

**Item No:** 3  
**Application No:** 20/00517/FUL  
**Date valid:** 22 May 2020  
**Target decision date:** 21 August 2020  
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**Ward:** Camperdown

Application type: full planning application

**Location: Burradon Abattoir, Burradon Road, Burradon, NE23 7NB**

**Proposal: Extensions to the existing facility, including covering the external yard, the demolition of an existing employee/amenity block and construction of welfare/amenity building and new offices, and increased hardstanding for vehicles connected with the use, including truck and car parking, and additional safe manoeuvring space, and a waste water treatment facility (additional information received 19.06.2020)**

Applicant: Linden Foods, Mr Tony Curran 14 Castle Street Ardee Ireland

**RECOMMENDATION:** Minded to grant on expiry consultation

## **INFORMATION**

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

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

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

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

### 2.0 Description of the Site

2.1 The site to which this application relates is an existing abattoir. The site is bound to the west by a road and to the south by a road/bridleway. To the north of the site are fields. Mature planting/trees are sited along the southern boundary, part of the east and west boundary and the north east corner of the site. Palisade and mesh fencing enclose the site. There are existing buildings, including a livestock shed and blood tank, and areas of hardstand within the site.

2.2 The nearest residential properties, Quarry Cottages, are located to the east of the site. The residential estate of Cheviot Grange is located to the south west of the site.

2.3 The site is designated as Green Belt and a wildlife corridor.

### 3.0 Description of the Proposed Development

3.1 Planning permission is sought for extensions to the existing facility, including covering the external yard, the demolition of an existing employee/amenity block and construction of welfare/amenity building and new offices, and increased hardstanding for vehicles connected with the use, including truck and car parking, and additional safe manoeuvring space, and a waste water treatment facility.

3.2 Members are advised that some of the proposed works to this existing facility, namely the covering of the external by-products yard, workshop to rear and extension to existing chill have already been approved under 19/00696/FUL.

3.3 The applicant has advised that the proposals for the truck and car parking arise from a need to upgrade to improve efficiencies to help create environmental improvements, meet current and future hygiene expectations, improve the health and safety of staff and visitors, and to achieve industry best available techniques in production. Car parking at the site is insufficient and not segregated, and there is no dedicated truck parking at all.

### 3.4 Background and supporting information provided by the applicant

3.5 Linden Foods has occupied this site since 2008, prior to which it was occupied by Whitley Bay Meat Supply Company following its relocation from Whitley Bay some 30 years ago. Since Linden Foods took control of the site, it has made significant improvements to the infrastructure there, such as a new lairage, fully refurbished abattoir and additional chill capacity.

3.6 Linden Foods is a dual species abattoir, processing beef and lamb. It has an established reputation in recent years as an innovator, creating ground-breaking products for the retail and food service sectors. It is now rated as one of the premium suppliers of primals to the wholesale industry, with three decades of experience, and with a diverse client base across the UK, Ireland and Europe.

3.7 The business is supported by a skilled development and production team. It currently employs 57 full time staff.

3.8 Markets and legal requirements continue to change along with increasing customer expectations. The business must continue to develop and adapt to meet the changing context in which it operates to maintain viability and ensure its continued contribution to the local economy and maintain the secure employment of its workforce.

3.9 In order to do this, Linden Foods needs a new period of significant investment to compete in a global market and enable use of Best Available Techniques (BAT). This requires value, quality, workforce and reputation. Unless the business can adapt in all these areas, it will struggle to remain viable, and would lose customers to other businesses elsewhere in the country and overseas.

3.10 It should be noted that maintaining the highest levels of competitiveness is particularly important in increasingly volatile markets, due to changing practices, Brexit, and more recently health and safety expectations arising from Covid-19.

3.11 In order to address changing demands and to continue to move forward with the market, a phased masterplan for the site was developed. This includes:

-Enclosing the yard (phase 1): The existing external yard is an area to the north of the existing building used for the storage, transfer and removal of animal by-products. Covering such by-product storage areas is the best available technique open to abattoirs to minimise the offsite impact of operations – either in terms of noise or odours.

-Improved offal processing area (phase 1): This would allow for the improved competitiveness of the site by enabling the further processing of materials to an edible standard for export – thereby improving the financial position of the business, but also upgrading the nutritional value of each carcass – maximising the amount of edible products and minimising the waste by-products – getting more from less.

-New staff and food standard agency hygiene and amenity accommodation (phase 2): The site was originally designed for 24 staff, this number is now 57, rising to 67. As a result, space for staff changing and breaks have become too restricted for modern standards. It is imperative that these facilities are improved to enable proper and suitable hygiene standards; and, that the facilities are on site to meet the needs of staff, ensuring staff retention and not provide blockage for future recruitment.

-Full effluent treatment to industry best standards (phase 2). The current waste water treatment facilities consist of basic preliminary treatment facilities, directly outside the main office and employee amenity block. There is an inherent risk due to the open construction (at ground level). It is proposed to cover the existing settlement tank and construct a modern waste water treatment facility to improve the quality of effluent and significantly reduce the risk of odour.

-Phase 2 also includes increased provision for parking for cars and lorries.

3.12 The applicant has advised that the above proposed works are mutually independent. They have advised that significant investment of over £2.2 million is necessary to implement phase 1, even with the approved grant funding, the offer for which expires in August 2021, the business cannot make this investment without the certainty that the entirety of the works proposed can be implemented.

3.13 The reasons that the individual aspects of the proposed works are co-dependent relate intrinsically to meeting customer and staff expectations and BATs in relation to health and safety, environmental impact, product quality, staff welfare and satisfaction.

3.14 The applicant acknowledges that the proposed building works will displace vehicle parking. Accommodating all the parking and vehicular movement needs

of the business within the site compound is essential. The increase in site area will enable the isolation of livestock processing areas from those 'clean' refrigerated meat export areas – this is necessary to help prevent cross contamination. Safe movements of pedestrians and smaller vehicles can then also be achieved, separate from HGV movements.

3.15 The welfare/amenity unit is essential to improve staff welfare and hygiene facilities, particularly in the current climate of social distancing measures.

3.16 Proper effluent treatment is an essential component of any abattoir process and must be carried out in the most appropriate way depending on the circumstances. Upgrade of this process is essential to the continuation of the business at this site and will bring about significant environmental benefits and improve the amenity of the surrounding area.

3.17 Inability to carry out all the proposed works in their entirety would mean the business could not upgrade value in offal and other by-products, in effect increasing the costs of carcass meat produced on-site reducing competitiveness. Demand for the product would diminish, its value would fall, and the price paid to farmers would ultimately decrease. The business would be operating at significantly below optimum levels of efficiencies and product supply.

#### 4.0 Relevant Planning History

81/02011/FUL - Extension of Chill Room and Sales / Dispatch areas - Permitted 10.02.1982

82/02362/FUL - Barometric loop to blood vacuum plant – Permitted 24.02.1983

83/01917/FUL - Extension to amenities block – Permitted 18.10.1983

86/01000/FUL - Three bay extension to abattoir within existing site – Permitted 22.07.1986

09/01253/FUL - Single storey extension to rear and single storey link corridor to front of building – Permitted 13.07.2009

09/02584/FUL - Erection of 2400mm palisade security fencing to parts of the site boundary and elsewhere within the site. Erection of 2400mm high automated palisade gates to replace existing gates at site entrance (Additional Plans 27.10.2009) – Refused 02.12.2009

12/00112/FUL - Partial demolition of existing buildings and replace with proposed extension to provide new chills and out loading bays. Extension to existing refrigeration plant room. Extension to existing services rooms and construction of new livestock intake shed – Permitted 16.05.2012

12/01062/FUL - Partial demolition of existing buildings and replacing with new refrigerated out loading bays, holding area and dry goods store, construction of new refrigeration plant room, extension to existing chills and slaughter hall at rear of factory, extension to existing services rooms at front of factory, construction of

new livestock intake shed and covered walkway to existing lairage – Permitted  
19.09.2012

15/01748/FUL - Variation of condition 17 of planning approval 12/01062/FUL - to allow livestock to be kept overnight for a temporary period - 27.01.2016

16/01685/FUL - Removal of condition 17 of planning approval 12/01062/FUL - to allow livestock to be kept overnight (on a permanent basis) – Permitted  
17.02.2017

19/00696/FUL - Construction of covered by-products area, carcass chill and maintenance workshop – Permitted 16.07.2019

## 5.0 Development Plan

5.1 North Tyneside Local Plan (2017)

## 6.0 Government Policies

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

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

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, including the impact on the green belt;
- The impact on amenity;
- The impact on character and appearance;
- The impact on highway safety;
- Other issues.

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

### 8.0 Principle of the development

8.1 The Local Plan (LP) was adopted in July 2017 to guide development in the period up to 2032. The council acknowledges that the policies contained within the LP predate the publication of the revised NPPF however, it is clear from paragraph 213 of the NPPF that: “However, existing policies should not be considered out-of-date simply because they were adopted or made prior to the publication of this Framework. Due weight should be given to them, according to

their degree of consistency with this Framework (the closer the policies in the plan to the policies in the Framework, the greater the weight that may be given).” The council considers that, as the plan is very recent, the local plan policies set out in this report are consistent with the NPPF and can be afforded significant weight.

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

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

8.4 The NPPF paragraph 80 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”.

8.5 The NPPF paragraph 143 states “Inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances.”

8.6 The NPPF paragraph 144 states “When considering any planning application, local planning authorities should ensure that substantial weight is given to any harm to the Green Belt. ‘Very special circumstances’ will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm resulting from the proposal, is clearly outweighed by other considerations”.

8.7 The NPPF paragraph 145 states “A local planning authority should regard the construction of new buildings as inappropriate in the Green Belt. Exceptions to this are:...c) the extension or alteration of a building provided that it does not result in disproportionate additions over and above the size of the original building; d) the replacement of a building, provided the new building is in the same use and not materially larger than the one it replaces....”

8.8 LP Policy DM6.1 ‘Positive uses within the Green Belt’ states “Proposals that are not inappropriate to the Green Belt, particularly those offering increased or enhanced access to the open countryside and that provide opportunities for beneficial use as a biodiversity resource, will be supported where they preserve

the openness of the Green Belt and will not harm the objectives of the designation.

8.9 The Council will not permit additional development where it considers that the cumulative impact of these would be detrimental to the objectives of the Green Belt”.

8.10 The existing abattoir is located within the Green Belt. The existing buildings on this site are sited adjacent to its southern boundary and the existing lairage is located to the north east corner of the main building. Currently the by-products of the abattoir are processed in a small area with some loading and storage occurring externally.

8.11 This application seeks to extend this established facility and reprofile and extend the existing car parking arrangements and waste water treatment facility into a field located to the north of the existing car park. Members are advised that planning permission was granted in 2019 for some further extensions to the building. These previously approved extensions form part of the current application. The proposed covered by-products area would create an internal area for storing and dispatching by-products. It is also proposed to construct a by-products processing and storage area adjacent to the previously approved by-products area. This will enable a section of by-products processing (currently being processed within an existing chill) to be a fully dedicated by-products area. This is in line with current industry practice. It is also proposed to internalise the blood tank and plant. The building will also be extended to the south to accommodate a workshop and to the west to accommodate/expand additional chill areas.

8.12 The existing employee amenity area will be demolished. A new amenity and office will be constructed in this area. Staff changing rooms and facilities will be accommodated at ground floor. Offices and a boardroom will be accommodated at first floor.

8.13 It is proposed to cover the existing settlement tank and pump waste water to a dedicated, modern treatment facility consisting of an inlet screen, a dissolved air floatation (DAF) system, enclosed sludge storage and an effluent press, prior to the discharge to the municipal sewerage system. The proposed waste water transfer unit would have a maximum height of approximately 6.43m.

8.14 The proposed car park and new waste water treatment facility would be sited in the northern field. The applicant has submitted landscaping details to demonstrate how the visual impact of this part of the proposal could be reduced.

8.15 The policies detailed above (paragraphs 8.5 to 8.9) outline the considerations that should be given to proposals affecting the green belt.

8.16 NPPF establishes that extensions are not inappropriate development in the green belt unless cumulative change leads to disproportionate increase in the scale of buildings. It is noted that the Planning Policy comments have queried the floor area of the overall cumulative additions to the original building. The planning history advises that the original building was constructed in the 1970's with some

additions added in the 1980's. The earliest record of the overall footprint of the building that the Local Planning Authority (LPA) has access to is the information accompanying a planning application in 2009 and an aerial photograph from 2008. The applicant has advised that the floor area of the building in 2008 was 1,672sqm. The total floor area, should planning permission be granted, would be 3,962sqm. It is clear from the Planning Policy comments that this increase cannot be considered proportionate to the original footprint. Except for the lairage, all the extensions to the original building have been contained within the most southern part of the site. The proposed extensions would be contained within this area and utilise an area of hardstand. They would not extend beyond the most northern point of the existing lairage. Albeit, the footprint has significantly increased since 2008, these alterations would enable this existing business within the green belt to improve its current operations for both its product and staff. Having regard to the existing positioning of the building on-site and the existing vegetation to the south, east and north-east corner of the site, it is not considered that the increase in footprint or the increase in height (approximately 1.3m), would significantly on the openness of this part of the green belt.

8.17 The applicant has provided information on what they consider to be very special circumstances to comply with the requirements of paragraph 144 of the NPPF. Albeit, the applicant did not identify the extensions as inappropriate development, information has been provided on what they consider to be very special circumstances. It is the view of Planning Policy that this evidence is of equal relevance to the proposed extensions.

8.18 The applicant considers the proposed car parking and hardstanding to be inappropriate development in the green belt. This assumption is correct. In their view, the impact on openness is moderate. They have advised that this element of the proposed works is intrinsically linked to the wider improvements and buildings works and they cannot be implemented without it.

8.19 The applicants consider that the impact on the openness and encroachment into the field to accommodate the proposed parking arrangement is mitigated both by the fact that the development does not constitute a permanent building within the extended area, only vehicle parking, and by existing and proposed landscaping. Officers note that the proposed waste water treatment facility would result in a permanent structure within the south east corner of this field.

8.20 The Planning Policy comments are noted. They consider that the challenges currently being faced in circulating safely and efficiently on the site is a result of the previous and proposed extensions to the building. They consider that the cumulative extensions are disproportionate to the existing buildings and original capacity of the site. However, at the time of assessing the previous applications, the applicant was able to demonstrate that the site could still operate to meet its needs at that time which did not result in any development that was considered to significantly impact on the openness of this part of the green belt.

8.21 The applicant considers the very special circumstances relating to the proposed development as follows:

- Need for a countryside location;
- Economic – adapting to changing market, business needs, future proofing;

- Environmental protection and sustainability; and
- Protection of neighbours from noise and odour.

8.22 The applicant has also provided details of some historic appeal decisions (2008 and 2011) where the Court of Appeal held that an Inspector was correct to find that individual factors in themselves may not amount to very special circumstances but combined together they can be sufficient to meet the test. The latter appeal decision related to the extension of a garden centre being allowed after an Inspector found that improving the economic viability of an existing business during a difficult economic climate was capable of constituting very special circumstances. In this case 'significant weight' was attributed to the economic benefits of the proposal and the expansion of the business to secure its viability and the retention of staff.

8.23 Planning Policy consider the need for a countryside location to be of limited weight. However, they do acknowledge that the business is directly connected to the livestock industry and that the lairage facility will mean live animals are present on site and a countryside location is not inappropriate for this form of development. Given it is considered acceptable for the business to continue and grow in this location the need to enable investment and sustainable growth is noted.

8.24 Planning Policy have also accepted that the proposals are required to sustain and meet the applicant's business needs both economically and for staff and visitor health and safety.

8.25 Planning Policy have also accepted that if it is established via environmental health that the proposals will assist in protecting neighbours from noise and odour then they will accept this as contributing to very special circumstances.

8.26 Views of the existing abattoir and associated vehicles can be afforded from the surrounding public domain, including the green belt. Albeit, this development would result in increasing the footprint and height of the building, as well as introduce parking and a waste water treatment facility into a field that is currently grass, it is not considered that the impact on the openness of the green belt or the visual impacts would be significantly greater than that experienced at present. The works proposed would be seen in the context of an existing operational site. The existing mature tree planting sited in the north east corner of the site and adjacent to the southern boundary would assist in reducing the visual impact of the proposed development when viewed from outside of the site. The proposed planting adjacent to the car parking would also assist in reducing its visual impact. The waste water treatment facility would be sited to the south east corner of the proposed car park. The applicant has confirmed that this part of the proposed development would site below the height of the copse of trees which they have advised are approximately 8m high. Again, the existing and proposed planting would assist in reducing its visual impact. Consideration has also been given to the fact that this existing field is enclosed by palisade fencing which has some impact on the openness of the green belt. The Council's Landscape Architect has advised that the proposed wildlife buffer in this area would be acceptable to address the impacts on the wildlife corridor and green belt. The extensions to the building would be confined to the southern part of the site,

adjoining the existing building and utilising the existing hardstand. On balance, it is the view of officers, that the impacts on openness are considered acceptable.

8.27 The economic and operational benefits of the proposed development must be weighed against the impacts on the green belt. The proposed development would enable an existing facility to remain on an already established site thereby meeting the requirements of paragraph 80 of the NPPF which encourages businesses to expand, adapt and invest. Albeit, the proposed development would increase the built form within the green belt, these impacts are considered acceptable.

8.28 Members need to consider whether the proposed development would lead to inappropriate development in the green belt. It is officer that it would but there are a range of very special circumstances that must be taken into account during the decision-making process. Officers consider that that these circumstances are capable in principle of outweighing the potential harm to the characteristics of the green belt in relation to its openness and the specific aim of protecting the countryside from encroachment. It is the view of officers that the principle of the proposed development is considered to be acceptable, subject to all other material considerations set out below being addressed.

#### 9.0 Impact on amenity

9.1 Paragraph 180 of the NPPF states “Planning policies and decisions should also ensure that new development is appropriate for its location taking into account the likely effects (including cumulative effects) of pollution on health, living conditions and the natural environment, as well as the potential sensitivity of the site or the wider area to impacts that could arise from the development. In doing so they should: a) mitigate and reduce to a minimum potential adverse impacts resulting from noise from new development – and avoid noise giving rise to significant adverse impacts on health and the quality of life; b) identify and protect tranquil areas which have remained relatively undisturbed by noise and are prized for their recreational amenity value for this reason; and c) limit the impact of light pollution from artificial light on local amenity, intrinsically dark landscapes and nature conservation”.

9.2 LP Policy S1.4 “General Development Principles” states “Proposals for development will be considered favourably where it can be demonstrated that they would accord with the strategic, development management or area specific policies of this Plan.” Amongst other matters this includes: be acceptable in terms of their impact upon local amenity for new or existing residents and businesses, adjoining premises and land uses; and be accommodated by, and make best use of, existing facilities and infrastructure, particularly in encouraging accessibility and walking, cycling and public transport, whilst making appropriate provision for new or additional infrastructure requirements”.

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

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

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

9.4 The nearest residential properties, Quarry Cottages, are located immediately to the east of the site. Holiday lets are located further east of the application site. The residential properties of Cheviot Grange are located to the south west of the site.

9.5 The applicant has advised that the proposed development would not generate any additional noise within the site. They have advised that in accordance with best industry practice, all proposed structures are linked thereby reducing the requirement to move from internal to external area (and associated opening and closing of the structure). In addition, all noise generating sources are internalised and located within the site in consideration of the neighbouring properties.

9.6 The current waste water treatment facilities consist of relatively basic pre-treatments of screening (objects greater than 1mm) and settlement prior to discharge to the municipal sewerage system. These processes are located at ground level, directly outside the amenity facilities are open to the elements. The top-level current settlement tank is at ground level and, as it is open, poses a potential health and safety issue to employees and visitors. This risk is currently being managed by reducing access to this area to the minimum. It is proposed to address the main issues of odours arising from the current treatment facilities by means of a modern waste water treatment plant including the covering of the current settlement tank and installation of a dissolve air floatation tank. The applicant has advised that this proposed system is in line with the Best Available Technology (BAT) within the industry. The applicant considers that there will be no increase in risk of odour generation.

9.7 Furthermore, it is proposed to internalise the blood processing tank and plant to reduce risk and eliminate concerns previously expressed under 19/00696/FUL.

9.8 The Environment Agency (EA) has been consulted. Their comments will be reported to Members of the Planning Committee as an addendum.

9.9 Environmental Health has advised that the covering the by-products storage areas will help to mitigate any potential fugitive odours from this area. However, they have noted that the proposed plans indicate new plant and equipment. To ensure that the new plant and equipment does not result in increased noise levels for neighbouring residential properties, they have recommended a condition to ensure that a noise scheme is submitted for consideration prior to its installation. She has also recommended that the odour management plan is reviewed due to the substantial changes to the wastewater treatment facilities.

9.10 The NPPF paragraph 54 states “Local Planning Authorities should consider whether otherwise unacceptable development could be made acceptable through the use of conditions or planning obligations.” Paragraph 55 states “Planning conditions should be kept to a minimum and only imposed where they are necessary, relevant to planning and to the development to be permitted, enforceable, precise and reasonable in all other respects.” The NPPF paragraph 180 aims to “avoid noise from giving rise to significant adverse impacts on health and quality of life”. Members are advised that it is clear from the environmental health comments that they have not objected to the proposed development. It is clear from their comments set out in paragraph 1.38 the appendix to this report that appropriate mitigation to reduce the impacts arising from noise and odours can be secured by conditions.

9.11 Members need to determine whether the proposed development is acceptable in terms of its impact on residential amenity. It is officer advice that, the proposed development is acceptable in terms of its impact on residential amenity, subject to the imposition of the suggested conditions. As such, it is officer advice that the proposed development does accord with the advice in paragraph 180 of the NPPF and LP policy DM5.19.

#### 10.0 Impact on character and appearance

10.1 Paragraph 124 of the NPPF encourages good design stating that “this is a key aspect of sustainable development, creates better places in which to live and work and helps make development acceptable to communities. Paragraph 130 of the NPPF makes it clear that “Permission should be refused for development of poor design that fails to take the opportunities available for improving the character and quality of an area and the way it functions, taking into account any local design standards or style guides in plans or supplementary planning documents”.

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

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

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

10.5 The relevant green belt policies are set out in Section 8 of this report.

10.6 Quarry Cottages are located to the east of the site. No. 1 Quarry Cottages is separated from the application site by an access road serving these properties. It is noted that there are no habitable windows sited to the gable of No.1. The main garden areas serving these properties appear to be located to the south. Views

of the lairage can be afforded from these properties. However, views of the main building(s) sited in the southern part of the application site are less visible due to the existing vegetation that is sited along the eastern and southern boundaries of the site. Due to the orientation of Quarry Cottages and their main garden areas and the existing vegetation, it is not considered that the proposed extensions, by virtue of their siting or height (maximum height approximately 8.52m), will significantly impact on the visual amenity of these neighbouring properties.

10.7 Views of the proposed development will be afforded from the surrounding area, including Cheviot Grange. However, when viewed from outside of the site it will be seen in the context of existing operational buildings. The existing vegetation, particular during the summer months, will assist in reducing its visual impact. The design of the buildings is in keeping with the simple form of the existing buildings.

10.8 The proposed parking area and waste water treatment facility will be sited in the field to the north of the existing buildings. This field is currently enclosed by a palisade fence and pockets of landscaping. The proposed parking and waste water treatment facility have been inset from the field's current boundaries. The applicant has indicated that they will add additional planting to the north, west and east boundaries of this field to assist in reducing the visual impacts of the proposed parking and waste water treatment facility. On balance, it is not considered that the level of development in this area would significantly reduce the openness of this part of the green belt or result in significant visual intrusion.

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

#### 11.0 Impact on highway safety

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

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

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

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

11.5 Currently employees must park their cars within a very confined site, with all trucks entering the site having to manoeuvre a way around these, including livestock trucks, articulated delivery and collection trucks. The applicant has advised that this issue has increased due to an increase in employee numbers and improvements to working practices i.e. segregated deliveries and collections. There are generally 4/5 trucks on site either waiting to deliver stock or to collect product, these have a detrimental impact on the overall flow of the yards.

11.6 Access to the site remains unchanged. Parking for vehicles will be relocated to a field to the north of the existing building. The applicant has advised that this will meet the needs of the operation, improve manoeuvrability and reduce conflict between users within the site.

11.7 The Highways Network Manager has been consulted. He considers that the alterations to the current parking arrangement within the site would meet the operational needs of this business. He has recommended conditional approval.

11.8 Subject to the imposition of the suggested conditions, the proposed development is not considered to significantly impact on the adjacent highway network. As such, the proposed development accords with both national and local planning policies.

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

## 12.0 Other Issues

### 12.1 Contaminated Land

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

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

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

a. Shows that investigations have been carried out to assess the nature and extent of contamination or stability issues and the possible effect it may have on

the development and its future users, biodiversity, the natural and built environment; and

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

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

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

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

12.6 The Coal Authority has been consulted. They have raised no objections to the proposed development.

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

#### 12.8 Minerals

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

#### 12.10 Flood risk

12.11 The NPPF paragraph 163 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.”

12.12 LP Policy “DM5.12 Development and Flood Risk” states that all major developments will be required to demonstrate that flood risk does not increase as a result of the development proposed, and that options have been taken to reduce overall flood risk from all sources, taking into account the impact of climate change over its lifetime.

12.13 The Lead Local Flood Authority (LLFA) has been consulted. He has advised that the proposed development will attenuate surface water with an attenuation tank to be installed within the proposed car park area. The surface water from the attenuation tank will pass through a petrol interceptor which will capture any pollutants within the surface water system before it leaves the site. It will then pass through a hydrobrake which will restrict the surface water discharge rate before entering the local sewer network.

12.14 Members need to determine whether the proposed development is acceptable in terms of flood risk. It is officer advice that, subject the imposition of the suggested conditions, it is. The proposed development accords with both national and local planning policies.

#### 12.15 Impact on Biodiversity

12.16 An environmental role is one of the three dimensions of sustainable development according to NPPF, which seeks to protect and enhance our natural environment.

12.17 Paragraph 174 of the NPPF states that when determining planning applications LPA's should aim to protect and enhance biodiversity and geodiversity by following the principles set out in paragraph 175 which includes, amongst other matters, if significant harm cannot be avoided, adequately mitigated, or as a last resort, compensated from the planning permission should be refused.

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

12.19 The application site is located within a wildlife corridor.

12.20 The Council's Biodiversity Officer has been consulted. She has considered the submitted Preliminary Ecological Appraisal which has assessed the site for protected species and habitats. She has advised that the survey identifies the main habitats on site to be poor semi-improved grassland, small areas of woodland and buildings/hard standing areas. The site supports habitats that are of low conservation importance and which support a limited range of commonly occurring bird species and are of low importance for foraging and commuting bats. No evidence of other protected species or species of conservation importance were found within the site. No buildings or structures within the site have the potential to support roosting bats.

12.21 She has also advised that the submitted landscape plan for the northern section of the site is considered to be acceptable to address the impacts on the wildlife corridor. A condition has been suggested to ensure that appropriate species mixes are agreed.

12.22 Members need to determine whether the proposed development is acceptable in terms of its impacts on biodiversity. It is officer advice that, subject the imposition of the suggested conditions, it is. The proposed development accords with both national and local planning policies.

#### 13.0 Local Financial Considerations

13.1 Local financial considerations are defined as a grant or other financial assistance that has been, that will or that could be provided to a relevant

authority by the Minister of the Crown (such as New Homes Bonus payments) or sums that a relevant authority has received or, will or could receive in payment of the Community Infrastructure Levy. It is not considered that the proposal results in any local financial considerations.

#### 14.0 Conclusion

14.1 Members need to determine whether the proposed development is acceptable in terms of the principle of the development, including its impact on the openness of the green belt, its impact on amenity, its impact on the character and appearance of the area and all other issues including its impact on highways, flood risk, biodiversity and ground conditions. It is the view of officers that the proposed development is acceptable. As such, officers consider that the proposed development does accord with national and local planning policies. Approval is recommended subject to expiry of consultation.

#### **RECOMMENDATION:      Minded to grant on expiry consultation**

**It is recommended that members indicate they are minded to approve the application subject to no objections being raised by The Environment Agency, and subject to the conditions set out below and the addition or omission of any other considered necessary, subject to the receipt of any additional comments, and grant plenary powers to the Head of Environment, Housing and Leisure to determine the application providing no further matters arise which in the opinion of the Head of Environment, Housing and Leisure, raise issues not previously considered which justify reconsideration by the Committee.**

#### **Conditions/Reasons**

1. The development to which the permission relates shall be carried out in complete accordance with the following approved plans and specifications:
  - Site location plan BD-201-PL-1.00
  - Existing site plan BD-201-PL-1.01
  - Proposed site plan BD-201-PL-1.02
  - Demolition site plan BD-201-PL-1.03
  - Existing site levels BD-201-PL-1.04
  - Proposed site levels BD-201-PL-1.05
  - Existing and proposed drainage plan BD-201-PL-1.07
  - Existing ground floor plan BD-201-PL-2.00
  - Proposed ground floor plan BD-201-PL-2.01
  - Proposed first floor plan BD-201-PL-2.02
  - Existing roof plan BD-201-PL-2.03
  - Proposed roof plan BD-201-PL-2.04
  - Existing and proposed sections (1-1/1-1) BD-201-PL-4.00
  - Existing and proposed sections (2-2/2-2) BD-201-PL-4.01
  - Existing and proposed north and south elevations BD-201-PL-4.02
  - Existing and proposed east and west elevations BD-201-PL-4.03
  - Existing and proposed 3D Views BD-201-PL-9.00

WWTW Details BD-201-PL-2.20

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

Reason: To enable vehicles to draw off, park and turn clear of the highway to minimise danger, obstruction and inconvenience to users of the adjoining highway having regard to policies DM6.1 and DM7.4 of the North Tyneside Local Plan (2017).

4. Notwithstanding Condition 1, prior to the commencement of any part of the building hereby approved above damp proof course level details of facilities to be provided for the storage of all refuse types shall be submitted to and approved in writing by the Local Planning Authority. Thereafter, these agreed details shall be implemented prior to any part of the building hereby approved being brought into use and thereafter permanently retained.

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

5. 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; 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, 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, prior to the commencement of any part of the development hereby approved details of the drainage design shall be submitted

to and approved in writing by the Local Planning Authority. Thereafter, the development hereby approved shall be carried out in full accordance with these details which shall be permanently maintained and retained.

Reason: This information is required from the outset to ensure that the proposed development does not increase flood risk having regard to the NPPF.

7. Notwithstanding Condition 1, prior to the commencement of any part of the development hereby approved details of the proposed maintenance regime for all surface water drainage features within the application site shall be submitted to and approved in writing by the Local Planning Authority. Thereafter, the development hereby approved shall be carried out in full accordance with these details which shall be permanently maintained and retained.

Reason: This information is required from the outset to ensure that the proposed development does not increase flood risk having regard to the NPPF.

8. No other part of the development shall be commenced until:

- a) A detailed site investigation has been carried out to establish:
  - i) If the site is contaminated;
  - ii) To assess the degree and nature of the contamination present, and whether significant risk is likely to arise to the residents and public use of land;
  - iii) To determine the potential for the pollution of the water environment by contaminants and;
  - iv) The implication for residential development of the site and the quality of the environment for future occupiers.

Such detailed site investigation to accord with a statement of method and extent which shall previously have been agreed in writing by the Local Planning Authority and

b) The results and conclusions of the detailed site investigations referred to in (a) above have been submitted to and the conclusions approved in writing by the Local Planning Authority. The Phase 2 Report should be written using the current government guidelines.

c) If remediation is required following the assessment of the chemical results under current guidelines, then a method statement should be provided for comment. This should provide details of exactly how the remediation works are to be carried out, detailed site location plan of where material is to be deposited and details including drawings of gas protection scheme should be included.

d) If remediation is carried out on the site then a validation report will be required. This should provide evidence of what remediation has been carried out over the site. This report should confirm exactly what remediation has been carried out and that the objectives of the remediation statement have been met. This report should verification of the type, source, depth, location and suitability(to include any test certificates for material to be imported on site to ensure it is not contaminated) of the imported materials for their use on site. This

should include cross sectional diagrams for the site and detailed plans of the site. This report should be submitted before the contaminated land condition can be removed from the planning application.

e) If any unexpected contamination or hotspots are encountered during the investigation and construction phases it will be necessary to inform the Local Authority then cease development and carry out additional investigative works and subsequent remediation if any unexpected contamination or underground storage tanks are discovered during the development. Work should be ceased until any risk is assessed through chemical testing and analysis of the affected soils or waters.

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

Reason: To ensure that the potential contamination of the site is properly investigated and its implication for the development approved fully taken into account having regard to policy DM5.18 of the North Tyneside Local Plan (2017) and National Planning Policy Framework.

9. 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.

10. Notwithstanding Condition 1, prior to the construction of any part of the car park or any works within this area hereby approved a fully detailed landscape plan, including a landscape maintenance schedule for a minimum period of five years, shall be submitted to and approved in writing by the Local Planning Authority.

-The landscape scheme shall include details and proposed timing of all new tree and shrub planting and ground preparation noting the species and sizes for all new plant species (trees to be a minimum 12-14cm girth). The landscaping scheme shall be implemented in accordance with the approved details within the first available planting season following the approval of details. All hard and soft landscape works shall be carried out in accordance with the approved details and to a standard in accordance with the relevant recommendations of British Standard 8545:2014. Any trees or plants that, within a period of five years after planting, are removed, die or become seriously damaged or defective, shall be replaced with others of species, size and number as originally approved, by the end of the first available planting season thereafter.

-The landscape maintenance schedule for a minimum period of five years shall include details of the arrangements for its implementation.

Thereafter, the development hereby approved shall be carried out and maintained in full accordance with these agreed details.

Reason: To enhance existing landscape features having regard to policy DM5.9 of the North Tyneside Local Plan (2017).

11. Notwithstanding Condition 1, prior to the commencement of any part of the development hereby approved a Construction Environmental Management Plan (CEMP)/Pollution Prevention Plan shall be submitted to and approved in writing by the Local Planning Authority. Thereafter, the development hereby approved shall be carried out in full accordance with these agreed details.

Reason: This information is required from the outset to ensure habitat within the site and adjacent to the site are adequately protected having regard to policy DM5.7 of the North Tyneside Local Plan (2017).

12. No vegetation removal or building works shall take place during the bird nesting season (March- August inclusive) unless a survey by a suitably qualified person has confirmed the absence of nesting birds immediately prior to works commencing. Reason: To ensure that local wildlife populations are protected in the interests of ecology, having regard to the NPPF and Policy DM5.5 of the North Tyneside Local Plan (2017).

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

Reason: To ensure wildlife is adequately protected during construction having regard to policy DM5.7 of the North Tyneside Local Plan (2017).

14. Notwithstanding Condition 1, prior to the construction of any part of the car park or any works within this area hereby approved details of two bird boxes, including bird box specification, location and timescale for their implementation shall be submitted to and approved in writing by the Local Planning Authority. Thereafter, the development hereby approved shall be carried out in full accordance with these agreed details which shall be permanently maintained and retained.

Reason: To ensure that local wildlife populations are protected in the interests of ecology, having regard to the NPPF and Policy DM5.5 of the North Tyneside Local Plan (2017).

15. Notwithstanding Condition 1, prior to the construction of any part of the car park or any works within this area hereby approved details of two bat boxes including bat box specification, location and timescale for their implementation shall be submitted to and approved in writing by the Local Planning Authority. Thereafter, the development hereby approved shall be carried out in full accordance with these agreed details which shall be permanently maintained and retained.

Reason: To ensure that local wildlife populations are protected in the interests of ecology, having regard to the NPPF and Policy DM5.5 of the North Tyneside Local Plan (2017).

16. No trees, shrubs or hedges within the site which are shown as being retained on the submitted plans shall be felled, uprooted, wilfully damaged or destroyed, cut back in any way or removed during the development phase other than in accordance with the approved plans or without the prior written consent of the Local Planning Authority. Any trees, shrubs or hedges removed without such

consent, or which die or become severely damaged or seriously diseased within three years from the completion of the development hereby permitted shall be replaced with trees, shrubs or hedge plants of similar size and species until the Local Planning Authority gives written consent to any variation.

Reason: To ensure that existing landscape features are protected in the interests of ecology, having regard to the NPPF and Policy DM5.5 of the North Tyneside Local Plan (2017).

17. Notwithstanding any indication of materials which may have been given in the application, prior to the commencement of any building hereby approved above ground level a schedule and/or samples of the materials and finishes for the development has been submitted to and approved in writing by the Local Planning Authority. Thereafter, the development shall not be carried out other than in accordance with the approved details.

Reason: To secure a satisfactory external appearance having regard to policy DM6.1 of the North Tyneside Local Plan (2017).

18. 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.

19. There shall be no demolition activity or vehicle movements to, from or within the site outside the hours of 0800-1800 Monday to Friday, 0800-1400 Saturday with no working on Sundays or Bank Holidays.

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

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

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

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

Reason: In the interest of visual amenity and/or highway safety having regard to policy DM5.19 of the North Tyneside Local Plan (2017).

21. Notwithstanding Condition 1, prior to the commencement of any part of the development hereby approved an odour management plan shall be submitted to and approved in writing by the Local Planning Authority. This plan must demonstrate how the site as proposed on Dwg No. BD-201-PL-1-02 will control odours to protect the health of local residents. Thereafter, the development shall be carried out in accordance with these agreed details.

Reason: This information is required from the outset to ensure that the impacts on local residents is appropriately mitigated having regard to Policy DM5.19 of the North Tyneside Local Plan (2017).

22. Prior to the installation of any plant and equipment a noise scheme shall be submitted to and approved in writing by the Local Planning Authority. This noise scheme must be in accordance with BS4142 to determine a) the background noise level without the new plant and equipment noise operating at the boundary of the nearest residential premises and b) appropriate mitigation measures taken where necessary to ensure the rating level of the new plant and equipment installed does not exceed the background noise level. Thereafter, the development hereby approved shall be carried out in full accordance with these agreed details which shall be permanently retained and maintained.

Reason: To protect neighbouring properties from undue noise and disturbance having regard to Policy DM5.19 of the North Tyneside Local Plan (2017).

23. Within three months of the installation of any plant and equipment pursuant to condition 22 acoustic testing shall be undertaken to verify compliance with this condition. This verification shall be submitted to and approved in writing prior to the operation of this plant and equipment. Thereafter, any plant or equipment shall only be operated in accordance with the approved details.

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

**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: 20/00517/FUL**

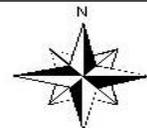
**Location: Burradon Abattoir, Burradon Road, Burradon**

**Proposal: Extensions to the existing facility, including covering the external yard, the demolition of an existing employee/amenity block and construction of welfare/amenity building and new offices, and increased hardstanding for vehicles connected with the use, including truck and car parking, and additional safe manoeuvring space, and a waste water treatment facility (additional information received 19.06.2020)**

Not to scale

Date: 22.07.2020

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**Appendix 1 – 20/00517/FUL  
Item 3**

**Consultations/representations**

1.0 Internal Consultees

1.1 Highways Network Manager

1.2 Access remains unchanged and parking for both private cars and HGV's will be improved to meet the needs of the site. Conditional approval is recommended.

1.3 Recommendation - Conditional Approval

1.4 Conditions:

PAR04 - Veh: Parking, Garaging before Occ

REF01 - Refuse Storage: Detail, Provide Before Occ

SIT06 - Construction Method Statement (Minor)

1.5 Informatives:

I10 - No Doors/Gates to Project over Highways

I12 - Contact ERH Erect Scaffolding on Rd

I13 - Don't obstruct Highway, Build Materials

I46 - Highway Inspection before dvlp

1.6 Local Lead Flood Authority (LLFA)

1.7 I have carried out a review of planning application 20/00517/FUL, I can confirm I have no objections to the surface water drainage proposals. The applicant is proposing to provide surface water attenuation on site via the use of a 230-cubic metre underground geocellular storage tank which is to be installed within the proposed car parking area. The surface water from the attenuation feature will then pass through a petrol interceptor which will capture any pollutants within the surface water system before it leaves the site. The surface water will then pass through a hydrobrake which will restrict the surface water discharge rate to 19.5l/s before discharging into the local sewer network.

1.8 I would recommend that the following conditions are placed on the development if the application is successful:

-A copy of the detailed drainage design to be provided to LLFA for approval prior to construction.

-Details of the proposed maintenance regime for all surface water drainage features within site to be provided to LLFA for approval.

1.9 Contaminated Land Officer

1.10 I have read the desk top study report and note it states the following:

1.11 Based on scrutiny of desk-based information the site is classed as 'Low/Low-Medium or Medium risk' in terms of perceived risk. A Phase 2 soils investigation is recommended to accord with Building Regulations. It should include soil contamination testing, soil gas monitoring and groundwater analysis if perched water is encountered.

1.12 Therefore, the following must be applied:

Con001

Gas006

### 1.13 Biodiversity Officer

1.14 The above site is located to the east of Burradon Road with agricultural land to the east, south, north and west of the site. To the immediate north of the abattoir building, there is a field with a copse of woodland to the east and some hedgerow to the west and north of the field. The track to the south of the abattoir contains mature hedgerow, tree and scrub planting. The site is located within the greenbelt and a designated wildlife corridor. Greenbelt and wildlife corridor policies within the Local Plan, therefore, apply to this application.

1.15 The submitted plans for this application show that the existing employee block will be demolished, and the site will be extended into the field to the north to provide car parking, a truck park and waste water facilities.

1.16 In line with previous advice dated 15.6.20, a Preliminary Ecological Appraisal has been submitted which has assessed the site for protected species and habitats. The survey identifies the main habitats on site to be poor semi-improved grassland, small areas of woodland and buildings/hard standing areas. The site supports habitats that are of low conservation importance and which support a limited range of commonly occurring bird species and are of low importance for foraging and commuting bats. No evidence of other protected species or species of conservation importance was found within the site. The survey also confirmed that there are no buildings or structures within the site boundary which have potential to support roosting bats. The industrial buildings that are present are considered to have negligible potential to support roosting bats.

1.17 A 'Landscape Plan' (DWG No. 2017.01 June 2020) has been submitted for the northern section of the site (wildlife buffer) which consists of native woodland/scrub planting, native hedgerows and native wildflower meadow. The planting shown on the plan is considered to be acceptable to address the impacts on the wildlife corridor and greenbelt and the loss of a small area of poor semi-improved grassland. However, some minor amendments to species mixes will be required, which should be dealt with by way of a landscape condition. It is recommended that the applicant liaises with the Council's Biodiversity Officer and Landscape Architect to agree the planting specification.

1.18 The provision of bird and bat boxes within the scheme will also be required to provide enhancements in line with planning policy.

1.19 I have no objection to the above scheme subject to the following conditions being attached to the application:

Notwithstanding Condition 1, prior to the commencement of any part of the development hereby approved a Construction Environmental Management Plan (CEMP)/Pollution Prevention Plan shall be submitted to and approved in writing

by the Local Planning Authority. Thereafter, the development hereby approved shall be carried out in full accordance with these agreed details.

Reason: This information is required from the outset to ensure habitat within the site and adjacent to the site are adequately protected having regard to policy DM5.7 of the North Tyneside Local Plan (2017).

Notwithstanding Condition 1, prior to the construction of any part of the car park or any works within this area hereby approved a fully detailed landscape plan, including a landscape maintenance schedule for a minimum period of five years, shall be submitted to and approved in writing by the Local Planning Authority.

-The landscape scheme shall include details and proposed timing of all new tree and shrub planting and ground preparation noting the species and sizes for all new plant species (trees to be a minimum 12-14cm girth). The landscaping scheme shall be implemented in accordance with the approved details within the first available planting season following the approval of details. All hard and soft landscape works shall be carried out in accordance with the approved details and to a standard in accordance with the relevant recommendations of British Standard 8545:2014. Any trees or plants that, within a period of five years after planting, are removed, die or become seriously damaged or defective, shall be replaced with others of species, size and number as originally approved, by the end of the first available planting season thereafter.

-The landscape maintenance schedule for a minimum period of five years shall include details of the arrangements for its implementation.

Thereafter, the development hereby approved shall be carried out and maintained in full accordance with these agreed details.

Reason: To enhance existing landscape features having regard to policy DM5.9 of the North Tyneside Local Plan (2017).

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

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

Reason: To ensure wildlife is adequately protected during construction having regard to policy DM5.7 of the North Tyneside Local Plan (2017).

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

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

### 1.20 Landscape Architect

1.21 The application is for the demolition of an existing employee amenity block and construction of a new amenity block, construction of a dedicated car park, truck park and improved waste water treatment facilities. The submitted plans for this application show that the existing employee block will be demolished, and the site will be extended into the field to the north to provide car parking, a truck park and waste water facilities.

1.22 Additional supporting information has been submitted following earlier comments. A Landscape Plan (DWG No. 2017.01 June 2020) has been submitted for the northern section of the site proposing a wildlife buffer which consists of native woodland planting, hedgerows and wildflower meadow. The principle of the planting shown on the plan is considered to be acceptable to address the impacts on the wildlife corridor and greenbelt and the loss of a small area of grassland.

1.23 I have no objection to the above scheme subject to the following conditions being applied in addition to the landscape condition proposed by the Biodiversity Officer:

The contractor's construction method statement relating to traffic management/site compounds/contractor access, temporary parking, on site welfare facilities, loading, unloading and storage of equipment, materials, fuels and waste as well concrete mixing and use of fires must be submitted in writing and approved by the Local Planning Authority and include tree protection measures for the trees to be retained. Cabins, storage of plant and materials, parking are not to be located within the RPA of the retained trees and maintained for the duration of the works.

### 1.24 Planning Policy

1.25 This application seeks the extension of an existing abattoir facility and a reprofiled and extended car parking / hardstanding area within the green belt to the north of Burradon.

1.26 This is an existing site that has been in use for this purpose for some time. The nature of the use relates to its countryside fringe location and the potential for disturbance or harm to adjacent residents and occupiers is minimal with any residual harm capable of being mitigated.

1.27 National Planning Policy Framework (NPPF) paragraphs 143 to 147 and Local Plan policies S1.5 and DM1.6 outline the consideration that should be given to proposals affecting the green belt.

1.28 Appropriate development in the green belt  
NPPF establishes that extensions are not inappropriate development in the green belt unless cumulative change leads to a disproportionate increase in the scale of buildings. The applicant has stated that the latest planning application would lead to no more than a 50% increase on the original floor area of the buildings on site, whilst the extension of car parking and hardstanding provision within the site curtilage is considered by the applicant to be inappropriate development for which very special circumstances must be demonstrated.

1.29 The overall cumulative additions to the original building on site are considered to be a substantial increase in terms of footprint and in volume. The original building on this site is believed to have been between 1,700sqm and 1,900sqm. The total floor area of the facility following this application would be 3,344sqm. This is a total cumulative increase of between 70% and 96%. The precise scale of increase should be verified to establish what change has occurred and what impact this has had upon green belt openness over time. If the scale of change is towards the upper end of this estimate it is considered that the scales of extensions – in nearly doubling the footprint onsite whilst also substantially increasing their height and volume should not be considered proportionate.

1.30 The applicant's identification of the proposed car parking and hardstanding as inappropriate development in the green belt is considered correct. It is additionally noted that the challenges currently being faced in circulating safely and efficiently on the site is as a result of the previous and proposed extensions to the building – removing this circulation space. This illustrates that the cumulative extensions are disproportionate to the existing building and original capacity of the site.

1.31 Very special circumstances

1.32 Whilst the applicants did not identify the extension as inappropriate development, information has been provided on what they consider to be very special circumstances. Our view is that this evidence is of equal relevance to the proposed building extension. Each of the circumstances identified by the applicant are addressed in turn below:

*Need for a countryside location* – the weight behind this argument appears limited. There are locations across North Tyneside that are likely to be just as, if not more accessible to suppliers and livestock markets via the highway network. However, it is acknowledged that the business is directly connected to the livestock industry and that the lairage facility will mean live animals are present on site and a countryside location is not inappropriate for this form of development. Given it is considered acceptable for the business to continue and grow in this location the need to enable investment and sustainable growth is recognised.

*Economic* – it is accepted that the proposals are required to sustain and meet the applicant's business needs.

*Staff and visitor health and safety* - it is accepted that the proposals are required to sustain and meet the applicant's business needs.

*Environmental protection and sustainability / protection of neighbours from noise, odour* – the environmental impacts of the existing facility and history of complaints are noted. If it is established via colleagues in Environmental Health that the proposals will bring about real benefits in this regard, they are accepted as contributing to very special circumstances.

1.33 Conclusion:

1.34 It is considered that the application, which it is noted by the applicant is required in its entirety with the proposals mutually dependent, would lead to an inappropriate development in the green belt but there are a range of very special circumstances that should be taken into consideration.

1.35 On balance it is considered that these circumstances are capable in principle of outweighing the potential harm to the characteristics of the green belt in relation to its openness and the specific aim of protecting the countryside from encroachment.

1.36 It is expected that the proposed landscaping will be capable of mitigating what harm is caused through the development. The comment and views of the landscape architect will be crucial in establishing what impact the proposals would have on balance upon the characteristics of the green belt.

### 1.37 Environmental Health

1.38 I have no objection in principle to the proposed works as I note that the applicant advises that the by-product storage areas will be covered, and this will help to mitigate any potential fugitive odours from this area. However, I note that the proposed plans indicate new plant and equipment. The applicant has provided no details of any proposed plant/equipment which is to be installed on-site next to the new lorry park area and is not showing on the existing plan. I would therefore require a noise condition is attached to ensure any new external plant and equipment does not result in increased noise levels for neighbouring residential properties. As the proposed works will result in substantial changes to the wastewater treatment facilities it is recommended that the odour management plan is reviewed and updated to reflect this. Due to the close proximity of domestic dwellings at Quarry Cottages and Cheviot Grange and the occurrence of historic nuisance complaints I would recommend that planning approval be subject to the following conditions:

LIG001 for any new external lighting.  
HOU004  
SIT03

Non-standard Condition:

An odour management plan must be submitted for approval to the Local Planning Authority demonstrating how the site as proposed on submitted drawing no. "BD-201-PL-1-02" will control odours to protect the health of local residents.

Non-standard Condition:

A noise scheme must be submitted for approval to the Local Planning Authority in accordance with BS4142 to determine a) the background noise level without the new plant and equipment noise operating at the boundary of the nearest residential premises and b) appropriate mitigation measures taken where necessary to ensure the rating level of the new plant and equipment installed does not exceed the background noise level.

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.

## 2.0 Representations

2.1 None

## 3.0 External Consultees

### 3.1 The Coal Authority

3.2 The application site does not fall within the Development High Risk Area and is located instead within the defined Development Low Risk Area. This means that there is no requirement under the risk-based approach that has been agreed with the LPA for a Coal Mining Risk Assessment to be submitted for The Coal Authority to be consulted.

3.3 In accordance with the agreed approach to assessing coal mining risks as part of the development management process, if this proposal is granted planning permission, it will be necessary to include The Coal Authority's Standing Advice within the Decision Notice as an informative note to the applicant in the interests of public safety.

### 3.4 Environment Agency (EA)

3.5 Comments to be reported as an addendum.