



North Tyneside Council

Planning Committee

Monday, 10 May 2021

To be held on **Tuesday, 18 May 2021** in **The Chamber at Quadrant commencing at 10.00 am.**

Agenda Item	Page
1. Apologies for absence To receive apologies for absence from the meeting.	
2. Appointment of substitutes To be informed of the appointment of any substitute members for the meeting.	
3. Declarations of Interest You are invited to declare any registerable and/or non-registerable interests in matters appearing on the agenda, and the nature of that interest. You are also requested to complete the Declarations of Interests card available at the meeting and return it to the Democratic Services Officer before leaving the meeting. You are also invited to disclose any dispensation from the requirement to declare any registerable and/or non-registerable interests that have been granted to you in respect of any matters appearing on the agenda.	
4. Minutes To confirm the minutes of the previous meeting held on 27 April 2021.	5 - 8

Members of the public are welcome to attend this meeting and receive information about it. However, in order to enable the meeting to be held in a Covid-secure manner, places for members of the public are limited. Please email democraticsupport@northtyneside.gov.uk or call 0191 6435359 if you wish to attend or require further information.

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

Agenda Item	Page
5. Planning Officer Reports	9 - 14
To receive the attached guidance to members in determining planning applications and to give consideration to the planning applications listed in the following agenda items.	
6. 21/00739/FUL OGN Offices Hadrian Yard A, B and C Hadrian Way, Wallsend, Tyne and Wear	15 - 30
To consider a full planning application for the variation of condition 5 (Hours of Operation) to allow 2no. gantry cranes to be operated 24 hours a day Monday to Sunday and partial discharge of condition 6 (Noise Assessment) in respect of the 2no. gantry cranes of planning approval 16/01595/FUL (resubmission)	
7. 21/00356/FUL Land West of Units 8D to 8F Alder Road, West Chirton Industrial Estate, North Shields, Tyne and Wear	31 - 60
To consider a full planning application for the erection of new industrial units on a grassed area and hardstanding adjacent to existing industrial units (Block 8). Additional areas of hardstanding and car parking facilities are proposed. 14no. new units vary in size from 90 - 120sqm.	

Circulation overleaf ...

Members of the Planning Committee:

Councillor Ken Barrie
Councillor Brian Burdis
Councillor Sandra Graham
Councillor Frank Lott (Chair)
Councillor Willie Samuel

Councillor Trish Brady (Deputy Chair)
Councillor Linda Darke
Councillor Muriel Green
Councillor Paul Richardson
Councillor John Stirling

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Planning Committee

Tuesday, 27 April 2021

Present: Councillor F Lott (Chair)
Councillors T Brady, B Burdis, L Darke, S Graham,
P Richardson, W Samuel and F Weetman

Apologies: Councillor M Green

PQ147/20 Appointment of substitutes

There were no substitute members appointed.

PQ148/20 Declarations of Interest

Councillor Sandra Graham declared a non-registerable personal interest in relation to planning application 20/01741/FUL, Plot 11, The Silverlink North, Cobalt Business Park because her daughter-in-law was a member of Wallsend Harriers and Athletic Club who had objected to the application.

PQ149/20 Minutes

Resolved that the minutes of the meeting held on 16 March 2021 be confirmed and signed by the Chair.

PQ150/20 Planning Officer Reports

The Committee received guidance in relation to the principles of decision making when determining planning applications and then gave consideration to the planning applications listed in the following minutes.

PQ151/20 21/00029/FUL, Unicorn House, Stephenson Street, North Shields

The Committee considered a report from the planning officers in relation to a full planning application from North Tyneside Council for creation of 28 units (Use Class C3) comprising of 22 town houses and 6 apartments, together with vehicle parking and associated works.

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

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

- a) the proposed provision of 50 car parking spaces for 28 properties which exceeded the Council's minimum standards. Members of the Committee suggested that the number of car parking places be reduced because the site was highly sustainable with excellent

links to public transport and to allow the applicants to enhance the proposed landscaping scheme. Officers undertook to refer the suggestion to the applicants for consideration; and

- b) the safety of road users at the junction of Northumberland Square, Norfolk Street and Suez Street. Officers undertook to give further consideration to the concerns expressed by members of the Committee and St Columba's Church as part of an overall review of traffic management to be undertaken by the Council as part of the regeneration of the town centre.

Resolved that (1) the Committee is minded to grant the application;

(2) the Head of Housing, Environment and Leisure be granted delegated authority to determine the application subject to

- i) the conditions set out in the planning officer's report and the addition, omission or amendment of any other conditions considered necessary; and

- ii) the completion of a legal agreement under Section 106 of the Town and Country Planning Act 1990 to secure the following;

Affordable housing: 25% - 7 units

Ecology and Biodiversity: £2,546

Allotments: £3,629.12

Equipped play: £19,600

Parks and greenspace: £14,909

Primary education: £75,000 (6 additional primary aged pupils)

Employment and Training: 1 apprenticeship or £7,000 per apprenticeship or a mix of both

Coastal Mitigation: £9,436 towards the Coastal Mitigation Scheme.

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

New car park accesses

Individual footway crossings

Upgrade of footpaths abutting the site

Associated street lighting

Associated drainage

Associated road markings

Associated Traffic Regulation Orders

Associated street furniture & signage

PQ152/20 20/01741/FUL, Plot 11, The Silverlink North, Cobalt Business Park

The Committee considered a report from the planning officers, together with an addendum circulated prior to the meeting, in relation to a full planning application from BP Oil UK Ltd & Highbridge Business Park Ltd for the erection of a petrol filling station (Sui Generis) with associated retail kiosk (Use Class E) and drive-thru coffee shop (Use Class E) with associated car parking, service arrangements, landscaping and access including the provision of a new roundabout.

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 number of full time equivalent jobs (41) to be created by the proposed development;
- b) the impact, in planning terms, of similar existing and proposed facilities being located in close proximity to the site;
- c) the impact of the proposed new access roundabout on the local highway network;
- d) the balance which had to be struck between the standard of the proposed pedestrian and cycling connections to the adjacent wagonway and minimising their impact on landscaping and biodiversity;
- e) the Government's guidance to local authorities for cycle infrastructure design as set out in local transport note LTN 1/20. It was suggested that members of the Committee receive a further briefing on the guidance at a future training event;
- f) the likely impact of the proposed development on the adjacent local wildlife site and local nature reserve;
- g) whether the proposed development would be in accordance with the criteria set out in Policy DM2.3 of the Local Plan relating to the loss of employment land;
- h) the impact of the development on the vitality and viability of town and district centres;
- i) the extent to which the nature of the proposed development was consistent with the Council's commitments contained within its Climate Emergency Action Plan.

Resolved that (1) the Committee is minded to grant the application;
 (2) the Head of Housing, Environment and Leisure be granted delegated authority to determine the application subject to:

- i. the conditions set out in the planning officer's report and addendum and the amendment to, addition or omission of any other condition considered necessary; and
- ii. following the completion of a legal agreement under Section 106 of the Town and Country Planning Act 1990 to secure the following:
 - Travel Plan monitoring fee £1, 250.00 (£250.00 per annum)
 - £18, 750.00 ecology and biodiversity: towards mitigating the impacts on the Local Wildlife Site.

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

- Provision of roundabout new accesses
- Improved footpath links
- Associated street lighting
- Associated drainage
- Associated road markings
- Associated Traffic Regulation Orders
- Associated street furniture & signage

c) the Head of Law and Governance and the Head of Environment, Housing and Leisure be authorised to undertake all necessary procedures under Section 247 and 257 of the Town and Country Planning Act 1990 to formally close all roads and footpaths within the site that are no longer required.

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PLANNING COMMITTEE

Date: 18 May 2021

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**

1 21/00739/FUL

Wallsend

**O G N Offices Hadrian Yard A B And C Hadrian Way Wallsend Tyne And
Wear NE28 6HL**

Speaking rights requested -Mrs Brenda Charleston, 10 Derwent Way Wallsend

2 21/00356/FUL

Collingwood

**Land West Of Units 8D To 8F Alder Road WEST CHIRTON INDUSTRIAL
ESTATE NORTH North Shields Tyne And Wear**

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Item No: 1
Application No: 21/00739/FUL
Date valid: 15 March 2021
Target decision date: 14 June 2021
Author: Julie Lawson
☎: 0191 643 6337
Ward: Wallsend

Application type: full planning application

Location: O G N Offices, Hadrian Yard A B And C, Hadrian Way, Wallsend, Tyne And Wear

Proposal: Variation of condition 5 (Hours of Operation) to allow 2no. gantry cranes to be operated 24 hours a day Monday to Sunday and partial discharge of condition 6 (Noise Assessment) in respect of the 2no. gantry cranes of planning approval 16/01595/FUL (resubmission)

Applicant: Smulders Projects UK, Mr Chris Edwards Hadrian Yard Hadrian Way Wallsend NE28 6HL

Agent: Lambert Smith Hampton, Mr James Cullingford 41-51 Grey Street Newcastle Upon Tyne NE1 6EE

RECOMMENDATION: Application Permitted

INFORMATION

1.0 Summary Of Key Issues & Conclusions

1.0 Main Issues

1.1 The main issue for Members to consider is the impact of the variation of condition 5 and the partial discharge of condition 6 on the amenity of existing residents.

2.0 Description of the Site

2.1 The application site is an existing industrial site measuring over 18 hectares. The site is operated by Smulders and specialises in offshore construction.

2.2 There is residential development to the north of the wider site at Hadrian Mews residential estate and to the south is the River Tyne. To the east is Willington Gut. Point Pleasant Industrial Estate, and other light industrial and commercial developments and housing are to the north/north-east. The site is bound to the west by the Oceania Business Park/Industrial Estate and residential properties on Railway Terrace to the north-west.

3.0 Description of the Proposed Development

3.1 The application is for a variation of condition of planning approval reference 16/01595/FUL. That consent granted permission for one ringer crane and two

gantry cranes. The applicant seeks to vary condition 5 (Hours of Operation) to allow 2no. gantry cranes to be operated 24 hours a day Monday to Sunday and partial discharge of condition 6 (Noise Assessment) in respect of the 2no. gantry cranes. Conditions 5 and 6 currently state the following:

5. The 2no gantry cranes and 1no ringer crane are to be operated only between 07:00 - 23:00 hours Monday to Sunday.

Reason: To protect the occupants of nearby residential properties from noise disturbance having regard to policy H13 of the North Tyneside Unitary Development Plan 2002.

6. Prior to the operation of the 2no gantry cranes and 1no ringer crane a noise scheme must be submitted to and approved in writing by the Local Planning Authority in order to assess the impact of crane movement and overloading and unloading of goods. The noise assessment shall include for a re-assessment of the existing daytime background noise levels, without the cranes operating, at the boundary of the nearest sensitive residential premises about Railway Terrace and Coquet Gardens and Alwin Close and should be carried out at different periods of the day early morning, daytime and late evening. The noise assessment shall be carried out in accordance with BS4142, and appropriate mitigation measures taken where necessary to ensure the rating level of the cranes does not exceed the background noise.

Reason: To protect the occupants of nearby residential properties from noise disturbance having regard to policy H13 of the North Tyneside Unitary Development Plan 2002.

3.2 The applicant is seeking to vary condition 5 to allow the two gantry cranes to be operated 24 hours a day Monday to Sunday. They are also seeking to agree the noise scheme details relating to the gantry cranes on the site.

3.3 The agent has advised that the ringer crane has been removed from the site. The applicant has advised that the gantry cranes will be employed in their normal role of production, however they are actively looking for a replacement option for the ringer crane before they do any loadouts. They advise that they do not see any loadouts in 2021 so it will be part way through 2022 when a replacement needs to be in place.

4.0 Relevant Planning History

20/02419/FUL - Variation of condition 5 (Hours of Operation) - to allow 1no ringer crane to be operated between 07:00 and 19:00 hours only Monday to Sunday and 2no gantry cranes to be operated 24 hours a day Monday to Sunday.

Variation of condition 6 (Noise Assessment) - remove reference to 'does not exceed the background noise' and replace with 'does not exceed the daytime background noise level by more than +5dB', of planning approval 16/01595/FUL – withdrawn 11.03.21

17/00242/FUL - Removal of condition 5 of application 16/01595/FUL - operating hours of cranes – withdrawn

16/01595/FUL - Erection of 2no gantry cranes and 1no ringer crane – permitted 13.01.17

09/00937/FUL: Hadrian West Yard: Change of use from use class B8 (storage or distribution) to use class B2 (general industrial) with no operational development. S106 glazing to Railway Terrace. Permitted 12.06.09

09/00868/CLPROP: Hadrian West Yard: Use of the site for the fabrication, assembly, installation, decommissioning and repair services to onshore and offshore traditional and renewable energy projects. Refused 01.05.09

09/00867/CLPROP: Amec Hadrian Yards A and B: Use of the site for the fabrication, assembly, installation, decommissioning and repair services to onshore and offshore traditional and renewable energy projects. Approved 28.04.09

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 issue for Members to consider is the impact of the variation of condition 5 and the partial discharge of condition 6 on the amenity of existing residents.

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

8.0 Impact on Residential Amenity

8.1 The NPPF states that the planning system should contribute to the environment by preventing both new and existing development from contributing to or being put at unacceptable risk from or being adversely affected by unacceptable levels of noise pollution. Paragraph 123 of NPPF states that planning decisions should aim to avoid giving rise to significantly adverse impacts on health and quality of life as a result of new development.

8.2 DM1.3 'Presumption in Favour of Sustainable Development' 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 – taking into account whether:

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

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

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

8.4 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.”

8.5 The site is currently used to construct metal structures to act as a mounting base for wind turbines operating out at sea. The application seeks to vary condition 5 of planning approval reference 16/01595/FUL. That consent granted permission for one ringer crane and two gantry cranes. Consent reference 16/01595/FUL allows the ringer and gantry cranes to be operated between the hours of 07:00 - 23:00 Monday to Sunday. The applicant is seeking to remove

the restriction on the operating hours of the gantry cranes to allow them to be operated 24 hours a day Monday to Sunday. The application also includes details relating to noise and the gantry crane, as required under condition 6 of the consent.

8.6 Objections have been received to the application from residents of the housing estate to the north of the site (Hadrian Mews) and from residents of Railway Terrace to the north-west. The objections refer to noise complaints as a result of activity at the site and object to the current application on the grounds that it will result in an increase in noise from the site.

8.7 A Gantry Crane Noise Assessment has been submitted with the application. The survey states that most operations conducted on site are related to metal fabrication, including the cutting and welding of metal and the loading of the finished product onto barges using a ringer crane. These operations can often occur at ground level and at heights exceeding 12m. To conduct this work at height, scissor lifts, telehandlers and cranes are often used as a platform for the metal fabricators. It is common for multiple operations to occur on one structure.

8.8 There are no hours of use restrictions related to the wider operation of the site. The established uses on the site relates to industrial development.

8.9 The Manager of Environment Health has advised that complaints have been received regarding operational noise from the yard and that a statutory notice was served in 2017 on Smulders due to noise issues from the existing work activities occurring at night from the yard predominantly from yard B which faces the residential development known as Hadrian Mews. This arose due to the large proportion of the work being carried out in an open yard and the noise arising from alarms on vehicles and contact noise from night time movement of metal against concrete. The notice imposes a night time (11pm to 7am) noise limit for activities at the yard to ensure activities, when measured over a 5 minute LAeq, to not exceed the background by more than 5 dB (A) or 45 dB(A), whichever is the greater, and to ensure no activities at night exceed the maximum noise level of 60 dB(A) when measured at the residential properties at Coquet Gardens. This notice still applies.

8.10 The Manager of Environment Health has viewed the noise report for the gantry crane. The noise report has considered the use of the crane based on a BS4142 assessment. No consideration of associated noise has been taken into account for the assessment, it is based solely on the noise from the operation of the cranes in isolation, although noise will arise from other sources such as the movement of vehicles, plant etc. that is necessary as part of the crane operation.

8.11 The gantry noise assessment gave an overall rating level during the night of 37 dB and results in negligible noise impacts at the nearest sensitive receptors. The noise abatement notice specified a level of +5dB above background or 45 dB(A) for night-time operations and the operation of the gantry crane will result in noise levels well below the noise levels stipulated by the abatement notice. It is therefore considered that the operation of the gantry crane will not exceed the existing background noise level during the night and therefore the variation of condition 5 to permit the use of this crane would not be unreasonable, as its use

would not result in significant adverse impacts for neighbouring residential properties.

8.12 The Manager of Environmental Health therefore has no objection to the variation of condition 5 for the hours of operation of the gantry crane to permit 24 hour use and partial discharge of condition 6 as it has been demonstrated that the operation of the gantry crane during the night will not result in significant adverse impacts on existing neighbouring residential premises. She advises that condition 5 will need to reflect that if the ringer crane is operated on the site it is still restricted to 0700-2300 hours and that a noise assessment of the ringer crane noise will need to be submitted for the full discharge of condition 6.

8.13 Members need to consider whether the variation of condition 5 to allow the gantry cranes to be operated for 24 hour usage would have a detrimental impact on the nearby residential and business occupiers. It is officer advice that the variation of condition is acceptable in terms of impact on amenity.

9.0 Local Financial Considerations

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

10.0 Conclusion

10.1 Members need to consider whether the proposal will have a detrimental impact on the amenity of nearby occupiers. It is officer advice that the variation of conditions 5 & 6 is acceptable.

RECOMMENDATION: Application Permitted

Conditions/Reasons

1. The development shall be carried out in accordance with the following approved plans:

- Site location plan
- Crane elevations
- Crane locations

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

2. The ringer crane shall only be operated between the hours of 07:00 to 23:00 hours Monday to Sunday.

Reason: In the interest of residential amenity with regards to policy DM5.19 of the North Tyneside Local Plan 2017.

3. Prior to the operation of the 1no ringer crane a noise scheme must be submitted to and approved in writing by the Local Planning Authority in order to assess the impact of crane movement and overloading and unloading of goods. The noise assessment shall include for a re-assessment of the existing daytime background noise levels, without the cranes operating, at the boundary of the nearest sensitive residential premises about Railway Terrace and Coquet Gardens and Alwin Close and should be carried out at different periods of the day early morning, daytime and late evening. The noise assessment shall be carried out in accordance with BS4142, and appropriate mitigation measures taken where necessary to ensure the rating level of the cranes does not exceed the background noise. The operation of the cranes shall thereafter only be undertaken in accordance with the approved mitigation.

Reason: In the interest of residential amenity with regards to policy DM5.19 of the North Tyneside Local Plan 2017.

4. The cranes shall include dual fitting medium intensity red steady obstacle lights to be fitted to the top of the cranes and the lights arranged so that they indicate the highest points or edges of the cranes relative to the crane surface.

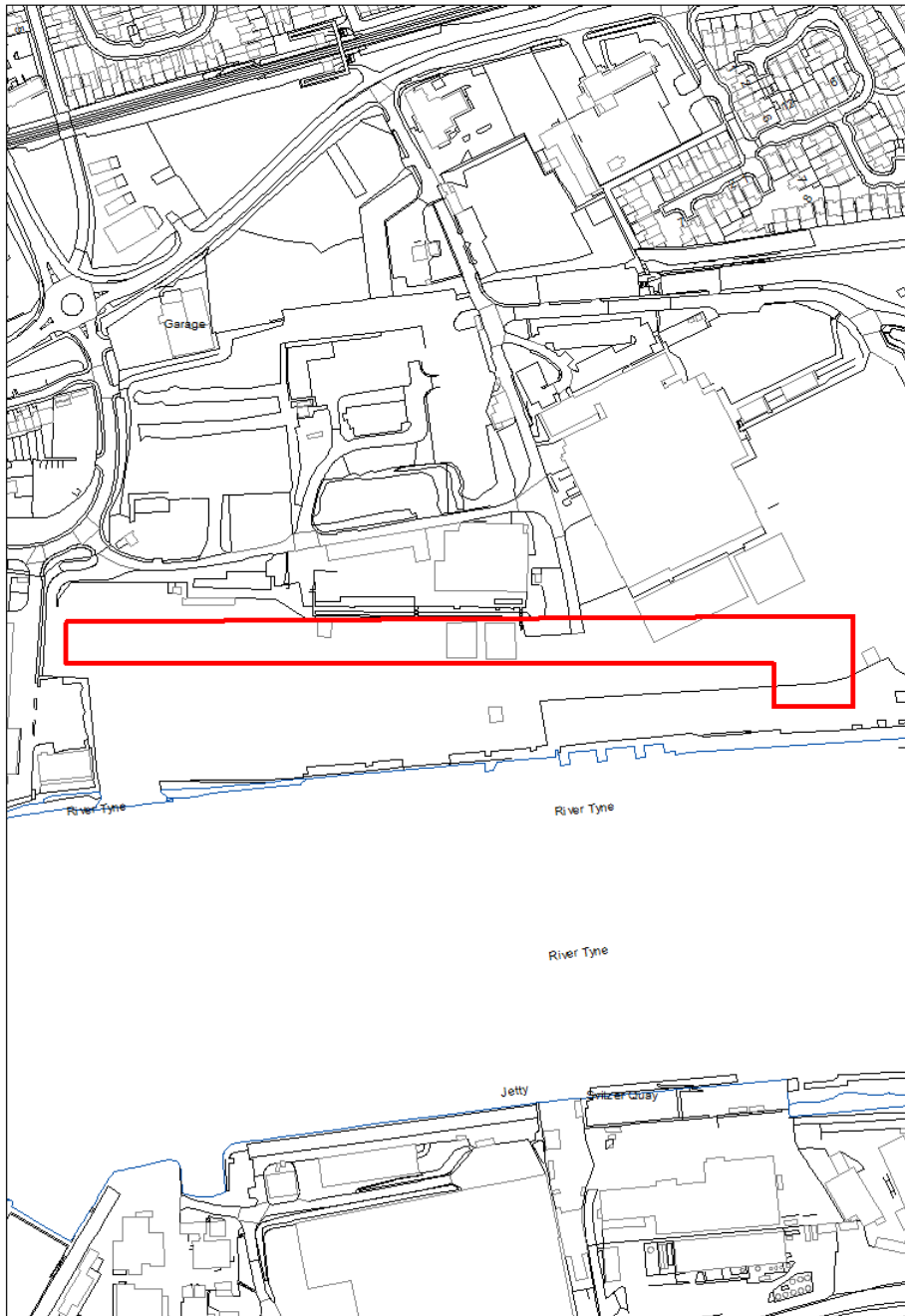
Reason: In the interests of aviation safety.

5. The development permitted by this planning permission shall be carried out in accordance with the approved Flood Risk Assessment (FRA) and the mitigation measures detailed within the FRA as submitted with application reference 16/01595/FUL. The mitigation measures shall be fully implemented prior to use and subsequently in accordance with the timing / phasing arrangements embodied within the scheme, or within any other period as may subsequently be agreed, in writing, by the local planning authority.

Reason: To reduce the risk of flooding to the proposed development and future occupants.

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

The proposal complies with the development plan and would improve the economic, social and environmental conditions of the area. It therefore comprises sustainable development and the Local Planning Authority worked proactively and positively to issue the decision without delay. The Local Planning Authority has therefore implemented the requirements in Paragraph 38 of the National Planning Policy Framework.



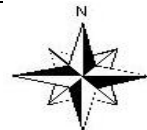
Application reference: 21/00739/FUL

Location: O G N Offices, Hadrian Yard A B And C, Hadrian Way, Wallsend
Proposal: Variation of condition 5 (Hours of Operation) to allow 2no. gantry cranes to be operated 24 hours a day Monday to Sunday and partial discharge of condition 6 (Noise Assessment) in respect of the 2no. gantry cranes of planning approval 16/01595/FUL (resubmission)

Not to scale

Date: 06.05.2021

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Consultations/representations

1.0 Internal Consultees

2.0 Manager of Environmental Health (Pollution)

2.1 Thank you for consulting Pollution with regard to this application for the variation of condition 5 (Hours of Operation) variation of condition 5 (Hours of Operation) to allow 2no. gantry cranes to be operated 24 hours a day Monday to Sunday and partial discharge of condition 6 (Noise Assessment) in respect of the 2no. gantry cranes of planning approval 16/01595/FUL (resubmission). The site is located in close proximity to residential properties at Railway Terrace, Derwent Way, Alwin Close and Coquet Gardens, with rear gardens of properties overlooking into the yard.

2.2 Historically, complaints have been received regarding operational noise from the yard. A statutory notice was served in 2017 on Smulders due to noise issues from the existing work activities occurring at night from the yard predominantly from yard B which faces the residential development known as Hadrian Mews. This arose due to the large proportion of the work being carried out in an open yard and the noise arising from alarms on vehicles and contact noise from night time movement of metal against concrete. The notice imposes a night time noise limit for activities at the yard to ensure activities, when measured over a 5 minute LAeq, to not exceed the background by more than 5 dB (A) or 45 dB(A), whichever is the greater, and to ensure no activities at night exceed the maximum noise level of 60 dB(A) when measured at the residential properties about Coquet Gardens. This notice still applies.

2.3 I have viewed the noise report for the gantry crane. The noise report has considered the use of the cranes based on a BS4142 assessment. No consideration of associated noise has been taken into account for the assessment, it is based solely on the noise from the operation of the cranes in isolation, although noise will arise from other sources such as the movement of vehicles, plant etc that is necessary as part of the crane operation. The noise assessment for the gantry crane has used background noise levels from monitoring carried out in October 2018. The noise assessment used representative locations at the boundary of the site to assess the background. This was not unreasonable in that there was no site activity occurring at the time of the monitoring that would have influenced the background noise levels. The gantry noise assessment gave an overall rating level during the night of 37 dB and result in negligible noise impacts at the nearest sensitive receptors. The noise abatement notice specified a level of +5dB above background or 45 dB(A) for night-time operations and the operation of the gantry crane will result in noise levels well below the noise levels stipulated by the abatement notice. It is therefore considered that the operation of the gantry crane will not exceed the existing background noise level during the night and therefore the variation of condition 5 to permit the use of this crane would not be unreasonable, as its use would not result in significant adverse impacts for neighbouring residential properties.

2.4 I therefore have no objection in principle to the variation of condition 5 for the hours of operation of the gantry crane to permit 24 hour use and partial discharge of condition 6 as it has been demonstrated that the operation of the gantry crane during the night will not result in significant adverse impacts on existing neighbouring residential premises. Condition 5 will need to reflect that the ringer crane is operated on the site it is still restricted to 0700-2300 hours and that a noise assessment of the ringer crane noise will need to be submitted for the full discharge of condition 6.

3.0 Representations

24 objections on the following grounds:

- Loss of privacy
- Nuisance - disturbance
- Nuisance - noise
- Nuisance - dust/dirt
- Nuisance - fumes
- Nuisance - noise
- Loss of residential amenity
- Loss of visual amenity
- Poor traffic/pedestrian safety
- Poor/unsuitable vehicular access
- Traffic congestion
- Inadequate parking provision
- None compliance with approved policy
- Not in accordance with development plan
- Precedent will be set
- Adverse effect on wildlife
- Will result in visual intrusion

- I wholly object to this variation. The conditions were set partly due to residents living nearby. This has not changed! We still live near the site! 24 hour operation will affect not only our daily lives as it did but now disturb our sleep. This was not in operation when the houses were built, we did not know about it therefore it should not happen.

The associated document states the noise assessment was done in 2018. It does not mention Derwent Way and does not consider the noise impact of the ringer crane - therefore surely it can't be used as it doesn't include everything it should and could be totally different once the impact of the ringer crane is included within the assessment. BS4142:2014 notes that adverse impacts include annoyance and sleep disturbance - we already have annoyance throughout the day, we should not have to live with sleep disturbance as well. There's already a lack of consideration from Smulders with residents from Hadrian Mews ringing them or visiting their site directly when they've went against the noise abatement order in the past. I appreciate the local employment and understand the work will be done, but 24 hour working is unreasonable given the close proximity to Hadrian Mews and the application should not be approved.

- With respect to condition 5, the movement of the gantry cranes is always heard regardless of day or night operation. The submitted gantry crane noise assessment is over two years ago and no longer indicative of current yard operations. Additionally, paragraph 3 of page 14 section 5.4 is entirely subjective

and has no founding in fact. As a resident whose home borders the yard, I can testify the alarm bell is always audible.

- With respect to condition 6, the desire is to render null and void, H13 of the North Tyneside Council Unitary Development Plan 2002. H13 seeks to protect residents from any changes to the residential amenity that will have an adverse effect, in this instance noise. In essence, Smulders are asking to be allowed to create as much noise as they desire, at any hour with impunity. I would implore our councillors to consider not only the above objections, but to also consider the following statement in reaching a decision. Smulders operate a 14/7 facility. They have a blatant disregard to obeying the rules on daytime and more specifically night-time noise and operate on what they know they can get away with. Picture the scenario, you are awoken in the early hours of the morning by noise coming from the yard. By the time you pull yourself together, get up, put on clothes, gather a camera to record the evidence, and get outside to capture the event, it may have ceased. You may wait a while, but you're tired, you want to sleep, so you go back to bed, now fully awake and angry. Sometime later, it starts again. What do you do? You can't spend the night chasing the cause, you may or may not be able to capture the event. But what if you do? Reporting it to Environmental Control is all but futile, they do not have the resource to monitor, and the unhelpful advice offered to "Contact Smulders Security" and inform them of the noise is totally unhelpful. Why should I have to engage with Smulders and ask them to cease and desist. That is what we have a council for, but sadly, residents are left to battle through themselves. Smulders can never have enough. Whatever concessions are given to them they will always want more. The more leeway you give them on noise generation, the more they will generate excessive noise. There is no end to this. Lastly, I invite any councillor to visit my home and see and hear for themselves the effect Smulders have on those residents who look out onto the yard from their window. For all the documentation, the one-sided science to promote Smulders own agenda, the reality for residents is entirely different. Come and see for yourself, the experience will give you every reason you need to reject Smulders application.

- I wish to object to this application. I have 2 young children and their sleep has been affected due to the late working of the yard and this will only be made worse if they are allowed to operate 24 hours a day.

- As a community we live right next to this so know first hand what it is like. Doing this work over night is not acceptable in any way; previously they worked as late as they were possibly allowed and that was too much noise - trying to get small children to sleep among their banging was impossible. Also as time pressed with the project they broke more and more rules so lost a lot of our goodwill. They need to make the project last longer and do all the work during day light hours. I would not object to them working early AM (say 6am) to late PM (say 9pm) but I strongly object to overnight work. I also hope the council is paying as much attention to the rules they break as to the ones they seem to be trying do properly. It was clear to everyone last time that welding in the last few months was done without proper barriers in place and their also seemed to be use of foreign/cheap labour.

- The noise can already be over-whelming from the current work taking place there.

- The majority of the homes on the estate have children and during the warmer months, this prevents us from opening bedroom windows at night. The temperature in my baby's room last summer was 34 degrees as we couldn't

leave her windows open. Having working operating this life machinery later and earlier would be a huge disruption.

- This is unacceptable. The previous application was withdrawn due to objections from the estate here. The noise is high during the day. At night this will mean we are unable to keep our windows open and get any sleep, especially for the children.

- Cranes operating 24 hours a day 7 days a week is not acceptable so close to Hadrian Mews development and surrounding residential properties.

- Noise and flood lighting would disturb residents' rest and I believe will cause issues for people's well being.

- This is not environmentally friendly. Noise, dust and general disturbance to home lives.

- I am aware that Council and Smulders have had several issues raised with them before this recent application. It is not acceptable to have 90 plus homes disturbed and the request should be denied. Would you want to live under the proposed conditions?

- The noise from the yard is not acceptable late evening and night. It is disturbing sleep for residents in proximity especially in summer when windows are open. I am an NHS worker and do not want overnight noise.

- My house is directly adjacent to the site. Rooms overlook the site including a bedroom. 24/7 crane operations will disrupt my family's life and right to privacy due to the noise created and workers overlooking my home address 24/7.

- Sleep is the biggest risk to people's health it is a verified fact. The shift pattern does not allow for this. No parking facilities means they park below our inadequate windows and leave at 2am in the morning on a gravel pathway. In effect it would never be allowed at a pub or nightclub. Noise from cars and their alarms and shouting are all an issue. The current abatement notice should continue, as the extra noise created by work being done is much worse than just the ringer and gantry cranes in operation. The council should take a long hard look at previous issues which they know and have allowed this company to break many rules as I have the letters to prove it. The lack of control of the nightshift workforce is very evident as I have supplied video of them

welding and grinding uncovered and unprotected which has caused damage to our homes and cars. The council's reply was well they have finished for now. Not good enough. The positioning of the crossing on Hadrian Road was an idiotic decision, as children will have to cross a massive increase of traffic leaving the yard to get to the crossing, these are men in a hurry to get home. Nothing has changed and both the company and the council know this. I want to be able to open my window and not have to find my mobile phone and ring at all hours to complain about the noise. The filth from the dust is unreal and I would ask the company to come and witness this. Birds roost when the yard is closed and on return we hear birds making an unholy row all night as they are forced from their nests.

- My family and I live directly behind this yard and have a right to a peaceful family life in our home without disruptive noise. A member of the household suffers from a serious health condition and sleep deprivation will have an enormous adverse effect on their health.

- It is like living on an industrial estate. The noise, dirt and pollution that affects the properties is not satisfactory and the council tax bands have not been fairly assessed to take this into account.

- A 24 hour operation so close to a residential area is unacceptable.

- Please advise who will benefit from this apart from multi million pound companies? Exactly how many jobs are created for local people in this area?
- Would the Council support such an application had it been proposed in a more affluent residential area such as Tynemouth?
- I recently bought a property at Derwent Way which backs onto Smulders Yard. Had I known about the proposed planning application I would never have bought the property. At no stage was the operation of cranes 24/7 mentioned to me.
- Impact on value of homes.
- I am a teacher working in a special needs school and therefore work long hours, both weekdays and weekends. My bedroom is at the back of the property and so 24/7 noise will severely impact my sleeping and working which will in turn impact my ability to work at my extremely demanding job.
- I am very concerned about the noise impact so close to residential homes. It is not only the noise of the cranes that you need to assess but also the impact of the workman noise so close to a residential area. I have suffered for the last two years with the noise of the workmen near-by talking through the night, beeping their horns at each other and the noise of traffic going in and out of the site it has been nice to have a reprieve from this over the last couple of months since work has stopped there. I feel the council should never have granted planning permission to build houses on my estate as I feel we live in the middle of an industrial estate. When I bought this property in November 2013 my father checked with the council and they assured us there was no work planned in the area since then I have endured years of work carried out on the building of wind turbines which are such an eye sore they have to have devalued my home if I ever come to sell.
- I strongly object to any further applications to run this site 24/7. It is positioned next to a residential site and in doing so it compromises the quality of life for all residents, a lot of whom have children. There are a number of factors the council need to consider:
 - 1) the noise - in the summer it is difficult to sit in our gardens for any long periods of time. You are unable to hold a conversation because you can't hear over the noise. And then at a night time it is disturbing everyone's sleeping including my two young children.
 - 2) the air quality - there is constant dirty and orange particles flying everywhere. Surely this isn't good for anyone and I think you should consider carrying out some air quality testing on the estate.
 - 3) the behaviour of the staff especially their driving. They drive along Hadrian Road all hours of the day as if they were on a race track and frequently shoot out of the junction on Amec Way with little or no regard to other road users or pedestrians at the crossing. How there hasn't been a serious accident I will never know.
- The proposed change to through night noise control from Smulders yard is totally unacceptable. The noise generated during the current hours of operation is significant and if extended to 24 hours will directly impact on personal health and well being of every resident in Hadrian Mews.
- We strongly object to allowing gantry cranes operating 24 hours Monday-Sunday. You must take into account that this is a small mews and families here have very young babies and children plus a number of people working nights so all need to have less noise not more especially at night. The houses overlooking the yard were sold by Bellway with the information that that yard would eventually be a shopping precinct and houses it would seem that this was never going to be.

The variation requested will cause sleep deprivation and mental fatigue- this is an unacceptable request by the firm and should not be granted.

- I wholly object to this variation. The conditions were set partly due to residents living nearby. This has not changed! We still live near the site! 24 hour operation will affect not only our daily lives as it did but now disturb our sleep. This was not in operation when the houses were built, we did not know about it therefore it should not happen.

- The associated document states the noise assessment was done in 2018. It does not mention Derwent Way. It does not consider the noise impact of the ringer crane - therefore surely it can't be used as it doesn't include everything it should and could be totally different once the impact of the ringer crane is included within the assessment. BS4142:2014 notes that adverse impacts include annoyance and sleep disturbance - we already have annoyance throughout the day, we should not have to live with sleep disturbance as well.

- There's already a lack of consideration from Smulders with residents from Hadrian Mews ringing them or visiting their site directly when they've went against the noise abatement order in the past.

- I appreciate the local employment and understand the work will be done, but 24 hour working is unreasonable given the close proximity to Hadrian Mews and the application should not be approved.

- Smulders have failed to operate their business within the current rules, so any extension of the working hours would only exacerbate the misery of local residents.

- Since 2019 and the start of the Moray East wind farm contract, we have either been disrupted or have had to leave our bed to pick up the phone to contact the site, on many occasions. Smulders seem to forget people are trying to sleep only metres away from their site. We too need sleep so that we can function at our place of work the next day, and so our children can attend school without sleep deprivation affecting their learning.

- Not only do we suffer from noise pollution, but our properties are showered in ferrous particles from the site carried by the wind, a result of Smulders continuing to weld and grind metalwork outside without any means of dust extraction. Our properties have orange staining on the windows and doors which is embedded and our vehicles have also been damaged after a coating of rust particles eating into the paintwork. What is this air pollution doing to our health?

- As the Occupier of 9 Railway Terrace I am concerned about the potential impact on my family this proposal may have. I have 2 young children, my wife works as a front line nurse at the RVI and I myself work as an HSE Advisor. We all require respite to allow us to recharge in order that we may carry out our duties at work and do our best in education. I am concerned that excess noise for consistent periods would have a detrimental effect on my family's life. Lack of sleep caused by high levels of noise can have physical and psychological effects. Therefore, I seek support from North Tyneside Council to reject this planning application in order to protect my families well being.

- I am a resident of Hadrian Mews, our home backs directly on to Hadrian Yard. We fully support work being carried out during the day but not at night. My children's bedrooms back on to the site and they struggled to get to sleep when the yard was operating through the night. Once they were asleep, they were often woken up through the night due to workers welding/shot blasting without the correct screening, workers shouting to each other, the noise of site vehicles and workers vehicles moving around. The current car park is not acceptable, it

couldn't be closer to our homes and as it is gravel, it is extremely noisy when driven on. I found a lot of the workers were ignorant to the fact that there are people sleeping when they are coming and going. They would often beep their horns, shout and race each other out of car park. All residents deserve the right to a decent night's sleep. The amount of times my children have been disturbed is unacceptable. They still have to get up and go to school the next day. Please think about the house we have to put up with at night and do not grant a 24hr permit.

- Another concern of mine is the crossing on Hadrian Road, it has been moved to accommodate cyclists on the cycle path but this means my oldest child and several others that live on the estate and walk to school or the Metro station have to cross the site entrance/exit road to get to the crossing on their way to/from school. Either this or take a chance crossing a 40mph road which any parent would not want their child to do. I would urge the council to think about a crossing island or road calming measure on the site entrance/exit road as it really is an accident waiting to happen.

- Rust particles in the air, they have stained my white window/door frames and neighbours' cars. My car is dark so you cannot see them but it is unacceptable to have damage to our property.

- I have been a resident at Hadrian Mews for 13 years and over the years have had to put up with steel fabrication fall out, on property and our cars and noise nuisance during that time. I complained to Smulders and emailed Councillors during the last contract to fabricate wind turbine jackets, about rust debris that had appeared on our cars and property window sills, but had no response for the Council to visit our property and cars to view the damage. Since Smulders completed the fabrication contract during November and after hours of cleaning our cars we have had no rust debris on the cars. This because no steel fabrication has been carried out in Smulders yard. This is obviously a health hazard to the residents on Hadrian Mews. Smulders are not working to fabrication procedures during the working contract of welding and plasma burning. We can see the debris from these procedures during the dark nights of the year, therefore when wind blows over the estate we have the fall out of welding and burning. I do not want Smulders coming to my house telling me to use a £5 spray can to remove the rust from our cars and that wind never blows over the estate and it's not Smulders responsibility for the rust on cars and windows.

- This application seeks, by stealth, to further erode the ability of local residents to enjoy the amenity of their own homes and gardens, without having to endure unreasonable noise levels. Given that Smulders have been working from the facility for some years now, presumably they feel more confident the application will be granted, compared to when they commenced working. The previous application conditions were imposed for a reason - has the applicant provided a reason/s why they are now seeking to vary the conditions? In any event, the adjacent Hadrian Mews development predates the current working by Smulders however the Council since 2009, has at every planning application capitulated in favour of job creation - to the extent of paying £1,603.52 for two of its own officers to spend a night in Brussels in 2016, with a view to attracting investment from Smulders. On this point, I appreciate the 'big picture' in terms of job creation but understand the current workforce at the facility is predominantly of overseas origin - how many UK employees are currently employed at the yard? I am particularly concerned at the proposed 24/7 working and if permitted, would

remove the last of any protection that local residents have to be able to sleep through the night - something that everyone should be able to take for granted.

- Going forward, I am not convinced that the Council's Environmental Health (Pollution) team has the will or capacity to monitor existing and future noise issues - especially if it can be argued that jobs will be put at risk as a result. In this respect, I am dismayed by their supporting comments in favour of the previous application 20/02419/FUL and cannot help but wonder whether the author of those comments has been 'leaned on'. How would they like to live here with 24/7 noise?

- I also note that Smulders feature on the Council's own Invest North Tyneside website with Smulders referring to the Council's help - to quote "They were very eager and very supportive of our move here and we can't thank them enough for their support". Given the above, will local residents continue to be viewed as 'collateral damage' in favour of purported UK job creation? In the event of Smulders being successful and on the assumption that the Council's Environmental Health (Pollution) team will also support this application, can their supporting comments really withstand external scrutiny and/or a legal challenge, given the Council's conflict of interest in this?

- I feel that this planning application should be refused due to the impact of noise levels from the site. The combined noise of both cranes and other equipment used will make the noise levels too high. This will have a bad effect on the standard of life on people living in the local area.

4.0

1 representation which states support with the following comments:

- Nuisance – dust/dirt

- I live in the estate next to the one built beside OGN and we are never sent the letters for planning applications, but we are just as close as the estate that was build closest to OGN and need to be included please as well as Ford Terrace when these are being made.

- I have ticked dust and dirt only because last year we had a lot of red type dust on our windows that I had not noticed before and would like to know if this application is going to cause this again if possible.

5.0 South Tyneside Council

No objections.

Item No: 2
Application No: 21/00356/FUL
Date valid: 9 February 2021
Target decision date: 11 May 2021
Author: Rebecca Andison
☎: 0191 643 6321
Ward: Collingwood

Application type: full planning application

Location: Land West Of Units 8D To 8F, Alder Road, WEST CHIRTON INDUSTRIAL ESTATE NORTH, North Shields, Tyne And Wear

Proposal: Erection of new industrial units on a grassed area and hardstanding adjacent to existing industrial units (Block 8). Additional areas of hardstanding and car parking facilities are proposed. 14no. new units vary in size from 90 - 120sqm

Applicant: Helio Pact Limited, 21/F Edinburgh Tower The Landmark 15 Queen's Road Central Hong Kong

Agent: Mosedale Gillatt Architects, East Lodge Jesmond Road Newcastle upon Tyne NE2 1NL

RECOMMENDATION: Minded to grant legal agreement req.

INFORMATION

1.0 Summary Of Key Issues & Conclusions

1.0 Main Issues

1.1 The main issues for Members to consider are:

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

2.0 Description of the Site

2.1 The application site is located within an established industrial estate and is occupied by hard standing and grass. Included within the application boundary are the yards of existing industrial units to the east (8a-8f Alder Road). The site is accessed via a gated entrance from Alder Road.

2.2 Beyond the western boundary of the site is a dense belt of trees and a public bridleway.

2.3 The site is allocated for employment use within the Local Plan.

3.0 Description of the proposed development

3.1 Planning permission is sought to construct 14no. industrial units.

3.2 The proposed units are located on an area of existing grass and hard standing adjacent to the western boundary of the site. Alterations are proposed to the existing parking arrangements to provide additional parking, including the demolition of the yard walls of the existing units. The existing access would also be widened.

3.3 The site benefits from an extant planning permission for the construction of 7no. new industrial units. This application seeks to permission to construct a total of 14no. smaller units. The footprint of the proposed building is very similar to the previous scheme but the front elevation has been altered, reducing the size of the units. The height of the building has also been reduced by 1.3m and the parking layout has been amended.

4.0 Relevant Planning History

16/00846/FUL - Renewal of existing fencing and erection of new to the site boundary. Installation of new inward opening gates to car park entrance – Permitted 20.07.2016

18/01468/FUL - 7no. new industrial units on a grassed area and hardstanding adjacent to existing industrial units (Block 8). Additional areas of hardstanding and car parking facilities – Planning permission granted 23.01.2019

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 in this case are;

- whether the principle of the development is acceptable on this site;
- the impact of the proposal on the character and appearance of the surrounding area;
- the impact upon surrounding occupiers;

- 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 an appendix to this report.

8.0 Principle of the Proposed Development

8.1 Paragraph 7 of NPPF states that the purpose of the planning system is to contribute to the achievement of sustainable development.

8.2 Paragraph 11 of NPPF introduces a presumption in favour of sustainable development, which amongst other matters states that decision takers should approve development proposals that accord with an up-to-date development plan without delay.

8.3 The NPPF (para.80) states that significant weight should be placed on the need to support economic growth and productivity, taking into account both local business needs and wider opportunities for development.

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

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

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

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

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

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

8.9 The proposal is to develop a currently vacant part of the site to provide 14no. new industrial units with additional parking. The site is allocated for employment purposes within the Local Plan.

8.10 The proposal complies with the allocation of the site and would secure economic development in accordance with the NPPF. The principle of the proposal is therefore considered to be acceptable subject to consideration of the issues set out below.

9.0 Impact on surrounding occupiers

9.1 Paragraph 180 of NPPF states that planning decisions should ensure that new development is appropriate for its location taking into account the likely effects (including cumulative effects) of pollution. In doing so they should mitigate and reduce to a minimum potential adverse impacts resulting from noise from new development, and avoid noise giving rise to significant adverse impacts on health and quality of life.

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

9.3 Policy DM5.19 states that amongst other matters development that may cause pollution will be required to incorporate measures to prevent or reduce the pollution so as not to cause nuisance or unacceptable impacts to people. Potentially polluting development will not be sited near to sensitive areas unless satisfactory mitigation measures can be demonstrated.

9.4 The site is located within an established industrial estate and the closest residential properties are located over 500m to the east.

9.5 It is proposed to construct 14no. industrial units. The proposed hours of operation and the exact nature of the use are not specified.

9.6 The Manager of Environmental Health has been consulted and provided comments. She states that while the end use of the units has not been specified given the distance to neighbouring residential properties it is unlikely that the proposal would harm the amenity of residents. She advises that the impact of noise arising from any external plant and equipment on nearby business would need to be assessed. The Manager of Environmental Health recommends conditions including in respect of: a noise scheme for external plant, preventing burning of materials and the external storage of dusty material/waste, external vents/chimneys, construction hours, ventilation, refuse storage and lighting.

9.7 Members need to consider whether the impact on existing occupiers would be acceptable. It is officer advice that the impact is acceptable subject to these conditions.

10.0 Character and appearance

10.1 NPPF states that the creation of high-quality buildings and places is fundamental to what the planning and development process should achieve. Development should be visually attractive as a result of good architecture, layout and appropriate and effective landscaping; be sympathetic to the 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, NPPF).

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.

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

10.5 The application site is located within an established industrial area. A public right of way runs along the western boundary and this is screened from the application site by trees.

10.6 The proposed units are in keeping with the size and appearance of the existing units in the eastern part of the site. They would be constructed from dark grey bricks and grey cladding with roller shutter doors in the front elevation.

10.7 The proposal is in keeping with the industrial character of the surroundings, and the units are considered to be of an acceptable size and design.

10.8 Members need to determine whether the proposed development would be acceptable in terms of its impact on the character and appearance of the site and surrounding area. It is officer opinion that the impact would be acceptable.

11.0 Whether there is sufficient car parking and access provided

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

11.2 All development that will generate significant amounts of movement should be required to provide a Travel Plan (TP), and the application should be

supported by a Transport Statement (TS) or Transport Assessment (TA) so the likely impacts of the proposal can be fully assessed.

11.3 Paragraph 109 of NPPF states 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.

11.4 Policy DM7.4 seeks to 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 and health and well-being.

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

11.6 The proposal includes the reconfiguration of the existing access and parking layout.

11.7 72no. parking spaces (including 5no. disabled bays), 2no. motor-cycle spaces and 34no. cycle parking spaces are proposed.

11.8 The Highway Network Manager has been consulted and raises no objections to the proposal. He advises that parking has been provided in accordance with current standards, with replacement parking for the existing units and an appropriate turning area within the site.

11.9 Having regard to the above, and subject to the conditions requested by the Highways Network Manager, it is officer advice that the proposal complies with the advice in NPPF, policy DM7.4 and the Transport and Highways SPD.

12.0 Landscaping and ecology

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

12.2 Paragraph 175 of NPPF states that when determining planning application that if significant harm to biodiversity cannot be avoided, or as a last resort compensated for, then planning permission should be refused.

12.3 Local Plan Policy S5.4 states that the Borough's biodiversity and geodiversity resources will be protected, created, enhanced and managed having regard to their relative significance. Priority will be given to:

- a. The protection of both statutory and non-statutory designated sites within the Borough, as shown on the Policies Map;
- b. Achieving the objectives and targets set out in the UK Post-2010 Biodiversity Framework and Local Biodiversity Action Plan;
- c. Conserving, enhancing and managing a Borough-wide network of local sites and wildlife corridors, as shown on the Policies Map; and
- d. Protecting, enhancing and creating new wildlife links.

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

- a. Protect the biodiversity and geodiversity value of land, protected and priority species and buildings and minimise fragmentation of habitats and wildlife links; and,
- b. Maximise opportunities for creation, restoration, enhancement, management and connection of natural habitats; and,
- c. Incorporate beneficial biodiversity and geodiversity conservation features providing net gains to biodiversity, unless otherwise shown to be inappropriate.

Proposals which are likely to significantly affect nationally or locally designated sites, protected species, or priority species and habitats (as identified in the BAP), identified within the most up to date Green Infrastructure Strategy, would only be permitted where:

- d. The benefits of the development in that location clearly demonstrably outweigh any direct or indirect adverse impacts on the features of the site and the wider wildlife links; and,
- e. Applications are accompanied by the appropriate ecological surveys that are carried out to industry guidelines, where there is evidence to support the presence of protected and priority species or habitats planning to assess their presence and, if present, the proposal must be sensitive to, and make provision for, their needs, in accordance with the relevant protecting legislation; and,
- f. For all adverse impacts of the development appropriate on site mitigation measures, reinstatement of features, or, as a last resort, off site compensation to enhance or create habitats must form part of the proposals. This must be accompanied by a management plan and monitoring schedule, as agreed by the Council.

Proposed development on land within or outside a SSSI likely to have an adverse effect on that site would only be permitted where the benefits of the development clearly outweigh both the impacts that it is likely to have on the features of the site that make it of special scientific interest and any broader impacts on the SSSI national network.

12.5 Local Plan Policy DM5.6 states that proposals that are likely to have significant effects on features of internationally designated sites, either alone or in-combination with other plans or projects, will require an appropriate assessment. Proposals that adversely affect a site's integrity can only proceed where there are no alternatives, imperative reasons of overriding interest are proven and the effects are compensated.

12.6 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.

12.7 Policy DM5.9 supports the protection and management of existing woodland trees, hedgerow and landscape features. It seeks to secure new tree planting and landscaping scheme for new development, and where appropriate, promote

and encourage new woodland, tree and hedgerow planting schemes and encouraging native species of local provenance.

12.8 The site is located adjacent to a Wildlife Corridor to the west and includes areas of trees along the western and northern boundaries. An Arboricultural Impact Assessment (AIA) and Extended Phase 1 Habitat Survey have been submitted in support of the application.

12.9 The construction of the development requires the removal of 1no. tree group (Group 1). This is a semi-mature group which has been classified as B2. In addition, access for contractors will be required within the root protection area east of Group 2 to enable construction of the buildings. The AIA recommends the installation of temporary ground protection measure within the root protection areas. The canopies of trees within Group 2 will also require pruning to clear the proposed building.

12.10 The Extended Phase 1 Survey states that the site is dominated by hard standing with amenity grassland to the west, north east and east. It advises that the site offers potential for nesting birds within scattered trees to the north and a hedgerow to the south-east, and that the adjacent row of trees may be used by bats as a commuting route. To mitigate the impact of the development it is recommended that lighting should be designed to prevent glare into the adjacent trees and that vegetation should be removed outside the bird nesting season. The report also recommends the inclusion of bird and bat boxes to enhance the ecological value of the site. There are several ponds to the north-west of the site and several of these have been identified as having the potential to support great crested newt. A working method statement has been submitted to address any potential impact on great crested newt.

12.11 A landscape scheme has been submitted. This includes areas of wildflower planting, 2no. new hedges and an area of shrub planting.

12.12 The Landscape Architect and Biodiversity Officer have provided comments. They note that the AIA includes mitigation measures to protect the retained trees and that a landscape scheme has been submitted which provides acceptable mitigation for the development. Conditions are recommended in respect of tree pruning, requiring a detailed landscaping scheme and maintenance schedule, bird and bat boxes, external lighting, and to ensure that protected species are protected.

12.13 Subject to the imposition of the conditions recommended by the Landscape Architect and Biodiversity Officer to address the impact on trees and protected species, it is officer advice that the impact on trees and ecology is acceptable.

13.0 Other issues

13.1 Contaminated Land

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

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

13.4 The site lies within the Contaminated Land Buffer Zone and a Coal Mining Development High Risk Area.

13.5 A Mine Shaft Investigation Report has been submitted in support of the application. The Coal Authority has advised that the content and conclusions of this report are sufficient and meet the requirements of NPPF paras. 178 and 179 in demonstrating that the site is safe and stable for the proposed development.

13.6 The application also includes a Phase I Geo-environmental Report, Phase II Geo-environmental Appraisal, Gas Verification Strategy and Ground Gas Assessment.

13.7 The Manager of Environmental Health (Contaminated Land) has reviewed these reports and provided comments. She advises that no remediation is required given that no contamination is identified within the Phase 2 Geo-environmental Report. She also states that the potential for gas emissions from site has been investigated adequately and the findings show that gas protection measures are required. A condition is recommended requiring that a Validation Report is submitted prior to occupation of the development.

13.8 Subject to this condition, it is officer advice that the proposal complies with policy DM5.18 of the Local Plan 2017.

13.9 Flooding

13.10 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.

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

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

13.13 The application site is located within Flood Zone 1 and is not within a Critical Drainage Area.

13.14 A Drainage Strategy has been submitted as part of the application. This advises that all surface water will be drained via gravity and discharged to the Northumbrian Water surface water sewer at a flow rate restricted to that of the greenfield runoff rate. Attenuation would be provided by the pipe network on site and underground crate attenuation. It is also proposed to divert the existing NWL surface water sewer around the proposed building.

13.15 Northumbrian Water has been consulted and provided comments. They state that the planning application does not provide sufficient detail with regards to the management of foul and surface water and recommend a condition to control these matters.

13.16 The Local Lead Flood Officer has also commented. He states that he has no objections to the proposals given that surface water attenuation is proposed for up to a 1in100yr rainfall event via the use of underground storage crates and that the surface water discharge rate will be restricted with a flow control device to 3.5l/s before it discharges into the adjacent realigned NWL sewer.

13.17 Members need to consider whether the proposed development is acceptable in terms of flood risk. It is the view of officers, that subject to a condition to control the foul and surface water drainage details, the proposed development accords with the relevant national and local planning policies.

13.18 S106 Contributions

13.19 Paragraph 54 of NPPF states that local planning authorities should consider whether otherwise unacceptable development could be made acceptable through the use of conditions or planning obligations. Planning obligations should only be used where it is not possible to address unacceptable impacts through a planning condition.

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

- a) Necessary to make the development acceptable in planning terms;
- b) Directly related to the development; and
- c) Fairly and reasonably related in scale and kind to the development.

13.21 Policy S7.1 states that the Council will ensure appropriate infrastructure is delivered so it can support new development and continue to meet existing needs. Where appropriate and through a range of means, the Council will seek to improve any deficiencies in the current level of provision.

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

13.23 Policy DM7.5 states that the Council will seek applicants of major development proposals to contribute towards the creation of local employment opportunities and support growth in skills through an increase in the overall proportion of local residents in education or training. Applicants are encouraged to agree measures with the Council to achieve this, which could include:

- a. The development or expansion of education facilities to meet any identified shortfall in capacity arising as a result of the development; and/or,
- b. Provision of specific training and/or apprenticeships that:
 - i. Are related to the proposed development; or,
 - ii. Support priorities for improving skills in the advanced engineering, manufacturing and the off-shore, marine and renewables sector where relevant to the development.

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

13.25 The following contribution has been requested by service areas and agreed with the applicant:

Employment and Training: A financial contribution of J4,000 towards employment initiatives within the borough.

13.26 The above has been reported to IPB. The contribution is considered necessary, directly related to the development and fairly and reasonable related in scale and kind to the development. It is therefore considered to comply with the CIL Regulations.

13.27 A CIL payment will not be required for this development.

13.28 Local Financial Considerations

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

13.30 The proposal would result in the creation of jobs during the construction phase and the applicant has advised the units would be able to accommodate approximately 42no. workers.

14.0 Conclusions

14.1 The proposal accords with the allocation of the site and would secure economic development in accordance with the NPPF. In officer opinion the principle of development is acceptable.

14.2 It is officer advice that the proposed development is acceptable in terms of its impact on nearby residents and businesses, on visual amenity, biodiversity and trees, and in respect of highway safety.

14.3 The development is considered to comply with relevant national and Local Plan policies and is therefore recommended for conditional approval subject a S106 agreement to secure a financial contribution towards employment/training.

RECOMMENDATION: Minded to grant legal agreement req.

Members are recommended to indicate that they are minded to grant this application subject to an Agreement under Section 106 of the Town and Country Planning act 1990 and the addition, omission or amendment of any other conditions considered necessary. Members are also recommended to grant plenary powers to the Head of Housing, Environment and Leisure to determine the application following the completion of the Section 106 Legal Agreement to secure the following:

Employment and Training: £4,000 towards employment initiatives within the borough

Conditions/Reasons

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

- Application form
- Site location plan 962 AE(0) 001 Rev.B
- Site plan as proposed 962 AL(0) 100 Rev.K
- Site plan as proposed 962 AL(0) 101 Rev.I
- Proposed typical unit plans and elevations 962 AL(0) 102 Rev.I
- External elevations as proposed 962 AL (0) 103 Rev.D
- Landscape proposals plan 1582-1-1 Rev.A
- Max legal length articulated vehicle auto-tracking C-GA-001 Rev.A
- Refuse vehicle auto-tracking C-GA-002 Rev.A

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 *
 4

4. Notwithstanding Condition 1, prior to the commencement of any part of the development hereby approved above damp proof course level details of facilities to be provided for the storage of refuse and recycling shall be submitted to and

approved in writing by the Local Planning Authority. The facilities which should also include the provision of wheeled for all waste types shall be provided in accordance with the approved details, prior to the occupation of the development and thereafter permanently retained.

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

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

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

6. 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 and turn clear of the highway thereby avoiding the need to reverse onto the public highway having regard to policy DM7.4 of the North Tyneside Local Plan (2017).

7. Notwithstanding Condition 1, no development shall commence until a Construction Method Statement for the duration of the construction period has been submitted to and approved in writing by the Local Planning Authority. The approved statement shall: identify the access to the site for all site operatives (including those delivering materials) and visitors, provide for the parking of vehicles of site operatives and visitors; details of the site compound for the storage of plant (silos etc) and materials used in constructing the development; provide a scheme indicating the route for heavy construction vehicles to and from the site; a turning area within the site for delivery vehicles; dust suppression scheme (such measures shall include mechanical street cleaning, and/or provision of water bowsers, and/or wheel washing and/or road cleaning facilities, and any other wheel cleaning solutions and dust suppressions measures considered appropriate to the size of the development). The scheme must include a site plan illustrating the location of facilities and any alternative locations during all stages of development. The approved statement shall be implemented and complied with during and for the life of the works associated with the development. Construction shall not commence on any part of the development other than the construction of a temporary site access and site set up until the agreed wheel washing/road cleaning measures are fully operational. If the agreed measures are not operational then no vehicles shall exit the development site onto the public highway.

Reason: This information is required pre development to ensure that the 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.

8. The development shall not be occupied until a car park management strategy for the site has been submitted to and agreed in writing by the Local

planning Authority. Thereafter the management of the car park shall be carried out in accordance with the agreed details.

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

9. Prior to occupation of the development, secure undercover cycle parking must be provided in accordance with the submitted 'Site plan as proposed 962 AL(0) 101 Rev.I' and 'Q50 Site/Street Furniture/Equipment First Issues 08.03.2019' and thereafter permanently retained.

Reason: In the interests of highway safety; having regard to policy DM7.4 of the North Tyneside Local Plan (2017) and National Planning Policy Framework.

10. The development shall not be occupied until a Travel Plan has been submitted to and approved by in writing the Local Planning Authority. This will include an undertaking to conduct travel surveys to monitor whether or not the Travel Plan targets are being met. The travel plan shall thereafter be implemented in accordance with the agreed details.

Reason: To encourage sustainable transport; having regard to policy DM7.4 of the North Tyneside Local Plan (2017) and National Planning Policy Framework.

11. Prior to the installation of any external plant a noise scheme must be submitted to and approved in writing by the Local Planning Authority. The scheme shall be carried out in accordance with BS4142 and must determine the current background noise levels without the plant operating at the boundary of the nearest residential premises and appropriate mitigation measures where necessary to ensure the rating level of external plant and equipment does not exceed the background noise. Thereafter the plant must be installed and maintained in accordance with the approved details.

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

12. There shall be no burning of materials on the site.

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

13. There shall be no external storage of any dust generating materials on the site.

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

14. Noise No Tannoys Externally Audible NOI002 *

15. Prior to the installation of any external vents and chimneys details of their height, position, design and materials must be submitted to and approved in

writing by the Local Planning Authority. Thereafter, the development shall not be carried out other than in accordance with the approved details.

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

16. No air ventilation systems shall be installed unless the details have been first 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 protect the amenities of occupiers of nearby properties having regard to policy DM5.19 of the North Tyneside Local Plan (2017).

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

- a light spill plan with lighting designed to minimise light spill to the adjacent woodland on the western boundary;
- a statement of frequency of use, and the hours of illumination;
- a site plan showing the area to be lit relative to the surrounding area, indicating parking or access arrangements where appropriate, and highlighting any significant existing or proposed landscape or boundary features;
- details of the number, location and height of the proposed lighting columns or other fixtures;
- the type, number, mounting height and alignment of the luminaires;
- the beam angles and upward waste light ratio for each light;
- an isolux diagram showing the predicted illuminance levels at critical locations on the boundary of the site and where the site abuts residential properties or the public highway to ensure compliance with the institute of lighting engineers Guidance Notes for the reduction of light pollution to prevent light glare and intrusive light for agreed environmental zone ; and
- where necessary, the percentage increase in luminance and the predicted illuminance in the vertical plane (in lux) at key points.

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

Reason: In the interest of visual amenity and to ensure local wildlife populations are protected; having regard to policies DM5.5 and DM5.19 of the North Tyneside Local Plan (2017).

18. Prior to any tree pruning being carried out, details of the pruning work must be submitted to and approved in writing by the Local Planning Authority. All tree pruning works shall be carried out in full accordance with the approved specification and the requirements of British Standard 3998: 2010 - Recommendations for Tree Works.

Reason: In order to safeguard existing trees, the amenity of the site and locality, and in the interests of good tree management having regard to Policy DM5.9 of the North Tyneside Local Plan (2017).

19. The landscape scheme shall be implemented as shown on drawing No. 1582-1-1 Rev A. The works shall be carried out prior to the occupation of any part of the development or in accordance with a timetable submitted to and agreed in writing by the Local Planning Authority. Any trees or plants that, within

a period of three 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.

Reason: To ensure a satisfactory standard of landscaping having regard to policies DM5.5 and DM5.9 of the North Tyneside Local Plan (2017).

20. Within 1 month of development commencing a schedule of landscape maintenance, including details of the arrangements for its implementation, for a minimum period of five years must be submitted to and approved in writing by the Local Planning Authority. The development shall thereafter be carried out in accordance with the approved schedule.

Reason: To ensure a satisfactory standard of landscaping having regard to policies DM5.5 and DM5.9 of the North Tyneside Local Plan (2017).

21. All works must be undertaken in accordance with the Amphibian Method Statement set out in Appendix D of the 'Extended Phase 1 Survey Report' (Total Ecology) with appropriate ecological supervision from a suitably qualified ecologist.

Reason: To ensure that local wildlife populations are protected in the interests of ecology, having regard to the NPPF and Policy DM5.5 of the North Tyneside Local Plan.

22. No vegetation removal shall take place during the bird nesting season (March-August inclusive) unless a survey by a suitably qualified ecologist has confirmed the absence of nesting birds immediately prior to works commencing. When undertaking works to the building, any nesting birds will be allowed access to the nest until the young have fledged.

Reason: To ensure that local wildlife populations are protected in the interests of ecology, having regard to the NPPF and Policy DM5.5 of the North Tyneside Local Plan.

23. 2no. bat boxes must be provided on appropriate buildings or trees within or adjacent to the site prior to occupation of the development. Details of bat box specification and locations must be submitted to and approved in writing by the Local Planning Authority within 4 weeks of development commencing.

Reason: To ensure that local wildlife populations are protected in the interests of ecology, having regard to the NPPF and Policy DM5.5 of the North Tyneside Local Plan.

24. 4no. bird boxes must be provided on appropriate buildings or trees within or adjacent to the site prior to occupation of the development. Details of bat box specification and locations must be submitted to and approved in writing by the Local Planning Authority within 4 weeks of development commencing.

Reason: To ensure that local wildlife populations are protected in the interests of ecology, having regard to the NPPF and Policy DM5.5 of the North Tyneside Local Plan.

25. Any excavations left open overnight must have a means of escape for mammals that may become trapped in the form of a ramp at least 300mm in width and angled no greater than 45°.

Reason: To ensure that local wildlife populations are protected in the interests of ecology, having regard to the NPPF and Policy DM5.5 of the North Tyneside Local Plan.

26. Hedgehog gaps (13cmx13cm) must provided within any new fencing.

Reason: To ensure that local wildlife populations are protected in the interests of ecology, having regard to the NPPF and Policy DM5.5 of the North Tyneside Local Plan.

27. Prior to construction of the development above damp proof course level a Validation Report must be submitted to and approved in writing by the Local Planning Authority. The report should confirm exactly what remediation has been carried out and that the objectives of the remediation statement have been met.

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

Prior to occupation of the development a verification report shall be submitted to and approved in writing by the Local Planning Authority. Verification must be carried out in accordance with BS 8485:2015+A1:2019, CIRIA C735 and Yorkshire and Lincolnshire Pollution Advisory Group Version 1.1 - December 2016 Verification Requirements for Gas Protection Systems.

Reason: In order to safeguard the development and/or the occupants thereof from possible future gas emissions from underground and or adverse effects of landfill gas which may migrate from a former landfill site having regard to policy DM5.18 of the North Tyneside Local Plan (2017) and National Planning Policy Framework.

28. No development shall commence until details of a foul and surface water management scheme has been submitted to and approved by in writing by the Local Planning Authority in consultation with Northumbria Water. The agreed scheme shall be implemented prior to occupation of the development and retained thereafter.

Reason: This information is required from the outset to provide a satisfactory means of drainage and prevent the increased risk of flooding from any sources in accordance with the NPPF and Policy DM5.12 of the North Tyneside Local Plan 2017.

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

The proposal complies with the development plan and would improve the economic, social and environmental conditions of the area. It therefore comprises sustainable development and the Local Planning Authority worked proactively

and positively to issue the decision without delay. The Local Planning Authority has therefore implemented the requirements in Paragraph 38 of the National Planning Policy Framework.

Informatives

Building Regulations Required (I03)

No Doors Gates to Project Over Highways (I10)

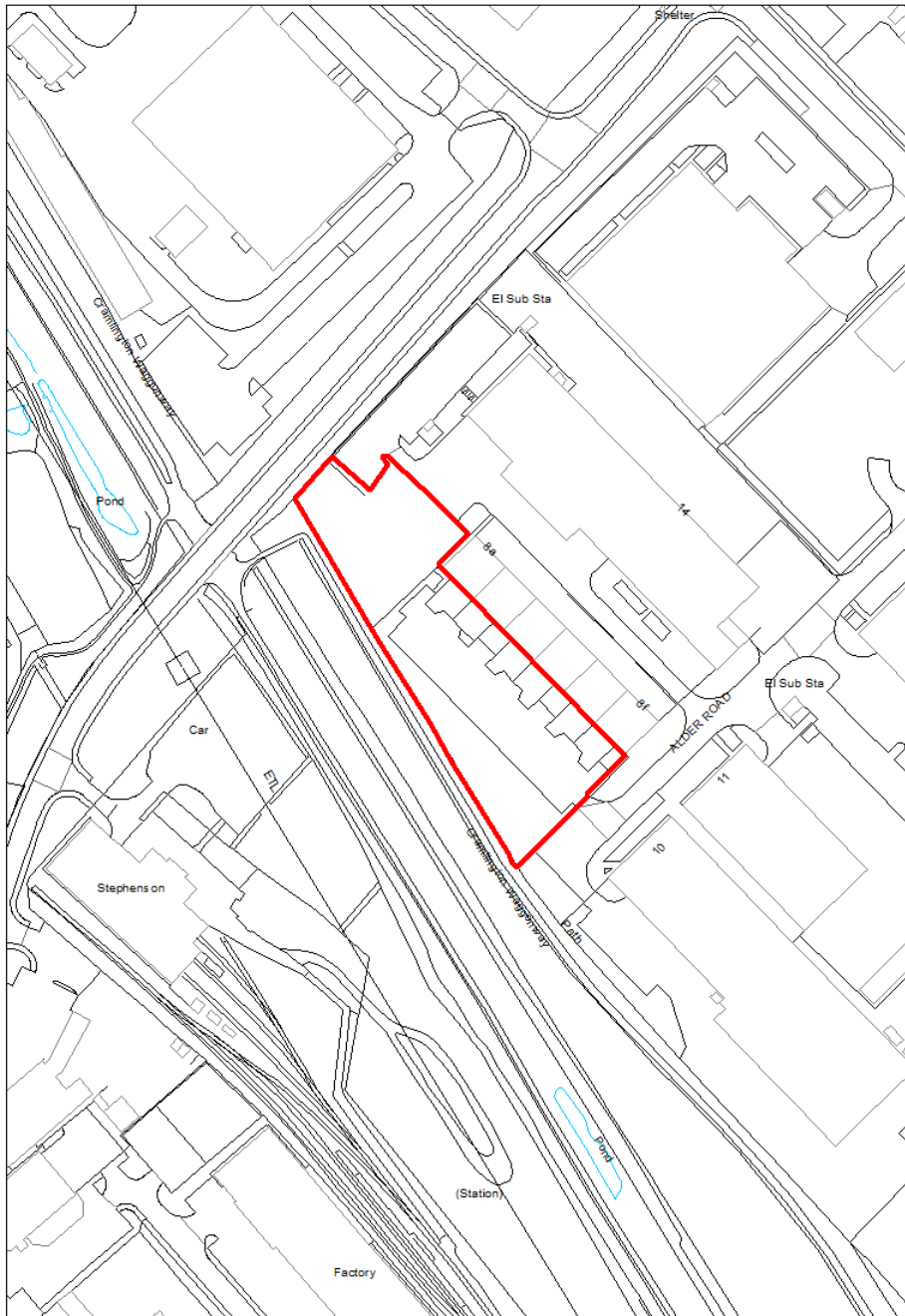
Do Not Obstruct Highway Build Materials (I13)

Street Naming and numbering (I45)

Highway Inspection before dvlpt (I46)

Details of the oil separator maintenance regime should be included within the drainage maintenance schedule and within the site's health and safety file.

The proposed development lies within a coal mining area which may contain unrecorded coal mining related hazards. If any coal mining feature is encountered during development, this should be reported immediately to the Coal Authority on 0345 762 6848. Further information is also available on the Coal Authority website at: www.gov.uk/government/organisations/the-coal-authority



Application reference: 21/00356/FUL

Location: Land West Of Units 8D To 8F, Alder Road, WEST CHIRTON INDUSTRIAL ESTATE NORTH, North Shields

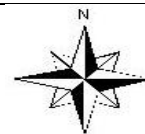
Proposal: Erection of new industrial units on a grassed area and hardstanding adjacent to existing industrial units (Block 8).

Additional areas of hardstanding and car parking facilities are proposed. 14no. new units vary in size from 90 - 120sqm

Not to scale

Date: 05.05.2021

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Consultations/representations

1.0 Internal Consultees

1.1 Highway Network Manager

1.2 This application is for the erection of new industrial units on a grassed area and hardstanding adjacent to the existing industrial units (Block 8), additional areas of hardstanding and car parking facilities are proposed.

1.3 The site is accessed from the existing access on Alder Road. Parking has been provided in accordance with current standards along with replacement parking for the existing units and an appropriate turning area within the site. Conditional approval is recommended.

1.4 Recommendation - Conditional Approval

1.5 Conditions:

ACC25 - Turning Areas: Before Occ

PAR04 - Veh: Parking, Garaging before Occ

REF01 - Refuse Storage: Detail, Provide Before Occ

SIT07 - Construction Method Statement (Major)

SIT08 - Wheel wash

The development shall not be occupied until a car park management strategy for the site has been submitted to and agreed in writing by the Local planning Authority. Thereafter the management of the car park shall be carried out in accordance with the agreed details.

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

The development shall not be occupied until a scheme for the provision of secure undercover cycle storage for residential use has been submitted to and approved by in writing the Local Planning Authority. Thereafter, this scheme shall be implemented in accordance with the approved details before the development is occupied.

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

The development shall not be occupied until a Travel Plan has been submitted to and approved by in writing the Local Planning Authority. This will include an undertaking to conduct travel surveys to monitor whether or not the Travel Plan targets are being met.

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

1.6 Informatives:

I10 - No Doors/Gates to Project over Highways

I13 - Don't obstruct Highway, Build Materials

I45 - Street Naming & Numbering

1.7 Manager of Environmental Health (Pollution)

1.8 The site is located within a dedicated industrial estate. Due to the distance to neighbouring residential properties it is likely that the overall operation of the site is unlikely to give rise to adverse impacts on amenity of residents. However, it is unclear as to the end use of the units. I would advise that noise arising from any external plant and equipment that might be installed in the units would need to be assessed for the impact on other businesses and other nearby sensitive receptors. If the occupiers of the units were required to store dusty materials or waste then this could give rise to potential nuisance on other neighbouring units. I would therefore recommend conditions to prevent such activities.

1.9 If planning consent was to be given, I would recommend the following conditions:

Installation of New External Plant and Equipment:

A noise scheme must be submitted in accordance with BS4142 to determine the background noise level without the new plant and equipment 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 installed at the industrial units does not exceed the background noise level.

There shall be no burning of materials on the site.

Reason: In the interests of protecting the amenities of the occupiers of surrounding land and properties.

There shall be no external storage of any dust generating materials at the industrial units.

NOI02

EPL01 for any external vents and chimneys

EPL02

HOU04

SIT03

REF01

REF02

LIG01

1.9 Local Lead Flood Authority

1.10 I have carried out a review of the submitted drainage proposals for planning application 21/00356/FUL. I can confirm I have no objections to the proposals as the applicant will be providing surface water attenuation for up to a 1in100yr rainfall event within the site via the use of underground storage crates and will be restricting the surface water discharge rate with a flow control device to 3.5l/s before it discharges into the adjacent realigned NWL sewer. One thing I would recommend is that the applicant includes details of the oil separator maintenance regime within the maintenance schedule and within the site's health and safety file.

1.11 Landscape Architect and Biodiversity Officer

1.12 The application area is located within West Chirton Industrial Estate. The surrounding area contains a range of industrial uses. There are no residential properties within the immediate vicinity and the site is currently occupied by industrial units with car park hardstanding and maintained grassland. The western perimeter of the site is bordered by a dense tree group and is contained by a steel palisade fence separating the site from the Percy Main to Shiremoor Waggonway/Bridleway. The wagonway is located within a designated Wildlife Corridor, which, connects to other associated corridors throughout the borough. The access to the site is provided via Alder Road from Middle Engine Lane, which also passes close to the northern end of the proposed site area, with wider strategic transport systems including, Norham Road and the Coast Road (A1058) to the east and south respectively and the A19 close to the west. There are occasional tree groupings within the wider Industrial Estate area which populate the grassed areas adjacent to the road system throughout the estate.

1.13 Planning permission was granted in June 2019 (18/01468/FUL) for the construction of 7no. new industrial units on an area of grass and hardstanding adjacent to existing industrial units (Block 8).

1.14 This application seeks to redesign the 7 units to a total of 14no. smaller units. The footprint of the new building has remained very similar to the previous scheme but the front (north east facing) elevation is being altered, reducing the size of the units. The height of the building has also been reduced and the parking layout has been amended to suit this re-design.

1.15 An Arboricultural Impact Assessment has been carried out by Elliott Consultancy Ltd. (October 2018) for the proposals. A number of trees to the north within the site have since been removed or have approval to be removed (G1). A linear group of trees exists to the wagonway to the west of the site located on neighbouring land immediately adjacent to the boundary fence, containing Hawthorn, Ash, Alder spp, Blackthorn, Birch spp, and Swedish Whitebeam. This group forms a continuous canopy and overhangs the boundary fence up to 2m. The finished floor level of the proposed building will be lower than the existing ground level so in order to retain the higher ground and rooting medium a retaining wall has been incorporated into the buildings design. The following mitigations were included within the AIA and considered as part of design development and includes root protection area (no build zone) to the western edge of the site, rainwater drainage from the rear (western) elevation of the new build falls to gutter and is then diverted through the building to the front elevation to link to below ground drainage so that no below ground drainage runs to the rear of the new building.

1.16 The 'Extended Phase 1 Survey Report' undertaken by total Ecology shows that the site is dominated by hardstanding with an area of semi-improved grassland and scattered trees to the north. The woodland to the west of the site, which forms part of the wagonway, is of value to foraging and commuting bats and therefore, a lighting strategy that minimises light spill into this area will need to be conditioned as part of the application. In addition, a number of ponds are

located within 500m of the development and therefore potential impacts on great crested newt (GCN) as a result of the scheme were also assessed. Given the nature and scale of the scheme and the general lack of appropriate habitat and disturbance in this location, it was deemed that the potential impacts on GCN were low with an offence unlikely. The report recommends, however, that all works are undertaken in accordance with the Method Statement set out in Appendix D of the Report. As some areas of semi-improved grassland, trees and shrubs will be lost to accommodate the scheme, adequate landscape mitigation is required to address these impacts.

1.17 A landscape scheme has been produced (drawing No. 1582-1-1 Rev A) which shows native hedgerow planting to the north and southern boundaries of the site, supported by wildflower seeded areas as mitigation. This is a change from the earlier plan which showed ornamental shrub species. Due to limited space available no new tree planting is proposed. Cotoneaster Skogholm is proposed but it is not a species included on the Schedule 9 Part 2 of the Wildlife & Countryside Act 1981. The provision of new areas of wildflower grassland and mixed native hedgerow are considered acceptable to mitigate the impacts of the scheme.

1.18 The following conditions are to be applied:

Tree Pruning works

All pruning works shall be carried out in full accordance with the approved specification and the requirements of British Standard 3998: 2010 - Recommendations for Tree Works, detail of which are to be submitted for approval.

Landscape Plan

The landscape scheme shall be implemented as per drawing No. 1582-1-1 Rev A. The works shall be carried out prior to the occupation of any part of the development or in accordance with the timetable agreed with the Local Planning Authority. Any trees or plants that, within a period of three 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. The development shall be carried out in accordance with the approved schedule.

Amphibian Method Statement

All works will be undertaken in accordance with the Method Statement set out in Appendix D of the 'Extended Phase 1 Survey Report' (Total Ecology) with appropriate ecological supervision from a suitably qualified ecologist.

Lighting Details

Prior to the installation of any external lighting, a lighting scheme shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall include a light spill plan with lighting designed to minimise light spill to the adjacent woodland on the western boundary.

Birds & Bats

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

4no. bird boxes will be provided in suitable locations (buildings or trees) within or adjacent to the development site. Details of bird box specification and locations must be submitted to and approved in writing by the Local Planning Authority within 4 weeks of development commencing on site and will be installed in accordance with the approved plans.

2no. bat boxes will be provided in suitable locations (buildings or trees) within or adjacent to the development site. Details of bat box specification and locations must be submitted to and approved in writing by the Local Planning Authority within 4 weeks of development commencing on site and will be installed in accordance with the approved plans.

Mammals

Any excavations left open overnight will have a means of escape for mammals that may become trapped in the form of a ramp at least 300mm in width and angled no greater than 45°.

Provision of hedgehog gaps (13cmx13cm) will be provided within any new fencing within the scheme.

1.19 Sustainable Transport

1.20 This application is for 14 units (B2) with a GFA of only 1,530m² so does not trigger a Travel Plan.

1.21 Manager of Environmental Health (Contaminated Land)

1.22 I have read the:

Phase 1 Geoenvironmental Report and Coal Mining Risk (February 2017)

Phase 2 Geoenvironmental Appraisal Report

Gas Risk Assessment Report

Mine Shaft Investigation letter report

The Gas Verification Strategy Report

1.23 I note from the Phase 2 Geo-environmental Report that no contamination has been identified. Therefore, no remediation is anticipated. No condition relating to contamination is required.

1.24 The Gas Risk Assessment report concluded that the primary pathway for the migration of hazardous ground gas to the surface is through the mine shaft and through pore space within soils. In the absence of methane, carbon dioxide

has been used as the worst-case assessment criteria for this site. With a calculated CSV of 0.2617l/hr, this requires a Characteristic Situation (CS) of CS2 in accordance with BS 8485. This is a low hazard potential which will require gas protection measures.

1.25 In accordance with BS 8485, the proposed development comprising commercial and industrial units equates to a Type B building. For CS2 gas conditions, a point score of 3.5 must be achieved for adequate gas protection, which can be achieved from a range of measures as described in section 7 of the standard.

1.26 The Gas Verification Strategy Report states that:

The proposed Visqueen Gas Barrier membrane meets points 1 to 5 above. However, to ensure that the barrier is installed correctly, BS8485:2015 (+A1:2019) recommends that the installation is verified in accordance with CIRIA C735. The requirement and scope of gas verification measures is a function of the complexity of the development and is assessed via a risk-based system.

Given that some higher risk elements are identified due to the anticipated non-specialised installer, it is considered that independent inspections of each unit will be necessary on the site.

1.27 Based on the above information I am satisfied that site has been investigated adequately and the findings show that gas protection measures are required. To ensure that the risk elements identified by the consultant are addressed the following must be applied:

As remediation has been identified as a requirement for the site then a validation report will be required. This report should confirm exactly what remediation has been carried out and that the objectives of the remediation statement have been met.

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

Verification must be carried out in accordance with BS 8485:2015+A1:2019, CIRIA C735 and Yorkshire and Lincolnshire Pollution Advisory Group Version 1.1 - December 2016 Verification Requirements for Gas Protection Systems.

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

2.0 External Consultees

2.1 Northumbria Police

2.2 We have considered the plans and have no objections to the planning application.

2.3 Coal Authority

2.4 The Coal Authority Response: Material Consideration

2.5 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.

2.6 The Coal Authority records indicate that within the application site (northern part of the site) is a recorded mine entry (CA ref: 432569-004). In addition, there is an active mine gas ventilation scheme (CA ref: L279 Mine gas Algernon Borehole) and mine water monitoring point (CA ref: 279.1), located on the grass verge adjacent to the application site boundary. I have therefore discussed these matters with our gas specialist and a member of our environment team at the Coal Authority. They have advised that the Algernon borehole is a water monitoring point associated with emissions at St Anselm (housing estate c.1km to the east of this site). The gas issue is controlled by an active ventilation scheme at St Thomas Moore High School and only low concentrations of carbon dioxide (CO₂) is monitored at the borehole. Water level at this point is variable but often around 26m below ground level. The Algernon borehole is monitored beneath a lockable cover and is monitored every other month therefore, the Coal Authority must retain access to this borehole.

2.7 The planning application is accompanied by a Mine Shaft Investigation Report dated 08 February 2018, prepared for the redevelopment of this site by Patrick Parsons Ltd. The Report has been informed by previous Phase 1 and Phase 2 Geoenvironmental Reports including the results of intrusive ground investigations to confirm the presence or otherwise of the on-site mine entry.

2.8 We note that the Coal Authority were consulted on a previous planning application for this site: 18/01468/FUL - 7no. new industrial units on a grassed area and hardstanding adjacent to existing industrial units (Block 8). Additional areas of hardstanding and car parking facilities are proposed. New unit sizes vary in size from 200 sqm to 250 sqm. Total area of new build: 1615 sqm of which was also accompanied by the above Report, which was also accompanied by the above Report.

2.9 Based on the extent of the ground investigation works and the professional opinion provided by the report author confirming that they were unable to locate the on-site mine entry (search area extended up to 15m from our plotted position), the Coal Authority raised no objection to the proposed development. However, as the Report informed that the mine entry could be elsewhere in the application site boundary, recommendations were made that a watching brief is maintained on the site to observe for any evidence of deeper made ground, or other structures that could potentially indicate the presence of a mine shaft. Should any evidence of a mine shaft be encountered during the works all works in the immediate area should cease and advice from a suitably qualified and experienced engineer should be sought prior to the re-commencement of works. The Coal Authority would also need to be notified.

2.10 In addition, we note that the application is also accompanied by the results of gas

monitoring that has taken place at this site and the based on the findings of the gas monitoring, (potential CO2 issues) gas protection measures are to be incorporated. We would recommend that the LPA liaise with their in-house Environmental Health team on this specific matter.

2.11 The Coal Authority considers that the content and conclusions of the Mine Shaft

Investigation Report dated 08 February 2018, based on the professional opinions provided by Patrick Parsons Ltd are sufficient for the purposes of the planning system and meets the requirements of NPPF paras. 178 and 179 in demonstrating that the application site is safe and stable for the proposed development. The Coal Authority therefore has no objection to the proposed development.

2.12 In the interest of public safety, should planning permission be granted for this current proposal, we would recommend that the following wording is added as an Informative Note:

The proposed development lies within a coal mining area which may contain unrecorded coal mining related hazards. If any coal mining feature is encountered during development, this should be reported immediately to the Coal Authority on 0345 762 6848.

Further information is also available on the Coal Authority website at: www.gov.uk/government/organisations/the-coal-authority

2.13 Northumbrian Water

2.14 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: Development shall not commence until 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.

2.15 The developer should develop their 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

2.16 If sewer is the only option the developer should contact Northumbrian Water to agree allowable discharge rates and connection points into the public sewer network. This can be done by submitting a pre planning enquiry directly to us.

2.17 Please note that the planning permission with the above condition is not considered implementable until the condition has been discharged. Only then can an application be made for a new sewer connection under Section 106 of the Water Industry Act 1991.

2.18 For information only

We note that the applicant has submitted a S185 drawing for the proposed diversion of assets on site, but we are nevertheless required to inform you that public sewers do run the length of the site and may be affected by the proposed development. Northumbrian Water does not permit a building over or close to our apparatus. We will work with the developer to establish the exact location of our assets and ensure any necessary diversion, relocation or protection measures required prior to the commencement of the development. As it is likely that these discussions have already commenced with the applicant, we include this informative for awareness only. For further information is available at <https://www.nwl.co.uk/services/developers/>

2.19 Nexus

2.20 In terms of present-day public transport accessibility, the site is well served by local bus services within easy walking distance.

2.21 Looking further ahead, the site is adjacent to the alignment of a former freight railway which was identified as a possible route for a potential extension to the Tyne and Wear Metro network in the North East Joint Transport Committee Metro and Local Rail Strategy 2016. The extension was defined as the 'Cobalt Corridor' connecting with existing Metro routes in the Percy Main area to the south and the Northumberland Park area to the north, serving the Silverlink and Cobalt areas on route.

2.22 The alignment of this network extension has yet to be defined, although work is ongoing co-ordinated by the regional Transport Strategy Unit at Transport North East, to identify the detailed engineering implications of a preferred route. Previous preliminary assessments of the project have suggested that the land corridor directly to the west of the planning application site would represent the most obvious route for a Metro network extension in this area. This land corridor to the west of the site has been safeguarded in the North Tyneside Local Plan 2017 for this purpose.

2.23 The width of the land corridor to the west of the planning application site appears sufficient to accommodate a double-track route, as there were historically four tracks in the past. However, the position may be complicated by the need to cross Middle Engine Lane by going over or under the highway, as new level crossings are not normally permitted by railway legislation. The earthworks associated with an underbridge (rail over road) or overbridge (road over rail) could then have a potential impact upon land bounded by the red line shown on the site location plan.

2.24 At the time of writing, the likelihood of the Cobalt Metro network extension proceeding is not known. The extension is part of an agreed transport strategy and funding is currently being sought to enable it to proceed.

3.0 Representations

3.1 3no. objections have been received. These are summarised below.

- Inadequate parking provision.
- Inappropriate design.
- Poor traffic/pedestrian safety.
- Poor/unsuitable vehicular access.
- Traffic congestion.
- I believe the proposed layout will result in an unsafe site due to the narrow central section for traffic movement.
- Articulated trucks struggle with the current larger amount of clear space in the estate.
- The proposed layout leaves no space to safely off-load from these wagons.
- To block the main road in and out of the estate puts the safety of others at risk.
- The existing units are of a size that typically will support a number of staff with a need to accept regular large deliveries.
- Businesses will struggle with limited outdoor storage space when the existing yards are demolished.
 - With the proposed plans in place, we will need to explore the option for alternative storage yards in addition to the main building we are resident in. As a micro business this is a massive challenge in the current economic climate.
- The country needs small businesses to succeed.
- To be further challenged and to deliberately create an unsafe site is not in line with what is needed for our local economy or job protection.
- Impact on existing business, resulting in the need for them to move premises.
- Insufficient parking is allocated for the existing businesses.
- Will drive customers away as there will be nowhere for them to park.
- More units will increase traffic.
- If there was an emergency when the gates were closed the bottle neck style layout of the road could be catastrophic.
- The proposal will impact on the re-opening of gyms as no new parking information or alternative storage has been provided.

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