



North Tyneside Council

Planning Committee

19 January 2018

To be held on **Tuesday 30 January 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 9 January 2018.	3

Continued overleaf

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Agenda Item	Page
5. Planning officer reports	
To give consideration to the planning applications contained in the above report relating to:	5
5.1 17/01041/FULH 6 Beverley Place, Wallsend (Howdon Ward)	10
5.2 17/01743/FUL Access Points to Percy Gardens, Tynemouth (Tynemouth Ward)	22
5.3 17/01616/FUL UnitJ1, Hamar Close, Tyne Tunnel Trading Estate (Chirton Ward)	36

Members of the Planning Committee:

Councillor Anne Arkle	Councillor Frank Lott (Chair)
Councillor Brian Burdis	Councillor Wendy Lott
Councillor Sandra Graham	Councillor Gary Madden
Councillor Muriel Green	Councillor Paul Mason
Councillor Ed Hodson	Councillor David McMeekan (Deputy Chair)
Councillor John Hunter	

Planning Committee

9 January 2018

Present: Councillor F Lott (Chair)
Councillors B Burdis, John Hunter,
D McMeekan, G Madden and P Mason.

PQ38/01/18 Apologies

Apologies for absence were received from Councillors A Arkle, M A Green, S Graham, E Hodson and W Lott.

PQ39/01/18 Substitute Members

There were no substitute members appointed.

PQ40/01/18 Declarations of Interest and Dispensations

There were no declarations of interest or dispensations reported.

PQ41/01/18 Minutes

Resolved that the minutes of the meeting held on 21 November 2017 be confirmed as a correct record and signed by the Chair.

PQ42/01/18 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:	17/01734/FULH	Ward:	Camperdown
Application Type:	Householder application		
Location:	40 Edgemount, Killingworth		
Proposal:	Demolition of existing conservatory. Construction of a single storey rear and part side extension. Addition of a window to ground floor west gable.		
Applicant:	Mr Paul Dawson		

The Committee gave consideration to a report of the planning officers in relation to the application. A planning officer presented details of the application with the aid of various maps, plans and photographs.

The Committee asked questions of officers and made comments. In doing so members paid particular attention to the impact of the development on the width and use of the path to the east of the property.

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 its impact on neighbouring amenity and the character and appearance of the site and surrounding area in accordance with the relevant policies contained in 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 Paragraphs 186-187 of the National Planning Policy Framework.

PLANNING COMMITTEE

Date: 30 January 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	17/01041/FULH	Howdon
	6 Beverley Place, Wallsend, Tyne And Wear, NE28 7BH	
	Speaking rights requested -Peter Coulson	
5.2	17/01743/FUL	Tynemouth
	Access Points To Percy Gardens, Tynemouth, Tyne And Wear	
5.3	17/01616/FUL	Chirton
	Unit J1, Hamar Close, Tyne Tunnel Trading Estate, North Shields Tyne And Wear, NE29 7XB	

Item No: 5.1
Application No: 17/01041/FULH **Author:** Julia Dawson
Date valid: 2 November 2017 **☎:** 0191 643 6314
Target decision date: 28 December 2017 **Ward:** Howdon

Application type: Householder Full application

Location: 6 Beverley Place, Wallsend, Tyne And Wear, NE28 7BH,

Proposal: Two storey side extension with flat roofed rear dormer window and single storey rear extension (revised plans 07.12.2017)

Applicant: Mr Mindaugas Gaudiesius, 6 Beverley Place Wallsend Tyne And Wear NE28 7BH

Agent: Acre Design, Mr Alistair Crerar 198 High Street East Wallsend Newcastle Upon Tyne NE28 7RP

RECOMMENDATION: Application Permitted

INFORMATION

1.0 Summary Of Key Issues & Conclusions

1.0 Main Issues

1.1 The main issues for consideration are:

- (i) Impact on Residential Amenity, and;
- (ii) Impact on Character and Appearance.

2.0 Description of the Site

2.1 The application relates to a south east facing dormer bungalow situated at the end of a cul-de-sac. The property has a flat roofed dormer to the front and a large flat roofed dormer to the rear. The rear dormer adjoins an identical dormer on No.5 containing a bathroom window. At ground floor level No.5 has a small kitchen window and door set approximately 0.7m from the shared boundary. The boundary between the application site and the adjoining property is occupied by 1.5m high fencing.

2.2 All the dwellings on this section of Beverley Place have flat roofed dormers of varying sizes and many have been extended. No.7 has a large two storey flat roofed extension to the side and rear and many properties have flat roofed first floor rear extensions. No.7's two storey side extension has a large front facing first floor window and a large secondary window in the first floor side elevation, both windows serve the same room.

2.3 The dwellings to the rear on Chester Avenue have also previously been extended by way of flat roofed two storey rear extensions (including No's 12 and 14). The extended two storey rear elevation of No.14 is located approximately 16.6m from the rear elevation of the host dwelling's existing rear dormer window. The extended two storey rear elevation of No.12 is located approximately 16.2m from the rear elevation of the host's existing rear dormer window.

3.0 Description of the Proposed Development

3.1 The proposal relates to a part retrospective application for the construction of a two storey side extension with a flat roofed rear dormer window and a single storey rear extension.

4.0 Relevant Planning History

4.1 10/00886/FULH - Erection of two storey side and back extension and single storey porch on front elevation – Refused 30.09.2010

4.2 16/01188/FULH - Two storey side extension incorporating first floor rear extension and new timber cladding and window to first floor rear projection – Approved 12.09.2016

5.0 Development Plan

5.1 North Tyneside Local Plan (2017)

6.0 Government Policy

6.1 National Planning Policy Framework (March 2012)

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

Main Issues

The main issues for consideration are:

- (i) Impact on Residential Amenity
- (ii) Impact on Character and Appearance of the Conservation Area

7.0 Detailed Planning Considerations

7.1 Background and Current Proposal

7.2 There has been significant history in relation to the application site. Planning permission was originally refused in 2010 (10/00886/FULH) for a two storey rear and side extension. A planning application for a two storey side and rear extension was approved in 2016 (16/01188/FULH). This scheme was different to the 2010 scheme and overcame the original reasons for refusal. Development works commenced on site in the summer of 2017. Following on from the commencement of the development the Local Planning Authority received

complaints that the development, which was being constructed, was not in accordance with the approved plans and had encroached across the boundary with No.7 Beverley Place.

7.3 The Planning Enforcement team investigated and found that the development was not being carried out in accordance with the approved plans, and also found inaccuracies in terms of the position of the extension in relation to the boundary with No.7 and the positioning of the dwellings. The original plans were inaccurate and therefore the development could not be carried out in accordance with these. The Planning Enforcement team advised that works should stop and invited a further planning application to address the issues raised.

7.4 Subsequently, the current planning application was submitted on 14th July 2017. This was initially validated and public consultation letters were sent to surrounding occupiers on 15th August 2017. Following further investigation of the site and the plans by the Case Officer, it was found they did not accurately portray the boundary and the proposed rear extension had been significantly amended and was of a size which could not be supported by the Local Planning Authority. The application was invalidated whilst the applicant prepared revised plans.

7.5 Following on from the submission of the revised plans the application was revalidated and further public consultation letters were issued on 3rd November 2017. These plans were considered and the applicant was advised that the proposed side extension still appeared too close to No.7 Beverley Place. At the request of the Case Officer the applicant then submitted the current set of revised plans showing the side staircase extension reduced in width by 0.5m, and the rear/side bedroom extension reduced in width by 1m, pulling both elements of the proposal away from the boundary with No.7. These plans are for consideration by members of the planning committee.

7.6 Members are reminded that any objection in relation to the position of the boundary and land ownership are not material planning considerations and the Local Planning Authority (LPA) has no remit to become involved in party wall/land ownership disputes. The applicant has signed Certificate A as they consider that they own the entire application site. The purpose of serving notice and of statutory consultations on planning applications is to make sure that parties which may be affected by a planning application are provided with the opportunity to submit representations to the LPA. The executors of the estate of the previous owner of No.7 Beverley Place are fully aware of the application and have been provided with an opportunity to submit their comments. This satisfies planning requirements/legislation. Planning legislation and requirements have no bearing on other separate legislation, e.g. any notices which are required to be served according to the requirements of The Party Wall. Ownership disputes are a civil matter which is separate from the planning application process.

8.0 Impact on Residential Amenity

8.1 One of the twelve core principles of The National Planning Policy Framework is to always seek to ensure a good standard of amenity for all existing and future occupants of land and buildings.

8.2 Policy S1.4 'General Development Principles' of the North Tyneside Local Plan (2017) 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. In accordance with the nature of development those proposals should (amongst other criteria):

b. Be acceptable in terms of their impact upon local amenity for new or existing residents and businesses, adjoining premises and land uses.

8.3 Policy DM6.1 'Design of Development' 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. Proposals are expected to demonstrate (amongst other criteria):

b. A positive relationship to neighbouring buildings and spaces; and

f. A good standard of amenity for existing and future residents and users of buildings and spaces.

8.4 Policy DM6.2 'Extending Existing Buildings' states that when assessing applications for extending buildings the Council will consider (amongst other criteria):

c. Implications for amenity on adjacent properties and land such as outlook, loss of light or privacy;

d. The cumulative impact if the building has been previously extended;

f. The form, scale and layout of existing built structures near the site.

8.6 Significant concern has been raised with regard to the impact of the proposed extensions on the existing outlook and privacy of neighbouring occupiers, in particular No.7 Beverley Place and No's 12 and 14 Chester Avenue. These are concerns are noted.

8.7 Firstly, in relation to the impact of the proposed two storey side extension (staircase) on the residential amenity of No.7 Beverley Place, it is acknowledged that this element of the proposal will be located approximately 4.965m to the front of No.7's two storey flat roofed side extension. This is a reduction in separation distance (compared to the existing front to side elevation relationship) of approximately 1.6m. No.7's outlook towards the main street scene of Beverley Place is not significantly impeded by the proposed extension, given that the window is large and No.7's existing extension is already set back in the corner of the cul-de-sac facing towards the host property's side elevation at a relatively close distance. Furthermore, No.7's first floor side extension is also served by an additional large north western facing window in its first floor side elevation.

8.8 The corner of the proposed side/rear extension, which will accommodate a bedroom on each floor, will be located approximately 2.795m from the corner of No.7's extension. It will be located to the south west of No.7. Whilst this may result in a small loss of outlook (across the host dwelling's own garden) and a small loss of evening sunlight, this will not be so significant or harmful that refusal could be justified on these grounds, especially bearing in mind that No.7's

bedroom is also served by the side facing window which will not be affected by the proposed development.

8.9 Members are reminded that the existing structure on site is not what is shown on the submitted plans and is not what the applicant is applying for. Works have stopped and no alterations have been made whilst the current application is being considered. The on site structure shows gaps for windows in the front elevation. These will be removed. The proposed plan shows a single window in the side elevation facing towards No.7, which will serve the staircase and will be obscurely glazed. As such, this will have no impact on the privacy of the occupants of No.7.

8.10 The existing separation distance between the rear elevation of the existing dormer window and the rear elevation of No.14's existing two storey rear extension is approximately 16.6m, and 16.2m to No.12's existing two storey rear extension. Whilst it is acknowledged that a new bedroom window will be located in the rear elevation of the proposed dormer, the actual dormer extension itself will not be located any closer to the rear elevations of the dwellings on Chester Avenue than the existing dormer, it will merely be extended in width. It is noted that No.7 Beverley Place's existing bedroom window already overlooks (and is visible from) the rear of No.14. In this context it is not considered that the new first floor bedroom window will result in any significant increase in overlooking or loss of privacy for surrounding occupiers when compared to the existing situation.

8.11 Concerns have also been raised in relation to the proposed single storey rear extension and the large amount of glazing proposed to the rear elevation. The proposed single storey extension will project approximately 2m and could be constructed without planning permission. Nevertheless, a distance of approximately 6.356m will remain between the rear elevation of the extension and the rear boundary fence. A gap will also remain between the side elevation and the shared boundary with the adjoining property, No.6 Beverley Place. Due to the single storey nature of the proposal, the fact that it could be constructed without planning permission and screening provided by the existing fence (which could be increased to 2m in height without planning permission), it is not considered that the proposed extension will result in any significant impact on the outlook, daylight, sunlight or privacy of neighbouring occupiers.

8.12 The large amount of glazing to the rear of the new ground floor bedroom will be no closer to the rear boundary of rear elevations of properties on Chester Avenue than the rear elevation of the existing dwelling. Again, given the ground floor location of the glazing, the distance to the boundary and neighbouring occupiers, it is not considered that this will have such a harmful impact on neighbouring privacy that refusal could be justified on these grounds.

8.13 Members must determine whether the proposed development (as shown on the submitted plans) is acceptable in terms of its impact on the living conditions of the occupiers of neighbouring dwellings, with particular reference to No's 5 and 7 Beverley Place and dwellings to the rear on Chester Avenue. Officer advice is that the proposed development is acceptable in this regard.

9.0 Impact on the Character and Appearance

9.1 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. NPPF states that it is important to plan positively for the achievement of high quality and inclusive design for all development. It also confirms that authorities should set out their own approach to housing density to reflect local circumstances.

9.2 Policy DM6.1 'Design of Development' 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. Proposals are expected to demonstrate:

- a. A design responsive to landscape features, topography, wildlife habitats, site orientation and existing buildings, incorporating where appropriate the provision of public art;
- b. A positive relationship to neighbouring buildings and spaces;
- c. A safe environment that reduces opportunities for crime and antisocial behaviour;
- d. A coherent, legible and appropriately managed public realm that encourages accessibility by walking, cycling and public transport;
- e. Sufficient car parking that is well integrated into the layout; and,
- f. A good standard of amenity for existing and future residents and users of buildings and spaces.

9.3 Policy DM6.2 Extending Existing Buildings states that extensions should complement the form and character of the original building. This should be achieved either by continuation of the established design form, or through appropriate contrasting, high quality design. The scale, height and mass of an extension and its position should emphasise a subservience to the main building. This will involve a lower roof and eaves height, significantly smaller footprint, span and length of elevations. When assessing applications for extending buildings the Council will consider (amongst other criteria):

- b. The location of the extension in relation to the street scene;
- d. The cumulative impact if the building has been previously extended;
- e. The effect that the extension will have on the existing property and whether it enhances the overall design; and
- f. The form, scale and layout of existing built structures near the site.

9.4 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 complement the form and character of the original building.

9.5 Significant concerns have been raised with regard to the appearance of the extensions (as shown on site at the current time), in terms of materials and size. These are noted. Members are advised that the proposed development will be finished in materials to match the host dwelling. The large timber fascia/overhang is to be removed and the external finished materials will be bricks and tiles to match the existing dwelling (to the side extensions) and

cladding to match the existing (dormer). Members must determine the planning application based on the submitted plans, not on what is currently on the site.

9.6 Whilst it is acknowledged that the proposed dormer window is to be flat roofed, which in design terms is not usually encouraged, it must be noted that this is a continuation of the existing dormer window design. There are numerous similar flat roofed extensions to properties within the immediate streetscene, along with large flat roofed extension (e.g. No.7's existing two storey flat roofed extension). In this context the proposal, finished in materials to match the existing dwelling, will not appear highly incongruous.

9.7 Members must determine whether the proposed development is acceptable in terms of its impact on the character and appearance of application site and surrounding area. Officer advice is that the proposed development (as shown on the submitted plans) is acceptable in this regard.

10.0 Other Matters

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

- a. Shows that investigations have been carried out to assess the nature and extent of contamination or stability issues and the possible effect it may have on the development and its future users, biodiversity, the natural and built environment; and
- b. Sets out detailed measures to allow the development to go ahead safely and without adverse affect, including, as appropriate:
 - i. Removing the contamination;
 - ii. Treating the contamination;
 - iii. Protecting and/or separating the development from the effects of the contamination;
 - iv. Validation of mitigation measures; and
 - v. Addressing land stability issues.

Where measures are needed to allow the development to go ahead safely and without adverse affect, these will be required as a condition of any planning permission.

10.2 The application site is located within a high risk Coal Authority referral area and a contaminated land buffer zone. As such, it is considered necessary and reasonable to attach a condition to the grant of approval to ensure that appropriate gas protection measures are incorporated into the footprint of the new build.

10.3 Concerns have been received with regard to the construction materials in terms of structural stability, safety and fire safety. These concerns are noted. However, such matters would be dealt with by building regulations, not planning legislation and therefore these cannot be controlled by this planning application and refusal of planning permission can be issued for this reason. The Case Officer has discussed this matter with the Council's Building Control team who have advised that they do not have details of the proposed structure (as they are not dealing with the building regulations application), however there a variety of

methods of meeting current building regulations using timber framed constructions with external cladding. It is the applicant's responsibility to ensure that they obtain all required permissions separate to the planning permission.

11.0 Local Financial Considerations

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

12.0 Conclusion

12.1 The proposed development is considered to be acceptable in terms of its impact on neighbouring amenity and the character and appearance of the site and surrounding area. With regard to all of the above, approval is recommended.

RECOMMENDATION: **Application Permitted**

Conditions/Reasons

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

- Application Form 14.07.2017
- Site Location Plan (scale 1:1250, 22.03.2010)
- Existing & Proposed Floor Plans, Elevations & Site Plans (6 Beverley e. 07-12-17)

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. No (further) windows, doors or openings of any kind shall be inserted in the flank elevations of the development hereby permitted without prior, express planning permission of the Local Planning Authority.

Reason: To safeguard the privacy of occupiers of the adjoining properties having regard to policies S1.4, DM6.1 and DM6.2 of the North Tyneside Local Plan 2017.

4.	Gas protection measures for householder	GAS00	*
		5	

5.	Windows Fixed Obscure Glazing Required	WIN004	*north eastern
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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 Paragraphs 186-187 of the National Planning Policy Framework.

Informatives

Building Regulations Required (I03)

Do Not Obstruct Highway Build Materials (I13)

Advice All Works Within Applicants Land (I29)

Coal Mining Referral Area , (FULH) (I43)



Application reference: 17/01041/FULH

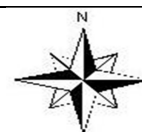
Location: 6 Beverley Place, Wallsend, Tyne And Wear, NE28 7BH

Proposal: Two storey side extension with flat roofed rear dormer window and single storey rear extension (revised plans 07.12.2017)

Not to scale

Date: 18.01.2018

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0100016801



Appendix 1 – 17/01041/FULH

Item 1

Consultations/representations

1.0 Representations

1.1 Objections have been received from the occupants of four nearby residential dwellings (one is from a Chartered Surveyor on behalf of the Executors of the Estate of 7 Beverley Place). These are summarised as follows:

1.2 (Following public reconsultation on amended (current) plans on 07.12.2017):

- Revised plans still show an overdevelopment of a small site in a confined cul de sac of residential properties of a particular design.
- Negative effect on the streetscape of Beverley Place, in particular for 7 Beverley Place in particular as it impinges and becomes dominant and overpowering addition close to the boundary.
- The proposals will increase the floor space by some 60%, this appears too great for such a modest property on a site with limited space.
- The Application transforms the modest property of Dutch Bungalow design into a property which has rooms, dimensions and internal layout too large for existing building, the site and the surrounding properties. In particular the size of the extension on the East Elevation which includes the Proposed Stair Well is unnecessarily large.
- There does not appear to be a need for the additional staircase structure as a staircase could easily be contained within the internal layout as is the case now. This would be less obtrusive to 7 Beverley Place.
- Planning Application should be redesigned to reflect the concerns outlined so that 7 Beverley Place can be occupied without intrusion from the proposed development, which will affect their privacy and amenity.
- The overall development has obliterated any amenity at 7 Beverley Place, considerably reduced the right of light to that property and, in its current form, will have an adverse effect on access for emergency services.
- While the revised plans have reduced the width of the extension by a meter, overall the extension is still around 72% bigger than the original structure.
- My previous concerns over the materials used on the extension remain. What was previously a four walled brick structure has been replaced by three walls comprising of MDF which will be cladded - does this meet fire safety standards? Will a two storey extension comprising of cladded MDF be structurally sound? Will it be a fire hazard?
- My views and objections remain exactly the same as all my previous letters. No amount of amendments to these plans will change my mind on this monstrosity of a building.

1.3 (Following public consultation on original plans on 03.11.2017):

- The extension looks out of place for the surrounding area.
- The window on the second floor at the back looks straight into my back bedroom window (14 Chester Avenue), (I will also be able to see into theirs), into my garden and into my conservatory. This, I feel is an invasion of my privacy which I have been able to enjoy for the last 20 years.
- The extension is bigger than the actual house it is being built onto.
- The extension is being built far too near to the house next door (7 Beverley Place)

- The view I used to have from my windows at the back was quite pleasant as you looked through to the other houses, now I have the view of an oversized wooden building.
- Looking at the plans I see that the downstairs is to have all glass windows or doors at the back. This is also a concern, as looking from my other back room upstairs window, they will be able to look into that window also as I will with theirs.
- The extension is already half built part of which extends over the boundary line the current structure will need to be altered in order to fit to the plans specifications.
- The applicant has not kept to the plans he submitted and has already had to dismantle the whole structure once. He has now had to alter the front of the rebuilt structure as it was over shooting a neighbours window, building has been put on hold yet again for plans not being adhered to. He has already erected a metal girder for the rear lower extension (before permission), which will bring the back end of his house nearer to our garden.
- The extension is absolutely huge in fact bigger than his original house, with a back window which will indeed affect our privacy. I am fed up with looking at the huge wooden eye sore of a structure which looks totally out of place.
- Plans were submitted and refused in 2010 due to neighbours privacy issues, nothing has changed since then so why has he been given permission now.
- Impact on saleability of neighbouring properties.
- The applicant should be made to take the extension down and keep it down

2.0 Ward Councillor

2.1 Councillor John Hunter (Howdon)

Request that this goes to the full planning committee reason height width length out of character with the rest of the street.

Item No: 5.2
Application No: 17/01743/FUL
Date valid: 22 November 2017
Target decision date: 17 January 2018
Author: Rebecca Andison
☎: 0191 643 6321
Ward: Tynemouth

Application type: full planning application

Location: Access Points To, Percy Gardens, Tynemouth, Tyne And Wear,

Proposal: Installation of replacement gates for vehicular and pedestrian access to Percy Gardens

Applicant: Percy Gardens Trust, C/o DPP

Agent: DPP, Mrs Jen Patterson Milburn House Dean Street Newcastle Upon Tyne NE1 1LF

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 upon surrounding occupiers;
- the impact on the character and appearance of the conservation area; 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.

2.0 Description of the Site

2.1 The application relates to Percy Gardens, a curved private street on Tynemouth seafront.

2.2 The road operates a one-way system, with vehicles entering at the southern end and leaving at the north. At each access point are gates posts. Along the east side of the street are a number of parking spaces.

2.3 The site is located within Tynemouth Conservation Area and Percy Gardens is included on the Local Register of Buildings and Parks.

3.0 Description of the Proposal

3.1 Permission is sought to install gates at either end of the street.

3.2 The proposed gates comprise a vertical bar design and would be constructed from steel with wrought iron railheads. They would be coloured black and utilise the existing gate posts.

3.3 The pedestrian gate would be unlocked at all times. The vehicle gates would be fitted with electric gate openers, with access for residents controlled via radio remote control or using a four digit pin.

4.0 Relevant Planning History

4.1 None.

5.0 Government Policy

5.1 National Planning Policy Framework (March 2012)

5.2 Planning Practice Guidance (As amended)

5.3 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.

6.0 Development Plan

6.1 North Tyneside Local Plan 2017

PLANNING OFFICERS REPORT

7.0 Main Issues

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

- the impact upon surrounding occupiers;
- the impact on the character and appearance of the conservation area; and
- the impact on highway safety.

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

8.0 Impact on Residential Amenity

8.1 The NPPF outlines 12 core planning principles which should underpin decision taking. It states that local planning authorities should contribute to conserving and enhancing the natural environment and reducing pollution. It goes on to state that new and existing development should be prevented from contributing to unacceptable levels of air or noise pollution. To prevent unacceptable risks from pollution local planning authorities 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 proposed development to adverse effects from pollution, should be taken into account.

8.2 Local planning authorities should focus on whether the development itself is an acceptable use of the land and the impact of the use, rather than the control of processes or emissions themselves where these are subject to approval under pollution control regimes. Local planning authorities should assume that these regimes will operate effectively.

8.3 The NPPF defines pollution as 'anything that affects the quality of land, air, water or soils, which might lead to an adverse impact on human health, the natural environment or general amenity. Pollution can arise from a range of emissions, including smoke, fumes, gases, dust, steam, odour, noise and light.'

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

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

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

8.7 Residents have raised concern regarding the potential impact of noise from the opening and closing of the gates and vehicles queuing to enter the street.

8.8 In response to these concerns the applicant has advised that the gates would be fitted with a gas strut closer with rubber dampeners, which will effectively eliminate all noise. They do not envisage that the proposal would lead to vehicles backing up onto the highway due to the prompt opening time of the gates and the fact that the automatic fob, which will be provided for residents and frequent visitors, can be used from up to 100m away.

8.9 The Manager of Environmental Health has commented and raises no objections in principle to the proposal. She notes that the gates would be fitted with dampeners to minimise noise, and that the provision of automatic fobs would minimise vehicle queues. To address the impact of noise from the motors she recommends the imposition of a condition requiring that a noise scheme, to include details of the noise levels associated with the electric motor, is submitted.

8.10 Members need to consider whether the impact on the amenity of residents is acceptable. It is officer advice that impact on residential amenity is acceptable subject to the imposition of the condition recommended by the Manager of Environmental Health.

9.0 Design and impact on the conservation area

9.1 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.

9.2 In respect of designated heritage assets the NPPF states that in determining planning when determining the impact on the significance of a heritage asset great weight should be given to the assets conservation. The more important the asset the greater the weight should be. Significance can be harmed or lost through alteration or destruction of the heritage asset or development within its setting.

9.3 Any harm or loss should require convincing justification. Substantial harm to a grade II listed building should be exceptional and consent should be refused unless there are substantial public benefits. Where a development would lead to less substantial harm, this harm should be weighed against the public benefits of the proposal.

9.4 At paragraph 137 of the NPPF it states:

"Local planning authorities should look for opportunities for new development within conservation areas ...and within the setting of heritage assets to enhance or better reveal their significance."

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

9.6 Policy S6.5 states that the Council aims to pro-actively preserve, promote and enhance its heritage assets.

9.7 Policy DM6.6 states that proposals that affect heritage assets or their settings, will be permitted where they sustain, conserve and, where appropriate, enhance the significance, appearance, character and setting of heritage assets in an appropriate manner. As appropriate, development will:

- a. Conserve built fabric and architectural detailing that contributes to the heritage asset's significance and character;
- b. Repair damaged features or reinstate missing features and architectural detailing that contribute to the heritage asset's significance;
- c. Conserve and enhance the spaces between and around buildings including gardens, boundaries, driveways and footpaths;
- d. Remove additions or modifications that are considered harmful to the significance of the heritage asset;
- e. Ensure that additions to heritage assets and within its setting do not harm the significance of the heritage asset;
- f. Demonstrate how heritage assets at risk (national or local) will be brought into repair and, where vacant, re-use, and include phasing information to ensure that works are commenced in a timely manner to ensure there is a halt to the decline;

- g. Be prepared in line with the information set out in the relevant piece(s) of evidence and guidance prepared by North Tyneside Council;
- h. Be accompanied by a heritage statement that informs proposals through understanding the asset, fully assessing the proposed affects of the development and influencing proposals accordingly.

Any development proposal that would detrimentally impact upon a heritage asset will be refused permission, unless it is necessary for it to achieve wider public benefits that outweigh the harm or loss to the historic environment, and cannot be met in any other way.

9.8 LDD11 'Design Quality' applies to all planning applications that involve building works. It states that extensions must offer a high quality of the built and natural environment. It further states that extensions should complement the form and character of the original building.

9.9 In addition to the policies outlined above the Tynemouth Village Conservation Area Character Statement was adopted in 2003. The statement notes that Tynemouth is a village in an urban setting, the first of its kind about an urban rather than a rural village, it is hoped to capture its unique character, to influence future planning decisions and to help manage and not prevent the process of change.

9.10 The Tynemouth Village Conservation Area Character Appraisal was adopted in 2010. It states that Percy Gardens was constructed in the late 19th century and notes that the terrace has a greater presence than other terraces due to its grander scale, design and positing. It describes how the private gardens in front of the homes add to the crescent's exclusive nature.

9.11 The Tynemouth Village Conservation Area Management Strategy SPD (TVCAMS) was adopted in 2014. The SPD sets out a series of objectives including conserving and enhancing the character and appearance of the conservation area; encouraging private investment in maintenance, repair, restoration and high quality new work; and enhancing the public realm.

9.12 Percy Gardens is within Tynemouth Village conservation area and is on the Local

Register as a set piece that includes the Lodge, Priory Court and the gardens. Additionally, the dwelling houses in the street are covered by an Article 4(2) Direction.

9.13 In officer opinion the principle of installing gates in the proposed locations is acceptable given that clearly this was the original intention as historic photos show. The design of the gates is in keeping with the adjacent railings, and the scale and appearance reflects that of the original gates.

9.14 It is officer opinion that, by reinstating an original design feature, the proposal would conserve and enhance the character of the conservation area and the Local Register street, in accordance with the NPPF and UDP Policies.

10.0 Highway Safety

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

10.2 All developments that generate significant amounts of movements should be supported by a Transport Statement or Transport Assessment. Planning decisions should take into account amongst other matters that safe and suitable access to the site can be achieved for all people.

10.3 Paragraph 32 of NPPF states that development should only be prevented or refused on transport grounds where the residual cumulative impacts of development are severe.

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

10.5 The Council's adopted parking standards are set out in LDD12 'Transport and Highways'.

10.6 Local residents have raised concern that the proposal would result in harm to highway and pedestrian safety.

10.7 The applicant has advised that residents and frequent visitors would be able to open the gates from a distance of 100m using the automatic fob, reducing the potential for vehicles to build up at the entrance. In addition they state that there is space for 3no cars to pull off the main highway in front of the gates. Should a visitor approach the gates without the required pin, they would be able to turn and pull up at the top of Sea Banks, allowing others to access the gates without blocking the highway. The applicant has advised that delivery vehicles are currently expected to use the rear access whenever possible, and this would continue. When this is not possible the delivery driver would be provided with the pin code.

10.8 In relation to the safety of wheelchair users accessing Percy Gardens, the applicant has advised that the manual pedestrian gates would be made of steel in order to ensure that they are lightweight for ease of opening. The gate width would be 1150mm, which exceeds the building regulations for disabled access. The gates would incorporate a low level handle and would also contain gas strut closers to ensure that the holding force can be set to allow ease of opening and closing.

10.9 The Highway Network Manager has commented and recommends conditional approval. He notes that the gates would not open over the public highway and that suitable control would be in place to prevent vehicles backing up at the entrance. He recommends that the impact on the public highway should be monitored over a 6 month period, and if necessary further control measures should be put in place to address any impact on the highway network.

10.10 Subject to the imposition of a condition to require highway monitoring, it is officer advice that the impact on the highway network is acceptable.

10.11 Members need to consider whether the proposal would accord with the advice in NPPF, Policy DM7.4 and LDD12 and weight this in their decision.

11.0 Local Financial Considerations

11.1 Section 70(2) of the Town and Country Planning Act 1990 (as amended) provides that a local planning authority must have regard to local finance considerations as far as it is material. Section 70(4) of the 1990 Act (as amended) defines a local financial consideration as a grant or other financial assistance that has been, that will or could be provided to a relevant authority by a Minister of the Crown (such as New Homes Bonus payments).

11.2 Economically there would be benefits in terms of the provision of jobs associated with the construction of the gates.

12.0 Conclusion

12.1 In conclusion, Members need to consider whether the proposed development is acceptable in terms of its impact on residential amenity, its impact on the character and appearance of the conservation area and on highway safety.

11.2 It is the opinion of officers that the development would accord with relevant national and local planning policy and would therefore be 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.
 - Drawing of proposed gates
 - Gate specification details
 - 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, prior to the installation of the gates large scale plans to show their detailed design and method of fixing must be submitted to and approved in writing by the Local Planning Authority. Thereafter the development must be carried out in accordance with the agreed details.
 - Reason: To secure a satisfactory external appearance having regard to policies DM6.1, DM6.2 and DM6.6 of the North Tyneside Council Local Plan 2017.

4. Prior to the gates being brought into operation a noise scheme, that includes details of the noise levels associated with the electric motors, must be submitted to and agreed in writing to the Local Planning Authority. Thereafter the development must be carried out in accordance with the agreed details.

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

5. Notwithstanding the details submitted, prior to the gates being brought into use a scheme for monitoring the gates to assess the impact on the adjacent highway for a period of 6 months from first installation (to include the months of June, July and August), must be submitted to and approved in writing by the Local Planning Authority. The scheme shall include:

- The scope and timing of monitoring to be agreed,
- The submission of a report detailing the results of the monitoring,
- Any control measures necessary to alleviate backing up onto the adjacent highway from the gates and the method of implementation

Thereafter the scheme and any necessary mitigation measures shall be implemented in accordance with the agreed details.

Reason: In order to minimise danger, obstruction and inconvenience to users of the highway and of the development having regard to policy DM7.4 of the North Tyneside Local Plan (2017).

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

The proposal complies with the development plan and would improve the economic, social and environmental conditions of the area. It therefore comprises sustainable development and the Local Planning Authority worked proactively and positively to issue the decision without delay. The Local Planning Authority has therefore implemented the requirements in Paragraphs 186-187 of the National Planning Policy Framework.

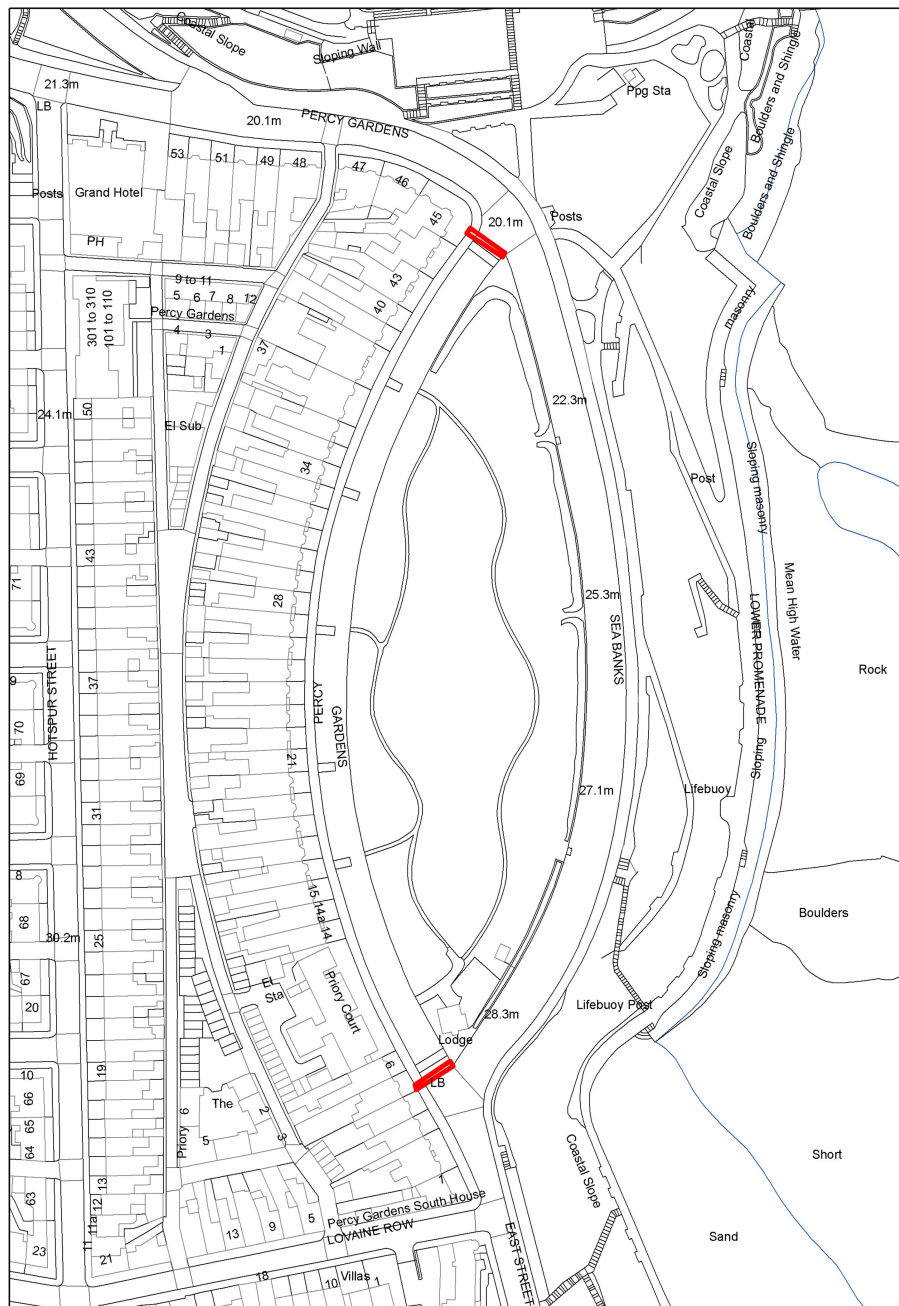
Informatives

No Doors Gates to Project Over Highways (I10)

Contact ERH Erect Scaffolding on Rd (I12)

Do Not Obstruct Highway Build Materials (I13)

Highway Inspection before dvlpt (I46)



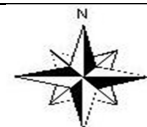
Application reference: 17/01743/FUL

Location: Access Points To, Percy Gardens, Tynemouth, Tyne And Wear
Proposal: Installation of replacement gates for vehicular and pedestrian access to Percy Gardens

Not to scale

Date:	18.01.2018
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Appendix 1 – 17/01743/FUL
Item 2

Consultations/representations

1.0 Internal Consultees

1.1 Highway Network Manager

1.2 This application is for the installation of replacement gates for vehicular and pedestrian access to Percy Gardens. The applicant has confirmed that the gates will not open out over the adopted highway and will have suitable controls to prevent backing up by vehicles whilst maintaining pedestrian access. For these reasons and on balance conditional approval is recommended.

1.3 Recommendation - Approval

1.4 Condition:

Notwithstanding the details submitted, a scheme for monitoring the gates to assess the impact on the adjacent highway for a period of 6 months from first installation shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall include:

- The scope and timing of monitoring to be agreed
- The submission of a report detailing the results of the monitoring
- Any control measures necessary to alleviate backing up onto the adjacent highway from the gates and the method of implementation

1.5 Informatives:

- I10 - No Doors/Gates to Project over Highways
- I12 - Contact ERH Erect Scaffolding on Rd
- I13 - Don't obstruct Highway, Build Materials
- I46 - Highway Inspection before dvlpt

1.6 Manager of Environmental Health

1.7 I have no objection in principle to the installation of replacement gates for vehicular and pedestrian access to Percy Gardens.

1.8 I note that the gates will be fitted with dampeners which will minimise noise from the closing of the gates and that residents will be provided with a remote to enable the gates to be opened on approach which will minimise the likelihood of vehicles backing up waiting for access.

1.9 I would have concerns with regard to potential noise from the motor operating the gates and would request information on the noise levels from the motors to determine whether there would be any potential for nuisance to neighbouring residents. I would therefore recommend a condition to require a noise scheme to be provided for the operation of the gates that provides details on the noise levels of the electric motor that will ensure noise levels do not cause a nuisance.

1.10 Submit for approval, implement and thereafter retain a noise scheme for the operation of the motorised gates that includes details on the noise levels associated with the electric motor, to minimise external noise during their operation and any necessary mitigation measures.

2.0 Councillor Comments

2.1 Cllr Karen Bolger

2.2 I am of mind to object to this application as I note a similar un-adopted road in Preston Ward known as Camp Terrace which has installed new gates in recent years, but took the sensible option to leave them un-locked and at right angles to the closed position i.e. ajar.

2.3 I am not unhappy with the style of the gate, which is in keeping with the conservation style, but I am against the locking of the gate which prevents vehicular access.

2.4 In summary I raise concern with:

1. Resultant traffic congestion at point of entry and on a major bend on the coastal route to Tynemouth.
2. Nuisance caused by awaiting vehicles waiting for a response from residents to enter the unadopted road, resulting in environmental pollution, dust/dirt, exhaust fumes and engine noise (and perhaps noise from the mechanism to open and shut the gates) for residents on the perimeter and next to the gate.
3. Emergency vehicle access restraints.
4. Residents not in total agreement with the proposal.
5. This will set a precedent.
6. The houses are multiple occupancy and the scale and volume of vehicles entering and exiting will only increase in numbers, therefore any ease in parking oversubscription will be short lived
7. Previous gates were removed for the War effort when vehicle ownership was low, and from library pictures, they appear to be left ajar.
8. I have never witnessed speeding traffic in Percy Gardens to substantiate the erection of gates for safety purposes. 10mph is usually restricted for gated communities, these restrictions already apply.
9. Car parking space is at a premium all over Tynemouth not just restricted to this road. This is due to the success of Tynemouth and its popularity to live at such a location.

3.0 Representations

3.1 15no letters of objection have been received.

3.2 The following concerns are raised.

- Affect character of the conservation area.
- Inappropriate in special landscape area.
- Nuisance – disturbance, fumes, noise.
- Out of keeping with surroundings.
- Poor traffic/pedestrian safety.
- Poor/unsuitable vehicular access.
- Traffic congestion.
- Visual intrusion.
- Noise and environmental pollution.
- Dangers of cars blocking up on the main road.
- Will deter people from walking along the street instead of the seafront when there is no light, and potentially put themselves in danger in doing so.
- Will prevent access for careers and medical support services.

- Diverting builder's vehicles to the rear lane will impact on The Mews.
- Increased noise from vehicles stopping at the gates, car doors slamming and the gates opening and closing.
- Creation of a gated community
- Dangers caused by the elderly and infirm having to opening the gates.
- Making deliveries to the rear is not possible for all properties.
- The rear lane will become congested, resulting in harm to highway and pedestrian safety.
- Increase in exhaust pollution.
- The volume of traffic is greater than when the gates were originally in place.
- Over 120 cars can be parked on the street. The gates will have to open and close very regularly.
- People will have to get out their vehicle to use the keypad.
- The street becomes congested on occasions when a temporary barrier is used.
- Seabanks is particularly busy at weekends, a bus route, cycle route and on weekend nights the taxi queue extends beyond the south entry. It is also a turning point, and there is disabled parking adjacent to the entrance.
- The pillars are located on a busy, hazardous bend.
- There have been many near misses from drivers using the parking spaces on Seabanks.
- Doubt over the legal status of Percy Gardens as a private road.

3.3 A letter signed by 8no residents has been submitted objecting to the application.

3.4 The grounds of objection are as follows:

- Noise from the gates opening and closing.
- Pollution from vehicles waiting at the gates.
- Obstruction of the highway from queuing vehicles.
- Feasibility due to the amount of traffic that uses the street. Commercial vehicles will not use the rear access.
- Traffic levels have greatly increased since the previous gates were removed. The gates will be opening and closing throughout the day and night. People will have to leave their vehicle to use the keypad, increasing the impact of noise.
- Health and safety issues and disruption to living standards.

3.5 35no letters of support have been received.

3.6 The following points are raised.

- Percy Gardens originally had both vehicular and pedestrian gates at both ends. These were removed in the war.
- It has long been a consideration of the Percy Gardens Trust Committee (PGTC) to reinstate the gates.
- The Duke of Northumberland owns both the road and the pavement and leases them to the PGCT, who in turn must maintain both to a high standard as part of the agreement.
- In recent years parking has become an acute and persistent problem. The gates would help address this.
- As the road is not protected by parking wardens it lends itself to illegal parking.
- Residents are not entitled to parking permits.
- The Duke of Northumberland's Estate are fully supportive having been aware of the parking problems.

- The PGTC have commissioned a specialist firm to carry out a survey on the effects of the gates to those both inside and outside the gates including Emergency Services. Their conclusion was it would be negligible.
- Will enhance the conservation area.
- Will restore the street's original appearance.
- Will help protect the safety of residents from speeding vehicles.
- Will prevent the street being used as a short cut.
- Will assist in limiting people looking for free parking.
- Will prevent cars and cyclists going the wrong way up the street.
- In accordance with the TVCAMS, which encourages the reinstatement of railings.
- The majority of residents have voted in favour of the gates.
- Gates have been allowed in other locations, e.g. Camp Terrace.
- There have been no problems when the street has been blocked during special events.
- There is sufficient space for cars to park in front of the gates.

4.0 External Consultees

4.1 Tynemouth Conservation Area Management Sub-committee

4.2 There appears to be some confusion as to whether or not the road through Percy Gardens is Private or not, as we understand that the Council maintains the road. I have spoken to residents who live outside of the gates who are concerned about an increase in the existing problems of traffic turning at this point, as well as the problems associated with the taxi queue already in existence.

4.3 The gates were removed for the war effort and not replaced, many see no reason for them to be replaced at this point in time. I have looked at a picture showing the gates in position but standing open.

4.4 Given the amount of delivery vehicles delivering to the Gardens on a daily basis, would not the gates cause more stopping and starting underneath the windows of the houses beside the gates. And what would be the point of having a pedestrian gate, described as slow closing - very frustrating for those on foot waiting to enter. It would be inevitable that because of the nuisance factor, that the gates would be left open - as shown in the picture.

4.5 Residents supporting the application, do so because they feel that they should be able to park in front of their own house. All over Tynemouth residents are denied this privilege, and have to park where they can. There is very little evidence that our visitors try to park inside the gardens, as there are clear signs which say Private, as well as Permit holders only, as well as a notice at the other end which clearly says No Entry.

4.6 Advice from our Council, in the TCAMS Document encourages our visitors to walk about to enjoy the various types of architecture and character of the village - the very character our Council have promised to protect and enhance. The sweep of Percy Gardens is an attraction to those who enjoy the resemblance to the Crescent in Bath, the Gardeners' Lodge, and the lovely gardens are also an attraction, indeed the picture shows the gardens as well as the iron railings around the gardens, should not an attempt be made to secure a grant of some sort in an effort to replace them? Surely this would make a more important

contribution to the Conservation Area? Because we feel that there are sufficient warnings in place to deter people from parking illegally, and that it would be a shame to give the impression to our visitors that they are unwanted, we would please ask that this application should be refused, as being unnecessary and possibly dangerous if an ambulance or the Fire Service needed access quickly.

Item No: 5.3
Application No: 17/01616/FUL
Author: Rebecca Andison
Date valid: 31 October 2017
Target decision date: 30 January 2018
☎: 0191 643 6321
Ward: Chirton

Application type: full planning application

Location: Unit J1, Hamar Close, Tyne Tunnel Trading Estate, North Shields, Tyne And Wear

Proposal: Change of use to sale and display of tools and machinery, and associated equipment, including warehouse areas, within use classes A1 and/or B8 and associated external alterations

Applicant: UK Land Estates (Partnership) Ltd, C/O Agent

Agent: Lichfields, FAO Mr Dominic Holding St Nicholas Building St Nicholas Street Newcastle Upon Tyne NE1 1RF

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:

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

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.

2.0 Description of the Site

2.1 The application relates to a large commercial unit located within the Tyne Tunnel Trading Estate. The unit was last used for industrial/warehousing purposes but has been vacant since 2015.

2.2 The site is located to the south of Hamar Close and to the north of an electricity distribution site. To the west is an area of hard standing and open

space which separates the site from High Flatworth, and to the south west is a small parade of shops. To the east of the site are industrial units.

2.3 The site is allocated for employment use within the Local Plan and lies within the A19 Economic Corridor.

3.0 Description of the Proposal

3.1 Permission is sought to change the use of the eastern part of the building to allow it to be used for the sale and display of tools and machinery and associated equipment, including warehouse areas, within use classes A1 and B8.

3.2 The proposal relates to the eastern half of the building, which has a floor area of 1124 sq m.

3.3 External alterations are proposed to facilitate the proposal. These include the provision of hardstanding on the north side of the site to provide 10 no parking spaces, 2 disabled parking bays, alterations to the vehicular access and alterations to the external elevations. The external changes can be carried out under the permitted development rights and have been included for illustrative purposes only. They relate to the entire building.

3.4 The applicant is Axminster, a specialist tool and equipment retailer. They currently operate from a unit within the Coast Road Retail Park. The Planning Statement advises that whilst the business is open to the general public, approximately 66% of products are purchased by trade/business customers.

3.5 The following information has been provided in respect of the business operation.

a) Around half the annual turnover is drawn from beyond a 15 minute drive time, and a quarter from beyond a 30 minute drive time.

b) Many of the products sold are large and/or expensive and aimed at trade customers rather than the general public.

c) Many of the products sold require loading and unloading with forklifts and/or access for vans, which would be difficult to achieve in a high street location.

d) Demonstrations of the machinery are carried out, which generates noise, and in some cases dust. This makes many high street and retail park environments unsuitable.

e) There are a number of operators which overlap with Axminster's products such as Scwefix, Toolstation, Machine Mart and Warco, but no direct competitors that offer the same range of specialist machinery. The competitors are generally based on industrial and trading estates close to main highway routes. Scwefix and Toolstation both have branches within the Tyne Tunnel Trading Estate.

f) The nature of the customer base is such that Axminster does not trade as successfully at their existing site as they do in other locations. This is due to the following reasons:

The fact that they are a low footfall sales environment with approx. 50 to 60 transactions per day;

The lack of synergy with other retail uses and the need to be in close proximity to the uses that generate much of their trade (e.g. furniture manufacturers and other trade counter operators);

The fact that trade and commercial customers make up a significant proportion (approx. two thirds) of the customer base. There are a number of businesses within the Tyne Tunnel Trading estate that are potential clients of Axminster.

3.6 The applicant proposes that any planning permission should be subject to a condition to restrict the use of the unit to the purposes set out in the application and prevent it being used for other A1 purposes.

4.0 Relevant Planning History

82/02030/FUL - Change of use from light industrial / wholesale warehouse to wholesale cash and carry for groceries, spirits and cigarettes – Permitted
11.11.1982

94/01553/FUL - Change of use from B8 to A1 to allow retail activities to be undertaken – Refused 28.11.1994

5.0 Government Policy

5.1 National Planning Policy Framework (March 2012)

5.2 National Planning Practice Guidance (As Amended)

5.3 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 application. 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.

6.0 Development Plan

6.1 North Tyneside Local Plan 2017

PLANNING OFFICERS REPORT

7.0 Main Issues

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

- whether the principle of the development is acceptable;
- the impact of the proposal on the character and appearance of the surrounding area;
- the impact upon surrounding occupiers; and
- whether sufficient 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 the report.

8.0 Principle of the proposal

8.1 The National Planning Policy Framework (NPPF) states that the Government is committed to ensuring that the planning system does everything it can to support sustainable economic growth in order to create jobs. Therefore 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, 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 Loss of employment land –

8.7 The NPPF states that planning policies should avoid the long term protection of sites allocated for employment use where there is no reasonable prospect of a site being used for that purpose. Land allocations should be regularly reviewed. Where there is no reasonable prospect of a site being used for the allocated employment use, applications for alternative uses of land or buildings should be treated on their merits having regard to market signals and the relative need for different land uses to support sustainable local communities.

8.8 The site is allocated for employment use (Site E029) under Policy S2.2 of the Local Plan.

8.9 Policy DM2.3 states that the Council will support proposals on employment land for new or additional development for uses within use classes B1, B2 or B8 or that which is deemed ancillary. Proposals on identified employment land or other buildings in use-class B1, B2 or B8, for uses that could conflict with the development and regeneration of sites for economic development, will be permitted where these proposals would not:

- a. Result in the unacceptable loss of operating businesses and jobs; and,
- b. Result in an excessive reduction in the supply of land for development for employment uses, taking into account the overall amount, range, and choice available for the remainder of the plan period; and,

c. Have an adverse impact upon the amenity and operation of neighbouring properties and businesses.

8.10 Policy AS2.6 states that the Council will promote and support further development and investment in a range of B1, B2 and B8 employment activities across the A19(T) Economic Corridor, and the continued diversification of North Tyneside's economy through delivery of small, medium and large scale office developments.

8.11 The supporting text for Policy DM2.3 (para. 5.52-5.53) states that Policy DM2.3 seeks to enable flexibility in the use and development of employment land whilst ensuring that developments support the overall growth and prosperity of North Tyneside. To achieve this flexibility it seeks to ensure that applications for development on employment land are considered on the basis of their impact on the economic prosperity of North Tyneside, rather than whether the use proposed falls within the planning use classes B1, B2 and B8. This is to ensure sufficient flexible opportunities for businesses that are in use classes B1, B2 and B8 are retained, but also that full use can be made of the economic potential of land in highly sustainable and accessible locations across North Tyneside.

8.12 The applicant has submitted a statement to justify the loss of employment land. This is summarised below:

- Given that the most recent Employment Land Review concludes that there is sufficient employment land to meet future needs, even before including vacant floorspace such as Unit J1 Hamar Close, the proposals would not be in conflict with the second of the criteria set out in Policy DM 2.3.
- As the proposal relates to a vacant unit, the proposed change of use would not result in the displacement of any existing businesses/employment and would not have any adverse impact upon the amenity or operation of neighbouring businesses.

8.13 A letter has been provided by Knight Frank containing the following information:

- The unit has been vacant for almost two years.
- The unit has been actively marketed, by Knight Frank and Cushman & Wakefield, since April 2016 but no firm interest has been expressed in its re-occupation by traditional employment uses (i.e. Class B1/B2/B8) in its current form;
- The lack of interest in the unit reflects its age and its design, including its limited clearance height (4.1m), the existence of rows of internal columns and lack of suitable servicing arrangements, as well as the limited demand for units of this size (i.e. over 1,000 sq m), both on Tyne Tunnel Estate, and in North Tyneside more generally.
- At present, and without significant investment, the unit is considered unsuitable to meet modern industrial/warehouse occupier requirements and is unlikely to attract new tenants.
- There are a number of available units located elsewhere on the wider Tyne Tunnel Estate, which are of a scale and nature which are likely to be attractive to the market, and offer potential to meet any latent demand from B Class occupiers in this location.

8.14 When taking into account the above factors and the benefits of bringing a vacant unit back into use, it is officer opinion that the loss of employment land is acceptable in terms of the NPPF and Policy DM2.3.

8.15 Retail use -

8.16 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.

8.17 The NPPF, states that local planning authorities should apply a sequential test to planning applications for main town centre uses that are not in an existing centre and not in accordance with an up-to-date Local Plan. Local Authorities are advised to demonstrate flexibility on issues such as format and size.

8.18 When assessing applications for retail, leisure and office development outside of town centres, which are not in accordance with an up-to-date Local Plan, local planning authorities should require an impact assessment if the development is over a proportionate, locally set floorspace threshold (if there is no locally set threshold, the default threshold is 2,500 sq m).

8.19 This should include assessment of:

- the impact of the proposal on existing, committed and planned public and private investment in a centre or centres in the catchment area of the proposal; and
- the impact of the proposal on town centre vitality and viability, including local consumer choice and trade in the town centre and wider area, up to five years from the time the application is made. For major schemes where the full impact will not be realised in five years, the impact should also be assessed up to ten years from the time the application is made.

8.20 Where an application fails to satisfy the sequential test or is likely to have significant adverse impact on one or more of the above factors, it should be refused.

8.21 Planning Practice Guidance advises that the application of the test should be proportionate and appropriate for the given proposal. It states that use of the sequential test should recognise that certain main town centre uses have particular market and locational requirements, which mean that they may only be accommodated in specific locations. Robust justification must be provided where this is the case, and land ownership does not provide such a justification.

8.22 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.

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

- a. In order of priority, there are no sequentially preferable sites in-centre, then edge of centre, and then existing out-of-centre development sites previously occupied by appropriate main town centre uses that are readily accessible to Metro stations or other transport connections to the town centres and then finally existing out-of-centre locations;
- b. The suitability, availability and viability of sites should be considered in the sequential assessment, with particular regard to the nature of the need that is to be addressed, edge-of-centre sites should be of a scale that is appropriate to the existing centre;
- c. There is flexibility in the business model and operational requirements in terms of format; and
- d. The potential sites are easily accessible and well connected to town centres. Proposals for retail development outside a town centre will require an impact assessment where they would provide either:
 - e. 500m² gross of comparison retail floorspace, or more; or
 - f. 1,000m² gross of retail floorspace for supermarkets/superstores, or more.

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

- g. The proposal would have no significant adverse impacts, either individually or cumulatively, on existing, committed and planned public and private investment in a centre or centres in the catchment area of the proposal; and
- h. The proposal would have no significant adverse impact on the vitality and viability of a town centre, including consumer choice and trade in the town centre and wider area, up to five years from the time the application is made. For schemes where the full impact will not be realised in five years, the impact should also be assessed up to ten years from the time the application is made.

Where an application fails to satisfy the sequential test or is likely to have significant adverse impact on one or more of the above factors, it should be refused.

8.24 In accordance with the above policies a Sequential Test and Impact Assessment have been submitted.

8.25 The Sequential Assessment considers alternative sites within and on the edge of North Shields, Whitley Bay, Wallsend and Killingworth town centres. It also assesses existing retail units in out of centre locations.

8.26 No sites of sufficient size were identified within North Shields town centre. Two potential sites were identified in the Fish Quay area. However these were both in out of centre locations and not sequentially preferable to the application site.

8.27 There are a number of vacant units within Wallsend town centre, but none of sufficient size to meet the needs of the development. Four potential edge of centre sites were identified. These were judged to be unsuitable due to their size, location in relation to transport links, proximity to residential properties and allocation for B1 and B2 development.

8.28 No sites of sufficient size were identified within the Primary Shopping Area of Whitley Bay town centre. Outside the PSA two potential sites were assessed. One of these is allocated for residential development within the Local Plan and the other (Former Spanish City) has planning permission for a new mixed use development.

8.29 No vacant sites of sufficient size were found within or on the edge of Killingworth town centre.

8.30 An edge of centre site was identified within 300m of Northumberland Park district centre. However the site is allocated for new retail development and has planning permission for a new food store and drive-thru café.

8.31 No sites of any significant size were identified within Tynemouth district centre. A vacant edge of centre site to the south of Tynemouth Metro Station was assessed and found to be lacking in terms of its shape, location and surrounding land uses.

8.32 In accordance with Policy DM3.4 existing out of centre retail sites, including the Silverlink Retail Park and Royal Quays Outlet Centre, have also been considered. No suitable sites were identified.

8.33 In officer opinion it has been demonstrated that there are no sequentially preferable sites available and suitable of accommodating the proposed development.

8.34 The proposal has been assessed in terms of its impact on existing, committed and planned public and private investment in centres in the catchment area of the proposal; and on the vitality and viability of town centres, including consumer choice and trade in the town centre and wider area.

8.35 The Impact Assessment states that the proposal would not have any significant impact on investment in existing centres when taking into account that it would replace Axminster's existing outlet; the specialist trade orientated nature of the use and the absence of any direct competition. It also notes that there are no sequentially preferable sites; that the most recent investment of any significance has been focussed on The Forum; and the new retail uses in Wallsend do not compete with Axminster and serve a different catchment area.

8.36 The following information has been provided in respect of the impact on consumer choice:

- The proposed relocation of Axminster is essential to allow them to continue to trade within the borough and serve their customer base.
- Axminster are a specialist retailer focussed on tools and machinery with a heavily trade orientated customer base.
- The vast majority of existing comparison goods retail operators within the town centres do not sell products sold by Axminster.
- The wide range of uses with existing centres these would not be affected by the proposal.
- Those businesses that do compete with Axminster (e.g. Screfix, Toolstation) are already located outside the designated shopping centres.

8.37 The impact assessment also takes into account the trade diversion impacts which would arise from the relocation of Axminster from Coast Road Retail Park to Unit J1 and the re-occupation of their existing unit by another retailer. It considers that it is unlikely that the relocated Axminster would result in a significant increase in turnover, and that any additional trade is likely to be drawn from a range of other existing facilities in the surrounding area.

8.38 The following factors are identified in support of the argument that the impact on existing centres would be very limited.

- Trade and commercial customers make up a significant proportion (66%) of Axminster's customer base;
- They are a low footfall sales environment, with approximately 50 to 60 transactions a day on average;
- Their core customers are tradespersons (e.g. a kitchen fitter, cabinet maker/joiner etc) although they also deal with larger companies, who also do not purchase through general retail outlets;
- Their trade-based outlets are complementary to other businesses in their locations (e.g. furniture manufacturers or other trade counter operators such as Screwfix); and
- There are no directly comparable facilities located within existing centres in North Tyneside, against which Axminster would compete.

8.39 Having regard to the above it is officer opinion that the proposal would not have any significant impact on investment in town centres, consumer choice or the vitality and viability of existing centres.

8.40 To prevent the site being used for other retail purposes that could be harmful to the town centres it is recommended that a condition is imposed to restrict the use to the purposes applied for.

9.0 Character and appearance

9.1 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.

9.2 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.

9.3 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.

9.4 It is proposed to carry out minor alterations to the external elevations including the installation of cladding, doors and an entrance canopy. It is also proposed to install a small area of hard surfacing on the north side of the unit to

create 10no parking spaces and 2 disabled bays, including the removal of an existing area of planting.

9.5 The application site is located in an industrial area and the existing unit is in a poor condition. It is considered that the proposed external alterations would improve the appearance of the building. A small area of planting would be lost but this is located at the side of the unit and is not particularly prominent within the street scene.

9.6 Furthermore, it is noted that the external changes can be carried out without planning permission under the permitted development rights given by Part 7, Classes H and J of the General Permitted development Order 2015 (As amended).

9.7 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 opinion that the impact would be acceptable

10.0 Impact on surrounding occupiers

10.1 NPPF paragraph 123 states 'Planning policies should aim to: avoid noise from giving rise to significant adverse impacts on health and quality of life as a result of new development; mitigate and reduce to a minimum other adverse impacts on health and quality of life arising from noise new development, including through conditions; recognise that development will often create some noise and existing business wanting to develop in continuance of their business should not have unreasonable restrictions put on them because of changes in nearby land uses since they were established; and identify and protect areas of tranquillity which have remained relatively undisturbed by noise and are prized for their recreational and amenity value for this reason'.

10.2 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.

10.3 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.

10.4 The application site is located within an industrial area, a significant distance (over 300m) from any residential properties.

10.5 The applicant has advised that the proposed use may generate some dust, and potentially dust, when machines are being demonstrated. They have advised that this will be managed through an extraction system.

10.6 Members need to consider whether the development is compatible with surrounding land uses and whether there would be any adverse impact on the amenity of residential occupiers. Given the nature of the proposal and location of the site it is officer opinion that impact is acceptable.

11.0 Impact on the highway network

11.1 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 All developments that generate significant amounts of movements should be supported by a Transport Statement or Transport Assessment. Planning decisions should take into account amongst other matters that safe and suitable access to the site can be achieved for all people.

11.3 Paragraph 32 of NPPF states that development should only be prevented or refused on transport grounds where the residual cumulative impacts of development are severe.

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

11.5 A Transport Statement and Framework Travel Plan have been submitted to examine the impact of the development on the adjacent highway network. The Transport Statement concludes that additional trips that could be generated by the proposal but these would have a negligible impact on the surrounding highway network due to the trips being distributed evenly throughout the day.

11.6 The Highway Network Manager has commented and recommends conditional approval. He does not consider that the number of trips associated with the site would have a severe highway impact and considers that parking has been provided to meet the needs of the development.

11.7 In officer opinion the impact on the highway network is acceptable.

12.0 Other Issues

12.1 Local Financial Considerations

12.2 Section 70(2) of the Town and Country Planning Act 1990 (as amended) provides that a local planning authority must have regard to local finance considerations as far as it is material. Section 70(4) of the 1990 Act (as amended) defines a local financial consideration as a grant or other financial assistance that has been, that will or could be provided to a relevant authority by a Minister of the Crown (such as New Homes Bonus payments).

12.3 Economically there would be benefits in terms of allowing the company to continue trade within the Borough and ensuring the retention of existing jobs. Additional employment would also be generated by the conversion work. The re-occupation of the existing unit could create further employment opportunities.

13.1 The proposal does not comply with the allocation of the site for employment use under Policy S2.2. However the proposed use is considered to be acceptable in terms of Policy DM2.3 as it would not result in the loss of existing jobs, an excessive reduction in the supply of employment land; or have an adverse impact upon the amenity of neighbouring occupiers.

13.3 It is officer advice that the proposed development is also acceptable in terms of the impact on surrounding amenity, character and appearance and the highway network.

RECOMMENDATION: **Application Permitted**

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

3420-FBA-00-00-DR-A-05 10-101 P2

4

Reason: To enable the Local Planning Authority to retain control over the use, to protect the employment land from inappropriate uses and to protect the vitality and viability of the borough's town centres; having regard to policy DM2.3 and DM3.4 of the North Tyneside Local Plan 2017.

5. Construction Method Statement - Minor SIT006 *

6. Notwithstanding Condition 1, prior to the occupation of any part of the development details of an undercover cycle parking scheme 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: In the interests of highway safety having regard to policy DM7.4 of the North Tyneside Council Local Plan (2017).

7. Notwithstanding Condition 1, prior to occupation of the development details of facilities to be provided for the storage of refuse at the premises and a refuse management scheme, to include a suitable storage area for collection day, must be submitted to and approved in writing by the Local Planning Authority. The facilities which should also 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 policy DM7.9 of the North Tyneside Local Plan 2017.

8. Notwithstanding the Framework Travel Plan submitted, the full Travel Plan shall be developed as set out and implemented in accordance with the agreed details.

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

9. Flood Lighting Scheme Details LIG001 *

10. Prior to the installation of any new plant or equipment a noise scheme must be submitted to and approved in writing by the Local Planning Authority. The scheme shall be carried out in accordance with BS4142 to determine the background noise level without the plant noise operating at the boundary of the nearest sensitive receptors and include appropriate mitigation measures where necessary to ensure the rating level of plant and equipment does not exceed the background noise. Thereafter the scheme shall be carried out in accordance with the agreed details.

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

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 Paragraphs 186-187 of the National Planning Policy Framework.

Informatives

Building Regulations Required (I03)

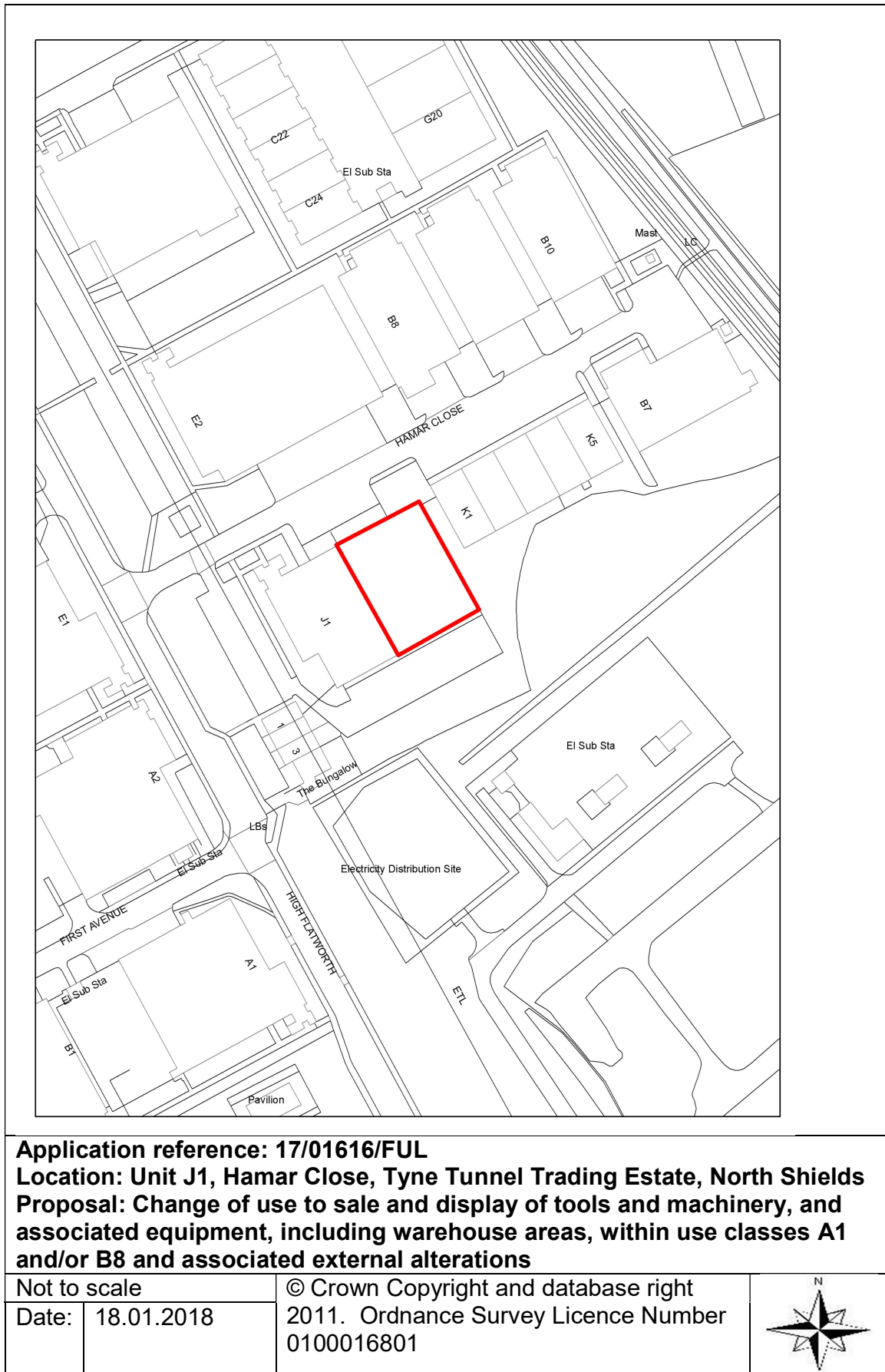
Do Not Obstruct Highway Build Materials (I13)

No Doors Gates to Project Over Highways (I10)

Contact ERH Erect Scaffolding on Rd (I12)

Street Naming and numbering (I45)

Highway Inspection before dvlpt (I46)



Appendix 1 – 17/01616/FUL
Item 3

Consultations/representations

1.0 Internal Consultees

1.1 Highway Network Manager

1.1 This application is for a change of use to sale and display of tools and machinery, and associated equipment, including warehouse areas, within use classes A1 and/or B8 and associated external alterations

1.2 As part of the application a Transport Statement (TS) & Framework Travel Plan (TP) were submitted that examined the impact of the development on the adjacent highway network. This site is accessed from Hamar Close via High Flatworth and it is considered that the number of trips associated with the site will not have a severe impact. Parking will be reconfigured to meet the needs of the development but falls outside the red line boundary and as such fall outside the planning application. Servicing remains unchanged.

1.3 For the reasons outlined above and on balance we recommend that planning permission is granted subject to conditions.

1.4 Recommendation - Conditional Approval

1.5 Conditions:

ACC15 - Altered Access Access Alt Prior to Occ

ACC25 - Turning Areas: Before Occ

REF01 - Refuse Storage: Detail, Provide Before Occ

SIT06 - Construction Method Statement (Minor)

Prior to works commencing a scheme for the provision of secure undercover cycle parking 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: In the interests of highway safety.

Notwithstanding the Framework Travel Plan submitted, the full Travel Plan shall be developed as set out and implemented in accordance with the agreed details.

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

1.6 Informatives:

I10 - No Doors/Gates to Project over Highways

I12 - Contact ERH Erect Scaffolding on Rd

I13 - Don't obstruct Highway, Build Materials

I45 - Street Naming & Numbering

I46 - Highway Inspection before dvlpt

1.7 Local Lead Flood Authority

1.8 Surface water will be dealt with by existing NWL infrastructure and approval is recommended.

1.9 Recommendation - Approval

1.10 Manager of Environmental Health (Contamination)

1.11 No objection in principle

1.12 Manager of Environmental Health (Pollution)

I have no objection in principle to this development. The premises are located on a dedicated trading estate and the proposed use is not dissimilar to that of the previous use. Associated activities with the operation and likely to be similar to those previously carried out at the site such as delivery of goods and equipment to the site and therefore noise levels are likely to be comparable. However, it is unclear from the layout plans whether new external plant or lighting is to be installed if this was the case then a noise scheme and lighting assessment would be required.

New External Plant

No new plant or equipment to be installed at the premises unless a noise scheme has been submitted in accordance with BS4142 to determine the background noise level without the plant noise operating at the boundary of the nearest sensitive receptors and appropriate mitigation measures taken where necessary to ensure the rating level of plant and equipment does not exceed the background noise.

LIG01

HOU04

HOU05

SIT03

2.0 Representations

2.1 None received.