



**North Tyneside Council**

# Planning Committee

4 April 2019

To be held on **16 April 2019** in room 0.02, Ground Floor, Quadrant East, The Silverlink North, Cobalt Business Park, North Tyneside, NE27 0BY **commencing at 10.00am.**

<b>Agenda Item</b>	<b>Page</b>
<b>1. Apologies for absence</b>	
To receive apologies for absence from the meeting.	
<b>2. Appointment of substitutes</b>	
To be informed of the appointment of any substitute members for the meeting.	
<b>3. To receive any declarations of interest</b>	
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.	
<b>4. Minutes</b>	<b>3</b>
To confirm the minutes of the meeting held on 19 March 2019.	

Continued overleaf

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**5. Planning officer reports**

	To give consideration to the planning applications contained in the above report relating to:	7
5.1	18/01408/FUL Land at Former Beaumont Public House, Park Lane, Shiremoor (Valley Ward)	12
5.2	19/00227/FUL Planet House, Northumbrian Way, Killingworth (Camperdown Ward)	39

**Members of the Planning Committee:**

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

## **Planning Committee**

**19 March 2019**

Present: Councillor F Lott (Chair)  
Councillors J M Allan, T Brady,  
S Graham, M A Green, John Hunter,  
D McMeekan. J O'Shea and L Spillard.

### **PQ53/03/19 Apologies**

Apologies for absence were received from Councillor G Madden, P Mason and M Reynolds.

### **PQ54/03/19 Substitute Members**

Pursuant to the Council's constitution the appointment of the following substitute members was reported:-

Councillor J O'Shea for Councillor M Reynolds

### **PQ55/03/19 Declarations of Interest and Dispensations**

There were no declarations of interest or dispensations reported.

### **PQ56/03/19 Minutes**

**Resolved** that the minutes of the meeting held on 19 February 2019 be confirmed as a correct record and signed by the Chair.

### **PQ57/03/19 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: 18/01397/FUL Ward: Wallsend  
Application Type: Full planning application  
Location: Heraeus Quartz UK, Neptune Road, Wallsend, NE28 6DD  
Proposal: Construction of storage barn, new gatehouse incorporating additional offices and welfare facilities building on part of existing car park. Additional car parking to eastern end of site. Change of use of building 3 from B8 Industrial (storage) to B2. Relocation of machines into building 3. Increase the height of part of the roof to the existing building 2 and extension of canopy to loading area. Installation of 5no additional glass furnaces on new internal steel platforms into building 2. Installation of relevant services infrastructure to support additional furnaces.  
Applicant: Heraeus Quartz UK

The Committee gave consideration to a report of the planning officer in relation to the application, together an addendum which had been circulated to Committee members prior to 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 Mrs A M Longstaff of 4 Wilberforce Street had been given permission to address the Committee but she was not present at the meeting and had not responded to invitations to attend.

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

- a) the likely impact on health and air quality from silica particulates emitted from the proposed stacks for glass furnaces;
- b) the proposed condition requiring a dust suppression scheme to be submitted to and approved by the Authority in relation to the cleaning of the stacks;
- c) the reasons for the proposed condition requiring the new stacks to be a minimum of 3m high to ensure good dispersal of emissions;
- b) the additional employment that would be created by the proposed works;
- c) the proposed restrictions on access to the storage barn to prevent the risk of noise pollution; and
- f) the materials to be used in the construction of the new buildings.

### **Decision**

Application permitted, subject to the conditions set out in the planning officer's report and the addendum to the report, as the development was considered to be acceptable in terms of the principle of development and its impact on amenity, the character and appearance of the area, ecology and landscaping and highway safety in accordance with the relevant policies contained within the National Planning Policy Framework and the Council's Local Plan 2017.

Application No: 18/01655/FUL Ward: Collingwood  
Application Type: Full planning application  
Location: Land North West of Brierdene Way, Backworth  
Proposal: Change of use of land and construction of a 1,985 sqm Extra Care Home containing 28 apartments and communal living areas (C2 residential institution) and 4no specialist care bungalows (C3 residential) together with new access road, car parking, landscaping and other ancillary works.  
Applicant: The Northumberland Estates

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

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

- a) the scope of the proposed Section 106 agreement and the reasons why further financial contributions would not be sought;
- b) the nature and status of the care home development which had been classified as C2 residential institution;
- c) whether the proposed development complied with policy DM4.8 which supported specialist housing, such as extra care and supported housing, where the development integrated into the local community. In this regard the Committee considered its location in relation to nearby facilities.
- d) the number of people to be employed at the site; and
- e) the proposed provision for car parking and access to public transport.

### **Decision**

The Head of Environment, Housing and Leisure be granted delegated authority to determine the application subject to completion of a legal agreement under Section 106 of the Town and Country Planning Act 1990 to secure the provision of 11 allotment plots within the vicinity of the application site.

(The Committee indicated that it was minded to grant permission, subject to the conditions set out in the planning officers report and any subsequent amendments, omissions or additional conditions considered necessary, as the proposed development was considered to be acceptable in terms of the principle of development, the impact on the character and appearance of the site and its surroundings, whether it would provide a sufficient residential living environment for future occupiers and its impact on highway safety and access in accordance with the relevant policies contained with the Council's Local Plan 2017 and the National Planning Policy Framework.)

Application No:	18/01655/FUL	Ward: Collingwood
Application Type:	Full planning application	
Location:	The Bogie Chain, Western Road, Wallsend, NE28 6TU	
Proposal:	Development of 10 new residential units, 4 bed dwellings in 2.5 storey townhouse blocks with ancillary parking, refuse and landscaped areas.	
Applicant:	Balliol Property Management and Development	

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

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

- a) the location of the nearest public transport networks and schools; and
- b) the proposed inclusion of a grassed open space within the site which could be used by children to play.

### **Decision**

The Head of Environment, Housing and Leisure be granted delegated authority to determine the application subject to completion of a legal agreement under Section 106 of the Town and Country Planning Act 1990 to secure the following contributions:

- a) £2,290 towards park infrastructure;
- b) £3,053 towards green space;
- c) £3,600 towards play sites;
- d) 1 apprentice or a contribution of £7,000 towards training and employment; and
- e) £4,000 towards a Coastal Mitigation Service to mitigate for the impacts on the Northumbria Coast Special Protection Area.

The Head of Law and Governance and the Head of Environment, Housing and Leisure be authorised to undertake all necessary procedures to secure the following road improvements under Section 278 of the Highways Act 1980:

- a) Construction of new access
- b) Removal of unused accesses
- c) Upgrade of existing footpaths abutting the site
- d) Associated highway drainage
- e) Associated street lighting
- f) Associated road markings
- g) Associated signage

(The Committee indicated that it was minded to grant permission, subject to the conditions set out in the planning officers report and any subsequent amendments, omissions or additional conditions considered necessary, as the proposed development was considered to be acceptable in terms of the principle of development, the impact on the character and appearance of the site and its surrounding area, whether an acceptable level of amenity is provided for future residents and its impact on surrounding occupiers, trees and ecology and highway safety in accordance with the relevant policies contained within the Council's Local Plan 2017 and the National Planning Policy Framework.)

## **PLANNING COMMITTEE**

**Date: 16 April 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  
CONTENTS**

**5.1 18/01408/FUL**

**Valley**

**Land At Former Beaumont Public House Park Lane Shiremoor  
NEWCASTLE UPON TYNE**

**5.2 19/00227/FUL**

**Camperdown**

**Planet House Northumbrian Way Killingworth NEWCASTLE UPON  
TYNE NE12 6EH**

**Item No:** 5.1  
**Application No:** 18/01408/FUL Author: Julie Lawson  
Date valid: 3 December 2018 ☎: 0191 643 6337  
Target 4 March 2019 Ward: Valley  
decision date:

Application type: full planning application

**Location: Land At Former Beaumont Public House, Park Lane, Shiremoor, NEWCASTLE UPON TYNE**

**Proposal: Erection of 11no three bed houses and 2no two bed houses, Class C3 (amended description 01.02.2019) (additional drainage information 26.03.19)**

Applicant: SHN Homes Ltd, Mr Shaun Dunn 62 Cauldwell Avenue Whitley Bay NE25 9RW

Agent: AJ Walton Architecture & Surveying, Mr Alan Walton 38 Linskill Terrace North Shields NE30 2EN

**RECOMMENDATION:** Minded to grant legal agreement req.

## **INFORMATION**

### **1.0 Summary Of Key Issues & Conclusions**

#### 1.0 Main Issues

1.1 The main issues for Members to consider are:

- Whether the principle of residential development is acceptable on this site;
- The impact of the proposal on the character and appearance of the surrounding area;
- The impact upon neighbours living conditions with particular regard to outlook and privacy;
- Whether sufficient parking and access would be provided; and
- The impact on trees and ecology.

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

#### 2.0 Description of the Site

2.1 The application relates to the site of the former Beaumont Public House on Park Lane in Shiremoor. The site is approximately 0.27 hectares in area and is vacant since the demolition of the former public house in 2010.

2.2 The site is bounded to the north by two storey properties at 59 Park Lane and at 15 Park Road. To the east it is bounded by 17 Park Road and the rear gardens of properties which front onto Horsley Avenue. To the south is a bungalow at 63 Park Lane and to the west are bungalows fronting Park Lane.

### 3.0 Description of the Proposed Development

3.1 Planning permission is sought for 13 dwellings. 11 of the dwelling are 3 bed properties and 2 are 2 bed. 8 properties are proposed to the north of the site with their frontages facing south and 5 are proposed to the southern part of the site with their frontages facing west. The access is proposed from Park Lane.

3.2 Two car parking spaces are proposed for each 3 bedroom property and 1 parking space is proposed for each 2 bedroom property. Garages are proposed for plots 4, 5, 12 and 13.

### 4.0 Relevant Planning History

13/00136/FUL: Proposed new two storey residential and nursing care home at the site of former Beaumont P.H on Park Lane, Shiremoor: approved 11.04.2013

### 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)

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

## **PLANNING OFFICERS REPORT**

### 7.0 Main Issues

7.1 The main issues for Members to consider are:

- Whether the principle of residential development is acceptable on this site;
- The impact of the proposal on the character and appearance of the surrounding area;
- The impact upon neighbours living conditions with particular regard to outlook and privacy;
- Whether sufficient parking and access would be provided; and
- The impact on trees and ecology.

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

## 8.0 Principle of the Proposed Development

8.1 The NPPF confirms that local authorities should attach significant weight to the benefits of economic and housing growth and enable the delivery of sustainable developments. It states that achieving sustainable development means that the planning system has three overarching objectives, namely an economic objective, a social objective and an environmental objective.

8.2 In relation to housing, NPPF states that to support the Government's objective of significantly boosting the supply of homes, it is important that a sufficient amount and variety of land can come forward where it is needed, that the needs of groups with specific housing requirements are addressed and that land with permission is developed without unnecessary delay.

8.3 The NPPF states that substantial weight should be given to the value of using suitable brownfield land within settlements for homes and other identified needs.

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

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

8.6 Policy S4.1 states that the full objectively assessed housing needs of North Tyneside will be met through the provision of sufficient specific deliverable housing sites, including the positive identification of brownfield land and sustainable Greenfield sites that do not fall within the Borough's Green Belt, whilst also making best use of the existing housing stock.

8.7 The Local Plan specifically allocates sites to meet the overall housing needs. Members are advised that the site, subject of this application, is not allocated for housing in the Local Plan.

8.8 Policy DM4.5 states that proposals for residential development on sites not identified on the Policies Map will be considered positively where they can:

- a. Make a positive contribution to the identified housing needs of the Borough; and,
- b. Create a, or contribute to an existing, sustainable residential community; and
- c. Be accessible to a range of sustainable transport modes; and
- d. Make the best and most efficient use of available land, whilst incorporating appropriate green infrastructure provision within development; and

- e. Be accommodated by, and make best use of, existing infrastructure, and where further infrastructure requirements arise, make appropriate contribution to its provision; and
- f. Make a positive contribution towards creating healthy, safe, attractive and diverse communities; and,
- g. Demonstrate that they accord with the policies within this Local Plan.

8.9 The development is proposed on a previously developed site and it would contribute to meeting the housing needs of the borough and is therefore considered to accord with the aims of the NPPF to increase the delivery of new homes, and point (a) of Policy DM4.5. Issues relating to the impact of this scheme upon local amenities and the character of the area are discussed later in this report.

8.10 Having regard to the above; the principle of the proposed development is considered acceptable subject to consideration of the following matters.

#### 9.0 North Tyneside Council Housing Land Supply

9.1 Paragraph 73 of National Planning Policy Framework (NPPF) requires local planning authorities to identify and maintain a rolling five-year supply of deliverable housing land. This includes an additional buffer of at least 5%, in order to ensure choice and competition in the market for housing land.

9.2 The most up to date assessment of housing land supply informed by the March 2019 five-year Housing Land Supply Summary identifies the total potential five-year housing land supply in the borough at 5,396 new homes (a total which includes delivery from sites yet to gain planning permission). This represents a surplus against the Local Plan requirement (or a 6.1 year supply of housing land). It is important to note that this assessment of five-year land supply includes just over 2,000 homes at proposed housing allocations within the Local Plan (2017).

9.3 The potential housing land supply from this proposal is not included in the assessment that North Tyneside has a 6.1 year supply of housing land. Although the Council can demonstrate a five year supply of deliverable housing sites, this figure is a minimum rather than a maximum. Further planning permissions that add to the supply of housing can be granted which add to the choice and range of housing.

#### 10.0 Impact of the proposal on the character and appearance of the area

10.1 The National Planning Policy Framework states that the creation of high quality buildings and places is fundamental to what the planning and development process should achieve. It states that developments should be visually attractive as a result of good architecture, layout and appropriate and effective landscaping; be sympathetic to local character and history, including the surrounding built environment and landscape setting; and establish or maintain a strong sense of place.

10.2 Planning permission should be refused for development of poor design that fails to take the opportunities available for improving the character and quality of an area and the way it functions, taking into account any local design standards

or style guides in plans or supplementary planning documents (para.130). In determining applications, great weight should be given to outstanding or innovative designs which promote high levels of sustainability, or help raise the standard of design more generally in an area, so long as they fit in with the overall form and layout of their surroundings.

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

10.11 The Council has produced an SPD on Design Quality, it states that the Council will encourage innovation in the design and layout, and that contemporary and bespoke architecture is encouraged. The chosen design approach should respect and enhance the quality and character of the area and contribute towards creating local distinctiveness.

10.12 The proposal is for terraced and semi-detached houses set in two main areas. One of the blocks would face towards Park Lane and the other in a north/south direction. The properties are two storeys in height.

10.13 The Design Officer has advised that the applicant has made changes to address earlier concerns raised about the density of the scheme and the public realm. The site now incorporates a well-designed landscape plan to compliment the frontages of units and car parking. Bins are located to the front of units, however they will be kept within bin stores to help improve the design of the development. Boundary treatments are also well designed. The side elevation of unit 1 faces out onto Park Lane and incorporates a small first floor window. This could be better designed to positively integrate into the existing street scene. Overall he advises that the design and layout is supported.

10.14 Members need to consider whether the proposal would have a detrimental impact on the character and appearance of the area. It is considered that the proposal would enhance the appearance of the site and the character of the area in accordance with the NPPF, policy DM6.1 and the Design Quality SPD.

#### 11.0 Impact on Residential Amenity

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

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

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

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

11.5 The Design Quality SPD states that the quality of accommodation provided in residential development contributes significantly to the quality of life of residents. Residential schemes should provide accommodation of a good size, a good outlook, acceptable shape and layout of rooms and with main habitable rooms receiving daylight and adequate privacy.

11.6 The impact of the development on the amenity of adjacent residents is an important material planning consideration. The properties proposed to the north of the site will have their rear elevations facing north. To the north of the site immediately adjacent to the site are No. 59 Park Lane and No.15 Park Road. No. 59 Park Lane is a two storey semi detached property facing west with a garage and rear garden nearest the boundary. No. 15 Park Road is a semi detached property facing east with its rear garden adjacent to the boundary.

11.7 An objection has been received on grounds of overlooking from the occupier of No. 15 Park Road. The main impact would be overlooking to the gardens from the properties on plots 1 to 8. These properties are set 4.47m away from the boundary. It is acknowledged that this is close to the boundary and will result in overlooking to the gardens to the north of the site. However given the siting and orientation of the existing dwellings, the impact on the dwellings themselves in terms of loss of light, outlook and privacy is considered to be acceptable. Whilst the gardens will be overlooked it is not considered to be significantly detrimental.

11.8 The proposed dwellings are considered to be a satisfactory separation distance from the other near-by dwellings to ensure the residential amenity of the occupiers of other dwellings will not be adversely affected.

11.9 Policy DM4.9 of the Local Plan states that to ensure that new homes provide quality living environments for residents both now and in the future and to help deliver sustainable communities, standards will apply, subject to site viability regarding accessibility of homes and internal space standards.

11.10 The applicant has confirmed that development would be designed to meet building regulation M4(2) – ‘Category 2 -accessible and adaptable dwellings’.

The applicant has amended the internal layouts of house type 1 and 2 property type to seek to comply with the required internal space standards. House types 1 and 2 are 80 sqm GIA (gross internal area) whereas the requirement for a 3 bedroom 4 person dwellings is 84sqm. The space standards require a double bedroom to be at least 2.75m wide and have a floor area of 11.5sqm. The proposed double bedroom is 11.4sqm, only 0.10sqm under the requirement and the width is 2.75m, in compliance with the requirement. The other house types are in excess of the overall GIA Housing Standards requirements. It is considered however that from the information submitted, accessibility and overall floorspaces are considered to be acceptable and that the proposed dwellings provide an acceptable standard of accommodation.

11.11 Environmental Health has advised that they have concerns about potential noise from road traffic using Park Lane affecting the development. They therefore recommend conditions to require a noise scheme to be provided to ensure habitable rooms are provided with appropriate glazing and a ventilation scheme to achieve acceptable levels of internal noise in accordance with BS8233. Plot 1 is located gable end onto the road with the garden having line of sight to the road, however it is to be provided with a combined brick wall and fencing to a height of 1.8m that will screen the garden from road traffic noise. The boundary treatment is set back from the road so will not have a detrimental visual impact.

11.12 Members need to consider whether the potential impact on residential amenity is acceptable. In officer opinion the development is acceptable in terms of the impact on the living conditions of existing and proposed occupiers.

## 12.0 Car Parking and Access

12.1 NPPF states that transport issues should be considered from the earliest stages of plan-making and development proposals. It states that significant development should be focused on locations which are or can be made sustainable, through limiting the need to travel and offering a genuine choice of transport modes.

12.2 All developments that will generate significant amounts of movement should be required to provide a travel plan, and the application should be supported by a transport statement or transport assessment so that the likely impacts of the proposal can be assessed.

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

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

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

12.6 The site is accessed from Park Lane and parking has been provided in accordance with the standards set out in the Transport and Highways SPD. The Highway Network Manager has been consulted and recommends conditional approval.

12.7 Members need to consider whether the proposal would accord with the advice in NPPF, Policy DM7.4 and LDD12. It is officer advice that the development is acceptable in terms of its impact on highway safety.

### 13.0 Trees and Biodiversity

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

13.2 Para. 175 of the NPPF states that when determining planning applications, local planning authorities should apply the following principles:

- a) if significant harm to biodiversity resulting from a development cannot be avoided (through locating on an alternative site with less harmful impacts), adequately mitigated, or, as a last resort, compensated for, then planning permission should be refused;
- b) development on land within or outside a Site of Special Scientific Interest, and which is likely to have an adverse effect on it (either individually or in combination with other developments), should not normally be permitted. The only exception is where the benefits of the development in the location proposed clearly outweigh both its likely impact on the features of the site that make it of special scientific interest, and any broader impacts on the national network of Sites of Special Scientific Interest;
- c) development resulting in the loss or deterioration of irreplaceable habitats (such as ancient woodland and ancient or veteran trees) should be refused, unless there are wholly exceptional reasons and a suitable compensation strategy exists; and
- d) development whose primary objective is to conserve or enhance biodiversity should be supported; while opportunities to incorporate biodiversity improvements in and around developments should be encouraged, especially where this can secure measurable net gains for biodiversity.

13.3 Para. 177 states that the presumption in favour of sustainable development does not apply where development requires appropriate assessment because of its potential impact on a habitats site is being planned or determined.

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

- a. Protect the biodiversity and geodiversity value of land, protected and priority species and buildings and minimise fragmentation of habitats and wildlife links; and,
- b. Maximise opportunities for creation, restoration, enhancement, management and connection of natural habitats; and,

c. Incorporate beneficial biodiversity and geodiversity conservation features providing net gains to biodiversity, unless otherwise shown to be inappropriate.

13.5 Policy DM5.6 of the Local Plan states that proposals that are likely to have significant effects on features of internationally designated sites, either alone or in-combination with other plans and projects, will require an appropriate assessment. Proposals that adversely affect a site's integrity can only proceed where there are no alternatives, imperative reasons of overriding interest are proven and the effects are compensated. If necessary, developer contributions or conditions secured to implement measures to ensure avoidance or mitigation of, or compensation for, adverse effects. Such measures would involve working in partnership with the Council (and potentially other bodies) and could include a combination of mitigation measures.

13.6 Policy DM5.9 (Trees, Woodland and Hedgerows) supports the protection and management of existing woodland, trees, hedgerows and landscape features. It seeks to secure new tree planting and landscaping schemes for new development and, where appropriate, promote and encourage new woodland, tree and hedgerow planting schemes and encouraging native species of local provenance.

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

13.8 The Landscape Architect has been consulted and she has advised that there are no significant landscape elements or planting on the site at present, other than a strip of grassed land along the frontage with Park Lane, which still has several of the original access points laid out through it. A revised layout has been submitted that incorporates additional landscaped areas to the property frontages. She has recommended conditional approval.

13.9 A Shadow Habitat Regulations Assessment (sHRA) has been submitted in order to allow the impacts of the scheme on the Northumbria Coast SPA (Special Protection Area) to be appropriately assessed under the Habitats Directive and to determine if there is the potential for a Likely Significant Effect on the SPA. The Shadow Habitat Regulations Assessment concludes that the development alone is unlikely to impact on coastal sites; however, cumulative effects of recreational disturbance from additional visitors could have an impact.

13.10 The Council's Biodiversity Officer has advised that the report concludes that there is the potential for a Likely Significant Effect on the Northumbria Coast SPA due to in-combination impacts resulting from an increase in recreational use. The report recommends mitigation in accordance with Local Plan Policy and therefore, a financial contribution towards a coastal mitigation service should be agreed between the developer and the Local Planning Authority to address the impacts of the scheme on the Northumbria Coast SPA.

13.11 Natural England have been consulted and they advised that this development falls within the 'zone of influence' for coastal sites designated at a national and international level as Sites of Special Scientific Interest and Special Protection Areas/ Special Areas of Conservation/ Ramsar sites. Since this application will result in a net increase in residential accommodation, impacts to the designated sites may result from increased recreational disturbance. They advised that subject to appropriate mitigation being secured in line with a coastal mitigation service, Natural England is satisfied there will be no damage or disturbance to the interest features of these sites. They recommended that an Appropriate Assessment in accordance with the Conservation of Habitats and Species Regulations 2017 be undertaken by the Local Authority.

13.12 The applicant has agreed to pay £5,200 towards a coastal mitigation scheme in accordance with the requirements of Natural England. An appropriate assessment has been undertaken and Natural England has been notified of this. Natural England have responded by advising that they concur with the conclusion of the Appropriate Assessment and that after taking mitigation into account, it can be ascertained that the proposal will not adversely affect the integrity of European sites.

13.13 It is officer advice that subject to conditions and a financial contribution towards the Coastal Mitigation Service, the proposal is acceptable in terms of its impact on biodiversity.

#### 14.0 Other Issues

#### 15.0 Flooding

15.1 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.

15.2 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 taken to reduce overall flood risk from all sources, taking into account the impact of climate change over its lifetime.

15.3 All new development should contribute positively to actively reducing flood risk in line with national policy, through avoidance, reduction, management and mitigation.

In addition to the requirements of national policy, development will avoid and manage flood risk by:

- a. Helping to achieve the flood management goals of the North Tyneside Surface Water Management Plan and Northumbria Catchment Flood Management Plans; and
- b. According with the Council's Strategic Flood Risk Assessment, including meeting the requirement for a Flood Risk Assessment for sites over 0.5ha in identified Critical Drainage Areas.

15.4 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). A reduction in surface water run off rates will be sought for all new development. 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 development where appropriate and achievable. For greenfield sites, surface water run off post development must meet or exceed the infiltration capacity of the greenfield prior to development incorporating an allowance for climate change.

15.5 Policy DM5.15 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).

15.6 The applicant has submitted information in respect of drainage and the Local Lead Flood Officer has advised that the surface water drainage proposals for the site are acceptable in principle and discharge into NWL systems at agreed rates. Conditional approval is recommended.

15.7 Northumbrian Water has no objections subject to a condition relating to foul and surface water drainage.

15.8 It is officer advice that that subject to the above conditions the proposed development would not have an adverse impact on flooding and would accord with the advice in NPPF and policies DM5.12 and DM5.14 of the Local Plan.

#### 16.0 Contamination

16.1 NPPF states that planning policies and decisions should ensure that a site is suitable for its proposed use taking account of ground conditions and any risks arising from land instability and contamination.

16.2 Policy DM5.18 of the Local Plan states that where the future users or occupiers of a development would be affected by contamination or stability issues, or where contamination may present a risk to the water environment, proposals must be accompanied by a report which shows that investigations have been carried out and that detailed measures to allow the development to go ahead safely without adverse effect.

16.3 The Coal Authority has advised that the proposal falls within the defined High Risk Area. A Coal Mining Investigation and Risk Assessment have been submitted by the applicant. The Coal Authority has no objections subject to a condition.

16.4 The Contaminated Land Officer has reviewed the submitted Environmental Assessment and she advises no objections subject to conditions.

16.5 It is therefore officer advice that the proposal is acceptable in terms of ground conditions.

## 17.0 Archaeology

17.1 The Tyne and Wear Archaeology Officer has advised no objections to the proposal.

## 18.0 S106 Contributions

18.1 NPPF states 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. Where up-to-date policies have set out the contributions expected from development, planning applications that comply with them should be assumed to be viable. It is up to the applicant to demonstrate whether particular circumstances justify the need for a viability assessment at the application stage.

18.2 Regulation 122 of the Community Infrastructure Levy (CIL) Regulations, makes it unlawful for a planning obligation to be taken into account in determining a planning application, if it does not meet the three tests set out in Regulation 122. This states that a planning obligation may only constitute a reason for granting planning permission for the development if the obligation is;

- necessary to make the development acceptable in planning terms;
- Directly related to the development; and
- Fairly and reasonably relates in scale and kind to the development.

18.3 The Council's adopted SPD on Planning Obligations LDD8 states that a Section 106 Agreement, is a formal commitment undertaken by a developer to mitigate site specific impacts caused by new development. They must be necessary and used directly to make a development acceptable.

18.4 The SPD also states that the Council is concerned that planning obligations should not place unreasonable demands upon developers, particularly in relation to the impact upon economic viability of development and sets out appropriate procedure to address this. However, the SPD also states that the Council will take a robust stance in relation to the requirements for new development to mitigate its impact on the physical, social, economic and green infrastructure of North Tyneside.

18.5 The Council have requested the following S106 contributions:

25% affordable housing

£3,000 for employment and training

£750.00 – 1 litter/dog fouling bin

£4,680 for equipped area for play/multi use games

£37,500 for primary education

18.6 The applicant has submitted a viability appraisal to demonstrate that the scheme would not be viable with the requested contributions. This has been assessed and it is agreed that the above contributions would make the development unviable.

18.7 A CIL payment will be required in respect of this development.

### 19.0 Local Financial Considerations

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

19.2 The proposal involves the creation of 13 new dwellings. Granting planning permission for new dwellings increases the amount of New Homes Bonus which the Council will potentially receive. In addition, the new homes will bring additional revenue in terms of Council Tax.

19.3 Members should give appropriate weight to amongst all other material considerations to the benefit of the Council as a result of the monies received from Central Government.

### 20.0 Conclusion

20.1 Members need to consider whether the proposal will impact on existing land uses, whether the occupants of the proposed dwellings will have a suitable level of residential amenity, whether the development would have an acceptable impact on the character of the area, trees, ecology and the highway network.

20.2 The proposed development would bring significant benefits to the streetscene and the character of the area, would secure the future use of a vacant site and provide additional homes. It is officer advice that the proposed development is acceptable in terms of its impact on residential amenity, trees, ecology and the highway network.

20.3 The development is considered to comply with relevant National and local plan policy and is therefore recommended for conditional approval subject to a S106 agreement to secure a financial contribution for Coastal SPA.

**RECOMMENDATION: Minded to grant legal agreement req.**

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

**- A sum of £5,200 towards Coastal Mitigation**

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

**New access**

**Closure of disused access**

**Upgrade of footpath abutting the site**

**Associated highway drainage**  
**Associated street lighting**  
**Associated road markings**  
**Associated signage**

**Conditions/Reasons**

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

- Site Location and Block Plan JA454-A0.05
- Proposed Site Plan Revision JA454-A0.10 Rev. C
- Proposed Site Elevations JA454-A2.20 Rev. B
- Proposed House Type 1 JA454-A1.12 Rev. C
- Proposed House Type 1a JA454-A1.13 Rev. A
- Proposed House Type 2 JA454-A1.14 Rev. B
- Proposed House Type 2a JA454-A1.15 Rev. A
- Proposed House Type 3 JA454-A1.16 Rev. A
- Permeable Surfaces ParkLane/02/004 Rev. O
- Proposed Permeable Paving Private Areas Construction Detail Park Lane/02/003 Rev. 0
- Ground Floor Perimeter Edge Detail

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

- |    |                                       |            |   |
|----|---------------------------------------|------------|---|
| 2. | Standard Time Limit 3 Years FUL       | MAN02      | * |
| 3. | Restrict Hours No Construction Sun BH | HOU00<br>4 | * |
| 4. | Construction Method Statement - Major | SIT007     | * |

5. The materials and finishes for the development and surfaces shall be in accordance with the details set out in the submitted plans. Any variation from these materials must be submitted to and approved in writing by the Local Planning Authority. Thereafter, the development shall not be carried out other than in accordance with the approved details.

Reason: To secure a satisfactory external appearance having regard to policy DM6.2 of the North Tyneside Council Local Plan 2017.

- |    |                                     |            |   |
|----|-------------------------------------|------------|---|
| 6. | Exist Access Closure Misc Points By | ACC01<br>7 | * |
| 7. | Turning Areas Before Occ            | ACC02<br>5 | * |

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

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

9. Refuse Storage Detail Provide Before Occ REF00 \*  
1

10. No part of the development shall be occupied until a scheme to manage refuse collection 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 and retained thereafter.

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

11. No part of the development shall be occupied until a scheme to manage parking 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 and retained thereafter.

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

12. No development shall take place until plans of the site showing the existing and proposed ground levels and levels of thresholds and floor levels of all proposed buildings has been submitted to and approved in writing by the Local Planning Authority. Such levels shall be shown in relation to a fixed and known datum point. Thereafter, the development shall not be carried out other than in accordance with the approved details.

Reason: This needs to be pre-commencement condition to ensure that the work is carried out at suitable levels in relation to adjoining properties and highways, having regard to amenity, access, highway and drainage requirements having regard to policy DM6.1 of the North Tyneside Local Plan (2017).

13. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (or any Order revoking and re-enacting that Order), no development falling within Classes A, B and E of Part 1 of Schedule 2 shall be carried out without the prior, express planning permission of the Local Planning Authority.

Reason: In order that the Local Planning Authority can properly consider the effect of any future proposals on the character and amenity of the locality having regard to policy DM6.1 of the North Tyneside Local Plan 2017.

14. Prior to the construction of the dwellings hereby approved above damp proof course level, a fully detailed scheme for the landscaping of the site 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, shrub and hedgerow planting and ground preparation noting the species and



approved drainage and drainage maintenance scheme shall be implemented in accordance with the approved details and retained thereafter.

REASON: To prevent the increased risk of flooding from any sources having regard to policy DM5.12 of the North Tyneside Local Plan (2017).

21. Prior to construction of any dwelling above damp proof course level, a scheme for acoustic glazing to address the external road traffic noise arising from Park Road shall be submitted to and approved in writing by the local Planning Authority. The details shall be in accordance with BS8233 and the World Health Organisation community noise guidelines to show that all habitable rooms are provided with sound attenuation measures to give a resultant noise level of below 30 dB LAeq and maximum noise level of 45dB for bedrooms and 35 dB LAeq for living rooms is achieved. The approved details shall be implemented in accordance with the approved scheme prior to the occupation of any dwellings and retained thereafter.

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

22. No development shall commence until a scheme & methodology for pollution control during the construction period 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 and retained for the entire duration of the construction period.

Reason: In the interests of surface water management, having regard to policy DM5.12 of the North Tyneside Local Plan (2017)

23. Prior to construction of any dwelling above damp proof course level details of a ventilation scheme to ensure an appropriate standard of ventilation, with windows closed, is provided for all habitable rooms shall be submitted to and approved in writing by the Local Planning Authority. Where the internal noise levels specified in BS8233 are not achievable, with window open, due to the external noise environment, alternative mechanical ventilation, such as mechanical heat recovery (MVHR) system should be provided that addresses thermal comfort and purge ventilation requirements to reduce the need to open windows. The alternative ventilation system must not compromise the facade insulation or the resulting internal noise levels. The approved details shall be implemented in accordance with the approved scheme prior to the occupation of any dwellings and retained thereafter.

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

24. Notwithstanding the details submitted, 50% of the dwellings shall meet building regulation M4(2) - 'Category 2 -accessible and adaptable dwellings'.

Reason: To ensure compliance with Policy DM4.9 of the North Tyneside Local Plan (2017).

25. Altered Access Access Alt Prior to Occ ACC01 \*

26. Details of all screen and boundary walls, fences and any other means of enclosure shall be submitted to and approved in writing by the Local Authority prior to occupation of the development. Thereafter the development must be carried out in accordance with the agreed details.

Reason: In order to ensure a satisfactory environment within the development having regard to the NPPF and Policy DM6.2 of the North Tyneside Local Plan.

**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**

Building Regulations Required (I03)

Contact ERH Construct Highway Access (I05)

Contact ERH Works to Footway (I08)

No Doors Gates to Project Over Highways (I10)

Do Not Obstruct Highway Build Materials (I13)

Street Naming and numbering (I45)

Highway Inspection before dvlpt (I46)

Coal Mining Referral Area , (FULH) (I43)

Explanation of removal of PD rights (I31)

The applicant is advised that they should enter into an agreement indemnifying the council's refuse, recycling & garden waste collection vehicles against any claims for damages to the internal road and parking layout.

Asbestos testing should be carried out for the site. Any imported material must be tested to ensure it is suitable for end use; this must include testing for Human Health.



**Application reference: 18/01408/FUL**  
**Location: Land At Former Beaumont Public House, Park Lane, Shiremoor,**  
**Proposal: Erection of 11no three bed houses and 2no two bed houses,**  
**Class C3 (amended description 01.02.2019) (additional drainage**  
**information 26.03.19)**

Not to scale

Date: 04.04.2019

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**Appendix 1 – 18/01408/FUL  
Item 1**

**Consultations/representations**

1.0 Internal Consultees

2.0 Highway Network manager

2.1 This application is for the erection of 11 three bed & 2 two bed houses. The site is accessed from Park Lane and parking has been provided in accordance with current standards. The site has reasonable links with public transport and each dwelling has cycle parking. Conditional approval is recommended.

Recommendation - Conditional Approval

The applicant will be required to enter into an appropriate legal agreement with the Local Authority for the following works:

New access

Closure of disused access

Upgrade of footpath abutting the site

Associated highway drainage

Associated street lighting

Associated road markings

Associated signage

Conditions:

ACC15 - Altered Access Access Alt Prior to Occ

ACC17 - Exist Access Closure: Misc Points, By \*6 months

ACC25 - Turning Areas: Before Occ [refuse vehicle]

PAR04 - Veh: Parking, Garaging before Occ

REF01 - Refuse Storage: Detail, Provide Before Occ

SIT07 - Construction Method Statement (Major)

SIT08 - Wheel wash

No part of the development shall be occupied until a scheme to manage refuse collection 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 and retained thereafter.

Reason: In the interests of highway safety.

No part of the development shall be occupied until a scheme to manage parking 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 and retained thereafter.

Reason: In the interests of highway safety.

Informatives:

I05 - Contact ERH: Construct Highway Access

I08 - Contact ERH: Works to footway.

- I10 - No Doors/Gates to Project over Highways
- I12 - Contact ERH Erect Scaffolding on Rd
- I13 - Don't obstruct Highway, Build Materials
- I45 - Street Naming & Numbering
- I46 - Highway Inspection before dvlpt

The applicant is advised that they should enter into an agreement indemnifying the council's refuse, recycling & garden waste collection vehicles against any claims for damages to the internal road and parking layout.

## 2.2 Local Lead Flood Authority

2.3 This application is for the erection of 11 three bed houses & 2 two bed houses. The surface water drainage proposals for the site are acceptable in principle and discharge into NWL systems at agreed rates. Conditional approval is recommended.

Recommendation - Conditional approval

Condition:

No development shall commence until a scheme & methodology for pollution control during the construction period 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 and retained for the entire duration of the construction period.

Reason: In the interests of surface water management

## 3.0 Design and Layout

3.1 This site proposes 3 blocks of short terraced houses and 2 semi-detached houses. The applicant has made changes to address earlier concerns raised about the density of the scheme and the public realm. The site now incorporates a well-designed landscape plan to compliment the frontages of units and car parking. Bins are located to the front of units, however they will be kept within bin stores to help improve the design of the development. Boundary treatments are also well designed. The side elevation of unit 1 faces out onto Park Lane and incorporates a small first floor window. This could be better designed to positively integrate into the existing street scene. Overall and on balance the design and layout is supported.

## 4.0 Environmental Health (Pollution)

4.1 I have concerns about potential noise from road traffic using Park Lane affecting the development. I would recommend conditions to require a noise scheme to be provided to ensure habitable rooms are provided with appropriate glazing and ventilation scheme to achieve acceptable levels of internal noise in accordance with BS8233. It is noted that garden areas are located to the rear of the properties. Plot 1 is located gable end onto the road with the garden having line of sight to the road, however it is to be provided with a combined brick wall and fencing to a height of 1.8m that will screen the garden from road traffic noise.

4.2 If planning consent is to be given I would recommend the following:

Prior to occupation, submit and implement on approval of the local Planning Authority a noise scheme for the acoustic glazing scheme to address the external road traffic noise arising from Park Road. Details of the acoustic glazing to be provided must be in accordance with BS8233 and the World Health Organisation community noise guidelines must be provided to show that all habitable rooms are provided with sound attenuation measures to give a resultant noise level of below 30 dB LAeq and maximum noise level of 45dB for bedrooms and 35 dB LAeq for living rooms is achieved.

Prior to occupation, submit details of the ventilation scheme for all habitable rooms, for approval in writing and thereafter implemented to ensure an appropriate standard of ventilation, with windows closed, is provided. Where the internal noise levels specified in BS8233 are not achievable, with window open, due to the external noise environment, we expect that an alternative mechanical ventilation, such as mechanical heat recovery (MVHR) system should be provided that addresses thermal comfort and purge ventilation requirements to reduce the need to open windows. The alternative ventilation system must not compromise the facade insulation or the resulting internal noise levels.

HOU04  
SIT03

#### 5.0 Environmental Health (Contaminated Land)

5.1 I have read the Third Party Review and Updated Environmental Assessment (by REL) and I note the following:

“The site has recently been cleared of a large detached former public house and time comprised a large surface depression 2.0m deep, noted as probably corresponding with the partially infilled pub cellar. It is understood this depression has since been infilled with materials of an unknown nature.

In summary, their results suggest that the site may be underlain by a shallower horizon of coal and /or abandoned mine workings/collapsed ground with voids occurring in horizon between 6.1m and 10.66m. A deeper horizon of mine workings and therefore coal may also occur, although Geoinvestigate considered this would be considered too deep to cause significant influence at the surface, which REL consider to be a reasonable conclusion.

Geoinvestigate recommended that further investigation be undertaken to identify the requirements for potential remedial works if required. This would also allow for the correct foundation design for the scheme to be clarified by an engineer.

Future residents may be exposed to residual contamination via the direct contact, ingestion and inhalation pathways within areas of soft landscaping and garden areas. A clean imported topsoil may be required to provide a suitable growing medium in areas of future soft landscaping and to provide further reassurance to future site users.

However, it should be noted, the client has agreed to install a basic level of gas protection in line with CS2 in order to provide further reassurance to future site users and the Local Authority. This is consistent with the findings of the Geoinvestigate report, who also recommended gas protection in line with CS2.

Remedial works maybe required with regard shallow worked coal seams identified beneath the site. Further investigation may allow for the requirements for any remedial works (if required) to be determined with greater certainty. Ground gas protection measures in accordance with Characteristic Situation 2 as defined in CIRIA C665, should be installed in future residential properties. Further enquiries should be made regarding the nature of the infill materials within the former basement depression.”

5.2 Although the updated assessment has stated that the client will be installing gas protection measures the installation must be verified and a verification report produced. As there may be grouting works required and the installation of gas protection measures the following must be applied:

Gas 006

As there is a recommendation for further enquiries regarding the nature of the fill material the following must be applied:

Con001

5.3 I note no asbestos testing was carried out; asbestos testing should be carried out for the site. Any imported material must be tested to ensure it is suitable for end use; this must include testing for Human Health

## 6.0 Biodiversity Officer

6.1 A shadow HRA has been submitted for the above application to allow the impacts of the scheme on the Northumbria Coast SPA (Special Protection Area) to be appropriately assessed under the Habitats Directive and to determine if there is the potential for a Likely Significant Effect (LSE) on the SPA. The report concludes that there is the potential for a Likely Significant Effect (LSE) on the Northumbria Coast SPA due to in-combination impacts resulting from an increase in recreational use.

6.2 The report recommends mitigation in accordance with Local Plan Policy and therefore, a financial contribution towards a coastal mitigation service should be agreed between the developer and the Local Planning Authority to address the impacts of the scheme on the Northumbria Coast SPA. This contribution must be agreed prior to the determination of the application.

6.3 In addition, the following conditions should be attached to the application:-

- Within one month of completion of site security fencing, a fully detailed scheme for the landscaping of the site has been submitted to and approved in writing by the Local Planning Authority.
- No vegetation removal will 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.

## 7.0 Landscape Architect

7.1 The application refers to land that was formerly occupied by the Beaumont Public House, which was located on and accessed through several entrances on

the East side of Park Lane. The site is currently cleared of all buildings and is contained on all three sides, excluding the West (Park Lane) by the residential properties and gardens of Park Road, Horsley Avenue and Angerton Avenue. There are no significant landscape elements or planting on the site at present, other than a strip of grassed land along the frontage with Park Lane, which still has several of the original access points laid out through it. A revised layout has been submitted that incorporates additional landscaped areas to the property frontages.

7.2 The shrub species (*Fagus Sylvatica* and *Prunus Lusitanica*) are arranged and detailed as hedgerows throughout the development. However further information in relation to this planting design and arrangement method should be supplied (i.e. double staggered rows at centres). The trees should be a minimum of heavy standard with a stem diameter of 12-14 cm at the time of planting and should be supported with a suitable staking method and tie(s). Further details in relation to this specification should be submitted.

7.3 The proposal is acceptable subject to the following conditions:

#### Landscape Plan

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, shrub and hedgerow planting and ground preparation noting the species and sizes for all new plant species (trees to be a minimum 12-14cm girth). The landscaping scheme shall be implemented in accordance with the approved details within the first available planting season following the approval of details.

#### Landscape Implementation

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 [4428: 1989]. 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.

#### Landscape Maintenance

No development shall take place until a schedule of landscape maintenance for a minimum period of five years including details of the arrangements for its implementation has been submitted to and approved in writing by the Local Planning Authority.

#### 8.0 Representations

##### 1 letter for objection from the resident of Park Road:

- Inadequate parking provision
- Loss of privacy
- Loss of visual amenity
- Nuisance - disturbance
- Nuisance - dust/dirt
- Poor traffic/pedestrian safety

- Poor/unsuitable vehicular access
- Traffic congestion
- Will result in visual intrusion
- My garden backs on to this and I will lose my privacy, and the traffic is bad enough now the congestion will be horrendous when they are built

1 letter of support from a resident of Park Lane

I live in the bungalow next to the site where the Beaumont used to be and have put up with the mess it is in for many years. The site and fencing around it are awful. I was happy a few years ago when there was going to be a care home there but that fell through. I have met the men who are intending to build houses on the site and am very happy for them to go ahead. I have heard that there has been one objection but I hope that does not stop them going ahead.

9.0 External Consultees

10.0 Natural England

10.1 Internationally and nationally designated sites – no objection subject to appropriate mitigation.

10.2 This development falls within the ‘zone of influence’ for coastal sites designated at a national and international level as Sites of Special Scientific Interest and Special Protection Areas/ Special Areas of Conservation/ Ramsar sites. Since this application will result in a net increase in residential accommodation, impacts to the designated sites may result from increased recreational disturbance.

10.3 Northumberland and North Tyneside Councils operate a Coastal Mitigation Service to mitigate for potential impacts from increased recreational disturbance resulting from increased residential development and tourism activities within this zone.

10.4 Subject to appropriate mitigation being secured in line with the details of this Service, Natural England is satisfied there will be no damage or disturbance to the interest features of these sites.

10.5 Although your authority has measures in place to manage these potential impacts through the agreed strategic solution which we consider to be ecologically sound, Natural England’s advice is that this proposed development, and the application of these measures to avoid or reduce the likely harmful effects from it, may need to be formally checked and confirmed by your Authority, as the competent authority, via an appropriate assessment in view of the European Site’s conservation objectives and in accordance with the Conservation of Habitats and Species Regulations 2017.

10.6 This is because Natural England notes that the recent *People Over Wind* Ruling by the Court of Justice of the European Union concluded that, when interpreting article 6(3) of the Habitats Directive, it is not appropriate when determining whether or not a plan or project is likely to have a significant effect on a site and requires an appropriate assessment, to take account of measures intended to avoid or reduce the harmful effects of the plan or project on that site.

The ruling also concluded that such measures can, however, be considered during an appropriate assessment to determine whether a plan or project will have an adverse effect on the integrity of the European site. Your Authority should have regard to this and may wish to seek its own legal advice to fully understand the implications of this ruling in this context.

10.7 Natural England advises that it is a matter for your Authority to decide whether an appropriate assessment of this proposal is necessary in light of this ruling. In accordance with the Conservation of Habitats and Species Regulations 2017, Natural England must be consulted on any appropriate assessment your Authority may decide to make.

#### 11.0 Tyne and Wear Archaeology Officer

No comments.

#### 12.0 The Coal Authority

12.1 The Coal Authority Response: Material Consideration

12.2 I have reviewed the proposals and confirm that the application site falls within the defined Development High Risk Area; therefore within the application site and surrounding area there are coal mining features and hazards which need to be considered in relation to the determination of this planning application.

12.3 The Coal Authority records indicate that the application site is subject to historic recorded underground coal mine workings at shallow depth. This planning application is supported by a Coal Mining Investigation and Risk Assessment dated 5th December 2018 and prepared by Roberts Environmental Ltd. This report is informed by an appropriate range of geological and coal mining information such as previous Site Investigations by Geoinvestigate dated January 2010, which recommended further investigations in order to establish the requirements for any potential remedial works.

12.4 The report author has reviewed the previous investigation report from Geoinvestigate and has undertaken further intrusive site investigations as recommended. The report author has concluded from the further investigations that there is a risk posed by shallow workings recorded in the Ashington Coal Seam, and that appropriate mitigatory measures must be adopted to address the risks posed to development. The Coal Authority is pleased to note that the report author has given consideration to the risks posed to development by mine gas.

12.5 The Coal Authority Recommendation to the LPA:

12.6 The Coal Authority concurs with the recommendations of the Coal Mining Investigation and Risk Assessment; that coal mining legacy potentially poses a risk to the proposed development and that intrusive site investigation works should be undertaken prior to development in order to establish the exact situation regarding coal mining legacy issues on the site.

12.7 The Coal Authority recommends that the LPA impose a Planning Condition should planning permission be granted for the proposed development requiring these site investigation works prior to commencement of development.

12.8 In the event that the site investigations confirm the need for remedial works to treat the areas of shallow mine workings to ensure the safety and stability of the proposed development, this should also be conditioned to ensure that any remedial works identified by the site investigation are undertaken prior to commencement of the development.

12.9 A condition should therefore require prior to the commencement of development:

- \* The submission of a scheme of remedial works for approval; and
- \* Implementation of those remedial works.

The Coal Authority therefore has no objection to the proposed development subject to

the imposition of a condition or conditions to secure the above.

The following statement provides the justification why the Coal Authority considers that a pre-commencement condition is required in this instance:

The undertaking of intrusive site investigations, prior to the commencement of development, is considered to be necessary to ensure that adequate information pertaining to ground conditions and coal mining legacy is available to enable appropriate remedial and mitigatory measures to be identified and carried out before building works commence on site. This is in order to ensure the safety and stability of the development, in accordance with paragraphs 178 and 179 of the National Planning Policy Framework.

#### 13.0 Police Architectural Liaison Officer

13.1 I have looked through the application from a crime prevention point of view and can find no grounds on which to object. I would recommend that the development is built to the Secured By Design security scheme. This will help to create the safe and secure environment that the applicant hopes to achieve.

#### 14.0 Northumbrian Water

14.1 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:

CONDITION: Prior to construction above ground floor level, a detailed scheme for the disposal of foul and surface water from the development hereby approved has been 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.

14.2 We recommend that the developer develops a surface water drainage solution by working through the Hierarchy of Preference contained within Revised Part H of the Building Regulations 2010. Namely:-

- Soakaway
- Watercourse, and finally
- Sewer

**Item No:** 5.2  
**Application No:** 19/00227/FUL Author: Maxine Ingram  
Date valid: 18 February 2019 ☎: 0191 643 6322  
Target: 15 April 2019 Ward: Camperdown  
decision date:

Application type: full planning application

**Location: Planet House, Northumbrian Way, Killingworth, NEWCASTLE UPON TYNE, NE12 6EH**

**Proposal: Change of use from business offices and computer repairs (Use Class B1) to a mixed use community hub comprising place of worship, community services venue and training/conference centre (Use Class D1), community sports activities space (Use Class D2), cafe (Use Class A3), business offices (Use Class B1) and storage/distribution in respect of community based charitable activities (Use Class B8), alterations to existing building elevations comprising new exterior cladding, additional doors and downlighting, front entrance extension to building, removal of earth mound to front of building and the provision of associated hard and soft landscaping.**

Applicant: Community Church Killingworth, Mr Dave Forest 5 Orchard Close Killingworth NE12 6YZ

Agent:

**RECOMMENDATION:** Application Permitted

## **INFORMATION**

### **1.0 Summary Of Key Issues & Conclusions**

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

- The principle of the development;
- The impact on amenity;
- The impact on character and appearance;
- The impact on highway safety;
- Other issues.

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

## 2.0 Description of the Site

2.1 The site to which this application relates is an existing commercial building located within Stephenson Industrial Estate. The existing two storey square shaped building is located to the south west of Northumbrian Way. A car park is located to the north west of the building. Views of the car park are screened from Northumbrian Way by a mature group of trees and a mounded grassed area. Access to the car park is gained from Arrow Close. The building is surrounded to the north, east and west by large open grassed areas.

2.2 Existing commercial and industrial buildings and uses are located to the east, south and west of the site. A large area of open space and Killingworth lake are located to the north of site beyond Northumbrian Way.

2.3 The site is designated as a mixed use site in the Local Plan (LP).

## 3.0 Description of the Proposed Development

3.1 Planning permission is sought for a change of use from business offices and computer repairs (Use Class B1) to a mixed use community hub comprising a place of worship, community services venue and training/conference centre (Use Class D1), community sports activities space (Use Class D2), cafe (Use Class A3), business offices (Use Class B1) and storage/distribution in respect of community based charitable activities (Use Class B8).

3.2 Alterations to the existing building comprising new exterior cladding, additional doors and downlighting, front entrance extension to building, removal of earth mound to the front of the building and the provision of associated hard and soft landscaping.

3.3 The applicant has advised the following:

3.4 Community Church Killingworth is a locally based church of around 60 members (excluding children) which currently meets each Sunday at Bailey Green Primary School in Killingworth. Further church activities take place at the homes of church members, community centres and other local church buildings Monday to Saturday.

3.5 The church is extensively involved in local community activities as well as providing church activities for its members. Over the years it has provided children's clubs and youth clubs, set up toy libraries and baby equipment loan services, mother and toddler groups, set up community fun days and a variety of other community events. They have also provided a debt counselling service, lead assemblies in local schools, work with charities in Newcastle which assist homeless persons, refugees/asylum seekers and hold regular services in a local residential care home.

3.6 The church are keen to develop their work with the local community in Killingworth and the wider local area. The acquisition of a building would greatly assist them in achieving this objective. Their vision is to create a place of community within the community. It is envisaged that Planet House would be used as follows in terms of community activities:

- Large hall/worship venue for church services, church business, community conferences or events.
- Kitchens/cafe to provide refreshments and hospitality for those individuals and groups who visit and use the building including Christmas dinner/parties, suppers, birthday parties for our Christian Against Poverty (CAP) clients/elderly/isolated. Longer term it could potentially be a place where youngsters could be trained in catering (particularly those with learning difficulties).
- Early years room: mother and toddler group, for hiring out to community groups e.g. kids parties, kids church, crèche activities.
- Other large rooms: hiring out to community groups e.g. scouts, guides, dance groups, elderly, aerobics, gym.
- Provision of a room with some computers to help with job searches/job club.
- Smaller office/meeting rooms to hire out to community and business, plus CAP (debt coaching service), pastoral and church office.
- Furniture, clothing, food bank and warehouse.

3.7 Planet House currently has a total floor space of approximately 1120 square metres (sqm). The proposed extension would have a total floor space of approximately 83 sqm. However, some existing floor space would be lost as it is proposed to create a double height main hall space within the building and this would result in a total floor space for the building as extended of 1167 sqm. It is envisaged that the majority of the floor space would be occupied by the Use Class D1 elements of the proposal with the Use Class A3, B1, B8 and D2 elements being subsidiary in scale.

3.8 The Use Class D1 elements would comprise space for Christian worship services, community service activities (e.g. youth events, activities for senior citizens, childcare facilities, job club, debt coaching, scouts/guides) and training/conference events.

3.9 The Use Class A3 element would be a small community cafe. The use of this facility would be related to the Use Class D1 and D2 elements referred to above with individuals attending such activities using the cafe. In this regard the cafe would be accessed, as per other uses in the building, through the main entrance. There would be no hot food takeaway sales and it is not envisaged that the cooking equipment proposed for the cafe kitchen will require substantial exterior fume extraction equipment.

3.10 It is envisaged, in the short term, that a small element of B1 business office use would be retained within the building to provide the church with income in connection with the operation of the wider building.

3.11 The B8 storage and distribution element would be used in connection with the church's debt counselling work and its work with the homeless and refugees/asylum seekers to provide space for the storage of food supplies, clothing and household goods /furniture for onward distribution to those in need.

3.12 Proposed hours of operation would be 07:00 – 23:00 seven days a week.

3.13 External alterations to the existing building comprise new exterior cladding, additional doors and downlighting. New cladding to the exterior of the existing building will comprise light grey profiled trapezoidal cladding similar to the existing building cladding with new doors of a matching colour. A total of five new door openings are proposed – one on the north elevation, two on the east elevation and a further two on the south elevation, all at ground floor level. The proposed down lighting comprises two units (one on the north elevation and another on the west elevation) which would match existing down lighting on the exterior of the building.

3.14 The proposed extension to the front (north) elevation of the building would provide a new double height reception space for the building. The extension would measure 14.8m in length by 5.6m in width. It would have a flat roof with a height of approximately 4.6m. Materials for the extension comprise a mix of dark grey standing seam cladding, PPC aluminium framed curtain walling, horizontal plank cladding and render.

3.15 Proposed curtilage engineering operations comprise the removal of an earth mound to the front of the building to provide for improved level access into the premises and the provision of associated hard and soft landscaping.

3.16 Level access for disabled persons would be provided from the car park and Northumbrian Way to the building entrance and into the building. Once within the building level access would be provided throughout both the ground and first floors with a platform lift providing access between ground and first floor levels.

#### 4.0 Relevant Planning History

96/02420/OUT - Erection of free standing office building (ground and first floor), with provision of additional parking by extension of surface parking area – Permitted 30.12.1996

#### 5.0 Development Plan

5.1 North Tyneside Local Plan (2017)

#### 6.0 Government Policies

6.1 National Planning Policy Framework (NPPF) (February 2019)

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

### **PLANNING OFFICERS REPORT**

#### 7.0 Detailed Planning Considerations

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

- The principle of the development;
- The impact on amenity;
- The impact on character and appearance;
- The impact on highway safety;
- Other issues.

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

### 8.0 Principle of the development

8.1 The Local Plan (LP) was adopted in July 2017 to guide development in the period up to 2032. The council acknowledges that the policies contained within the LP predate the publication of the revised NPPF however, it is clear from paragraph 213 of the NPPF that: “However, existing policies should not be considered out-of-date simply because they were adopted or made prior to the publication of this Framework. Due weight should be given to them, according to their degree of consistency with this Framework (the closer the policies in the plan to the policies in the Framework, the greater the weight that may be given).” The council considers that, as the plan is very recent, the local plan policies set out in this report are consistent with the NPPF and can be afforded significant weight.

8.2 The NPPF makes it clear that the purpose of the planning system is to contribute to the achievement of sustainable development. Achieving sustainable development means that the planning system has three overarching objectives: an economic objective; a social objective; and an environmental objective. Planning policies and decisions should play an active role in guiding development towards sustainable solutions, but in doing so should take local circumstances into account, to reflect the character, needs and opportunities of each area.

8.3 The NPPF paragraph 11 makes it clear that plans and decisions should apply a presumption in favour of sustainable development. However, the presumption in favour of sustainable development does not change the statutory status of the development plan as the starting point for decision making. The NPPF paragraph 12 states “Where a planning application conflicts with an up-to-date development plan permission should not normally be granted. Local Planning Authorities (LPA’s) may take decisions that depart from an up-to-date development plan, but only if material considerations in a particular case indicate that the plan should not be followed”.

8.4 The NPPF paragraph 91 states “Planning policies and decisions should aim to achieve healthy, inclusive and safe places which: a) promote social interaction....b) are safe and accessible...and c) enable and support healthy lifestyles...”

8.5 The NPPF paragraph 92 states “To provide the social, recreational and cultural facilities and services the community needs, planning policies and decisions should: a) plan positively for the provision and use of shared spaces, community facilities (such as....places of worship) and other local services to enhance the sustainability of communities and residential environments; b) take into account and support the delivery of local strategies to improve health, social and cultural well-being for all sections of the community.....”

8.6 The NPPF makes sets out clear guidance for Local Authorities through the decision-making and plan-making process to ensure adequate provision of community services and to guard against unnecessary loss.

8.7 LP Policy S7.10 'Community Infrastructure' states "The Council and its partners will ensure that local provision and resources for cultural and community activities are accessible to the neighbourhood they serve. In order to achieve this, amongst other matters: a) Priority will be given to the provision of facilities that contribute towards sustainable communities, in particular, catering for the needs of the growing population around key housing sites; c) Existing provision will be enhanced, and multi-purpose use encouraged, providing a range of services and resources for the community, at one accessible location; d) Opportunities to widen the cultural, sport and recreation offer will be supported.

8.8 Planning permission for the re-use or redevelopment of any land or buildings used for community infrastructure will be permitted where the community's ability to meet its day-to-day needs for services are not reduced."

8.9 The supporting text to the above LP policy states "Community infrastructure provides for the health and wellbeing, social, educational, spiritual, recreational, leisure and cultural needs of the community through a wide range of venues and include places of worship.....and other public venues." It then goes on to state "Community infrastructure is an essential element in the creation of sustainable communities. The LP seeks to provide a range of services at the heart of every community which can contribute to community cohesion and identity and give opportunities for residents to pursue healthy and fulfilling lifestyles, and can also reduce the need to travel by providing easy access to multiple facilities."

8.10 The LP identifies sites and locations for housing development under LP Policy S4.3 'Distribution of Housing Sites.' The application site is located within Local Plan Site Allocation 6: Stephenson Industrial Estate West, a mixed-use allocation with the potential for 164 dwellings. Consideration must be given to the fact that the housing allocation is for the lifetime of the LP i.e. until 2032. Furthermore, The Housing Land Availability Assessment (HLAA) 2017/2018 advises that housing delivery from the allocation site would be expected from 2023/2024 to 2026/2027. As it is not deliverable within the next five years, it is not included within the Council's 6.1 year supply of housing land. Whilst this proposal would change the use of a permanent building on this site, it is not considered that it would prejudice the long-term implementation of Policy S4.3, as the application site accounts for less than 7% of the total size of the mixed-used allocation. Members are advised that any future planning applications for housing or other forms of development would need to be assessed on their own merits in accordance with the most relevant national and local planning policies.

8.11 The application site is located in a mixed use area; existing commercial/industrial uses are located to the east, west and south of the site, further east are newly established residential estates and to the north is a large area of open space.

8.12 The proposal for a church with ancillary functions would not be considered a main town centre use (as defined in the National Planning Policy Framework, 2019) and therefore there is no requirement to provide evidence for a sequential assessment or impact test. It could be argued that the scheme could be

disaggregated as the sports provision, offices and café would all be classed as main town centre uses, but it is clear from the plans that these elements are ancillary to the main function of the development, which is a church (recognised as a community facility in the NPPF).

8.13 The loss of the office space (planning use class B1) is not considered to result in an unacceptable loss in businesses or jobs and would therefore be in accordance with Policy DM2.3 of the Local Plan. The site is allocated for mixed use development (Site 6 of Policy S4.3 of the Local Plan), which would be primarily residential led. Therefore the Local Plan accepts the site can be developed for another use and the demand for office space could be met at alternative sites across the borough e.g. Balliol, Quorum and Cobalt.

8.14 The area is gradually changing with recent residential and retail developments being completed to the east of the site (13/00691/FUL, 16/00232/FUL, 15/01708/FUL) and the allocation of mixed use to the north (Site 5). Considering these developments are now already occupied, it is not believed that the change of use from an office to a community facility would have an adverse impact upon the amenity and operation of neighbouring properties and businesses. The applicant considers that the greater use of the building for a longer period of time throughout each day and at weekends would also be beneficial in this regard as well as enhancing the general viability of the area through the introduction of a greater mix of uses.

8.15 It is clear that both the NPPF and LP recognise the contribution of increased social interaction arising from provision of community facilities and mixed use developments in the creation of healthy, inclusive and safe places. The re-use of the site for a mix of community uses, would be in accordance with NPPF paragraph 92, which recommends that decisions for the provision of community facilities to enhance the sustainability of communities and residential environments should be considered positively. The area has already seen an expansion of residential development and the provision of community infrastructure is considered an essential element in creating sustainable communities. The proposed development would be considered to be in accordance with Policy S7.10 – ‘Priority will be given to the provision of facilities that contribute towards sustainable communities, in particular, catering for the needs of the growing population around key housing sites.’

8.16 Members need to determine whether the principle of the proposed development is acceptable. It is the view of officers that the principle of the proposed development is considered to be acceptable, subject to all other material considerations set out below being addressed.

#### 9.0 Impact on amenity

9.1 Paragraph 180 of the NPPF states “Planning policies and decisions should also ensure that new development is appropriate for its location taking into account the likely effects (including cumulative effects) of pollution on health, living conditions and the natural environment, as well as the potential sensitivity of the site or the wider area to impacts that could arise from the development. In doing so they should: a) mitigate and reduce to a minimum potential adverse

impacts resulting from noise from new development – and avoid noise giving rise to significant adverse impacts on health and the quality of life; b) identify and protect tranquil areas which have remained relatively undisturbed by noise and are prized for their recreational amenity value for this reason; and c) limit the impact of light pollution from artificial light on local amenity, intrinsically dark landscapes and nature conservation”.

9.2 LP Policy S1.4 “General Development Principles” states “ 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.” Amongst other matters this includes: be acceptable in terms of their impact upon local amenity for new or existing residents and businesses, adjoining premises and land uses; and 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”.

9.3 LP Policy DM5.19 Pollution states “Development proposals that may cause pollution either individually or cumulatively of water, air or soil through noise, smell, smoke, fumes, gases, steam, dust, vibration, light, and other pollutants will be required to incorporate measures to prevent or reduce their pollution so as not to cause nuisance or unacceptable impacts on the environment, to people and to biodiversity.

Development proposed where pollution levels are unacceptable will not be permitted unless it is possible for mitigation measures to be introduced to secure a satisfactory living or working environment.

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

Proposals for development should have regard to the noise impacts arising from the Newcastle International Airport flight path as shown on the Policies Map.”

9.4 The application site is located approximately 195m to the west of existing residential properties. It is noted that residential properties are located to the south west of the site, beyond existing commercial uses and the railway lines. Existing commercial uses are located to the east, south and west of the site.

9.5 It is acknowledged in paragraph 8.10 of this report that the site is located within a wider designated as a mixed use site, with the potential to deliver 164 units. Further mixed use sites allocated under LP Policy S3.4, are sited to the east and west of this site. The potential delivery of housing in these locations has been recognised by the applicant. The applicant has submitted a noise assessment to accompany this application.

9.6 This assessment has been considered by the Manager for Environmental Health. She has raised concerns with regard to potential noise from the change

of use arising from any amplified music played at the premises and noise arising from the community sports activities, as well as any new external plant installed as part of the development affecting the neighbouring closest residential properties at Sharon Close approximately 145 metres to the west and Ryder Court approximately 195m to the east of the site.

9.7 The noise report has considered the worship activities which include for music and singing during the service. This assessment has determined that when music and singing is occurring the overall noise impact will be negligible. The use of the car park has also been considered based on a worst case scenario, maximum capacity of 40 vehicles, and assessed the impact as being inaudible at the nearest sensitive receptors.

9.8 It is noted that the applicant has not indicated if new plant and equipment is to be installed to the cafe. Environmental Health has advised that a noise scheme would be required to ensure noise arising from any new plant and equipment does not give rise to potential noise nuisance to residential properties. She has further advised that it would be necessary for any kitchen extraction system to comply with the former DEFRA report "Guidance and Control of Odour and Noise from Commercial Kitchen Exhaust Systems". The kitchen extraction plant would need to vent externally and the applicant would need to demonstrate that noise from plant and equipment can be kept to a level to prevent no further increase in the ambient background noise levels for the daytime. This will include all external plant such as air conditioning units, heat source pumps etc.

9.9 The NPPF, paragraph 54 states "Local Planning Authorities should consider whether otherwise unacceptable development could be made acceptable through the use of conditions or planning obligations." Paragraph 55 states "Planning conditions should be kept to a minimum and only imposed where they are necessary, relevant to planning and to the development to be permitted, enforceable, precise and reasonable in all other respects." The NPPF paragraph 180 aims to "avoid noise from giving rise to significant adverse impacts on health and quality of life". Members are advised that it is clear from the environmental health comments set out in paragraphs 1.13-1.16 of the appendix to this report that appropriate mitigation to reduce the impacts arising from noise can be secured by conditions.

9.10 Members need to determine whether the proposed development is acceptable in terms of its impact on residential amenity. It is officer advice that the proposed development is acceptable in terms of its impact on residential amenity (existing and future occupants), subject to the imposition of the suggested conditions. As such, it is officer advice that the proposed development does accord with the advice in paragraph 180 of the NPPF and LP policies DM5.19 and DM6.1.

#### 10.0 Impact on character and appearance

10.1 Paragraph 124 of the NPPF encourages good design stating that "this is a key aspect of sustainable development, creates better places in which to live and work and helps make development acceptable to communities. Paragraph 130 of

the NPPF makes it clear that “Permission should be refused for development of poor design that fails to take the opportunities available for improving the character and quality of an area and the way it functions, taking into account any local design standards or style guides in plans or supplementary planning documents”.

10.2 LP Policy DM6.1 ‘Design of Development’ makes it clear that applications will only be permitted where they demonstrate high and consistent design standards. Amongst other matters proposed developments are responsive to their location, including topography, wildlife habitats, site orientation and existing buildings; ensuring a positive relationship to neighbouring buildings and spaces; ensuring sufficient parking is well integrated into the layout; and a good standard of amenity for existing and future residents.

10.3 LDD11 ‘Design Quality’ applies to all planning applications that involve building works.

10.4 LP Policy DM5.9 ‘Trees, Woodlands and Hedgerows’ seeks to safeguard existing features such as trees.

10.5 Officers consider that the defining characteristics of Planet House are its simplistic form and materials, its vertical emphasis, its symmetry, an elevated entrance and integral landscaping. The open plan character of the plot comprises of a building set within landscaped grounds with an absence of strong means of enclosure. Within the immediate vicinity there a number of commercial buildings, including locally listed buildings, that vary considerably in terms of their scale/massing, elevational detailing, materials and curtilage layout.

10.6 Officers have raised concerns regarding the design of the proposed extension and the re-cladding of the building. The applicant has responded and addressed these concerns in their Design Statement.

10.7 It is proposed to construct an extension to the front (north) elevation. This extension would create a floor space of approximately 83sqm. The extension would be positioned centrally on the buildings north elevation with its façade detailing (with the exception of the signage wall) also being symmetrical in appearance. The applicant considers that the signage wall, by virtue of its simplicity and vertical emphasis, complements the character and form of the existing building by providing a contrasting feature in a high quality contemporary design. They consider that this adds visual interest to and breaks up the north elevation. They also consider that the signage wall provides an architectural solution in terms of advertising the buildings function.

10.8 The proposed extension would be subservient to Planet House. Whilst the signage wall feature does extend above the eaves of the existing building, it is slim in profile and does not exceed the roof height of the existing building. A levels condition is not considered to be necessary, as it clear from the submitted elevations that the proposed extension would tie into the existing ground floor level.

10.9 The applicant has advised that the re-cladding of the existing building works is required to address the current poor condition of the existing exterior cladding and thus improve its visual appearance. A condition is recommended to secure the final details of this cladding. The extension will be glazed and render finished adding visual interest.

10.10 The proposed extension would result in the loss of some soft landscaping immediately to the north of the building. The mound would also be removed to improve access into the building, particularly for those with physical disabilities. The remaining area of soft landscaping surrounding the building would be retained. The existing group of trees to the north of the car park are to be retained. The applicant has advised that additional tree planting is proposed within the car park itself and on the re-configured footpath approach to the building entrance. As such key landscape features within the site are retained and it would enhance the landscape.

10.11 The applicant has advised that the addition of additional downlighting would be beneficial in terms of crime prevention.

10.12 Members need to consider whether the impact on the character and appearance of the immediate surrounding area is acceptable. It is officer advice that, the proposed development would not result in a significant visual impact on the character or appearance. As such, the proposed development accords with national and local planning policies.

#### 11.0 Impact on highway safety

11.1 The NPPF paragraph 109 makes it clear that development should only be prevented or refused on highway grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.

11.2 The NPPF paragraph 110 states, amongst other matters, that applications for development should give priority first to pedestrian and cycle movements both within the scheme and with neighbouring areas and address the needs of people with disabilities and reduced mobility in relation to all modes of transport.

11.3 LP Policy DM7.4 'New Development and Transport' makes it clear that the Council will ensure that the transport requirements of new development, commensurate to the scale and type of development, are taken into account and seek to promote sustainable travel to minimise environmental impacts and support residents health and well-being.

11.4 The Council's maximum parking standards are set out in the Transport and Highways SPD (LDD12).

11.5 The applicant has advised that vehicle movements at peak times associated with this proposal are likely to be less than its current lawful use for Use Class B1 activities. They consider that the highest vehicle movements associated with the proposed use are likely to be off peak times in the evenings and weekends.

11.6 The applicant considers the site to be accessible by a choice of means of transport and the church would encourage members and visitors to use public transport and other non-car modes such as walking and cycling. The applicant considers this to be feasible as the majority of church members live in Killingworth, the site is within walking distance of the majority of the town, as well as being accessible to the wider local area for cyclists and public transport users. At this time, the applicant has advised, that the church do not envisage having any paid staff based at the premises. They have advised that this may change over time, but they do not consider staffing levels would ever be substantial.

11.7 The application site is located within walking distance to bus stops on Northumbrian Way to the north and Southgate to the east.

11.8 The applicant has advised that they would be willing to accept a condition requiring the preparation and implementation of a Travel Plan (TP) within six months of their first occupation of the building. They consider this would allow time after first occupation for survey work to be undertaken of the travel patterns of those using the premises and the preparation of a TP with measures and targets based on the results of such survey work.

11.9 The applicant has advised that they have applied the council's maximum parking standards, which would generate a need for 39 car parking spaces. This level of parking provision can be provided within the existing car park including disabled parking. The applicant has advised that rather than provide cycle stands outside of the building, they propose to make secure cycle space available within the building.

11.10 The Highways Network Manager has been consulted. He has raised no objections to the proposed development subject to the imposition of the suggested conditions set out in paragraph 1.4 of the appendix to this report. Members are advised that the suggested highway conditions have been amended to reflect the additional information provided by the applicant to address the requirements of some of these conditions.

11.11 Members need to determine whether the proposed development is acceptable in terms of its impact on the highway network and existing parking provision. It is officer advice that it is. The proposed development accords with both national and local planning policies.

## 12.0 Other Issues

### 12.1 Contaminated Land

12.2 NPPF paragraph 178 states "Planning policies and decisions should ensure that: a) a site is suitable for its proposed use taking account of ground conditions and any risks arising from land instability and contamination. This include risks arising from natural hazards of former activities such as mining, and any proposals for mitigation including land remediation (as well as potential impacts on the natural environment arising from the remediation); b) after remediation, as a minimum, land should not be capable of being determined as contaminated land under Part IIA of the Environmental Protection Act 1990; and c) adequate

site investigation information, prepared by a competent person, is available to inform these assessments”

12.3 NPPF paragraph 179 states “Where a site is affected by contamination or land stability issues, responsibility for securing a safe development rests with the developer and/or landowner”.

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

a. Shows that investigations have been carried out to assess the nature and extent of contamination or stability issues and the possible effect it may have on the development and its future users, biodiversity, the natural and built environment; and

b. Sets out detailed measures to allow the development to go ahead safely and without adverse affect, including, as appropriate:

- i. Removing the contamination;
- ii. Treating the contamination;
- iii. Protecting and/or separating the development from the effects of the contamination;
- iv. Validation of mitigation measures; and
- v. Addressing land stability issues.

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

12.5 The Contaminated Land Officer has been consulted. He has raised no objection to the proposed change of use. He has noted that an area of soil is to be removed off site. An informative is suggested to advise the applicant that Waste Acceptance Criteria testing will have to be carried out prior to disposal at a suitably licensed landfill site.

12.6 Members need to consider whether the proposed development is acceptable in terms of its impact on ground conditions. It is officer advice that it is.

### 12.7 Minerals

12.8 LP DM5.17 ‘Minerals’ sets out guidance on minerals extraction. However, this development relates to an existing operational commercial site.

### 13.0 Local Financial Considerations

13.1 Local financial considerations are defined as a grant or other financial assistance that has been, that will or that could be provided to a relevant authority by the Minister of the Crown (such as New Homes Bonus payments) or sums that a relevant authority has received, or will or could receive in payment of



and dust suppressions measures considered appropriate to the size of the development). The scheme must include a site plan illustrating the location of facilities and any alternative locations during all stages of development. The approved statement shall be implemented and complied with during and for the life of the works associated with such development.

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

4. Prior to the occupation of any part of the building hereby approved, a Travel Plan taking into account the new proposal shall be submitted to and approved by in writing the Local Planning Authority. The Travel Plan shall be implemented in accordance with the approved details and retained thereafter.

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

5. Notwithstanding Condition 1, prior to the recladding, cladding or rendering of any part of the development hereby approved details of the cladding material, colours of the cladding and colours of the render in respect of that part of the development shall be submitted to and approved in writing by the Local Planning Authority. Thereafter, the development hereby approved shall be carried out in full accordance with these agreed details.

Reason: To ensure a satisfactory external appearance is achieved having regard to Policy DM6.1 of the North Tyneside Local Plan (2017).

6. In respect of demolition or construction associated with the external alterations, the extension or the removal of the earth mound to the front of the building hereby permitted there shall be no construction work/activity, deliveries to, from or vehicle movements within the site outside the hours of 0800-1800 Monday - Friday and 0800-1400 Saturdays with no working on Sundays or Bank Holidays.

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

7. The premises shall only be open for business between the hours of 07:00 and 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).

8. Deliveries and collections to/from the premises shall only take place between the hours of 07:00 and 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).

9. Prior to the installation of any new plant or equipment at the premises a noise scheme shall be submitted to and approved in writing by the Local

Planning Authority. The noise scheme shall be carried out in accordance with BS4142 to determine the background noise level without the plant operating at the boundary of the nearest residential premises and provide details of appropriate mitigation measures, where necessary, and a timescale for implementation to ensure the rating level of any plant and equipment does not exceed the background noise. Thereafter, the development hereby approved shall be carried out in full accordance with these agreed details.

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

10. Within one month of the installation of any plant and equipment pursuant to condition 11 acoustic testing shall be undertaken to verify compliance with this condition. This verification shall be submitted to and approved in writing prior to the operation of this plant and equipment.

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

11. Noise No Tannoys Externally Audible                      NOI002    \*

12. Prior to the installation of any chimney or extraction vent to provided in connection with the development hereby approved details of the height, position, design, materials and a timescale for their implementation shall be submitted to and approved in writing by the Local Planning Authority. Thereafter, the development shall not be carried out other than in accordance with the approved details.

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

13. Prior to the installation of any air ventilation systems details of the systems including a timescale for its implementation shall be submitted to and approved in writing by the Local Planning Authority. Thereafter, the development shall not be carried out other than in accordance with the approved details.

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

14. Prior to the installation of any refrigeration plant to be installed in connection with the development hereby approved details of this plant and a timescale for its implementation shall be submitted to and approved in writing by the Local Planning Authority. The plant shall thereafter only be installed in accordance with the approved details and permanently retained as such.

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

15. Prior to any part of the development that requires an odour suppression system being brought into use details of this system for the arrestment of cooking odours shall be submitted to and approved in writing by the Local Planning Authority. The scheme hereby approved shall be implemented before the use relevant to this condition commences in accordance with the approved details and permanently retained. All odour abatement systems should be in accordance

to the former DEFRA report Guidance and Control of Odour and Noise from Commercial Kitchen Exhaust System.

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

16. Flood Lighting Scheme Details

LIG001 \*

**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**

Building Regulations Required (I03)

Consent to Display Advertisement Reqd (I04)

No Doors Gates to Project Over Highways (I10)

Contact ERH Erect Scaffolding on Rd (I12)

Do Not Obstruct Highway Build Materials (I13)

Take Care Proximity to Party Boundary (I21)

Advice All Works Within Applicants Land (I29)

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

Street Naming and numbering (I45)

Highway Inspection before dvlpt (I46)

Waste Acceptance Criteria testing will have to be carried out prior to disposal at a suitably licensed landfill site.



**Application reference: 19/00227/FUL**

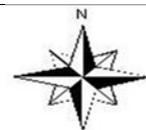
**Location: Planet House, Northumbrian Way, Killingworth**

**Proposal: Change of use from business offices and computer repairs (Use Class B1) to a mixed use community hub comprising place of worship, community services venue and training/conference centre (Use Class D1), community sports activities space (Use Class D2), cafe (Use Class A3), business offices (Use Class B1) and storage/distribution in respect of community based charitable activities (Use Class B8), alterations to existing building elevations comprising new exterior cladding, additional doors and downlighting, front entrance extension to building, removal of earth mound to front of building and the provision of associated hard and soft landscaping.**

Not to scale

Date: 04.04.2019

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**Appendix 1 – 19/00227/FUL  
Item 2**

**Consultations/representations**

**1.0 Internal Consultees**

**1.1 Highways Network Manager**

1.2 Access remains unchanged and parking will be provided in accordance with current standards. Cycle parking is being provided and the site has reasonable links with public transport. Furthermore the applicant has advised that many of the church members live locally and they are willing to develop a Travel Plan. Conditional approval is recommended.

1.3 Recommendation - Conditional Approval

1.4 Conditions:

REF01 - Refuse Storage: Detail, Provide Before Occ

SIT06 - Construction Method Statement (Minor)

No part of the development shall be occupied until a scheme to manage parking has been submitted to and approved by in writing the Local Planning Authority. This scheme shall be implemented in accordance with the approved details and retained thereafter.

Reason: In the interests of highway safety.

No part of the development shall be occupied until a parking layout has been submitted to and approved by in writing the Local Planning Authority. This scheme shall be implemented in accordance with the approved details and retained thereafter.

Reason: In the interests of highway safety.

No part of the development shall be occupied until a Travel Plan taking into account the new proposal has been submitted to and approved by in writing the Local Planning Authority. This Travel Plan shall be implemented in accordance with the approved details and retained thereafter.

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

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

Reason: In the interests of highway safety.

1.5 Informatives:

I10 - No Doors/Gates to Project over Highways

I12 - Contact ERH Erect Scaffolding on Rd

I13 - Don't obstruct Highway, Build Materials

I45 - Street Naming & Numbering

I46 - Highway Inspection before dvlpt

## 1.6 Contaminated Land Officer

1.7 No Objection.

1.8 Informative:

I note that an area of soil is to be removed off site. Waste Acceptance Criteria testing will have to be carried out prior to disposal at a suitably licensed landfill site.

## Planning Policy – Design

1.10 The signage wall would disrupt the building's symmetry but on balance any harm would not be sufficient to justify refusal.

1.11 The explanation for the re-cladding of the building is accepted, but we should condition the materials as suggested so that the cladding on the main building and on the proposed extension would be complimentary rather than jarring.

## 1.12 Manager for Environmental Health

1.13 I would have concerns with regard to potential noise from the change of use arising from any amplified music played at the premises and noise arising from the community sports activities, as well as any new external plant installed as part of the development affecting the neighbouring closest residential properties at Sharon Close approximately 145 metres to the west and Ryder Court approximately 195m to the east of the site.

1.14 I have reviewed the noise report provided with the application that has considered the worship activities which include for music and singing during the service. The background noise levels in the residential areas gave a level of 38.3 dB LA90 which is considered representative of the lowest background noise level. The overall noise breakout from the building has been assessed based on a maximum noise level of 84.6 dB LAeq5min. The assessment has determined that when music and singing is occurring the overall noise impact will be below the existing background by 5 dB and therefore impacts will be negligible. The use of the car park has also been considered based on a worst case that the car park will be at maximum capacity of 40 vehicles and assessed the impact as being 10 dB below the existing background noise level and considered to be inaudible at the nearest sensitive receptors.

1.15 I note that the layout plans include for a restaurant and cafe with kitchen facilities. The applicant has not indicated if new plant and equipment is to be installed, a noise scheme would be required to ensure noise arising from the new plant and equipment did not give rise to potential noise nuisance to neighbouring residential properties. It will be necessary for any kitchen extraction system to also comply with the former DEFRA report "Guidance and Control of Odour and Noise from Commercial Kitchen Exhaust Systems". The kitchen extraction plant would need to vent externally and the applicant would need to demonstrate that noise from plant and equipment can be kept to a level to prevent no further increase in the ambient background noise levels for the daytime. This will include all external plant such as air conditioning units, heat source pumps etc.

1.16 If planning consent is to be given I would recommend the following conditions:

Deliveries and collections should take place between the times of 07:00 and 23:00 hours; Monday to Saturday only.

Non-standard condition: External plant and equipment:

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

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

NOI02

Conditions to address any kitchen equipment and extraction plant:

EPL01

EPL02

EPL03

EPL04 The applicant shall maintain the odour suppression system as approved in accordance with the details provided by the manufacturer and submitted by the applicant for the purposes of demonstrating compliance with Standard Condition EPL04. All odour abatement systems should be in accordance to the former DEFRA report Guidance and Control of Odour and Noise from Commercial Kitchen Exhaust System.

LIG01 for new external lighting provided.

REF01

REF02

HOU03 to those on application

SIT03

## 2.0 Representations

20 representations of support have been received. These comments are set out below:

-Obtaining Planet House by Community Church would be a positive step not just for the church but for the community that it has faithfully served for 37 years. At a time when the needs in our community are increasing this project can only be a welcome addition to the resources currently available.

-The application would also serve to enhance a building in need of development and would add to the character of Northumbrian Way.

-I have been grateful for willingness of Community Church Killingworth to work in partnership with us on many community events and projects over the years. They have proved over many years that they are committed to the well-being of the community of Killingworth, and trust that the acceptance of this planning application will enable this good work to continue and grow.

-I fully support this change of use and believe it will enhance the life of the wider Killingworth and Camperdown communities.

-We at St John's look forward to continuing to work with the good folk at Killingworth Community Church to serve our community and demonstrate God's love to all.

-I support this application on a number of levels. The proposed development work will bring a new lease of life to the tired and increasingly run down external appearance of Planet House. The change of use from a partially occupied commercial building to a fully utilised community resource will be add significant value to the local area.

-It will provide practical facilities for those who either seek it or are in need of it.

-It will be a positive and great asset to the community.

-I have lived in Killingworth since 2000, and it has been impressive to see how committed Community Church Killingworth is to the prosperity and well-being of the people of the area. This is expressed in very practical ways from running a debt counselling service to supporting local schools and a local care home.

-I am convinced that owning and utilising their own building would enable Community Church Killingworth to do more to benefit a whole range of people in the area, from toddlers to teens, and the unemployed to the elderly.

-We have seen several housing estates built since moving to the Killingworth. Bringing Planet House into full use will be an asset to Killingworth, adding more venue space, facilities and resources to the area, and will be an investment in to both children and adults.

-It makes eminent sense to entrust the development of Planet House to a charity with a proven track record of investing time, energy and money over the long term into the local area in service of its residents.

-The proposed design and development looks a very attractive enhancement to the building and to Northumbrian Way. And the different change of use elements will work well together to make for a strong, vibrant and sustainable venue and facilities that will benefit and strengthen the community.

-Members of this Church have been involved both directly and indirectly in many community activities over nearly four decades, giving support and advice to both individuals and other community groups.

-Since it began in 1982, Community Church Killingworth has sought to be involved in all aspects of the community but has been hampered by the lack of available community space. Their purchase of Planet House will, in time, enable them to fulfill their ambition of serving the whole of the community of Killingworth and also of West Moor and Burradon as it stands at the hub of all three.

-At a recent event in Killingworth, 17 charities gathered to network. What was most evident with the huge demand for their services, each having long waiting lists of clients in immediate need. I believe this proposal made by Killingworth Community Church should be fully supported by the council in response to the demands and needs of our community and that the aims of this proposal meet in part some of the Priorities set by North Tyneside Council 2018-2021, in particular, the key themes for people.

### 3.0 External Consultees

#### 3.1 None