



North Tyneside Council

# Planning Committee

14 October 2022

To be held on **Tuesday, 25 October 2022** in Room 0.02, Quadrant, The Silverlink North, Cobalt Business Park, NE27 0BY commencing at **10.00 am**.

<b>Agenda Item</b>	<b>Page</b>
<b>1. Apologies for absence</b>  To receive apologies for absence from the meeting.	
<b>2. Appointment of substitutes</b>  To be informed of the appointment of any substitute members for the meeting.	
<b>3. Declarations of Interest</b>  You are invited to declare any registerable and/or non-registerable interests in matters appearing on the agenda, and the nature of that interest.  You are also requested to complete the Declarations of Interests card available at the meeting and return it to the Democratic Services Officer before leaving the meeting.  You are also invited to disclose any dispensation from the requirement to declare any registerable and/or non-registerable interests that have been granted to you in respect of any matters appearing on the agenda.	
<b>4. Minutes</b>  To confirm the minutes of the previous meeting held on 27 September 2022.	<b>5 - 10</b>

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<b>Agenda Item</b>		<b>Page</b>
5.	<b>Planning Officer Reports</b>	<b>11 - 16</b>
	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.	<b>22/01495/FUL, Hadrian Yard A, B &amp; C, Hadrian Way, Wallsend</b>	<b>17 - 68</b>
	To determine a full planning application from Smulders projects UK for erection of a new workshop building (55mx270mx41m) at Yard C to accommodate welding and fabrication activities.	
7.	<b>22/00292/FUL, 116 Station Road, Wallsend</b>	<b>69 - 92</b>
	To determine a full planning application from Whitley Properties Ltd for change of use from gym to 12 self contained apartments with new front and rear dormer windows, to upper first and second floors.	
8.	<b>22/01512/FUL, Flat 98, Dolphin Quay, Clive Street, North Shields</b>	<b>93 - 100</b>
	To determine a full planning application from Councillor F Lott for replacement of 3 metal grilles with plexiglass, due to corrosion.	

**Circulation overleaf ...**

**Members of the Planning Committee:**

Councillor Ken Barrie  
Councillor Muriel Green  
Councillor John Hunter  
Councillor Tommy Mulvenna  
Councillor Paul Richardson (Deputy Chair)  
Councillor Jane Shaw

Councillor Julie Cruddas  
Councillor Margaret Hall  
Councillor Chris Johnston  
Councillor John O'Shea  
Councillor Willie Samuel (Chair)

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## Planning Committee

**Tuesday, 27 September 2022**

Present: Councillor W Samuel (Chair)  
Councillors K Barrie, John Hunter, C Johnston,  
L Marshall, T Mulvenna, J O'Shea, P Richardson and  
J Shaw

Apologies: Councillors M Green and M Hall

### **PQ31/22 Appointment of substitutes**

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

Councillor L Marshall for Councillor M Hall

### **PQ32/22 Declarations of Interest**

Councillor C Johnston declared a non-registerable interest in planning application 22/01502/FULH, 23 Monks Way, Tynemouth because he lived in close proximity to the application site and took no part in the discussion or voting on the matter.

Councillor J O'Shea stated that as he had previously expressed his support for planning application 21/00174/FUL, 1-2 East Parade, Whitley Bay and took no part in the discussion or voting on the matter.

Councillor P Richardson stated that whilst he lived near the site of planning application 20/00321/FUL, Friends Meeting House, 23 Front Street, Whitley Bay he had not predetermined the application and had an open mind to the arguments to be presented at the meeting.

### **PQ33/22 Minutes**

**Resolved** that the minutes of the meeting held on 30 August 2022 be confirmed and signed by the Chair.

### **PQ34/22 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.

The Committee considered a report from the planning officers in relation to a full planning application from North Tyneside Council for demolition of existing buildings. Redevelop the site to provide a community facility with Library services, ICT, Tourist Information, flexible spaces for community use, financial Services and a Changing Places Bathroom. Residential accommodation to provide 6no flats to be accessed from Middle Street via stairs and a lift, including parking. Substation to be rebuilt to suit modern requirements.

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

In accordance with the Committee's Speaking Rights Scheme Mrs P Stevens of Northumberland Terrace, Tynemouth had been granted permission to speak to the Committee. As Mrs Stevens was unable to attend the meeting she submitted a written statement which was considered by the Committee. Within the statement Mrs Stevens set out four grounds of objection relating to:

- a) a lack of proper publicity regarding the development,
- b) the Council's failure to adequately maintain the existing building,
- c) the unexplored option of listing the building as a community asset; and
- d) the impact of the proposed demolition on the character and heritage of the area.

Sharon Mackay of North Tyneside Council addressed the Committee to respond to Mrs Stevens comments. Sharon explained how the Council had initiated an options appraisal of the building in 2018. As this had concluded that the refurbishment of the existing building was unviable, proposals for its demolition and redevelopment had been prepared in conjunction with Northern Powergrid, to replace the electricity sub-station, and Newcastle Building Society to co-locate a service within the library. Proposals had been subject to a public consultation exercise in 2021 and the plans had been revised taking into account the views of residents and Historic England who were satisfied that little of the original building remained. The proposed development would deliver a high quality building that would reflect the original design and provide significant community benefits in terms of library and community facilities, a changing places bathroom, commercial space and 6 new homes.

Members of the Committee asked questions of Sharon Mackay, her colleague Richard Brook, and officers and made comments. In doing so the Committee gave particular consideration to:

- a) whether there was any evidence of deliberate neglect of the existing building;
- b) the extent to which the Council had sought heritage funding grants to refurbish the existing library building;
- c) the location of the proposed railings to the front curtilage of the building;
- d) the area of floorspace on the ground floor allocated to community, library and commercial use and the area to be used as a one bedroom apartment;
- e) the location and outlook from the two ground floor apartment windows;
- f) comparisons with a similar development in Wooler, Northumberland;
- g) details of the proposed storage of commercial and residential refuse bins;
- h) the nature and extent of the public consultation exercise relating to the planning application;
- i) details of the proposed condition restricting the operation of the library and community hub to between 7am and 9pm Mondays to Saturdays and 9am to 6pm on Sundays and Bank Holidays;
- j) the possibility of incorporating the installation of solar panels to the design of the new

- building and salvaging the bricks of the demolished building for further use;
- k) whether the applicant could be required as a condition of planning permission to install electric vehicle charging points. The Committee agreed that should the application be granted permission should be subject to such a condition;
- l) details of the proposed condition requiring the applicant to submit for approval a construction method statement setting out details of matters such as vehicular access to the site and dust suppression; and
- m) the level of harm to the character of the Tynemouth Conservation Area balanced against the public benefits of the development.

The Chair proposed acceptance of the planning officer's recommendation.

On being put to the vote, 8 members of the Committee voted for the recommendation, none against and one abstention.

**Resolved** that the application be permitted subject to the conditions set out in the planning officers report and a condition requiring the applicant to install electric vehicle charging points.

(Reasons for decision: The Committee concluded that, having regard to the relevant policies contained in the Council's Local Plan 2017 and National Planning Policy Framework, the proposed development was acceptable in terms of the principle of development, its impact on the amenity of neighbouring and future residents, biodiversity and the highway network and the less than substantial harm which would be caused to the conservation area was outweighed by the public benefits of the development.)

#### **PQ36/22      20/00321/FUL, Friends Meeting House, 23 Front Street, Whitley Bay**

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 the Clerk of the Monkseaton Meeting House for conservation and renovation of the pre-1911 elements of the building. Demolition of the existing front porch and rear extensions of the building dating from 1911 to 1980. Construction of a new front porch (modelled on the existing) and rear extension connected to the main building. The front and rear gardens will be remodelled to provide access for all.

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

In accordance with the Committee's Speaking Rights Scheme Colin Barrett of Bygate Road, Monkseaton, Gavin Kirby of Front Street, Monkseaton and Maurice Searle of Searle Town and Country Planning, had been granted permission to speak to the Committee. The Chair had requested that the speakers appoint a single spokesperson and so Maurice Searle addressed the Committee to speak on behalf of a residents group and the freeholder of Alder Court. He was critical of the applicant's general lack of consultation with neighbouring residents. The proposed replacement of the boundary wall with Alder Court could not proceed until agreement was reached with the owners and negotiations had not yet commenced. The development would have an adverse effect on the character and ecology of the secluded gardens to the rear of the property. It was suggested that access to the Friends House should be restricted from Bygate Road via the rear garden to prevent disturbance to neighbours.

Matthew Moore, the Northumbria Area Quaker Meeting Resources Manager, addressed the Committee to respond to Mr Searle's comments. He explained that the meeting house wished to create a welcoming, accessible and friendly place of worship and to make these facilities available for use by others. Mr Moore outlined examples of acceptable uses of the meeting house, including councillors surgeries, yoga and craft groups, mindfulness sessions and professional development. The two existing meeting rooms in the building were not fit for purpose and so the proposed development sought to improve the facilities, improve its appearance and maintain its heritage. Access to the meeting house would be from the front door on Front Street.

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

- a) the extent to which the Committee could consider the issues raised in relation to access to the meeting house from Bygate Road and ownership of the boundary wall; and
- b) the impact of the proposed development on the amenity of those occupying 21 Front Street.

The Chair proposed acceptance of the planning officer's recommendation.

On being put to the vote, members of the Committee voted unanimously for the recommendation.

**Resolved** that the application be permitted subject to the conditions set out in the planning officers report.

(Reasons for decision: The Committee concluded that, having regard to the relevant policies contained in the Council's Local Plan 2017 and National Planning Policy Framework, the proposed development was acceptable in terms of the principle of development, its impact on the character and appearance of the site and surrounding area, the residential amenity of neighbouring residents and on the highway network.)

#### **PQ37/22      21/00174/FUL, 1-2 East Parade, Whitley Bay**

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 North Eastern Holdings Ltd for demolition of existing building and erection of residential development comprising 19no. 2-bed apartments, with associated vehicular access, landscaping and other associated works.

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

The Chair proposed acceptance of the planning officer's recommendation.

On being put to the vote, 7 members of the Committee voted for the recommendation, none voted against and two abstained.

**Resolved** that (1) the Committee is 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; and  
(2) authorise the Director of Regeneration and Economic Development to determine the application following the completion of the Section 106 Legal Agreement to secure the following:

- i. Affordable Housing: financial equivalent to 1.46 units;
- ii. Ecology: £4,095 towards habitat creation/management and footpath improvements;
- iii. Parks and Green Space: £11,181 towards environmental improvements to Local Parks and to the local area;
- iv. Equipped Play: £13,300 towards Investment in Council's children's equipped play site offer;
- v. Employment and Training: £5,000 or 1 apprenticeship; and
- vi. Coastal Mitigation: £6,403 towards specific coastal mitigation projects and coastal service.

**PQ38/22      22/01502/FULH, 23 Monks Way, Tynemouth**

The Committee considered a report from the planning officers in relation to a full householder planning application from Mr Nathan Sandy for over garage extension and porch to front elevation. Replacement of timber cladding with smooth white fibre cement cladding.

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

The Chair proposed acceptance of the planning officer's recommendation.

On being put to the vote, 8 members of the Committee voted for the recommendation, none against and one abstention.

**Resolved** that planning permission be refused on the following grounds:

- a) The proposed first floor side extension, by virtue of its size, height and position in relation to the neighbouring properties, Nos. 12 and 14 Marshmont Avenue, would have a significant overbearing impact on the residents of those properties, resulting in an unacceptable loss of residential amenity in terms of loss of outlook and light from the rear gardens and windows; contrary to Policies DM6.1 and DM6.2 of the North Tyneside Local Plan 2017 and the Design Quality SPD.
- b) The proposed first floor side extension, by virtue of its flat roof, is not in keeping with the design of the existing dwelling and would be out of character with the host dwelling and neighbouring properties. The proposal is therefore considered to be contrary to policies DM6.1 and DM6.2 of the North Tyneside Local Plan 2017.

**PQ39/22      22/01328/FUL, Land Adjacent to Third Avenue, Tyne Tunnel Trading Estate**

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 Northumberland Estates for construction of battery energy storage containers and substation buildings, together with associated electrical infrastructure, small operational buildings, security fencing, CCTV, improved access tracks and structural landscaping.

The Chair proposed acceptance of the planning officer's recommendation.

On being put to the vote, members of the Committee voted unanimously for the recommendation.

**Resolved** that the application be permitted subject to the conditions set out in the planning officers report.

(Reasons for decision: The Committee concluded that, having regard to the relevant policies contained in the Council's Local Plan 2017 and National Planning Policy Framework, the proposed development was acceptable in terms of the principle of development and its impact on surrounding occupiers, the character and appearance of the surrounding area, the highway network and trees and the ecology in the area.)

## PLANNING COMMITTEE

Date: 25 October 2022

### PLANNING APPLICATION REPORTS

#### **Background Papers - Access to Information**

The background papers used in preparing this schedule are the relevant application files the numbers of which appear at the head of each report. These files are available for inspection at the Council offices at Quadrant East, The Silverlink North, Cobalt Business Park, North Tyneside.

#### **Principles to guide members and officers in determining planning applications and making decisions**

##### Interests of the whole community

Members of Planning Committee should determine planning matters in the interests of the whole community of North Tyneside.

All applications should be determined on their respective planning merits.

Members of Planning Committee should not predetermine planning applications nor do anything that may reasonably be taken as giving an indication of having a closed mind towards planning applications before reading the Officers Report and attending the meeting of the Planning Committee and listening to the presentation and debate at the meeting. However, councillors act as representatives of public opinion in their communities and lobbying of members has an important role in the democratic process. Where members of the Planning Committee consider it appropriate to publicly support or oppose a planning application they can do so. This does not necessarily prevent any such member from speaking or voting on the application provided they approach the decision making process with an open mind and ensure that they take account of all the relevant matters before reaching a decision. Any Member (including any substitute Member) who finds themselves in this position at the Planning Committee are advised to state, prior to consideration of the application, that they have taken a public view on the application.

Where members publicly support or oppose an application they should ensure that the planning officers are informed, preferably in writing, so that their views can be properly recorded and included in the report to the Planning Committee.

All other members should have regard to these principles when dealing with planning matters and must avoid giving an impression that the Council may have prejudged the matter.

## Planning Considerations

Planning decisions should be made on planning considerations and should not be based on immaterial considerations.

The Town and Country Planning Act 1990 as expanded by Government Guidance and decided cases define what matters are material to the determination of planning applications.

It is the responsibility of officers in preparing reports and recommendations to members to identify the material planning considerations and warn members about those matters which are not material planning matters.

Briefly, material planning considerations include:-

- North Tyneside Local Plan (adopted July 2017);
- National policies and advice contained in guidance issued by the Secretary of State, including the National Planning Policy Framework, Planning Practice Guidance, extant Circulars and Ministerial announcements;
- non-statutory planning policies determined by the Council;
- the statutory duty to pay special attention the desirability of preserving or enhancing the character or appearance of conservation areas;
- the statutory duty to have special regard to the desirability of preserving a listed building or its setting or any features of special architectural or historic interest which it possesses;
- representations made by statutory consultees and other persons making representations in response to the publicity given to applications, to the extent that they relate to planning matters.

There is much case law on what are material planning considerations. The consideration must relate to the use and development of land.

Personal considerations and purely financial considerations are not on their own material; they can only be material in exceptional situations and only in so far as they relate to the use and development of land such as, the need to raise income to preserve a listed building which cannot otherwise be achieved.

The planning system does not exist to protect private interests of one person against the activities of another or the commercial interests of one business against the activities of another. The basic question is not whether owners and occupiers or neighbouring properties or trade competitors would experience financial or other loss from a particular development, but whether the proposal would unacceptably affect amenities and the existing use of land and buildings, which ought to be protected in the public interest.

Local opposition or support for the proposal is not in itself a ground for refusing or granting planning permission, unless that opposition or support is founded upon valid planning reasons which can be substantiated by clear evidence.

It will be inevitable that all the considerations will not point either to grant or refusal. Having identified all the material planning considerations and put to one side all the immaterial considerations, members must come to a carefully balanced decision which can be substantiated if challenged on appeal.

### Officers' Advice

All members should pay particular attention to the professional advice and recommendations from officers.

They should only resist such advice, if they have good reasons, based on land use planning grounds which can be substantiated by clear evidence.

Where the Planning Committee resolves to make a decision contrary to a recommendation from officers, members must be aware of their legislative responsibilities under Article 35 of the Town & Country Planning (Development Management Procedure) (England) Order 2015 (as amended) to:

When refusing permission:

- state clearly and precisely the full reasons for any refusal including specifying all the policies and proposals in the development plan relevant to the decision; or

When granting permission:

- give a summary of the reasons for granting permission and of the policies and proposals in the development plan relevant to the decision; and
- state clearly and precisely full reasons for each condition imposed, specifying all policies and proposals in the development plan which are relevant to the decision; and
- in the case of each pre-commencement condition, state the reason for the condition being a pre-commencement condition.

And in both cases to give a statement explaining how, in dealing with the application, the LPA has worked with the applicant in a proactive and positive manner based on seeking solutions to problems arising in relation to dealing with the application, having regard to advice in para.s 186-187 of the National Planning Policy Framework.

### Lobbying of Planning Committee Members

While recognising that lobbying of members has an important role in the local democratic process, members of Planning Committee should ensure that their response is not such as to give reasonable grounds for their impartiality to be questioned or to indicate that the decision has already been made. If however, members of Committee express an opinion prior to the Planning Committee this does not necessarily prevent any such member from speaking or voting on the application provided they approach the decision making process with an open

mind and ensure that they take account of all the relevant matters before reaching a decision. Any Member (including any substitute Member) who finds themselves in this position at the Planning Committee are advised to state, prior to consideration of the application, that they have taken a public view on the application.

#### Lobbying of Other Members

While recognising that lobbying of members has an important role in the local democratic process, all other members should ensure that their response is not such as to give reasonable grounds for suggesting that the decision has already been made by the Council.

#### Lobbying

Members of the Planning Committee should ensure that their response to any lobbying is not such as to give reasonable grounds for their impartiality to be questioned. However all members of the Council should ensure that any responses do not give reasonable grounds for suggesting that a decision has already been made by the Council.

Members of the Planning Committee should not act as agents (represent or undertake any work) for people pursuing planning applications nor should they put pressure on officers for a particular recommendation.

**PLANNING APPLICATION REPORTS  
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**6 22/01495/FUL**

**Wallsend**

**Hadrian Yard A B and C, Hadrian Way, Wallsend, Tyne and Wear**

Speaking rights granted to Mrs Stephanie Collins of Railway Terrace,  
Wallsend

**7 22/00292/FUL**

**Wallsend**

**116 Station Road, Wallsend, Tyne and Wear, NE28 8QS**

**8 22/01512/FUL**

**Riverside**

**Flat 98, Dolphin Quay, Clive Street, North Shields, Tyne and Wear,  
NE29 6HJ**

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**Application No:** 22/01495/FUL Author: Julie Lawson  
Date valid: 18 August 2022 ☎: 0191 643 6337  
Target: 17 November 2022 Ward: Wallsend  
decision date:

Application type: full planning application

**Location: Hadrian Yard A B And C, Hadrian Way, Wallsend, Tyne And Wear,**

**Proposal: Erection of a new workshop building (55mx270mx41m) at Yard C to accommodate welding and fabrication activities**

Applicant: Smulders Projects UK, Mr Tom Coosemans Hadrian Yard A B And C Hadrian Way Wallsend North Tyneside NE28 6HL

Agent: Lambert Smith Hampton, Mr James Cullingford Suite One St Anns Quay 122 Quayside Newcastle Upon Tyne NE1 6EE

## **RECOMMENDATION:**

**The Committee is recommended to:**

- a) indicate that it is minded to grant this application subject to the submission of information relating to ecology and the further expiry of consultation with the Biodiversity Officer and the addition, omission or amendment of any other conditions considered necessary.
- b) authorise the Director of Regeneration and Economic Development to determine the application following the completion of the Section 106 Legal Agreement to secure Employment and Training: towards employment initiatives within the borough.

## **INFORMATION**

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

#### 1.0 Main Issues

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

- Whether the principle of the development is acceptable;
- The impact upon surrounding occupiers;
- The impact of the proposal on the character and appearance of the surrounding area;
- 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 an existing industrial site operated by Smulders and specialises in offshore wind and renewable construction.

2.2 There is residential development to the north of the wider site at Hadrian Mews residential estate and on Railway Terrace to the north-west. 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.

2.3 The application relates to the western and central parts of the Hadrian yard site. The site subject of this application currently is hardstanding and is occupied by gantry cranes. There is also a retaining wall to the northern part of the site, with the southern part of the site set at a lower level.

2.4 Yard C is located at the western end of the site and extends to Davy Bank and the north to the river frontage. Davy Bank forms the western boundary to this yard providing access to the adjoining industrial area along the river bank. Beyond a small commercial site located on the western side of Davy Bank there is a terrace of ten residential properties at Railway Terrace.

2.5 The main access to the site is from Hadrian Road with an unused, point of access into the yard from Davy Bank. SMD is an established business located on the riverside adjacent to the western boundary of Yard C.

2.6 The B Yard lies centrally within the overall yard and accommodates original office accommodation on this site and extended to the rear to provide covered fabrication and storage areas with an open hardstanding area.

2.7 A yard is to the east of the site and comprises a further range of fabrication and warehouse buildings and hardstanding adjacent to the river and Willington Gut beyond. Point Pleasant Industrial Estate stands to the north of the A yard.

2.8 On the opposite side of the river is the A&P Tyne. This is an operational yard specialising in ship repair and fabrication and there are structures on site including one large building.

## 3.0 Description of the Proposed Development

3.1 The proposal is for a workshop building at Yard C to accommodate welding and fabrication activities. The building will enclose the existing gantry cranes which will be lowered to fit inside the building.

3.2 The building is constructed of profile metal cladding and measures 55m by 270m. It has a height of 41m. The internal floorspace is approximately 14,850m<sup>2</sup>. The building will be a pale cream colour. The proposed development will involve the removal of a concrete retaining wall.

3.3 The site is currently used to construct metal structures that act as a mounting base for wind turbines operating at sea. Most operations conducted on the site

are related to metal fabrication, including the cutting and welding of metal and the loading of the finished product onto barges.

3.5 In their Planning Statement the applicant has advised the following:

- The structure will allow for fabrication and welding activities to be undertaken indoors, which will reduce noise levels from Hadrian Yard. It will also provide more covered space to allow work to be carried out in a protected environment, away from rain, wind and snow.
- There is potential for the recently approved modular workshop building (granted under planning permission Ref: 21/02188/FUL) to be integrated into the new building.
- The proposed building forms part of a significant wider investment plan for Hadrian Yard following support from the Government's J160 million Offshore Wind Manufacturing Investment Support scheme. Smulders are also investing a further J70 million to make offshore wind turbine transition pieces at Hadrian Yard.
- Consent was granted under 12/00806/FUL on 20.09.12 for a building (120 x 300 x 56m) to accommodate the fabrication of offshore jacket foundations for wind turbines. The consent was never implemented and expired in 2015.
- The NPPF requires the planning system to contribute to the three overarching objectives of sustainable development - economic, social and environmental. In this respect, the proposed development performs the following important roles:  
Economic: the proposed workshop represents a significant investment into the site. Its construction will allow for welding and fabrication work to be carried out around the clock, ensuring that Smulders are able to satisfy customer demand and remain competitive as a business. As such, the proposal will support the expansion of an existing business, which is a major employer, and ensure that existing jobs are retained within North Tyneside.  
Social: the proposal will support local communities by ensuring local jobs are created and safeguarded in a location that is accessible via public transport (Hadrian Yard Metro Station and local bus services). It will also allow for fabrication activities that are usually undertaken outdoors to be moved indoors, thereby reducing noise levels and improving the amenity and well-being of existing residents. It will also improve working conditions for employees by providing more covered space away from wind, rain and snow.  
Environmental: the proposal will utilise previously developed land and provide ecological enhancements to ensure biodiversity net-gain. These enhancements will complement the kittiwake ledges that Smulders have already agreed to install for the 2023 season. As such, the proposal will contribute to protecting and enhancing the natural environment.

The agent has also advised the following:

- The proposed building is part of a wider investment plan to improve and upgrade the existing facilities at Hadrian Yard to ensure the site is fit for purpose and that Smulders remain competitive in winning (and delivering) contracts. Last year Smulders were granted a small part of Government funding from the Offshore Wind Manufacturing Investment Support ('OWMIS') scheme to implement the wider improvement plans (J160m to be distributed between all selected/approved candidates – Smulders is amongst them). Overall, Smulders are investing a total amount up to J70m into the site.

- The proposed building is crucial to ensure that Smulders have the facilities to deliver forthcoming contracts to construct Transition Pieces and other offshore wind structures such as Transformer Modules and jacket foundations. It will offer an enhanced working environment for employees by providing an area of covered space that will allow fabrication work to be carried out in a protected environment away from adverse weather conditions. The building will also allow more fabrication and welding activities to be undertaken indoors.
- The proposed building is designed to ensure it can accommodate large structures, such as Transition Pieces with sufficient space for welding and fabrication work to be carried out in a safe environment. The building will also enclose the existing gantry cranes (currently 46m in height), which will be lowered to fit within the building.
- The number of people employed at any one time is dependent on the contracts Smulders are working on. However, as a result of the OWMIS funding and the proposed improvements to the operations of Hadrian Yard, it is anticipated that 290 new direct jobs will be created over the next five years. These new jobs will cover a range of positions that are highly skilled and well paid, including HSE Inspectors, welders, electricians, riggers and scaffolders. Smulders will also provide a financial contribution (exact amount to be agreed) to North Tyneside Council towards employment and training initiatives within the borough.
- There is an existing slope on the concrete floor and Smulders have decided to plant the building “on top” of the existing concrete floor and that we will follow the slope of that floor. So topographically, there will be some differences.

#### 4.0 Relevant Planning History

21/02188/FUL - Erection of a modular workshop building to provide a flexible indoor work area Permitted 01.3.22

21/01007/DEMGDO - Buildings marked 'A22' on the supporting plan to the West of 'A' Shop and part of the Rigging Loft (A17). Also two temporary buildings marked 'A24' & 'A25' on the supporting plan (permission not required) Permitted 07.05.21

21/00739/FUL - 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) – refused 20.05.21 and allowed on appeal 29.11.21

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

12/00806/FUL - Demolition of existing buildings and erection of building (120 x 300 x 56m) to accommodate the fabrication of offshore jacket foundations for wind turbines – permitted 20.09.12

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 (2021)

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;
- The impact upon surrounding occupiers;
- The impact of the proposal on the character and appearance of the surrounding area;
- 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 Paragraph 81 of the NPPF states that planning policies and decisions should help create the conditions in which businesses can invest, expand and adapt. Significant weight should be placed on the need to support economic growth and productivity, taking into account both local business needs and wider opportunities for development.

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

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

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. This includes supporting economic growth to develop marine and renewable sectors of manufacturing in the River Tyne North Bank area.

8.7 Policy S2.2 allocates land for the provision of Land for Employment Development.

8.8 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.

8.9 Policy AS2.5 'River Tyne North Bank' states that across the River Tyne North Bank area proposals for all forms of employment development will be supported to enable economic growth, investment and regeneration of the area where they do not restrict riverside access that could compromise the capacity of the River Tyne North Bank to support marine and off-shore related industry.

8.10 Policy AS8.1 'The Wallsend and Willington Quay Sub Area states that within this area the north bank of the River Tyne will provide a location for a range of opportunities for investment and economic development and support growth in advanced engineering, research and development particularly in renewable and marine off-shore manufacturing and sub-sea technologies and it also refers to reducing the impact of intrusive employment uses upon residential amenity in the area.

8.11 The proposal is to erect a building on the site to be used for industrial purposes. The proposal complies with the allocation of the site in the Local Plan.

8.12 The land is allocated for employment use under Policy S2.2 of the Local Plan. In addition the proposal complies with Policy AS2.5 'River Tyne North Bank' which states that across the River Tyne North Bank area proposals for all forms of employment development will be supported to enable economic growth, investment and regeneration of the area where they do not restrict riverside access that could compromise the capacity of the River Tyne North Bank to support marine and off-shore related industry. Given the proposal is for a building to allow fabrication of off shore renewable structures it also complies with Policy AS8.1 which allocates the north bank of the River Tyne as a place where growth in advanced engineering, research and development particularly in renewable and marine off-shore manufacturing and sub-sea technologies can be supported.

8.13 The submitted application seeks permission for a new building which would be used in connection with the main (B2) general industrial use of the site and specifically for marine engineering and renewable energy related development. The riverside location is essential for this type of activity and this complies with the allocation of the site in the North Tyneside Local Plan.

8.14 The agent has advised that the number of people employed at the site depends on the contracts Smulders are working on. However, it is anticipated that 290 new direct jobs will be created at the site over the next five years. These jobs will cover a range of positions, including welders, electricians, riggers and scaffolders.

8.15 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 185 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 its 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 Policy DM6.1 of the Local Plan states that proposals are expected to demonstrate a positive relationship to neighbouring buildings and spaces; a safe environment that reduces opportunities for crime and antisocial behaviour; and a good standard of amenity for existing and future residents and users of buildings and spaces.

9.5 One of the key planning considerations is the impact of the proposal on the amenity of neighbouring occupiers, particularly the occupiers of any residential properties, in terms of noise, disturbance, loss of light and outlook. The closest residential properties to the location of the proposed building are approximately 126m to 144m to the north-west along Railway Terrace and also approximately 247m to the north along Alwin Close, Coquet Gardens, Derwent Way. Point Pleasant Terrace is approximately 350m to the north-east of the location of the proposed building. Objections have been received from residents on Railway Terrace, Coquet Gardens and Derwent Way on grounds of the visual impact of the proposed building, the impact on light and impact in terms of noise.

9.6 Railway Terrace is to the north-west of the proposed building and it is set at a higher level than the location of the proposed building. The building will be clearly visible from these properties given its location, height and size and it is noted that objections have been received from residents of these properties in terms of impact on sunlight and daylight, with photographs submitted showing the sun rising over the River Tyne and stating that there is no significant screening from any trees, vegetation or fences. The applicant has submitted



photomontages showing the visual impact of the proposed building. One of these is from Davy Bank, and this shows the clear visual impact of the building.

9.7 Hadrian Mews is set higher than the application site and the houses largely have rear gardens abutting the yard, although there are a few properties which have a gable elevation facing the yard. Properties on Alwin Close and Coquet Gardens are at the southern end of the estate backing onto the Smulders site.

9.8 Point Pleasant Terrace is to the north-east of the Smulders site. There is other housing in the area, notably to the north of Hadrian Road including Church View and Limekiln Road/Limekiln Court.

9.9 The applicant has submitted a solar exposure and shadow analysis report which considers the building as originally submitted at 40.2m in height. It is noted that the maximum height of the building has been increased in height to 41m at its western end, with 40.2m at its eastern end. However the submitted information is considered to be acceptable to be used to assist in assessing the impact of the proposal on the adjacent properties.

9.10 The analysis includes the modelling of the entire Hadrian Yard site to provide an understanding of the shading effect that the new building might have on surrounding areas. Areas have been analysed that are in close proximity to the proposed building. The closest areas are industrial areas to the north of the proposed building. Industrial areas will be affected by the shadows caused by the new building in the winter months from November to February, when the sun is at its lowest position in the sky.

9.11 The Hadrian Mews residential estate and Railway Terrace are also considered. With regards to Railway Terrace, the analysis shows that the new building will cause additional shadowing during early mornings in the winter months when the sun is low. The analysis concludes that the overall effect is small and limited to short periods in the winter months. The report states that the Hadrian Mews residential development will be unaffected in terms of shadowing by the proposed building. It is officer advice that whilst there will be some impact on Railway Terrace at certain times of the year in the morning, the impact is not considered to be so significant as to warrant refusal of the application when balanced against the employment and economic benefits of the provision of the building.

9.12 The applicant is seeking to use the building 24 hours a day. The planning consent, reference 09/00937/FUL, for the B2 use of yard C, included a condition restricting pile driving equipment to outside the hours of 16.30 and 09.30 Monday to Friday and not before 10.00 or after 14.00 Saturdays, and at no time on a Sunday or Bank Holidays. Other than this there are no planning conditions restricting hours of use at Yard C. A Noise Impact Assessment has been submitted. The Manager of Environmental Health has been consulted and provided comments. She has advised that 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. She has concerns over the proposed use of a workshop building on the site if this resulted in a change to the activities and operations resulting in additional noise for

sensitive residential receptors. 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.

9.13 Environmental Health have reviewed the noise assessment. The noise assessment has considered worst case noise based on all the activities taking place at the same time in the workshop in yard C, this has determined that for location 1 at Railway Terrace the noise rating level at nearest sensitive receptor was calculated as +5 above the background of 33 dB during the night period with all the other locations being below the existing background. A noise level of +5 above background would be considered to be of adverse impact but would not be considered to give rise to significant adverse impacts. The rating level of 39 dB during the night is below the noise limit of 45 dB specified within the statutory notice and is below the ambient night period noise level of 42 dB. Internal noise levels for bedrooms would be in the region of 24 dB LAeq during the night period, based on an open window.

9.14 The layout plans show that this building will be aligned next to the mobile modular building which was approved under planning reference 21/02188/FUL. The noise assessment for this approval included for blasting operations and gave a rating level 40 dB at location 1 for Railway Terrace and it is considered that if the two buildings are adjoined noise from the mobile building will extend into this workshop, however, noise from blasting operations will be unlikely to result in significant adverse impacts.

9.14 In relation to the proposed building, the noise assessment has demonstrated that nearest sensitive receptors will not be subject to noise levels giving rise to significant adverse impacts from the provision of the workshop, based on the structure being provided with acoustic doors. It is noted that the noise assessment assumed acoustic doors will be fitted and therefore a condition is recommended to ensure acoustic doors are installed. It is also recommended that conditions are attached to ensure a noise scheme is provided for fabrication activities within the workshop, and conditions to address any new external plant installed as part of this development including for any new external lighting.

9.15 Reference is made in the 'Planning History' section to a recent appeal decision against the refusal of planning consent to allow use of the gantry cranes at the site for 24 hours a day Monday to Sunday. The appeal was allowed and the Planning Inspector noted that the appellant's business already operates for 24 hours a day Monday to Sunday and that the proposed use of the cranes would not exceed the existing night time background noise levels. He advised:

"15. It may well be the case, as the Council contend, that there may be activities associated with the operation of the gantry crane through the night that would give rise to the generation of noise. However, the yard is already allowed unrestricted operation through the night and those noises, and others, may and will continue to occur. I am satisfied that it has been adequately demonstrated that the operation of the gantry crane would not exceed overnight background noise levels. Notwithstanding the concerns and misgivings of nearby residents

regarding operations more widely at the appeal site, I have not been presented with compelling evidence that the operation of the gantry crane during the hours originally prohibited by disputed condition 5 would be responsible for harm to the living conditions of residential occupiers of nearby properties.

16. ...For the reasons I have set out, I am satisfied that the appellant has demonstrated that the variation of the 2017 permission in the manner sought would not give rise to additional levels of noise above background levels. Noise arising from other activities carried on by the appellant at the appeal site are not within the scope of the appeal proposal and do not alter my conclusion in respect of the main issue.

17. ....Whilst I sympathise with local residents in terms of the site's 24-hour operation, exposure to activities within the site such as light, noise and particulate matter these are all matters that have, and are currently, being experienced. The dismissal of this appeal, had I been so minded, would not alter many aspects of the neighbour's concerns and these therefore remain matters between residents, the appellant and the Council."

9.16 Members are therefore advised, as set out in the appeal decision, that currently activities can take place across the site without planning restrictions.

9.17 Members need to consider whether the impact on existing occupiers would be acceptable in terms of loss of light, noise and disturbance. It is officer advice that subject to conditions the impact would be acceptable and in accordance with Policy DM5.19.

#### 10.0 Visual impact of the building

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 Development that is not well designed should be refused, especially where it fails to reflect local design policies and government guidance on design, taking into account any local design guidance and supplementary planning documents such as design guides and codes (NPPF para. 134).

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 Policy AS8.9 'Segedunum Roman Fort and Hadrian's Wall World Heritage Site' states:

The Council will ensure that regeneration and development of the town centre and riverside protects and enhances the unique heritage and setting of the World Heritage Site (WHS), and will:

- a. Ensure the safeguarding of the Outstanding Universal Value of the WHS and those attributes which define it, both within and outside its Buffer Zone, as shown on the Policies Map. Formal environmental impact assessment (EIA) will be required for developments likely to have a significant effect on Hadrian's Wall WHS and its Buffer Zone.
- b. Ensure proposals for development respect the status of the WHS and ensure its preservation.
- c. Establish the presence of a key part of a transnational WHS in the centre of Wallsend at the heart of strategies for Wallsend town centre encouraging greater awareness of Wallsend as a place to visit and enjoy.
- d. Work with partners to continue to promote, interpret, use and conserve the WHS and its Buffer Zone.

10.5 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.

10.6 The visual impact of the building is another key consideration, including the impact on outlook from any residential or other occupiers. It is noted that objections have been received to the visual impact of the building, including those of the view of the River Tyne, and the impact on the outlook from residential properties.

10.7 The application site is located within an established industrial area and there are other large industrial buildings in the vicinity of the site. The building measures 270m by 55m with a height up to 41m. There are different levels across the wider Smulders site, with parts of Yard A and C sitting at a lower level than the housing to the north and north-west. The agent has submitted photomontages to indicate how the building would appear from different viewpoints. In addition the applicant has submitted a plan annotating the heights of certain other buildings on the site.

10.8 The building will have a significant visual impact due to its height and size in some short, medium and long distance views. The existing gantry cranes would be lowered to fit inside the building. The height of the building is required to allow the fabrication of transition pieces to be undertaken.

10.9 The applicant has advised that whilst the building is utilitarian in design, it is appropriate for a building serving an industrial function, and which is located within a designated employment area. Hadrian Yard is used for the assembly of very large offshore wind turbine foundation structures of a height much taller than the proposed building. There are also already a number of large industrial sheds within the site and the wider industrial area along River Tyne. The design of the building follows its function and the size and height is required to allow the necessary work to be undertaken.

10.10 Whilst there are a range of fabrication halls and industrial sheds along the River Tyne, including on the adjoining A yard and opposite at A&P Tyne, there are no structures of a similar height within the locality.

10.11 A Townscape and Visual Impact Assessment (TVIA) of the proposed development has been undertaken. The TVIA considers the impact of the proposed building from several different key viewpoints, including from Davy Bank/Railway Terrace, Alwin Close, Limekiln Road, Willington Quay, Segedunum Roman Fort and the Rising Sun Country Park.

10.12 The TVIA refers to the site being in the Tyne and Wear Lowlands National Character area as published by Natural England. The key characteristics of this with relevance to the current assessment include an undulating landform incised by the Tyne, widespread urban and industrial development with a dense network of major road and rail links and the spreading conurbations of Tyneside in the north and a long history of settlement, mining and industry evidenced through historic buildings and settlement patterns which form a core part of today's landscape.

10.13 A Landscape and Townscape Character Description was published in 2014. Areas closest to the site are the riverside Employment Area, Mid to Late 20th and 21<sup>st</sup> Century Residential Areas, and Traditional Centres. It notes that the riverside at Wallsend has been historically an area of heavy industry as it was a major hub for ship building. Much of this character that developed through that period still remains. Today it is defined by large industrial units interspersed by significant areas of concrete hardstanding. These buildings and areas are generally screened from wider view by buffers of trees and hedges. There are many views across the river to South Tyneside. The Landscape and Townscape Character Description also defines a number of 'Landscapes of Note' including the River Tyne, Rosehill and Wallsend Dene, and Rising Sun Country Park.

10.14 The TVIA appraises the potential townscape effects of the building. This is summarised in paragraphs 10.14 to 10.37. In terms of the Riverside Employment Area, the area is considered to be of low sensitivity and the proposal would not substantially change the character of the riverside area therefore it considers the nature of the effect is considered to be neutral.

10.15 With regards to the area in South Tyneside on the other side of the River Tyne, the TVIA states that the proposal will be a prominent feature from the south bank of the River Tyne however views of large scale industrial buildings are in keeping with the character of the riverside therefore the magnitude of change is considered to be low. The area is considered to be of low sensitivity and the proposal would not substantially change the character of the riverside area. The nature of the effect is considered to be neutral.

10.16 With regards to the housing estate at Hadrian Mews to the north and Point Pleasant to the north-east, the TVIA states that views of the proposed building would be glimpsed through gaps in the built form of the residential street and given the proximity it would be visible therefore the magnitude of change is negligible/low. There would a limited impact on townscape character of the residential estate, and the nature of the effect is considered to be neutral.

10.17 With regards to Wallsend town centre, the TVIA states that views of the proposed building would be glimpsed through gaps in the built therefore the magnitude of change is negligible. There would be a limited impact on townscape character of Wallsend, and the nature of the effect is considered to be neutral.

10.18 With regards to NTC landscapes of note, the riverscape is considered to have a high value as it is one of the defining features of the region. However, for that section of river within the study area the susceptibility to change of the type proposed is low given its industrialised character. The development would be a prominent feature within this part of the riverscape. However, the building is entirely in keeping with its industrial surroundings and the magnitude of change is negligible.

10.19 The TVIA appraises representative viewpoints. It states that from Davy Bank, the development would occupy a large part of the view and be a very prominent feature. The building will block views of the river, although this is not considered to be a key viewpoint for the riverscape. The magnitude of change is high. The proposals would result in what is considered to be a large change in the view but would be experienced by relatively few receptors (the appraisal considers the following receptors: occupiers of residential properties surrounding the site, pedestrians and cyclists on public rights of way and other routes to the north of the site, nearby road users and more distant views from recreational landscapes and areas of open space). The change would be prominent, and the view of the river would be blocked at this location; however, the character of the view would remain one of an industrialised townscape. The nature of the effect is considered to be adverse.

10.20 From the pedestrian footpath on the north side of Alwin Close within the centre of the housing estate, a small part of the development would occupy a very small part of the view, visible in the space between houses. Whilst the building will be seen on the skyline the pale coloured cladding reduces its prominence. The building will not block or screen any part of the view which contains features of interest. The magnitude of change is low. The proposals would result in what is considered to be a small change in the view. The change would be noticeable, but the overall view composition would remain very similar to the baseline. The nature of the effect is considered to be neutral.

10.21 From the top of Limekiln Road (adjacent to Church Bank), a very small part of the development would occupy a very small part of the view, filtered by intervening vegetation. Whilst the building will be seen on the skyline the pale coloured cladding reduces its prominence. The building will not block or screen any part of the view which contains features of interest. The building would be seen at relatively close range, but within a very restricted view and by a relatively small number of receptors. the magnitude of change is negligible/low. The proposals would result in a very small change in the view, likely to be barely perceptible once construction is completed. The overall view composition would remain almost identical. The nature of the effect is considered to be neutral.

10.22 From the pedestrian footpath on the east side of Sandhoe Walk within the Dilston Grange estate at Willington Quay, the development would occupy a small part of the view, which is open but partially screened by (and seen in the context of) existing buildings at Hadrian Yard. Whilst the building will be seen on the skyline the pale coloured cladding reduces its prominence. The building will not block or screen any part of the view which contains features of interest. The effect is stated as minor/ moderate (for residential receptors; lower for other types of receptors) and the proposals would result in a small change in the view. The change would be noticeable, but the overall view composition would remain very similar to the baseline. The magnitude of change is low. The nature of the impact would be considered to be neutral/adverse.

10.23 From the roof of the viewing tower at Segedunum, the development would occupy a very small part of the view, which is open but partially screened by (and seen in the context of) existing buildings in the foreground. The building will not block or screen any part of the view which contains features of interest with the Roman remains being viewed from the opposite side of the viewing tower. Taking all these factors into consideration, the magnitude of change is low. The proposals would result in what is considered to be a small change in the view. The change would be noticeable, but the overall view composition would remain very similar to the baseline. The nature of the impact would be considered to be neutral/adverse.

10.24 From within an area of linear open space running north – south between Holy Cross and Willington, the effect on recreational users of the open space at this location is considered to be minor/moderate. The nature of the change resulting from the proposed development may be described as neutral/adverse.

10.25 From the top of the reclaimed spoil heap in Rising Sun Country Park, the proposals would result in what is considered to be a small change in the view. The change would be noticeable, the effect is considered to be neutral/adverse.

10.26 With regards to the appraisal of visual effects, the TVIA states the following.

10.27 With regards to Railway Terrace, the TVIA states that the magnitude of change would be medium and the effect would be moderate. The new building would be partially visible and prominent but would not dominate views although (partially) views of the river would be blocked at this location; however, the character of the view would remain one of an industrialised townscape/riverscape. The new building would be prominent and the nature of the effect would be adverse.

10.28 From Alwin Close/Coquet Gardens and Hadrian Mews, the TVIA states that the development would occupy part of the view, seen above existing buildings on the site. It would be a prominent feature and may partially block views of the river looking south-west although views south and south-east towards the river would remain. The magnitude of change would be medium and the nature of the effect would be adverse, however, the character of the view would not change remaining one of an industrialised townscape/riverscape.

10.29 From Point Pleasant, fieldwork suggests that views from both ground floor windows and gardens and first floors would be screened by intervening trees and vegetation. In this case the magnitude of impact would be negligible.

10.30 From the A187 the development would be seen above existing buildings and it would be a prominent feature in the view but would not block views towards the river (which is not directly visible from the road at this location) nor screen views of any notable townscape features. The magnitude of impact would be low and the effect minor and the nature of the effect neutral/adverse as the character of the view would not change.

10.31 From the Hadrian's Wall path, where visible the development would be seen above existing buildings on the site. It would be a prominent feature in the view but would not block views towards the river (which is not directly visible from the road at this location) nor screen views of any notable townscape features. The building would be seen at close range, occupying part of the view. Views are focused on the line of travel which is perpendicular to the development. The view would be glimpsed along a short section of road only. The magnitude of change is low. The effect is up to minor/moderate as the new building would be prominent but seen obliquely along a short stretch of road only. For the vast majority of the route, receptors would not be affected. The nature of the effect is considered to be neutral/adverse as the character of the view would not change remaining one of an industrialised townscape/riverscape.

10.32 From Segedunum the development would occupy a very small part of the view, which is open but partially screened by (and seen in the context of) existing buildings in the foreground. The building will barely break the skyline and the pale coloured cladding will help to integrate it with its industrial surroundings. The building will not block or screen any part of the view which contains features of interest with the Roman remains being viewed from the opposite side of the viewing tower. The building would be seen in the middle distance, in an open view, by moderate numbers of receptors. The magnitude of change is low. The effect is up to minor/moderate and the nature of the effect is considered to be neutral/adverse.

10.33 From the Rising Sun Country Park the development would occupy a very small part of the view, which is open but partially screened by (and seen in the context of) existing buildings in the foreground. The proposal would result in what is considered to be a small change in the view. The change would be noticeable, but the overall view composition would remain very similar to the baseline. The TVIA states that from most areas within the country park, visibility of the proposed development would be screened.

10.34 The TVIA sets out a zone of theoretical visibility of 3.5km from the site. The TVIA states that the effects on townscape character would be greatest at the site itself and in its immediate vicinity. On adjacent character areas, the effects on townscape character would be minor. The nature of townscape effects is considered to be neutral.

10.35 For receptors using nearby streets, the overall level of effect would be up to moderate. The nature of effect is considered to be neutral/adverse: for some



receptors the proposed building would be perceived as having an adverse effect whereas for others, the effect may be perceived as neutral, given that the character of the view would remain similar to the baseline.

10.36 The appraisal has considered that the proposed development could give rise effects of up to moderate on residential receptors. The nature of these effects is assessed as neutral/adverse. This reflects the likelihood that for some receptors the proposed building would be perceived as having an adverse effect whereas for others, the effect may be perceived as neutral, given that the character of the view would remain similar to the baseline i.e. that of an industrialised townscape.

10.37 The TVIA states that as a result of its location on the riverside, surrounded by industrial development, and its degree of fit with existing buildings in terms of form, scale and mass, line, height, and overall appearance, the proposed development is likely to be perceived as a large-scale but appropriate addition to the townscape which is in accordance with relevant planning policies.

10.38 It is officer advice that there are areas of landscaping near the site which offer some screening to the site but given the height of the building it is not considered that this would offer any significant screening of the building. The building is set at a lower level than some of the adjacent buildings on the Hadrian Yard site and at a lower level than the housing to the north on Hadrian Mews. Its floor level also is lower than Railway Terrace. However again given its height it will have a significant visual impact from nearby sites and properties.

10.39 The site is over 500m to the east of the Roman fort of Segedunum and the Hadrian's Wall military zone. A photomontage shows views from here and the building will be visible. In considering the application for a 56m high building in 2012, Historic England requested further information considering the impact of the building on the forts on the north and south sides of the river. It was considered that the building would be clearly visible in views from Segedunum and will appear significantly above the skyline compared to other industrial buildings and structures however Historic England assessed the impact on views between the forts at that time and they advised that they had no objections in terms of impact on views for that building. Historic England have been consulted for this current application and they have advised that they have no comments to make.

10.40 Objections have referred to loss of the view of the river, however a right to a view is not itself a material planning consideration.

10.41 It is officer advice that the development will have a significant visual impact when viewed from certain areas close to the site, in particular Davy Bank and Railway Terrace and also areas to the north of the site as well as from areas to the south of the River Tyne.

10.42 Members need to determine whether the proposed development would be acceptable in terms of its visual impact. It is officer opinion that the visual impact would be acceptable and in accordance with Policy DM6.1.

#### 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 111 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 Highways Network Manager has been consulted and advised no objections. He advises that the site has been established for some time and access and parking remain unchanged.

11.7 Members need to consider whether the proposal is acceptable in terms of its impact on the highway network. It is officer advice that the impact is acceptable.

#### 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 174 of NPPF states that planning policies and decisions should contribute to and enhance the natural and local environment by minimising impacts on and providing net gains for biodiversity, including by establishing coherent ecological networks that are more resilient to current and future pressures.

12.3 Paragraph 180 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.

12.4 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.

12.5 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.

12.6 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.

DM5.7 'Wildlife Corridors' states that development proposals within a wildlife corridor must protect and enhance the quality and connectivity of the wildlife corridor. All new developments are required to take account of and incorporate existing wildlife links into their plans at the design stage. Developments should

seek to create new links and habitats to reconnect isolated sites and facilitate species movement.

12.7 Policy 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 application site is located within a designated wildlife corridor and adjacent to the River Tyne Local Wildlife Site (LWS).

12.9 The Biodiversity Officer and Landscape Architect have advised that the area of retaining wall and ground that needs to be removed to accommodate the new workshop will involve the removal of an area of mixed native and non-native scrub.

An Arboricultural Impact Assessment has been submitted which states that to facilitate the development, the existing retaining wall will be removed and reconstructed 10.0m from the north flank of the proposed workshop. To facilitate the development the existing retaining wall will be removed and there are trees behind his retaining wall. Tree 1, groups 2-4 and a limited section of group 8 will need to be removed. These groups consist mainly of young, scattered trees and dense scrub that include species such as elder, sycamore, goat willow, wild cherry, silver birch and whitebeam as well as self-set species such as buddleja. Cotoneaster is also within the planting mix. They have all been categorised as 'C – low value'.

12.10 The Biodiversity Officer has advised that the Biodiversity Metric 3.1 Calculation

refers to the strategic significance of the site as being an 'Area/compensation not in local strategy/ no local strategy'. However, the site is within a designated wildlife corridor and should therefore be classified as being in an area 'Formally identified in local strategy'. This amendment would result in a biodiversity net loss within the Metric calculation tool.

12.11 In addition, it is not clear whether the off-site compensation area has been surveyed to allow the relevant information to be put into the metric. The habitat has been listed as 'other neutral grassland' in moderate condition. However, the BNG Assessment Report states that 'the off-site area of habitat has not been surveyed and a detailed assessment to confirm habitat type and condition will be required to confirm the number of baseline units associated with the area'. Clarification is required regarding this to ensure the metric is up to date and provides the correct information.

12.12 Therefore in order to fully assess the application and ensure that a biodiversity net gain is achieved the Biodiversity Metric will need to be updated. The area of off-site compensation proposed to deliver a net gain will also need to be surveyed and assessed to ensure the appropriate information is entered into the Metric calculation and the number of baseline units confirmed to ensure any habitat enhancement delivers a net gain. It is recommended that off-site compensation areas are provided that can deliver mixed native scrub planting to

replace similar habitat that will be lost as a result of the scheme and provide valuable habitat in the wildlife corridor for foraging and nesting birds.

12.13 The agent has advised that the information requested by the Biodiversity Officer is being assessed and will be submitted to the Local Planning Authority for consideration. An update will be provided at committee.

### 13.0 Other issues

#### 13.1 Contaminated Land

13.2 Paragraph 184 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.

13.5 The Manager of Environmental Health (Contaminated Land) has provided comments. She recommends conditions to address the potential contamination and gas risk. The agent has submitted additional information in response to the information required under condition and Environmental Health have been consulted on this.

13.6 The applicant has submitted a Coal Mining Assessment. The Coal Authority have been consulted and have no objections.

#### 13.7 Flooding

13.8 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.

13.9 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.

13.10 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.

13.11 Policy DM5.15 states that applicants will be required to show, with evidence, they comply with the Defra technical standards for sustainable drainage systems.

13.12 The application site is located within Flood Zones 1, 2 and 3. A Flood Risk Assessment, including a Sequential Test, has been submitted. The report notes that the proposed development is inextricably linked to the current operations of Hadrian Yard and can only be located on land owned by Smulders. The report notes that the majority of other sites are partly in flood zones 2 and 3. The Flood Risk Assessment advises that all proposed development within the Flood Zone 2 and 3 areas will have finished floor levels set at a minimum of 4.24mAOD to ensure that the proposed building is not at risk of flooding and is set at a level placing the structure in a Flood Zone 1 area.

13.13 The Environment Agency have advised no objections. The Local Lead Flood Authority have commented and advised no objections as the applicant has undertaken a sequential test and has established there are no suitable alternate sites. In order to mitigate against the current flood risk within the site the applicant is proposing to set all plot levels to a minimum level of 4.24mAOD which is equivalent to the Flood Zone 1 level. The surface water drainage from the site is proposed to utilise the existing drainage system which drains into the adjacent River Tyne. He recommends a condition to require a flood evacuation plan to be produced for the development.

13.14 Northumbrian Water have no objections.

13.15 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, the proposed development accords with the relevant national and local planning policies.

### 13. 15 Archaeology

13.16 Policy DM6.7 of the Local Plan states that the Council will seek to protect, enhance and promote the Borough's archaeological heritage and development that may harm archaeological features will require an archaeological desk based assessment and evaluation report with their planning application. The Tyne and Wear Archaeology Officer has been consulted and she has advised that the applicant has provided an archaeological desk-based assessment for the site. She advises that this meets the requirements of the NPPF for an applicant to describe the significance of any heritage assets affected by the proposed development. The desk-based assessment recommends the archaeological monitoring of groundworks, and the applicant has provided a written scheme of investigation for this work. It is therefore officer advice that the proposal complies with Local Plan policy in respect of archaeology.

### 13.17 S106 obligations and CIL

13.18 Paragraph 55 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.

13.19 Paragraph 57 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.

13.20 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.

13.21 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.

13.22 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.

13.23 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.

13.24 Following consultation with service providers a contribution towards employment and training initiatives within the borough has been requested. The exact amount is being agreed with the relevant service area and the applicant and this will be reported to committee.

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

### 13.26 Local Financial Considerations

13.27 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).

13.28 The proposal supports an existing business in the borough.

### 14.0 Conclusion

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 The building proposed is, by necessity, of a substantial scale and will have a significant visual impact from short, medium and longer distance views. It will be difficult to secure mitigation which can reduce this impact. Members need to consider the extent to which this impact causes harm which would significantly and demonstrably outweigh the benefits of the development.

14.3 There is a benefit to enabling fabrication activities to take place in an enclosed environment to reduce the impact of fabrication activities on neighbouring occupiers. There is also a benefit to securing continued employment at the site.

14.4 It is therefore officer advice that the proposal is acceptable and it is recommended for approval subject to conditions and a S106 agreement.

### **RECOMMENDATION:**

**The Committee is recommended to:**

- c) indicate that it is minded to grant this application subject to the submission of information relating to ecology and the further expiry of consultation with the Biodiversity Officer and the addition, omission or amendment of any other conditions considered necessary.**
- d) authorise the Director of Regeneration and Economic Development to determine the application following the completion of the Section 106 Legal Agreement to secure Employment and Training: 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
- Location for fabrication shop 8520-1001-01-E-01
- Levels of existing buildings 8520-1005-01-E-01
- Floor and Roof plans 8520-1002-01-E-03
- Elevations 8520-1003-01-E-02
- Elevations showing site levels 8520-1004-01-E-02
- Flood Risk Assessment

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 | HOU004 | * |
| 4. | Restrict Hours No Demolition Sun BH   | HOU005 | * |

5. 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.

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.

6. Notwithstanding Condition 1, no development shall commence until a scheme to show wheel washing facilities and mechanical sweepers to prevent mud and debris onto the public highway has been submitted to and approved in writing by the Local Planning Authority. This scheme shall include details of the location, type of operation, maintenance/phasing programme. Construction shall not commence on any part of the development other than the construction of a temporary site access and site set up until these agreed measures are fully operational for the duration of the construction of the development hereby approved. 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.

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

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

8. Site Investigation	CON004	*
9. Remediation Method Statement	CON005	*
10. Validation Report	CON006	*
11. Unexpected Hotspots	CON007	*
12. Gas Investigate no Development	GAS006	*

13. A flood evacuation plan shall be submitted to and approved in writing to the Local Planning Authority prior to the commencement of the use of the building. The operation of the unit shall be carried out in accordance with the approved plan.

Reason: To prevent any impact from flooding from any sources in accordance with the NPPF and Policy DM5.12 of the North Tyneside Local Plan 2017.

14. Prior to operational activities taking place within the workshop, acoustic fabric doors must be installed. These shall thereafter be retained and the workshop doors of the modular unit must be kept closed whenever fabrication activities take place, except for access, egress and in case of an emergency.

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

15. Prior to the installation of the workshop a noise management plan must be produced, submitted to and approved in writing by the local planning authority and implemented thereafter. The noise management plan must be reviewed annually or whenever there are any alterations to the structure. The noise management plan must be considered with regard to guidance provided by the Environment Agency Horizontal Guidance Note IPPC H3 (part 2) with particular regard to reviewing the impact of noisy activity upon closest residential premises.

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

16. Prior to the installation of external plant, ventilation and extraction systems to the development, a noise scheme must be submitted to and approved in writing by the planning authority giving mitigation measures. The noise scheme must provide details of all noisy external plant and any tonal or impulsivity characteristics to the plant and the assessment must be carried out in accordance to BS4142. The noise scheme shall include the overall equivalent noise level and noise rating level for different worst case operational scenarios for day and night time arising from the site. The scheme shall be implemented prior to the use of the building and retained thereafter, It will be necessary following installation of the plant and equipment that acoustic testing is undertaken to verify compliance with this condition within one month of its installation and submitted for written approval prior to the operation of the plant and thereafter maintained in working order.

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

17. Noise No Tannoys Externally Audible                      NOI002    \*

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

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

19. No development shall take place until details of the air ventilation systems have been submitted to and approved in writing by the Local Planning Authority. The scheme shall thereafter be implemented before the development is first occupied in accordance with the approved details and permanently retained.

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

20. There shall be no visible airborne emission of dust beyond the site boundary, from any external vent fitted to the modular building. If emissions are visible, monitoring to identify the origin of a visible emission shall be undertaken. All emissions to air shall be free from droplets.

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).

21. Flood Lighting Scheme Details                                      LIG001    \*

22. The developer shall appoint an archaeologist to undertake a programme of observations of groundworks to record items of interest and finds in accordance with the submitted document Hadrian Yard, Wallsend, Tyne and Wear: archaeological watching brief written scheme of investigation 22237. The appointed archaeologist shall be present at relevant times during the undertaking of groundworks with a programme of visits to be agreed in writing by the Local Planning Authority prior to groundworks commencing.

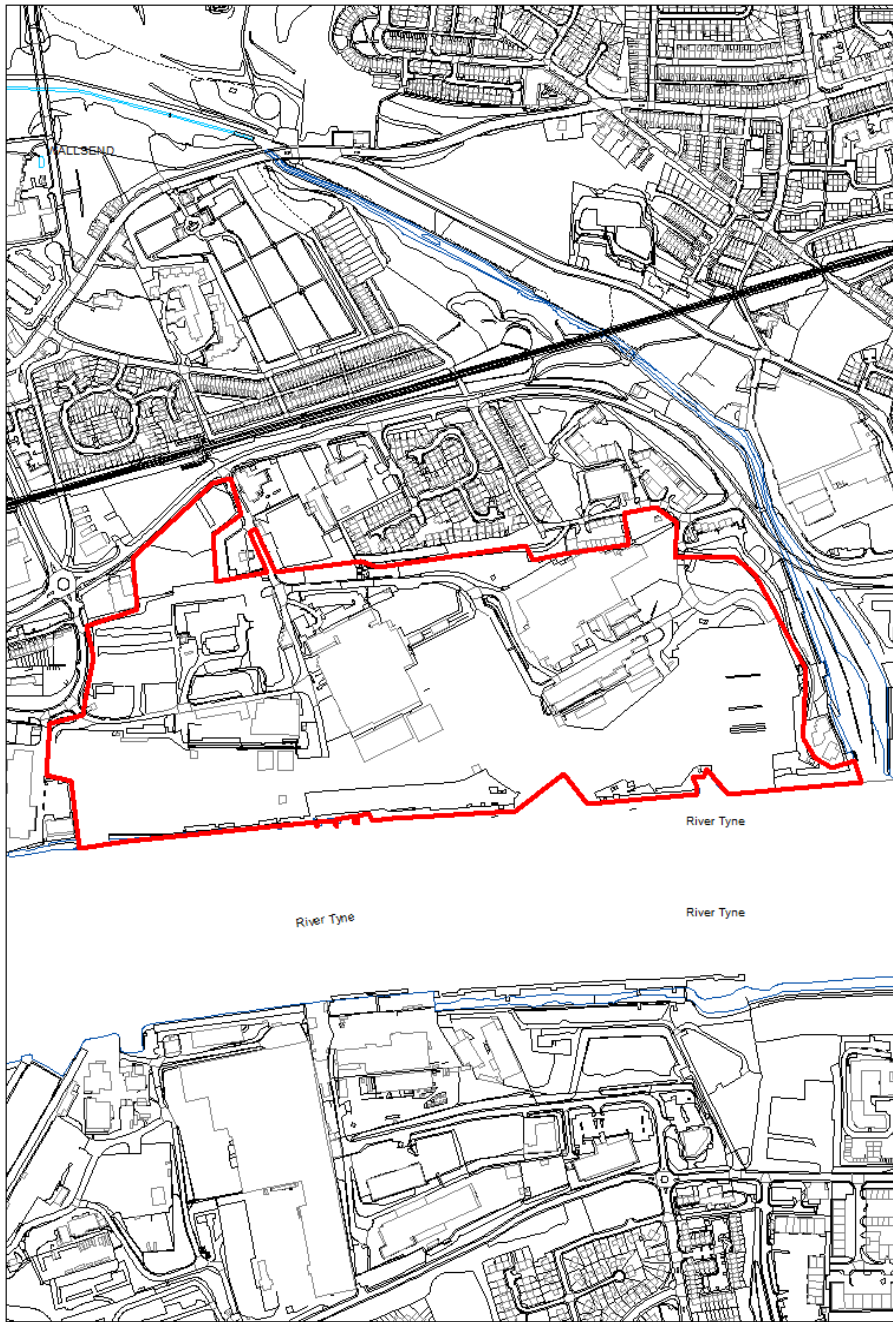
Reason: The site is located within an area identified as being of potential archaeological interest. The observation is required to ensure that any archaeological remains on the site can be preserved wherever possible and recorded, and , if necessary, emergency salvage undertaken in accordance with paragraph 205 of the NPPF, Local Plan S6.5 and policies DM6.6 and DM6.7.

23. The building(s) shall not be occupied/brought into use until the report of the results of observations of the groundworks pursuant to condition (22) has been submitted to and approved in writing by the Local Planning Authority.

Reason: The site is located within an area identified as being of potential archaeological interest. The investigation is required to ensure that any archaeological remains on the site can be preserved wherever possible and recorded, to accord with paragraph 205 of the NPPF, Local Plan S6.5 and policies DM6.6 and DM6.7.

**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.



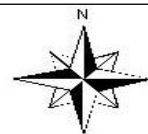
**Application reference: 22/01495/FUL**

**Location: Hadrian Yard A B And C, Hadrian Way, Wallsend, Tyne And Wear**  
**Proposal: Erection of a new workshop building (55mx270mx41m) at Yard C to accommodate welding and fabrication activities**

Not to scale

Date: 12.10.2022

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0100016801



**Consultations/representations**

1.0 Internal Consultees

2.0 Highways Network Manager

2.1 The site is long-established and access & parking remain unchanged.  
Conditional approval is recommended.

Conditions:

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.

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.

Notwithstanding Condition 1, no development shall commence until a scheme to show wheel washing facilities and mechanical sweepers to prevent mud and debris onto the public highway has been submitted to and approved in writing by the Local Planning Authority. This scheme shall include details of the location, type of operation, maintenance/phasing programme. Construction shall not commence on any part of the development other than the construction of a temporary site access and site set up until these agreed measures are fully operational for the duration of the construction of the development hereby approved. 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

Informatives:

The applicant is advised that it is an offence to obstruct the public highway (footway or carriageway) by depositing materials without obtaining beforehand, and in writing, the permission of the Council as Local Highway Authority. Such obstructions may lead to an accident, certainly cause inconvenience to pedestrians and drivers, and are a source of danger to children, elderly people and those pushing prams or buggies. They are a hazard to those who are disabled, either by lack of mobility or impaired vision. Contact [Highways@northtyneside.gov.uk](mailto:Highways@northtyneside.gov.uk) for further information.

The applicant is advised that a license must be obtained from the Local Highway Authority for any furniture placed on the footway, carriageway verge or other land forming part of the highway. Contact [Streetworks@northtyneside.gov.uk](mailto:Streetworks@northtyneside.gov.uk) for further information.

The applicant is advised that a pavement license must be obtained from the Local Highway Authority for any scaffold placed on the footway, carriageway verge or other land forming part of the highway. Contact [Streetworks@northtyneside.gov.uk](mailto:Streetworks@northtyneside.gov.uk) for further information.

The applicant is advised that, the site abuts adopted highway, if access to this highway is to be restricted during the works the applicant must contact the Local Highway Authority to obtain a temporary footpath closure. Contact [Streetworks@northtyneside.gov.uk](mailto:Streetworks@northtyneside.gov.uk) for further information.

The applicant is advised that they should contact the Local Highway Authority to arrange for an inspection of the highways adjacent to the site. The applicant should be aware that failure to do so may result in the Council pursuing them for costs of repairing any damage in the surrounding area on completion of construction. Contact [Highways@northtyneside.gov.uk](mailto:Highways@northtyneside.gov.uk) for further information.

The applicant is advised that no part of the gates or doors may project over the highway at any time. Contact [New.Developments@northtyneside.gov.uk](mailto:New.Developments@northtyneside.gov.uk) for further information.

### 3.0 Local Lead Flood Officer

3.1 I have carried out a review of the flood risk and drainage detailed in planning application 22/01495/FUL, I can confirm in principle I have no objections to the proposals. The applicant has undertaken a sequential test as the site falls within flood zones 2 & 3 and has established there are no suitable alternate sites. In order to mitigate against the current flood risk within the site the applicant is proposing to set all plot levels to a minimum level of 4.24mAOD which is equivalent to the Flood Zone 1 level. The surface water drainage from the site is proposed to utilise the existing drainage system which drains into the adjacent River Tyne.

3.2 I would recommend a condition is placed on the application requiring a flood evacuation plan to be produced for the development which should be submitted to LLFA for approval before the building comes into operation.

#### 4.0 Biodiversity Officer and Landscape Architect

4.1 The workshop location is shown on the 'Location for Fabric Shop Plan' (DWG: 8520-1001-01-E Rev 01) and is located to the southwest of the site adjacent to the river (Yard C). The Plan also indicates an area of retaining wall and ground that needs to be removed to accommodate the new workshop. This will involve the removal of an area of mixed native and non-native scrub. The site proposals are located within a designated wildlife corridor.

4.2 An AIA (Arboricultural Impact Assessment) has been submitted which states that to facilitate the development, the existing retaining wall will be removed and reconstructed 10.0m from the north flank of the proposed workshop. As the trees are held behind the retaining it will be necessary to remove some of the tree groups to deliver the development proposals. This includes:

Tree 1

Groups 2 - 4

A limited section of group 8

4.3 These groups consist mainly of young, scattered trees and dense scrub that include species such as elder, sycamore, goat willow, wild cherry, silver birch and whitebeam as well as self-set species such as buddleja. Cotoneaster is also within the planting mix. The trees have all been classed as category 'C' – Low value trees under the BS5837 category rating system.

#### 4.4 Biodiversity Metric 3.1 Calculation

The site habitat baseline tab within the above Metric calculation, shows the strategic significance of the site as being an '*Area/compensation not in local strategy/ no local strategy*'. However, the site is within a designated wildlife corridor as shown on the NTC Local Plan Policies Map (2017) and should therefore be classified as being in an area '*Formally identified in local strategy*'. This amendment would result in a biodiversity net loss within the Metric calculation tool.

4.5 In addition, it is not clear whether the off-site compensation area has been surveyed to allow the relevant information to be put into the metric. The habitat has been listed as 'other neutral grassland' in moderate condition. However, the BNG Assessment Report states that '*the off-site area of habitat has not been surveyed and a detailed assessment to confirm habitat type and condition will be required to confirm the number of baseline units associated with the area*'. Clarification is required regarding this to ensure the metric is up to date and provides the correct information.

4.6 In order to fully assess the application and ensure that a biodiversity net gain is achieved in accordance with Planning Policy and the NPPF, the Biodiversity Metric will need to be updated in line with the comments set out above. The area of off-site compensation proposed to deliver a net gain will also need to be surveyed and assessed to ensure the appropriate information is entered into the Metric calculation and the number of baseline units confirmed to ensure any habitat enhancement delivers a net gain.

4.7 It is recommended that off-site compensation areas are provided that can deliver mixed native scrub planting to replace similar habitat that will be lost as a



result of the scheme and provide valuable habitat in the wildlife corridor for foraging and nesting birds.

4.8 The above scheme cannot be fully assessed until the above information has been submitted for review.

#### 5.0 Environmental Health (Pollution)

5.1 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. I have concerns over the proposed use of a workshop building on the site if this resulted in a change to the activities and operations resulting in additional noise for sensitive residential receptors. 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.

5.2 I have reviewed the noise assessment. The application refers to the provision of the workshop in yard C but the noise report in section 4 on page 7 to the building being mobile for use in two locations, yard A and yard C. I note though that the modelled noise assessment data only refers to noise data results for the siting of the workshop in yard C. The noise assessment has considered worst case noise based on all the activities taking place at the same time in the workshop in yard C, this has determined that for location 1 at Railway Terrace the noise rating level at nearest sensitive receptor was calculated as +5 above the background of 33 dB during the night period with all the other locations being below the existing background. A noise level of +5 above background would be considered to be of adverse impact but would not be considered to give rise to significant adverse impacts. The rating level of 39 dB during the night is below the noise limit of 45 dB specified within the statutory notice and is below the ambient night period noise level of 42 dB. Internal noise levels for bedrooms would be in the region of 24 dB LAeq during the night period, based on an open window.

5.3 The layout plans show that this building will be aligned next to the mobile modular building which was approved under planning reference 21/02188/FUL. The noise assessment for this approval included for blasting operations and gave a rating level 40 dB at location 1 for Railway Terrace and it is considered that if the two buildings are adjoined noise from the mobile building will extend into this workshop, however, noise from blasting operations will unlikely result in significant adverse impacts.

5.4 The NPPF Paragraph 185 states that "planning policies and decisions should also ensure that new development is appropriate for its location taking into account the likely effects (including cumulative effects) of pollution on health, living conditions and the natural environment, as well as the potential sensitivity of the site or the wider area to impacts that could arise from the development. In doing so they should: a) mitigate and reduce to a minimum potential adverse impacts resulting from noise from new development - and avoid noise giving rise to significant adverse impacts on health and the quality of life". The noise assessment has demonstrated that nearest sensitive receptors will not be subject

to noise levels giving rise to significant adverse impacts from the provision of the workshop, based on the structure being provided with acoustic doors. It is noted that the noise assessment assumed acoustic doors will be fitted and therefore a condition is recommended to ensure acoustic doors are installed if planning consent is to be given. It is also recommended that conditions are attached to ensure a noise scheme is provided for fabrication activities within the workshop, and conditions to address any new external plant installed as part of this development including for any new external lighting.

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

Prior to operational activities taking place within the workshop, acoustic doors must be installed. The workshop doors must be kept closed whenever fabrication activities take place, except for access, egress and in case of an emergency.

Prior to the installation of the workshop a noise management plan must be produced, submitted for written approval to the local planning authority and implemented thereafter. The noise management plan must be reviewed annually or whenever there are any alterations to the structure. The noise management plan must be considered with regard to guidance provided by the Environment Agency Horizontal Guidance Note IPPC H3 (part 2) with particular regard to reviewing the impact of noisy activity upon closest residential premises.

Prior to the installation of external plant, ventilation and extraction systems to the development, a noise scheme must be submitted to the planning authority agreed in writing giving mitigation measures and thereafter implemented and maintained. The noise scheme must provide details of all noisy external plant and any tonal or impulsivity characteristics to the plant and the assessment must be carried out in accordance to BS4142. The noise scheme shall include the overall equivalent noise level and noise rating level for different worst case operational scenarios for day and night time arising from the site. It will be necessary following installation of the plant and equipment that acoustic testing is undertaken to verify compliance with this condition within one month of its installation and submitted for written approval prior to the operation of the plant and thereafter maintained in working order.

NOI02

EPL01 for any external vents and chimneys

EPL02

There shall be no visible airborne emission of dust beyond the site boundary, from any external vent fitted to the modular building. If emissions are visible, monitoring to identify the origin of a visible emission shall be undertaken. All emissions to air shall be free from droplets.

HOU05

SIT03

LIG01 for any new external lighting

## 6.0 Environmental Health (Contamination)

6.1 I have read the Phase 1 report and it states:

Cable percussion boreholes extending through the made ground and natural superficial deposits to a depth of 20m to determine the presence of potential contaminants of concern, allow the installation of gas/groundwater monitoring wells and to prove the foundation conditions.

Trial pits extending into the made ground to allow samples to be retrieved for chemical testing to determine the presence of potential contaminants of concern.

Geotechnical laboratory testing of soils/weathered bedrock (if encountered) to provide parameters for foundation design.

Undertake 6 ground gas monitoring visits over a 3 month period.

Factual and interpretive report, providing recommendations for remedial actions as required to allow the safe development of the site and recommendations for foundations and engineering design.

6.2 Based on the above recommendations the following should be applied:

Con 004

Con 005

Con 006

Con 007

Gas 007

## 7.0 Representations:

17 objections have been received:

- Impact on landscape
  - Loss of visual amenity
  - Out of keeping with surroundings
  - Will result in visual intrusion
  - Inappropriate design
  - Inappropriate in special landscape area
  - Inappropriate materials
  - Loss of residential amenity
  - None compliance with approved policy
  - Precedent will be set - Nuisance - disturbance
  - Nuisance - dust/dirt
  - Nuisance - fumes
  - Nuisance - noise
  - Poor traffic/pedestrian safety
  - Traffic congestion
  - Adverse effect on wildlife
  - Affect Site of Spec. Scientific Interest
- Visual Impact - As a homeowner whose property backs directly onto Hadrian Yard, there will be significant visual impact due to the size of the building. It will result in loss of skyline, and will obscure entirely the views of the river Tyne to the

south west, and all the land (including the horizon) behind. This will induce a feeling of claustrophobia due to the loss of outdoor view, hence living in front of a wall of steel that to all intents and purposes appears to stretch on to infinity. St. James's football pitch is 105 metres long, the new structure is over two and one half times longer.

- Document TVIA\_TOWNSCAPE\_AND\_VISUAL\_IMPACT\_APPRAISAL-839509.pdf, page 20/21 refers to Derwent Way/Coquet gardens and manages to draw a conclusion that the magnitude of the proposal is negligible to low. How can that assumption be made by someone who doesn't live there? Furthermore, no reference has been made at all to the dwellings that look directly onto Hadrian Yard. These dwellings have not been taken into consideration.

- Noise Impact - the submitted noise assessments indicate that noise levels are acceptable once the proposed structure has been built. No reference or data is available to indicate the magnitude of noise that will emanate from the structure during normal operation. Particularly during the summer, and with the effects of climate change, the structure would get intolerably hot given its position and will need ventilation. What effect will extraction fans and other solutions used to mitigate the internal temperature of the structure have on the surrounding area? Surely as part of the planning process, the noise the structure will generate in operation should be known?

- Document NOISE\_ASSESSMENT-842795.pdf, page 2 states "Workshop doors of the building must be kept closed whenever noisy work activities occurs at the site, except for access, egress and in case of an emergency." What exactly defines "Noisy"? The adjective "Noisy" without a formal scientific derived definition is entirely subjective, having no basis in fact. It cannot be left to a human to determine what is noisy. The doors should be closed when the scientifically measured noise level reaches a pre-determined and agreed dB level in line with legislation.

- Document PLANNING\_STATEMENT\_FINAL-839617.pdf, page 6 refers to past planning approval that was granted for a structure that was 56 metres in height in 2012 (subsequently consent has now expired), and alludes to the fact if such a structure that was taller was approved then, surely a smaller structure should be approved now. The world has moved on in the past 10 years, with greater emphasis given to creating environmental and eco-friendly developments, ensuring greater harmony with the surroundings and the people who live in the immediate vicinity. The assumption that just because planning approval was given for a 56 metre tall structure in 2012, the application for the 40 metre structure should be considered an influencing factor in the decision making process towards approval. It should not. Past approval should have no bearing on today's decision making. Regardless of the history surrounding Hadrian Mews estate, the estate was built because the council approved it. Given the existence of the industrial use of Hadrian Yard preceded the estate being built, the council must show due diligence and a duty of care to those residents whose lives have been blighted by the arrival of Smulders and its operation of the yard.

- The proposal to build a large building in Yard C of Hadrian Yard would have a significant detrimental impact on Railway Terrace.

- The Townscape and Visual Impact Appraisal, page 15 (Section 5.2) shows the change in landscape that would result from just above the junction of Davy Bank and Railway Terrace if the building was allowed to be constructed. There would be a similar change in the landscape viewed from the actual Railway Terrace properties.

- The proposed structure is so large that it would totally change Railway Terrace so that it becomes a residential enclave in an area that is dominated by the new industrial building.
- The damaging effect on the health and welfare of the residents of Railway Terrace would be significant.
- The Townscape and Visual Impact Appraisal section 5.2 view has been prepared from a position slightly higher than Railway Terrace meaning that the visual impact of the structure would actually be greater than envisaged by the drawing.
- The planning proposal has not commented on whether Davy Bank would become an access point to the Hadrian Yard site. If that was the intention then the increase in traffic and noise and pollution that would result would be substantial. The extra traffic could also lead to additional accidents at the roundabout linking Davy Bank to Hadrian Road.
- The proposal to build a colossal structure within the Hadrian yard will have a detrimental impact on the residents of railway terrace. The sheer height of this structure (40m!) will ensure that the structure will adversely dominate the local landscape and area and in the winter months block light to residents.
- The visual impact on the area will be devastating, not just to the residents but also to other locals and tourists who regularly stop at the end of Railway terrace when using the cycle route to view the river. There are very few view points to the River Tyne from Wallsend and this proposal would steal yet another from the people of Wallsend.
- As the residential capacity of Hadrian road has increased significantly with full approval from North Tyneside Council (Hadrian Mews) the industrial setting must in all fairness to all residents of the Hadrian road area be planned and executed to be of little impact to the everyday lives of residents.  
I have little confidence that noise levels will not be breached (for example if a door of the structure is opened) and fully expect that if approval is granted that the residents will suffer from excessive noise which will lead to distress and impact the mental health of residents. I am also concerned about fume / dust generated from the works which will be carried out which could have long term impacts on the health of local residents especially if winds are blowing in the right direction.
- I strongly appeal to North Tyneside to reject this proposal and to adopt a more residential friendly approach to planning along this stretch of river for the local residents and future generations of residents.
  - Adverse effect on our lives.
  - Loss of day light into apertures/windows. Pictures submitted showing winter sunrise below the two cranes. The shadow from the building will prevent natural light entering the property for a considerable number of hours throughout the winter months and deprive us of natural light in the mornings creating a bleak ambience within our home. This will impact the entire family's mental health and wellbeing.
  - The property 9 Railway terrace has enjoyed uninterrupted light for over 20 years and as shown above the presence of the cranes has not interrupted this. Therefore, according to the Rights of light act 1954 the proposed planning permission should be rejected on this basis. Failure to reject the planning permission will leave us no choice but to seek a court injunction invoking our rights under this legislation.

- The solar analysis carried out on behalf of Smulders clearly and possibly intentionally excludes Railway terrace from their survey. This suggests to me that the developers are more than aware that Railway terrace will be adversely affected.
- I understand that Smulders wish to construct "Wind farm jackets" in the new structure and use this as the reason for the colossal structure. The jackets have for a number of years been constructed outside which is usual practice for structures of this size. It is usual practice to contain work areas on structures like this with localised plastic sheeting as Smulders have done for a number of years. The structure is not essential to the construction of the jackets.
- Increase in noise: The documents provided show an increase of 5dba due to the proposed work being carried out. This will greatly affect us at night. The close proximity of our house to the structure means we will hear the loud equipment such as shotblasting, grinding, welding, heavy plant movement throughout the night. This will cause us to lose sleep and will have an adverse impact on our physical and mental wellbeing.
- Shift worker therefore impact on sleep.
- Air ventilation fans will be present in the roof of the building in order for the building to satisfy health and safety regulations on the movement of air within buildings. These fans will produce noise which will be in addition to the works being carried out.
- Increase in night time artificial light: Lighting will need to be provided around the building to provide safe access and egress for fire escape routes etc. This will mean increased light throughout the night further impacting the residents of Railway terrace and adversely impact their natural sleep cycle. This will have direct physiological health impacts for the residents.
- The local bat population which are regular visitors to the Railway terrace gardens will also be adversely impacted by the increase in light which reduces their night-time foraging activities.
- Visual Impact - the view of the river from Railway terrace and Davey Bank of the River Tyne is the last viewpoint available of the River Tyne in Wallsend. This view is not just enjoyed by residents but also the huge amounts of cyclists who use the cycle path and dismount at the end of Railway Terrace to take in the view of the river. Walking groups regularly pass-through Railway terrace and take in the scene. The path at the end of railway terrace is part of the coast-to-coast cycling event.
- Pictures showing loss of view 4 of the River Tyne. The loss to Wallsend residents and tourists will in my opinion constitute cultural vandalism.
- The River Tyne and its relationship with the town of Wallsend is steeped in history and to remove the peoples last view of it would be scandalous.
- I'm sure you are aware there is no public access to the river or anywhere near the river in the entire town of Wallsend which is a disgrace in itself.
- Historic and cultural reference to Railway Terrace.
- DM2.3(c) of North Tyneside Local Plan – reference to adverse impact. This proposal will effectively destroy the character and ambience of this location.
- Loss of light and sky: shadowing will obliterate the early morning sun and sky.
- This area needs employment and industry badly and we support that, but not at this huge cost - to the wellbeing of local residents.
- Loss of Visual Amenity - The supporting documents infer that the structure would be masked by significant screening. The present screening consists of a few shrubs and hedges of wild growth. They would not mask anything above

two metres of this 40 metre high shed. The 270 metre length of this proposed structure will also mean the complete annihilation of this small proportion of The River Tyne that is still visible in Wallsend.

- Lasting and irreversible consequences that this proposal would have on the community of Railway Terrace, the deterioration on the quality of our lives.
- I would urge you to visit our home to appreciate the loss and damage which will be incurred.
- Rejection of this proposal would not compromise the work at Smulders, in Yard C - as has been proven over the last productive years. There have already recently been other huge fabrication sheds erected in Yard A which were fully supported by all surrounding residents - as the vast growth of mature trees in the area, camouflaged these structures.
- We believe that if North Tyneside Council were to approve this proposal, it would be nothing short of criminal.
- Health issues
- This proposed building will throw our houses in shadow, it is the size of an aircraft hangar, the huge cranes on the yards we can see the sunrise and river through, this huge shed will cancel the river views for us and Wallsend residents, who often walk down the bank, taking photos of the coming and goings on this part of the river.
- There has been an analysis on solar and shadow this building will cause, stating no difference for residents. I strongly disagree with this verdict, it is certainly going to block sunlight and leave the Terrace residents in a huge amount of shadow.
- North Tyneside council need to consider these proposals and go through these plans with a view to the future of the only surviving river frontage in Wallsend. If permission is granted it will be an eyesore forever on the horizon.
- Mentally this will certainly have a very detrimental effect on my personal well being. Daylight will be shortened, light in the garden is vital to me, as is walking getting in as many daylight hours as possible.
- We will lose a huge amount of daylight coming in our windows, both summer and winter.
- Whilst we can only be supportive of job and wealth generation in North Tyneside, we already tolerate noise and dust as pollution from Smulders Projects UK and looking at this proposal we can only conclude that our lives, health, and wellbeing will be adversely affected by this development.
- It appears on the plans that the information included in the planning application has completely omitted any impact on our terrace and doesn't include any reference to our area which is so close to the proposed site and shed construction. We have not been consulted and completely missed in the solar shadow diagrams provided by the applicant. Our objection is based on the need to protect the physical and mental health and wellbeing of ourselves and neighbours.
- Dust pollution
- Noise disturbance.
- Increase in night-time noise disturbance, which will impact on our sleep.
- Huge reduction in light entering our windows and doors due to the shadow cast from the morning sun. This will be totally detrimental to those of us who struggle through the winter months. We will not see the sun and our homes will be cast by the shadow of the building. This will be unbearable and cause or exacerbate mental health issues.

- Lack of light will increase our energy bills
- We live nestled in an industrial area, but our home and garden is beautiful. The impact on our terrace would be to spoil the interesting landscape for us, tourists and local historians who visit.
- Individually or as a community we have not been consulted in relation to the impact on us. Lack of consultation means that the applicant has not engaged, nor built any kind of relationship or dialogue with us to ensure that we have a healthy place to live and work from home, as we do. As we haven't been consulted, we must reject the assumptions and opinions of the applicant about what we can tolerate, see, experience, or need.
- Aesthetically, the construction adds nothing to the area only a 33-40M high wall, that will look ugly and imposing.
- Is completely unsympathetic to the local character and history of the area
- Does not add anything to the surrounding area or encourage wildlife.
- Whilst we are used to seeing large construction on our horizon, they are non-permanent and transitory. This construction is proposed to be a permanent fixture and will literally be a metal wall, so we never see the morning sunrise or river again.
- Given that they have worked outside for all this time, the proposal does not state what the economic benefits are to the company. Why is this building even needed?
- The dust that regularly coats our windows, cars, etc. from the shot-blasting activity on-site (currently by far the dirtiest on-site activity we are impacted by) will not take place inside the proposed building but continue to occur, as now, outdoors. This is confirmed by the Noise Impact Assessment, Item 3.0 pg.5, supporting the application compiled by SLR Consulting on behalf of Smulders.
- The on-site shot-blasting is also, currently, the noisiest activity we suffer from and, as the Noise Impact Assessment makes clear, this will continue to occur in the open air. The most prominent noise pollution will not, in any way, be abated by the proposed building.
- The Noise Impact Assessment also confirms that Railway Terrace will suffer an "adverse" 5dBA increase in noise disturbance throughout the night which will negatively affect local residents' sleep patterns, inevitably damaging residents' physical and mental health. There is a raft of scientific research that conclusively proves how damaging lack of sleep can be.
- Although the Solar Exposure and Shadow Analysis, compiled by DESCO on behalf of Smulders, completely omits Railway Terrace from its study which is explicitly against the pre-planning instructions of NTC, it can easily be extrapolated from its findings that Railway Terrace will suffer "adverse" light reduction. This is especially acute in the early morning (our homes are located in a direct line between the morning sunrise and the proposed building) and through the entire period of November to March. If planning permission is granted the residents will permanently suffer a 'delayed' sunrise of hours, be shrouded in the building's shadow until almost midday by December, and be condemned to suffer significantly reduced light exposure for over a third of the year precisely when natural light is already massively reduced due to the natural solar cycle. This has hugely damaging physical and mental health implications.
- No mitigation whatsoever is offered for any of the above by the applicant despite admitting that "adverse" effects will be suffered by the residents of Railway Terrace should the proposed development go ahead.
- Lack of analysis of impact on Railway Terrace.



- Railway Terrace is 100% completely omitted from the Solar Exposure and Shadow Analysis
- The TVIA, in Table 5 pg.30, confirms that Railway Terrace is only 100m from the site boundary, much closer than the 350m of the residential properties included in this Analysis.
- Fig.1 pg.2 clearly shows that Railway Terrace has been purposely excluded from the study area
- Fig. 4.1 pg.7 of the Noise Impact Assessment clearly shows Railway Terrace to be located immediately to the north west of the site – although the front of the Terrace (most impacted area) is actually lower and west of the location marker on the map.
- The Planning Committee should note that, of all the documentation supplied by the applicant to support this planning application, only the Noise Impact Assessment actually even identifies Railway Terrace on any of the numerous site maps included – this cannot be an unfortunate oversight, other than possibly by SLR Consulting who prepared the Noise Impact Assessment
- It would be beneficial to the Planning Committee members if they could access Google Maps or Google Earth on their devices and search NE28 6HZ, switch to satellite view, and they will then be clearly able to see the close proximity of Railway Terrace and how this ‘analysis’ completely excludes the Terrace
- Google Maps/Earth will also allow the Planning Committee members to clearly see the unsuitability of the chosen study location in respect of the Noise Impact Assessment and TVIA submitted by the applicant - the location is the intersection of Davy Bank and Railway Terrace, above and to the east of the front of the Terrace.
- It is quite simple to extrapolate from the findings presented that Railway Terrace will suffer “adverse” light reduction, especially acute in the early morning (our homes are located in a direct line between the morning sunrise and the proposed building) and through November to March.
- Item ‘5.0 Model Images: December’ clearly shows that Railway Terrace (not marked but to the north-west and easily identifiable if the Planning Committee overlay the Google map of the area referred to above) will be in the building’s shadow until almost midday. In mid-winter it gets dark at our location by 3.45pm. If the application is permitted the Planning Committee will be damning us to have less than 5 hours daylight per day in our homes.
- Light deprivation
- Rights of Light Act 1959
- even at the height of summer there is no significant screening by trees or vegetation as falsely claimed by the applicant.
- Noise impact assessment: The location chosen for the noise monitoring equipment study is completely inappropriate. The location is higher in altitude and vastly more exposed to noise sources from the riverside area, Hadrian Road, Waggon Way and Davy Bank itself.
- The LVIA Appraisal contains virtually no factual, qualitative evidence to support its claims and instead relies upon the authors personal assumptions, judgements, and opinions to arrive at grossly erroneous conclusions as to what the residents of Railway Terrace think about their local area. Our sensitivity to the proposed building and the hugely negative impact it will have upon us is simply made-up and invented, thus allowing One Environments to produce a report seemingly supportive of Smulder’s planning application.

- National and local planning policy guidelines are clear in their requirements that developments are only permitted which are sympathetic to the local area and local residents, especially in terms of health and well-being. If this development is permitted then it is certain, as the applicant's own documentation shows, that the health and well-being of the residents' of Railway Terrace will be severely impaired through loss of light entering our homes and increased night-time noise disturbance, and will suffer a permanent reduction in local amenity.

- Reference to representations in the TVIA: 4.5 pg. 10

*"It is worth noting that in the recent past the yard has been used for the assembly of very large offshore wind turbine foundation structures (known as jackets) of a height much taller than the proposed building.....It seems reasonable to assume therefore that nearby residents and road users would be habituated to the presence of large structures and industrial construction activity and understand that these have an impact on visual amenity"*

This is a ridiculous comparison of largely open structures which do not diminish light entering our properties in any way to a wall of metal which casts a deep shadow over our homes. Other than size they have nothing in common

- Unrepresentative location of Railway Terrace and the supporting documents' study location. As can be seen with the satellite view on Google this is a higher elevation than the front of the Terrace houses and in no way reproduces the relationship of the proposed building to Railway Terrace.

- If the applicant had provided the Planning Committee with truly accurate viewpoint photomontage at Railway Terrace as instructed by NTC it would be clear to the Planning Committee that the proposed building would utterly dominate the view and overwhelm the Terrace, in addition to submerging it in its shadow. Our photographs clearly show how the proposed building would utterly dominate the view from Railway Terrace.

- No consultation with residents

- The building is not required

- No impact on current or future employment at the site

- No impact on site investment

- The proposed building is for one reason and one reason only – to provide more comfort to Smulder's employees by allowing them to work out of the prevailing weather.

- I have huge concerns that as a resident of Railway terrace our rights to basic living conditions will be hugely affected if this proposal goes ahead.

- The development will have an unacceptable adverse impact on the residential amenity. It does not protect the distinctive character of the surrounding areas. My house was built in 1896. - It will also compromise my standard of daylight, sunlight, and outlook.

- There has been no mention of the increase in traffic and as a mother of two young boys this gravely concerns me.

- Impacts on views from publicly accessible viewpoints in the TVIA reports undoubtedly show the encroaching nature of this proposed structure as an unsightly blot on the landscape, these include The Segedunum Roman Fort which as you will be aware is frequented by worldwide visitors.

- The current landscape is one of industry, which as a resident I fully support as my living conditions are not compromised. I regularly enjoy the dramatic skyline of cranes which is close to my shipbuilding roots as a lifelong resident of Wallsend.

- If the proposed development is rejected by North Tyneside Council Smulders will still operate as they have done in the past.
- The TVIA does state that the change would be prominent but the view from my property would not be affected as the areas are generally screened from wider view by buffers or trees and hedges. This is completely untrue and I would welcome anyone to visit my home in order to show my open outlook from my property. This will be completely blocked and a severe change leaving myself and my family without the natural light.
- A Residential Visual Amenity Assessment should be undertaken as the impact on visual amenity is so great that the proposed development is against the public interest (Residents/Cyclists/Walking Groups frequenting at the viewpoint on Davy bank).
- I understand that I do not have the right to a particular view but by virtue of the proximity, size and scale of the development mine and neighbouring properties would be rendered such an unattractive place to live.
- Increase in night time noise disturbance - The 'Noise Impact Assessment' confirms that Railway Terrace will suffer an "adverse" 5dBA increase in noise disturbance throughout the night. Not only will this affect our sleep patterns but it will also affect our daughter's sleep pattern, which will cause added stress for all of us, and could potentially have a huge negative effect on our mental health. This will be particularly difficult in the summer months when windows need to be kept open at night to keep us all cool.
- I am in complete shock at the planning application that was submitted. It seems to be that the planning that has been submitted is completely false for various reasons. It is stated that it would have no impact on the views for residents, nor would it have any impact on light for residents and states that there would not be any noise or dust effects. All are completely false.
- The building that has been put forward, is an absolute eye sore and I don't understand any reasons as to why the company need to have a building of such size to complete work. I am thrilled that work is currently taking place in Yard C and I hope this continues in the same way. What I am disputing is the fact that it is stated that myself as a resident would not be impacted as apparently there is no view of the Tyne. I have attached some pictures within the email which show a true reflection as to what we see as residents. I also understand that there was shadow graphs submitted within the application for planning which is also false, there is no physical way that we would not be impacted by the large building that they are wanting to create. Especially for light in the months from November-March (6 months of the year) we would not get any sunlight up until 10-12pm each day. We have been excluded from the report and there is no mention of how we will be impacted.
- Mental health problems and this would have a detrimental impact not receiving adequate light until these times each day. The whole reason I moved to this street which I have been in for 20+ years is how amazing and relaxing the view is from all points of the front of my property. It brings peace and happiness to me and I know for certain that the awful structure submitted would really cause quite a problem for my mental suffering. I am just an individual but I speak on behalf of many, not just the residents but for tourists who frequently walk round the front of homes to capture the fantastic views of the Tyne.
- I want to understand the logic of this planning application as it is proven there will be no reduction in dust from shot-blasting, meaning the work already conducted outside can continue to operate outside. It has come to my knowledge

that also, there will be an increase to noise of 5DBA, so not only would this be something that would effect my mental well being by sight it would also effect my mental health by noise. I struggle to sleep at night and this would worsen my sleep pattern if it were to go ahead as the noise increase in question is at a level of disturbance and I would not be able to function.

- Lastly I would like to express dissatisfaction against how we are treat in the application. We as residents are referred to as 'road users' not residents. I live here. I am not a road user. There is not an ounce of economic care.

- The applicant have not done any visual impact assessment from Railway Terrace, in fact our 10 houses are ignored.- We already suffer from noise disturbance, dust pollution, and now if the building goes up, will block considerable daylight, which could effect our mental health.

- Why have NTC not advised the local residents of this updated SESA being submitted and invited them to respond to it? If it wasn't for a member of the local community informing us that they had discovered, by pure chance, that new documents had been posted to the planning portal after NTC closed the submission of objections to local residents, we would be completely unaware of this development. NTC have a legal duty to inform local residents of any planning application that could impact them, and it is beyond doubt that this proposed building will impact our properties on Railway Terrace, nor that this updated SESA has been prepared specifically to now, belatedly, include our properties.

- The Solar Exposure and Shadow Analysis (SESA) – updated  
Although the SESA now includes Railway Terrace it is still hugely deficient in numerous areas, is highly selective, based upon dubious data, and is clearly biased to deliver a completely unrealistic analysis of the impact of the proposed building upon Railway Terrace;

**a) 2.0 executive Summary** (pg 4 although incorrectly labelled as page 1 in the report)

The report still incorrectly and misleadingly claims that the closest residential properties are 350m from the proposed building. Railway Terrace is within 100m of the proposed building as confirmed by the *Town and Visual Impact Assessment (TVIA)* submitted by the applicant.

- The applicant also claims that Railway Terrace is located on "Davy Bank". This is patently false and, as this false claim is repeated on 5 separate occasions throughout the report (Executive Summary, Tables 1, 10, 11, and 4.0 Conclusions) one can only

conclude it is intentional, perhaps in an attempt to justify the applicant's invalid 'representative' viewpoints in the *TVIA* and *Noise Assessment* measurement locations?

**Fig. 1 pg 5** (incorrectly page 1, again, in the report)

Railway Terrace is, according to the applicant, located to the north of Hadrian Road. This is quite false and inaccurate but illustrates perfectly the shoddy nature of this SESA in providing a truly representative analysis.

**c) 4.0 Conclusion pg 12** (incorrectly page 6 on the report)

- In providing the "*Isometric View*" of the Terrace the applicant yet again attempts to mislead the Planning Committee members that there is already significant shading at the Terrace from the local tree line. This is a quite patently ridiculous assertion and easily disproved should anyone view the landscape from the Terrace itself;

- i) The tree line is not in direct line of the rising sun, not in direct line of the proposed building, and has no shading effects upon the Terrace whatsoever at any time of the year
- ii) The tree line is far below the Terrace – the topography of the local area is of a steep hill climbing up from the quayside. The ‘isometric view’ is angled to provide a false impression that it would shade the Terrace despite it being impossible
- iii) The local trees are almost exclusively deciduous. They lose their leaves in autumn/winter when the loss of light from this proposed building is projected to be at its maximum reduction – they, therefore, cannot contribute to any significant shading anywhere, never mind the Terrace.

- **Table 11 pg 11** (incorrectly page 5 on the report)

The data within the table provided by the applicant claims significant existing shading of the Terrace. Where is this existing shading meant to be coming from? The Terrace currently enjoys an unobstructed view of the sun throughout the entire day, from rising to setting. There is no physical obstruction in the landscape to cause any shading whatsoever so where exactly does the applicant claim this shading emanates from?

- This data set is clearly derived from incorrect and selected, favourable assumptions to the applicant and certainly can not have been derived from fieldwork and accurate measurement – a simple visit to the Terrace (and the numerous photographs supplied by local residents in their objections to this proposal) will confirm there is no significant shading to account for.

- The applicant’s data is clearly false and invented to support this application, and can be quite simply illustrated by using their own SESA. If the Planning committee would please look at the modelling diagrams (5.0 Model Images pgs 13-35, incorrectly 7-29 as numbered on the report) then it will clearly see that every single image shows the Terrace with no shadow cast over it without the building. Even more significant is the Terrace is shown casting its own shadow behind. Logically, therefore, there can be none of the existing shading the applicant declares in Table 10 if the Terrace is always in direct sunlight, and it would not cast its own shadow if it was already in shade!

- **e) Table 10 pg 11** (again incorrectly page 5 on the report)

i) The applicant uses the false, invented data in *Table 11* to declare through *Table 10* that the ‘additional’ shading of the proposed building is of only a few more percent, and so diminish its ‘additional’ impact upon the Terrace. This is, as shown above, a completely false comparison of with/without the proposed building using inaccurate, invented data.

- The applicant’s claim, therefore, made in *Table 1* pg 4 (or incorrectly page 1 on the report) of an overall reduction in light across the entire year at the Terrace of only 3.2% is wildly inaccurate. If, as in reality, there is no existing obstruction to light then the only shading on the Terrace is that coming from the proposed building itself. The percentage increase of shading on the Terrace is not 3.2% but the entirety of the shading of the proposed building.

- ii) This claim of an ‘overall’ yearly figure of light reduction of 3.2% is also, even of itself, highly misleading even discounting its inaccuracy. The loss of light is most critical during mornings of late autumn to early spring – a yearly figure is nonsensical and misleading.

- If the Planning Committee will consider, for example, the situation in December according to the modelling in section 5.0. The SESA shows the Terrace in shadow until somewhere between 11am and noon. The sun rises around 8.30am on the 22<sup>nd</sup>, and sets around 15.40pm. At the Terrace we would be

restricted to, generously, 4 hours of light with a reduction in light across the day of 3 hours due to the proposed building. This equals a 42% reduction in light at the most critical part of the year, far above the 3.2% claimed in the report.

- f) The damaging effects of lack of light are completely omitted from the *SESA*. In reality the impact of a loss of light on the Terrace will make the houses almost inhabitable.

- The riverside area already suffers from being a damp environment – the famous ‘fog on the Tyne’ is not just a song but a very real phenomenon. Currently the Terrace receives enough sunlight to lift the fog, dry the air and local environment and raise the temperature. If we are ensconced by shadow for large parts of the day during late autumn to early spring this dampness will become embedded in the local environment and never dry out. The consequences for the Terrace residents are;

i) increased damp in our homes and local environment

ii) increased darkness in our homes and local environment

iii) increased coldness in our homes and local environment

iv) consequently increased heating and lighting bills to combat the damp, cold and darkness at a time of rapidly escalating energy costs

v) consequently increased negative health implications due to living in damp, cold and dark conditions for significant periods of the year

- The applicant has shown scant regard for providing truly representative, accurate analysis of the impact of this proposed building on Railway Terrace and, as such, we demand that NTC insist that an independent Solar Exposure and Shadow Analysis is commissioned to provide a definitive, accurate analysis of the full impact of the proposed building on Railway Terrace. The experts commissioned should be chosen by the residents of Railway Terrace and paid for by the applicant

- We also demand independent studies are commissioned, again by the residents of Railway Terrace and paid for by the applicant, into the Town and Visual Impact Assessment and Noise impact Assessment of the proposed building on Railway Terrace as both have been shown in my earlier objection to be inaccurate and unrepresentative.

- A late additional shadow analysis has been submitted by Smulders which admits that Railway Terrace will be cast in shadow from this massive structure at some points of the year.

- Even with this admission, I believe this submission is likely to be partisan in favour of Smulders and not professionally neutral. The planning committee needs to be sure that Smulder's submission is not biased.

- I would ask the planning committee to picture this. The structure will cast a shadow over the houses in Railway Terrace, even though it is 100 yards away. I am having difficulty thinking of any other structures in the UK that are so large they would cast a shadow such a distance.

- Recently, one of the Smulders cranes has been parked at our end of the Smulders Yard, allowing me to take a photo of the view from my bedroom window. I would like to submit this photo as it gives a good indication of the overwhelming presence that a building of about the same height would achieve.

- I wonder if Smulders could be persuaded to make the structure shorter so that the Western, Railway Terrace end stops say 100m shorter from the present plan. At 100 metres to the East, the structure, whilst still heavy on the eye, would not

be so likely to have such an adverse affect on the lives of the residents in Railway Terrace.

- 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.
- I am particularly concerned at any 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 - with or without a workshop building.
- It is claimed the proposed workshop building will mitigate noise currently being undertaken outdoors. Can residents be certain however that the building will be built to the agreed specification? How much oversight will the Council's Building Control team regarding this?
- 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 application 20/02419/FUL. How would they like to live here with 24/7 noise?
- The previous application conditions were imposed for a reason - has the applicant provided 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, 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 note that Smulders feature on the Council's own Invest North Tyneside website with Mr Coosemans of 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".
- 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?

## 8.0 External Consultees

### 9.0 Newcastle International Airport

9.1 The proposal has been assessed by the Aerodrome Safeguarding Team and given its location, scale and nature of the development it is not considered that the proposal would result in any detriment to the safe operations of the Airport. NIA would not therefore offer any objection to this application.

### 10.0 Historic England

10.1 Historic England provides advice when our engagement can add most value. In this case we are not offering advice. This should not be interpreted as comment on the merits of the application. We suggest that you seek the views of your specialist conservation and archaeological advisers.

## 11.0 Northumbrian Water

11.1 In making our response to the local planning authority Northumbrian Water assesses the impact of the proposed development on our assets and assesses the capacity within our network to accommodate and treat the anticipated flows arising from the development.

11.2 I can confirm that at this stage we would have no comments to make, as no connections to the public sewerage network are proposed in the application documents and the application documents indicate that surface water will discharge to the existing watercourse. Should the drainage proposal change for this application, we request re-consultation.

## 12.0 Tyne and Wear Archaeology Officer

12.1 The applicant has provided an archaeological desk-based assessment for the site (HER event 5315 report 2022/29), a revised version of a 2012 report. The report reviewed the Tyne and Wear Historic Environment Record and pertinent cartographic and other historical sources within 1km of the proposed development area. It included a site walk-over survey. The report found that there was low potential for archaeological remains pre-dating the 19th century, but that mid-late 19th century wagonways may survive in the western part of the site, along with other industrial remains dating to the late 19th century and later. This work meets the requirements of the NPPF for an applicant to describe the significance of any heritage assets affected by the proposed development (para 194).

12.2 The desk-based assessment recommends the archaeological monitoring of groundworks, and the applicant has provided a written scheme of investigation for this work (*Hadrian Yard, Wallsend, Tyne and Wear: archaeological watching brief written scheme of investigation 22237*) prepared by Archaeological Services Durham University. This approach is consistent with the NPPF requirement for developers to record and advance understanding of the significance of any heritage assets to be lost (para 205).

12.3 The implementation of the submitted written scheme of investigation can be secured by the following conditions:

### Archaeological Watching Brief Condition

The developer shall appoint an archaeologist to undertake a programme of observations of groundworks to record items of interest and finds in accordance with the submitted document *Hadrian Yard, Wallsend, Tyne and Wear: archaeological watching brief written scheme of investigation 22237*. The appointed archaeologist shall be present at relevant times during the undertaking of groundworks with a programme of visits to be agreed in writing by the Local Planning Authority prior to groundworks commencing.

Reason: The site is located within an area identified as being of potential archaeological interest. The observation is required to ensure that any archaeological remains on the site can be preserved wherever possible and recorded, and , if necessary, emergency salvage undertaken in accordance with paragraph 205 of the NPPF, Local Plan S6.5 and policies DM6.6 and DM6.7.

### Archaeological Watching Brief Report Condition



The building(s) shall not be occupied/brought into use until the report of the results of observations of the groundworks pursuant to condition ( ) has been submitted to and approved in writing by the Local Planning Authority.

Reason: The site is located within an area identified as being of potential archaeological interest. The investigation is required to ensure that any archaeological remains on the site can be preserved wherever possible and recorded, to accord with paragraph 205 of the NPPF, Local Plan S6.5 and policies DM6.6 and DM6.7.

### 13.0 Environment Agency

13.1 We have reviewed the submitted information and have no objection to the development. We would normally expect the submitted Flood Risk Assessment to describe flood risk to the development using the design flood event (1 in 200 years plus climate change) for the lifetime of the development. However, taking into account the vulnerability of the development we strongly recommend resilience measures are installed. We do not consider the development will have an increased risk to off-site flooding. We request that the Local Planning Authority (LPA) lists the Flood Risk Assessment as an approved plan/document, to which the development must adhere. Separate to the above matters, we also have the following comments/advice to offer:

13.2 Flood Resistance and Resilience - We strongly recommend the use of flood resistance and resilience measures. Physical barriers raised electrical fittings and special construction materials are just some of the ways you can help reduce flood damage.

13.3 Flood Warning and Emergency Response – We do not normally comment on or approve the adequacy of flood emergency response procedures accompanying development proposals, as we do not carry out these roles during a flood. Our involvement with this development during an emergency will be limited to delivering flood warnings to occupants/users covered by our flood warning network. The planning practice guidance (PPG) to the National Planning Policy Framework states that, in determining whether a development is safe, the ability of residents and users to safely access and exit a building during a design flood and to evacuate before an extreme flood needs to be considered. One of the key considerations to ensure that any new development is safe is whether adequate flood warnings would be available to people using the development.

13.4 In all circumstances where warning and emergency response is fundamental to managing flood risk, we advise local planning authorities to formally consider the emergency planning and rescue implications of new development in making their decisions. As such, we recommend you refer to 'Flood risk emergency plans for new development' and undertake appropriate consultation with your emergency planners and the emergency services to determine whether the proposals are safe in accordance with paragraph 167 of the NPPF and the guiding principles of the PPG.

### 14.0 The Coal Authority

14.1 I have reviewed the site location plans and the proposals and supporting information submitted and available to view on the LPA website and can confirm that part of the site falls within the defined Development High Risk Area.

14.2 The Coal Authority records indicate that there is a recorded mine entry and its resultant zone of influence within 20m of the site boundary. The adit is located adjacent to the Southern application boundary with a bearing of 344° towards the centre of the site.

14.3 Our records also indicate that there are four off-site recorded mine entries located to the north west of the site, with the potential zone of influence of one of these mine entries (shaft 431566-001) extending marginally into the north western part of the site. This shaft is used by the Coal Authority for the monitoring of mine water and gas.

14.4 We note that this application has been accompanied by a Phase 1 Geo-environmental Desk study prepared by GVR Geoservices Ltd, dated April 2022, and provides brief details regarding the coal mining legacy on site. However, the part of the site where the development is proposed lies outside of the defined High Risk Area. Therefore we do not consider that a Coal Mining Risk Assessment is necessary to support this proposal and we do not object to this planning application.

Whilst the proposed building will be located outside the defined Development High Risk Area, we wish to make the applicant aware that the Coal Authority's information indicates that adit 431566-004 *'runs at 1 in 100 rising for 107m then level on bearing 318 degs for 384m into Wallsend H Shaft. This is a pumping culvert from shafts G and H to the River Tyne.'* The applicant should ensure that their development proposals give due consideration to the presence of this feature crossing the site, and they should take any necessary steps in the design and construction of the building to ensure that it will not affect the integrity of this structure.

14.5 We request that an Informative Note is added on any planning permission granted referring to the culvert and coal mining area.

#### 15.0 South Tyneside Council

No objections

#### 16.0 Northumberland and Newcastle Society

16.1 The Northumberland and Newcastle Society (N&N) supports grant of this application subject to consideration of boundary treatment and biodiversity enhancements. We note that whilst this is an existing and established industrial site that requires direct access to river frontage nonetheless it is a major development and it has attracted some local opposition.

16.2 As a general principle the N&N welcomes developments that support the critical need for sustainable energy generation and particularly those that seek to re-establish the North East as a hub of high quality engineering and technical expertise. We recognise the absolute requirement to rapidly expand offshore wind power as part of a national electricity generation strategy and we note how well placed the River Tyne is in contributing to this emerging technology.

16.3 In our consideration of the proposed scheme we acknowledge the dimensions of what will be a very substantial building however we also acknowledge a previously approved scheme for a larger structure on the same site. The Society notes the applicant's rationale for the construction of this building to facilitate all weather operations at the site to improve viability and working conditions for staff.

16.4 It is evident that a focus for objections is from residents of Railway Terrace located to the north west of the site whom have expressed concerns principally over the visual impact of the development. Whilst it is inevitable that such a large building will have a visual impact we would suggest consideration is given within the scheme to boundary treatment and biodiversity. We believe that carefully considered tree planting at the boundary would not only help alleviate visual impact but once established would positively contribute to noise reduction and other emissions from the site whilst simultaneously adding to biodiversity.

16.5 In summary we support this application subject to the amendments suggested above.

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# Agenda Item 7

**Application No:** 22/00292/FUL Author: Rebecca Andison  
Date valid: 13 June 2022 ☎: 0191 643 6321  
Target: 12 September 2022 Ward: Wallsend  
decision date:

Application type: full planning application

**Location: 116 Station Road, Wallsend, Tyne And Wear, NE28 8QS,**

**Proposal: Change of use from gym to 12 self contained apartments with new front and rear dormer windows, to upper first and second floors**

Applicant: Whitley Properties Ltd, Moscovitch 359 Alexandra Road Gateshead NE8 4HY

Agent: Cummings Architects Ltd, Mr Graeme Cummings 17 Killingworth Drive Sunderland SR4 8QQ

## **RECOMMENDATION:**

**The Committee is recommended to:**

- a) indicate that it is 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.
- b) to authorise the Director of Regeneration and Economic Development to determine the application following the completion of the Section 106 Legal Agreement to secure the following:
  - Affordable housing:25% (3 units)
  - Ecology: £2,340
  - Parks and green space: £6,390
  - Equipped play: £8,400
  - Primary education: £37,500
  - Employment and training: a financial contribution towards employment and training opportunities or apprenticeships
  - Coastal mitigation: £1,812

## **INFORMATION**

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

#### 1.0 Main Issues

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

- Principle;

- Impact on the living conditions of surrounding occupiers, and whether the proposal would provide a sufficient residential living environment for future occupiers;
- Design and impact on the streetscene;
- Impact the Northumbria Coast SPA and Ramsar Site; and
- Whether there is sufficient car parking and access provided.

## 2.0 Description of the Site

2.1 The application relates to a 2-storey property located on Station Road, Wallsend. The ground floor contains 5no. commercial units and the upper floors are currently vacant having previously been used as a gym. At the rear of the building are two small external yards, a store and an under-croft yard. The rear elevation of the building features a large flat roofed 2-storey extension.

2.2 The site adjoins a retail unit and 4no. residential flats at No.106 Station Road and a retail unit and 2no. flats at No.118 Station Road. At the rear of the site is an access lane with residential properties on Woodbine Avenue beyond. On the western side of Station Road is The Anson public house and The Forum shopping centre.

2.3 The site lies within Primary Shopping Frontage and the Primary Shopping Area of Wallsend town centre as defined by the Local Plan.

## Description of the Proposed Development

3.1 Planning permission is sought to convert the first floor and roof space into 12no. 1 and 2 bedroom residential flats. The commercial units on the ground floor would be retained.

3.2 Flat roofed front and rear dormer windows and roof lights are proposed.

## 4.0 Relevant Planning History

4.1 There is no relevant planning history.

## 5.0 Development Plan

5.1 North Tyneside Local Plan (2017)

## 6.0 Government Policy

6.1 National Planning Policy Framework (July 2021)

6.2 National Planning Practice Guidance (As Amended)

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

## PLANNING OFFICERS REPORT

### 7.0 Main Issues

7.1 The main issues for Members to consider are:

- Principle;
- Impact on the living conditions of surrounding occupiers, and whether the proposal would provide a sufficient residential living environment for future occupiers;
- Design and impact on the streetscene;
- Impact on the Northumbria Coast SPA and Ramsar Site; and
- Whether there is sufficient car parking and access provided.

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

### 8.0 Principle

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 makers should approve development proposals that accord with an up-to-date development plan without delay.

8.3 Paragraph 60 of NPPF states that to support the Government's objective of significantly boosting the supply of homes, it is important that a sufficient amount and variety of land can come forward where it is needed, that the needs of groups with specific housing requirements are addressed and that land with permission is developed without unnecessary delay.

8.4 Paragraph 86 of NPPF states that planning policies and decisions should support the role that town centres play at the heart of local communities, by taking a positive approach to their growth, management and adaptation.

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.

8.6 Policy S1.4 states that proposals for development will be considered favourably where it can be demonstrated that they would accord with the strategic, development or areas specific policies of the Local Plan.

8.7 Policy S3.1 states that within the Borough's defined centres the Council will seek ways to support their growth and regeneration, and support proposals for main town centre development, appropriate residential and mixed-use schemes that would:

- a. Contribute to the protection and enhancement of the vitality and viability of the centre.
- b. Capitalise upon the character and distinctiveness of the centre, while sustaining and enhancing its heritage assets.

- c. Support the improvement in the range and quality of shops, services and facilities.
- d. Boost the growth of small and medium sized businesses that can provide unique and niche services.
- e. Encourage the growth of the evening economy with leisure, culture and arts activities.
- f. Enhance accessibility by all modes including public transport, walking, cycling and by car.
- g. Introduce measures that reduce crime and the fear of crime and any other disorder issues.

8.8 Policy S3.2 defines the boroughs main town, district and local shopping centres.

8.9 Policy DM3.5 states that within the Primary Shopping Areas, proposals for development will be permitted in the Primary Shopping Frontages, as shown on the Policies Map, where they would:

- a. Enhance or complement the principal role of the location as an area of retail activity.
- b. Promote the vitality and viability of the centre, including proposals for residential development and conversion of upper floors.
- c. Avoid a cumulation of uses that can undermine the centre's overall retail function and character.
- d. Deliver high quality active ground floor frontages.
- e. Not result in more than three adjacent units being in the same non A1, A2 and A3 use.
- f. In the Primary Shopping Frontage not result in less than 80% of frontages being in A1, A2 and A3 use and the following factors will be taken into account in assessing the impact of a proposal:

- i. the nature of the use proposed, in particular the extent to which it would be attractive to shoppers and contribute genuinely to diversity;
- ii. the size (frontage width) and prominence of the property;
- iii. if vacant, the prospects of the property finding another A1, A2 and A3 use in the foreseeable future;
- iv. recent trends in the balance of shop and non-shop uses in the frontage, whether stable or changing, and at what pace;
- v. which would result in an A1, A2 and A3 frontage of between 75% and 80% will normally be more acceptable than those which result in a level below 75%.

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

8.11 Policy S4.3 specifically allocates sites to meet the overall housing needs. The application site is not allocated for housing in the Local Plan.

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



- a. Make a positive contribution to the identified housing needs of the Borough; and,
- b. Create a, or contribute to an existing, sustainable residential community; and
- c. Be accessible to a range of sustainable transport modes; and
- d. Make the best and most efficient use of available land, whilst incorporating appropriate green infrastructure provision within development; and
- e. Be accommodated by, and make best use of, existing infrastructure, and where further infrastructure requirements arise, make appropriate contribution to its provision; and
- f. Make a positive contribution towards creating healthy, safe, attractive and diverse communities; and,
- g. Demonstrate that they accord with the policies within this Local Plan.

8.13 The development would provide 12no.new homes, which would contribute to meeting the housing needs of the borough in accordance with the NPPF and part (a) of Policy DM4.5. It is located in a highly sustainable location within walking distance of shops, services and public transport. The principle of residential development on this site is therefore considered to be acceptable.

8.14 The ground floor commercial units would be retained, and the creation of additional residential properties would help to support existing businesses and promote the vitality and viability of the town centre in accordance with LP Policy DM3.5.

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

#### 8.16 North Tyneside Council Housing Land Supply

8.17 Paragraph 74 of National Planning Policy Framework (NPPF) requires local planning authorities to identify and maintain a rolling five-year supply of deliverable housing land. This includes an additional buffer of at least 5%, in order to ensure choice and competition in the market for housing land.

8.18 The most up to date assessment of housing land supply informed by the five year housing land summary included within the Housing Land Availability Assessment, September 2021. It identifies the total potential 5-year housing land supply in the borough at 4,012 additional dwellings, a total which includes delivery from sites yet to gain planning permission. This represents a shortfall against the Local Plan requirement or approximately a 4 year supply of housing land. It is important to note that this assessment of five year land supply includes over 2,000 homes at proposed housing allocations within the Local Plan (2017). The potential housing land supply from this proposal is not included in this assessment. The 12no. proposed dwellings would make a small contribution towards the borough achieving a five year housing land supply.

#### 9.0 Impact on the amenity of existing and future occupiers

9.1 Paragraph 185 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 The NPPF states that planning should always seek to ensure that developments create places that are safe, inclusive and accessible and which promote health and well-being, with a high standard of amenity for existing and future users.

9.3 Policy S1.2 of the Local Plan states that the wellbeing and health of communities will be maintained and improved by amongst other matters requiring development to create an age friendly, healthy and equitable living environment.

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

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

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

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

#### *9.8 Impact on existing residents -*

9.9 The application site currently contains ground floor commercial units and a vacant gym. It adjoins first floor residential flats and there are further residential properties at the rear of the site on Woodbine Avenue.

9.10 Taking into account the current lawful use as a gym and the town centre location it is not considered that the proposed development would result in any significant increase in noise that would be harmful to the amenity of existing occupiers.

9.11 It is proposed to construct front and rear dormer windows. The proposed front dormers would not impact on any existing residents given that they face The Forum shopping centre and The Anson public house.

9.12 The proposed rear dormers and the existing first floor windows face the rear elevations of properties on Woodbine Avenue. There would be a separation distance of approximately 23m between the proposed dormers and the main rear elevation of Woodbine Avenue. This is considered to be sufficient to protect the privacy of existing occupiers.

9.13 The existing rear windows within the application site are located approximately 14.5m (min) from the rear elevations of Nos 3-14 Woodbine Avenue and 4.7m from their rear boundaries. While there would be some overlooking between the rear windows, and views into the rear yards on Woodbine Avenue, it is officer opinion that this is acceptable when taking into account the established separation distances on the street and that there is already overlooking from the first-floor windows of the existing gym.

9.14 The rear offshoot of No.7-9 Woodbine Avenue has a window in the rear elevation. However, this is obscurely glazed and would not therefore suffer from any additional loss of privacy.

*9.15 Impact on future occupiers –*

9.16 The development includes 8no. 1-bedroom and 4no.2-bedroom flats. The floor areas of all the properties except one, which fails by only 1 sqm, meet the Government's Nationally Described Space Standard (NDSS). While there is no policy requirement to meet these standards, this is an indication that the proposed flats are of an acceptable size.

9.17 The majority of the habitable rooms are served by front or rear facing windows to provide acceptable levels of light and outlook. The exception to this is the living room/kitchen of Unit 11 which is provided with two large roof lights. A section drawing has been submitted to demonstrate that their angle and height would allow views out of the apartment. There are also two rooms in Units 5 and 6 with no windows or roof lights. Given that these rooms are studies rather than main living accommodation, it is officer opinion that the lack of windows is acceptable.

9.18 The development would be accessed via two existing entrances on Station Road which would lead to stairwells serving the two upper floors. It is proposed to use the undercroft yard at the rear of building for bin storage.

9.19 There is no external amenity space within the development. This is considered to be acceptable when taking into account the town centre location and that the site is within walking distance of Richardson Dees Park.

9.20 The Manager of Environmental Health has been consulted and provided comments. Concerns are raised regarding the impact of noise from the existing ground floor cafe, The Anson public house and traffic on Station Road. The Manager of Environmental Health recommends that a noise assessment should be carried out prior to determination and states that if planning permission is given it should be required by a condition. She also raises concern regarding the potential impact of odour from the ground floor commercial uses and recommends that a vapour barrier should be installed to protect future occupiers.

Further conditions are recommended in respect of the construction hours and dust suppression measures.

9.21 When taking into account that there are existing residential properties in the area and the potential to improve the sound insulation properties of the building through new glazing and insulation it is officer opinion that the impact of noise on future occupiers can be satisfactorily addressed through conditions. It is not considered that a condition in respect of dust suppression measures is necessary in this case given that the majority of the work would be internal and there is no demolition.

9.22 Members need to determine whether the proposed development is acceptable in terms of its impact on existing residents and whether acceptable living conditions would be provided for future occupiers. It is officer advice that the impact on existing and future residents, in terms of noise, light, outlook and privacy is acceptable subject to conditions, and that the proposed development accords with the NPPF and LP Policies DM5.19 and DM6.1.

### 10.0 Impact on 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 Development that is not well designed should be refused, especially where it fails to reflect local design policies and government guidance on design, taking into account any local design guidance and supplementary planning documents such as design guides and codes (NPPF para. 134).

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 Relevant sections of the Design Quality SPD include:

*4.2 “The appearance and materials chosen for a scheme should create a place with a locally inspired or otherwise distinctive character. Identifying whether there are any architectural features or specific materials that give a place a distinctive sense of character should be a starting point for design.”*

*4.3 “The scale, mass and form of new buildings are some of the most important factors in producing good design and ensuring development integrates into its setting.”*

*4.4 “Roof form is an important visual element of a building. The roof design can help to convey the overall design approach of a development or contribute to the continuity of a series of buildings.”*

5.4 *“Every conversion is unique and many buildings that may not immediately seem like the obvious building to convert can often create unique and exciting conversion possibilities. Converting buildings to new uses can also be the most environmentally sustainable option for development.”*

*“With any conversion there is a balance to be struck between incorporating the practical requirements of a new use and protecting the special character and significance of the building and its setting. These potential conflicts require careful and thoughtful design, and innovative solutions often need to be found.”*

10.5 It is proposed to retain the existing building, including the flat roofed rear extension, and construct front and rear dormer windows to allow the roof space to be converted.

10.6 The Planning Policy Officer (Urban Design) and the Northumberland and Newcastle Society have provided comments. They both raise concerns regarding the design and materials of the proposed dormer windows. These comments were made in respect of the plans originally submitted. Updated comments from the Planning Policy Officer (Urban Design) will be reported to Members prior to the committee meeting.

10.7 It was originally proposed to construct 2no. large box dormers on the front roof slope. The plans have been amended in response to officer concerns. 5no. individual dormers and roof lights are now proposed. The proposed dormers are modest in size and would be set back from the front of the building to reduce their prominence. Their position reflects the layout of the windows below. The Northumberland and Newcastle Society have also raised concern regarding the removal of the decorative eaves course from below the dormers. The revised dormer design reduces the amount of fabric that would be lost, and the building is not listed or within a conservation area. It is officer opinion that the benefits of bringing the upper floors back into use outweigh the loss of the eaves course.

10.8 The rear elevation of the property features an existing flat roofed 2-storey extension and there are numerous other flat roofed extensions on the street. It is therefore officer opinion that design and size of the rear dormer windows is acceptable and would not result in any harm to the streetscene.

10.9 Subject to a condition to control the materials and finishes for all the dormer windows, it is officer opinion that the development complies with the NPPF, Policy DM6.1 and Design Quality SPD.

#### 11.0 Impact on the Northumbria Coast SPA/Ramsar site

11.1 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.

11.2 Paragraph 174 of NPPF states that planning policies and decisions should contribute to and enhance the natural and local environment by minimising impacts on and providing net gains for biodiversity, including by establishing

coherent ecological networks that are more resilient to current and future pressures.

11.3 Paragraph 180 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.

11.4 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.

11.5 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.

11.6 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.

11.7 The Coastal Mitigation SPD contains additional guidance and information on the mitigation expected from development within North Tyneside to prevent adverse impacts on the internationally protected coastline. Development can adversely affect the Northumbria Coast SPA /Ramsar through additional

pressure from local residents and visitors. It is proposed to introduce a coastal wardening service as part of a wider Coastal Mitigation Service that will implement a range of targeted and coordinated physical projects to mitigate the impacts at the coast. The SPD sets out a recommended developer contribution towards this service that would contribute to the avoidance or mitigation of adverse impacts on internationally protected species and habitats.

11.8 The development has the potential to impact on the Northumbria Coast SPA/Ramsar site through additional visitor disturbance.

11.9 To mitigate this impact, in accordance with the Coastal Mitigation SPD, the developer has agreed to make a contribution of J1,812 (J151 per additional residential unit) towards coastal mitigation.

11.10 It is officer advice that the impact the Northumbria Coast SPA and Ramsar Site is acceptable subject to this contribution and that the proposal accords with the NPPF and LP policies S5.4, DM5.5 and DM5.6 and the Coastal Mitigation SPD.

#### 12.0 Whether there is sufficient car parking and access provided

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

12.2 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.

12.3 Paragraph 111 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.

12.4 Policy DM7.4 seeks to ensure that the transport requirements of new development, commensurate to the scale and type of development, are take into account and seek to promote sustainable travel to minimise environmental impacts and support residents and health and well-being.

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

12.6 The site has no existing off-street parking and none is proposed. Bin storage would be provided within an under-croft yard at the rear of the site.

12.7 The Highway Network Manager has been consulted and provided comments. He states that the site is located within Wallsend town centre with excellent links to public transport and there are parking controls in place in the vicinity of the site. For these reasons he raises no objections to the proposal. He recommends that conditions are imposed in respect of bin and cycle storage.

12.8 NPPF is clear that 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.

12.9 In this case it is officer opinion that the development would not have a severe impact on the highway network or highway safety when taking into account the highly sustainable location of the site.

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

### 13.0 Other issues

#### 13.1 S106 Contributions

13.2 Paragraph 55 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.

13.3 Paragraph 57 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.

13.4 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.

13.5 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.

13.6 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.

13.7 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.

13.8 The following contributions have been requested by service areas and agreed by the applicant:

Affordable housing: 25% (3 units)

Ecology: J2,340

Parks and green space: J6,390

Equipped play: J8,400

Primary education: J37,500

Employment and training: a financial contribution towards employment and training opportunities or apprenticeships

Coastal mitigation: J1,812

13.9 These contributions are considered necessary, directly related to the development and fairly and reasonable relate in scale and kind to the development and therefore comply with the CIL Regulations.

13.10 A CIL payment will not be required.

#### 13.11 Local Financial Considerations

13.12 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).

13.13 The proposal involves the creation of 12no. new dwellings. Granting planning permission for new dwellings increases the amount of New Homes Bonus, which the Council will potentially receive. The New Homes Bonus is a government grant for each home built equivalent in value to the average Band D Council Tax charge in England in the preceding year. New Homes Bonus is paid to the Authority each year for new homes completed for a period of four years from the completion of each new home. An additional sum is paid for each empty home brought back in to use and for each affordable home delivered.

13.14 In addition, the new homes will bring additional revenue in terms of Council Tax and jobs created during the construction period.

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

#### 14.0 Conclusion

14.1 Members should consider carefully the balance of issues before them and the need to take into account national policy within NPPF and the weight to be accorded to this as well as current local planning policy.

14.2 Specifically, NPPF states that LPA's should look for solutions rather than problems, and decision-takers at every level should seek to approve applications for sustainable development where possible. A core planning principle within NPPF requires that every effort should be made objectively to identify and then meet the housing, business and other development needs of an area, and respond positively to wider opportunities for growth.

14.3 The Council does not have a 5-year housing land supply. The proposed development of 12no. homes would make a valuable contribution to the current shortfall. This is a significant benefit that weighs in favour of the proposal.

14.4 It is officer advice that the proposal would ensure sufficient separation distances to neighbouring properties and would not have an adverse impact on the amenity of existing residents. The standard of accommodation provided for future occupiers is also considered to be acceptable.

14.5 It is officer opinion that the development is of an acceptable standard of design and would not result in any harm to the streetscene.

14.6 It is considered that the level of parking proposed is acceptable when taking into account the highly sustainable location of the site. The development would not have an unacceptable impact on highway safety or result in a residual cumulative impact that would be severe.

14.7 The Council does not have a 5-year supply of deliverable housing sites. It therefore follows that planning permission should be granted unless the impacts of the development significantly and demonstrably outweigh the benefits. In the opinion of officer's, the impacts of the development would not significantly and demonstrably outweigh the benefits. It is therefore recommended that planning permission should be granted subject to a S106 Legal Agreement and conditions.

#### **RECOMMENDATION:**

**The Committee is recommended to:**

- c) indicate that it is 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.**



6. Prior to occupation of the development a noise scheme to address road traffic noise arising from Station Road and associated noise arising from ground floor retail units including noise from any external plant and equipment shall be submitted to and approved in writing by the Local Planning Authority. Details of the sound attenuating scheme in accordance with BS8233 and the World Health Organisation community noise guidelines must be provided to show that all habitable rooms are provided with sound attenuation measures to give a resultant noise level of below 30 dB LAeq and maximum noise level of 45dB for bedrooms and 35 dB LAeq for living rooms. The noise scheme shall be implemented in accordance with the approved details prior to occupation of the development and thereafter retained.

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

7. Prior to occupation of the development, a ventilation scheme must be submitted to and approved in writing by the Local Planning Authority. The scheme must ensure an appropriate standard of comfort is achieved to prevent overheating and ensure internal noise levels with windows closed comply with BS8233 and the WHO community noise standards at night, namely a minimum of night time equivalent noise level of 30 dB (23:00 hours to 07:00 hours) and Maximum noise level of 45dB and daytime equivalent noise level of 35dB (07:00 hours to 23:00 hours) in bedrooms and daytime equivalent noise level (23:00 hours to 07:00 hours) of 35 dB in living rooms. Where the internal noise levels are not achievable, with windows open, due to the external noise environment, an alternative mechanical ventilation system must be installed, equivalent to System 4 of Approved Document F, such as mechanical heat recovery (MVHR) system, that addresses thermal comfort to reduce the need to open windows, unless an overheating assessment is provided to verify that there are no overheating risks. The alternative ventilation system must not compromise the facade insulation or the resulting internal noise levels. Where an overheating assessment is provided this must be carried in accordance to the current CIBSE guidance. Where the property is subject to a risk of overheating an alternative ventilation or cooling system must be provided that is designed to achieve the levels in the current CIBSE guidance. The scheme shall thereafter be implemented before the development is first occupied in accordance with the approved details and permanently retained.

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

8. A vapour barrier shall be installed throughout the ceiling between the ground floor commercial properties and the residential premises to prevent migration of odours and fumes into the upstairs apartments.

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

9. Notwithstanding any indication of materials which may have been given in the application, a schedule and/or samples of the materials and finishes for the dormer windows shall be submitted to and approved in writing by the Local

Planning Authority prior to their installation. Thereafter, the development shall not be carried out other than in accordance with the approved details.

Reason: To secure a satisfactory external appearance having regard to policy DM6.1 of the North Tyneside Local Plan.

10. The design, materials and finish for any replacement windows and doors shall be submitted to and approved in writing by the Local Planning Authority prior to their installation. Thereafter, the development shall not be carried out other than in accordance with the approved details.

Reason: To secure a satisfactory external appearance having regard to policy DM6.1 of the North Tyneside Local Plan.

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

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

**Informatives**

Building Regulations Required (I03)

Contact ERH Erect Scaffolding on Rd (I12)

Contact ERH Works to Footway (I08)

Do Not Obstruct Highway Build Materials (I13)

Highway Inspection before dvlpt (I46)

Street Naming and numbering (I45)

No Doors Gates to Project Over Highways (I10)

The applicant is advised that end users will not be eligible for parking permits in this area and the onus is on the developer to convey this information to these users. Contact [Parking.control@northtyneside.gov.uk](mailto:Parking.control@northtyneside.gov.uk) for further information.

The applicant is encouraged to consider security measures around access control and door security measures. Advice can be located at Secured by Design Homes 2019 ([www.securedbydesign.com](http://www.securedbydesign.com)) or by contacting our office.

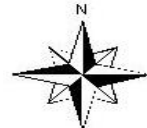


**Application reference: 22/00292/FUL**  
**Location: 116 Station Road, Wallsend, Tyne And Wear, NE28 8QS**  
**Proposal: Change of use from gym to 12 self contained apartments with new front and rear dormer windows, to upper first and second floors**

Not to scale

Date: 12.10.2022

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**Consultations/representations**

1.0 Internal Consultees

1.1 Highway Network Manager

1.2 This application is for a change of use from gym to 12 self-contained apartments with new front and rear dormer windows, to the upper first and second floors. The site is in Wallsend town centre with excellent links to public transport and there are parking controls in place in the vicinity of the site.

1.3 The developer should be made aware that end users will not be entitled to parking permits and the onus will be on the developer to convey this information to these users. For these reasons and on balance, conditional approval is recommended.

1.4 Recommendation - Conditional Approval

1.5 Conditions:

Notwithstanding the details submitted, the scheme for the provision of and storage of refuse & recycling waste bins shall be laid out in accordance with the approved plans and prior to the occupation of each dwelling. These storage areas shall not be used for any other purpose and retained thereafter.

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

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

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

1.6 Informatives:

The applicant is advised that a license must be obtained from the Highways Authority before any works are carried out on the footway, carriageway verge or other land forming part of the highway. Contact [Streetworks@northtyneside.gov.uk](mailto:Streetworks@northtyneside.gov.uk) for further information

The applicant is advised that it is an offence to obstruct the public highway (footway or carriageway) by depositing materials without obtaining beforehand, and in writing, the permission of the Council as Local Highway Authority. Such obstructions may lead to an accident, certainly cause inconvenience to pedestrians and drivers, and are a source of danger to children, elderly people and those pushing prams or buggies. They are a hazard to those who are disabled, either by lack of mobility or impaired vision. Contact [Highways@northtyneside.gov.uk](mailto:Highways@northtyneside.gov.uk) for further information.

The applicant is advised that they should contact Highway Maintenance to arrange for an inspection of the highways adjacent to the site. The applicant should be aware that failure to do so may result in the Council pursuing them for costs of repairing any damage in the surrounding area on completion of construction. Contact [Highways@northtyneside.gov.uk](mailto:Highways@northtyneside.gov.uk) for further information

The applicant is advised that a license must be obtained from the Highways Authority for any scaffold placed on the footway, carriageway verge or other land forming part of the highway. Contact [Streetworks@northtyneside.gov.uk](mailto:Streetworks@northtyneside.gov.uk) for further information

The applicant is advised that requests for Street Naming & Numbering must be submitted and approved by the Local Highway Authority. Any complications, confusion or subsequent costs that arise due to non-adherence of this criteria will be directed to applicant. Until a Street Naming and Numbering & scheme been applied for and approved by the Local Highway Authority it will not be officially registered with either the council, Royal Mail, emergency services etc. Contact [Streetworks@northtyneside.gov.uk](mailto:Streetworks@northtyneside.gov.uk) for further information.

The applicant is advised that no part of the gates or doors may project over the highway at any time. Contact [New.Developments@northtyneside.gov.uk](mailto:New.Developments@northtyneside.gov.uk) for further information.

The applicant is advised that end users will not be eligible for parking permits in this area and the onus is on the developer to convey this information to these users. Contact [Parking.control@northtyneside.gov.uk](mailto:Parking.control@northtyneside.gov.uk) for further information.

#### 1.7 Manager of Environmental Health (Pollution)

1.8 I would be concerned about the potential noise upon this development from the existing cafe located on the ground floor at 116. There will be internal noise arising from the use of the commercial kitchen as well as plant noise. No assessment has been made with regard to the potential noise arising from the commercial premises on the ground floor or from road traffic noise from Station Road. I note that the site is located adjacent to a public house The Anson and there may be associated noise from customers to the front of this premises. I would request a noise assessment is made with regard to this prior to determination.

1.9 There will also be amenity impacts from potential odour from the ground floor café and fugitive odours if the premises has an external extraction system. I note a couple of the premises consist of shoe repairer, barbers and hair dressing salons. These uses may give rise to fumes and odours and I would recommend that I planning consent is to be given a vapour barrier must be provided to minimise risk of odours and fumes affecting the amenity of the residential apartments.

1.10 If minded to approved:

HOU04



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

A vapour barrier must be installed throughout the ceiling between the ground floor commercial properties and the residential premises to prevent migration of odours and fumes into upstairs apartments.

Reason: this is not controlled by Building Control and will prevent internal migration of odours via the ceiling/floor space.

HOU04

HOU05

SIT03

#### 1.11 Planning Policy (Urban Design)

#### 1.12 Recommendations: Objection

#### 1.13 Comments:

The site is located on a key route in Wallsend town centre. There are a mix of uses in the area and therefore the principle of converting the upper floors of the building into residential accommodation is acceptable subject to an appropriately designed high quality development. However, there are substantial concerns about the proposed design and the quality of accommodation.

1.14 The first floor has a high ceiling, and it is proposed to add an additional floor to maximise the use of the space. Alongside this it is proposed to raise the eaves height and add several long dormer style windows. The extension of the building in this format does not compliment the buildings design and would negatively impact on its character and appearance and the street scene. The window size and shape in the dormers also sit uncomfortably with the rest of the building. Several vents are proposed to be added to the front of the roof which would be a highly visible unsympathetic feature.

1.15 The proposed quality of accommodation is poor in some units with certain rooms having no windows. The Design Quality SPD states that “residential schemes should provide accommodation of a good size, a good outlook, acceptable shape and layout of rooms and with main habitable rooms receiving daylight and adequate privacy.” There is no information provided to set out if the proposed accommodation is in accordance with space standards. In the roof space, a cross section has been submitted which shows there is insufficient ceiling heights and useable floor space in some areas. No information has been submitted about bin and cycle storage. This is an important issue which should be addressed as part of the application.

1.16 Overall, the proposed external changes to the building would not be visually

attractive and would not add to the quality of the area, therefore contravening national planning policy which says, “development that is not well designed should be refused”. The proposed accommodation would result in poor living conditions for some units. New development should be high-quality design with local planning authorities putting an emphasis on approving good design and refusing poor quality schemes. The design is unacceptable, and the application is recommended to be refused.

## 2.0 External Consultees

### 2.1 Newcastle Airport

2.2 The proposal has been assessed by the Aerodrome Safeguarding Team and given its location and modest nature it is not considered that the proposal would result in any detriment to the safe operations of the Airport. NIA would not therefore offer any objection to this application.

### 2.3 Coal Authority

2.4 No requirement to consult.

### 2.5 Northumbria Police

2.6 We always welcome the re-development of vacant properties and have no objections to this change of use.

2.7 I would however, encourage the applicant to consider security measures around access control and door security measures. Advice can be located at Secured by Design Homes 2019 ([www.securedbydesign.com](http://www.securedbydesign.com)) or by contacting our office.

### 2.8 Northumberland and Newcastle Society

2.9 The Northumberland and Newcastle Society (N&N) recommends deferral of grant of approval for this application subject of it being amended according to the comments below. We are particularly concerned with the design of the proposed dormer windows.

Entries in Ward’s Directories show that this group of building was constructed in 1905 and named Central Buildings. Seven shops are named including the 1910 Central Billiard Hall apparently occupying the first floor. It is not known whether the corner block which climaxes the group was part of the original development, the style is similar though more elaborate architecturally. Overall the group has great visual impact in this part of Wallsend and is one of several run-down buildings of about 1900 nearby which, though not listed, should be valued for their architectural contribution to the town.

2.10 The materials are red brick with keystones and quoins picked out in buff bricks. The roofs are slate and there is a conspicuous sagging in the ridge above the right hand ventilator. Two particular features stand out in no.116, the curved change in the building line emphasised by the added parapet above it, which breaks the eaves line, and the strong continuous eaves detail consisting of two rows of projecting curved bricks and a band of buff bricks above. The metal guttering is square with an ogee face and sits on single buff bricks set at intervals above the eaves details.

2.11 The committee welcomed in principle the proposal to convert the building, which has a considerable presence and deserves to be retained.

2.12 Our concerns were with the details, particularly the design and effect of the added dormers. The distribution of single and double windows bears no relationship to the first floor windows and those shown on the front elevation do not match what is shown on the second floor plan. Most seriously they are cut into the front wall so as to require removal of large sections of the decorative eaves courses which are a main architectural feature of the building. This is also proposed at the rear, though the eaves here are simple coursed brickwork. No sections have been provided to show the position of these windows in relation to floor levels, so it is not clear why these damaging alterations are considered necessary.

2.13 Unspecified remedial treatment would be needed to make good and the work would also require reorganisation of the guttering system. For these reasons the proposals do not “minimise the alterations to the existing facade” as the D & A Statement claims.

2.14 We would strongly recommend that a sectional drawing of the upper floors at least should be required but in any case that the windows of such dormers are moved behind and above the gutters so that they do not sit on or interfere with the front wall at all.

2.15 We agree with the Design Officer’s comment that the proposed use of unspecified contemporary metal cladding to the unequal dormers is unsatisfactory, it will not compliment the building’s design and would negatively impact its character and appearance of the street scene.

2.16 The drawings indicate the proposed floor areas for each unit and some of them appear to be below those set out in the nationally described space standard issued by DCLG, e.g. unit 12 at 40m.sq. for two people.

2.17 In conclusion, while we welcome the aim of bringing this significant building back into use, there are many unsatisfactory design elements in the plans which we would expect to be resolved prior to grant of consent.

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**Application No:** 22/01512/FUL Author: Rebecca Christie  
Date valid: 17 August 2022 ☎:   
Target decision date: 12 October 2022 Ward: Riverside

Application type: full planning application

**Location: Flat 98, Dolphin Quay, Clive Street, North Shields, Tyne And Wear**

**Proposal: Works to Flat:- Replacement of 3 metal grilles with plexiglass, due to corrosion (Retrospective).**

Applicant: Mr Francis Lott, Flat 98 Dolphin Quay Clive Street North Shields Tyne And Wear NE29 6HJ

## **RECOMMENDATION:**

**The Committee is recommended to:**

- a) indicate that it is minded to approve the application subject to the expiry of the consultation period; and
- b) authorise the Director of Regeneration and Economic Development to determine the application providing no further matters arise which in the opinion of the Director of Regeneration and Economic Development, raise issues not previously considered which justify reconsideration by the Committee.

## **INFORMATION**

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

#### 1.0 Introduction

1. Members are advised that this application is being referred to Planning Committee as the applicant is a ward councillor.

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

- The impact upon neighbours living conditions with particular regard to the impact upon light, outlook and privacy; and,
- The impact of the proposal upon the character and appearance of the conservation area.

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

### 3.0 Description of the Site

3.1 The site to which the application relates is a flat within Dolphin Quays, a northwest facing apartment block. The flat is located at third floor level.

3.2 The flat has a southeast facing inset balcony.

3.3 The site is located within the Fish Quay Conservation Area.

### 4.0 Description of proposal

4.1 Planning permission is sought to replace three metal grilles with plexiglass. It is noted that this work has been completed and the proposal is retrospective.

### 5.0 Relevant planning history

None

### 6.0 Development Plan

6.1 North Tyneside Local Plan (2017)

### 7.0 Government Policy

7.1 National Planning Policy Framework (NPPF) (July 2021)

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

7.3 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**

### 8.0 Detailed Planning Considerations

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

- The impact upon neighbours living conditions with particular regard to the impact upon light, outlook and privacy; and,
- The impact of the proposal upon the character and appearance of the conservation area.

### 9.0 Relevant Planning Policy

#### 9.1 NPPF

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

9.3 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.

9.4 Development that is not well designed should be refused, especially where it fails to reflect local design policies and government guidance on design, taking into account any local design guidance and supplementary planning documents such as design guides and codes (NPPF para. 134).

9.5 Para.199 of NPPF states that when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation (and the more important the asset, the greater the weight should be). This is irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to its significance.

9.6 Para.200 states that any harm to, or loss of, the significance of a designated heritage asset (from its alteration or destruction, or from development within its setting), should require clear and convincing justification.

9.7 Where a proposed development will lead to substantial harm to (or total loss of significance of a designated heritage asset, local planning authorities should refuse consent, unless it can be demonstrated that the substantial harm or total loss is necessary to achieve substantial public benefits that outweigh that harm or loss. Where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal including, where appropriate, securing its optimum viable use. (NPPF para.201-202).

#### 9.8 Local Plan (2017) - Policies

9.9 Policy S1.4 sets out general development principles. Amongst other matters, this states that development should be acceptable in terms of its impacts on local amenity for existing residents and adjoining premises.

9.9 Policy DM6.1 sets out guidance on the design of development. This policy states that:

“Applications will only be permitted where they demonstrate high and consistent design standards. Designs should be specific to the place, based on a clear analysis of the characteristics of the site, its wider context and the surrounding area.”

Proposals are expected to demonstrate:

- a. A design responsive to landscape features, topography, wildlife habitats, site orientation and existing buildings, incorporating where appropriate the provision of public art;
- b. A positive relationship to neighbouring buildings and spaces;
- c. A safe environment that reduces opportunities for crime and antisocial behaviour;

- d. A coherent, legible and appropriately managed public realm that encourages accessibility by walking, cycling and public transport;
- e. Sufficient car parking that is well integrated into the layout; and,
- f. A good standard of amenity for existing and future residents and users of buildings and spaces.

9.10 Policy DM6.2 sets out guidance on extending existing buildings. It states that:

“Extensions should complement the form and character of the original building. This should be achieved either by continuation of the established design form, or through appropriate contrasting, high quality design. The scale, height and mass of an extension and its position should emphasise subservience to the main building. This will involve a lower roof and eaves height, significantly smaller footprint, span and length of elevations.”

9.11 Policy DM6.2 states that, amongst other matters, when assessing applications for extending buildings the Council will consider:

- b. The location of the extension in relation to the street scene;
- c. Implications for amenity on adjacent properties and land such as outlook, loss of light or privacy;
- e. The effect that the extension will have on the existing property and whether it enhances the overall design; and
- f. The form, scale and layout of existing built structures near the site.

9.12 Policy DM6.6 sets out guidance on the protection, preservation and enhancement of heritage assets. It states that: “Proposals that affect heritage assets or their settings will be permitted where they sustain, conserve and, where appropriate, enhance the significance, appearance, character and setting of heritage assets in an appropriate manner.” It goes on to state that: “Any development proposal that would detrimentally impact upon a heritage asset will be refused permission, unless it is necessary for it to achieve wider public benefits that outweigh the harm or loss to the historic environment, and cannot be met in any other way.”

9.13 Policy DM6.6 states that, amongst other matters, when assessing applications for developments within heritage assets, the Council will consider:

- a. Conserve built fabric and architectural detailing that contributes to the heritage asset’s significance and character;
- c. Conserve and enhance the spaces between and around buildings including gardens, boundaries, driveways and footpaths;
- d. Remove additions or modifications that are considered harmful to the significance of the heritage asset;
- e. Ensure that additions to heritage assets and within its setting do not harm the significance of the heritage asset;

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

9.15 Policy DM5.18 sets out guidance and policies requirements relating to contaminated and unstable land.



9.16 North Tyneside Council designated the Fish Quay conservation area in 2003.

#### 9.17 Supplementary Planning Documents (SPD's)

9.18 The Council's 'Design Quality' SPD (May 2018) applies to all planning applications that involve building works. It states that extensions must offer a high quality of design that will sustain, enhance and preserve the quality of the built and natural environment. It further states that extensions should complement the form and character of the original building.

9.19 The Fish Quay Neighbourhood plan SPD was adopted in 2013. The FQNP states that it aims to protect and enhance the conservation area and historic environment.

9.20 The New Quay and Fish Quay FISHcast Conservation Areas Character Statement refers to Dolphin Quays, stating Dolphin Quays has the appearance of a fortress, separating the public way from what is otherwise an open and communal area. It blocks the views to the river and restricts public access to the waterfront. Its height also goes against rather than with the contours of the ground, ironing out the difference between the upper and lower levels.

#### 10.0 The impact upon neighbours living conditions with particular regard to the impact upon light, outlook and privacy

10.1 Given the nature of the works and their location, the proposed works to the balcony will have no significant impact on the light, outlook and privacy of surrounding residents. Thus, there will be no significant impact to residential amenity. As such the proposed development accords with policies DM6.1(a) and DM6.2(c).

#### 11.0 The impact of the proposal upon the character and appearance of the Fish Quay Conservation area

11.1 The alterations to the balcony balustrade will not significantly impact the character and appearance of the property or the Fish Quay conservation area.

11.2 The appearance of the balcony has not been significantly impacted. Despite the removal of the metal grilles, the original metal framework has been retained. As the main balustrade design feature has not been impacted, the balcony does not significantly stand out from the surrounding balconies.

11.3 The use of a plexiglass panel does not detrimentally impact on the appearance of the balcony or conservation area as the panel is transparent and thus sympathetic to the surrounding conservation area. On balance, the proposed development accords with Policy DM6.1.

#### 12.0 Local Financial Considerations

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

## 13.0 Conclusion

13.1 Members need to determine whether the proposal is acceptable in terms of the impact on residential amenity and whether it will have a detrimental impact on the conservation area.

13.2 It is officer advice that the proposal will have no significant impact on residential amenity or the character and appearance of the property and conservation area. The application is recommended for approval.

### **RECOMMENDATION:**

**The Committee is recommended to:**

- a) indicate that it is minded to approve the application subject to the expiry of the consultation period; and**
- b) authorise the Director of Regeneration and Economic Development to determine the application providing no further matters arise which in the opinion of the Director of Regeneration and Economic Development, raise issues not previously considered which justify reconsideration by the Committee.**

### **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
- Location plan 1:1250
- Photos of development

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

### **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**

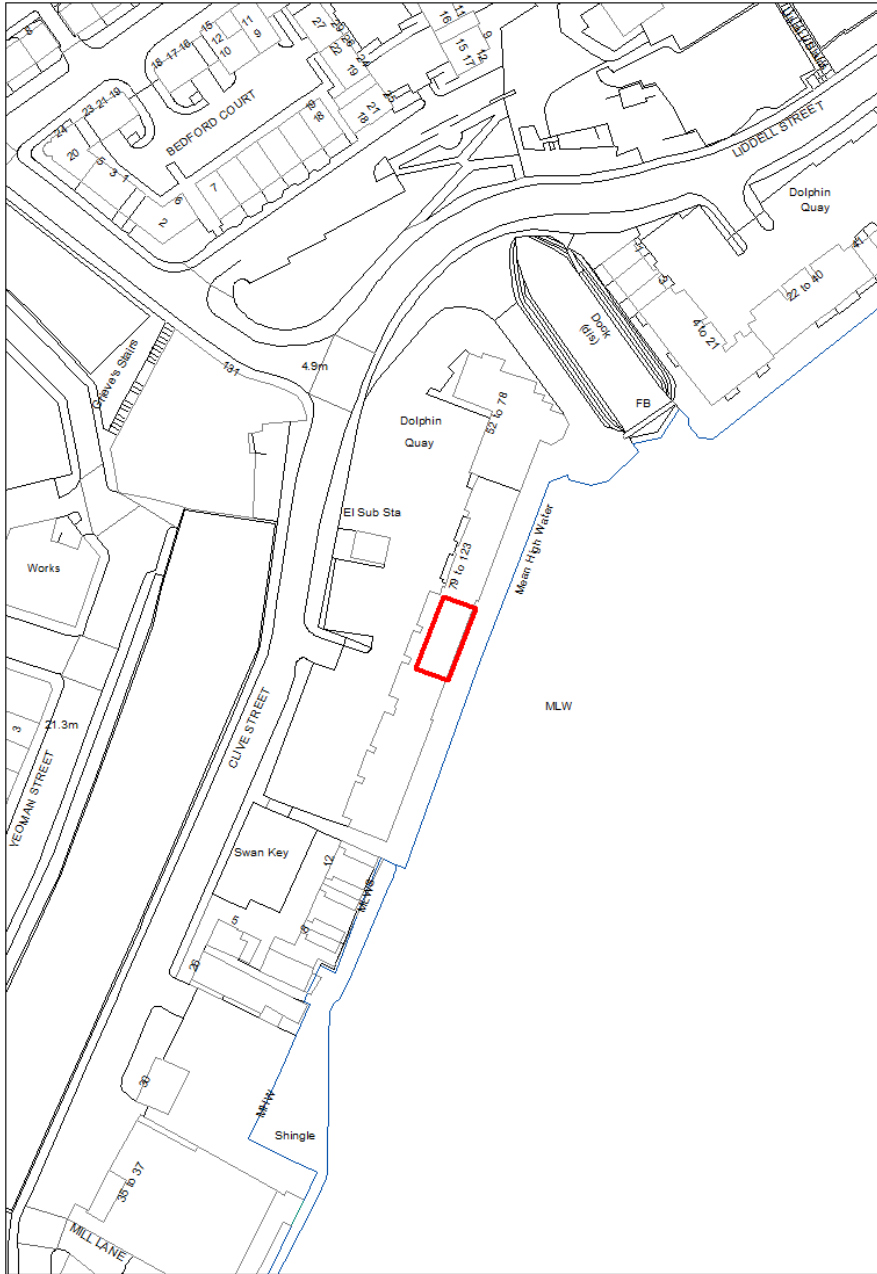
Building Regulations Required (I03)

Do Not Obstruct Highway Build Materials (I13)

Advice All Works Within Applicants Land (I29)

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

Contamination may be on Site (I15)



**Application reference: 22/01512/FUL**

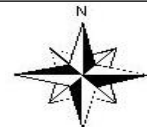
**Location: Flat 98, Dolphin Quay, Clive Street, North Shields**

**Proposal: Works to Flat:- Replacement of 3 metal grilles with plexiglass, due to corrosion (Retrospective).**

Not to scale

Date: 12.10.2022

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**Appendix 1 – 22/01512/FUL  
Item**

**Consultations/representations**

1.0 Internal consultees

None

2.0 Representations

None

3.0 External consultees

None