



North Tyneside Council

Planning Committee

23 August 2019

To be held on **Tuesday 3 September 2019** 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 6 August 2019.	3

Continued overleaf

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5.	Planning officer reports	
	To give consideration to the planning applications contained in the above report relating to:	9
5.1	19/00706/OUT Land to the Rear of Cobalt Exchange, Abbey Road, Wallsend (Collingwood Ward)	14
6.	Greymartins, Backworth Lane, Backworth, Tree Preservation Order 2019 (Valley Ward)	44

Members of the Planning Committee:

Councillor Ken Barrie
 Councillor Trish Brady (Deputy Chair)
 Councillor Brian Burdis
 Councillor Linda Darke
 Councillor Sandra Graham
 Councillor Muriel Green

Councillor Frank Lott (Chair)
 Councillor Paul Richardson
 Councillor Willie Samuel
 Councillor John Stirling
 Councillor Frances Weetman

Planning Committee

6 August 2019

Present: Councillor F Lott (Chair)
Councillors K Barrie, T Brady, B Burdis, L Darke,
M A Green, T Mulvenna, P Richardson and W Samuel.

PQ14/08/19 Apologies

Apologies for absence were received from Councillors S Graham, J Stirling and F Weetman.

PQ15/08/19 Substitute Members

Pursuant to the Council's Constitution the appointment of the following substitute member was reported:

Councillor T Mulvenna for Councillor S Graham

PQ16/08/19 Declarations of Interest and Dispensations

There were no declarations of interest or dispensations reported.

PQ17/08/19 Minutes

Resolved that the minutes of the meeting held on 9 July 2019 be confirmed as a correct record and signed by the Chair.

PQ18/08/19 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:	19/00669/OUT	Ward:	Killingworth
Application Type:	Outline planning application		
Location:	Scaffold Hill Farm, Whitley Road, Benton, Newcastle upon Tyne, NE12 9ST		
Proposal:	Outline application for up to 35 dwellings incorporating the undergrounding of overhead power cables and re-provision of allotments (resubmission)		
Applicant:	The Northumberland Estate		

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

In accordance with the Committee's speaking rights scheme Mr Keith Page of 17 St. Cuthberts Way, Holystone was permitted to address the Committee. He explained that it was dangerous to try to cross the Holystone bypass using the existing public right of way and questioned the advice given to the Committee in relation to highway safety. Mr Page referred to the width of the central reservation, the speed of vehicles and visibility in the area to illustrate his concerns. Mr Page asked that by way of an additional condition the applicants should be required to install a pedestrian crossing with fencing at the location prior to the commencement of the proposed development.

Ms Sandra Manson of Pegasus Group addressed the Committee to respond to Mr Page on behalf of the applicant. Ms Manson endorsed the report of the planning officers which reflected the hard work undertaken to formulate an application which was acceptable in planning terms and took account of previous member comments. She explained that highways officers had concluded that a crossing point was not required and the size of the development currently before the Committee did not justify the imposition of a condition requiring the provision of the suggested crossing point. She also referred to how the application complied with the Local Plan in terms of the allocation of the site for housing, the positive visual impact of the proposal particularly when located next to the Rising Sun Country Park, the provision of allotments, the provision of affordable housing, the character, appearance and design of the development and its impact on the highways network.

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

- a) the location and type of pedestrian crossing requested;
- b) the layout of the Holystone Roundabout and the issues that this caused for drivers using the roundabout;
- c) the assurances given that the Highways Manager would be requested to monitor and give further consideration to the need for the installation of an additional crossing point on the Holystone Bypass;
- d) that the Committee had withdrawn the requirement for an additional crossing to be provided in relation to a previous development on the site which had 38 dwellings whereas the application currently before the Committee only had 35 dwellings;
- e) the need for the development to be constructed within the specified operating times to reduce the impact on neighbouring residents;
- f) the timing for the installation of the allotments on the site.

Decision

The Head of Environment, Housing and Leisure be granted delegated authority to determine the application providing no further matters arise which in the opinion of the Head of Environment, Housing and Leisure, raise issues not previously considered which justify reconsideration by the Committee.

(The Committee indicated that it was minded to approve the application subject to:

a) the completion of a Deed of Variation to the original S106 Agreement to secure the following:

- Playsites, equipped: £23,906.84
- Informal areas for play: £20,126.84
- Strategic greenspace: £6,465.79
- Parks: £15,186.32
- Primary education: £108,326.84
- Affordable housing at 25% with a 75:25 ratio (rent:intermediate); £11,052 per annum for travel plan delivery and monitoring for the duration of construction and two years post occupation of the development. The payment for the first two years (£22,104) shall be paid on commencement of development; further payments of £11,052 per year shall be paid each year thereafter until completion of the development and for two years post completion;
- £47,894.74 to contribute to the provision of public transport in the wider area;
- Coastal Mitigation: £8,633.00

b) the conditions set out in the planning officer's report incorporating the additional amendment set out in the addendum; and

c) the addition or omission of any other conditions considered necessary by the Head of Environment, Housing and Leisure.)

The applicant will be required to stop up the highway within the site that is no longer required under Section 247/257 of the Town and Country Planning Act 1990.

Application No:	18/01226/FUL	Ward:	Collingwood
Application Type:	Full Planning Application		
Location:	Land at Murton House Farm, Rake Lane, North Shields, Tyne and Wear		
Proposal:	Demolition of the disused and redundant buildings and replacement with 10 residential dwellings including access, amenity space and parking (Revised landscaping plans).		
Applicant:	Murton Farm Steading Ltd.		

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

- a) the benefits associated with the reconfiguration of the access to the site;
- b) the type of materials to be used on the development;
- c) the number of trees to be removed as a result of the proposed development, the number of trees to be retained and the additional planting required.

Decision

The Head of Environment, Housing and Leisure be granted delegated authority to determine the application providing no further matters arise which in the opinion of the Head of Environment, Housing and Leisure, raise issues not previously considered which justify reconsideration by the Committee.

(The Committee indicated that it was minded to approve the application subject to:

- a) there being no objections from Natural England in respect of the application;
- b) the conditions set out in the planning officer's report incorporating the proposed amendments set out in the addendum; and
- c) the addition or omission of any other conditions considered necessary by the Head of Environment, Housing and Leisure.)

Application No:	18/01227/LBC	Ward:	Collingwood
Application Type:	Listed Building Consent		
Location:	Land at Murton House Farm, Rake Lane, North Shields, Tyne and Wear		
Proposal:	Demolition of the disused and redundant buildings.		
Applicant:	Murton Farm Steading Ltd.		

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

Decision

The application be permitted, 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 surrounding occupiers and on the highway network and in bringing vacant buildings back into use in accordance with the relevant policies contained in the National Planning Policy Framework and the Local Plan 2017.

Application No:	19/00047/FUL	Ward:	Killingworth
Application Type:	Full planning application		
Location:	Benton House, Benton Business Park, Bellway Industrial Estate, Benton, Newcastle upon Tyne		
Proposal:	Construction of 2 steel-framed industrial units including car parking and hard landscaping (part retrospective).		
Applicant:	Benton house Ltd.		

The Committee gave consideration to a report of the planning officer in relation to the application. 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.

Decision

The application be permitted, 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 surrounding occupiers and on the highway network and in bringing vacant buildings back

into use in accordance with the relevant policies contained in the National Planning Policy Framework and the Local Plan 2017.

Application No:	19/00739/FUL	Ward:	Killingworth
Application Type:	Full planning application		
Location:	Unit 41, Bellingham Drive, North Tyne Industrial Estate, Benton, Newcastle upon Tyne		
Proposal:	Change of use from D1 (Training facility) to Gymnastics facility and activity centre with gym (D2) and ancillary café (A3). Extension to internal mezzanine floor		
Applicant:	Mr Craig Heap.		

Councillor Darke advised the Committee that although she had had previous email correspondence with the developer she would approach this application with an open mind.

The Committee gave consideration to a report of the planning officer in relation to the application. 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 attention to the proposed access to the development.

Decision

The application be permitted, 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 surrounding occupiers and on the highway network and in bringing vacant buildings back into use in accordance with the relevant policies contained in the National Planning Policy Framework and the Local Plan 2017.

Application No:	18/01414/FUL	Ward:	Camperdown
Application Type:	Full planning application		
Location:	Block F, K, H, J, M and L, The Killingworth Site, Harvey Combe, Station Industrial Estate, Killingworth		
Proposal:	Demolition of blocks F, K, L and M and erection of new replacement vehicle maintenance unit. Reconfiguration of vehicle access routes and parking (additional reports and plans received May-July 2019)		
Applicant:	North Tyneside Council.		

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

Decision

The application be permitted, 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 surrounding occupiers and on the highway network and in bringing vacant buildings back into use in accordance with the relevant policies contained in the National Planning Policy Framework and the Local Plan 2017.

PQ19/08/19 24 Marine Avenue, Whitley Bay Tree Preservation Order 2019

The Committee was presented with details of a Tree Preservation Order made on 15 April 2019 to protect a tree located within the grounds of 24 Marine Avenue, Whitley Bay. An objection to the confirmation of the Order had been received from the owner of 24 Marine Avenue. The grounds for objection were presented to the Committee for consideration together with commentary and guidance from the Council's landscape architect.

Resolved that the 24 Marine Avenue, Whitley Bay Tree Preservation Order 2019 be confirmed without modification.

PLANNING COMMITTEE

Date: 3 September 2019

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.

**PLANNING APPLICATION REPORTS
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5.1 19/00706/OUT

Collingwood

**Land To The Rear Of Cobalt Exchange Abbey Road Wallsend Tyne
And Wear**

Item No: 5.1
Application No: 19/00706/OUT
Author: Aidan Dobinson Booth
Date valid: 23 May 2019
Target decision date: 22 August 2019
☎: 0191 643 6333
Ward: Collingwood

Application type: outline planning application

Location: Land to the Rear Of Cobalt Exchange, Abbey Road, Wallsend, Tyne And Wear

Proposal: Outline planning permission with all matters reserved for the siting of shipping containers to create a two storey mixed use development comprising of retail, restaurant/cafe, bars, office accommodation and event space including pop up market space, erection of stairs and lift, provision of external decking/walkways and refuse storage

Applicant: Crate Park Ltd, Crate Park Northern Office Front Street Bebside NE24 4HW

Agent: Planning Online Uk, Mr A Miller 113B Front Street Blyth NE24 4HN

RECOMMENDATION: Application Permitted

INFORMATION

1.0 Summary Of Key Issues & Conclusions

1.0 Main Issues

1.1 The main issues for Members to consider are:

- Whether the principle of a business-led mixed use start-up/incubator development is acceptable;
- Whether there are any sequentially preferable sites;
- Impact on the character and appearance of the site and the surrounding area
- Impact on the amenity of surrounding occupiers
- The impact on biodiversity;
- The impact on traffic, parking and highway safety; and
- Other issues.

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

2.0 Description of the Site

2.1 The application site refers to a southeast section of the Cobalt Exchange car park, towards the southern end of the Cobalt Business Park.

2.2 The site would be immediately adjoined by the wider car park to the north, northwest and southwest, with a landscaping buffer and Middle Engine Lane along the southeast boundary.

2.3 Outside of the immediate boundary, the application site is located with the Cobalt Exchange building and a large pond approximately 180m to the northwest, car dealerships to the north and the Silverlink to the east and southeast. The A19 is raised and runs north-to-south to the west of the site, separating the Cobalt Exchange and its car park from a residential housing development.

3.0 Description of the Proposal

3.1 This application seeks outline planning permission with all matters reserved for the shipping containers to create a two-storey mixed use development comprising of retail, restaurant/cafe, bars, office accommodation and event space including pop up market space, erection of stairs and lift, provision of external decking/walkways and refuse storage.

3.2 Based on the most recent sequential assessment, the proposal would have a gross floor area of 3,280 square metres, with a net internal floorspace of 2,636 square metres broken down as follows;

Use	Floor Area (Square Metres)
B1(a) – Office (other than A2)	1,700
A1 – Shops and Retail	312
A2 – Financial and Professional	142
A3/A4 – Restaurants and Cafes/Drinking Establishments	340
D2 space (exclusively for occupiers)	142
Total	2,636

3.3 The proposal is a business incubator development with units leased out to start-up and new businesses on short term contracts with start-up support and mentoring services.

3.4 The indicative layout places all of the proposed containers on the hard-standing of the current car park. The applicant stated that the car park is disused with only car storage for the adjoining car showrooms.

4.0 Relevant Planning History

06/03949/OUT - Development of one car dealership and B1 office accommodation.
Permitted 30.08.07.

08/02245/FUL - Removal of conditions 23 and 25 on grant of outline planning permission for the development of one car dealership and B1 office accommodation (06/03949/OUT)

Permitted 10.11.09.

11/00444/FUL – Proposed permanent outdoor car sales area with temporary sales office (revised description)
Permitted 01.08.11.

5.0 Development Plan

5.1 North Tyneside Local Plan 2017

6.0 Government Policy

6.1 National Planning Policy Framework (February 2019)

6.2 Planning Practice Guidance (As amended)

PLANNING OFFICERS REPORT

7. Main Issues

7.1 The main issues for Members to consider are:

- Whether the principle of a business-led mixed use start-up/incubator development is acceptable;
- Whether there are any sequentially preferable sites;
- Impact on the character and appearance of the site and the surrounding area;
- Impact on the amenity of surrounding occupiers;
- The impact on biodiversity;
- The impact on traffic, parking and highway safety; and
- Other issues.

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

7.3. Principle of Development

7.4 The National Planning Policy Framework (NPPF) states that the purpose of the planning system is to contribute to the achievement of sustainable development. Achieving sustainable development means that the planning system has three overarching objectives, which are interdependent and need to be pursued in mutually supportive ways. These relate to economic, social and environmental objectives. Planning policies and decisions should play an active role in guiding development towards sustainable solutions, but in doing so should take local circumstances into account, to reflect the character, needs and opportunities of each area. At the heart of the Framework is a presumption in favour of sustainable development.

7.5 The NPPF paragraph 11 states that for decision making development proposals that accord with an up-to-date development plans should be approved without delay.

7.6 Paragraph 80 of NPPF states that planning decisions should help create the conditions in which businesses can invest, expand and adapt. Significant weight should be placed on the need to support economic growth and productivity, taking into account both local business needs and wider opportunities for development.

7.7 Policy S1.1 'Spatial Strategy for Sustainable Development' seeks to ensure North Tyneside's requirements for homes and jobs can be met with adequate provision of infrastructure, and in a manner that enables improvements to quality of life, reduces the need to travel and responds to the challenges of climate change, the Spatial Strategy for the location and scale of development is that:

a. Employment development will be located:

- i. within the main urban area; and,
- ii. at areas easily accessible to residents by a range of sustainable means of transport; and,
- iii. where businesses may benefit from the Borough's excellent national and international transport connections - including the strategic road network and opportunities provided by the River Tyne.

c. Most retail, and leisure activities will be focused:

- i. within the main town centres of Wallsend, North Shields and Whitley Bay, as well as Killingworth town centre, taking advantage of the excellent accessibility, services and infrastructure invested in those locations.

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

- a. Any adverse impacts of granting permission would significantly and demonstrably outweigh the benefits when assessed against the policies in the NPPF taken as a whole; or
- b. Specific policies in the NPPF indicate that development should be restricted.

7.9 Policy S2.1 'Economic Growth Strategy' states proposals that make an overall contribution towards sustainable economic growth, prosperity and employment in North Tyneside will be encouraged. This includes supporting economic growth as follows:

- c. Office and business investment;
- v. Support investment opportunities for regional and national scale office, research and development and manufacturing in the A19 Economic Corridor, as shown on the Policies Map, which includes the former Enterprise Zone area.
- vi. Strengthen the Borough's important contribution to the economy of the Tyne and Wear conurbation with multi-national firms choosing quality business park accommodation in Cobalt, Quorum, Balliol and Gosforth Business Parks for national headquarters and major customer service centres.

7.10 Policy S2.2 'Provision of Land for Employment Development' seeks to ensure an attractive and flexible supply of employment land is available to deliver the Council's strategy for economic prosperity and job growth and investment a total of 822ha of currently occupied or available employment land is recognised of particular value to the economy and the following land will be available for development to 2032:

7.11 Policy DM2.3 'Development Affecting Employment Land and Buildings' states the Council will support proposals on employment land, as shown on the Policies Map, for new or additional development for uses within use classes B1, B2 or B8 or that which is deemed ancillary.

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

7.13 An objection has been received on the grounds of design, stating that the proposal would not in keeping with the character and appearance of the surrounding area. It is important to note that appearance is a reserve matter and therefore is not subject to approval as part of this application. The applicant has however provided indicative images of what the proposal is likely to look like. If this proposal is approved Members will have an opportunity to seek to agree the reserve matters, which would include the detailed appearance of the units.

7.14 The objection further states that the proposed development would reduce the amount of high quality office space available in the Cobalt Business Park. The site is an existing car park and hence would not result in the physical loss of any existing office space. Furthermore, the proposal targets new and start-up businesses rather than large and multinational businesses referred to within the objection and would just provide more choice.

7.15 The proposed business start-up/incubator units for B1(a) is supported by policies S2.1, S2.2, DM2.3 and AS2.6. The proposed units would be short term easy-in, easy-out office spaces designed to accommodate new start-up businesses and businesses moving out of home working to establish themselves before moving into larger and more permanent accommodation.

7.16 The proposal seeks to construct a business-led mixed use start-up/incubator development within an area allocated for employment use. This would bring additional jobs and investment into the borough and as NPPF advises this carries significant weight. The other uses would be ancillary to the main business use and help in creating a vibrant start-up business park. It is officer advice that the proposal is acceptable in principle and would accord with the advice in NPPF and policies S2.1, S2.2, DM2.3 and AS2.6. Members need to consider whether they agree.

7.17 Whether there are any sequentially preferable sites

7.18 NPPF paragraph 86 stipulates that local planning authorities should apply a sequential test to planning applications for main town centre uses, which are neither in an existing centre nor in accordance with an up-to-date plan. Main town centre uses should be located in town centres, then in edge of centre locations; and only if suitable sites are not available (or expected to become available within a reasonable period) should out of centre sites be considered.

7.19 Paragraph 90 of NPPF states that where an application fails to satisfy the sequential test it should be refused.

7.20 National Planning Practice Guidance (NPPG) advises that the application of the test will need to be proportionate and appropriate to any given proposal. NPPG also states that there is a requirement to demonstrate flexibility. If there are no suitably sequentially preferable locations, the sequential test is passed.

7.21 Policy DM3.4 'Assessment of Town Centre Uses' 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.

7.22 The proposed development would be designed to provide a high level of physical integration between the occupied units to provide an array of shared services, such as mentoring and business support, and shared facilities such as meeting rooms. The high level of integration fundamental to the function of the proposal makes it difficult to locate within existing town centre sites.

7.23 New River Ltd have submitted an objection to the proposal stating that they are broadly supportive of the proposal, however they do object to its location outside of the existing town centres, where they consider it may draw footfall away from the existing centres.

7.24 The applicant has submitted a revised Sequential Assessment discounting sites within the Wallsend, North Shields, Killingworth and Whitley Bay town centres. The applicant states that they require the following:

- Total site size approx. 8,100sqm including car parking.
- A developable area of 2,500-3,000 sqm
- Direct vehicle access.
- Independent car parking.
- Retail, leisure and offices with independent access.
- Delivery loading area.

7.25 The applicant has given an approximate size of the required development as 8,000sqm with 2,500-3,000sqm in developable area, providing a total of breakdown of 2,636 sqm net floor space of the proposed uses.

7.26 The applicant is agreeable to a conditioning restricting the non B2 (office) and non A2 (financial and professional) to uses to maximum of 25% of the total net floor space of the development. This is so that the non-business uses remain ancillary to the development and do not adversely affect the borough's town centres.

7.27 It is noted that the proposal contains 142 square metres of D2 (assembly and leisure) to be used as a gym and shared rooms for meetings and training, to be used solely by the occupiers of the units and would be ancillary. A condition is recommended to secure this.

7.28 The applicant has carried out a sequential assessment and looked at the following town centres;

- North Shields;
- Wallsend;
- Whitley Bay; and
- Killingworth.

7.29 NPPG does state that there is a requirement to demonstrate flexibility. NPPG also states that promoting new development on town centre locations can be more expensive and complicated than building elsewhere and that local planning authorities need to be realistic and flexible in applying the test. The applicant states that with its proposal there is a specific requirement for small starter units of a mixed nature with a critical massing. In order to create a vibrant business hub, it requires a specific massing and scale. Reducing its size would not provide this scale and hence would not be viable.

7.30 There are no sites within existing town centres, which are suitable, available and viable. Of the available sites identified none are large enough to be able to accommodate the proposed development and therefore are not suitable. The Council's Regeneration Team has specifically asked for the applicant to consider Elton Road in Wallsend. However, this site is also not large enough and therefore is not suitable.

7.31 The applicant has looked at whether the scheme can be split into smaller parts (disaggregation). The applicant has considered this, but states that the viability of the scheme is subject to the scale and massing of the mix of uses

coming together to form a cohesive business park. Therefore whilst in principle the individual units could be accommodated within existing town centres, the whole of the development could not. Therefore it is officer advice that the sequential test is passed.

7.32 Subject to conditions to ensure that the non-business uses remain ancillary to protect the existing town centres it is officer advice that the proposal would comply with the advice in NPPF, NPPG and policies S1.1, DM1.3, S5.1, S2.2 and DM3.4 of the North Tyneside Local Plan 2017. Members need to consider whether they agree.

7.33 Impact on the character and appearance of the site and the surrounding area

7.34 NPPF paragraph 127 states that planning decisions should ensure that developments amongst other matters will function well and add to the overall quality of the area, not just for the short term, but over the lifetime of the development

7.35 Paragraph 130 of NPPF states that permission should be refused for development of poor design that fails take the opportunities for improving the character and quality of an area and the way it functions, taking into account any local design standards or style guides in plans or supplementary planning documents.

7.36 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.

7.37 The Council has produced an SPD on design quality. It states that the Council will encourage innovation in 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 also states that all new buildings should be proportioned to have a well-balanced and attractive external appearance.

7.38 The application is outline with all matters including appearance reserved for subsequent approval. However, an objection has been received on the ground that the character of the shipping container design would be out of keeping with the surrounding area, particularly relating to the existing Cobalt Business Exchange offices and the car dealerships to the north.

7.39 Further concerns have been raised with the quality and longevity of the proposed build, particularly relating to similar developments within Newcastle and Sunderland which have temporary planning permissions. The applicant has advised that the proposed containers are modular and can be treated with a number of different finishes and that the intention is to provide a high quality, permanent finish. They have also said that the buildings would be fully compliant with Building Regulations. The applicant has said that a temporary planning permission would render the scheme unviable, as they would not be

able to secure the necessary investment and that a higher quality scheme would be delivered by a permanent planning permission.

7.40 The concerns of the applicant are acknowledged; the proposed design and indicative appearance is of a different character to the Vertu car show room with its curved roof, however the Aston Martin showroom, Jaguar Landrover showroom and Cobalt Business Exchange offices are large, flat-roofed, grey-clad squared buildings with large sections of glazing. It is the view of the case officer that the design of the proposal could be adequately controlled by the reserved matters application.

7.41 It is officer advice that the proposal would comply with paragraphs 124 and 127 of the NPPF and policy DM6.1 of the North Tyneside Local Plan 2017.

7.42 Impact on the amenity of surrounding occupiers

7.43 Policy S1.4 'General Development Principles' 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:

- a. Contribute to the mitigation of the likely effects of climate change, taking full account of flood risk, water supply and demand and where appropriate coastal change;
- b. Be acceptable in terms of their impact upon local amenity for new or existing residents and businesses, adjoining premises and land uses;
- c. Make the most effective and efficient use of available land;
- d. Have regard to and address any identified impacts of a proposal upon the Borough's heritage assets, built and natural environment; and,
- e. Be accommodated by, and make best use of, existing facilities and infrastructure, particularly in encouraging accessibility and walking, cycling and public transport, whilst making appropriate provision for new or additional infrastructure requirements

7.44 Policy DM2.3 states that proposals on identified employment land or other buildings in use-class B1, B2 or B8, for uses that could conflict with the development and regeneration of sites for economic development, will be permitted where these proposals would not amongst other matters have an adverse impact upon the amenity and operation of neighbouring properties and businesses.

7.45 Policy DM5.19 states that development proposals that may cause pollution either individually or cumulatively will be required to incorporate measures to reduce their pollution so as not to cause nuisance or unacceptable impacts on the environment.

7.46 An objection has been received on the grounds of amenity to the neighbouring occupiers, raising particular concerns regarding the proposed late night A3 and A4 uses, which the applicant has given a 2300hrs closing time. The objector raises concerns that the late night uses would have a detrimental impact

on the amenities of the adjoining occupiers, due to noise and litter, with further concerns are raised for the security concerns of the surrounding properties. Due to these potential impacts the objector questions the whether the business park is an appropriate area for drinking establishments.

7.47 While the development has the potential to impact on the amenities of the neighbouring occupiers these are not residential and therefore cannot reasonably expect the same level of amenity that would normally be found in a quite residential area. There is a drinking establishment within the Village Hotel within the Cobalt Business Park and therefore a principle of a drink establishment as an ancillary use has been established.

7.48 The Manager of Environmental Health (Pollution) has stated that they have no objection to the principle of the development; however they do have concerns regarding the potential impact of noise and light during the construction and operation of the development. As such, the Environmental Health (Pollution) team have requested a series of conditions to avoid any adverse impacts.

7.49 It is officer advice that subject to conditions the proposal would avoid adverse impacts upon neighbouring occupiers and would comply with the advice in NPPF and policies S1.4 and DM2.3 of the North Tyneside Local Plan 2017.

7.50 Impact on biodiversity

7.51 Paragraph 170 of NPPF states that decisions should minimise impacts on and provide net gains for biodiversity.

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

7.53 Policy S5.4 'Biodiversity and Geodiversity' states the Borough's biodiversity and geodiversity resources will be protected, created, enhanced and managed having regard to their relative significance.

7.54 Policy DM5.5 'Managing effects on Biodiversity and Geodiversity' states all development proposals should amongst other matters protect the biodiversity and geodiversity value of land, protected and priority species and buildings and minimise fragmentation of habitats and wildlife links.

7.55 Policy DM5.7 Wildlife Corridors states that proposals within a wildlife corridor, as shown on the Policies Map, must protect and enhance the quality and connectivity of the wildlife corridor.

7.56 Policy DM5.9 'Trees, Woodland and Hedgerows' states that where it would not degrade other important habitats the Council will support strategies and proposals that protect and enhance the overall condition and extent of trees, woodland and hedgerows in the Borough.

7.57 It is acknowledged that the original plans had structures sited within the existing landscaping buffer raising significant concerns from Landscape Architect and Biodiversity Officer regarding the potential impact of the proposal wildlife

corridor due to the loss of trees and habitat that the development would entail. The applicant has since submitted revised plans reducing the size of the development to ensure that all of the proposed buildings are located on the existing hard-surfacing and has submitted a Preliminary Ecological Appraisal.

7.58 The Preliminary Ecological Appraisal has investigated and assessed the application site in relation to the potential impact of the proposal on protected species and habitats.

7.59 The report has recommended working procedures, mitigation measures and compensation measures for nesting birds, great crested newts and bats. It is the recommendation of the case officer that conditions are attached to any approval to ensure that all the construction works are carried out in accordance with the avoidance and mitigation measures identified within the Preliminary Ecological Survey, including a restriction on vegetation clearance works, the great crested newt precautionary working method statement, and the submission of a bat sensitive lighting scheme.

7.60 The application would still require the removal of some ornamental planting within the existing car park to facilitate the proposal. An objection has been received on the lack of ecological information with the application and the potential impact on the biodiversity. While the loss of the planting within the car park is acknowledged, the loss of this vegetation would not result in the loss of wildlife links across the site, particularly due to the higher quality of the habitat and wildlife links surround the site. The re-siting of the proposal onto the hard-surfacing and conditions to ensure the ecological improvements in line with the Preliminary Ecological Survey would ensure that the Wildlife Corridor is adequately protected and improved in DM5.7 of the north Tyneside Local Plan 2017.

7.61 In addition to the mitigation measures, the Preliminary Ecological Survey has recommended a scheme of bird boxes, a replacement vegetation scheme and the installation bat boxes. The Landscape Architect and Biodiversity Officer do not object subject to conditions.

7.62 It is officer advice that with the mitigation measures identified within the Preliminary Ecological Survey subject to conditions the proposal would be acceptable in terms of biodiversity. As such it is the view of the case officer that proposal would comply with policies S5.4, DM5.5, and DM5.9 of the North Tyneside Local Plan 2017. Members need to consider whether they agree.

7.63 Impact on traffic and highway safety

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

7.65 Local Plan Policy DM7.4 'New Development and Transport' states 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:

7.66 Local Development Document (LDD) 12 'Transport and Highways' sets out the parking and cycle standards for new developments. With regards to this development the proposal would require 1No space per 50sqm of retail floor space; 1No space per 10sqm for public floor area plus 1No disabled space per 20No spaces for A3 and A4 uses; and 1No space per 30sqm and 1No disabled space per 20 spaces for B1 uses.

7.67 As the proposed development is an outline application with all matters reserved, the layout is not for consideration as part of this application. The final car and cycle parking, and electric vehicle charging points are to be finalised with any subsequent application for reserved matters, should Members be minded to approve this application.

7.68 The Highways Network Manager been consulted and raises no objection to the principle of the development based on the outline nature of the application and the submitted Transport Assessment and Framework Travel Plan. The Highways Network Manager has recommended several conditions to be handled through the reserved matters stage, including detailed car parking layouts and cycle parking provision in accordance with LDD12; a scheme for pedestrian and cycle links; a car parking management strategy; a scheme for the provision of electric vehicle charging point; a refuse management strategy; and the submission of full Travel Plan (notwithstanding the submitted Framework Travel Plan).

7.69 Having regard to the above, there are no objections to the application on transport or highways grounds, subject to the submission of suitable details at the reserved matters stage and the conditions requested by the Highways Network Manager. It is officer advice that the proposal complies with the advice in NPPF, policy DM7.4 and LDD 12: Transport and Highways SPD and Members need to consider whether they agree.

7.70 Other issues

7.71 Contaminated Land

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

7.73 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.

7.74 The application site falls within a Contaminated Land Buffer Zone however, the Contaminated Land Officer has raised no objection to the development. As such it is officer advice that if members are minded to approve the application, no conditions area required in relation to contaminated land or land stability.

7.75 Having regard to the above, it is officer advice that the proposal complies with policy DM5.18 of the Local Plan 2017.

7.76 Flooding

7.77 The National Planning Policy Framework states that when determining any planning applications, local planning authorities should ensure that flood risk is not increased elsewhere. Where appropriate, applications should be supported by a site-specific flood-risk assessment.

7.78 Policy DM5.12 of the Local Plan states that all major developments will be required to demonstrate that flood risk does not increase as a result of the development proposed, and that options have been undertaken to reduce overall flood risk from all sources, taking into account the impact of climate change over its lifetime.

7.79 Policy DM5.14 states that applicants will be required to show, with evidence, they comply with the Defra technical standards for sustainable drainage systems (unless otherwise updated and/or superseded). On brownfield sites, surface water run off rates post development should be limited to a maximum of 50% of the flows discharged immediately prior to the development where appropriate and achievable. For greenfield sites, surface water run off post development must meet or exceed the infiltration capacity or the greenfield prior to development incorporating an allowance for climate change.

7.80 The site is an existing area of hardstanding car park, it would therefore not increase the amount of hardstanding. The site is within Flood Zone 1, which is the lowest risk. It is not within a Critical Drainage Area. The applicant has also stated that the proposal is not within 20m of a watercourse and would not increase the flood risk elsewhere. The surface water would be disposed of via the mains sewer.

7.81 Northumbrian Water has been consulted and do not object subject to a condition.

7.82 Subject to a condition, it is officer advice that the proposal would not have an adverse impact in terms of flooding and would accord with the advice in NPPF and policies DM5.12 and DM5.14. Members need to consider whether they agree.

7.83 Local Financial Considerations

7.84 Local financial considerations are defined as a grant or other financial assistance that has been, that will or that could be provided to a relevant authority by the Minister of the Crown (such as New Homes Bonus payments) or sums that a relevant authority has received, or will or could receive in payment of the Community Infrastructure Levy (CIL). The proposal would result in additional business rates being received by the Council and this is a benefit of this proposal.

7.85 S106 Contributions

7.86 Paragraph 54 of NPPF states that local planning authorities should consider whether otherwise unacceptable development could be made acceptable through

the use of conditions or planning obligations. Planning obligations should only be used where it is not possible to address unacceptable impacts through a planning condition.

7.87 Paragraph 56 of NPPF states that planning obligations must only be sought where they meet all of the following tests;

Necessary to make the development acceptable in planning terms;

Directly related to the development; and

Fairly and reasonably related in scale and kind to the development.

7.88 Paragraph 64 of NPPF expects affordable housing to be provided unless the proposed development provides specialist accommodation for a group of people with specific needs such as purpose built accommodation for the elderly. The housing would provide specialist accommodation and therefore there is no requirement to provide affordable housing.

7.89 Policy DM7.2 states that the Council is committed to enabling a viable and deliverable sustainable development. If the economic viability of a new development is such that it is not reasonably possible to make payments to fund all or part of the infrastructure required to support it, applicants will need to provide robust evidence of the viability of the proposal to demonstrate this. When determining the contributions required, consideration will be given to the application's overall conformity with the presumption in favour of sustainable development.

7.90 The Council's adopted SPD on Planning Obligations (2018) states that the Council takes a robust stance in relation to ensuring new development appropriately mitigates its impact on the physical, social and economic infrastructure of North Tyneside. Notwithstanding that, planning obligations should not place unreasonable demands upon developers, particularly in relation to the impact upon the economic viability of development. The Council will consider and engage with the applicants to identify appropriate solutions where matters of viability arise and require negotiation.

7.91 The Council's Employment and Training Manager has sought to secure employment and training opportunities. This can be secured via a condition. Subject to this condition, it is officer advice that the proposal would accord with the advice in the Planning Obligations SPD.

7.92 Conclusions

7.93 The application site is an existing car park, within an existing employment area. The site is allocated for employment use in the Local Plan and the proposal would be in accordance with its allocation. The proposal would secure additional economic growth and this carries significant weight. There are no sequentially preferable sites and therefore the sequential test is passed. The proposal would not have an adverse impact on biodiversity or highway safety. It is officer advice that that outline planning permission should be granted subject to conditions.

RECOMMENDATION: Application Permitted

Conditions/Reasons

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

- Application Forms
- Site Location Plan, Drawing No. EX-001 Rev A
- Revised Site Layout, Drawing No. DP-006 Rev A
- Sequential Assessment received 18th August 2019
- Schedule of Accommodation received 18th August 2019

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

2. Approval of the details of access, scale, layout, appearance and landscaping hereafter called the "reserve matters" shall be obtained from the Local Planning Authority before any development is commenced.

Reason: That your application is expressed to be an outline application only.

3. Application for approval, of reserve matters shall be made to the Local Planning Authority before the expiration of three years from the date of this permission. The development hereby permitted shall be begun before the expiration of two years from the date of the last of the reserve matters to be approved.

Reason: To comply with the requirements of Section 92 of the Town and Country Planning Act 1990.

4. Notwithstanding the detail contained within the application hereby approved, no more than 25% of the gross internal floor area of the development shall be used for purposes falling within Use Classes A1 (Retail), A3 (Food & Drink) or A4 (Drinking Establishments) of the Use Classes Order 1987 (as amended) unless an application for planning permission has first been submitted to and approved in writing by the Local Planning Authority.

Reason: To ensure the development does not give rise to levels of alternative uses in a location that would otherwise be unacceptable for higher levels of A1, A3 and A4 uses and which would be prejudicial to the vitality and viability of local town centres, in accordance with policy DM3.4 of the North Tyneside Local Plan 2017

5. Notwithstanding the requirements of Condition 4 no more than 12% of the gross internal floor area of the development hereby permitted shall be used for any use falling within Use Class A1 (Retail) of the Use Classes Order 1987 (as amended or any Order revoking or re-enacting that Order) unless an application for planning permission has first been submitted to and approved in writing by the Local Planning Authority.

Reason: To ensure the development does not give rise to levels of retail uses within the park in an area which would otherwise be unacceptable and would be prejudicial to the local retail economy, in accordance with Policy DM3.4 of the North Tyneside Local Plan 2017.

6. Notwithstanding the detail contained within the application hereby approved, no individual unit falling within Use Classes A1 (Retail), A3 (Food & Drink) and A4 (Drinking Establishments) of the Use Classes Order 1987 (as amended or any Order revoking or re-enacting that Order) shall have a gross internal floor area exceeding 29m² unless an application for planning permission has first been submitted to and approved in writing by the Local Planning Authority.

Reason: To ensure the development does not result in the creation of large retail units in an area which would otherwise be unacceptable and which would be prejudicial to the vitality and viability of local town centres, in accordance with Policy DM3.4 of the North Tyneside Local Plan 2017.

7. Notwithstanding the detail contained within the application hereby approved, no more than 6% of the gross internal floor area of the development shall be set aside for uses falling within Classes D1 (Non-Residential Institutions) or D2 (Assembly & Leisure) of the Use Classes Order 1987 (as amended or any Order revoking or re-enacting that Order) unless an application for planning permission has first been submitted to and approved in writing by the Local Planning Authority. Any gym or leisure space, and any function or event space, falling within the above Use Class shall be reserved solely for use by the site owners, management and other persons employed at the site, tenants of the development, their employees and their visitors. Any gym and leisure facilities shall not be used, and shall not be made available for use, by members of the general public. Any function or event space shall not be made available for hire to the general public unless an application for planning permission has first been submitted to and approved in writing by the Local Planning Authority.

Reason: In the interests of highway safety to ensure the development does not generate significant additional traffic movements and to avoid the creation of leisure and business facilities for use by the general public in a location which would otherwise be unacceptable, in accordance with Policy DM3.4 of the North Tyneside Local Plan 2017.

8. Altered Access Access Alt Prior to Occ ACC01 *
5

9. No part of the development shall be occupied until an area has been laid out within the site for refuse vehicles to turn in accordance with details to be approved pursuant to condition 2 and that area shall not thereafter be used for any other purpose.

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

10. Construction Method Statement - Minor SIT006 *

11. No development above ground level shall take place until a detailed parking layout designed in accordance with LDD12 has been submitted to and approved in writing by 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 in accordance with policy DM7.4 of the North Tyneside Local Plan 2017.

12. No development above ground floor level shall commence until a scheme for the provision of Electric Vehicles (EV) charging points has been submitted to and approved in writing by the Local Planning Authority. Thereafter, this scheme shall be implemented in accordance with the approved details before any part of the development is first occupied.

Reason: In the interests of promoting sustainable transport in accordance with policy S7.3 of the North Tyneside Local Plan 2017.

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

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

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

Reason: In the interests of promoting sustainable transport in accordance with policy S7.3 of the North Tyneside Local Plan 2017.

15. No trees, shrubs or hedges within the site which are shown as being retained on the submitted plans shall be felled, uprooted, wilfully damaged or destroyed, cut back in anyway or removed during the development phase other than in any way or removed during the development phase other than in accordance with the approved plans or without the prior consent of the Local Planning Authority. Any trees, shrubs or hedges removed without such consent, or which die or become severely damaged or seriously diseased within three years from the completion of the development hereby permitted shall be replaced with trees, shrubs or hedge plants of a similar size and species until the Local Planning Authority give written consent to any variation.

Reason: In order to ensure the retention of trees and landscaping in accordance with policy DM5.9 of the North Tyneside Local Plan 2017

16. Prior to the commencement of any site clearance works there shall be submitted to the Local Planning Authority for their approval an Arboricultural Impact Assessment and Tree Protection Plan showing the type, height and position of protective fencing to be erected around each tree or tree group within or adjacent to and overhang the site to be retained. Unless otherwise agreed in writing by the Local Planning Authority this shall comprise a vertical and horizontal framework of scaffolding, well braced to resist impacts. No site clearance works or the development itself shall be commenced until a scheme is approved by the Local Planning Authority and thereafter the development hereby permitted shall only be carried out in accordance with that scheme. The area surrounding each tree group within the approved protective fencing shall be protected for the full duration of the development and shall not be removed or repositioned without the prior written approval of the Local Planning Authority.

Reason: This condition needs to be pre-commencement to ensure that suitable protective measures are in place to protect the trees that are to be retained and overhang the site in accordance with policy DM5.9 of the North Tyneside Local Plan 2017.

17. All works within the Root Protection Areas (RPA's) of the retained trees that include (but not limited to) kerb installation, fence post installation, lighting and drainage, are to be carried out in complete accordance with an Arboricultural Method Statement, BS 5837:2012 and the National Joint Utilities Group (NJUG) 'Guidelines for the Planning, Installation and the Maintenance of Utility Apparatus in Proximity to Trees.'

Reason: Reason: In order to ensure the retention of trees and landscaping in accordance with policy DM5.9 of the North Tyneside Local Plan 2017.

18. Within one month from the start on site of any operations such as site excavation works, site clearance (including site strip) for the development, a fully detailed landscape plan shall be submitted to and approved in writing by the Local Planning Authority. The Landscape Scheme shall include details of proposed timing of all new tree and shrub planting and ground preparation noting the species and sizes for all new plant species (replacement trees to be a minimum 12-14cm girth). All hard and soft landscape works shall be carried out in accordance with the approved details and to the standard in accordance with the relevant recommendations of British Standard 8545:2014. The works shall be carried out prior to the occupation of any part of the development or in accordance with the timetable agreed with the Local Planning Authority. Any trees or plants that, within a period of five years after planting are removed, die or become seriously damaged or defective, shall be replaced with others of species, size and number as originally approved by the end of the first planting season thereafter.

Reason: To ensure a satisfactory standard of landscaping in accordance with policy DM5.9 of the North Tyneside Local Plan 2017.

19. Prior to the 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. Lighting must be designed to minimise light spill and any adverse impacts on adjacent woodland, scrub, grassland and hedgerow habitats within or adjacent to the site. This shall include the following information:

- a. A statement of frequency of use, and the hours of illumination;
- b. 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;
- c. Details of the number, location and height or proposed lighting columns or other fixtures;
- d. The type number, mounting, height and alignment of the luminaries;
- e. The beam angles and upward waste ratio for each light;
- f. An isolux diagram showing the predicted luminance 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

g. Where necessary, the percentage increase in luminance and predicted luminance 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 biodiversity and neighbouring amenity in accordance with policies DM5.19 and DM5.5 of the North Tyneside Local Plan 2017.

20. A Great Crested Newt Working Method Statement shall be submitted to the Local Planning Authority for approval prior to works commencing on site. All works on site will be carried out in accordance with the approved plan.

Reason: This condition needs to be pre-commencement to ensure that adequate measures are in place to protect Great Crested Newt in accordance with policy DM5.5 of the North Tyneside Local Plan 2017.

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

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

22. No development above ground level shall take place until 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

23. No vegetation removal shall take place during the bird nesting season (March - August inclusive) unless a survey by a suitably qualified ecologist has confirmed the absence of nesting birds immediately prior to works commencing.

Reason: In the interests of biodiversity and in accordance with policy DM5.5 of the North Tyneside Local Plan 2017.

24. No development above ground level shall take place until details of any refrigeration plant to be installed in connection with the development have been submitted to and approved in writing by the Local Planning Authority. The plant shall thereafter only be installed in accordance with the approved details and permanently retained as such.

Reason: To 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.

25. No development above ground level shall take place until details of an odour suppression system for the arrestment of 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 and permanently retained.

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

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

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

27. Prior to the construction above ground floor level, a detailed scheme for the disposal of foul and surface water from the development hereby approved must be submitted to and approved in writing by the Local Planning Authority in consultation with Northumbrian Water and the Lead Local Flood Authority. Thereafter the development shall take place in accordance with the approved details.

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

28. The premises shall not be open for business outside the hours of 06:00 to 23:00 on any day.

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

29. No development above ground level shall commence until a detailed scheme for safe pedestrian and cycle links within the site and lining into the site access have been submitted to and approved in writing by the Local Planning Authority. Thereafter, this scheme shall be implemented in accordance with the approved details before any part of the development is first occupied.

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

30. Notwithstanding the approved details no business (business currently open/open within the last 12 months and trading/traded within a town centre as defined in the North Tyneside Local Plan 2017 within the administrative boundaries of North Tyneside) shall re-locate to the development hereby approved.

Reason: To prevent existing/former businesses from re-locating to the proposed new development in the interests of protecting the existing town centres of North Tyneside in accordance with policy S3.1 of the North Tyneside Local Plan 2017.

31. No development above ground floor level shall commence until 2 bat boxes (Schwegler 2F or similar) have been installed on two mature trees in the south west corner of the site. The bat boxes shall be maintained and retained thereafter.

Reason: In the interests of biodiversity in accordance with advice in National Planning Policy Framework (2019).

32. No part of the development shall be first occupied until 4 bird boxes (Schwegler 1SP Sparrow terrace nest boxes or similar) have been installed on the rear elevation of four of the two storey containers. They shall be maintained and retained thereafter.

Reason: In the interests of biodiversity in accordance with advice in National Planning Policy Framework (2019).

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

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

Informatives

No Doors Gates to Project Over Highways (I10)

Do Not Obstruct Highway Build Materials (I13)

Highway Inspection before dvlpt (I46)

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

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

The developer is advised to contact the Council's Public Rights of Way officer to discuss connectivity to the site and the surrounding Public Rights of Way Network.



Application reference: 19/00706/OUT

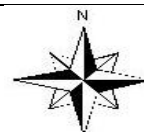
Location: Land To The Rear Of Cobalt Exchange, Abbey Road, Wallsend, Tyne And Wear

Proposal: Outline planning permission with all matters reserved for the siting of shipping containers to create a two storey mixed use development comprising of retail, restaurant/cafe, bars, office accommodation and event space including pop up market space, erection of stairs and lift, provision of external decking/walkways and refuse storage

Not to scale

Date: 22.08.2019

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Consultations/representations

Internal Consultees

1. Highways Network Manager

1.1 This application is an outline application with all matters reserved for the siting of shipping containers to create a two storey mixed use development comprising of retail, restaurant/cafe, bars, office accommodation & event space including pop up market space, erection of stairs & lift, provision of external decking/walkways & refuse storage.

1.2 The site had previous outline permission for the development of a car dealership and B1 office accommodation (06/03949/OUT). Whilst the car dealership was implemented, the office element of the development did not go ahead.

1.3 A Transport Assessment (TA) was submitted as part of the planning application that compared network peak trip rates with the previous permission compared with the current application. Given the reduction in office space and the replacement of the permitted office space with retails & leisure uses, the impact in network peaks is reduced. Furthermore there have been significant improvements to the network in the interim period including the major scheme at Silverlink Interchange, Silverlink Retail Park & Silverlink Point, Addington Drive, Middle Engine Lane & New York Way and Holystone Interchange to Silverlink North.

1.4 A Framework Travel Plan (TP) has also been submitted as part of the application. As the TP is at its early stages given the outline nature of the application, it will be developed as part of reserved matters and targets will be determined at that stage.

1.5 An indicative layout is included, but will be revisited as part of the reserved matters application.

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

1.7 Recommendation - Conditional Approval

1.8 Conditions:

ACC15 - Altered Access Access Alt Prior to Occ

ACC24 - Turning Areas: Laid out before Occ (OUT)

REF01 - Refuse Storage: Detail, Provide Before Occ

SIT06 - Construction Method Statement (Minor)

1.9 No development shall commence until a detailed parking layout designed in accordance with LDD12 has been 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

1.10 No development shall commence until a detailed scheme for safe pedestrian & cycle links within the site and linking into the site access have been 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.

1.11 No development shall commence until a scheme for the provision of secure undercover cycle storage has been 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 promoting sustainable transport.

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

Reason: In the interests of highway safety.

1.13 No development shall commence until a scheme for the provision of Electric Vehicles (EV) charging points has been 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 promoting sustainable transport.

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

Reason: In the interests of highway safety.

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

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

1.16 Informatives:

I10 - No Doors/Gates to Project over Highways

I13 - Don't obstruct Highway, Build Materials

I46 - Highway Inspection before dvlpt

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

1.18 Prior to the commencement of works and upon the completion of the development the developer shall contact the council's Public Rights of Way

Officer to enable a full inspection of the routes affected to be carried out. The developer will be responsible for the reinstatement of any damage to the network arising from the development.

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

2. Landscape Architect and Biodiversity Officer

2.1 There are significant woodland assets bordering the proposed development site along its eastern perimeter and within the existing car-parking bays, which currently provide important habitat areas for wildlife, which extend and contribute the bio-diversity and recreational balance of the overall wider area. These tree groups help serve, but also attenuate and mitigate, the views of the large car-parking areas and open aspect views associated with the adjacent business and retail environments.

2.2 The site is located within a wildlife corridor as defined by the Local Plan therefore the following policies apply:

S5.4 Biodiversity and Geodiversity

DM5.5 Managing effects on Biodiversity and Geodiversity

DM5.7 Wildlife Corridors

DM5.9 Trees, Woodland and Hedgerows

DM5.2 Protection of Green Infrastructure

2.3 However, any development proposal should meet the requirements of the NPPF in terms of providing a suitable landscape scheme that provides net gains for biodiversity (NPPF section 170) and provide opportunities to incorporate biodiversity improvements in and around developments (NPPF section 175)

2.4 A revised site plan has been submitted that shows that the development can be accommodated on the existing car park area, so the tree groups to the boundaries of the site will remain unharmed. Planting to the existing car park will be removed to accommodate the development comprising of ornamental trees and shrubs. The trees and shrubs, whilst ornamental, have a purpose by defining internal spaces therefore their removal is considered a loss in the context of the scheme. However, this loss can be mitigated with replacement planting as part of a landscape scheme and address the Local Plan policies. The request for an AIA is still required as this will define the type and location of the tree protective fencing which will be required to protect the tree groups to the boundary of the site. Therefore, whilst the principle of the development is acceptable the following conditions are to be applied:

2.5 No trees, shrubs or hedges within the site which are shown as being retained on the submitted plans shall be felled, uprooted, wilfully damaged or destroyed, cut back in any way or removed during the development phase other than in accordance with the approved plans or without the prior written consent of the Local Planning Authority. Any trees, shrubs or hedges removed without such consent, or which die or become severely damaged or seriously diseased within three years from the completion of the development hereby permitted shall be

replaced with trees, shrubs or hedge plants of similar size and species until the Local Planning Authority gives written consent to any variation.

2.6 Prior to the commencement of any site clearance works there shall be submitted to the Local Planning Authority for their approval an Arboricultural Impact Assessment and Tree Protection plan showing the type, height and position of protective fencing to be erected around each tree or tree group within or adjacent to and overhang the site to be retained. Unless otherwise agreed in writing by the Local Planning Authority this shall comprise a vertical and horizontal framework of scaffolding, well braced to resist impacts. No site clearance works or the development itself shall be commenced until such a scheme is approved by the Local Planning Authority and thereafter the development hereby permitted shall only be carried out in accordance with that scheme. The area surrounding each tree group within the approved protective fencing shall be protected for the full duration of the development and shall not be removed or repositioned without the prior written approval of the Local Planning Authority.

2.7 All works within the RPA of the retained trees that include (but not limited to) kerb installation, fence post installation, lighting and drainage, are to be carried out in complete accordance with an Arboricultural Method Statement, BS 5837:2012 and the National Joint Utilities Group (NJUG) 'Guidelines for the Planning, Installation and Maintenance of Utility Apparatus in Proximity To Trees.'

2.8 Within one month from the start on site of any operations such as site excavation works, site clearance (including site strip) for the development, a fully detailed landscape plan shall be submitted to and approved in writing by the Local Planning Authority. The landscape scheme shall include details and proposed timing of all new tree and shrub planting and ground preparation noting the species and sizes for all new plant species (replacement trees to be a minimum 12-14cm girth). All hard and soft landscape works shall be carried out in accordance with the approved details and to a standard in accordance with the relevant recommendations of British Standard 8545:2014. The works shall be carried out prior to the occupation of any part of the development or in accordance with the timetable agreed with the Local Planning Authority. Any trees or plants that, within a period of five years after planting, are removed, die or become seriously damaged or defective, shall be replaced with others of species, size and number as originally approved, by the end of the first available planting season thereafter.

2.9 No development will take place outside of car parking/hardstanding areas associated with this scheme. Adjacent grassland and tree/shrub areas will be retained and adequately protected as part of any works that are undertaken.

2.10 Prior to the 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. Lighting must be designed to minimise light spill and any adverse impacts on adjacent woodland, scrub, grassland and hedgerow habitats within or adjacent to the site. 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.

2.11 A Great Crested Newt Working Method Statement shall be submitted to the Local Planning Authority for approval prior to works commencing on site. All works on site will be carried out in accordance with the approved plan

2.12 No vegetation removal shall take place during the bird nesting season (March-August inclusive) unless a survey by a suitably qualified ecologist has confirmed the absence of nesting birds immediately prior to works commencing.

3. Regeneration and Economic Development

3.1 The Regeneration and Economic Development Team have assessed the planning submission for the Crate Park proposal at Cobalt Business Park and note the emphasis to provide cost effective, flexible, mixed use space for start ups utilising easy in / easy out leases, with the intention that the retail businesses locating there, will be offered business and mentoring support to grow and ultimately relocate to larger premises in the Boroughs town centres.

3.2 The potential investment in the 70 office units as part of the scheme is welcomed, and is seen as a positive addition for the businesses to be part of the wider Cobalt Business Park community.

3.3 The current economic climate is seen as a challenging time for North Tyneside's town centres and the Council have prioritised investment in the town centres through its Regeneration Strategy approved by Cabinet on the 26th November 2018. The Regeneration and Economic Development team aims to support any developments that will assist town centres to become more resilient, adaptable and vibrant places and resist developments which could have a negative impact upon them.

3.4 The sequential assessment submitted as part of the planning application is brief and does not appear robust as we consider it does not cover all of the available sites located in the Boroughs town centres.

3.5 It is noted that there has not been an attempt made to disaggregate the retail uses or to consider how these could be accommodated into our existing town

centres. North Shields and Wallsend in particular, have higher than the national vacancy rate of 11.5%, and 25 new retail businesses in these towns would add vibrancy and vitality to the offer in our towns.

3.6 If approved, we would request that the level of retail and food and drink uses provided as part of the development is kept below the 25% threshold as set out within planning policy, in order to minimise any negative impact upon the Boroughs town centres and particularly North Shields, being the closest of all the Boroughs centres.

3.7 We would also note that the quality of container type developments can vary significantly and that care will need to be taken by the developer to ensure that the design quality of the development reflects that of the wider Cobalt Business Park. These are not intended to be permanent installations and as such we would suggest that a condition be attached for temporary consent only and requiring the remediation of the site once the project ends. We would be particularly concerned if the project was not a success and was subsequently abandoned resulting in blight to wider Cobalt Business Park. This may also allow the potential impact on North Tyneside's town centres to be assessed once the development is operational.

3.8 A condition should be attached ensuring that all retail businesses locating to the Crate Park are start-ups only, so as not to pull retail uses from the Boroughs existing town centres.

3.9 Conditions should also be attached minimising external noise and music as well as relevant time restrictions on the operation of the site. The availability of public transport services from the site may not be good after 11pm, so thought needs to be given about dissipation of customers and transport provision in this respect.

4. Manager of Environmental Health (Pollution)

4.1 I have no objection in principle to the proposal. I have concerns regarding dust generation from construction, the potential impact from lighting and odour / noise nuisance from the units proposed for A3 / A4 use.

Therefore I recommend the attachment of the following conditions:

EPL01

EPL02

EPL03

EPL04

NOI002

LIG001

SIT007

5. Manager of Environmental Health (Contaminated Land Officer)

5.1 No objection.

External Consultees

6. Northumbrian Water Ltd

6.1 The planning application does not provide sufficient detail with regards to the management of foul and surface water from the development for Northumbrian

Water to be able to assess our capacity to treat the flows from the development. We would therefore request the following condition:

6.2 CONDITION:

Prior to construction above ground floor level, a detailed scheme for the disposal of foul and surface water from the development hereby approved must be submitted to and approved in writing by the Local Planning Authority in consultation with Northumbrian Water and the Lead Local Flood Authority. Thereafter the development shall take place in accordance with the approved details.

REASON:

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

Representations

2 letters of objection have been received raising the following issues;

7. Highbridge Properties

7.1 Barton Willmore are acting on behalf of our client Highbridge Properties, have submitted an objection statement on the following grounds:

7.2 The proposed development will only serve to reduce the amount of high-quality office space available within Cobalt Business Park, an employment area allocated to attract multi-national firms who want to choose high quality business park accommodation under Policy S2.1;

7.3 The application has not provided a coherent and up to date floorspace split against which the application can be assessed accurately against the Development Plan;

7.4 The proposed development, by virtue of the amount of non B1, B2 and B8 uses, is contrary to NTLP policy DM2.3, and it proposes incompatible uses within the Cobalt Business Park;

7.5 The sequential assessment of the town centres is inadequate and fails to full consider all available properties currently available;

7.6 The development, due to the amount of town centre uses proposed, would have a detrimental impact on the vitality and viability of town centres, particularly North Shields and Wallsend, where vacancy rates are significantly higher than the national average.

7.7 The supporting information admitting that the B1 office provision is required to make the retail provision viable;

7.8 The development, by virtue of its design, would not be in keeping with the locality, and neighbouring built form, and does not represent sustainable or high-quality design;

7.9 The proposed development would have a detrimental impact on the amenity of neighbouring uses, with significant impact through noise, air quality and security;

7.10 The application has failed to consider impacts on trees and protected species, which are material considerations in the determination of the application, with further information required to be provided in order to fully assess the development's impact.

8. New River

8.1 Objection – Out of keeping with the surrounding area.

8.2 We are wholly supportive of this sort of development but strongly feel that it should be in a town centre location with North Tyneside. North Shields and Wallsend are both in need of further regeneration initiatives to ensure the towns attract and retain new customers.

8.3 This exciting model of shipping containers being used for retail and leisure uses is an established and successful one hence it will attract people to visit it. Having it on a business park draws people, particularly younger people away from the existing town centres where they are badly needed. Finally public transport provision is greater in town centres thereby ensuring more people can enjoy the facility if it is centrally located.

North Tyneside Council

Report to Planning Committee

Date: 3 September 2019

ITEM 6

Title: Greymartins,
Backworth Lane,
Backworth Tree
Preservation Order 2019

Report from Directorate: Environment, Housing and Leisure

Report Author: Phil Scott Head of Environment, Housing and Leisure (Tel: 643 7295)

Wards affected: Valley

1.1 Purpose:

To consider the above Tree Preservation Order taking into account any representations received in respect of the Order.

1.2 Recommendation(s)

Members are requested to consider the representations to Greymartins, Backworth Lane, Backworth, Tree Preservation Order 2019 and confirm the Order.

1.3 Information

1.3.1 The Council was informed by the owners that they were considering felling a number of trees surrounding their property with an application to the Council (Appendix 1) due to their concerns of the tree causing damage to their property and in this case the Council decided to make a Tree Preservation Order (TPO) for the tree. The Order was served in April 2019 (Appendix 2).

1.3.2 One letter of objection has been received from the owners of the land shortly after they were notified of the Council's decision to serve a TPO on the tree (Appendix 3) and later reports were submitted on behalf of the owner by the company investigating claims of subsidence to the property, which included an overview of the works (Appendix 4), an arboricultural assessment (Appendix 5), a report on the roots that were found as part of the survey work (Appendix 6) a soils report (Appendix 7), a report that monitored the levels on site (Appendix 8) and a geotechnical report (Appendix 9).

1.3.3 Objections from the owner, Greymartins, Backworth, can be summarised as follows:
- The tree roots are causing damage to the house due to subsidence. Owner wishes to remove trees surrounding the house.

1.3.4 Additional reports submitted by Innovation Group on behalf of the owner (Appendix 4-9) can be summarised as follows:
- The pattern and type of cracking would suggest that the damage has resulted from subsidence of the site. The most likely cause of subsidence is the shrinkage of underlying soils due to seasonal variations in moisture content. This will have been exacerbated by the moisture extracted by the roots of nearby vegetation.
- It is most likely that stability will be regained once the vegetation has been removed or reduced.

1.3.5 The Council has responded, in consultation with the landscape architect (who has provided a full response in Appendix 10), to each of the main points:

- a) Clay soil shrinkage
- b) Justification of serving the TPO

a) Clay soil shrinkage

1.3.6 It is of the opinion and recommendation of the submitted reports that the current building movement is due to clay shrinkage but other factors in particular the drainage, has been discounted. A drainage investigation report was submitted with the original application that found the majority of drains surrounding the property being made from pitch fibre, which is generally wood fibre pipe impregnated with coal tar. This type of drainage was seen a cheaper alternative to clay pipes but subject to deformation and leaks, having a limited life and often collapsing, blocking the drain. The drainage report noted that many of the pipes are 'deformed'. In addition to this the drains run parallel to the rear building elevation and between the building and the tree groups with manholes set above ground level. The building is also elevated in part with access points to the building accessed via steps. At this stage no indication has been given as to any drainage repair work to be undertaken. It would be prudent to have the drains repaired in the first instance and then continue with the monitoring to assess if the situation alters.

1.3.7 Two boreholes (trial pits) have been dug on 5th December 2018. Both boreholes were taken to a depth of 800mm (TP/BH1) and 940mm (TP/BH2) below ground level and in both cases, tree roots were found. The plasticity index readings were between 27 and 31 for TP/BH1 and 27 to 30 for TP/BH2. Both these readings show the soil to be of medium volume change potential. Level monitoring information has been submitted with 3no level monitoring visit occurring in a 5 month period (12 months is a recommended monitoring period) so it has not been established if the damage is progressive and fluctuates with seasonal expansion and contraction of cracks according to moisture content of the soil. Evidence of such fluctuation could provide evidence that the tree is a significant influence particularly if works to repair the drains is undertaken.

1.3.8 Whilst the evidence submitted indicates that the influence of the adjacent trees may be a contributory factor, it is inconclusive and until such time that sufficient evidence is provided which clearly implicates the tree as having a significant role as a cause of structural damage to the property, the TPO should be confirmed.

b) Justification of serving the TPO

1.3.9 In serving a TPO, the trees must be able to show that protection would bring a reasonable degree of public benefit in the present or future. As defined by the government's National Planning Practice Guidance (NPPG) 'Tree Preservation Orders and trees in conservation areas' (2014) *'Amenity' is not defined in law, so authorities need to exercise judgment when deciding whether it is within their powers to make an Order. Orders should be used to protect selected trees and woodlands if their removal would have a significant negative impact on the local environment and its enjoyment by the public'* (Paragraph 7). To evaluate amenity, the TEMPO assessment (Tree Evaluation Method for Evaluating Preservation Orders) was used to assess the suitability of the trees for a TPO. This is a widely recognised and respected method of valuation which takes into account factors such as a tree's visibility to the public, its condition, age and remaining life-expectancy, its function within the landscape (such as screening development or industry), its wildlife or historic value and ultimately its importance to the local environment. Furthermore, the tree(s) usually need to be under an immediate or foreseeable threat to warrant protection.

- 1.3.10 With regard to the tree's visibility to the public, the trees need to be visible from public places, usually the public highway, footpaths and open spaces. In this case the trees are highly visible from a public highway and footpaths which surround the property. The trees have a commanding presence framing the back of the owner's property, creating continuous tree cover with the other mature trees in the area. Therefore, the trees are considered to have a high degree of visual prominence and make a significant contribution to the character and appearance of the local area.
- 1.3.11 The higher the amenity value of the trees, the greater the justification must be for their removal, with relevant information submitted to support its removal. Based on the size, health and prominence on the trees, it is considered that additional works could be carried out to justify their removal.
- 1.3.12 On the basis of the information submitted, the request to fell the trees are not supported for the following reasons:
- 1) The removal of the tree would have a negative impact on visual amenity, hence the TPO.
 - 2) Lack of examination of the alternative options to mitigate issues with drainage and prolonged testing of level monitoring and the soil testing to justify the links to the trees and not just seasonal variation.

Additional Guidance

- i. Confirming the TPO will not prevent any necessary tree work from being carried out but will ensure the regulation of any tree work to prevent unnecessary or damaging work from taking place that would have a detrimental impact on the amenity value, health and long term retention of the tree. If the owners/occupiers were concerned about the condition of the tree and require pruning works to be carried out, an application to the Council can be submitted as required by the TPO.

In order to maintain the setting of the conservation area, which is considered a designated heritage asset in the NPPF (2019), and recognised in Policy S6.5 and DM6.6 of the Local Plan (2017) it is important that the trees are protected.

S6.5 Heritage Assets

North Tyneside Council aims to pro-actively preserve, promote and enhance its heritage assets, and will do so by:

- a. Respecting the significance of assets.*
- b. Maximising opportunities to sustain and enhance the significance of heritage assets and their settings.*
- c. Targeting for improvements those heritage assets identified as at risk or vulnerable to risk.*
- d. Seeking and encouraging opportunities for heritage-led regeneration, including public realm schemes.*
- e. Supporting appropriate interpretation and promotion of the heritage assets.*
- f. Adding to and keeping up-to-date the Borough's heritage asset evidence base and guidance. Examples include conservation area character appraisals, conservation area boundary reviews, conservation area management strategies, conservation statements/plans, registers of listed and locally registered buildings, the historic environment record and buildings at risk registers.*
- g. Using the evidence it has gathered, implement the available tools to conserve heritage assets, such as Article 4 Directions and Building Preservation Notices.*

‘DM6.6 Protection, Preservation and Enhancement of Heritage Assets

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.

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.’

- ii. Protecting the trees with a TPO would be in accordance with the Councils adopted Local Plan policy DM5.9 Trees, Woodland and hedgerows, which states;

‘DM5.9 Trees, Woodland and Hedgerows: Where it would not degrade other important habitats the Council will support strategies and proposals that protect and enhance the overall condition and extent of trees, woodland and hedgerows in the borough and:

a) Protect and manage existing woodlands, trees, hedgerows and landscape features’

- iii. In accordance with the Town and Country Planning Act 1990 (as amended) the Authority considers it necessary to issue a Tree Preservation Order to maintain and safeguard the contribution made by this tree to the landscape and visual amenity of the area. The Tree Preservation Order was served on the owners and other relevant parties after it 4th April 2019. A copy of this original Order is attached as Appendix 2.
- iv. The Order must be confirmed by 3 October 2019 otherwise the Order will lapse and there will be nothing to prevent the removal of these trees.

Decision options:

- 1. To confirm the Tree Preservation Order with no modifications.
- 2. To confirm the Tree Preservation Order with modifications.
- 3. To not confirm the Tree Preservation Order.

Reasons for recommended option:

Option 1 is recommended. A Tree Preservation Order does not prevent the felling of trees, but it gives the Council control in order to protect trees which contribute to the general amenity of the surrounding area.

Appendices:

Appendix 1 – Initial TREECA application for works to the trees

Appendix 2 – Signed and sealed order of the Greymartins, Backworth Lane, Backworth, Tree Preservation Order 2019

Appendix 3 – Objection from owner to the TPO

Appendix 4 – Letter from Innovation Group on the conclusions of the survey works.

Appendix 5 – Arboricultural Assessment

Appendix 6 – Root Report

Appendix 7 – Soils Report

Appendix 8 – Level Monitoring Report

Appendix 9 – Geotechnical Report

Appendix 10 – Response from the Council landscape architect to the objection of the TPO

Contact officers:

Peter Slegg (Tel: 643 6308)

Background information:

The following background papers have been used in the compilation of this report and are available for inspection at the offices of the author:

1. Town and Country Planning Act 1990.
2. Planning Practice Guidance (As amended)
3. The Town and Country Planning (Tree Preservation) (England) Regulations 2012

Report author Peter Slegg



**Application for tree works: works to trees subject to a preservation order (TPO)
and/or notification of proposed works to trees in conservation areas (CA).**

Town and Country Planning Act 1990

Publication of planning applications on council websites

Please note that with the exception of applicant contact details and Certificates of Ownership, the information provided on this application form and in supporting documents may be published on the council's website.

If you have provided any other information as part of your application which falls within the definition of personal data under the Data Protection Act which you do not wish to be published on the council's website, please contact the council's planning department.

Please complete using block capitals and black ink.

It is important that you read the accompanying guidance notes as incorrect completion will delay the processing of your application.

1. Applicant Name and Address	2. Agent Name and Address
Title: Mrs First name: E	Title: Mr First name: Stuart
Last name: Thomson	Last name: Murray
Company (optional):	Company (optional): The Gosforth Tree Surgeon
Unit: House number: House suffix:	Unit: House number: 44 House suffix:
House name: Greymartins	House name:
Address 1: Backworth Lane	Address 1: Rothbury Ave
Address 2: Backworth	Address 2: Regent Farm Estate
Address 3: Newcastle	Address 3: Gosforth
Town:	Town: Newcastle upon Tyne
County:	County: Tyne & Wear
Country:	Country: UK
Postcode: NE27 0AL	Postcode: NE3 3HJ

Town and Country Planning Act 1990
The Council of the Borough of North Tyneside (Greymartins, Backworth Lane, Backworth) Tree Preservation Order 2019

The Council of the Borough of North Tyneside in exercise of the powers conferred on them by sections 198 of the Town and Country Planning Act 1990 hereby make the following Order—

Citation

1. This Order may be cited as the (Greymartins, Backworth Lane, Backworth) Tree Preservation Order 2019.

Interpretation

2. (1) In this Order “the authority” means the Council of the Borough of North Tyneside

(2) In this Order any reference to a numbered section is a reference to the section so numbered in the Town and Country Planning Act 1990 and any reference to a numbered regulation is a reference to the regulation so numbered in the Town and Country Planning (Tree Preservation)(England) Regulations 2012.

Effect

3.—(1) Subject to article 4, this Order takes effect provisionally on the date on which it is made.

(2) Without prejudice to subsection (7) of section 198 (power to make tree preservation orders) or subsection (1) of section 200 (tree preservation orders: Forestry Commissioners) and, subject to the exceptions in regulation 14, no person shall—

(a) cut down, top, lop, uproot, wilfully damage, or wilfully destroy; or

(b) cause or permit the cutting down, topping, lopping, wilful damage or wilful destruction of,

any tree specified in the Schedule to this Order except with the written consent of the authority in accordance with regulations 16 and 17, or of the Secretary of State in accordance with regulation 23, and, where such consent is given subject to conditions, in accordance with those conditions.

Application to trees to be planted pursuant to a condition

4.—In relation to any tree identified in the first column of the Schedule by the letter “C”, being a tree to be planted pursuant to a condition imposed under paragraph (a) of section 197 (planning permission to include appropriate provision for preservation and planting of trees), this Order takes effect as from the time when the tree is planted.

Dated this 4th day of April 2019

The Common Seal of the
Council of the Borough of North Tyneside
was affixed to this order in the presence of:



Chair of the Council

Authorised Signatory

TREE PRESERVATION ORDER 2019

GREYMARTINS, BACKWORTH LANE, BACKWORTH

SCHEDULE

The map referred to is at a scale of 1:500 and is based on an enlargement of the O.S. edition of sheet numbered NZ 3072. The area covered by the Order is on land at Greymartins, Backworth Lane, Backworth. The area is wholly within the Metropolitan Borough of North Tyneside in the County of Tyne and Wear.

Specification of trees

TREES SPECIFIED INDIVIDUALLY (encircled in black on the map)		
<i>Reference on map</i>	<i>Description</i>	<i>Situation</i>
None		

TREES SPECIFIED BY REFERENCE TO AN AREA (within a dotted black line on the map)		
<i>Reference on map</i>	<i>Description</i>	<i>Situation</i>
None		

GROUPS OF TREES (within a broken black line on the map)		
<i>Reference on map</i>	<i>Description</i>	<i>Situation</i>
G1	Group comprising of: 11no. Acer sp.	Located to the western and northern boundaries of the garden to Greymartins.
G2	Group comprising of: 1no Fraxinus sp. 1no Salix sp.	Located to the eastern boundary of the garden to Greymartins.

WOODLANDS (within a continuous black line on the map)		
<i>Reference on map</i>	<i>Description</i>	<i>Situation</i>
None		

Mr. D. Parkin

Grey Martin's
Backworth
Type - wear
NE 270AL
30.4.19

I wish to object to notice
of 4.4.19 regarding recent tree
Preservation order on my land.
Innovation Group are involved
and have sent their report
to you.

Yours Sincerely


02 November 2018

Mrs Ellen Thomson
Greymartin
backworth lane
Newcastle-Upon-Tyne
NE27 0AL

Dear Mrs Ellen Thomson

Our Reference: IFS-LBG-SUB-18-0079347

Following the recent inspection carried out at your property, I write to confirm matters.

Background

Property	Single storey detached property
Garage	Single - Attached
Conservatory/Extension	Utility extension at rear left side.
Outbuildings	
Number of Bedrooms	2
Date of Construction	Circa 1960
Date of Conservatory	
Purchased	01/01/1983
Policy Inception Date	11/07/2018
Damage First Noticed	01/07/2018
Claim Notified to Insurer	24/09/2018
Date of Inspection	02/11/2018
Adequacy of Sum Insured	Adequate

The Site

Topography	Front to Rear Downward Slope		
Adverse Features			
Drift Geology	Till		
Expected Ground Conditions	Clay		
Vegetation with the potential to influence the area of damage to the property:			
Type	Height (m)	Distance (m)	Owner
Deciduous	15	8	3rd party neighbour
Mixed Species Group	8	7	Policyholder
Mixed Species Group	8	5	policyholder

Damage relating to the claim

The damage is indicative of downward movement and rotational movement to the rear left and front right side, relative to the remainder of the building.

It is common practice to categorise the structural significance of the damage, in this instance the damage falls into category 3 and would be classified as moderate.

Category 0	Negligible	<0.1mm
Category 1	Very Slight	0.1 - 1mm
Category 2	Slight	>1 but <5mm
Category 3	Moderate	>5 but <15mm
Category 4	Severe	>15 but <25mm
Category 5	Very Severe	>25 mm

Cause

The pattern and type of cracking would suggest that the damage has resulted from subsidence of the site. The most likely cause of subsidence is the shrinkage of underlying soils due to seasonal variations in moisture content. This will have been exacerbated by the moisture extracted by the roots of nearby vegetation.

Policy Liability

Please note that there is a £1000 excess if the claim is accepted.

What will happen next

We will now arrange for site investigations to be carried out, to consider the claim further, please allow for up to two months for this to take place.

Remedial Work

It is most likely that stability will be regained once the vegetation has been removed or reduced. Once stability has been regained, we will agree how to settle your claim. It is possible that further damage may develop while mitigation is being arranged.

On simple claims (damage less than 5mm) once any necessary mitigation is complete we will settle your claim with a cash payment of £x (less the policy excess amount).

Further Advice

If you have any further queries then please contact us on 0330 380 1056 and ask for your Innovation Property Claims Partner - Manjula Panchal

Ulrich Schubert
Subsidence Specialist
Innovation Property - Subsidence Management Services

Arboricultural Consultancy for Lloyds Bank

Note: This report is intended for use between the client, Environmental Services and any parties detailed within the report. It is based on the understanding at the time of visiting the property that Engineers are satisfied that damage is attributable to clay shrinkage subsidence exacerbated by vegetation.

1. Case Details

Insured	Mrs Ellen Thomson	Address	Greymartin, Backworth Lane, Newcastle Upon Tyne, NE27 0AL		
Client	Subsidence Management Services	Contact	Manjula Panchal	Claim No.	IFS-LBG-SUB-18-0079347
ES Ref	SA-242385	Consultant	Will Rickerby	Contact No.	0330 380 1036
Report Date	15/01/2019				

Scope of Report: To survey the property and determine significant vegetation contributing to subsidence damage, make recommendation for remedial action and assess initial mitigation and recovery prospects. The survey does not make an assessment for decay or hazard evaluation.

2. Property and Damage Description

The insured structure is a 1 storey detached house. The property occupies a level site with no adverse topographical features. Damage was also noted throughout the property. Please refer to the engineers report for a full description of the claim history and damage.

3. Technical Reports

In preparing our report we have had the benefit of the following technical investigations:

Foundation Detail ☒ Root Analysis ☒ Borehole Log ☒
Engineers Report ☒

4. Action Plan

Mitigation		Treeworks	
Insured involved?	Yes	Local Authority	North Tyneside Metropolitan Borough Cncl
Local Authority involved?	No		
Other third party Mitigation involved?	Yes	TPO / Conservation Area / Planning Protection Searches	Insured: TPO and Conservation Area Adjacent & Adjoining properties: TPO and Conservation Area
Recovery		Additional Comments	
Is there a potential recovery action?	No	Awaiting Further Instructions.	

5. Technical Synopsis

This report is based upon our understanding at the time of visiting the property that Subsidence Management Services's engineers are satisfied that damage is due to clay shrinkage subsidence exacerbated by vegetation.

Foundations are noted to extend to depths below ambient soil drying and bear onto subsoil described and analysed within the Geotechnical and Soils Analysis reports as containing clay, thereby indicating the potential for the observed damage to be the result of clay shrinkage subsidence exacerbated by the influence of vegetation.

Site Investigations revealed the presence of roots in TP/BH1 and TP/BH2; samples of these roots were recovered from underside of foundations and throughout the borehole, these roots were identified (using anatomical analysis) as having emanated from the genus' Acer spp, Pomoideae group and Salix spp.

Acer spp. are Maples. Pomoideae group includes Apple, Cotoneaster, Hawthorn, Pear, Pyracantha, Quince, Rowan, Snowy mespilus and Whitebeam. Salix spp. are Willows.

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Functionally active roots deriving from 'a broadleaved species, too juvenile for positive identification' were also recovered (TP/BH1); notes within the root report suggests that these are possibly Ash.

We have therefore been instructed to advise on the causal vegetation and to deliver management proposals which will provide on-going and long term stability allowing repairs to be undertaken.

In assessing the potential drying influence of the vegetation on site, we have considered, in addition to the above, species profile, normally accepted influencing distance and the position of vegetation relative to the observed damage.

Our survey of the site identified T1 (Willow (Goat)) and TG1 (Mixed Species Group), given their position relative to the damage it is our opinion that the roots identified within TP/BH2 will emanate from this vegetation.

The Acer spp roots recovered within TP/BH1 will, on balance derive from the Acers (T3, T4, TG3 & TG4).

With regards to the broadleaved species roots (too juvenile for positive identification), it is our opinion that these will on balance derive from the Acer (T4)

With regards to the Pomoideae group roots, it is our opinion that these roots will emanate from minor vegetation located proximate to site of TP/BH1. Given the size / proximity of additional vegetation and the extent of the observed movement, we do not consider that any onsite members of the Pomoideae group represent a material consideration in the current subsidence event.

However, whilst not positively implicated by root analysis, given its size and proximity, TG5 (Acer) cannot be discounted as contributing to the overall level of soil drying proximate to the area of damage and is therefore also considered to retain a contributory influence.

The size and proximity of this vegetation is consistent with the location of damage and advised mechanism of movement.

Considering engineers conclusions, results of site investigations and our observations on site, vegetation management is considered appropriate with a view to restoring stability.

Please refer to Section 6 for management prescriptions.

In order to mitigate the current damage and allow soils beneath the property to recover to a position such that an effective engineering repair solution can be implemented we recommend a program of management as listed by this report.

Vegetation management in the form of selective removal and appropriate stump treatment will help to promote the restoration of long-term stability to the insured property; pruning alone should not be considered as representing an effective or reliable long-term alternative solution given the size and proximity of the vegetation.

Pruning in isolation is generally ineffective and in the context of the current claim we consider the above vegetation is simply too large and/or close for pruning to be effective.

Removal of TG1 (Mixed species Group), T1 (Willow), T2 (Ash), T3 (Acer), T4 (Acer), TG3 (Mixed Species Group), TG4 (Acer) and TG5 (Acer) will offer the most certain and reliable arboricultural solution likely to restore long-term stability.

We recommend the efficacy of the management recommendations be qualified by means of further monitoring to confirm stability.

Please note that the footing of the insured property fall within the anticipated rooting distance of additional vegetation which we believe presents a foreseeable risk of future damage and accordingly we have made recommendations in respect of this.

The extent of vegetation management required to restore and maintain long-term stability at this property is high and its impact acknowledged. However, we consider the impact on the wider public amenity from the proposed tree works is mitigated by the presence of further trees and the scope for replacement planting.

Whilst replacement planting is considered appropriate, due consideration must be given to the ultimate size of the replacement

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and future management requirements. Species selection should be appropriate for the chosen site and ultimate tree height should not exceed 75% of the available distance to built structures.

Is vegetation likely to be a contributory factor in the current damage?	Yes
Is vegetation management likely to contribute to the future stability of the property?	Yes
Is replacement planting considered appropriate?	Yes
Would DNA profiling be of assistance in this case?	No

6.0 Recommendations

6.1 Current Claim Requirements

These recommendations may be subject to review following additional site investigations.

Tree No.	Species	Age Cat	Approx. Height (m)	Distance to Building (m) *	Ownership	Action	Requirement
T1	Willow (Goat)	1	12.3	8.9	C - Insured	Remove	Remove close to ground level; do not treat stump due to translocation risk. Where such a risk exists, we advise that any emergent regrowth is removed annually.
T2	Ash	1	14.5	8.8	C - Insured	Remove	Remove close to ground level; do not treat stump due to translocation risk. Where such a risk exists, we advise that any emergent regrowth is removed annually.
T3	Acer	1	14	4.5	C - Insured	Remove	Remove close to ground level; do not treat stump due to translocation risk. Where such a risk exists, we advise that any emergent regrowth is removed annually.
T4	Acer	1	14	8	C - Insured	Remove	Remove close to ground level; do not treat stump due to translocation risk. Where such a risk exists, we advise that any emergent regrowth is removed annually.
TG1	Mixed Species Group: Species include: Hawthorn, Acer, Elder.	1	7	1.7	C - Insured	Remove	Remove close to ground level; do not treat stump due to translocation risk. Where such a risk exists, we advise that any emergent regrowth is removed annually.
TG3	Acer	1	14	7.3	C - Insured	Remove	Remove close to ground level; do not treat stump due to translocation risk. Where such a risk exists, we advise that any emergent regrowth is removed annually.
TG4	Acer	1	14	5.7	C - Insured	Remove	Remove close to ground level; do not treat stump due to translocation risk. Where such a risk exists, we advise that any emergent regrowth is removed annually.
TG5	Acer	1	14	5.2	C - Insured	Remove	Remove close to ground level; do not treat stump due to translocation risk. Where such a risk exists, we advise that any emergent regrowth is removed annually.

Age Cat: 1 = Younger than property; 2 = Similar age to the property; 3 = Significantly older than property

* Estimated

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6.2 Future Risk Recommendations

These recommendations may be subject to review following additional site investigations.

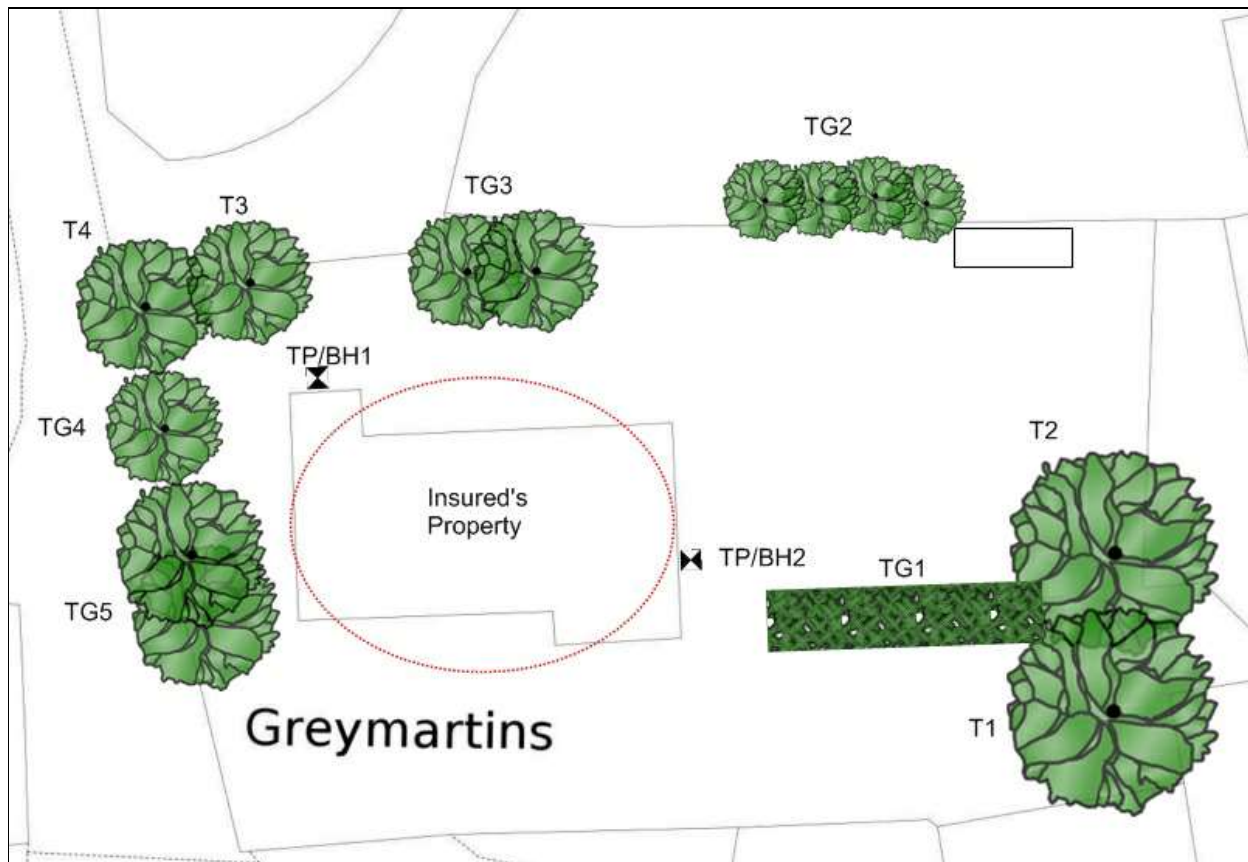
Tree No.	Species	Age Cat	Approx. Height (m)	Distance to Building (m) *	Ownership	Action	Requirement
TG2	Acer	1	14	7.6	A - Third Party	Action to avoid future risk	Do not allow to exceed current dimensions by way of regular pruning.

Age Cat: 1 = Younger than property; 2 = Similar age to the property; 3 = Significantly older than property

* Estimated

Third party property addresses should be treated as indicative only, should precise detail be required then Environmental Services can undertake Land Registry Searches

7. Site Plan



Please note that this plan is not to scale. OS Licence No. 100043218

8. Photographs



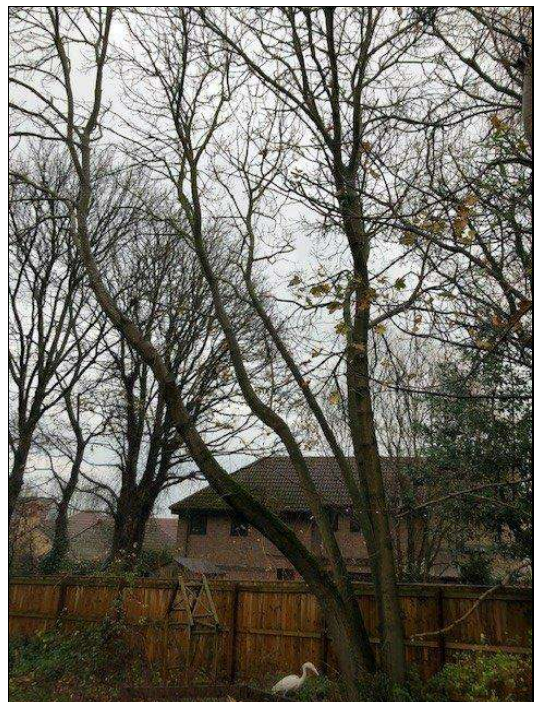
TG2- Acer



TG3 - Acer



TG1 - Mixed species



T2 - Ash

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TG3 - Acer



T4 - Acer



T1 - Willow



T3 - Acer

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Date: 15/01/2019

Property: Greymartin, Backworth Lane, Newcastle Upon Tyne, NE27 0AL

9. Tree Works Reserve - Does not include recommendations for future risk.

Insured Property Tree Works	£5000.00
Third Party Tree Works	£0.00
Provisional Sum	£0.00

- The above prices are based on works being performed as separate operations.
- The above is a reserve estimate only.
- Ownerships are assumed to be correct and as per Section 6.
- A fixed charge is made for Tree Preservation Order/Conservation Area searches unless charged by the Local Authority in which case it is cost plus 25%.
- Should tree works be prevented due to statutory protection then we will automatically proceed to seek consent for the works and Appeal to the Secretary of State if appropriate.
- All prices will be subject to V.A.T., which will be charged at the rate applying when the invoice is raised.
- Trees are removed as near as possible to ground level, stump and associated roots are not removed or included in the price.
- Where chemical application is made to stumps it cannot always be guaranteed that this will prevent future regrowth. Should this occur we would be pleased to provide advice to the insured on the best course of action available to them at that time. Where there is a risk to other trees of the same species due to root fusion, chemical control may not be appropriate.

10. Limitations

This report is an appraisal of vegetation influence on the property and is made on the understanding that that engineers suspect or have confirmed that vegetation is contributing to clay shrinkage subsidence, which is impacting upon the building. Recommendations for remedial tree works and future management are made to meet the primary objective of assisting in the restoration of stability to the property. In achieving this, it should be appreciated that recommendations may in some cases be contrary to best Arboricultural practice for tree pruning/management and is a necessary compromise between competing objectives.

Following tree surgery we recommended that the building be monitored to establish the effectiveness of the works in restoring stability.

The influence of trees on soils and building is dynamic and vegetation in close proximity to vulnerable structure should be inspected annually.

The statutory tree protection status as notified by the Local Authority was correct at the time of reporting. It should be noted however that this may be subject to change and we therefore advise that further checks with the Local Authority MUST be carried out prior to implementation of any tree works. Failure to do so can result in fines in excess of £20,000.

Our flagging of a possible recovery action is based on a broad approach that assume all third parties with vegetation contributing to the current claim have the potential for a recovery action (including domestic third parties). This way opportunities do not "fall through the net"; it is understood that domestic third parties with no prior knowledge may be difficult to recover against but that decision will be fully determined by the client.

A legal Duty of Care requires that all works specified in this report should be performed by qualified, arboricultural contractors who have been competency tested to determine their suitability for such works in line with Health & Safety Executive Guidelines. Additionally all works should be carried out according to British Standard 3998:2010 "Tree Work. Recommendations".

ROOT IDENTIFICATION

for Subsidence Management Services

Greymartin, Backworth Lane, Newcastle Upon Tyne, NE27 0AL

Client: Subsidence Management Services
Client Contact: Ulrich Schubert
Claim Number: 102124124
Client Reference: IFS-LBG-SUB-18-0079347
Policy Holder: Mrs Ellen Thomson
Report Date: 11 December 2018
Our Ref: R25509



Intec
Parc Menai, Bangor,
Gwynedd, North Wales
LL57 4FG
Tel: 01248 672652

Sub Sample	Species Identified		Root Diameter	Starch
TP/BH1:				
0.5-2.5m	<i>Acer</i> spp.	1	2 mm	Moderate
0.5-2.5m	Pomoideae gp.		<1 mm	Moderate
0.5-2.5m	broadleaved species, too juvenile for positive identification	2	<1 mm	Absent
TP/BH2:				
0.74-2.2m	<i>Acer</i> spp.	3	4 mm	Absent
0.74-2.2m	<i>Salix</i> spp. *	4	2 mm	Moderate

Comments:

- 1 - Plus 2 others also identified as *Acer* spp.
- 2 - Possibly *Fraxinus* spp. (ash).
- 3 - Very decayed.
- 4 - Plus 3 others also identified as *Salix* spp.

Acer spp. are maples, including sycamore, Norway maple, and Japanese maples.

Pomoideae gp include apple, cotoneaster, hawthorn, pear, pyracantha, quince, rowan, snowy mespil and whitebeam.

Salix spp. are willows.

* EPSL research has developed a unique ability to differentiate Willows from Poplars. No other laboratory in the UK can currently provide this service. We now offer this benefit at no extra cost.

Signed: G S Turner

Unless we are otherwise instructed in writing, the above sample material will normally be disposed of 6 years after the date of this report.

SOIL ANALYSIS

for Subsidence Management Services

Greymartin, Backworth Lane, Newcastle Upon Tyne, NE27 0AL

Client: Subsidence Management Services
Client Contact: Ulrich Schubert
Claim Number: 102124124
Policy Holder: Mrs Ellen Thomson
Report Date: 8 January 2019
Our Ref: C14581S43357
Laboratory Ref: L14696

Compiled By:

Checked By:

Date samples received: 10 December 2018
Moisture Content Test Date: 18 December 2018
Atterberg Limits Test Date: 7 January 2019
Oedometer Test Date: 4 January 2019

SubsNetuk



9265

Notes relating to soils testing

Unless otherwise stated, all soils testing was undertaken at Environmental Services' soils laboratory at unit 10H Maybrook Business Park, B76 1AL.

Soil samples have been prepared in accordance with BS1377:Part 1: 2016 Section 7

Descriptions of soil samples within the laboratory have been undertaken generally in accordance with BS5930:2015

Following the issue of this soil analysis report, samples will be retained for 1 month should additional testing, or referencing, be required. It should be noted that any tests undertaken on soils retained subsequent to the issue of this report may not give an accurate indication of the in-situ conditions of the sample.

Natural Moisture Content Tests are undertaken in accordance with ISO 17892:Part 1:2014

The Liquid Limit test is undertaken in accordance with BS1377:Part 2:1990 Section 4.4

The Plastic Limit test and the determination of the Plasticity Index is undertaken in accordance with BS1377:Part 2:1990 Section 5

This Soil Analysis Report may not be reproduced, in part or in full, without written approval of the laboratory.

Note

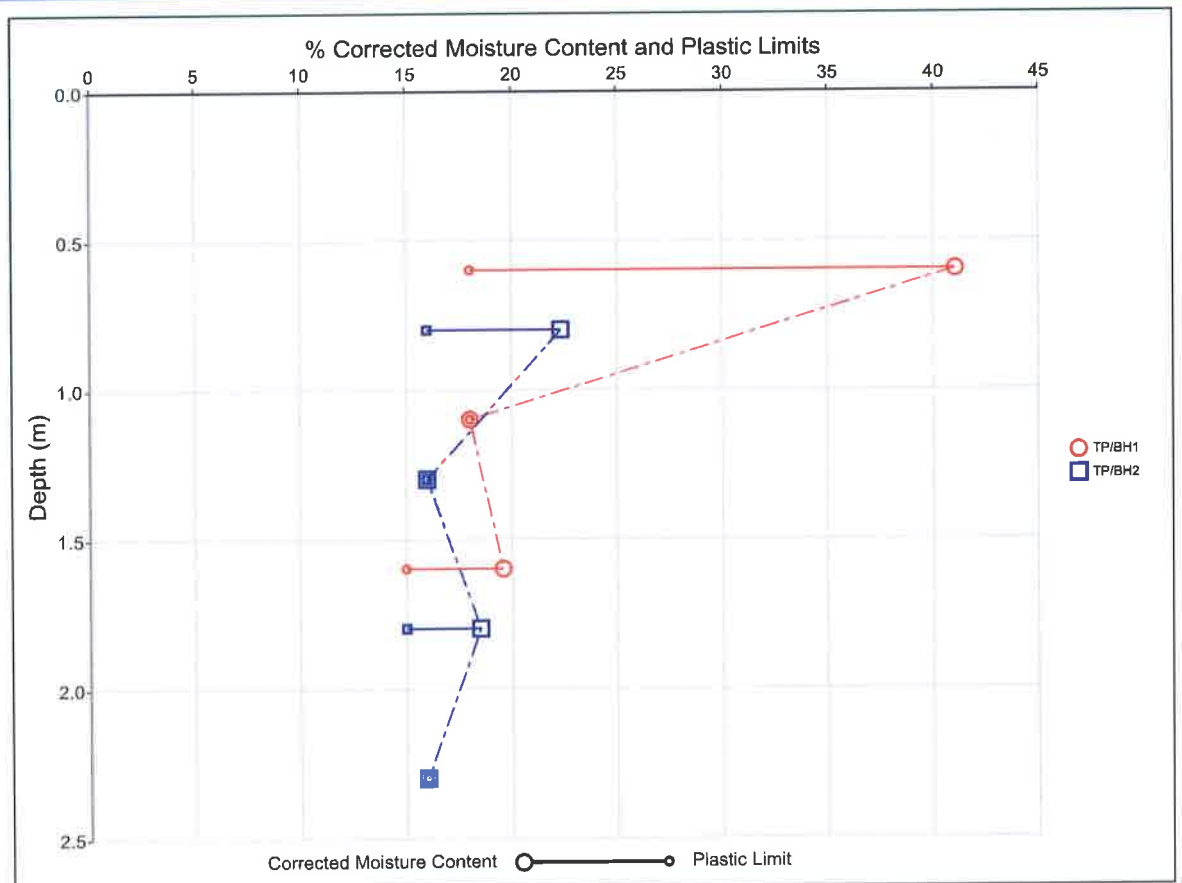
Where appropriate moisture contents have been corrected to demonstrate the equivalent moisture content following the sample being passed through a .425 mm sieve for comparison with the Liquid & Plastic Limit. Where this is not available, uncorrected moisture contents have been used in the graph on the following page.

Deviations to testing schedule:

All testing has been undertaken in line with the soils testing schedule provided

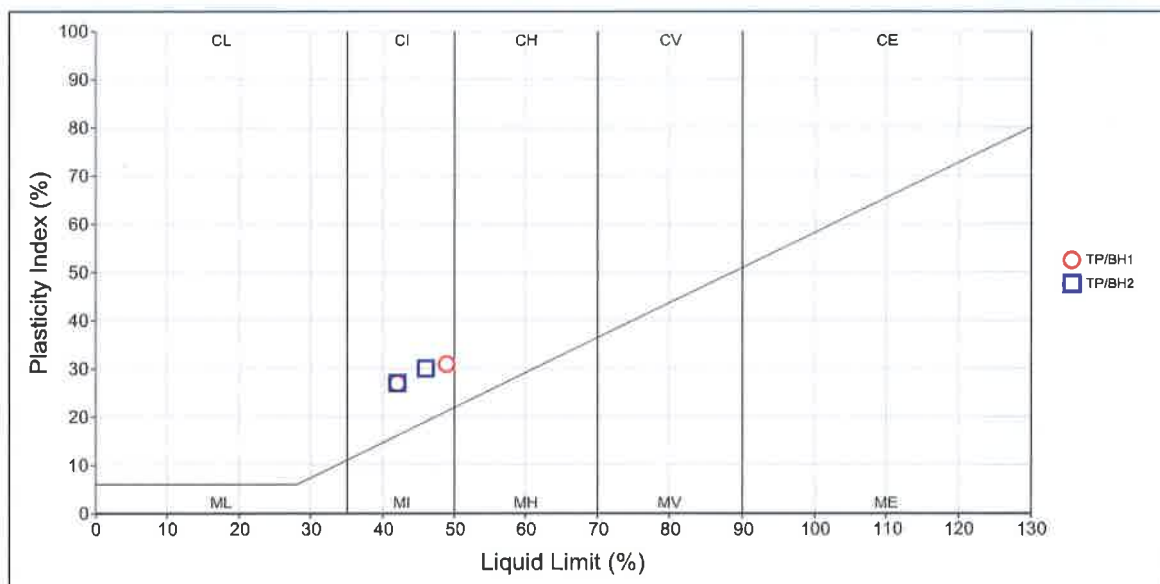
Lab Ref	Depth (m)	MC (%)	Corr MC (%)	LL (%)	PL (%)	PI (%)	% Passing .425mm
Samples from TP/BH1							
001	0.60	23	41	49	18	31	56
002	1.10	18					
003	1.60	19	20	42	15	27	97
Samples from TP/BH2							
004	0.80	21	22	46	16	30	94
005	1.30	16					
006	1.80	17	18	42	15	27	92
007	2.30	16					

Corrected Moisture Content and Plastic Limits Graph



Lab Ref	Depth (m)	Description	BS:5930	NHBC Chapter 4.2
Samples from TP/BH1				
001	0.60	Moist dark brown slightly gravelly slightly clayey ORGANIC MATERIAL with rare brick fragments. Gravel is fine and medium.	CI	Medium
002	1.10	Very stiff brown/orange-brown/grey-brown/dark brown slightly sandy slightly silty CLAY with rare gravel and brick fragments. Gravel is fine and medium.		
003	1.60	Firm to stiff brown/orange-brown/grey-brown/dark brown slightly silty CLAY with rare gravel, sand and brick fragments. Gravel is fine and medium.	CI	Medium
Samples from TP/BH2				
004	0.80	Firm to stiff brown/orange-brown/grey-brown/dark brown slightly silty CLAY with rare gravel, sand and brick fragments. Gravel is fine and medium.	CI	Medium
005	1.30	Stiff brown/orange-brown/grey-brown/dark brown slightly silty CLAY with rare gravel, sand and brick fragments. Gravel is fine and medium.		
006	1.80	Stiff brown/orange-brown/grey-brown/dark brown slightly silty CLAY with rare gravel, sand and brick fragments. Gravel is fine and medium.	CI	Medium
007	2.30	Stiff brown/orange-brown/grey-brown/dark brown silty CLAY with rare gravel, sand and brick fragments. Gravel is fine, medium and coarse.		

Plasticity Chart for Casagrande Classification

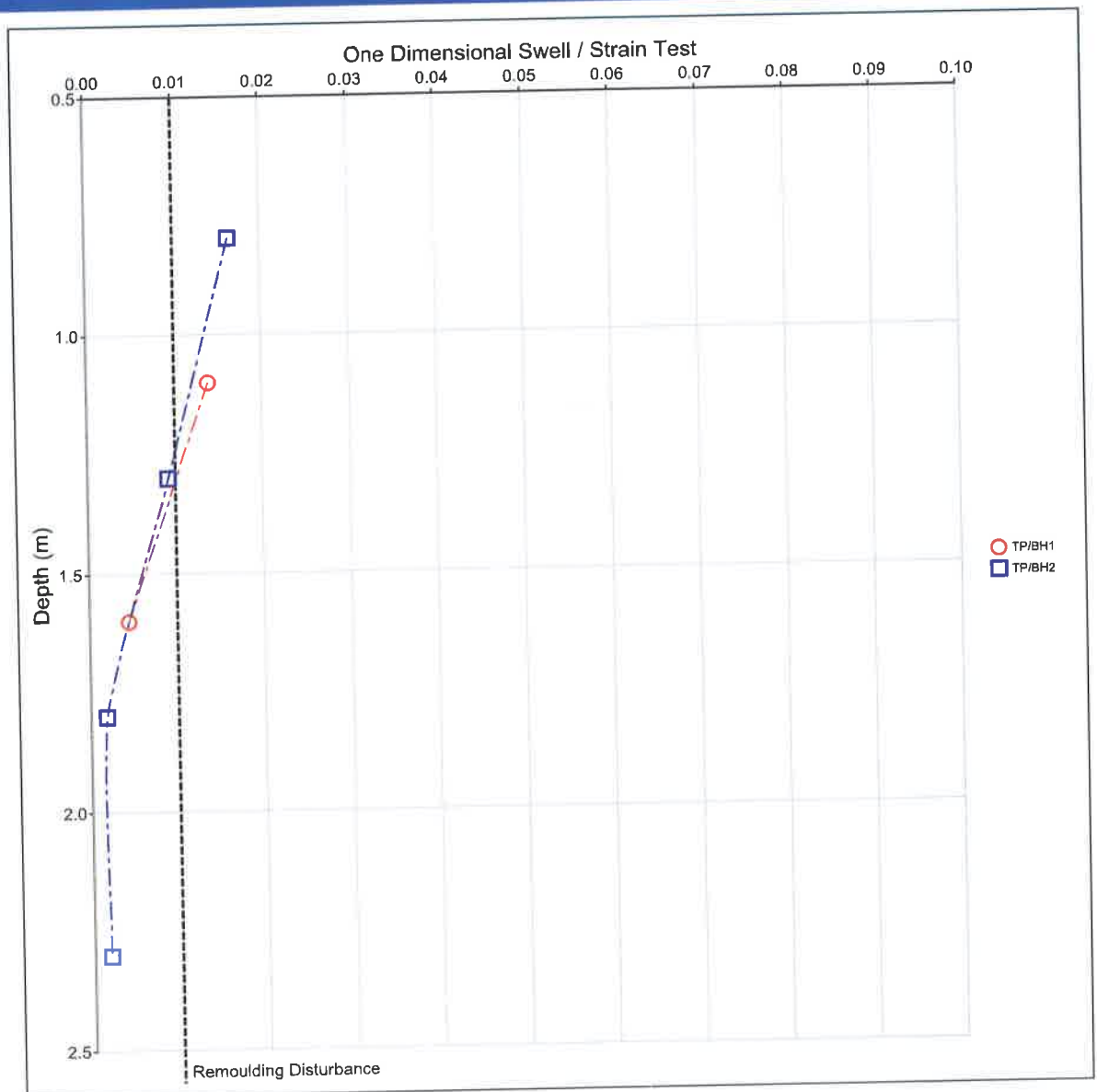


Summary of Oedometer Testing

Lab Ref	Depth (m)	Strain	Dd (mm)	Remarks
Samples from TP/BH1				
002	1.10	0.0140	7.7	
003	1.60	0.0045	1.1	
Samples from TP/BH2				
004	0.80	0.0164	6.6	
005	1.30	0.0092	2.3	
006	1.80	0.0019	0.5	
007	2.30	0.0020	0.5	

TP/BH1 Dd Total: 8.8mm
TP/BH2 Dd Total: 9.9mm

Oedometer Strain



References and Interpretation

The following provides a brief interpretation of the test results by comparison of the results to published classifications. The Atterberg Limit test may be used to classify the plasticity of soils; the plasticity classes defined in BS5930:1999 "Code of Practice for Site Investigations" are as follows.

CL (ML)	CLAY and CLAY/SILT of Low plasticity
CI (MI)	CLAY and CLAY/SILT of Intermediate plasticity
CH (MH)	CLAY and CLAY/SILT of High plasticity
CV (MV)	CLAY and CLAY/SILT of Very High plasticity
CE (ME)	CLAY and CLAY/SILT of Extremely High plasticity
O	The letter O is added to prefixes to symbolise a significant proportion of organic matter.
NP	Non-plastic

The Plasticity Index (PI) Result obtained from the Atterberg Limit tests may also be used to classify the potential for volume change of fine soils, in accordance with the National House Building Council's standards - Chapter 4.2 (2003) "Building Near Trees", as summarised below.

Modified PI < 10	Non Classified.
Modified PI = 10 to <20	Low volume change potential.
Modified PI = 20 to <40	Medium volume change potential.
Modified PI = 40 or greater	High volume change potential.

The 2003 edition of Chapter 4.2 also permits use of the Plasticity Index without modification. The classifications for this are grouped by soil type (soils with similar visual soils description and using unmodified Plasticity Indices.

LEVEL MONITORING

for Subsidence Management Services

Greymartin, Backworth Lane, Newcastle Upon Tyne, NE27 0AL

Client:	Subsidence Management Services
Client Contact:	Ulrich Schubert
Claim Number:	102124124
Client Reference:	IFS-LBG-SUB-18-0079347
Policy Holder:	Mrs Ellen Thomson
Report Date:	15 April 2019
Our Ref:	M12327

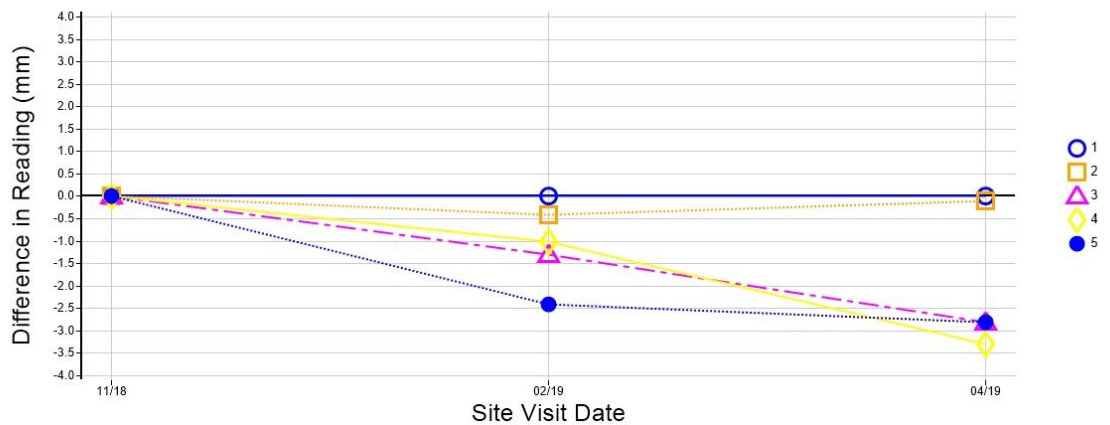
Level Monitoring Readings

The following table shows the reading levels of the various Level Monitoring Station points.

Date	1	2	3	4	5	6	7	8	9	10
26/11/2018	10.0000	9.9757	9.9212	9.8195	9.9870	9.4943	9.8712	9.9575	10.0464	10.0291
04/02/2019	10.0000	9.9753	9.9199	9.8185	9.9846	9.4927	9.8705	9.9564	10.0479	10.0281
08/04/2019	10.0000	9.9756	9.9184	9.8162	9.9842	9.4930	9.8703	9.9570	10.0500	10.0283

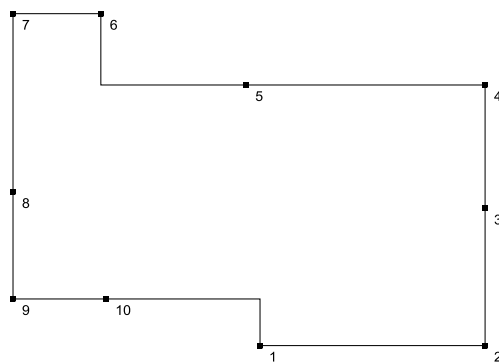
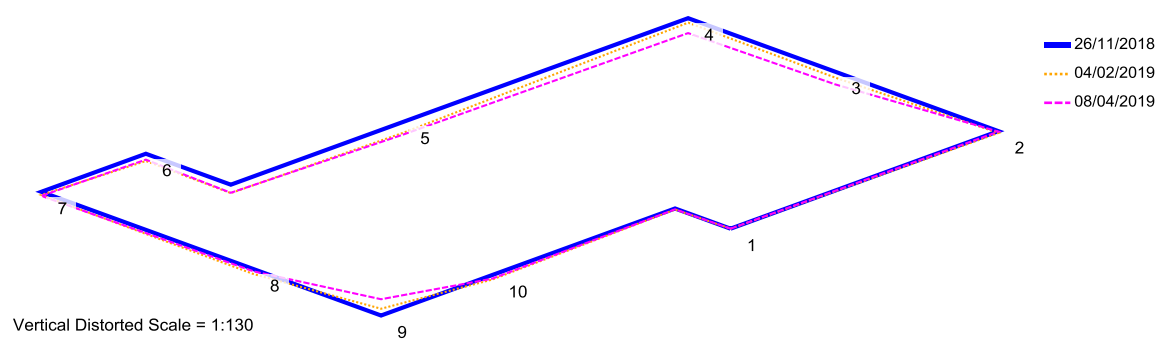
Level Monitoring Difference Graphs

The following graphs display the progressive movement that each Level Monitoring Station recorded at each separate site visit date to give an overall look at how much the property is moving.



Level Monitoring Displacement Map

The following image shows an isometric representation of the movement of the property, based on the Level Monitoring Stations that were installed.



FRONT

Site Visit Notes

Datum is level station 1, it has an assumed value of 10,0000m. No suitable remote datum, so no secondary TBM available. Technician has advised a deep datum may be required. Relative survey.

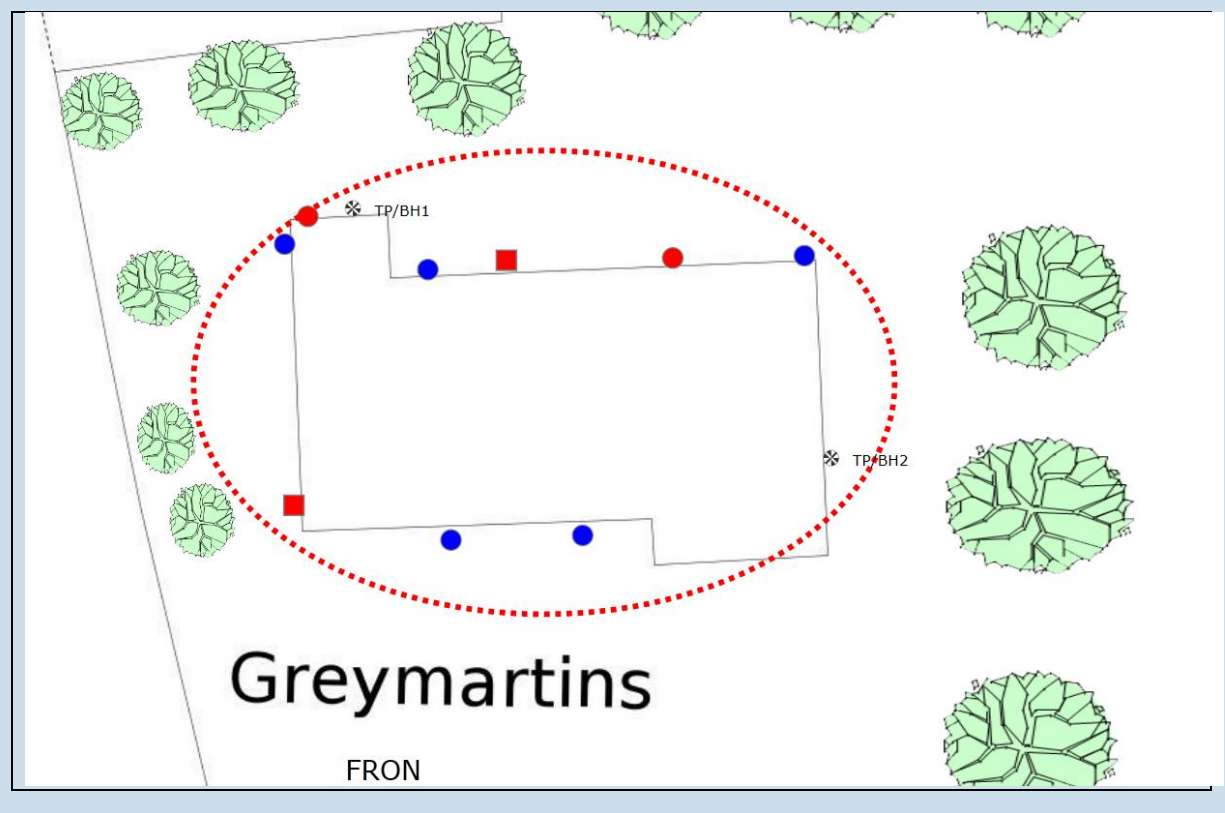
GEOTECHNICAL

for Subsidence Management Services

Greymartin, Backworth Lane, Newcastle upon Tyne, NE27 0AL

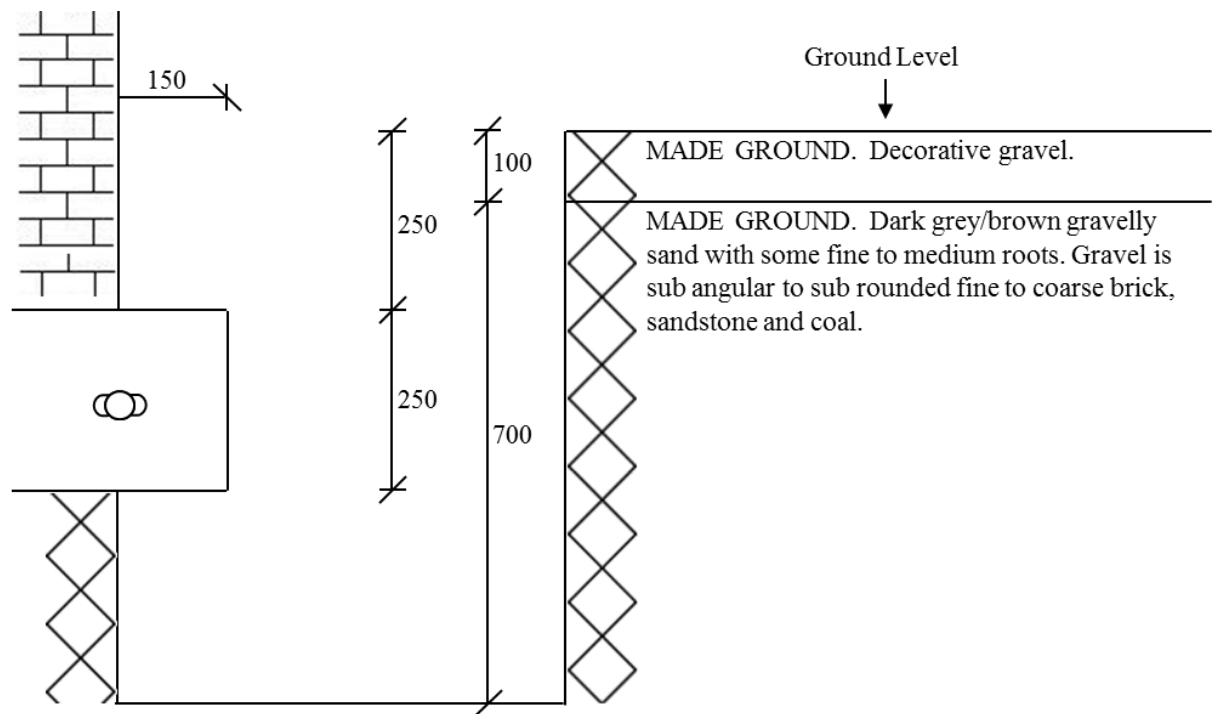
Client: Subsidence Management Services
Client Contact: U Schubert
Claim Number: IFS-LBG-SUB-18-0079347
Policy Holder: Thomson
Report Date: 12th December 2018
Our Ref: HH/18/62438

Site Plan



TP/BH02 moved due to the presence of electricity, relocation as instructed by the engineer.

TP/BH1 Foundation Detail



For strata information below 0.80m, please refer to borehole log TPBH1.

TP/BH1 Borehole Log

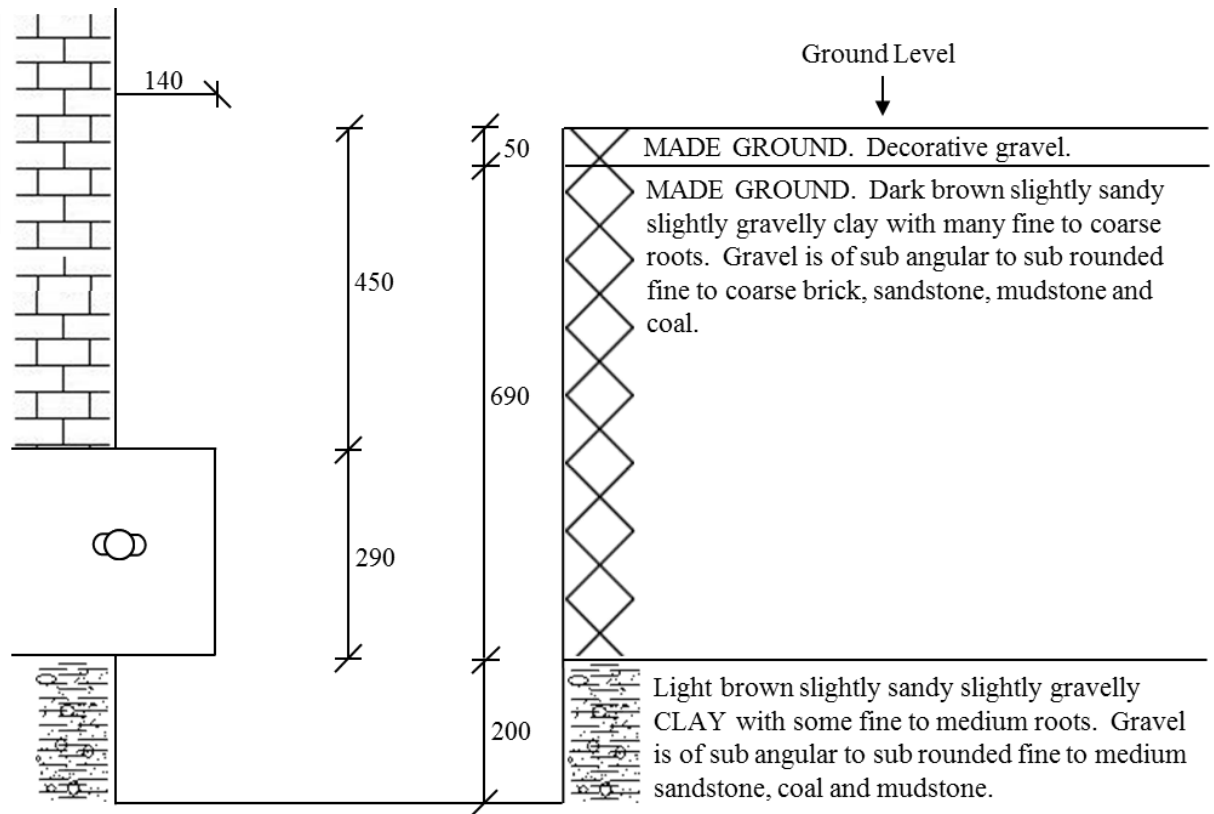
Location Greymartin, Backworth Lane, Newcastle Upon Tyne, NE27 0AL						BOREHOLE No TP/BH01	
Job No HH/18/62438		Date 05-12-18		Ground Level (m)		Co-Ordinates ()	
Client Environmental Services						Sheet 1 of 1	

SAMPLES & TESTS			Water	STRATA				Instrument/ Backfill
Depth	Type No	Test Result		Reduced Level	Legend	Depth (Thickness)	DESCRIPTION	
0.50-2.50	ROOTS B1					(0.80)	Trial pit. Base of foundation 0.5m.	
0.60						0.80		
1.10	HVB2	100kPa@1.1m				(0.90)	Dark brown slightly sandy slightly gravelly CLAY with few fine roots. (Mottled grey).	
1.60	HVB3	130kPa@1.6m				1.70		
						(0.20)	Light brown SANDSTONE cobble.	
						1.90		
						(0.60)	Orangish brown gravelly SAND. Gravel is of angular fine to coarse sandstone with very few fine roots.	
						2.50		

Boring Progress and Water Observations						Chiselling			Water Added		GENERAL REMARKS
Date	Time	Depth	Depth	Casing Dia. mm	Water Dpt	From	To	Hours	From	To	
											Borehole terminated at 2.5m as agreed with the engineer. Excavation remained open and dry on completion.

RE BH 62438.GPJ AUGUST 768.GPJ 7/12/18

TP/BH2 Foundation Detail



For strata information below 0.94m, please refer to borehole log TPBH2.

TP/BH2 Borehole Log

Location Greymartin, Backworth Lane, Newcastle Upon Tyne, NE27 0AL						BOREHOLE No TP/BH02	
Job No HH/18/62438		Date 05-12-18		Ground Level (m)		Co-Ordinates ()	
Client Environmental Services						Sheet 1 of 1	

SAMPLES & TESTS			Water	STRATA				Instrument/ Backfill
Depth	Type No	Test Result		Reduced Level	Legend	Depth (Thickness)	DESCRIPTION	
0.74-2.20 0.80	ROOTS HVB1	140kPa@0.8m				0.94	Trial pit. Base of foundation 0.74m.	
						0.94		
						(0.26)	Light brown slightly sandy slightly gravelly CLAY with some fine to medium roots. Gravel is of sub angular to sub rounded fine to medium sandstone, coal and mudstone.	
						1.20		
1.30	HVB2	150+kPa@1.3m				(0.80)	Dark brown slightly sandy slightly gravelly CLAY with some fine to medium roots. Gravel is of sub angular to sub rounded fine to medium sandstone, coal and mudstone.	
1.80	HVB3	150+kPa@1.8m				2.00		
						(0.40)	Light brown slightly sandy slightly gravelly CLAY. Gravel is of sub angular to sub rounded fine to medium sandstone.	
2.30	HVB4	140kPa@2.3m				2.40		
						2.50	SANDSTONE.	

Boring Progress and Water Observations						Chiselling			Water Added		GENERAL REMARKS
Date	Time	Depth	Casing Depth	Casing Dia. mm	Water Dpt	From	To	Hours	From	To	
											Borehole terminated at 2.5m as agreed with the engineer. Excavation remained open and dry on completion.

18 BH 62438 GPJ AUGUST 788 GPJ 7/12/18

Landscape Architect comment on objection to the TPO

The application is for the removal of a number of trees, supported by reports which implicate the trees in an occurrence of subsidence related damage to Greymartins Backworth. The following reports have been supplied which suggest the pattern and nature of the cracks is indicative of an episode of subsidence , and that the cause of the movement appears to be clay shrinkage.

- Arboricultural report
- Claim Assessment Report
- Geotechnical report
- Level monitoring report
- Soil analysis
- Root identification
- Drainage investigation report

It is of the opinion and recommendation of the submitted reports that the current building movement is due to clay shrinkage but other factors in particular the drainage, has been discounted. A drainage investigation report has been submitted and it is noted that the majority of drains surrounding the property are made from pitch fibre, which is generally wood fibre pipe impregnated with coal tar. This type of drainage was seen a cheaper alternative to clay pipes but are subject to deformation and leaks, have a limited life and often collapse blocking the drain run. It is noted in the report that many of the pipes are 'deformed'. In addition to this the drains run parallel to the rear building elevation and between the building and the tree groups with manholes set above ground level. The building is also elevated in part with access points to the building accessed via steps. At this stage no indication has been given as to any drainage repair work to be undertaken. It would be prudent to have the drains repaired in the first instance and then continue with the monitoring to assess if the situation alters.

Two boreholes (trial pits) have been dug on 5th December 2018. Both boreholes were taken to a depth of 800mm (TP/BH1) and 940mm (TP/BH2) below ground level and in both cases, tree roots were found. The plasticity index readings were between 27 and 31 for TP/BH1 and 27 to 30 for TP/BH2. Both these readings show the soil to be of medium volume change potential. Level monitoring information has been submitted with 3no level monitoring visit occurring in a 5 month period (12 months is a recommended monitoring period) so it has not been established if the damage is progressive and fluctuates with seasonal expansion and contraction of cracks according to moisture content of the soil. Evidence of such fluctuation could provide evidence that the tree is a significant influence particularly if works to repair the drains is undertaken.

Whilst the evidence submitted indicates that the influence of the adjacent trees may be a contributory factor, it is inconclusive and until such time that sufficient evidence is provided which clearly implicates the tree as having a significant role as a cause of structural damage to the property, TPO should be confirmed.