be installed or used other than in accordance with the approved details.

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

8. Notwithstanding Condition 1, prior to the commencement of any development a noise scheme shall be submitted to and approved in writing by the Local Planning Authority. The noise scheme shall be carried out in accordance with BS4142 to determine the current background noise levels for daytime, evening and night. The rating level for all plant must not exceed the current background noise levels. It will be necessary following installation of the plant and equipment that acoustic testing is undertaken to verify compliance with this condition within one month of its installation and submitted for written approval prior to the operation of the plant and thereafter maintain in working order.

Reason: This information is required pre-commencement in order to protect the amenities of occupiers of nearby properties having regard to policy DM5.19 of the North Tyneside Local Plan (2017).

9. All plant and machinery shall be enclosed with sound insulation material. The sound insulation scheme shall be submitted to and approved in writing by the Local Planning Authority prior to any plant and machinery being brought into use. The plant and machinery shall not be used until the approved soundproofing has been implemented. This will include details of the noise levels expected to be created by the combined use of external plant and equipment to ensure compliance with the noise rating level.

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

10. Deliveries must not be permitted to the rear entrance of the premises between 21:00 and 08:00 hours.

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

11. Noise No Tannoys Externally Audible NOI002 *

12. The premises shall not be open for business between the hours of 21:00 and 07:30 Monday to Saturday and between 21:00 and 09:00 hours on any Sunday or Bank Holiday.

Reason: To safeguard the occupiers of adjacent properties from undue noise of other associated disturbance having regard to policy DM5.19 of the North Tyneside Local Plan (2017).

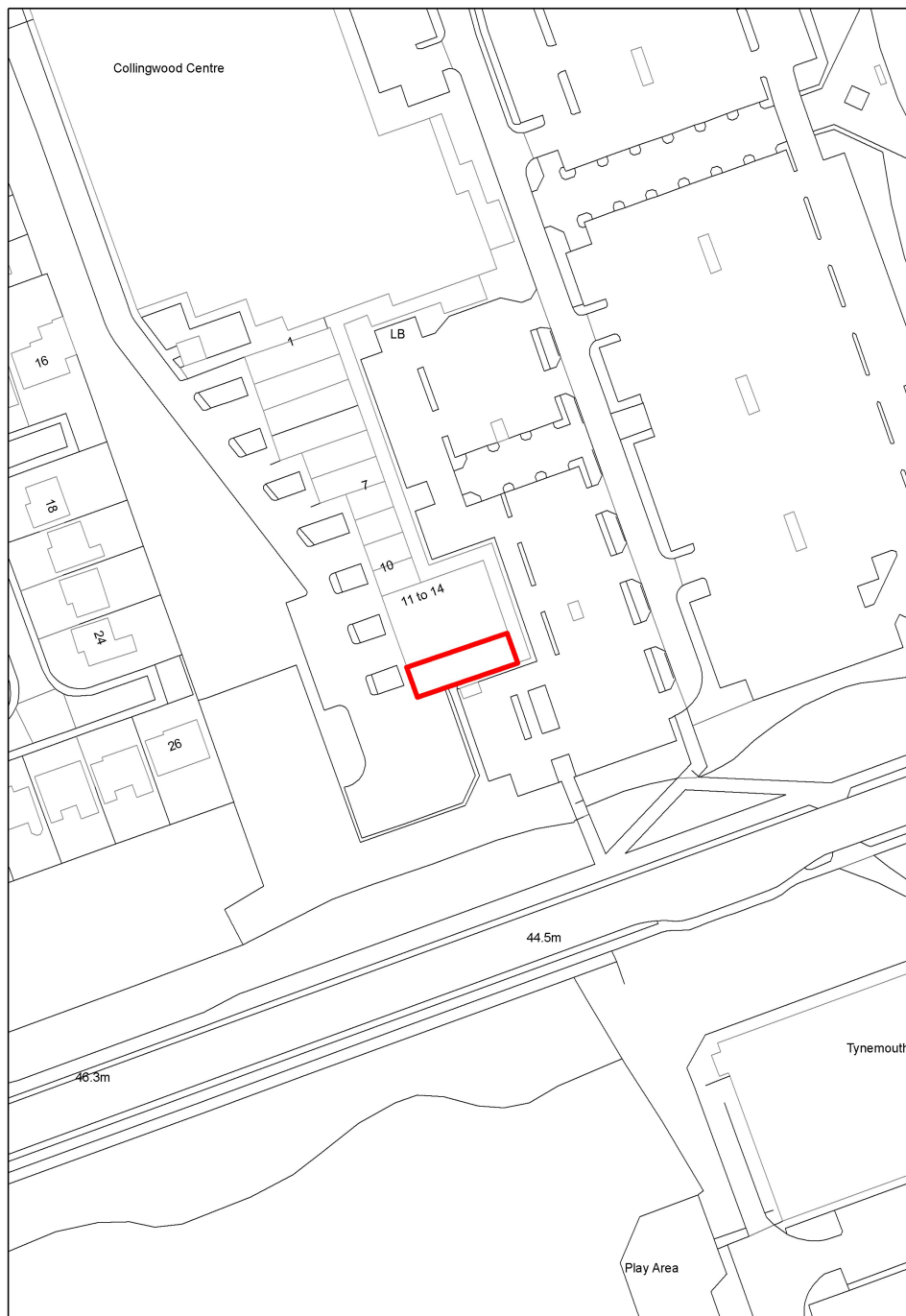
13. Notwithstanding Condition 1, prior to the occupation of any part of the unit details of facilities to be provided for the storage of refuse bins within the site shall be submitted to and approved in writing by the Local Planning Authority. The facilities which shall include the provision of wheeled refuse bins shall be

provided in accordance with the approved details, prior to the occupation of any part of the development and thereafter permanently retained.

Reason: In order to safeguard the amenities of the area having regard to policies DM6.1 of 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: 18/01155/FUL

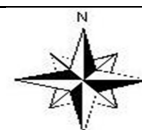
Location: Unit 13 To 14, Collingwood Centre, Preston North Road, North Shields

Proposal: Subdivision and part change of use from A1 to A1 and A3 mixed use including new aluminium shopfronts and two new extract grilles

Not to scale

Date: 18.10.2018

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Appendix 1 – 18/01155/FUL
Item 1

Consultations/representations

1.0 Internal Consultees

1.1 Highway Network Manager

1.2 This application is for the subdivision and part change of use from A1 to A1 & A3 mixed use including new aluminium shop fronts and two new extract grilles. The site is located within the existing Collingwood Centre with substantial parking available and no changes to access or servicing. Approval is recommended.

1.3 Recommendation – Approval

1.4 Environmental Health (Contaminated Land)

1.5 No objection.

1.6 Environmental Health (Pollution)

1.7 Thank you for consulting Pollution with regard to this application for the subdivision and part change of use from A1 to A1 and A3 mixed use including new aluminium shopfronts and two new extract grilles. The unit is situated in a small row of shops, one of which is a pizza takeaway. There are residential properties to the rear of the row, separated by the service access road. I have concerns with regard to potential odour and noise affecting the residential properties to the rear. Complaints have historically been received regarding noise from extraction plant and cooking odours from existing commercial units and from the supermarket.

1.8 The applicant has provided no information on quantities of food to be prepared or a detailed breakdown of the food types to be prepared at the A1 and A3 premises, other than an indication of cooking equipment on the layout plan. It is not clear from the layout plan whether any frying or grilling equipment is to be utilised. The applicant has provided a report on odour control, but this report is not site specific to this location and no information on odour control or on noise levels from any proposed plant such as kitchen extraction and chiller units has been provided. A detailed odour risk assessment for this site location must be provided based on the proposed kitchen extraction system to be fitted. The kitchen extraction system must be based upon the former DEFRA report "Guidance and Control of Odour and Noise from Commercial Kitchen Exhaust Systems". This information should be provided with the planning application to allow an assessment of odour and noise.

1.9 It is not clear from the layout plans where any extract vents are to be fitted, low level extract vents would not be considered suitable for mitigating cooking odours from the shop unit. To ensure good dispersal of cooking odours a minimum 1 metre above roof ridge is recommended for kitchen extract flues. This should assist with the dispersal of cooking odours, but no system provides 100% removal of odours and there will be the potential for some fugitive odours to impact on the amenity of neighbouring residents to the rear of the site. Full details of all flues and extract vents must be provided with the application. Information on the maintenance of the extraction system should also be provided.

The effectiveness of the extraction system would be dependent upon the type of cooking taking place in the unit and the proposed residence time for the air flow.

1.10 The applicant needs to demonstrate that noise from plant and equipment can be kept to a level to prevent no further increase in the ambient background noise levels for the day and evening and during the night, if plant such as chiller units is operating 24/7.

1.11 I would suggest that background noise levels are required to determine an appropriate noise rating for plant noise arising from the extraction system and any other new external plant such as additional air conditioning units and condenser units to protect the neighbouring residential premises located in Heybrook Avenue. No information has been provided on operating times for the unit and it is recommended that these are restricted to 07:30 - 21:00 hours to minimise potential late evening noise to the rear of the site. There will also be associated noise late evening affecting residents, such as loud voices from staff, clatters and bangs from the disposing of waste into the refuse bins located in the rear service yard.

1.12 I would therefore recommend refusal of this application as there is insufficient information provided to fully assess the application. If this application is to be approved I would recommend the following conditions.

1.13 Conditions:

EPL01(Flue to 1 m above roof ridge)

EPL02

EPL03

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

There shall be no cooking equipment permitted for the shallow frying, deep fat frying or grilling of foods unless full details have been submitted to, and agreed in writing by, the Local Planning Authority. Thereafter any cooking equipment for the provision of shallow frying, deep fat frying or grilling of foods shall not be installed or used other than in accordance with the approved details.

A noise scheme must be submitted in accordance with BS4142 to determine the current background noise levels for daytime, evening and night. The rating level for all plant must not exceed the current background noise levels. It will be necessary following installation of the plant and equipment that acoustic testing is undertaken to verify compliance with this condition within one month of its installation and submitted for written approval prior to the operation of the plant and thereafter maintain in working order.

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

Deliveries must not be permitted to the rear entrance of the premises between 21:00 and 08:00 hours.

Reason to protect the amenity of nearby residential premises.

NOI02

HOU03 07:30 hours to 21:00 hours Monday to Saturday and 09:00 to 21:00 hours Sundays and Bank Holidays.

REF01

REF02

1.14 Director of Public Health

1.15 I am writing to object to the planning application for the above premises.

1.16 My response is based on the North Tyneside Council Local Plan. The vision of the North Tyneside Local Plan is to enable all residents of North Tyneside to enjoy a healthy lifestyle and live healthier and longer lives. Reducing levels of obesity is a key objective of the Council and its partners, indeed the North Tyneside Health and Wellbeing Board identifies reducing levels of obesity in the borough as one of nine key objectives. Two thirds of adults and one third of 10-11 year olds adults in the borough are either overweight or obese. A key priority both nationally and locally is to encourage healthy eating. This is incredibly difficult to do if we continue to allow developments that promote the sale of food high in fat, calories and salt within our commercial centres and in the immediate vicinity of our local schools and leisure centres, as an increasing proportion of people consume food outside the home.

1.17 The application by Greggs is for A3 use which is defined as restaurants and cafes, "for the sale of food and drink for consumption on the premises". However the food sold by Greggs is in their own words is "Food on the go" i.e. take away food, and from their menu over 50% is hot food (<https://corporate.greggs.co.uk/strategy/strategy-in-action>). While there are a limited number of healthy options, by far the most popular, by the company's own admission are items such as bacon sandwiches, sausages rolls, pies and pasties which are predominantly high in calories, fat and salt.

1.18 Not only does the current application for a "Food on the Go" shop, not accord with the Council's priority on tackling childhood obesity in the Borough, generally it would appear that the use class in the application is incorrect. It is my opinion that this application should be for combined A3/A5 use in order to include the hot food takeaway component of the proposal.

1.19 The proposed premises are located within 400m of John Spence Community High School in Collingwood Ward, which has one of the highest rates of very overweight and obese year 6 children in North Tyneside. A hot food takeaway (A5 use) would not be permitted according to the Local Plan policy DM3.7 on this basis. Public Health England National Child Measurement Programme Data identifies that in 2016/17 25.7% of year 6 pupils in Collingwood Ward were very overweight (obese). Worryingly this figure has increased annually, in 2013/14 only 20% of pupils in year 6 were identified as very overweight (obese).

1.20 There is evidence that the most popular time for school children to purchase food from shops is before and after school. Most Greggs outlets now open early in the morning to catch the “breakfast trade”. For example the North Shields branch opens for sales at 7am (Mon to Sat). The Battle Hill outlet opens at 6.30am (Mon to Sat). It is clear that, from very early in the morning, students at John Spence School (and also neighbouring Marden High and Monkseaton High Schools) could purchase cheap, highly calorific food not only for breakfast, but also for lunch and tea.

1.21 This proposal undermines work that is being done to promote healthy eating and lifestyles among young people. All schools in the Borough participate in the North Tyneside Council Healthy Schools Award scheme. A healthy lifestyle and physical fitness is central to the ethos of John Spence Community High School. Research conducted by Northumbria University with young people in North Tyneside showed that young people felt they had insufficient knowledge about a healthy diet. Students from John Spence Community High School produced a video to support this and asked for support to help young people increase their knowledge and eat a healthy diet.

1.22 In conclusion, I object to this application because of the negative impact that it will have on the well-being of residents and in particular young people. More than 15% of Year 6 children are overweight in all wards adjacent to the proposed premises. The site is less than 400m from one high school, opposite the busy Tynemouth Pool leisure centre and is also less than a 15 minute walk from a further two high schools. The Collingwood Centre is already well-served with food outlets including Domino’s Pizza (A5 use), Subway and Morrisons Supermarket.

2.0 Representations

2.1 33no letters of objections have been received. The concerns raised are summarised below.

- The existing Morrisons and retail units have created constant noise, smell, vermin and other nuisances.
- Greggs should be considered as a hot food takeaway.
- Will create additional vehicle and extract equipment noise, cooking smells, litter etc from early morning until late at night.
- Impact on the health of children at local schools, would be within 400 metre radius of Year 6+ schools.
- Impact on residential amenity (noise): excessive and additional noise from large delivery, service and staff vehicles. Additional plant and machinery, from early morning to late in the evening.
- Odours from ovens, cooking fatty foods, cannot be controlled 100% even with the best plant machinery.
- Increase in vermin caused by litter and food waste.
- Sets a precedent for other take-aways that they can put some chairs in and not have to be in accordance with the local plan.
- Increase in cooking odours: would make ventilating their home and drying clothes in the garden impossible.
- Experience tells them that planning conditions attached to hot food are never effective.

- Current view would be blighted by waste bins and extract equipment.
- Deciduous vegetation behind the property would only create visual screening from the development for 5 months of the year.
- In recent months, the council's pest control has been required to visit a number of properties in Heybrook Avenue to address rat infestation from poor waste management from food outlets.
- There are no credible reassurances or planning conditions that the Council can offer to make the plans acceptable.
- Potential impact on shared sewers of grease laden waste.

A petition containing 73 signatures has been submitted against the development. The ground of objections are citing public health concerns about childhood obesity, cooking smells, loss of residential amenity, vehicle noise, loss of visual amenity, litter and vermin problems.

3.0 Councillor Comments

3.1 Cllr Peter Earley as the cabinet member for Children, Young People and Skills.

In my role as North Tyneside cabinet member for Children, Young People and Skills, I wish to register a formal objection in respect of planning application No: 18/01155/FUL (and ancillary 18/01156FUL) which you will be aware is an application for a subdivision and part change of use from A1 to A3 for Unit 13 To 14 Collingwood Centre Preston North Road North Shields Tyne And Wear NE29 9QR.

My view is that consideration should be given, with regard to this application, to its conflict with elements of North Tyneside Council's Local Plan given that the application if successful will effectively create a hot food takeaway within four hundred metres of three schools in the area. Namely – Objective 3 of the Local Plan which is to "Give all residents the opportunity to live free from crime and enjoy a healthy lifestyle, achieving their potential in work and education".

Section 4. 12 of North Tyneside's Strategy for the Sustainable Development of the Borough which includes giving residents the opportunity to access "healthy food" and ensure "Development has the ability to positively influence wellbeing and health,"

Health and Well Being 4.16 "An important contributing factor to poor diet and health in certain parts of North Tyneside is the distribution and access to unhealthy eating outlets. In certain locations there is an issue where such uses cluster together, reinforcing the ease of access to unhealthy foods."

S1.2 d Spatial Strategy for Health and Well Being which states that part of the strategy is ". Controlling the location of, and access to, unhealthy eating outlets". Having looked at the menu of foods which would be sold at the outlet as "food on the go" if the application is granted it is my view that it would increase the provision of unhealthy eating outlets in an area that already has several and would be detrimental to health and wellbeing of children and young people who attend nearby schools and would be situated in an area where there is already a significant issue with rising levels of childhood obesity. This would I contend be contrary not only to the spirit of several of the local plans aims and objectives but also in breach of some of its specific provisions.

4.0 Cllr Martin Rankin.

4.1 I refer to the above noted planning application on behalf of Greggs Plc in relation to a new 'Food on the Go' site at Units 13/ 14 Collingwood Centre, Preston Grange NE29 9QR.

4.2 I wish to register my objection to this application and to request that it is examined by the Planning Committee.

4.3 I am sure that concerned residents will raise valid objections based on varied issues such as noise, odour emissions etc.

4.4 However, I believe that there is a far more fundamental issue in that the application misrepresents the intended use of the proposed unit, which is a partial A5 'Hot Food Takeaway' classification.

4.5 Hot Food takeaways are prohibited in this location by way of an A5 Exclusion Zone as imposed though Policy DM3.7 of the North Tyneside Local Plan and defined on the Councils Proposals Map. This is due to the site being within 400 metre proximity to John Spence High School and in a location where over 15% of children are classified as obese.

4.6 I believe that Greggs Plc themselves confirm that the unit will operate partially as an A5 Hot Food unit on their own Corporate Website where they state their corporate strategy (ref: <https://corporate.greggs.co.uk/strategy/strategy-in-action>) is as follows:

'Our strategic plan, first announced in 2013, set out to show that Greggs could be a winning brand in the highly competitive food-on-the-go market. Our business has been transformed in that time, delivering an unbroken record of positive like-for-like sales and new levels of profit. It is now time to set a higher aspiration for the business, our purpose being to make good freshly prepared food accessible to everyone, with the aim of becoming the customers' favorite for food-on-the-go'.

4.7 'Food on the Go' is, of course, take-away food.

'Breakfast remains our fastest growing part of the day and we have established a leading position by offering our customers outstanding value at just £2 for a breakfast deal - an offer we are proud to hold for the eighth year running'.

4.8 A review of the Greggs Plc breakfast menu shows the following food available:

Pain Au Chocolat
Almond/ all Butter Croissants
Mixed grapes
Fruit medley
Yoghurts
Porridge (served hot)
Bacon baguette (served hot)
Bacon breakfast roll (served hot)
Egg roll (served hot)
Sausage baguette (served hot)
Sausage breakfast roll (served hot)
Egg baguette (served hot)

Egg and cheese wrap (served hot)

4.9 As you will see from the above – the Greggs ‘Food on the Go’ breakfast menu, whilst offering some healthy options – offers predominantly hot food (taken away).

‘Greggs is a strong and trusted brand and we draw on our heritage in fresh bakery to compete successfully in the food-on-the-go market. The Greggs product offer is differentiated by the way we freshly prepare food each day in our shops and by offering outstanding value for money for good quality, great tasting food-on-the-go’.

4.10 Added to this, the standard daily menu also includes a higher majority of savoury foods (sausage rolls, pies, pasties etc) which are prepared fully on the basis of intended consumption whilst either hot or cooling.

4.11 The expansion of the Greggs estate in recent years has been to a very successful strategy of delivering hot take-away food.

4.12 Major businesses such as Greggs will, of course, undertake a very detailed feasibility study prior to making an investment decision in any location. This would be based on levels of footfall, ease of access both by foot and by car, numbers of adjacent houses (or businesses etc) and from this they would build a business plan based on an overall sales mix.

4.13 Whilst it is for Greggs to confirm the position on this, I would fully contend that the highest majority of sales in this location would be takeaway sales rather than patrons consuming products on the premises. I would also contend that this food would be either hot (or food prepared with the intention that it is eaten hot or whilst cooling).

4.14 On the basis of the above and fully taking all factors into account – it is unarguable that this site will operate in part as a hot food takeaway and so is prohibited by North Tyneside’s policies.

Item No: 5.2
Application No: 18/01156/ADV
Date valid: 22 August 2018
Target decision date: 17 October 2018
Author: Amelia Robson
☎: 0191 643 6339
Ward: Collingwood

Application type: express consent to display an advert

Location: Unit 13 To 14, Collingwood Centre, Preston North Road, North Shields, Tyne And Wear

Proposal: 2no fascia signs and 2no internal posters

Applicant: Greggs Plc, Mrs Sara Humphries B3 Mucklestone Business Park
Eccleshall Road Market Drayton Shropshire TF9 4FB United Kingdom

RECOMMENDATION: Application Permitted

INFORMATION

1.0 Summary Of Key Issues & Conclusions

1.0 Main Issues

1.1 The main issues for Members to consider are:

- the impact on visual amenity; and
- the impact on highway safety.

1.2 Planning law requires that application 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 materials considerations in reaching their decision.

1.3 Description of the Site

1.4 The application site is located within the Collingwood Centre, on Preston Road North Shields. The application site is an end unit, No. 14. The unit is currently vacant and was formerly the Fat Butcher (Use Class A1). The application site is east facing with a large car park directly adjacent.

1.5 To the rear (west) of the development, there is a residential area of Heybrook Avenue with vegetation buffer and access road in between. To the south are areas of planting, which separate the Collingwood Centre site from Beach Road.

1.6 The site lies within the area designated as Preston Grange Local Centre by the Local Plan.

2.0 Description of the Proposed Development

2.1 A planning application has been submitted to change the use of unit 14 on the site described above. This application seeks advertisement consent for signage associated with this development.

2.2 Consent is sought to display the following advertisements.

2.3 2no internally illuminated fascia signs (1no located to the front elevation and 1no to the side elevation)

Height 0.5m x Width 2.15m x Depth 0.1m

The east facing (front) elevation sign would be 2.2m from ground to base of sign.

The south (side) elevation sign would be 2.3m from the ground to base of sign.

3.3 2no non illuminated internal posters (located to the front elevation)

Height 1.2m x Width 0.6m

4.0 Relevant Planning History

18/01155/FUL - Subdivision and part change of use from A1 to A1 and A3 mixed use including new aluminium shopfronts and two new extract grilles. – Pending Consideration

18/00983/FULC - Sub-division of existing retail unit into 2 equal sized units. External alterations to include blocking up unwanted openings to rear elevation and creating new double door exit / service door. Removal of shop front glazing and provision of temporary timber hoarding awaiting new tenant shop fit out. Alterations to footpath to create a level access threshold to new retail unit. – Application Permitted 12.09.2018

Land to south of units 13 & 14

17/01852/FUL - Erection of a drive thru restaurant with associated access, disabled car parking, cycle stands, and hard and soft landscaping – Application Refused 03.04.2018

17/01853/ADV - "KFC" Lettering Fascia sign to be attached to eastern and southern frontage. KFC logo Fascia sign to be attached to eastern frontage. 2no single wall mounted "Leader board" Fascia Signs to be attached to southern frontage. 4no wall mounted "Menu Board" Fascia Sign to be attached to southern frontage. "Menu Board" Fascia Sign will be orientated at an angle off the building towards vehicles using the drive through. 4no directional signs. – Application Refused 03.04.2018

5.0 Development Plan

5.1 North Tyneside Local Plan 2017

6.0 Government Policy

6.1 National Planning Policy Framework (2018)

6.2 Planning Practice Guidance (As amended)

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

PLANNING OFFICERS REPORT

7.0 Main Issues

7.1 The NPPF states that advertisements should be subject to control only in the interests of visual amenity and public safety, taking into account cumulative impacts.

8.0 Impact on Visual Amenity

8.1 Paragraph 132 of the NPPF states that the quality and character of places can suffer when advertisements are poorly sited and designed. A separate consent process within the planning system controls the display of advertisements, which should be operated in a way which is simple, efficient and effective. Advertisements should be subject to control only in the interests of amenity and public safety, taking account of cumulative impacts.

8.2 Policy DM6.3 of the Local Plan states that advertisements and signage must be appropriate to their local settings in terms of location, scale, design, colour, materials and illumination. Proposals will be permitted where they do not have a detrimental impact, either individually or cumulatively, on visual amenity, character, public safety or the natural environment. Careful consideration will be given to advertisements and signage affecting heritage assets or their settings, especially if illuminated, so they do not have an adverse impact.

8.3 The proposal relates to 2no fascia signs, with internal illumination and 2no internal posters.

8.4 The illuminated signs face south and east towards the car park, rather than towards nearby residential dwellings on Heybrook Avenue. The property is located within an established shopping centre where there is a variety of existing illuminated signage.

8.5 The number of signs proposed, their design and siting is considered to be acceptable. In officer opinion the proposal is in keeping with the character and appearance of the area, and would not result in any harm to visual amenity.

9.0 Impact on Highway Safety

9.1 The NPPF states that transport policies have an important role to play in facilitating sustainable development, but also contributing to wider sustainability and health objectives.

9.2 The NPPF also states that development should only be prevented or refused on transport grounds where residual cumulative impacts of development are severe.

9.3 Illuminated signage is proposed to the south and east elevations of the building. Given that the signage faces a car park it is not considered that the proposal would result in such a distraction to drivers as to result in harm to highway safety.

9.4 The Highway Network manager raises no objections on highway safety grounds.

10.0 Conclusion

10.1 In conclusion, Members need to consider whether the proposed advertisements are acceptable in terms of their impact on visual amenity and highway safety.

10.2 It is the opinion of officers that the development accords with relevant national and local planning policy and is therefore acceptable.

RECOMMENDATION: Application Permitted

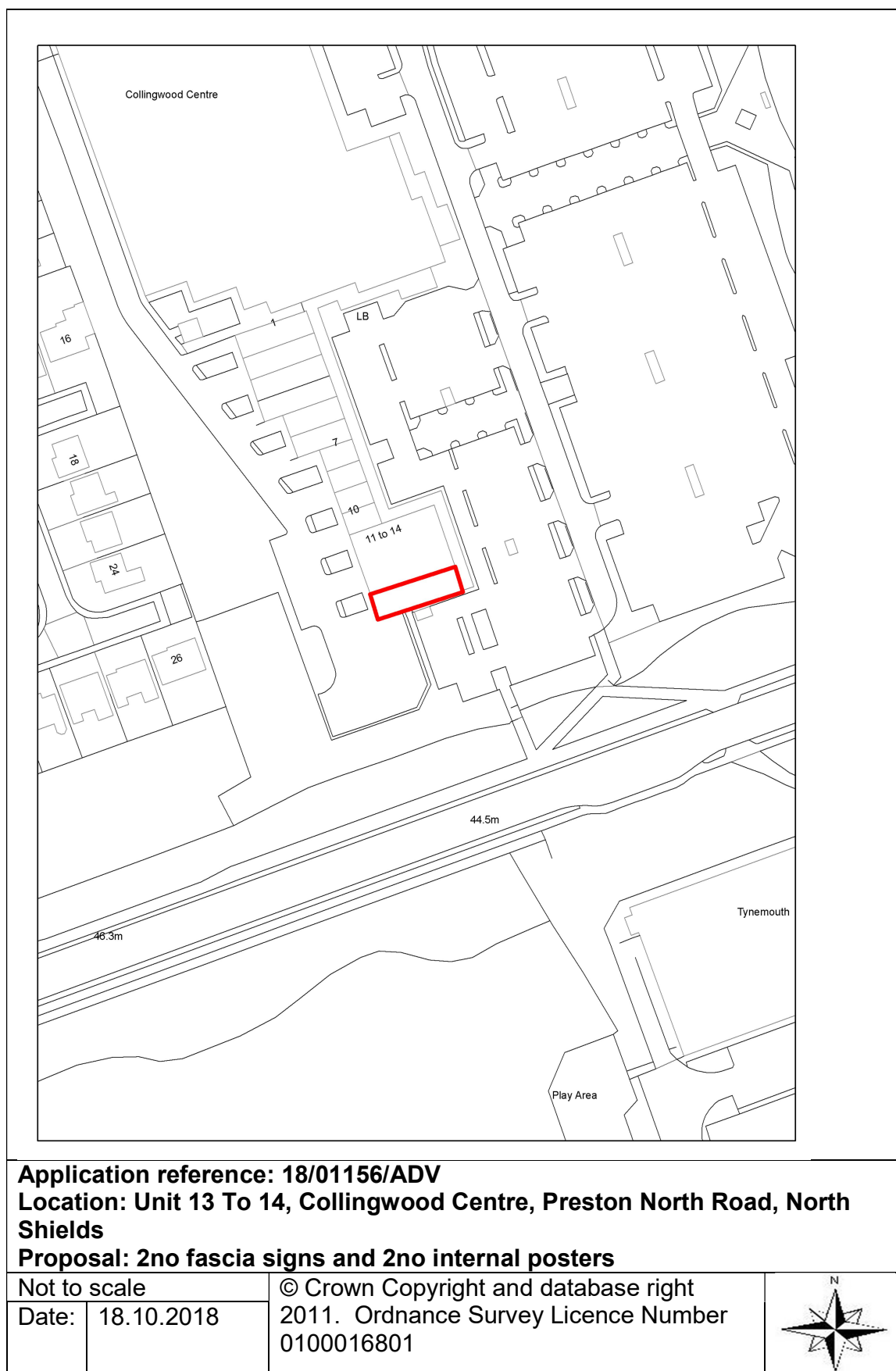
Conditions/Reasons

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

- Application Form, date: 22.08.2018
- Site Location Plan, date: 21.08.2018
- Proposed GA, Ref: RNTH/S5199/03, date: 17.08.2018
- Proposed Shopfront, Ref: RNTH/S5199/06, date: 13.08.2018

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

2. Standard conditions for adv consent MAN13 *



Appendix 1 – 18/01156/ADV
Item 2

Consultations/representations

1.0 Internal Consultees

1.1 Highway Network Manager

1.2 Recommendation – Approval

1.3 No objections in principle to this proposal.

2.0 Representations

2.1 Ward Councillor

Cllr Rankin has objected to the related application 18/01155/FUL and this application. His objection refers to the impact of the use of the proposed unit.

2.2 6no letters of objection have been received.

Many of the objections raise concerns regarding the impact of the change of use. These concerns are considered under the application for full planning permission. With regards to the advert application, the following representations have been raised:

- Impact on visual amenity

2.3 A petition containing 73 signatures has been submitted against the development.

The ground of objections are citing public health concerns about childhood obesity, cooking smells, loss of residential amenity, vehicle noise, loss of visual amenity, litter and vermin problems.

Item No: 5.3
Application No: 18/01060/FUL
Author: Aidan Dobinson Booth
Date valid: 6 August 2018
Target decision date: 5 November 2018
☎: 0191 643 6333
Ward: Valley

Application type: full planning application

Location: Land North East Of Holystone Roundabout, Earsdon Road, Shiremoor, NEWCASTLE UPON TYNE

Proposal: Erection of 4no units for retail (Class A1) and gym (Class D2) uses, with associated parking, servicing provision and landscaping (Amended Landscape Plans Submitted 02.10.18)

Applicant: Guy Munden, C/o Agent Northumberland Estates Alnwick Castle Alnwick

Agent: Mr Daniel Gregg, Lichfields The St Nicholas Building St Nicholas Street Newcastle Upon Tyne NE1 1RF

RECOMMENDATION: Minded to grant legal agreement req.

INFORMATION

1.0 Summary Of Key Issues & Conclusions

1. Main issues

- 1.1 The main issues for Members to consider in this case are;
- The principle of the development;
 - The impact of the proposal upon the character and appearance of the site and its surroundings;
 - The impact upon neighbours living conditions through impact upon amenity and outlook.
 - Whether sufficient car parking and access would be provided.

2. Description of the site

2.1 The application site measures 2.52 hectares in area and it is Phase 2 of a larger commercial development that is being built. Phase 2 is the southern end of the site. It is bounded to the west by the A19 dual carriageway and to the east by the A186 Shiremoor Bypass, beyond which are two storey residential properties. Adjoining the site to the north east is the Toby Carvery restaurant. Phase 1 is to the north beyond which is the metro and Blyth & Tyne mineral railway lines. There is a large group of trees that are situated in the south eastern corner of the site and run along the A186. The site is allocated for retail development by policy S3.3 and also within the A19 (T) Economic Corridor of policy AS2.6 according to the Local Plan.

3. Description of the proposed development

3.1 The proposal seeks full planning permission for Erection of 4no units for retail (Class A1) and gym (Class D2) uses, with associated parking, servicing provision and landscaping. The four retail units would provide a total 6,539 sq m of Class A1 retail floor space. The gym would provide 2,322 sq of Class D2 floor space.

4. Relevant planning history

17/00606/REM - Reserved Matters application of 15/01146/OUT for the first phase of development, consisting: Proposed 1,819sqm gross (1,254 sqm net) discount food store; 197 sqm gross cafe and drive thru; with associated access, car parking, service area and landscaping, along with infrastructure works (including construction of sub-station) (additional information relating to Coal 12.07.17) (amended plans received 09.08.17) (amended landscaping plan 15.09.17)

Approval 04.10.2017.

15/01146/OUT - Proposed retail development (Class A1), food and drink unit (Class A3) and petrol station (Sui Generis) with associated access, parking, service area and landscaping (Supplementary Highways Info uploaded 01.10.2015) (Additional Landscape/Ecology Info uploaded 06.10.2015) Permitted 11.03.2016.

5. Development plan

5.1 North Tyneside Local Plan 2017.

6. Government policy

6.1 National Planning Policy Framework (NPPF) (July 2018)

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

6.3 Planning applications must be determined in accordance with the development plan unless material considerations indicate otherwise. The National Planning Policy Framework is a material consideration in the determination of this application. It requires local planning authorities 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 National Planning Policy Framework.

PLANNING OFFICERS REPORT

7. Main Issues

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

- The principle of the development;
- The impact of the proposal upon the character and appearance of the site and its surroundings;
- The impact upon neighbours living conditions through impact upon amenity and outlook.
- Whether sufficient car parking and access would be provided.

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

7.3 Principle

7.4 The National Planning Policy Framework (NPPF) confirms that local authorities should attach significant weight to the benefits of economic growth and enable the delivery of sustainable development. It states that achieving sustainable development means that the planning system has three overarching objectives, namely an economic objective, social objective, and an environmental objective. Significant weight should be placed on the need to support economic growth and productivity, taking into account both local business needs and wider opportunities for development.

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

7.6 Policy DM1.3 states that the Council will work pro-actively with applicant's to jointly find solutions that mean proposals can be approved wherever possible that improve the economic social and environmental conditions in the area through the Development Management process and the application of policies in the Local Plan. Where there are no policies relevant to the application or relevant policies are out of date at the time of making the decision, then the Council will grant permission unless material considerations indicate otherwise.

7.7 The site is allocated for retail development by policy S3.3 of the Local Plan. This policy seeks to provide for future retail demands. Paragraph (b) of the policy expects the development of the extension of the [Northumberland Park] District Centre to be fully integrated with the existing centre, surrounding neighbourhood and Northumberland Park Metro Station, with particular attention paid to addressing pedestrian and cycle links. It also expects proposals to predominantly deal with the comparison retail needs of the borough. Finally, the scale of any new floorspace should reflect its position as a District Centre.

7.8 The site is also within the A19(T) Economic Corridor and therefore policy AS2.6 is relevant. This policy seeks to support further development and investment in a range of employment activities.

7.9 It is important to note that outline planning permission (15/01146/OUT) was granted previously for a mix of uses on the site consisting of retail, and other food and drink uses falling within Use Class A3 as well as a petrol filling station (sui-generis). The original outline permission granted a total of 12,950 sq m of retail (Use Class A1), 100 sq m for restaurant and cafe (Use Class A3) and 300sq m for the petrol filling station (sui-generis).

7.10 The reserve matters (17/00606/REM) related to the northern part of the site only. This related to 1,819 sq m of retail floorspace for a discount foodstore, 197sq m for a cafe and drive thru and 121 sq m for a retail pod.

7.11 This proposal seeks four retail units that would provide a total 6,539 sq m of Class A1 retail floor space. The gym would provide 2,322 sq of Class D2 floor space. The gym would be provided on the first floor level above unit 1. This is primarily a retail based development with some additional leisure floorspace at first floor level, but that is considered appropriate given that it is allocated as an extension to the existing Northumberland Park District Centre. It is considered that the proposal would provide additional retail and leisure facilities that would support the role of Northumberland Park as a District Centre and it is considered that the proposal would comply with policies AS2.6, and S1.4, S3.3, and DM1.3 of The Local Plan.

7.12 Members need to consider whether the principle of the development is acceptable and weight this in their decision. It is officer advice that it is.

7.13 Contamination and Land Stability

7.14 Paragraph 179 of NPPF states that where a site is affected by contamination or land stability issues, responsibility for securing a safe development rests with the developer/landowner.

7.15 Paragraph 180 of NPPF states that planning decisions should ensure that new development is appropriate for its location. The effects (including cumulative effects) of pollution on health the natural environment or general amenity and the potential sensitivity of the area or the wider area to impacts that could arise from the development.

7.16 Policy DM5.18 states that where a development would be affected by contamination or stability issues, or where contamination may present a risk to the water environment proposals must be accompanied by a report which amongst other matters sets out measures to allow the development to go ahead safely without adverse effect.

7.17 The Council's Contaminated Land Officer has been consulted and does not object subject to conditions.

7.18 Members need to consider whether the site could be developed safely in accordance with policy DM5.18. It is officer advice that subject to conditions it could.

7.19 Biodiversity & Landscaping

7.20 Paragraph 175 of NPPF states that if significant harm to biodiversity resulting from development cannot be avoided or adequately mitigated, or as a last resort compensated for, then planning permission should be refused.

7.21 Policy S5.4 states the borough's biodiversity and geo-diversity will be protected by amongst other matters the protection of both statutory and non-statutory designated sites within the borough.

7.22 Policy DM5.2 states that the loss of any part of the green infrastructure network will only be considered in exceptional circumstances.

7.23 Policy DM5.5 states that all development proposals should protect the biodiversity value of land and minimise fragmentation of habitats and wildlife links amongst other matters.

7.24 Policy DM5.9 seeks to protect and manage existing woodland, trees, hedgerows and landscaping features.

7.25 The applicant has submitted an Extended Phase 1 Survey Update. This states that 0.04ha of low plantation woodland will be removed as part of the proposed development. However, the applicant's ecologist states that the biodiversity in this area will be enhanced through the creation of new species rich grassland area. These will contain a native wildflower and grass seed mix rather than the standard amenity grassland seed mix.

7.26 The Council's Biodiversity Officer states that the updated ecological survey shows that the application site currently consists of broadleaved plantation woodland along the western (A19) and southern boundaries with the majority of the site consisting of bare ground and some tall ruderal habitat. She goes on to state that the indicative landscape plan deviates from the plans approved at outline stage, resulting in a reduction of landscaping. In particular she has concerns regarding the loss of a section of woodland along the southern boundary adjacent to the A186, purely for visibility purposes for a foodstore, which is not acceptable.

7.27 The Council's Landscape Architect also states that she is unable to support the scheme due to the additional loss of woodland which was originally shown for retention at the outline stage.

7.28 The comments of the Council's Landscape Architect and Biodiversity Officer are noted. However the site is not part of the green infrastructure network and therefore the proposal would not be contrary to policy DM5.2. There is protected open space on the eastern side of the A186, but this is unaffected by the proposed development.

7.29 The applicant has also submitted an amended landscape plan (Rev H). The original outline landscaping plan was only indicative and in any event did not show a continuous tree belt along the eastern boundary of the site. In any event this is a new full planning application and therefore it must be considered on its own merits.

7.30 The applicant says that the potential occupiers of the retail units are keen to ensure visibility from the A186 to attract passing trade and if there were trees all the way along this boundary that could not be achieved. Whilst there would be a gap in the planting the scheme has been amended with low level planting which it is considered on balance would be acceptable in terms of helping to visually soften the proposal, but still ensure it is visible in part for people travelling along the A186.

7.31 Even if there were trees along the entire length of the western side of the A186, it would still end at the junction of the site and therefore it is not the case that a landscape corridor is being severed.

7.32 In addition, the applicant has said they are willing to undertake further tree planting in the car park area as per the original indicative landscaping scheme and also to help mitigate the loss of trees along A186.

7.33 The Council's Biodiversity Officer has also commented that further information is required in order to enable the impact of the drainage to be determined on the woodland/trees along the western boundary. However, the Arboricultural Impact Assessment does include the filter drain along the western boundary and shows that no trees are to be lost or impacted upon.

7.34 Highways England has asked for clarification that the enhancement works adjacent to the A19 is within the development boundary to enable maintenance to take place without encroachment onto highways land. The applicant has said that all of the works will be within the site boundary along with any future maintenance. Further discussions with Highways England are taking place and an update will be provided to Planning Committee.

7.35 On balance and subject to Highways England confirming that the proposed details are acceptable it is the Planning Officer's advice that the revised landscaping scheme is considered to be acceptable and subject to conditions would accord with policies S5.4, DM5.5, DM5.9 and the advice in the NPPF. Members need to consider whether they agree.

7.36 Flooding

7.37 Paragraph 148 of NPPF states that the planning system should support the transition to a low carbon future in a changing climate, taking full account of flood risk and coastal change.

7.38 Paragraph 163 of NPPF states that when determining planning applications local planning authorities should ensure that flood risk is not increased elsewhere.

7.39 Policy DM5.12 states that all major development will be required to demonstrate that flood risk does not increase as a result of the development proposed and that options have been taken to reduce overall flood risk.

7.40 The applicant has submitted an indicative drainage layout. Northumbrian Water have been consulted and state that they have no issues to raise with the above application provided that it is carried out in strict accordance with the indicative phase 2 drainage layout. This will ensure that foul flows discharge to the foul sewer at manhole 7801 and that surface water will discharge to the soakaway.

7.41 Members need to consider whether the proposal would avoid an adverse impact in terms of flooding. It is Officer advice that it would accord with the policy DM5.12 and the advice in NPPF

7.42 Character and Appearance

7.43 Paragraph 122 of The National Planning Policy Framework (NPPF) states that planning decisions should support development that makes efficient use of land taking into account amongst other matters the importance of securing well-designed attractive places.

7.44 Paragraph 124 of NPPF states that the creation of high quality buildings and places is fundamental to what the planning and development process should achieve. Good design is a key aspect of sustainable development, creates better places in which to live and work and helps make development acceptable to communities.

7.45 Paragraph 127 states that planning decisions should ensure that development should ensure that developments are visually attractive as a result of good architecture, layout and appropriate and effective landscaping.

7.46 Paragraph 130 states that permission should be refused for development of poor design that fails to take the opportunities available for improving the character and quality of an area and the way it functions.

7.47 Paragraph 170 of NPPF states planning decisions should contribute to and enhance the natural and local environment by protecting and enhancing valued landscaping commensurate with their statutory status or identified quality in the development plan.

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

7.49 The Council's Supplementary Planning Document 'Design Quality' applies to all planning application that involve building works. It seeks active frontages for ground floor retail units and that retail parks should promote high quality design on order to enhance the overall quality of the built environment.

7.50 In terms of the design, the new retail units would be situated around a central car park and situated towards the western site boundary, parallel to the A19, creating an L-shaped development when viewed together with the first phase. Running along the row of shop fronts would be a wide pedestrian footway, with a canopy above. The row of retail units would be glazed at the front and this would help create an active frontage. Vertical detailing has been introduced in order to help break up the horizontal emphasis. The palette of materials includes dark grey bricks at ground floor level, dark grey cladding to the building facade and feature cladding to the east and southern elevations. Overall, the design is modern and contemporary, it will fit with and complement the existing phase 1 and the existing Toby Carvery which is also of a modern and contemporary design.

7.51 Impact upon Neighbours

7.52 Paragraph 180 of NPPF state that planning decisions should also ensure that new development is appropriate for its location taking into account the likely

effects (including cumulative effects) of pollution on health, living conditions and the natural environment, as well as the potential sensitivity of the site or the wider area to impacts that could arise from the development. In doing so, they should mitigate and reduce to a minimum potential adverse impacts resulting from noise from new development and avoid noise giving rise to significant adverse impacts on health and quality of life.

7.53 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.

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

7.55 The neighbours most likely to be directly affected by the proposal are those living to the east of the A186. For them it is considered that the proposal would not have an adverse impact. The commercial and leisure units are situated in the south western corner of the site and are separated from the neighbouring residential dwellings by the A186 which at this point is a four lane carriageway and central reservation. This in combination with the remaining planting and the fact that the nearest residential property would be approximately 105m away and that the new units face north eastwards whilst the rear elevations of the housing faces west meaning that the proposal would not adversely affect neighbours living conditions.

7.56 In conclusion, Members need to consider whether the proposal would avoid having an adverse impact upon the amenity of neighbouring occupiers and whether the proposal would accord with policies S1.4 and DM5.19 of the Local Plan. It is officer advice that subject to conditions it would.

7.57 Car Parking and Access

7.58 NPPF states that significant development should be focused on locations which are or can be made sustainable, through limiting the need to travel and offering a genuine choice of transport modes.

7.59 Paragraph 109 of NPPF states that development should only be prevented or refused on transport grounds where there would be an unacceptable impact on highways safety, or where the residual cumulative impacts of development would be severe.

7.60 Local Plan Policy DM7.4 states that the Council and its partners will ensure that 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 health and well-being.

7.61 LDD12 Transport and Highways SPD sets out the parking standards for new development.

7.62 The Council's Highways Network Manager has been consulted and states aside from the proposed gym, this area of the site was agreed in principle at the outline stage. He goes on to state that it is considered that the level of parking, previously agreed is suitable for inclusion of the gym rather than the original retail use and that the trips associated with the gym will not have a severe impact on the adjacent highway network, particularly when taking into account the off-site highway improvements previously secured.

7.63 The Council's Public Rights of Way and Cycling Officer states that the path linking the A186 to the proposed car park should have splayed ends where it meets the A186 footpath. This is to improve visibility for cyclists who may use the path to help avoid conflict with pedestrians. Should Members be minded to grant planning permission, it is considered necessary to attach a condition that requires this path to have splayed ends.

7.64 Members must determine whether the proposal is acceptable in terms of its impact on the highway network. Officer advice is that the proposal is in accordance with NPPF, LDD12 and policy DM7.4

7.65 Other Matters

7.66 An objection has been received asking for confirmation that the non-food shops that are part of this application do not include charity shops. This is beyond the remit of planning. The applicant has not applied for a personal planning permission and therefore the retail units if they are permitted can be occupied by anyone as A1 retail use.

7.67 Another letter of comment has been received stating that it is disappointing that there does not appear to be any provision for electric vehicles. This point is noted and therefore it is recommended should planning permission be granted that condition 8 would require the provision of two electric charging points.

7.68 Local Financial Considerations

7.69 There are three threads of sustainability outline in NPPF, these being the environment, economic and social threats, together with the policies in the NPPF as a whole.

7.70 Economically there would be benefits in terms of the provision of jobs via the employment of staff at the site and during the construction phase. Socially, the proposal will add to the existing retail and leisure facilities in this area, providing an additional service to the community.

7.71 S106 Contributions

7.72 The Highway Network Manager has commented that as part of the first phase, a S106 contribution of £187,104 was agreed to contribute towards the Holystone roundabout as well as S278 improvements to sustainable links to and from the site.

7.73 A Framework Travel Plan (TP) was also submitted as part of the application, which will be developed out as and when the site becomes occupied. A Travel Plan Bond for the sum of £50,000 was also secured at the outline stage.

7.74 Should Members be minded to grant planning permission a Deed of Variation to the original S106 Legal Agreement is required to ensure that the original obligations that have been agreed can be secured.

7.75 Conclusions

7.76 The proposal seeks full planning permission for a new retail led development with a gym proposed at the first floor of one of the units. The proposal would complete the extension to Shiremoor District Centre. It would complement the first phase of the extension, which has recently been constructed. The proposal would provide a modern development that would complement the existing facilities at Northumberland Park. The proposal would on balance be well designed and would avoid having an adverse impact upon the character and appearance of the site or the surroundings. Subject to conditions it would not have an adverse impact on neighbours living conditions and would avoid having an adverse impact upon highway safety. It is therefore recommended that planning permission should be granted subject to a deed of variation to the original legal agreement to ensure that its provisions remain enforceable.

RECOMMENDATION: Minded to grant legal agreement req.

It is recommended that members indicate that they are minded to grant this application subject to the conditions set out (or any subsequent amendments, omissions or additional conditions) and to grant plenary powers to the Head of Environment, Housing and Leisure to determine the application following the completion of a Deed of Variation of the original S106 Agreement to secure the following:

- a financial contribution to cover the cost of the provision of three Toucan crossings in order to provide and improve sustainable links to the application site.**
- A Travel Plan Bond in order to ensure that targets set out within the Travel Plan are implemented and adhered to.**

Members are also requested to authorise that the Head of Law and Governance and the Head of Environment and Leisure to undertake all necessary procedures (Section 278 Agreement) to secure:

- the provision and improvement of sustainable links to the application site.**

Conditions/Reasons

1. The development hereby permitted shall be carried out in accordance with the following approved plans and specifications;

- Application form, dated 02.08.2018.
- Site Location Plan, Drawing No. 2150 P2 - AL (0) 01 Rev B.

- Arboricultural Impact Assessment for Trees at Holystone, North Tyneside, Revision B, dated 08.10.18
- Arboricultural Impact Assessment - Tree Protection Plan Dwg. No. AIA TPP Rev C
- Arboricultural Method Statement For Trees at Holystone, North Tyneside, Revision B, dated 08.10.18.
- Arboricultural Method Statement Tree Protection Plan Dwg No. AMS TPP Rev B
- Northumberland Park Shiremoor - Phase 2 Design Statement, Design and Access Statement.
- Phase 2 External Lighting Layout, Dwg No. 2017009/Z(96)L005
- Flood Risk and Drainage Strategy, D/I/D/105515/24, Issue 3, June 2018.
- Proposed Streetscape Elevations, Dwg. No. 2150 P2-AL (0) 07 Rev B, dated 27.03.18.
- Proposed Terrace Elevations, Dwg. No. 2150 P2 - AL (0) 06 Rev B, dated 20.03.18.
- Proposed Terrace Floor Plans, Dwg. No. 2150 P2 - AL (0) 04 Rev F, dated 20.03.18
- Northumberland Retail Park, Phase 2, Holystone, Extended Phase 1 Survey Update, dated 16 July 2018.
- Indicative Landscape Proposals Plan, Dwg No. 105515/8001 Rev H.
- Proposed Site Plan, Dwg No. 2150 P2 - AL (0) 03 Rev D.
- Indicative Drainage Layout - Phase 2, Drawing No 105515/2023 Rev D

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

2. The development hereby permitted shall be begun before the expiration of three years from the date of this permission.

Reason: To comply with the requirements of Section 91 of the Town and Country Planning Act 1990.

3. No part of the development shall be occupied until an area has been laid out within the site for refuse and delivery vehicles to turn in accordance with the approved drawing (Add Drawing Reference) Drawing No. 2150 P2 - AL (0) 03 Rev D and that area shall not thereafter be used for any other purpose.

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

4. The scheme for parking, garaging and manoeuvring indicated on Drawing No. 2150 P2 - AL (0) 03 Rev D shall be laid out prior to the initial occupation of the development hereby permitted and these areas shall not thereafter be used for any other purpose.

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

5. Prior to any of the units being first occupied details of the facilities for the storage of refuse shall be submitted to and approved in writing by the Local Planning Authority. Thereafter the approved refuse facilities shall be provided and maintained thereafter.

Reason: In order to safeguard the amenities of the area having regard to policy DM6.1 of the North Tyneside Local Plan (2017).

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

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

7. Notwithstanding Condition 1, no development shall commence until a scheme to show wheel washing facilities and mechanical sweepers to prevent mud and debris onto the public highway has been submitted to and approved in writing by the Local Planning Authority. This scheme shall include details of the location, type of operation, maintenance/phasing programme. Construction shall not commence on any part of the development other than the construction of a temporary site access and site set up until these agreed measures are fully operational for the duration of the construction of the development hereby approved. If the agreed measures are not operational then no vehicles shall exit the development site onto the public highway.

Reason: This information is required pre development to ensure that the adoptable highway(s) is kept free from mud and debris in the interests of highway safety having regard to policies DM5.19 and DM7.4 of the North Tyneside Local Plan (2017) and National Planning Policy Framework.

8. Notwithstanding the details submitted, no part of the development shall be occupied until details of two Electric Vehicle (EV) charging points have been submitted to and approved in writing by the Local Planning Authority. Thereafter the electric charging points shall be provided in accordance with the approved details prior to any part of the development hereby permitted being first occupied.

Reason: In the interests of sustainable transport in accordance with Transport and Highways Supplementary Planning Document (LDD) 12, May 2017.

9. No part of the development shall be occupied until a car park management strategy for the site has been submitted to and agreed in writing by the Local planning Authority. Thereafter the management of the car park shall be carried out in accordance with the agreed details.

Reason: To ensure adequate parking facilities for the site and in the interests of highway safety in accordance with policy DM7.4 of the North Tyneside Local Plan (2017).

10. No part of the development shall be occupied until a detailed methodology of monitoring the car park and surrounding highways has been agreed in writing with the Local Planning Authority. This monitoring shall commence upon full occupation and continue until a period of 12 months from full occupation of the site. Once this monitoring has taken place and the results are analysed, any mitigation required by the Local Planning Authority will be implemented at the expense of the applicant,

Reason: In the interests of highway safety in accordance with policy DM7.4 of the North Tyneside Local Plan (2017).

11. No part of the development shall be occupied until a scheme for the provision of secure undercover cycle storage for the uses hereby permitted shall be submitted to and approved by in writing the Local Planning Authority. Thereafter, this scheme shall be implemented in accordance with the approved details before the development is first occupied.

Reason: To comply with the Council's policy on cycle storage regarding residential dwellings in accordance with policy DM7.4 of the North Tyneside Local Plan (2017).

12. No part of the development shall be occupied until a Travel Plan taking into account the new development and the wider site as a whole has been submitted to and approved by in writing the Local Planning Authority. This will include an undertaking to conduct travel surveys to monitor whether or not the Travel Plan targets are being met.

Reason: To accord with Central Government and Council Policy concerning sustainable transport in accordance with LDD 12 Transport and Highways Supplementary Planning Document (LDD) 12, May 2017.

13. Development shall be implemented in line with the drainage scheme contained within the submitted document entitled "Indicative Drainage Layout Phase 2" dated "27/03/2018". The drainage scheme shall ensure that foul flows discharge to the foul sewer at manhole 7801 and ensure that surface water discharges to the soakaways.

Reason: To prevent the increased risk of flooding from any sources in accordance with the NPPF.

14. No part of the development shall be occupied until details of a surface water management scheme have been submitted to and approved in writing by the Local Planning Authority. Thereafter, this scheme shall be implemented in accordance with the approved details and before the development is first occupied.

Reason: To prevent the increased risk of flooding from any sources in accordance with the NPPF.

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

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

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

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

17. Prior to the installation of any air ventilation systems to any part of the approved development full details must first be submitted to and approved in writing by the Local Planning Authority. The scheme shall thereafter be implemented before the development is first occupied in accordance with the approved details and permanently retained.

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

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

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

19. Prior to the installation of any plant or machinery (including condensing units, extraction and air conditioning equipment), a scheme shall be submitted to and approved in writing by the Local Planning Authority, which specifies the provisions to be made for the control of noise emanating from the site. The scheme shall include a background noise assessment which must be carried out in accordance with BS4142:2014. This assessment shall determine the background noise levels at the nearest residential property. An acceptable noise rating level for all plant and machinery shall be agreed in writing by the Local Planning Authority upon submission of the assessment. Thereafter, the agreed noise rating level shall be adhered to at all future times.

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

20. There shall be no deliveries or collections to the site outside the hours of 07:00 to 23:00.

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

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

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

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

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

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

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

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

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

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

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

Upon approval of the method statement:

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

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

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

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

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

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

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

d) In the event that there is a significant change to the ground conditions due to the development, for example grouting or significant areas of hard standing; then additional gas monitoring should be carried out to assess whether

the gas regime has been affected by the works carried out. In the event that the gas regime has been altered then a reassessment of remediation options shall be submitted to the Local Planning authority to be agreed in writing before the development is occupied/brought into use.

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

Reason: In order to safeguard the development and/or the occupants thereof from possible future gas emissions from underground and or adverse effects of landfill gas which may migrate from a former landfill site having regard to policy DM5.19 of the North Tyneside Local Plan (2017) and National Planning Policy Framework.

23. Notwithstanding Condition 1, the development hereby permitted shall be landscaped and planted in accordance with a fully detailed scheme which shall be in accordance with the principles of the approved Landscape Plan specified in condition 1, Indicative Landscape Proposals Plan Dwg No. 105515/8001 Rev H which shall be submitted to and approved in writing by the Local Planning Authority before any part of the development is occupied. This shall also include a splayed footpath at the junction with the A186.

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.

24. All planting, seeding or turfing comprised in the approved details of landscaping as shown on the approved Indicative Landscaping Proposals Plan Dwg No. 105515/8001 Rev H 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 DM5.9 of the North Tyneside Local Plan (2017).

25. No utilities should be located within the root protection areas of retained trees unless excavations are hand dug and approved by the Local Planning Authority prior to works taking place. Where installation or alteration to existing underground services has been agreed near or adjacent to trees, all works shall conform to the requirements of the National Joint Utilities Group publication Volume 4 (November 2007).

Reason: To ensure the long term retention and protection of trees on the site having regard to policy DM5.9 of the North Tyneside Local Plan (2017).

26. No vegetation clearance shall be undertaken within the bird nesting season (March-August) unless a survey by a qualified ecologist has been undertaken

immediately prior to any ground works or development commencing and confirmed the absence of nesting birds.

Reason: To safeguard important habitats and species of nature conservation value having regard to policy DM5.5 of the North Tyneside Local Plan 2017.

27. Prior to the occupation of the development a woodland management plan for the long term management of the woodland to the south of the site and on the western boundary must be submitted to and approved in writing by the Local Planning Authority.

Reason: In order to ensure that important features are protected and retained in the interests of amenity and to ensure a that the woodland is well managed in accordance with policy DM5.9 of the North Tyneside Local Plan (2017).

28. Prior to the occupation of development a landscape management plan shall be submitted to and approved in writing by the Local Planning Authority. Thereafter the landscaping shall be managed in accordance with the plan.

Reason: To ensure that measures are in place to ensure that the landscaping is properly managed in the interests of biodiversity in accordance with policies DM5.5 of the North Tyneside Local Plan 2017.

29. No sound reproduction equipment which is audible outside the curtilage of the premises shall be operated on the site.

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

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

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

Informatives

Contact ERH Construct Highway Access (I05)

Contact ERH Path Bridleway Xs Site (I07)

Contact ERH Works to Footway (I08)

No Doors Gates to Project Over Highways (I10)

Do Not Obstruct Highway Build Materials (I13)

Street Naming and numbering (I45)

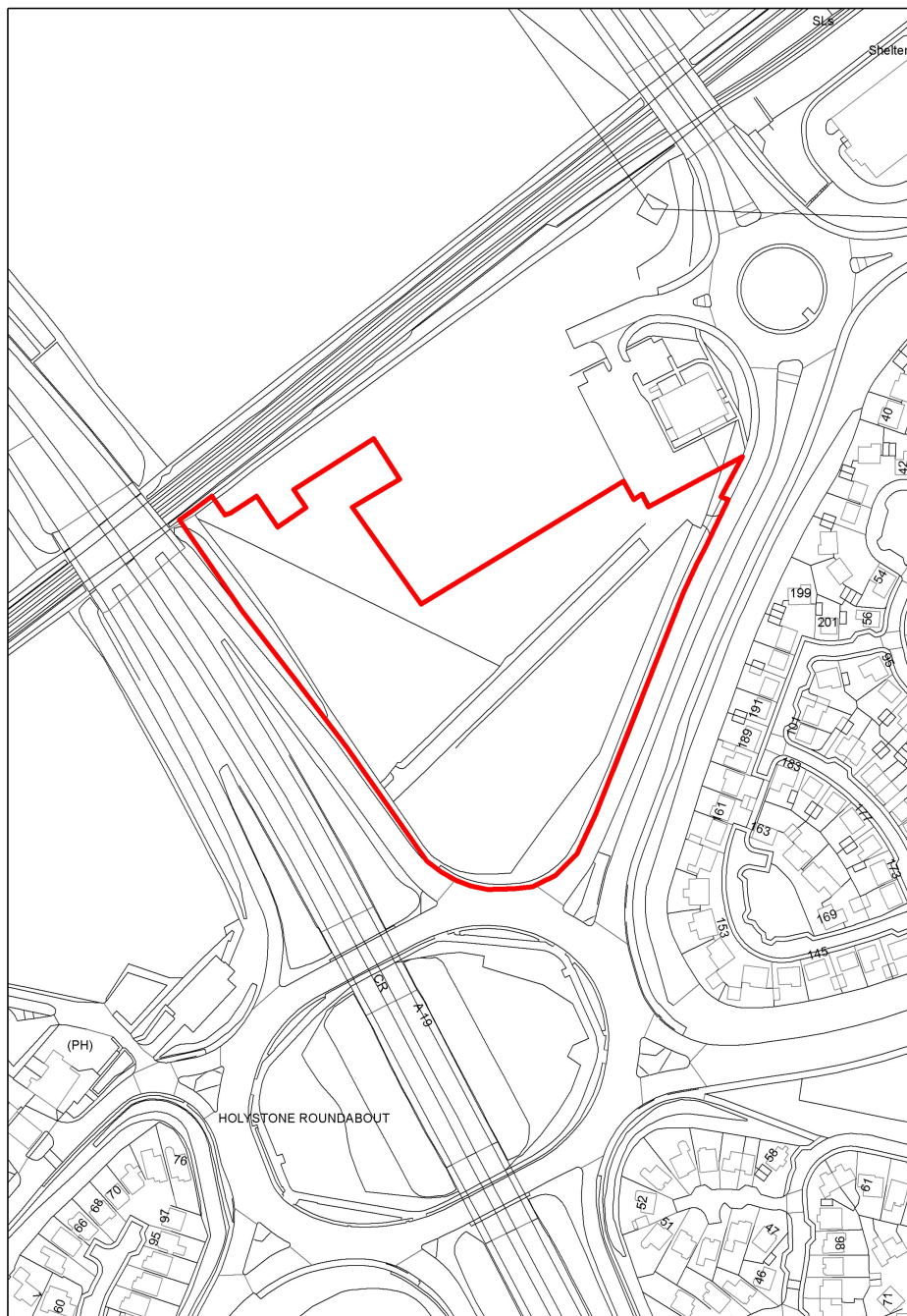
Highway Inspection before dvlpt (I46)

Free and full access to the Public Right of Way network is to be maintained at all times. Should it be necessary for the protection of route users to temporarily close or divert an existing route during development, this should be agreed with the council's Public Rights of Way Officer.

Prior to the commencement of works and upon the completion of the development the developer shall contact the council's Public Rights of Way Officer to enable a full inspection of the routes affected to be carried out. The developer will be responsible for the reinstatement of any damage to the network arising from the development.

The developer is advised to contact the council's Public Rights of Way Officer to discuss connectivity to the site into the surround Public Right of Way network.

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



Application reference: 18/01060/FUL

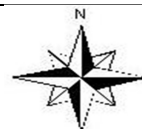
Location: Land North East Of Holystone Roundabout, Earsdon Road, Shiremoor, NEWCASTLE UPON TYNE

Proposal: Erection of 4no units for retail (Class A1) and gym (Class D2) uses, with associated parking, servicing provision and landscaping (Amended Landscape Plans Submitted 02.10.18)

Not to scale

Date: 18.10.2018

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Appendix 1 – 18/01060/FUL

Item 3

Consultations/representations

Internal Consultees

1. Highway Network Manager

1.1 This application is for the erection of 4 units for retail (Class A1) & gym (Class D2) uses, with associated parking, servicing provision and landscaping. Outline permission has been granted for the site as a whole (15/01146/OUT) as well as reserved matters permission for the discount food store and cafe & drive thru (17/00606/REM).

1.2 As part of the first phase, a S106 contribution of £187,104 was agreed to contribute towards Holystone roundabout as well as S278 improvements to sustainable links and to and from the site.

1.3 A Framework Travel Plan (TP) was also submitted as part of the application, which will be developed out as when the site becomes occupied. A Travel Plan Bond for the sum of £50,000 was also secured at the outline stage.

1.4 This application seeks to add an additional 4 retail units and a gym to the site. Aside from the proposed gym, this area of the site was agreed in principle at the outline stage. It is considered that the level of parking, previously agreed is suitable for the inclusion of the gym rather than the original retail use and that the trips associated with the gym will not have a severe impact on the adjacent highway network, particularly when taking into account the off site highway improvements previously secured.

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

1.6 Recommendation - Conditional Approval

1.7 Conditions:

ACC25 - Turning Areas: Before Occ

PAR04 - Veh: Parking, Garaging before Occ

REF01 - Refuse Storage: Detail, Provide Before Occ

SIT07 - Construction Method Statement (Major)

SIT08 - Wheel wash

1.8 Notwithstanding the details submitted, no development shall commence until details of two Electric Vehicle (EV) charging points have been submitted to and approved in writing by the Local Planning Authority. No part of the development shall be occupied until these charging points have been constructed to the satisfaction of the Local Highway Authority

Reason: In the interests of sustainable transport

1.9 No development shall commence until a car park management strategy for the site has been submitted to and agreed in writing by the Local planning Authority. Thereafter the management of the car park shall be carried out in accordance with the agreed details.

Reason: To ensure adequate parking facilities for the site and in the interests of highway safety.

1.10 No development shall commence until a detailed methodology of monitoring the car park and surrounding highways has been agreed in writing with the Local Planning Authority. This monitoring shall commence upon full occupation and continue until a period of 12 months of the site. Once this monitoring has taken place and the results are analysed, any mitigation required by the Local Planning Authority will be implemented at the expense of the applicant,

Reason: In the interests of highway safety.

1.11 No development shall commence until a scheme for the provision of secure undercover cycle storage for residential use shall be submitted to and approved by in writing the Local Planning Authority. Thereafter, this scheme shall be implemented in accordance with the approved details before the development is occupied.

Reason: To comply with the Council's policy on cycle storage regarding residential dwellings.

1.12 No development shall commence until a Travel Plan taking into account the new development and the wider site as a whole has been submitted to and approved by in writing the Local Planning Authority. This will include an undertaking to conduct travel surveys to monitor whether or not the Travel Plan targets are being met.

Reason: To accord with Central Government and Council Policy concerning sustainable transport.

1.13 Informatives:

I05 - Contact ERH: Construct Highway Access

I07 - Contact ERH: Footpath/Bridleway X's Site

I08 - Contact ERH: Works to footway.

I10 - No Doors/Gates to Project over Highways

I13 - Don't obstruct Highway, Build Materials

I45 - Street Naming & Numbering

I46 - Highway Inspection before dvlpt

1.14 Free and full access to the Public Right of Way network is to be maintained at all times. Should it be necessary for the protection of route users to temporarily close or divert an existing route during development, this should be agreed with the council's Public Rights of Way Officer.

1.15 Prior to the commencement of works and upon the completion of the development the developer shall contact the council's Public Rights of Way Officer to enable a full inspection of the routes affected to be carried out. The developer will be responsible for the reinstatement of any damage to the network arising from the development.

2. Manager of Environmental Health (Contaminated Land)

2.1 I have reviewed the Geo Environmental Interpretative Report and the report shows that further work is required to be carried out. The following must be attached

2.2 Con 001 and Gas 006.

3. Biodiversity Officer

3.1 Further to my previous comments (dated 14.9.18), whilst an amended landscape plan has been submitted (DWG No: 105515/8001 Revision H) showing some scrub and wildflower planting along the A186 in place of the removed trees, an updated AIA has not been submitted in relation to the drainage along the western boundary (filter drain and catch pit) so an assessment can be made of the potential impacts of the drainage on the adjacent woodland. There remains a concern that further trees will need to be removed along the western boundary to accommodate this drainage in addition to the 0.79ha of woodland that has already been removed. There is presently insufficient information to determine what the impacts of this drainage system will have on the trees along this boundary.

3.2 The landscape plan is also not acceptable. Approximately 0.79ha of woodland has already been removed on the site to accommodate this scheme, limiting any retained planting to the boundaries. The present application seeks to remove even more of this boundary planting purely to provide views through into the site. This is unacceptable and contrary to Local Plan policies relating to biodiversity and woodland/trees:-

3.3 Policy S5.4 Biodiversity and Geodiversity

Policy DM5.5 Managing Effects on Biodiversity and Geodiversity

DM5.2 Protection of Green Infrastructure.

DM5.9 Trees, Woodland and Hedgerows

3.4 The woodland that is currently retained on site forms boundary planting that is important for biodiversity but also as a visual amenity. This should be protected and enhanced with additional boundary planting (trees and scrub) and not impacted upon further to enable views to buildings.

3.5 Further information is required to enable the impact of drainage to be determined on the woodland/trees along the western boundary. In addition, the landscape plan is not acceptable. Boundary planting along the A186 should be retained and enhanced with additional native trees and scrub planting.

4. Landscape Architect

4.1 The approved landscaping plan is dwg No. 2150PL(0) 10 Rev E is for a different part of the site which does not include the site we are referring to. The reserve matters application (17/00606/REM) included landscaping and was approved 04.10.2017 which showed a continuous belt of trees along the A186 frontage.

The current application 18/01060/FUL - Landscape Plan dwg No. 105515/8001 Rev H includes additional tree removal along A186 and should be compared to dwg. No 105515/8001 Rev A which was approved.

4.2 I accept that dwg. No 105515/8001 Rev A was indicative and therefore subject to change. However, our comments are based on assessing this new drawing that shows changes to the original approved layout, therefore in

assessing this scheme and these changes, we are looking for a good design that addresses the local plan policies.

4.3 We should also remember that:

Approximately 0.79ha of woodland has been lost leaving only limited planting to the boundaries of the site – a significant loss.

This plan looks to remove existing tree groups just so that the buildings and the car park can be seen without considering the wider context of the tree group.

4.4 This current amendment does not meet the following policies:

NPPF Policies

NPPF - Conserving and Enhancing the Natural Environment

Policy S5.4 Biodiversity and Geodiversity

Policy DM5.5 Managing Effects on Biodiversity and Geodiversity

Local Plan Policies

4.5 DM5.2 Protection of Green Infrastructure, *and in particular*, DM5.9 Trees, Woodland and Hedgerows.

4.6 A gap in the planting is unacceptable in terms of screening, visual amenity and biodiversity, should not be a planning consideration and clearly goes against the above policy, DM5.9 Trees, Woodland and hedgerows. This scheme sees more trees being removed when so much has already been lost from the site. From a landscape point of view, the character and appearance of the wider area is provided by the presence of this tree group and the removal of the trees to provide a 'gap' is not considered 'an improvement'. The planting currently presents an attractive and established landscaped frontage to the wider area and not just the retail park. The development should be designed around existing site features so that they are retained and accommodated as part of the scheme.

4.7 The plan has a note to the gap area that states '*Landscape buffer along A186 will be enhanced to provide long term ecological and amenity benefits through native tree / shrub planting within a meadow grassland. The additional shrub planting looking to create a more natural woodland edge profile*'. From that note the applicant is wanting to achieve a more natural woodland edge profile. This objective can be achieved by providing additional shrub planting to the margins of the **retained** tree group, so is there any reason to remove the trees at all?

4.8 Lastly, we are still waiting for the updated Arb Impact Assessment and method statement relating to the filter drain along the western edge and any impact upon the root protection areas.

5. Public Rights of Way and Cycling Officer

5.1 I visited the site last week to view on-going project and noted the new shared link (path 1) from A186. If it is not too late the path under construction should have splayed ends. There are also new 'zebras' through the site but even though one is shown on the plan for this app it is not on site. This needs to be repeated heading south into the new Aldi where there is cycle parking.

External Consultees

6. Highways Agency

6.1 Highways England recommend further assessment required.

6.2 Clarification of detail from the applicant in relation to any enhancement to the 'A19 buffer' with specific aim of determining that it is located far enough within the developer's land to enable maintenance to take place without encroachment onto highways land.

6.3 The recommendation of this non-determination should remain in place until the 14 December 2018 or until all information is assessed and any issues of concern have been resolved, whichever is the earlier.

7. Northumbrian Water

7.1 We would have no issues to raise with the above application, provided the application is approved and carried out within strict accordance with the submitted document entitled "*Indicative Drainage Layout Phase 2*". In this document it states

Foul water will discharge to the foul sewer via the lateral drain from the neighbouring pub restaurant at manhole 7801 and surface water will discharge to soakaway.

We would therefore request that the following condition be attached to any planning approval, so that the development is implemented in accordance with this document:

7.2 CONDITION: Development shall be implemented in line with the drainage scheme contained within the submitted document entitled "*Indicative Drainage Layout Phase 2*" dated "27/03/2018". The drainage scheme shall ensure that foul flows discharge to the foul sewer at manhole 7801 and ensure that surface water discharges to the soakaways.

REASON: To prevent the increased risk of flooding from any sources in accordance with the NPPF.

Representations

1 letter of objection has been received raising the following issues;

I see that planned for the site near the new Aldi at Northumberland Park seems to be a gym and 4 "non-food shops". Though I am delighted to see you are looking to increase health and well-being with a gym, can you confirm please, that the non-food shops will not include charity shops? I ask this question because next to Sainsbury's you have created a very down market area, where there is a row of shops that includes a sunbed shop, a hairdresser, a charity shop, a betting shop and a Heron Foods. This row of shops would not be out of place in Walker or Byker. It would be nice to see you cater for the majority of the folk who live round here, the majority of whom own their homes and are more likely to donate to a charity shop than buy from it.

1 letter of comment has been received raising the following issues;

There does not appear to be any provision for electric vehicles. This is disappointing.