

Item No: 5
Application No: 24/00267/FULM
Date valid: 22 March 2024
Target decision date: 21 June 2024
Author: Maxine Ingram
☎: 0191 643 6322
Ward: Weetslade

Application type: Full Major application

Location: Warehouse West Of 2 Grieves Row, Dudley, Northumberland, NE23 7PY

Proposal: Construction of a new building over the existing yard to allow the HGV's to be loaded under cover from the elements

Applicant: Mr Darren Smith

Agent: Portland Consulting Engineers

RECOMMENDATION: Minded to grant on expiry consultation

INFORMATION

1.0 Summary Of Key Issues & Conclusions

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

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

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

2.0 Description of the Site

2.1 The site to which this application relates is an existing operational site located to the west of the B1319. Access is from the B1319 via two accesses, one which is from a roundabout (south) and one direct from the road (north). The existing buildings on site are a combination of brick and metal clad structures.

2.2 Part of the application site is an allocated housing site (Site 2 – Grieves Row, Dudley) in the Local Plan and the remainder of the site is allocated as employment land.

2.3 To the west of the site is an area of designated open space and a wildlife corridor. To the north the site is bound by Sterling Pharma Solutions. Beyond the road to the east of the site are existing residential properties. To the south and southwest of the site are existing residential properties.

3.0 Description of the Proposed Development

3.1 Planning permission is sought for the construction of a new building over the existing yard to allow the HGV's to be loaded under cover from the elements.

3.2 The proposed building will be positioned between existing buildings.

4.0 Relevant Planning History

4.1 The site has an extensive planning history. The most recent planning history is set out below:

13/00014/FUL - Proposed erection of a temporary structure on the site to enable the storage of the polystyrene blocks whilst the previously approved 12/00470/FUL proposed development is carried out. Retrospective planning approval for a new roller shutter to the side of the existing factory – Permitted 04.03.2013

18/01159/FUL – Erection of two buildings connected to existing buildings with link corridors, erection of a substation and roof modification to existing building. Reorganisation of internal traffic movements to direct HGV to roundabout access – Permitted 19.12.2018

19/01594/FUL - Erection of open fronted external storage canopy (Amended Plans received 15.01.20) – Permitted 04.03.2020

5.0 Development Plan

5.1 North Tyneside Local Plan (2017)

6.0 Government Policy

6.1 National Planning Policy Framework (December 2023)

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 Detailed Planning Considerations

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

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

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

8.0 Principle of the development

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

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

8.3 The NPPF paragraph 85 states “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 business needs and wider opportunities for development”.

8.4 Part of the site is allocated for housing in the LP. Policy S4.3 ‘Distribution of Housing Development Sites’, identifies Site 2 – Grieves Row for the provision of 90 units. Members are advised that prior to the adoption of the LP, this site was allocated for employment use in the Council’s Unitary Development Plan (UDP) and up until late 2017 the site was occupied by Owen Pugh. The land within the most northern part of the application site is allocated as employment land. Therefore, LP Policy DM2.3 ‘Development Affecting Employment Land and Buildings’ is relevant. The applicant acquired the former Owen Pugh site to expand their current business operations. In 2018, planning permission was granted to construct buildings, modify existing buildings, and reorganisation of traffic movements.

8.5 The housing allocation is for the lifetime of the LP i.e. until 2032. To date, no planning applications have been submitted to bring forward this site for housing. In 2018, it was accepted that albeit permanent buildings were proposed, it was not considered that they would prejudice the long-term implementation of Policy S4.3. The development subject of this application will be sited on the housing allocation between existing buildings. It is not considered that enclosing a yard area will prejudice the long-term implementation of Policy S4.3 anymore than the current business operations and existing buildings. Members are advised that any future planning applications for housing or other forms of development on this site will need to be assessed on their own merits.

8.6 The application site is located in a mixed-use area. The proposed development will support an existing business operation.

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

9.0 Impact on amenity

9.1 Paragraph 191 of the NPPF seeks to ensure that new development is appropriate for its location and ensuring where necessary that any impacts from the development are adequately mitigated for.

9.2 LP Strategic Policy S1.4 'General Development Principles' of the LP states that development proposals should be acceptable in terms of their impact upon local amenity for new or existing residents and businesses, adjoining premises and land uses.

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

9.4 LP Policy DM2.3 'Development Affecting Employment Land and Buildings' states "The Council will support proposals on employment land, as shown on the Policies Map, for new or additional development for uses within use classes B1, B2 or B8 or that which is deemed ancillary. Amongst other matters this policy seeks to permit development that would not have an adverse impact upon the amenity and operation of any neighbouring properties and businesses.

9.5 LP Policy DM6.1 'Design of Development' states: "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." Amongst other matters proposals should demonstrate a positive relationship to neighbouring buildings and spaces and a good standard of amenity for existing and future residents and users of buildings and spaces.

9.6 The objections received regarding the impact on amenity are noted.

9.7 The current site operates on 24/7 basis. The previous planning application, 18/01159/FUL, was accompanied by a noise assessment which considered the proposed development, increase in vehicle movements, substation, and expansion of the warehouse. Background noise monitoring was carried out at the nearest sensitive receptors. Following an assessment of the submitted information the Manager for Environmental Health advised that appropriate mitigation could be secured by planning conditions. Conditions relating to the following were imposed on planning permission 18/01559/FUL:

-Noise scheme to ensure any new plant and equipment does not exceed current background noise levels.

-Noise emitted from the site shall not exceed background noise levels.

-Loading and unloading operations during the period 23:00-07:00 shall only take place in identified areas.

-Restrictions on the number of lorries to be loaded during the night period at the site. Lorries operating to and from the site during the night period to be fitted with white noise reversing alarms.

-Restrictions on the use of number and type of forklift truck, fitted with noise reversing alarm, to be used at any time during the night period for loading and unloading.

-All doors serving the warehouse must be kept closed except for access and egress and in case of emergency.

-Access to the site during the night period 23:00-07:00 hours shall be via the southern access.

9.8 Members are advised that the site is already operational and there are conditions attached to the previous grant of planning permission to assist in reducing impacts on residential amenity. The planning history for this site does not show any planning enforcement complaints regarding alleged breach of conditions associated with planning application 18/01159/FUL.

9.9 The application site is located opposite the residential properties of Grieves Row and Meadowbank. The residential properties of McNulty Court are located to the southwest of the site. The residential properties of Thirlwall Court are sited adjacent to the southern boundary.

9.10 This application relates to the construction of a new building over the existing yard to allow vehicles to be loaded under cover. This part of the site is already used by vehicles.

9.11 The Manager for Environmental Health has been consulted. She has raised no objection to the proposed development subject to conditions to control the hours of construction and dust suppression measures during construction.

9.12 Members need to determine whether the proposed development is acceptable in terms of its impact on residential amenity is acceptable. It is officer advice that the proposed development is acceptable in terms of its impact on residential amenity, subject to the imposition of the suggested conditions. As such, it is officer advice that the proposed development does accord with paragraph 191 of the NPPF and LP policies DM5.19 and DM6.1.

10.0 Impact on character and appearance

10.1 Paragraph 131 of the NPPF encourages good design stating this is a key aspect of sustainable development, creates better places in which to live and work and helps make development acceptable to communities.

10.2 Paragraph 139 of the NPPF makes it clear that development, which is not well designed should be refused, especially where it fails to reflect local design policies and government guidance on design.

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

10.4 The 'Design Quality' SPD applies to all planning applications that involve building works.

10.5 The existing buildings onsite vary in terms of their size and height. The proposed building will be positioned between two existing buildings. Views of the proposed building will be afforded from outside of the site. However, when viewed from outside of the site it will be seen in the context of the existing buildings on site and Sterling Pharma Solutions located to the north of the site. It is not considered that the proposed building will significantly detract from the character or appearance of the areas of open space, Green Belt located to the west of the site or significantly affect the outlook from residential properties located to the east, south and southwest of the site.

10.6 Views of the proposed building from the north would be restricted by the existing Sterling Pharma Solutions and the buildings onsite.

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

11.0 Impact on highway safety

11.1 The NPPF paragraph 115 makes it clear that development should only be prevented or refused on highway grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.

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

11.3 The Council's maximum parking standards are set out in the Transport and Highways SPD.

11.4 The proposed development will not alter existing access/egress arrangements or parking provision. Conditions relating to using the southern access during the evening period were attached to the previous grant of planning permission. The applicant will still need to comply with the requirements of this condition.

11.5 The Team Leader – New Developments (Highways) has been consulted. He has raised no objection to the proposed development.

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

12.0 Other Matters

12.1 Contaminated Land

12.2 NPPF paragraph 189 seeks to ensure that planning decisions have regard to ground conditions and any risks arising from land instability and contamination.

12.3 NPPF paragraph 190 states "Where a site is affected by contamination or land stability issues, responsibility for securing a safe development rests with the developer and/or landowner".

12.4 LP Policy DM5.18 "Contaminated and Unstable Land" seeks to ensure that the future users or occupiers of a development would not be affected by contamination or stability issues.

12.5 The Contaminated Land Officer has been consulted. She has recommended conditional approval.

12.6 Members are advised that the Coal Authority did not raise any objection to the previous grant of planning permission. The Coal Authority has been consulted. Their comments have not yet been received and will be reported as an addendum if they are received in advance of the Planning Committee. If their comments are received after Planning Committee and they raise an objection, then this application will be reported back to Planning Committee for further consideration.

12.7 Members need to consider whether the proposed development is acceptable in terms of ground conditions. Subject to the suggested condition and advice from The Coal Authority being acceptable, it is officer advice that it is.

12.8 Flood Risk

12.9 The NPPF paragraph 173 makes it clear that "When determining planning applications, LPA's should ensure that flood risk is not increased elsewhere and only consider development appropriate in areas at risk of flooding where

informed by a site specific flood risk assessment (FRA) following the sequential test.”

12.10 The Lead Local Flood Authority (LLFA) have been consulted. They have raised no objections to the proposed development. The building will be constructed on an area of impervious concrete hardstand so there will be no change to the sites or surrounding areas current flood risk and the new buildings rainwater guttering will capture and direct any rainfall into the main sites drainage network.

12.11 Members need to determine whether the proposed development is acceptable in terms of flood risk. It is office advice that the proposed development will not increase flood risk.

12.12 Biodiversity

12.13 The National Planning Policy Framework states that the planning system should contribute to and enhance the natural and local environment.

12.14 LP Policy DM5.5 ‘Managing effects on Biodiversity and Geodiversity’ states that all development proposals should:

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

12.15 The mandatory requirements for biodiversity net gain came into force on 12 February 2024. However, the development is exempt from the requirement as the existing site is all hardstanding and therefore the development does not impact a priority habitat.

12.16 The Principal Ecologist has been consulted. She has raised no objection to the proposed development.

12.17 North West Villages Sub Area

12.18 The application site is located in an area identified as being within the North West Sub Area. The proposed development would not prevent the aims of Policy AS8.24 being met.

12.19 Employment and training

12.20 LP Policy DM7.5 ‘Employment and Skills’ 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.

12.21 The Planning Obligations (2018) SPD 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.

12.22 The proposed extension relates to an operational site and the proposed development will enclose an existing yard. The Business Development Officer, has advised in this case that a financial contribution towards employment and training will not be necessary.

13.0 Local Financial Considerations

13.1 Paragraph 11 of National Planning Practice Guidance states that Section 70(2) of the Town and Country Planning Act 1990 (as amended) provides that a local planning authority must have regard to a local financial consideration as far as it is material. Section 70(4) of the 1990 Act (as amended) defines a local financial consideration as a grant or other financial assistance that has been, will or that could be provided to a relevant authority by a 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 Community Infrastructure Levy.

13.2 Whether or not 'a local financial consideration' is material to a particular decision will depend on whether it could help make the development acceptable in planning terms. It is not considered that New Homes Bonus or CIL contributions are material in terms of making this development acceptable in planning terms.

14.0 Human Rights Act

14.1 The development has been assessed against the provisions of the Human Rights Act, and in particular Article 1 of the First Protocol and Article 8 of the Act itself. This Act gives further effect to the rights included in the European Convention on Human Rights. In arriving at this recommendation, due regard has been given to the applicant's reasonable development rights and expectations which have been balanced and weighed against the wider community interests, as expressed through third party interests / the Development Plan and Central Government Guidance.

15.0 Equalities and Diversities

15.1 Due regard has been had in considering this application to Section 149 of the Equality Act with regard to the Public Sector Equality Duty and the case officer has concluded that in so far as they are aware the application does not cause discrimination.

15.2 The objectors have raised concerns regarding the proposed development and the impact this will have on health and sleep patterns. The site is already operational and has been in commercial use for several years. Conditions have been attached to previous planning permissions to control matters associated with noise and disturbance and assist in minimising noise during the evening period. The proposed building will cover a yard that is already in operational use. Conditions have been suggested to assist in minimising noise and disturbance during construction. The applicant will still be required to comply with conditions attached to previous planning permissions.

16.0 Conclusion

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

16.2 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.

16.3 Members need to consider whether the principle of this development and is acceptable. It is officer advice that it is acceptable.

16.4 Members need to consider whether this development is acceptable in terms of its impact on residential amenity having regard to the NPPF (paragraph 191) and LP Policies DM6.1 and DM5.19. It is officer that it is acceptable subject to imposing the suggested conditions.

16.5 Members need to consider whether the proposed layout and design of the proposed extension is acceptable. It is officer advice that it is acceptable.

16.6 Members need to consider whether this development is acceptable in terms of its impacts on the highway network. This development will utilise existing access/egress, and it will not result in a residual cumulative impact that will be severe. It is officer advice that it is acceptable.

16.7 Members need to consider whether this development is acceptable in terms of biodiversity. It is officer advice that it is as the development will be built on an area of hardstand.

16.8 Members need to consider whether this development is acceptable in terms of flood risk and ground conditions. Subject to conditions, it is officer advice that it is acceptable.

16.9 It is recommended that planning permission should be granted subject to conditions on expiry of consultation with The Coal Authority.

RECOMMENDATION: Minded to grant on expiry consultation

It is recommended that:

the Committee indicates that it is minded to grant the application, subject to no objection being raised by The Coal Authority; and

the Director of Regeneration and Economic Development be authorised to issue a notice of grant of planning permission subject to:

the conditions set out in the planning officers report and any subsequent addendum(s); and, the addition, omission or amendment of any other conditions considered necessary by the Director of Regeneration and Economic Development.

Conditions/Reasons

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

- Location Plan Dwg No. 9000 B
- Existing structural overview Dwg No. 900 A
- Existing overview elevation Dwg No. 903 A
- Existing roof layout Dwg No. 902 A
- Existing site plan Dwg No. 901 A
- Existing floor plan Dwg No. 905
- Proposed structural overview Dwg No. 910 B
- Proposed elevation Dwg No. 914 B
- Proposed overview elevation Dwg No. 913 B
- Proposed roof layout Dwg No. 912 A
- Proposed site plan Dwg No. 911 B
- Proposed floor plan Dwg No. 900 A

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

2. The development hereby permitted shall be begun before the expiration of three years from the date of this permission.

Reason: To comply with the requirements of Section 91 of the Town and Country Planning Act 1990.

3. 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; include storage of plant 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; a detailed scheme to prevent the deposit of mud and debris onto the highway and a dust suppression scheme (such measures shall include mechanical street cleaning, provision of water bowsers, wheel washing and road cleaning facilities with mechanical sweepers. 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. If the agreed measures are not operational, then no vehicles shall exit the development site onto the public highway.

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

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

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

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

Upon approval of the method statement:

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

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

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

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

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

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

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

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

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

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

6. Prior to the installation of any new external plant or equipment to be installed at the premises a noise scheme shall be submitted to and approved in writing by the Local Planning Authority. This noise scheme shall be carried out full in accordance with BS4142 to determine the background noise levels for daytime, evening and night. The rating level for all plant must not exceed current background noise levels. Thereafter, the development hereby approved shall be carried out in accordance with these agreed details and any details pursuant to Condition 7 which shall be permanently retained and maintained.

Reason: To protect the amenity of neighbouring premises against noise having regard to Policy DM5.19 of the North Tyneside Local Plan (2017).

7. Within one month of the installation of the plant and equipment acoustic testing shall be undertaken to verify compliance with Condition 6. This testing shall be submitted to and approved in writing by the Local Planning Authority prior to the operation of the plant.

Reason: To protect the amenity of neighbouring premises against noise having regard to Policy DM5.19 of the North Tyneside Local Plan (2017).

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

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

Informatives

Building Regulations Required (I03)

Consent to Display Advertisement Reqd (I04)

Take Care Proximity to Party Boundary (I21)

Advice All Works Within Applicants Land (I29)

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

CIL information (I50)

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 for further information.

The applicant is advised that a 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 for further information.

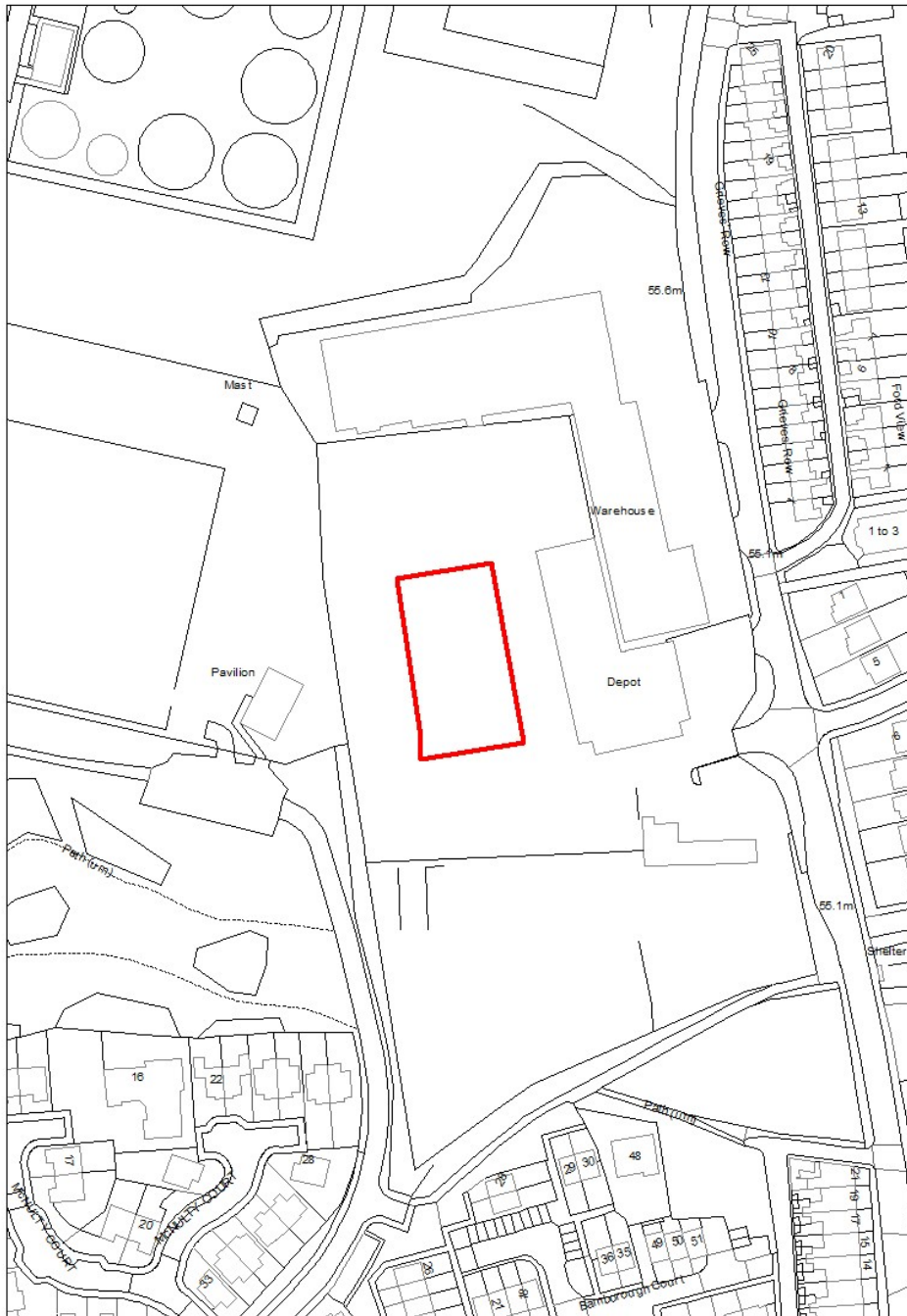
The applicant is advised that, the site abuts adopted highway, if access to this highway is to be restricted during the works the applicant must contact the Local Highway Authority to obtain a temporary footpath closure. Contact Streetworks@northtyneside.gov.uk for further information.

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 for further information.

The applicant is advised that it is an offence under the Highways Act 1980 to deposit mud or debris on the highway and reasonable measures must be in place to prevent this occurrence in the first instance and to remove any occurrences,

should they occur. Contact New.Developments@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 for further information.



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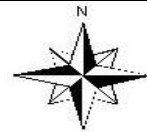
Location: Warehouse West Of 2 Grieves Row, Dudley, Northumberland

Proposal: Construction of a new building over the existing yard to allow the HGV's to be loaded under cover from the elements

Not to scale

Date: 23.05.2024

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**Appendix 1 – 24/00267/FULM
Item 5**

Consultations/representations

1.0 Internal Consultees

1.1 Team Leader – New Developments (Highways)

1.2 The site is long-established, and access and parking remain unchanged. Conditional approval is recommended.

1.3 Recommendation - Conditional approval

1.4 Condition:

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; include storage of plant 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; a detailed scheme to prevent the deposit of mud and debris onto the highway and a dust suppression scheme (such measures shall include mechanical street cleaning, provision of water bowsers, wheel washing and road cleaning facilities with mechanical sweepers. 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. If the agreed measures are not operational, then no vehicles shall exit the development site onto the public highway.

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

1.5 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 for further information.

The applicant is advised that a 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 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 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 for further information.

The applicant is advised that it is an offence under the Highways Act 1980 to deposit mud or debris on the highway and reasonable measures must be in place to prevent this occurrence in the first instance and to remove any occurrences, should they occur. Contact New.Developments@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 for further information.

1.6 Manager for Environmental Health (Pollution)

1.7 I have no objection in principle to this development but would recommend the following conditions are attached to any approval.

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

HOU04
SIT03

1.9 Manager for Environmental Health (Contaminated Land)

1.10 The site lies within a coal referral area and within 250m of known former landfill. There is a risk of ground gas. I note that no new slab will be laid as part of the works, however, it has not been proven that this will accord sufficient protection from the ingress of potential gas into the building. The following should be applied:

Gas 006

1.11 Principal Ecologist

1.12 No objection.

1.13 Lead Local Flood Authority (LLFA)

1.14 I have carried out a review of planning application 24/00267/FULM. I can confirm I have no objections to the proposals as the building will be constructed on an area of impervious concrete hardstand so there will be no change to the

sites or surrounding areas current flood risk and the new buildings rainwater guttering will capture and direct any rainfall into the main sites drainage network.

2.0 Representations

2.1 Two objections have been received. These objections are summarised below:

- Impact on landscape
- Loss of visual amenity
- Nuisance - disturbance
- Nuisance - fumes
- Nuisance - noise

Upon the last request to build a new building it was said that it would stop the obscene amount of noise which takes place all through the night. It was proposed should there new building go ahead it would stop noise and the number of wagons coming in and out. It has not we are in the back bedroom and cannot sleep due to forklift truck rattling about all night, lorries revving engines, clashing and banging of metals and heavy machinery my poor children are often woken and jump from sleep because of this. I have had to ring many many times at 3am to say this is just ridiculous and is an absolute impact on quality of life and sleep. We have windows closed naturally in the winter months and it's still incredibly loud. I have videos of this so summer will again be hell should it be a warm one.

-On 19 December 2018, the council approved a previous application (Ref:18/01159/FUL), which clearly referenced an increase in operations, particularly traffic movements and proposed factory development. This document clearly shows trading is 24hrs, with HGV, Forklift and Trailer movement both day and night. A reference of increased personnel was mentioned, with the use of the south roundabout onto the B1319.

-On reviewing the Land registry for Title Plan TY440277, I note a Registered charge dates 25/1/18 by Barclays for £990,000. Based on my research of previous planning applications approved, S&B have over various applications with intent planned to increase the productivity of this site. Having a charge is clear evidence that the organisation needs to make productivity gains, increase output and in doing so, create greater noise, traffic, 24hr operations adjacent to a residential estate. While I understand, S&B wish to increase productivity, the erecting of another building will increase the noise within what is in essence a tin shed.

-I am a retired Coal Miner, in poor health, with a sleep disorder, who has lived opposite the Owen Pugh site for over 20 years. The impact of the noise of HGV,s, Trailers & Forklifts constantly makes is a very miserable place to live and I have no ability to open windows for ventilation without the constant noise from S&B.

-I see no good reason for the erection of another building, I fear it will serve as the basis of more noise, traffic at that side of the site, which incidentally operated from the other side until relatively recently. I feel should you approve this application all traffic will use the entry opposite my home, create more noise through the day and night.

-Having read the application for 24/00267/FULM I feel the application has not been honest, reference is made to not increasing staff or working outside of the normal trading. The normal trading is between 06:00 - 22:00 and 22:00 - 06:00 as I have read in various planning documents, so I feel this application is

disingenuous of the full intention. No one pays almost £1m to not grow considerably, to raise higher profits to pay off the Charge to Barclays Bank.
-I would ask the council to seriously review the noise impact on the residents, noise of the traffic, gates entering, noise within the compound, all of which make it incredibly difficult for residents.

3.0 External Consultees

3.1 The Coal Authority

3.2 Comments awaited.