



North Tyneside Council

Planning Committee

2 March 2018

To be held on **Tuesday 13 March 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 30 January 2018.	3

Continued overleaf

Members of the public are welcome to attend this meeting and receive information about it.

North Tyneside Council wants to make it easier for you to get hold of the information you need. We are able to provide our documents in alternative formats including Braille, audiotape, large print and alternative languages.

Further information can be obtained from Michael Robson (0191) 643 5359 email : democraticsupport@northtyneside.gov.uk

5. Planning officer reports

	To give consideration to the planning applications contained in the above report relating to:	6
5.1	17/01576/FUL Police Call Box, Grand Parade, Tynemouth (Tynemouth Ward)	11
5.2	17/01922/FUL Tyne Metropolitan College, Battle Hill Drive, Wallsend (Battle Hill Ward)	38

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

30 January 2018

Present: Councillor F Lott (Chair)
Councillors A Arkle, B Burdis,
M A Green, S Graham, John Hunter,
W Lott, D McMeekan, G Madden
and P Mason.

PQ43/01/18 Apologies

There were no apologies for absence.

PQ44/01/18 Substitute Members

There were no substitute members appointed.

PQ45/01/18 Declarations of Interest and Dispensations

There were no declarations of interest or dispensations reported.

PQ46/01/18 Minutes

Resolved that the minutes of the meeting held on 9 January 2018 be confirmed as a correct record and signed by the Chair.

PQ47/01/18 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:	17/01041/FULH	Ward:	Howdon
Application Type:	Householder full application		
Location:	6 Beverley Place, Wallsend, NE28 7BH		
Proposal:	Two storey side extension with flat roofed rear dormer window and single story rear extension (revised plans 7/12/17).		
Applicant:	Mr Mindaugas Gaudiesius		

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.

In accordance with the Committee's Speaking Rights Scheme, Mr Peter Coulson had been granted permission to speak to the Committee on behalf of the Executors of the Estate for 7 Beverley Place but Mr Coulson had subsequently indicated he was unavailable to attend the meeting.

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

- a) the distances from the proposed side extension at 6 Beverley Place to the property at 7 Beverley Place and its boundary;
- b) the proposed building materials to be used; and
- c) the precise location of windows, obscure glazing, staircases and flat roofs within the proposed extensions.

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 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.

Application No:	17/01743/FUL	Ward:	Tynemouth
Application Type:	Full planning application		
Location:	Access Points to Percy Gardens, Tynemouth		
Proposal:	Installation of replacement gates for vehicular and pedestrian access to Percy Gardens		
Applicant:	Percy Gardens Trust		

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

Members of the Committee asked questions of officers and made comments. In doing so the Committee gave particular consideration to access to Percy Gardens should the gates be inoperative and the arrangements to enable emergency vehicles to access Percy Gardens.

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 residential amenity, the character and appearance of the area and on highway safety 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.

Application No:	17/01616/FUL	Ward:	Chirton
Application Type:	Full planning application		
Location:	Unit J1, Hamar Close, Tyne Tunnel Trading Estate, North Shields		
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		

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

Members of the Committee asked questions of officers and made comments. In doing so the Committee acknowledged that the proposed development would have a negligible impact on the surrounding highway network but noted the unrelated future improvements to the nearby junction at the entrance to Tyne Tunnel Trading Estate.

Decision

Application approved, subject to the conditions set out in the addendum to the planning officer's report. The development was considered to be acceptable in terms of Policy DM2.3 as it would not result in the loss of existing jobs, lead to an excessive reduction in the supply of employment land or have an adverse impact upon the amenity of neighbouring properties. The development was also considered to be acceptable in terms of its impact of the amenity of surrounding occupiers, the character and appearance of the area and highway safety 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: 13 March 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 17/01576/FUL Tynemouth

Police Call Box Grand Parade Tynemouth Tyne And Wear

**Tyne Metropolitan College Battle Hill Drive Wallsend Tyne And
Wear NE28 9NL**

Item No: 5.1
Application No: 17/01576/FUL **Author:** Rebecca Andison
Date valid: 2 November 2017 **☎:** 0191 643 6321
Target decision date: 28 December 2017 **Ward:** Tynemouth

Application type: full planning application

Location: Police Call Box, Grand Parade, Tynemouth, Tyne And Wear,

Proposal: Conversion of existing police box into cafe and ice cream parlour with external alterations including extension, canopy and replacement of existing roof with new pitched roof.

Applicant: Di-Meos Delaval Ices, Mr Luciano Di Meo 9 Marine Avenue Marine Avenue Whitley Bay

Agent: DGR, Mr Darren Rogers 51 Westlands Bellingham Hexham NE48 2DW

RECOMMENDATION: Minded to grant legal agreement req.

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

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 former police box located on an area of open space adjacent to Tynemouth seafront. The site is located to the south of the roundabout which marks the junction of Percy Park and Grand Parade.

2.2 The building is a single storey brick structure and is located at the northern end of a large triangular shaped area of grassed open space. The area surrounding the site is predominantly residential in character.

2.3 The site is located within the Tynemouth Conservation Area, is designated as open space by the Local Plan.

3.0 Description of the Proposed Development

3.1 Permission is sought to change the use of the former police call box (sui generis) into a cafe and ice cream parlour (Use Class A3).

3.2 The proposed cafe includes a service counter and seating within the building, and would utilise the existing flat roofed extension on the north side to provide staff facilities.

3.3 A canopy is proposed around the building to cover an outside seating area, and there would be a small extension (2.2m by 1.1m) to the west elevation to provide a refuse store. Block paving is proposed around the perimeter of the building.

3.4 It is proposed to install a new slate covered pitched roof. The ridge height would be 1.3m higher than the existing. It is also proposed to install new aluminium framed windows and doors.

4.0 Relevant Planning History

4.1 None.

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 Planning Practice Guidance (As amended)

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

PLANNING OFFICERS REPORT

7.0 Main Issues

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

- whether the principle of the proposed use is acceptable;
- the impact upon surrounding occupiers;
- the impact on the character and appearance of the conservation area;
- the impact on highway safety; and
- the impact on biodiversity.

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 Development

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

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

8.3 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.

8.4 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.

8.5 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.

8.6 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.

8.7 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.

8.8 Policy AS8.16 states that North Tyneside's coastal area provides popular tourist attractions, facilities and accommodation that are of importance to the tourism industry for the region. Proposals for new or the extension of existing attractions, facilities and accommodation will be actively supported to maintain and enhance an attractive, vibrant and viable seafront offer where they are:

- a. Able to maintain the overall openness of the coastal area through their location and the incorporation of high quality design and materials in keeping with the character of the area; and
- b. Of an appropriate scale in-keeping with surrounding buildings; and
- c. Located where the impact from increased visitors can be accommodated:
 - i. By existing infrastructure capacity making best use of public transport provision and avoiding increased road congestion; and
 - ii. Without significant adverse harm upon the designated coastal environment sites and wider biodiversity.

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

- a. Where it has been demonstrated that the site no longer has any value to the community in terms of access and function; or,
- b. If it is not a designated wildlife site or providing important biodiversity value; or,
- c. If it is not required to meet a shortfall in the provision of that green space type or another green space type; or,
- d. The proposed development would be ancillary to use of the green infrastructure and the benefits to green infrastructure would outweigh any loss of open space.

Where development proposals are considered to meet the exceptional circumstances above, permission will only be granted where alternative provision, equivalent to or better than in terms of its quantity and quality, can be

provided in equally accessible locations that maintain or create new green infrastructure connections. Proposals for new green infrastructure, or improvements to existing, should seek net gains for biodiversity, improve accessibility and multi-functionality of the green infrastructure network and not cause adverse impacts to biodiversity

8.10 Policy DM5.3 states that within North Tyneside, accessible green space will be protected and enhanced to be of the highest quality and value. New development should sustain the current standards of provision, quality and value as recorded in the most up-to-date Green Space Strategy. Opportunities should be sought to improve provision for new and existing residents.

8.11 The application proposes a cafe facility on Tynemouth seafront. The development will regenerate an existing vacant building and secure economic growth in accordance with the NPPF.

8.12 The proposed cafe is a town centre use and the application site is not located within the borough's designated town centres.

8.13 A sequential test has not been carried out but in officer opinion regard must be had to the nature of the use and its role in supporting Tynemouth as a tourist destination. The site is located close to Tynemouth centre and the cafe is very small in scale. In officer opinion the development is unlikely to attract customers away from the established shopping centres or impact negatively on the viability of the town centres. It is considered that the provision of a cafe in this location meets a specific need and is acceptable in terms of the impact on existing shopping centres.

8.14 The application site is allocated as Open Space by the Local Plan. The development would utilise an existing building but includes a small extension and additional hard surfacing that would encroach into the surrounding green space.

8.15 The extension and hard surfacing relate to a very small area when compared the total area of open space. The extension measures 2.2m by 1.1m and the block paving would extend a maximum of 3.0m from the side of the building. The development would not result in a shortfall in the provision of green space or the unacceptable loss of amenity space, and in officer opinion it would not detract from the open nature of the land.

8.16 Members need to determine whether the principle of the proposed cafe is acceptable in terms of the impact on town centres and the designation of the site.

8.17 Having regard to the above it is officer opinion that the principle of the proposal is acceptable.

9.0 Impact on Residential Amenity

9.1 Paragraph 123 of NPPF states that planning decisions should aim to avoid noise from giving rise to significant adverse impacts on health and quality of life as a result of new development.

9.2 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.

9.3 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.

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

9.5 The closest residential properties are located approximately 24m to the west of the site. 32no letters of objection have been received. The concerns raised include the potential for additional noise and disturbance.

9.6 The applicant has provided a list of kitchen equipment which includes an ice cream maker and pizza oven. The proposed hours of opening are not specified.

9.7 The Manager of Environmental Health has commented. She raises concern regarding the potential impact of noise and odour on nearby residents. However she notes that the applicant has indicated that the pizza oven would only be used to heat already cooked pizzas, which would alleviate her concerns regarding cooking odours. She recommends the imposition of conditions to prevent pizzas being cooked on the premises and requiring the submission of full details regarding the odour suppression/extraction systems.

9.8 To protect nearby residents from noise disturbance the Manager of Environmental Health recommends conditions to prevent the outside seating being used after 21:00 and requiring that the bifold doors are kept shut after 21:00. Further conditions are recommended to control noise from external plant and the bifold doors/outside seating areas, and to restrict the opening hours to 08:00 to 23:00 (09:00 – 22:00 on Sundays).

9.9 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. It is officer opinion that impact is acceptable subject to the imposition of the planning conditions discussed above.

10.0 Design and Impact on the Conservation Area

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

10.2 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.

10.3 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.

10.4 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."

10.5 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.

10.6 Policy DM6.2 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.

10.7 DM6.2 lists the criteria that will be considered when assessing applications for extending buildings. These include whether the property is affected by any designations or considered to be a heritage asset or within the setting of a heritage asset; the location of the extension in relation to the street scene; the cumulative impact if the building has been previously extended; the effect on the existing property and whether the overall design is enhanced; and the form, scale and layout of existing built structures near the site.

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

10.9 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.

10.10 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.

10.11 The Tynemouth Village Conservation Area Character Appraisal requires all developments within the conservation area to be sympathetic to the areas character.

10.12 The Tynemouth Village Conservation Area Management Strategy SPD (TVCAMS) was adopted in 2014. It states that the Council will support development proposals for uses in Tynemouth Village that would add to its vitality and viability without undermining its overall attraction and would not adversely impact on the character, function and vitality of the street or surrounding environment. This notes that the character of the conservation area gains much from open spaces, and identifies six significant areas of green open space which include the Seafield where the application site is located.

10.13 The TCAMS advises that windows and doors should match the character and period of the building in both fenestration and materials. The preservation, and where appropriate the restoration, of original windows and doors in all properties is of paramount importance.

10.14 The former police box is a relatively modern brick building, with a felt covered pitched roof. It contains upvc windows.

10.15 It is proposed to construct a refuse store on the west side of the building. The store would be brick built with a gate at the north end, and would project 1.1m from the side of the building. The impact on the appearance of the building

and the conservation area is considered to be acceptable subject to the detailed design of the gate being agreed.

10.16 It also proposed to increase the height of the building by 1.3m and install a new slate covered roof. The replacement of the existing felt roof with natural slate would improve the appearance of the building and the character of the conservation area, and it is not considered that the additional height would result in any harm.

10.17 Aluminium framed windows and bifold doors are proposed. While timber windows are usually required within the conservation area, the use of aluminium is considered to be acceptable given that this is a modern building and that the existing windows have upvc frames.

10.18 A canopy and seating area is proposed around the building. This is considered acceptable in principle subject to the imposition of conditions to control the detailed design of the canopy, all external furniture and the surfacing materials.

10.19 The TVCAMS refers to the need to protect Front Street from the over-preponderance of bars and cafes. The application site is not located on the main shopping street and is currently vacant. The proposal is for a cafe/ice-cream parlour rather than a licensed bar/restaurant. It is not therefore considered that the proposal would add to the night-time drinking culture which the TVCAMS seeks to discourage.

10.20 The proposed use is in keeping with the character of the area as a tourist destination, and in officer opinion the proposal would not have any detrimental impact on the visual amenity of the site or the character and appearance of the wider conservation area.

10.21 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.

11.0 Highway Impact

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 LDD12 Transport and Highways SPD sets out the Council's adopted parking standards.

11.6 The application site is located adjacent to the junction of Percy Park and Percy Park Road, and a roundabout on Grand Parade. There is no parking associated with the site. Pedestrian access into the cafe would be from the existing pavement on the east of the building.

11.7 One of the main concerns raised by objectors is the impact on highway and pedestrian safety due to the location of the site and the lack of parking and access.

11.8 The Highway Network Manager has been consulted and provided comments. He notes that the site is located in an area with various comparable tourist attractions and that there are parking controls measures in place in the vicinity of the site. He recommends that the application should be approved with conditions requiring the submission of a construction method statement and details relating to refuse storage.

11.9 The application site is located within walking distance of public car parks and is well served by public transport. On balance it is not considered that the proposal would have a severe impact on highway safety.

12.0 Biodiversity

12.1 An environmental role is one of the three dimensions of sustainable development according to NPPF, which seeks to protect and enhance our natural, built and historic environment as part of this helping to improve biodiversity amongst other matters.

12.2 Paragraph 109 of NPPF states that the planning system should contribute to and enhance the natural and local environment by amongst other matters minimising the impacts of biodiversity and providing net gains in biodiversity where possible, contributing to the Government's commitment to halt the overall decline in biodiversity where possible, contribution to the Government's commitment to halt the overall decline in biodiversity.

12.3 Paragraph 118 of NPPF states that when determining a planning application, local planning authorities should aim to conserve and enhance biodiversity. If significant harm resulting from a development cannot be avoided or at least compensated for, then planning permission should be refused.

12.4 Policy DM5.5 of the Local Plan states that all development proposals should:

- a. Protect the biodiversity and geodiversity value of land, protected and priority species and buildings and minimise fragmentation of habitats and wildlife links; and,

- b. Maximise opportunities for creation, restoration, enhancement, management and connection of natural habitats; and,
- c. Incorporate beneficial biodiversity and geodiversity conservation features providing net gains to biodiversity, unless otherwise shown to be inappropriate.

12.5 Policy DM5.6 states that in accordance with European Legislation, proposals that are likely to have significant effects on features of internationally designated sites, either alone or in-combination with other plans or projects, will require an appropriate assessment. Proposals that adversely affect a site's integrity can only proceed where there are no alternatives, imperative reasons of overriding interest are proven and the effects are compensated. Expert advice will be sought on such proposals and, if necessary, developer contributions or conditions secured to implement measures to ensure avoidance or mitigation of, or compensation for, adverse effects.

12.6 Policy DM5.7 states that proposals within a wildlife corridor must protect and enhance the quality and connectivity of the wildlife corridor. All new developments are required to take account of and incorporate existing wildlife links into their plans at the design stage. Developments should seek to create new links and habitats to reconnect isolated sites and facilitate species movement.

12.7 Policy AS8.15 seeks to integrate growth and development at the Coast with the protection and enhancement of the built and natural environment, in particular the area's heritage assets at Tynemouth, Cullercoats, Whitley Bay and St. Mary's Island and the protected nature conservation sites of the Northumbria Coast SPA/Ramsar site, Northumberland Shore SSSI and Tynemouth to Seaton Sluice SSSI.

12.8 The applicant has submitted a Bat Survey and a Shadow Habitats Regulation Assessment to assess the potential impact on the Northumbria Coast SPA and SSSI.

12.9 The Bat Survey advises that the site is of negligible habitat quality for foraging bats, and that the building has negligible bat roost value.

12.10 The Habitat Regulation Assessment screens out likely significant effects on protected bird species within the SPA and SSSI due to the separation between the site and the habitats of these bird species. It recommends the adoption of a Construction Environmental Management Plan during the construction period, and a Waste Management Plan throughout the construction and operational phases.

12.11 The Biodiversity Officer has commented. She advises that the development would attract additional visitors to the coast, which has the potential to result in additional disturbance to the SPA without appropriate mitigation.

12.12 She recommends that conditions are imposed requiring the provision of a Construction Environmental Management Plan and internal interpretation within the cafe. A financial agreement towards coastal interpretation for the SPA is also requested. The applicant has agreed to enter into a S106 agreement to secure this.

12.13 Natural England has been consulted. They have advised that they have no comments to make.

12.14 Subject to the imposition of the conditions discussed above, the impact on the Northumbria Coast SPA and SSSI is considered to be acceptable.

13.0 Local Financial Considerations

13.1 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).

13.2 Economically there would be benefits in terms of the provision of jobs associated with the construction phase and the employment opportunities within the cafe.

14.0 Conclusion

14.1 In conclusion, Members need to consider whether the principle of a cafe is acceptable, and whether the proposal is acceptable in terms of its impact on residential amenity, the character and appearance of the conservation area, ecology and highway safety.

13.2 It is the opinion of officers that the development would accord with relevant national and local planning policy and is therefore acceptable.

RECOMMENDATION: Minded to grant legal agreement req.

Members are recommended to grant plenary powers to the Head of Housing, Environment and Leisure to determine the application following the completion of the Section 106 Legal Agreement to secure the following:
- A financial contribution of £2,500 towards coastal interpretation for the SPA

Conditions/Reasons

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

Proposed building plan and elevations 002 P4

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 any indication of materials which may have been given in the application, no development shall take place until a schedule and/or samples of the construction and surfacing materials for the development has been submitted to and approved in writing by the Local Planning Authority. Thereafter, the development shall not be carried out other than in accordance with the approved details.

Reason: This is required pre commencement in order 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. Notwithstanding condition 1, prior to the installation of the canopy full details of its design, construction and materials must be submitted to and approved in writing by the Local Planning Authority. Thereafter, the development shall not be carried out other than in accordance with the approved details.

Reason: To secure a satisfactory external appearance having regard to policies DM6.1, DM6.2 and DM6.6 of the North Tyneside Council Local Plan 2017.

5. Notwithstanding condition 1, prior to the installation of an external furniture full details of its design and materials must be submitted to and approved in writing by the Local Planning Authority. Thereafter, the development shall not be carried out other than in accordance with the approved details.

Reason: To secure a satisfactory external appearance having regard to policies DM6.1, DM6.2 and DM6.6 of the North Tyneside Council Local Plan 2017.

6. Notwithstanding condition 1, prior to the installation of the refuse store gate full details of its design and materials must be submitted to and approved in writing by the Local Planning Authority. Thereafter, the development shall not be carried out other than in accordance with the approved details.

Reason: To secure a satisfactory external appearance having regard to policies DM6.1, DM6.2 and DM6.6 of the North Tyneside Council Local Plan 2017.

7. The use shall not commence until details of facilities to be provided for the storage of refuse at the premises have been 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. The use shall not commence until details of the height, position, design and materials of any extraction vent/flue to be provided in connection with the development have been submitted to and approved in writing by the Local Planning Authority. Thereafter, the development shall not be carried out other than in accordance with the approved details.

Reason: 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.

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

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

10. Details of any refrigeration plant to be installed in connection with the development must be submitted to and approved in writing by the Local Planning Authority prior to the plant being installed. The plant shall thereafter only be installed in accordance with the approved details and permanently retained as such.

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

11. The use shall not commence until details of an odour suppression system for the arrestment of cooking odours have been submitted to and approved in writing by the Local Planning Authority. The scheme shall thereafter be implemented before the development or use commences in accordance with the approved details, permanently retained and maintained in accordance with the details provided by the manufacturer.

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.

12. No kitchen equipment shall be installed or used other than an ice cream maker, slush machine, 1no pizza oven and coffee machine. The pizza oven shall be used for re-heating food only. No food shall be cooked at the premises.

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.

13. Prior to the use commencing 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 and must determine the current background noise levels for daytime, evening and night and appropriate mitigation measures where necessary to ensure the rating level of external plant and equipment does not exceed the background noise. Prior to the plant being brought into operation (other than for testing purposes) acoustic testing must be undertaken to verify compliance with this condition, and submitted to and approved in writing by the Local Planning Authority. Thereafter the plant must be installed and maintained in accordance with the approved details.

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

14. Prior to the use commencing a noise scheme to minimise external noise caused by the east elevation bi-fold doors and external seating areas must be submitted to and approved in writing by the Local Planning Authority. Thereafter the scheme must be implemented in accordance with the approved details.

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

15. The external seating shall not be used and the bifold doors shall be kept shut, expect for access and egress and in the case of emergency, between the hours of 21:00 and 08:00.

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

16. There shall be no deliveries or collections between the hours of 21:00 and 08:00 on any day.

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

17. The premises shall not open for business outside the hours of 08:00 to 23:00 on Monday to Saturday, and between 09:00 - 22:00 hours on Sundays and Bank Holidays.

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

- | | | |
|---|--------|---|
| 18. Restrict Hours No Construction Sun BH | HOU00 | * |
| | 4 | |
| 19. Noise No Tannoys Externally Audible | NOI002 | * |
| 21. Construction Method Statement - Minor | SIT006 | * |

21. Prior to installation of any floodlighting or other form of external lighting , a lighting scheme shall be submitted to and approved in writing by the Local Planning Authority. This shall include the following information:

- a statement of frequency of use, and the hours of illumination;
- a site plan showing the area to be lit relative to the surrounding area, indicating parking or access arrangements where appropriate, and highlighting any significant existing or proposed landscape or boundary features;
- details of the number, location and height of the proposed lighting columns or other fixtures;
- the type, number, mounting height and alignment of the luminaires;
- the beam angles and upward waste light ratio for each light;
- an isolux diagram showing the predicted illuminance levels at critical locations on the boundary of the site and where the site abuts residential properties or the public highway to ensure compliance with the institute of lighting

engineers Guidance Notes for the reduction of light pollution to prevent light glare and intrusive light for agreed environmental zone ; and

- where necessary, the percentage increase in luminance and the predicted illuminance in the vertical plane (in lux) at key points.

The lighting shall be installed and maintained in accordance with the approved scheme.

Reason: In the interest of visual amenity having regard to policy DM5.19 of the North Tyneside Local Plan (2017) and to ensure that local wildlife populations are protected in the interests of ecology, having regard to the NPPF and Policy DM5.5, DM5.6 and DM5.7 of the North Tyneside Local Plan 2017.

22. Notwithstanding the provisions of the Town and Country Planning (Use Classes) Order 1987 (as amended) (or any Order revoking or re-enacting that Order), the land and/or building(s) shall be used only for the purpose of a cafe and ice cream parlour; and for no other purpose including any other purpose within Use Class A3.

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.

23. Prior to the development being brought into use details of information leaflets/interpretation boards to be provided within the cafe in order to explain the ecological importance of the coast must be submitted to and approved in writing by the Local Planning Authority. The boards/information must be provided in accordance with approved details prior to the extension being brought into use and retained thereafter.

Reason: To mitigate the impact of additional visitor numbers on the Northumberland Coast SPA and Northumberland Shore SSSI; in the interests of ecology, having regard to the NPPF and Policy DM5.5 and DM5.6 of the North Tyneside Local Plan.

24. Prior to commencement of development a Construction Environmental Management Plan (CEMP) detailing specific working methods to minimise noise impacts on the SPA must be submitted to and approved in writing by the Local Authority. Thereafter the development must be carried out in accordance with the agreed details.

Reason: These details are requirement prior to commencement in order to mitigate the impact of the development on the Northumberland Coast SPA and Northumberland Shore SSSI; in the interests of ecology, having regard to the NPPF and Policy DM5.5 and DM5.6 of the North Tyneside Local Plan.

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)

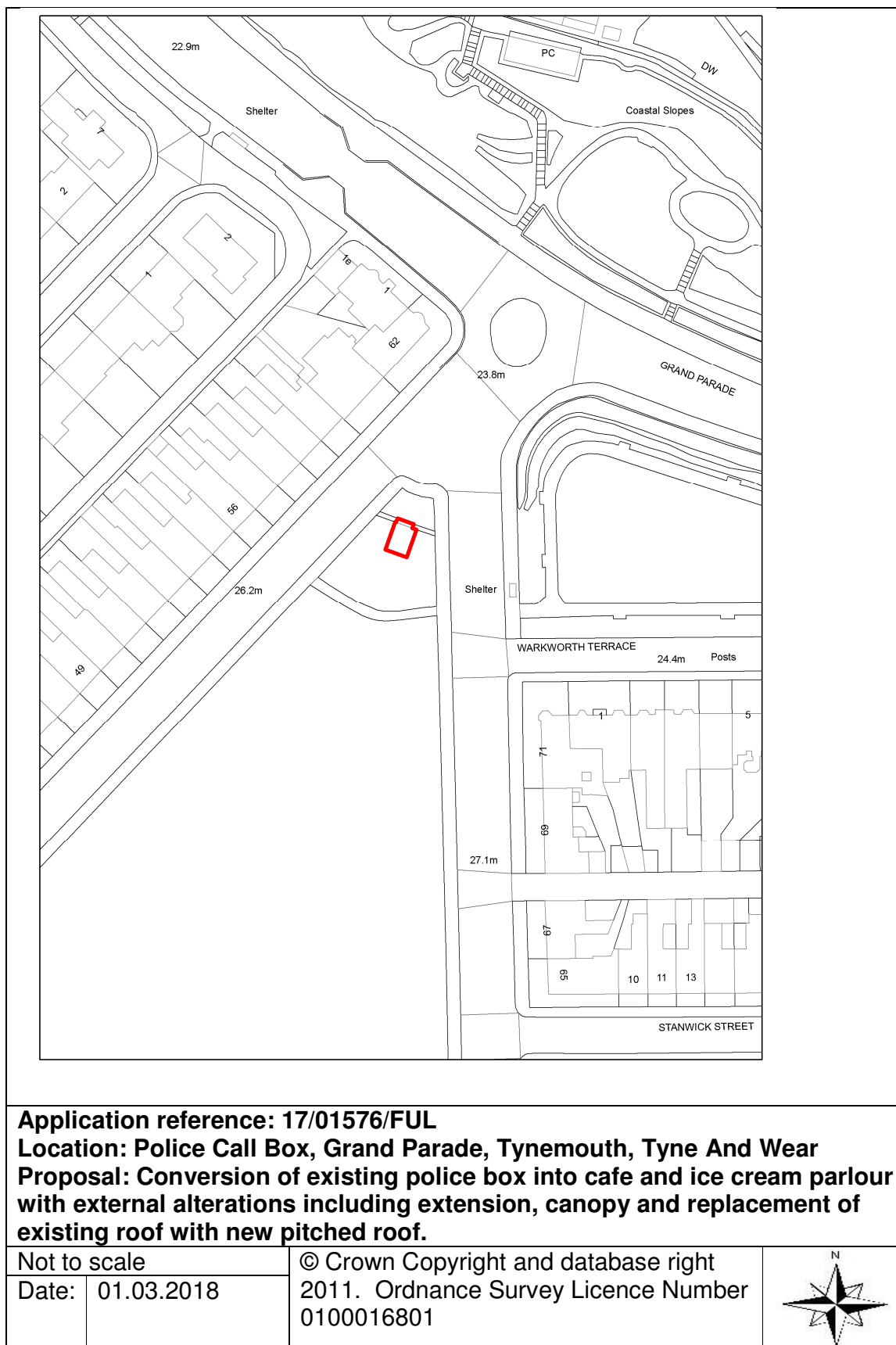
Do Not Obstruct Highway Build Materials (I13)

No Doors Gates to Project Over Highways (I10)

Contact ERH Erect Scaffolding on Rd (I12)

Highway Inspection before dvlpt (I46)

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



Appendix 1 – 17/01576/FUL
Item 1

Consultations/representations

1.0 Internal Consultees

1.1 Highway Network Manager

1.2 This application is for the conversion of the existing police box into a cafe and ice cream parlour. Whilst the site is likely to attract a number of car borne visitors, there are various parking controls in place in the vicinity of the site. These controls include pay and display on the inner side of the green surrounded by Percy Park, Percy Park Road and Seafield View with resident permit exemptions for zone TM2. The outer side of the green surrounded by Percy Park, Percy Park Road and Seafield View also falls within resident permit zone TM2. In addition, there are also waiting restrictions at junctions and the site is located in an area with various other leisure attractions, as such linked trips are likely to occur. Furthermore, the site benefits from very good links with public transport and there are other parking areas within walking distance of the site. For these reasons and on balance, condition approval is recommended.

1.3 Recommendation - Conditional approval

1.4 Conditions:

REF01 - Refuse Storage: Detail, Provide Before Occ
SIT06 - Construction Method Statement (Minor)

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 (Pollution)

1.7 I have concerns with regard to potential noise and odours arising from the conversion of the existing police box into cafe and ice cream parlour. The premises are located within a residential area with residential properties in Percy Park located some 24m from the site and Warkworth Terrace some 44 metres away.

1.8 There is limited information provided on the application, proposed hours of operation are not detailed and proposed menus not outlined.

1.9 The site layout plan includes for the use of a pizza oven. The applicant indicates that this is fitted with an activated carbon filter, but very limited details on this are provided, such as proposed residence time or details on the maintenance and cleaning regimes. However, the applicant has indicated that the oven will only be used to warm through brought in cooked pizzas and therefore if no cooking was to take place this would alleviate concerns over potential cooking odours. Details on the maintenance and cleaning regimes will be required and provided via planning condition. A condition would also be required to ensure only warming of cooked pizzas is permitted if planning consent is to be given.

1.10 The site layout indicates the provision of external seating. This will give rise to additional noise in the area from the use of the external seating and customer noise from loud voices and possibly music if provided. No noise assessment has been provided to consider the potential impact of the conversion of the police box to cafe and ice cream parlour, which will result in an intensification of use especially given that external seating is proposed, and if late opening hours were requested.

1.11 The layout plan shows the use of bi-fold doors on the east elevation that will allow the premises to be opened up to the front to the external seating area. This will result in noise breakout to the front of the premises. However, late evening and night noise can be controlled via a condition to restrict the seating to no later than 21:00 hours and a condition to require the bi-fold doors to be closed at 21:00 hours.

A condition will also be necessary to restrict any external tannoy and speakers. The applicant would also need to demonstrate that noise from any plant and equipment installed at the site can be kept to a level to prevent no further increase in the ambient background noise levels for the evening and night, dependent on the operating times of the plant.

1.12 If minded to approve this application I would recommend the following conditions.

EPL01 extracation fan to that provided on layout plan

EPL02

EPL03

EPL04 to that as specified in the application. The applicant shall maintain the odour suppression system consisting of carbon filter in accordance with the details provided by the manufacturer and submitted by the applicant for the purposes of demonstrating compliance with Standard Condition EPL04.

The kitchen equipment within the premises shall be limited to ice cream maker, slush machine, 1 x pizza oven and coffee machine as detailed on drawing no. 002 P3. There shall be no deep frying equipment and no preparation or sale of deep fried foods, grilling or cooking of foods shall occur; only re-heating of foods to be permitted at the premises.

For external plant and equipment only:

A noise scheme must be submitted in accordance with BS4142 to determine the current background noise levels for daytime, evening and night. The rating level for all plant must not exceed the current background noise levels.

It will be necessary following installation of the plant and equipment that acoustic testing is undertaken to verify compliance with this condition within one month of its installation and submitted for written approval prior to the operation of the plant and thereafter maintain in working order.

Submit for approval and implement a noise scheme for the ice cream parlour/cafe with regard to the use of the east elevation bi-fold doors and external seating areas that must be provided and agreed in writing to the Local Planning

Authority to minimise external noise late at night and any mitigation measures implemented thereafter retained.

External seating areas to be restricted for use to between 08:00 to 21:00 hours. Bi-fold doors to the front of the premises to be kept closed, except for access and egress and in the case of an emergency, after 21:00 hours.

Deliveries and collections must not be permitted between the hours 21:00 and 08:00 hours.

HOU03 08:00 - 23:00 hours Monday to Saturday, 09:00 - 22:00 hours on Sundays and Bank Holidays.

NOI02

REF01

REF02

HOU04

LIG01 - if new external lighting provided.

1.13 Biodiversity Officer

1.14 A 'Bat Risk Assessment' and Habitats Regulations Assessment (HRA) screening report and SSSI Impact Assessment' have been submitted in order to determine the impacts of this scheme on protected species (Bats) and the Northumbria Coast SPA and Northumberland Shore SSSI.

1.15 Bat Risk Assessment - The information provided for the bat risk assessment shows the building to be of negligible risk to bats and therefore, no mitigation is required.

1.16 HRA screening report and SSSI Impact Assessment -

1.17 The aim of the above HRA screening report is to assist the planning authority, as the competent authority, to be able to determine whether the development may have a "likely significant effect" on the Natura 2000 sites, which lie within the zone of influence of the proposed development site.

1.18 Information has been provided regarding the potential impacts of the scheme on the Northumbria Coast SPA and Northumberland Shore SSSI from a construction and operational perspective.

1.19 Construction Impacts - The report concludes that there may be some minor noise pollution impacts on the SPA during the construction phase. To mitigate this potential impact, it is recommended that a specific method statement and Construction Environmental Management Plan (CEMP) is adhered to, to ensure noise pollution does not impact the SPA, SSSI or their qualifying features (birds).

1.20 Operational Impacts - The report concludes that there will be no disturbance to species as a result of the operational phase of the scheme in particular from recreational disturbance. However, the scheme is in close proximity to the SPA and will result in a business which is attracting people to the area for refreshments throughout the year. Whilst I appreciate that the use of the cafe will be at its highest in summer, the report acknowledges that the cafe will be open

over the winter months 7 days a week. The scheme will result in the attraction of visitors to the site, within close proximity to the SPA and therefore, without appropriate mitigation, there is considered to be a potential increase in recreational disturbance (e.g dog walking, people accessing the nearby SPA).

1.21 A recent shadow Habitat regulations assessment (sHRA) for a scheme at Crusoes Cafe, which lies approximately the same distance away from the SPA as this scheme, concluded that there was the potential for recreational impacts on the adjacent SPA from a 25% increase in capacity of the cafe. In order to mitigate the operational impacts of this scheme, it was proposed to provide internal and external interpretation to highlight the importance of the SPA/SSSI and provide advice regarding minimising disturbance during the key winter period, particularly in relation to keeping dogs under control.

1.22 The HRA screening report provided for this scheme, states that the area of open space where the cafe is to be sited is currently used by high levels of dog walkers (page 13) but then goes on to state on page 25 that the location of the proposed development will not specifically attract dog walkers.

1.23 In terms of assessing the cumulative impacts of this scheme, the Crusoes application has not been considered, perhaps due to timing of applications and lack of knowledge of this scheme.

1.24 It was acknowledged on the Crusoes scheme that there was the potential for recreational impacts associated with the operation of the cafe and appropriate mitigation was conditioned. This scheme is a similar distance from the SPA and has the potential to impact the site and its qualifying features for the same reasons, particularly as presently, there is no facility at this site attracting visitors into this area.

1.25 To conclude, without the provision of appropriate mitigation, there is the potential risk of an adverse effect on the SPA through disturbance associated with the operation of the cafe at this location.

1.26 In addition to the Construction Environmental Management Plan, appropriate signage/interpretation will need to be provided to mitigate the potential recreational impacts on the SPA. This would be consistent and in line with mitigation approved on similar schemes, including Crusoes Cafe. Without this mitigation, I am unable to support this scheme.

1.27 In order for the scheme to be acceptable, the following mitigation must be made a condition of the application:-

A Construction Environmental Management Plan (CEMP) detailing specific working methods to minimise noise impacts on the SPA must be submitted to the Local Authority prior to development commencing

A financial contribution of £2500 towards coastal interpretation for the SPA should be made to the Local Authority prior to development commencing. Internal interpretation will be incorporated within the proposal to highlight the importance of the designated sites and steps to minimise disturbance. Details to

be submitted to the Local Authority for approval prior to development commencing.

2.0 Representations

2.1 32noletters of objection have been received. The concerns raised are summarised below:

- Adverse effect on wildlife.
- Affect character of conservation area.
- Affect setting of listed building.
- Impact on landscape.
- Inadequate parking provision.
- Inappropriate design.
- Inappropriate materials.
- Loss of privacy.
- Loss of visual amenity.
- None compliance with approved policy.
- Not in accordance with development plan.
- Nuisance – disturbance, dust/dirt, fumes, noise
- Inappropriate in special landscape area.
- Out of keeping with surroundings.
- Pollution of watercourse.
- Poor traffic/pedestrian safety.
- Poor/unsuitable vehicular access.
- Traffic congestion.
- Will result in visual intrusion.
- Within greenbelt/no special circumstance.
- No customer toilets – how will the proposal meet section 20 of the 1976 Local Government Miscellaneous Provisions Act.
- Located on a busy junction and roundabout.
- Inadequate parking.
- Already parking problems in the area which will be made worse.
- There have been accidents in the area already.
- Adverse impact on highway and pedestrian safety.
- Highway congestion.
- No safe access to the site.
- More zebra/pedestrian crossings will be needed.
- The parking restrictions are only in place at weekends.
- Loss of recreational space.
- Noise and litter.
- Rubbish will attract vermin.
- Adverse impact on property values.
- There are existing ice cream vendors/cafe in the area- no need for another.
- Not in keeping with the residential area.
- Potential for future extensions and alcohol license.
- Will set a precedent.
- TCAMS, Character Statement and Appraisal show local people do not want more food or licensed establishments.
- Appearance would be out of keeping.
- Inappropriate design.
- No details of the seating or opening hours are provided.
- No benefit to the area.

- This will fuel the growing call for a separate coastal council.
- The proposed plans will treble the building footprint.
- Canopies would obstruct views.
- Land is under covenant from the Duke of Northumberland.
- Object to having a pizza oven.
- Building is unattractive and should be demolished.
- Within a predominantly residential area.
- Increased height, footprint and canopies will increase the visual impact.
- Impact of cooking odours on surrounding properties.
- Ambiguity in the plans in respect of the canopy support and flue.
- Part of the block paved area is subject to a separate rental agreement.

2.2 5no letters of support have been received. These are summarised below:

- Makes good use of an unsightly and unused building on the sea front.
- Sensible way to use a small, redundant building.
- There are no ice-cream vendors in the immediate area.
- It would tend to attract people on foot so would not create a parking problem.
- Additional tourist amenity and be a further source of income for the village.
- Will benefit residents and visitors.
- No impact on residents.
- Attractive design.
- Will add vitality to the area.

3.0 Councillor Comments

3.1 Cllr Sarah Day has objected on the following grounds:

3.2 I have been contacted by a large number of local residents who also object to this application.

I have a number of objections:

- This is primarily a residential location.
- The proposed location is right on a very busy junction with no safe stopping or permitted parking available. There is potential that cars will double park to stop and use the facility and increase the risk of accidents.
- There is not a pedestrian crossing in the vicinity and the application site is a very busy junction.
- The application is in contravention of the TCAMS Strategy which shows residents feel we have reached saturation point in regards to takeaways and licensed establishments.
- The design is not in keeping with the conservation zone.
- Lack of provision of customer toilets.

3.4 Alan Campbell MP

3.5 I have been contacted by a number of local residents and TCAMS with their objections to this application. I would ask that the objections are taken into account before any decision is reached.

3.6 They complain that the proposed location is in a primarily residential location. It is situated on a very busy junction and there is no safe stopping or permitted parking available. They have raised with me over a number of years their concerns about parking in the area and believe this may exacerbate the situation.

There is potential that cars will double park to stop and use the facility and increase the risk of accidents.

3.7 They are also concerned that there is no pedestrian crossing in the vicinity and the application site is a very busy junction.

3.8 As other residents who have objected have pointed out, the application is in contravention of the TVCAMS which shows residents feel we have reached saturation point in regards to takeaways and licensed establishments.

3.9 With regards to the design, they do not feel it is in keeping with the conservation zone.

4.0 External Consultees

4.1 Northumberland and Newcastle Society

4.2 The building has a negative impact on the green which is part of the Tynemouth Conservation Area and the enhancement opportunity should be taken to remove it and restore the full green. The building is in a poor state and its life should not be prolonged. It has no architectural merit. The proposals are of poor quality and will not enhance it; rather they will increase the visual intrusion.

4.3 In our view the sale of ice creams and similar seaside goods should be restricted to the sea front and new ones should not be permitted which intrude on residential areas, as this will. The use is inappropriate here.

4.4 Pedestrian access is poor from the sea front, involving the crossing at a roundabout and the junction of Percy Park and Percy Park Road, a busy through route. Vehicles could be drawn to stop and buy, increasing the intrusion. We ask the Council to refuse the application on these grounds.

4.5 TVCAMS Sub- Planning Group

4.6 We have looked at the drawings for the above and are concerned that the applicants, in their opinion, see Tynemouth as 'A town that has become a tourist food and drink destination but kept its village feel'.

4.7 This description is not how the residents see the village where most of them have made their homes, gone to school, as have their parents and grandparents, and view the onslaught of food and drink outlets as having wrecked the historical atmosphere of a once quiet seaside village. They feel that a proposal for another food outlet adds to the unfortunate decline.

4.8 The blight of the increase in volume of traffic, the speed of wagons, buses and cars passing through the village is frightening, despite the 20mph limit imposed after a long campaign by residents, schools and parents of children.

4.9 The proposal for an ice-cream parlour, cafe and pizza place, in the old police box is unacceptable, situated where it is at a most dangerous junction and roundabout. It is also a thoughtless lack of consideration for those who live nearby, who already suffer parking problems. Where will potential customers park, will they just drive onto the grass? Where will they wait for their pizza to be cooked?

- 4.10 The very nature of the proposal can only attract children and visitors to the cafe, possibly creating long queues and haphazard parking as is evident at the applicant's premises in Seaton Delaval.
- 4.11 How long will it be before an extension of the police box is called for in order to extend the variety of food offered for sale? Will the next step be a table license?
- 4.12 Will this be the 'thin edge of the wedge' for more similar outlets on this green open space much valued by those who live close by?
- 4.13 The reference to the aims of North Tyneside Council's Tourism Strategy to support industry, and having a sustainable positive impact on the economy, to boost employment, (will two or three employees be a boost to the economy) with connections to the Airport and nearby Metro System, as well as mention of the Priory & Castle, Tynemouth Station, TVLB and many more, is seen as irrelevant to an application to sell ice-cream in a seaside area where the sale of ice-cream is already established, and has been for decades.
- 4.14 It would appear that the applicants are unaware of the TVCAMS Document, the Tynemouth Village Character Statement and the Character Appraisal Statement, all put together by public consultation, which showed that local people did not want any more food outlets or licensed establishments.
- 4.15 We are also taken aback at their questionable statement that 'Parking should not be an issue as Tynemouth has ample parking spaces' and 'is policed regularly by Traffic Wardens'. Both Percy Park and Percy Park Road have parked cars on both sides of the road, right down as far as they can go, with very few gaps, will those wanting to buy ice-cream or pizzas, have to park in the road, while trying to cross the road to the proposed cafe.
- 4.16 Tynemouth has the worst possible traffic problems most of the year, and worse in the summer months, with people driving around and around looking for a space to park. They usually give up and go elsewhere.
- 4.17 The statement that the site of the former Police Station is situated in an area that predominately lends itself to cater for all aspects of tourism usage is confusing; what does this mean? How does this area, known as the Triangle, fulfil this statement? The green open space has been used for years as a recreational purpose for local children playing and for dog walkers – not for 'tourism' usage.
- 4.18 The Police Box has been described as being obscure, of course it is, it was a purpose built Police Box used for Police purposes.
- 4.19 To try to make it into something for which it was never intended, and by adding a 'mock' Victorian glass canopy, similar to Mr Woods cafe, and the Grade 11 Listed Station, would only suffice to draw attention to how out of place it would look alongside the Victorian Grand Hotel and surrounding terraced houses. Making a silk purse out of a sow's ear, springs to mind.

4.20 How would all this mock Victorian design, complete with 'period' finials sit alongside the proposed modern aluminium doors and window frames?

4.21 The reasons given by the applicant for using this material is that quote - 'Timber systems are not recommended to be installed in a marine or coastal environment'

4.22 Residents throughout our Conservation Area are being encouraged to use conventional timber frames for doors and windows. It would cause a great deal of anger by those residents who have had applications refused for wishing to use anything other than timber, for the same concerns about the effects of salty sea air.

4.23 The use of timber frames etc. is encouraged in our TCAMS Document, adopted as Planning Guidance.

4.24 Our main concerns are the unsuitable site for a business which by its nature would attract people, if lighting is being suggested, does this mean the cafe will be used at night? The question has been asked will its position cause a distraction for drivers at this dangerous and busy roundabout?

4.25 There has been no mention of the type of seating to be used, or where it will be stored.

4.26 There appears to be only one toilet and wash basin for the use of the staff, and no baby changing facilities.

4.27 We ask that, because of its unsuitability for this site, this application is refused.

4.28 Natural England

4.29 Natural England has no comments to make on this application.

Item No: 5.2
Application No: 17/01922/FUL
Author: James Blythe
Date valid: 21 December 2017
Target decision date: 22 March 2018
☎: 0191 643 7756
Ward: Battle Hill

Application type: full planning application

Location: Tyne Metropolitan College, Battle Hill Drive, Wallsend, Tyne And Wear, NE28 9NL

Proposal: Proposed construction of new skills education centre within existing college site

Applicant: Tyne Coast College, Ms Sarah Bartlett Tyne Metropolitan College
Battle Hill Drive Battle Hill WALLSEND NE28 9NL

Agent: NORR Consultants Ltd., Mr Robin Stewart 8th Floor Percy House Percy Street Newcastle Upon Tyne NE1 4PW

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:

- (i) Principle of Development,
- (ii) Impact on Residential Amenity, and;
- (iii) Impact on Character and Appearance.

2.0 Description of the Site

2.1 The site to which the application relates is Tyne Metropolitan College, Wallsend. The site is located within an established residential area with residential properties to the north, east and west. To the south of the site is a large grassed area and the site borders the A1058 (Coast Road) to the south.

2.2 The site can be accessed from Battle Hill Drive to the west and a slip road from the Coast Road to the east.

2.3 The site is allocated for Open Space (Type: E) within the North Tyneside Local Plan (2017).

3.0 Description of the Proposed Development

3.1 Proposed construction of a new skills education centre within existing college site.

4.0 Relevant Planning History

4.1 The following application is considered relevant planning history in relation to the proposed application site:

- 82/02557/LAREG3 - Reorganisation of staff / student car parking-servicing. Provision of outdoor sports facilities. Modification of existing external layout. Permitted on 09.02.83.

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

7.0 Main Issues

7.1 The main issues for Members to consider are:

- (i) Principle of Development,
- (ii) Impact on Residential Amenity, and;
- (iii) Impact on Character and Appearance.

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

7.3 Principle of Development

7.4 Paragraph 74 of the National Planning Policy Framework (NPPF) states that existing open space, sports and recreational buildings and land, including playing fields, should not be built on unless:

- an assessment has been undertaken which has clearly shown the open space, buildings or land to be surplus to requirements; or
- the loss resulting from the proposed development would be replaced by equivalent or better provision in terms of quantity and quality in a suitable location; or
- the development is for alternative sports and recreational provision, the needs for which clearly outweigh the loss.

7.5 Policy DM5.2 Protection of Green Infrastructure states that the loss of any part of the green infrastructure network will only be considered in the following exceptional circumstances:

- a. Where it has been demonstrated that the site no longer has any value to the community in terms of access and function; or,
- b. If it is not a designated wildlife site or providing important biodiversity value; or

- c. If it is not required to meet a shortfall in the provision of that green space type or another green space type; or
- d. The proposed development would be ancillary to the use of green infrastructure and the benefits to green infrastructure would outweigh any loss of open space.

7.6 Where development proposals are considered to meet the exceptional circumstances above, permission will only be granted where alternative provision, equivalent to or better than in terms of its quantity and quality, can be provided in equally accessible locations that maintain or create new green infrastructure connections.

7.7 Proposals for new green infrastructure or improvements to existing should seek net gains for biodiversity, improve accessibility and multi functionality of the green infrastructure network and not cause adverse impacts to biodiversity.

7.8 Policy DM5.3 Green Space Provision and Standards states that within North Tyneside, accessible green space will be protected and enhances to be of the highest quality and value.

7.9 New development should sustain the current standards of provision, quality and value as recorded in the most up-to-date Green Space Strategy (GSS). Opportunities should be sought to improve provision for new and existing residents.

7.10 The site is designated as educational open space within the Council's Local Plan. It is considered that the use of the site is for educational purposes and the proposed development would be considered to enhance the existing facilities on the college site. The proposal would occupy a section of land to the north of the existing open space, adjacent to the existing college car park. It is acknowledged that due to the size of the development the proposal would result in encroachment onto a grassed area of open space but, it would not encroach onto any of the laid out playing pitches.

7.11 The application site is within the Battle Hill Ward which has 100% of its properties within an acceptable catchment area of open space according to the Green Space Strategy 2015. Furthermore, the area of open space would not be lost completely, it would only be reduced.

7.12 Members must determine whether the proposed development (as shown on the submitted plans) is acceptable in terms of its impact on the existing level of open space provision. Officer advice is that the proposed development is acceptable in this regard.

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 of 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 The proposed development would be located in the grounds of the existing college. The site is separated from residential properties to the north by approximately 77 metres across the existing college car park and approximately 50 metres to properties to the east across the college field (open space).

8.5 The Manager for Environmental Health has been consulted. She has raised no objection in principle to this development. However, it was recommended that conditions to mitigate against construction noise and dusts are attached to any potential grant of planning permission. She has also commented with regarding potential noise from the new external plant and equipment to be installed. It is considered that this could be controlled by the imposition of a condition to request a noise survey to ensure noise from plant and equipment is mitigated to ensure the rating level does not exceed the background noise level.

8.6 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 nearby neighbouring dwellings, with particular reference to properties on Broxburn Close, Bathgate Close and Embleton Avenue. Officer advice is that the proposed development is acceptable subject to the imposition of the conditions recommended by the Manager of Environmental Health.

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.

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 LDD11 'Design Quality' applies to all planning applications that involve building works. It states that the successful integration of new development within the surrounding area will depend largely on the quality of its design and layout. The Council will encourage innovation in the design and layout, provided that the existing quality and character of the immediate and wider environment are respected and enhanced, and local distinctiveness is generated. It further states that all new buildings should be well proportioned and have a well-balanced and attractive, external appearance.

9.4 The proposed development is to be located within the grounds of the existing school. When viewed from outside the site it would be seen in the context of the existing school buildings. The construction of the building would be the use of brickwork at the ground floor, above which, it is proposed that the building will be clad in composite panels with a standing seam finish. Photovoltaic panels are proposed to be installed on the southern elevation, and the angle of the building has been proposed to provide the optimum angle for these panels.

9.5 Members must determine whether the proposed development (as shown on the submitted plans) 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 is acceptable in this regard.

10.0 Other Matters

10.1 Highway Safety

10.2 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 The Highway Network Manager has commented and recommends conditional approval. He notes that the site has been operating for a number of years; access, internal circulation & parking remain unchanged. The Travel Plan has been updated to take into account the new use and the site has good links to local bus services.

10.7 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. Officer advice is that the proposed development is acceptable Subject to the imposition of conditions recommended by the Highway Network Manager.

11.0 Contaminated Land

11.1 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.

11.2 The application site is located within a contaminated land buffer zone.

11.3 The Manager for Environmental Health has been consulted. They have noted that the proposed development is within 250 metres of a historic landfill site. As such, it is considered necessary and reasonable to attach conditions to any potential grant of planning permission to ensure that appropriate contaminated land and gas investigation is carried out.

12.0 Local Financial Considerations

12.1 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). It is not considered that the proposal results in any local financial considerations.

13.0 Conclusion

13.1 The proposed development (as shown on the submitted plans) is considered to be acceptable in terms of its impact on neighbouring amenity, the character and appearance of the site and surrounding area and the impact upon highways safety. 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, including materials, dated 20.12.17;
- Site - Location Plan, Ref. A10-00-00, Rev. A, dated 15.12.17;
- Site - Proposed Plan, Ref. A10-00-01, Rev. B, dated 15.12.17;
- GA Elevations - Sheet 1, Ref. A30-XX-00, Rev. B, dated 01.12.17;
- GA Sections - Sheet 1, Ref. A32-XX-00, Rev. B, dated 15.12.17;
- GA Plan - Level 00, Ref. A20-00-00, Rev. B, dated 01.12.17;
- GA Plan - Level 01, Ref. A20-01-00, Rev. A, dated 01.12.17;
- Proposed Drainage Plan - Sheet 1/2, Ref. 17T2222-101, dated 01.18;
- Proposed Drainage Plan - Sheet 2/2, Ref. 17T2222-102, dated 01.18;
- Proposed Drainage Details, Ref. 17T2222-103, Rev. P1, dated 01.18;
- Proposed External Works Plan, Ref. 17T2222-100, Rev. P1, dated 01.18;
- Proposed External Works Details, Ref. 17T2222-104, Rev. P1, dated 01.18;
- Design and Access Statement, Ref. IANC17-0087, dated 20.12.17;
- Flood Risk Assessment, Ref. 17T2222, dated 01.18.

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

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

4. Prior to occupation, details of facilities to be provided for the storage of refuse at the premises have been 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 DM7.4 of the North Tyneside Local Plan 2017.

5. Construction Method Statement - Minor SIT006 *

6. Notwithstanding the Travel Plan submitted, the updated 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.

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

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

8. Deliveries, collections and access to the service yard at the site are restricted to 07:30 and 21:00 hours Monday to Saturdays only.

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

9. A noise scheme must be submitted in accordance with BS4142 to determine the current background noise levels for daytime, evening and night. The rating level for all plant must not more than 5dB higher than the current background noise levels. It will be necessary following installation of the plant and equipment that acoustic testing is undertaken to verify compliance with this condition within one month of its installation and submitted for written approval prior to the operation of the plant and thereafter maintain in working order.

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

10. All plant and machinery shall be enclosed with sound insulation materials in accordance with a scheme to be submitted to and agreed by the Local Planning Authority in writing and the plant and machinery shall not be used until the approved soundproofing has been implemented.

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

11. Noise No Tannoys Externally Audible NOI002 *

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

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

13. Prior to occupation and operation, details of the air ventilation systems have been submitted to and approved in writing by the Local Planning Authority. The scheme shall thereafter be implemented before the development is first occupied in accordance with the approved details and permanently retained.

Reason: To protect the amenities of the occupiers of residential accommodation in the vicinity having regard to policy DM5.19 of the North Tyneside Local Plan 2017.

14. Flood Lighting Scheme Details	LIG001	*
15. Contaminated Land Investigation Housing	CON00	*
	1	
16. Gas Investigate no Development	GAS00	*
	6	

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.

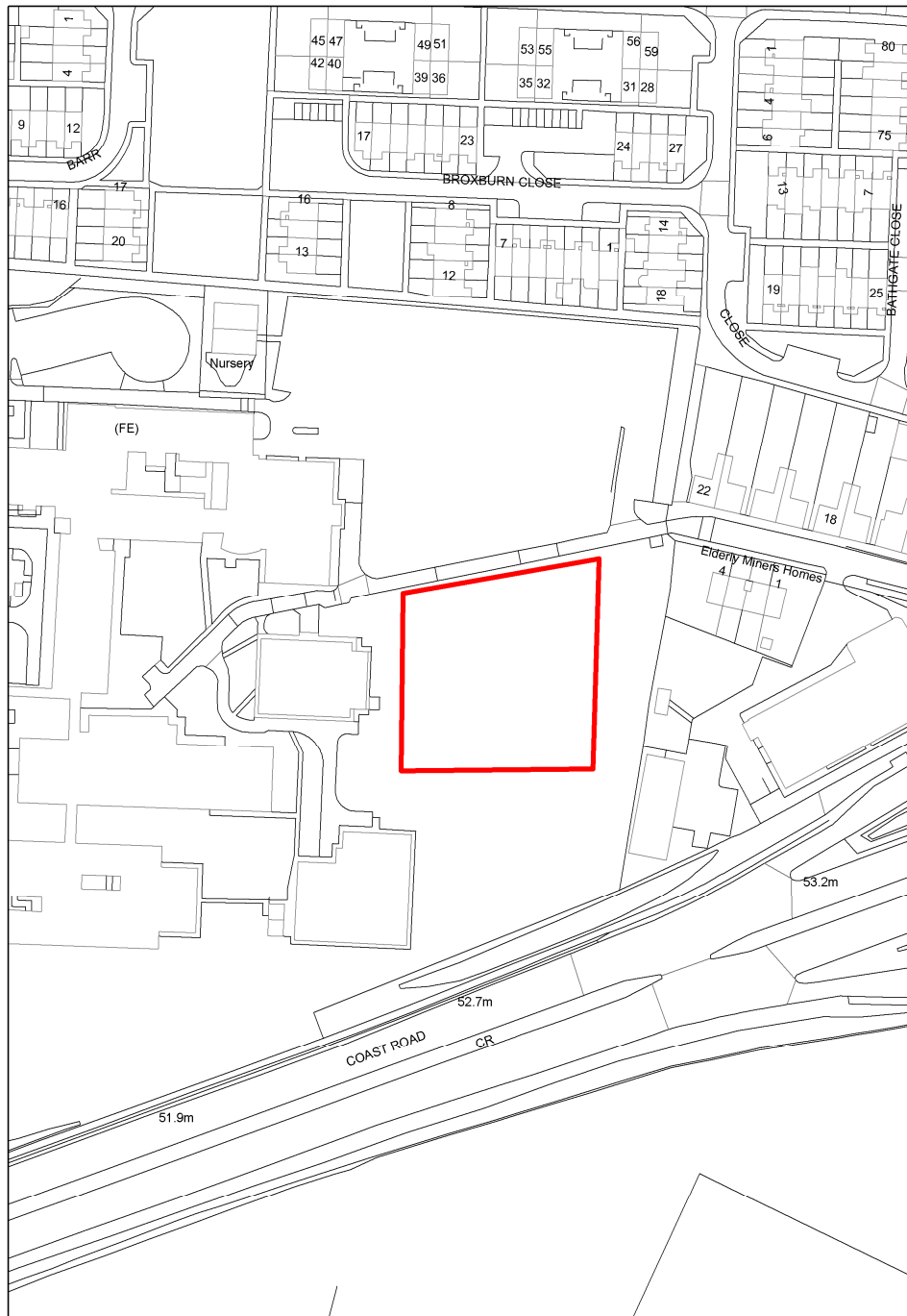
Informatives

Building Regulations Required (I03)

Do Not Obstruct Highway Build Materials (I13)

Highway Inspection before dvlpt (I46)

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

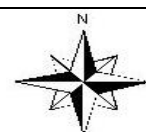


Application reference: 17/01922/FUL
Location: Tyne Metropolitan College, Battle Hill Drive, Wallsend
Proposal: Proposed construction of new skills education centre within existing college site

Not to scale

Date: 01.03.2018

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**Appendix 1 – 17/01922/FUL
Item 2**

Consultations/representations

1.0 Internal Consultees

1.1 Highway Network Manager:

1.2 This application is for a proposed construction of new skills education centre within existing college site.

1.3 The site has been operating for a number of years; access, internal circulation & parking remain unchanged. The Travel Plan has been updated to take into account the new use and the site has good links to local bus services.

1.4 For the reasons outlined above and on balance, conditional approval is recommended.

1.5 Recommendation - Conditional Approval

1.6 Conditions:

PAR04 - Veh: Parking, Garaging before Occ;

REF01 - Refuse Storage: Detail, Provide Before Occ;

SIT06 - Construction Method Statement (Minor);

No development shall commence until 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.; and

Notwithstanding the Travel Plan submitted, the updated 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.

1.7 Informatives:

I13 - Don't obstruct Highway, Build Materials; and

I46 - Highway Inspection before dvlpt.

2.0 Manager of Environmental Health (Pollution):

2.1 I have no objection in principle to this development, but would recommend conditions to mitigate against construction noise and dust. Any new external plant, such as air conditioning units, air source heat pumps, dust extraction plant etc., will require a noise scheme to be submitted to ensure noise levels do not cause potential disturbance for neighbouring residential properties. This will require a background noise assessment to be provided to assess the current background noise levels at nearest sensitive residential receptors and ensure noise from plant and equipment at the site is mitigated to prevent any potential noise disturbance for neighbouring residential amenity. Full details of the plant and equipment to be installed at the site will be required as part of the noise scheme as it is noted plant any be installed on the roof area and within designated plant rooms. Any new external lighting provided as part of the

development scheme will require a lighting assessment to be provided to ensure compliance with the institute of lighting engineers for the reduction of light pollution guidance and I would require prior to installation that it has been shown that this standard has been met by the provision of an isolux diagram showing the predicted illuminance levels at critical locations.

2.2 A condition to restrict deliveries to daytime hours will also be required to mitigate against potential noise from delivery operations for neighbouring residential properties. I would therefore recommend the following conditions.

HOU04;
HOU05;

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

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

NOI02;

Deliveries and collections and access to the service yard at the site to be restricted to 07:30 and 21:00 hours Monday to Saturdays only.;

EPL01 for flues or chimneys.;

EPL02;

LIG01; and

SIT03.

3.0 Manager of Environmental Health (Contaminated Land):

3.1 The proposed development is within 250 metres of a historic landfill site.

Approval is recommended on the basis that the following conditions are applied:

CON 01:

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

a) A detailed site investigation has been carried out to establish:

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

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

b) The results and conclusions of the detailed site investigations referred to in (a) above have been submitted to and the conclusions approved in writing by the

Local Planning Authority. The Phase 2 Report should be written using the current government guidelines.

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

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

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

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

Reason: To ensure that the potential contamination of the site is properly investigated and its implication for the development approved fully taken in to account having regard to policy E3 of the North Tyneside Unitary Development Plan 2002.

GAS 06:

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

Upon approval of the method statement:

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

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

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

of construction shall also incorporate all the measures shown in the approved assessment.

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

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

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

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

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

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

Reason: In order to safeguard the development and/or the occupants thereof from possible future gas emissions from underground and or adverse effects of landfill gas which may migrate from a former landfill site having regard to policy E3; of the North Tyneside Unitary Development Plan 2002.

4.0 Local Lead Flood Authority

4.1 I have carried out a review of the above applications drainage proposals.

The applicant is intending to raise the threshold of the building by 150mm to reduce the risk of flooding from overland flow of surface water as the site is at low risk of surface water flooding as a result of the local topography. The applicant is proposing to attenuate the developments surface water via an attenuation tank with 100cu.m capacity to be located adjacent to the development site. This will have a restricted discharge rate of 5l/s controlled using a hydro-brake which will connect into Northumbrian Water's 750mm diameter sewer located to the South of the site. Due to the previous use of the development site there is an existing land drainage system which will need to be grubbed up and reinstated to help the drainage of the surrounding playing field.

4.2 In conclusion, I have no objections to the applicant's proposals as the surface water from the site will be attenuated and restricted within the site and the development will be constructed with raised thresholds to reduce the flood risk.

5.0 Representations

5.1 None.

6.0 External Consultees

6.1 None.