

Application No: 20/01044/FUL Author: Rebecca Andison
Date valid: 4 August 2020 ☎: 0191 643 6321
Target decision date: 3 November 2020 Ward: Tynemouth

Application type: full planning application

Location: Ovington Boats, 31 Tanners Bank, North Shields, Tyne And Wear, NE30 1JH

Proposal: New steel portal framed extension at Ovington Boats for the purposes of factory / workshop and offices

Applicant: Ovington Boats Limited, Mr Nigel Carruthers Tanners Bank North Shields NE30 1JH

Agent: Mr Daniel Turvey, 163 Briar Gate Long Eaton Nottingham NG10 4DH

RECOMMENDATION:

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

Employment and Training: A financial contribution towards employment initiatives within the borough and/or apprenticeship opportunities

INFORMATION

1.0 Summary Of Key Issues & Conclusions

1.0 Main Issues

1.1 The main issues for Members to consider are:

- whether the principle of the proposal is acceptable;
- the impact on surrounding occupiers;
- the impact on the character and appearance of the site and its surroundings; and

- whether there is sufficient car parking and access provided.

2.0 Description of the Site

2.1 The application relates to an existing boat building business (Ovington Boats), which is located on Tanners Bank, North Shields.

2.2 The factory is set back from Tanners Bank and accessed via a narrow road on its north side. At the rear (west) of the building is a yard containing temporary storage containers.

2.3 The site is located in a predominantly industrial/commercial area of the Fish Quay. On Tanners Bank to the east/north east are a vehicle repair garage, electronic retail/repair shop and a coffee shop. To the north of the site are fish processing units, and to the south and south west are further industrial units, offices and a public house. The land to the west comprises an area of green space which separates the site from East Percy Street.

2.4 The application site encompasses the existing factory and yard, and an area of cleared land to the west.

2.5 The site is allocated for housing (Site 58 – Tanners Bank West (S)) within the North Tyneside Local Plan and lies within the Fish Quay Conservation Area.

3.0 Description of the proposed development

3.1 Planning permission is sought to construct an extension to the existing boat building factory. The extension would contain factory space, offices and staff facilities.

3.2 The proposed extension is 2-storey with a footprint of 758.5 sq m. It would be located within the existing yard on the west side of the building. The additional land to the west would be used to provide car parking.

4.0 Relevant Planning History

03/03605/LAREG3 - Erection of new food processing units with offal and bin stores – Permitted 13.04.2004

93/01055/FULUDC - Fish processing plant – Permitted 13.09.1993

89/00539/OUTUDC - OUTLINE : Extension to existing warehouse to form cold store facility – Permitted 22.05.1989

85/00096/FUL - Change of use from general storage to metal treatment plant (zinc phosphate treatment) – Permitted 12.03.1985

5.0 Development Plan

5.1 North Tyneside Local Plan 2017

6.0 Government Policy

6.1 National Planning Policy Framework (February 2019)

6.2 Planning Practice Guidance (As amended)

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

PLANNING OFFICERS REPORT

7.0 Main Issues

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

- whether the principle of the proposal is acceptable;
- the impact on surrounding occupiers;
- the impact on the character and appearance of the site and its surroundings; and
- whether there is sufficient car parking and access provided.

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

8.0 Principle of the Proposed Development

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

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

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

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

8.5 Policy DM1.3 states that the Council will work pro-actively with applicants to jointly find solutions that mean proposals can be approved wherever possible that improve the economic, social and environmental conditions in the area through the Development

Management process and application of the policies of the Local Plan. Where there are no policies relevant to the application, or relevant policies are out of date at the time of making the decision, then the Council will grant permission unless material considerations indicate otherwise.

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

8.7 Policy DM2.4 states that proposals for new employment uses outside the 150ha of available land or existing areas of employment land will be permitted where it can be demonstrated that the proposal:

- a. Cannot be accommodated within the existing portfolio of available employment land; and,
- b. Would make a contribution to job creation and diversification of the economy in North Tyneside; and,
- c. Can be provided with appropriate vehicular access, and supports access to sustainable transport connections; and,
- d. Would not be detrimental to local amenity.

8.8 Policy AS8.12 states that the Council will support the continuation and further development of the Fish Quay and New Quay as a characterful, vibrant mixed use area by:

- a. Supporting suitable residential developments in those areas shown on the Policies Map;
- b. Giving priority to fishing industry related employment uses in those areas shown on the Policies Map, unless alternative proposals can demonstrate that they would not:
 - i. Result in the unacceptable loss of operating fishing industry related businesses and jobs
 - ii. Result in an excessive reduction in the supply of land for development of fishing industry related employment uses; and,
 - iii. Have an adverse impact upon the amenity and operation of neighbouring properties and businesses;
- c. Protecting those areas of green space within the area, as shown on the Policies Map;
- d. Encouraging suitable recreation and tourism uses, especially around the Clifford's Fort area;
- e. Supporting a mix of other uses, such as appropriate small retail premises and small to medium sized businesses;
- f. Seeking improvements to access and linkages to the area, especially from North Shields town centre; and
- g. Ensuring all new development is built to the highest quality design that respects the area's special character.

8.9 The application site is allocated for housing within the Local Plan, identified as part of site 58 by Policy S4.3, for the provision of 100no units.

8.10 The Council is dependent upon the delivery of housing on allocated sites in order to meet its future housing needs and to demonstrate that it has a 5-year supply of housing land. However, the Strategic Housing Land Availability Assessment (2017-2018) indicates that the site is deliverable in the next 6-10 years. It does not therefore form part of the 5-year housing land supply.

8.11 It is proposed to construct an extension to the existing boat building factory in order to meet increased demand and provide additional workshop space. The site is located in a predominantly industrial area and the planning history of the site indicates that it has been in industrial use for in excess of 45 years.

8.12 It is important to take into account that the housing allocation is for the lifetime of the Local Plan i.e. until 2032, and that housing allocations within the Local Plan are a guide to development rather than a safeguarding policy. Local Plan Policies do not preclude other forms of development on housing sites.

8.13 The proposal is considered to comply with parts a and b of policy DM2.4. The development cannot reasonably be located elsewhere given that the purpose of the extension is to support the existing business, and in doing so it would contribute toward the borough's economy. Parts c and d of this policy are discussed in the following sections of this report.

8.14 The map which accompanies Policy AS8/12 identifies the area as suitable for mixed use development. The proposal is considered to be in full compliance with this policy given that it would not adversely affect fishing related industry or green space and would support an existing business.

8.15 Members must determine whether the proposal to develop part of an allocated housing site for other purposes is acceptable. Officers consider that the principle of the proposal is acceptable when taking into account the established use of the site, the contribution the development would make towards economic growth and productivity, and that the site does not form part of the five year housing land supply.

9.0 Impact on surrounding occupiers

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

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

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

9.4 The application site is located within a predominantly industrial area. The closest residential property is located approximately 67m to the north east on Tanners Bank.

9.5 The Manager of Environmental Health has provided comments. She advises that the residential property on Tanners Bank may be only partially screened from the yard and could therefore be affected by any new plant/equipment. She recommends several conditions including in respect of: construction and delivery hours, external plant, dust suppression and external lighting. She also recommends a condition to control the hours of operation to those set out within the application, i.e. 08:00 to 17:00 on Monday to Friday and 06:00 to 14:30 on Saturday.

9.6 The existing factory is not subject to any planning controls to restrict the hours of operation, and in officer opinion the proposed extension is unlikely to result in any significant increase in noise. It is not therefore necessary or reasonable to control the hours during which the extension can be used. The imposition of conditions requiring sound insulation for any external plant and equipment and to restrict the delivery hours will ensure that nearby residents are not affected by additional noise from the yard.

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

10.0 Character and appearance

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

10.2 Planning permission should be refused for development of poor design that fails to take the opportunities available for improving the character and quality of an area and the way it functions, taking into account any local design standards or style guides in plans or supplementary planning documents (para. 130, NPPF).

10.3 In respect of designated heritage assets the NPPF states that in determining the impact on the significance of a heritage asset great weight should be given to the asset's conservation. The more important the asset the greater the weight should be. This is irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to its significance.

10.4 Any harm to, or loss of, the significance of a designated heritage asset (from its alteration or destruction, or from development within its setting), should require clear and convincing justification.

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

10.6 At paragraph 200 of the NPPF it states:

"Local planning authorities should look for opportunities for new development within conservation area....and within the setting of heritage assets to enhance or better reveal their significance."

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

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

10.9 Policy DM6.6 states that proposals that affect heritage assets or their settings, will be permitted where they sustain, conserve and, where appropriate, enhance the significance, appearance, character and setting of heritage assets in an appropriate manner. As appropriate, development will:

- a. Conserve built fabric and architectural detailing that contributes to the heritage asset's significance and character;
- b. Repair damaged features or reinstate missing features and architectural detailing that contribute to the heritage asset's significance;
- c. Conserve and enhance the spaces between and around buildings including gardens, boundaries, driveways and footpaths;
- d. Remove additions or modifications that are considered harmful to the significance of the heritage asset;
- e. Ensure that additions to heritage assets and within its setting do not harm the significance of the heritage asset;
- f. Demonstrate how heritage assets at risk (national or local) will be brought into repair and, where vacant, re-use, and include phasing information to ensure that works are commenced in a timely manner to ensure there is a halt to the decline;
- g. Be prepared in line with the information set out in the relevant piece(s) of evidence and guidance prepared by North Tyneside Council;

h. Be accompanied by a heritage statement that informs proposals through understanding the asset, fully assessing the proposed affects of the development and influencing proposals accordingly.

Any development proposal that would detrimentally impact upon a heritage asset will be refused permission, unless it is necessary for it to achieve wider public benefits that outweigh the harm or loss to the historic environment and cannot be met in any other way.

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

10.11 The Fish Quay Neighbourhood Plan 2013 sets out a series of objectives for the area. These include providing an environmentally, socially and economically sustainable future for the area for residents, business and visitors; protecting and enhancing the conservation area and historic environment; and adding vitality to the area by encouraging the development of appropriate retail and small to medium sized businesses. It identifies the application site as being suitable for mixed use development.

10.12 The New Quay and the Fish Quay Conservation Areas Character Statement demonstrates a commitment to positive action for safeguarding and enhancing the character of the conservation area.

10.13 The site is located within the Fish Quay Conservation Area close to several listed buildings, the closest being The Old Malt House (Grade II Listed). The existing factory is a modern building finished in blue steel cladding with a steel-clad pitched roof. It is set back from Tanners Bank and has limited visibility within the conservation area. The yard to the west contains a variety of storage containers.

10.14 The proposed extension is located on the west side of the site and would therefore be screened from Tanners Bank. It is designed to match the appearance of the existing building with blue metal cladding on the exterior walls, and a pitched roof. The main entrance would be in the west elevation, while the north elevation features a canopy and roller shutter doors.

10.15 When taking into account the location and design of the extension it is not considered that it would have any significant impact on the character or appearance of the conservation area. Removing the existing storage containers from the rear yard and creating a formal parking area would improve the appearance of the site. A short length of palisade fencing and a new security gate are proposed on the southern boundary. These are considered to be acceptable given their location and when taking into account that there is existing palisade fencing in the immediate area.

10.16 The development has little relationship to the nearby listed building (The Old Maltings) and it is not considered that its setting would be affected.

10.17 In officer opinion scale and design of the proposed extension are acceptable and in keeping with the character of the site and surroundings. The proposal is considered to accord with the NPPF, Local Plan policies DM6.1 and DM6.6, the Fish Quay Neighbourhood Plan SPD and the Design Quality SPD. Members need to consider whether they agree.

11.0 Whether there is sufficient car parking and access provided

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

11.2 All development that will generate significant amounts of movement should be required to provide a Travel Plan (TP), and the application should be supported by a Transport Statement (TS) or Transport Assessment (TA) so the likely impacts of the proposal can be fully assessed.

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

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

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

11.6 The factory currently receives deliveries via the northern link road to Tanners Bank and a second access on the south side of the site. There is space to park approximately 10no. cars within the site but no designated parking bays.

11.7 No alterations are proposed to the existing access on the north side of the building. The applicant has advised that this would be the only access used for deliveries, as the southern access would no longer be required. It is proposed to create 28no. parking bays, including 1no. disabled bay, and motorcycle/cycle parking areas within the site.

11.8 The Highways Network Manager has been consulted and raises no objection to the development. He advises that the site has been established for some time, and that parking will be provided to meet the needs of the development. He recommends conditions in respect of a construction management plan, refuse storage and requiring that the parking is laid out before the building is occupied.

11.9 Having regard to the above, there are no objections to the application on transport or highways grounds, subject to the conditions requested by the Highways Network Manager. It is officer advice that the proposal complies with the advice in NPPF, policy DM7.4 and the Transport and Highways SPD.

12.0 Other issues

12.1 Contaminated Land

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

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

12.4 The site lies within the Contaminated Land Buffer Zone, and the Contaminated Land Officer has stated that conditions will be required to address gas and contamination.

12.5 Subject to these conditions, it is officer advice that the proposal complies with policy DM5.18 of the Local Plan 2017.

12.6 Archaeology

12.7 The NPPF states that where a site on which development is proposed includes, or has the potential to include, heritage assets with archaeological interest, local planning authorities should require developers to submit an appropriate desk-based assessment and, where necessary, a field evaluation.

12.8 Policy DM6.7 of the Local Plan states that the Council will seek to protect, enhance and promote the Borough's archaeological heritage and where appropriate, encourage its interpretation and presentation to the public. Developments that may harm archaeological features will require an archaeological desk based assessment and evaluation report with their planning application. Where archaeological remains survive, whether designated or not, there will be a presumption in favour of their preservation in-situ. The more significant the remains, the greater the presumption will be in favour of this. The results of the preliminary evaluation will determine whether the remains warrant preservation in-situ, protection and enhancement or whether they require full archaeological excavation in advance of development. Should the loss of significance of the archaeological remains be outweighed by substantial public benefits so that preservation in-situ would not be justified, preservation by record will be required to be submitted to and agreed with the Local Planning Authority, and completed and the findings published within an agreed timescale.

12.9 The Tyne and Wear Archaeology Officer has been consulted. She has advised that the site is located to the northwest of North Shields early medieval settlement

(HER1952) in an area that was used for various industries from the 18th century onwards. She states that while the site has potential for archaeological remains, these are likely to have been disturbed by later activity and are very unlikely to be of sufficient significance to prevent the development proceeding. She recommends that conditions should be imposed requiring that an archaeological watching brief is maintained during all groundworks, and a report of the findings submitted for approval.

12.10 It is officer advice that, subject to the imposition of the suggested conditions, the proposed development complies with both national and local planning policy in respect of archaeological heritage.

12.11 S106 Contributions

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

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

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

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

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

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

- a. The development or expansion of education facilities to meet any identified shortfall in capacity arising as a result of the development; and/or,
- b. Provision of specific training and/or apprenticeships that:
 - i. Are related to the proposed development; or,

ii. Support priorities for improving skills in the advanced engineering, manufacturing and the off-shore, marine and renewables sector where relevant to the development.

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

12.18 The following contributions have been requested by service areas:

Employment and Training: A financial contribution towards employment initiatives within the borough and/or apprenticeship opportunities

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

12.20 The applicant has agreed to the contribution requested and discussions are taking place regarding the form the contribution will take. An update will be reported to Members prior to the Committee meeting.

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

12.22 Local Financial Considerations

12.23 Local financial considerations are defined as a grant or other financial assistance that has been, that will or that could be provided to a relevant authority by the Minister of the Crown (such as New Homes Bonus payments) or sums that a relevant authority has received, or will or could receive in payment of the Community Infrastructure Levy (CIL). The proposal would result in the creation of jobs during the construction phase. The applicant has also advised that while there are no immediate plans to employ additional staff, the development may result in additional staff being employed in the future.

13.0 Conclusions

13.1 The proposal would secure economic growth and strengthen an existing business. This carries significant weight. In officer opinion the proposal would not have an adverse impact on surrounding occupiers, the character of the area or highway safety.

13.2 The application is therefore recommended for approval subject to a S106 legal agreement and conditions.

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.

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

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

6. Notwithstanding Condition 1, prior to the extension being brought into use details of facilities to be provided for the storage of refuse and recycling shall be submitted to and approved in writing by the Local Planning Authority. The facilities which should also include the provision of wheeled bins for all waste types shall be provided in accordance with the approved details, prior to the occupation of extension 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).

7. Prior to the installation of any new external plant or equipment required in connection with the development a noise scheme must be submitted to and approved in writing by the Local Planning Authority. The scheme must be carried out in accordance with BS4142 to determine the background noise level without the plant noise operating at the boundary of the nearest residential premises and appropriate mitigation measures where necessary to ensure the rating level of plant and equipment does not exceed the background noise levels. The plant and machinery shall not be used until the approved soundproofing has been implemented.

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

8. Within one month of the installation of any external plant and equipment acoustic testing shall be undertaken to verify compliance with condition no.7 of this approval and the results submitted in writing for the approval of the Local Planning Authority. Thereafter, the plant and equipment shall be operated in complete accordance with the approved details and maintained in working order.

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

9. Noise No Tannoys Externally Audible NOI002 *

10. There shall be no deliveries or collections to the premises outside the hours of 07:00 and 23:00.

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

11. Flood Lighting Scheme Details LIG001 *

12. 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 occupiers and public use of land;
 - iii) To determine the potential for the pollution of the water environment by contaminants and;
 - iv) The implication for 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 in to account having regard to policy DM5.18 of the North Tyneside Local Plan (2017) and National Planning Policy Framework.

13. 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.

14. No groundworks or development shall commence until the developer has appointed an archaeologist to undertake a programme of observations of groundworks to record items of interest and finds in accordance with a specification provided by the Local Planning Authority. The appointed archaeologist shall be present at relevant times during the undertaking of groundworks with a programme of visits to be agreed in writing by the Local Planning Authority prior to groundworks commencing.

Reason: The site is located within an area identified as being of potential archaeological interest. The observation is required to ensure that any archaeological remains on the site can be preserved wherever possible and recorded, and , if necessary, emergency salvage undertaken in accordance with paragraph 199 of the NPPF, Local Plan S6.5 and policies DM6.6 and DM6.7.

15. The development shall not be occupied/brought into use until the report of the results of observations of the groundworks pursuant to condition no.14 has been submitted to and approved in writing by the Local Planning Authority.

Reason: The site is located within an area identified as being of potential archaeological interest. The investigation is required to ensure that any archaeological remains on the site can be preserved wherever possible and recorded, to accord with paragraph 199 of the NPPF, Local Plan S6.5 and policies DM6.6 and DM6.7.

16. Notwithstanding the approved plans, prior to the installation of any new boundary enclosures until details of their design, height and colour finish must be submitted to and approved in writing by the Local Planning Authority. The development shall

thereafter be carried out in accordance with the approved details.

Reason: To ensure a satisfactory environment within the development having regard to policies DM6.1 and DM6.6 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

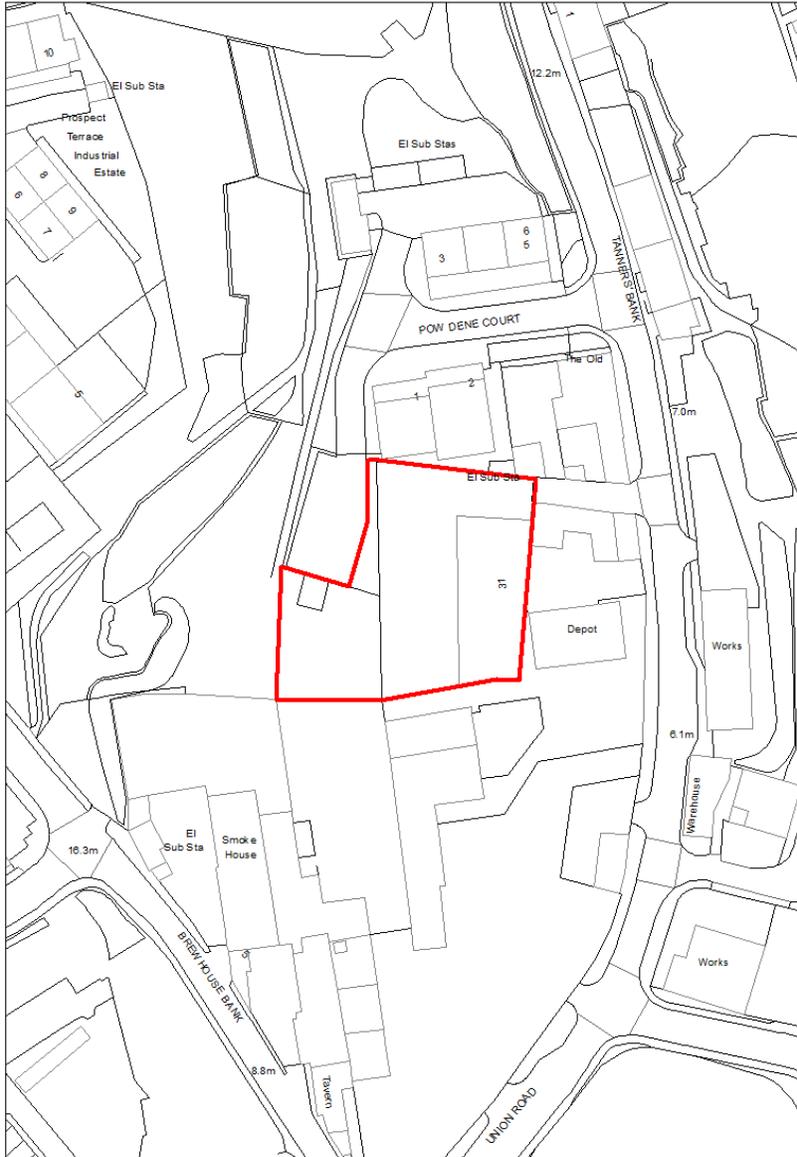
Building Regulations Required (I03)

Do Not Obstruct Highway Build Materials (I13)

No Doors Gates to Project Over Highways (I10)

Highway Inspection before dvlpt (I46)

Contact NWL Public Sewer Crossing Site (I11)



Application reference: 20/01044/FUL

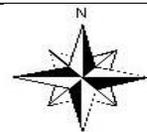
Location: Ovington Boats, 31 Tanners Bank, North Shields, Tyne And Wear

Proposal: New steel portal framed extension at Ovington Boats for the purposes of factory / workshop and offices

Not to scale

Date: 15.10.2020

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**Appendix 1 – 20/01044/FUL
Item 4**

Consultations/representations

1.0 Internal Consultees

1.1 Highway Network Manager

1.2 This application is for a new steel portal framed extension at Ovington Boats for the purposes of factory, workshop and offices. The site has been established for some time, access remain unchanged and parking will be provided 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

I13 - Don't obstruct Highway, Build Materials

I46 - Highway Inspection before dvlpt

1.6 Manager of Environmental Health (Pollution)

1.7 The site is within a dedicated industrial area but there are residential properties located within 67 metres of the site on East Percy Street that may only benefit from partial screening of the yard. I therefore have concerns with regard to potential noise arising from the proposed development if new external plant and equipment is installed. I would also be concerned if the development resulted in an extension to the working hours at the site, however, I note that the operational hours outlined in the application are for daytime hours only. I would therefore recommend the following conditions if planning consent is to be given:

New External Plant

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

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

NOI02

Deliveries and collections must not be permitted to the premises between 23:00 and 07:00 hours.

LIG01 for any new external lighting

HOU03 to those on the application.

HOU04

SIT03

1.8 Manager of Environmental Health (Contaminated Land)

1.9 The site is immediately adjacent to a coal referral area and may be subject to historic contamination.

1.10 The following must be applied:

CON001

GAS006

2.0 External Consultees

2.1 Northumbria Police

2.2 Having reviewed the plans we have no objection from a crime prevention point of view.

2.3 Tyne and Wear County Archaeologist

2.4 The site of the proposed development is located just to the northwest of North Shields early medieval settlement (HER1952) and in an area that was used for various industries from the 18th century onwards. Excavations to the north and west of the site in 2005-06 (Event 4050 report 2006/174) identified the remains of a tannery including wood-lined tanning pits, a stone wall and a cobbled surface. In addition there were the remains of an early 19th century forge and later 19th century industrial structures.

2.5 The site has potential for archaeological remains to survive, in particular from the post-medieval period. However, these are likely to have been disturbed or truncated by later activity and are very unlikely to be of sufficient significance to prevent the proposed construction proceeding (NPPF para 197). Given the potential for the survival of archaeological remains, I recommend that an archaeological watching brief is maintained during all groundworks (such as foundations, service trenches etc.) associated with construction (NPPF para 199). The watching brief can be secured using the following conditions:

Archaeological Watching Brief Condition

No groundworks or development shall commence until the developer has appointed an archaeologist to undertake a programme of observations of groundworks to record items of interest and finds in accordance with a specification provided by the Local Planning Authority. The appointed archaeologist shall be present at relevant times

during the undertaking of groundworks with a programme of visits to be agreed in writing by the Local Planning Authority prior to groundworks commencing.

Reason: The site is located within an area identified as being of potential archaeological interest. The observation is required to ensure that any archaeological remains on the site can be preserved wherever possible and recorded, and , if necessary, emergency salvage undertaken in accordance with paragraph 199 of the NPPF, Local Plan S6.5 and policies DM6.6 and DM6.7.

Archaeological Watching Brief Report Condition

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

Reason: The site is located within an area identified as being of potential archaeological interest. The investigation is required to ensure that any archaeological remains on the site can be preserved wherever possible and recorded, to accord with paragraph 199 of the NPPF, Local Plan S6.5 and policies DM6.6 and DM6.7.

2.6 Northumbrian Water

2.7 For information only:

2.8 We can inform you that public sewers cross the site and may be affected by the proposed development. Northumbrian Water do not permit a building over or close to our apparatus. We will work with the developer to establish the exact location of our assets and ensure any necessary diversion, relocation or protection measures required prior to the commencement of the development. We include this informative so that awareness is given to the presence of assets on site. For further information is available at <https://www.nwl.co.uk/developers.aspx>.