

Item No: 3
Application No: 21/01028/FUL
Date valid: 13 April 2021
Target decision date: 13 July 2021
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Ward: Riverside

Application type: full planning application

Location: Former Motor Hog, Wallsend Road, North Shields, Tyne And Wear, NE29 7FN

Proposal: Demolition of existing buildings and erection of 39no. hybrid units for Use Class B2 and B8 (ADDITIONAL INFORMATION)

Applicant: Mandale Construction Ltd, C/O Agent

Agent: ELG Planning, Mr Thomas Gibbons Gateway House 55 Coniscliffe Road Darlington DL3 7EH

RECOMMENDATION: Minded to grant legal agreement req.

INFORMATION

1.0 Summary Of Key Issues & Conclusions

1.0 Main Issues

1.1 The main issues for Members to consider are:

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

2.0 Description of the Site

2.1 The application site is located on Wallsend Road adjacent to the A187/A193 roundabout. It has an area of approximately 1.5 hectares.

2.2 The site was previously used for the disposal, storage and salvage of motor vehicles and is now vacant. It contains several partially demolished buildings and areas of hardstanding. To the south of the site is an area of dense shrub, which separates the site from the Metro line. The A187 and Wallsend Road run along the site's western and northern boundaries, and to the east is a timber merchant.

2.3 Access is from Wallsend Road where there are two entrance points.

2.4 The site is allocated for employment use within the Local Plan and lies within the A19 Economic Corridor.

3.0 Description of the proposed development

3.1 Planning permission is sought to demolish the existing buildings and construct 39no. hybrid units to be used for B2/B8 purposes.

3.2 It is proposed to construct 24no. 'Type A' units, each measuring 137 sq m in area, and 15no. 'Type B' units, measuring 211 sq m. The Type A units are 2-storey and have a ridge height of 8.5m, while the single storey Type B units have a ridge height of 9.2m.

3.3 The proposal includes 148no. parking spaces which would be accessed via 2no. access points from Wallsend Road.

4.0 Relevant Planning History

74/00284/FUL - Two small extension stores to existing plant.

Approved: 27.06.1974

76/01348/FUL - Change of use from manufacture of woodwool slabs to heavy goods vehicle sales/service depot.

Approved: 17.08.1978

94/00339/FUL - Erection of steel galvanised palisade fence to replace partly damaged and demolished wire mesh fence.

Approved: 17.05.1994

02/00229/FUL - Change of use from Storage and manufacture of construction materials to end of life vehicle depolluting centre. Storage and disposal of insurance salvage motor vehicles. Approved: 24th May 2002; and

09/02814/FUL - Erection of new single storey garage (vehicle workshop) and reconfiguration of existing carpark including an increase in car parking spaces (Amended Description 20.01.2010)

Approved: 24.05.2002

09/02814/FUL - Erection of new single storey garage (vehicle workshop) and reconfiguration of existing carpark including an increase in car parking spaces (Amended Description 20.01.2010)

Approved: 20.01.2010

5.0 Development Plan

5.1 North Tyneside Local Plan 2017

6.0 Government Policy

6.1 National Planning Policy Framework (July 2021)

6.2 Planning Practice Guidance (As amended)

6.3 Planning applications must be determined in accordance with the development plan unless material considerations indicate otherwise. The NPPF is a material consideration in the determination of all applications. It requires

LPAs to apply a presumption in favour of sustainable development in determining development proposals. Due weight should still be attached to Development Plan policies according to the degree to which any policy is consistent with the NPPF.

PLANNING OFFICERS REPORT

7.0 Main Issues

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

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

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

8.0 Principle of the Proposed Development

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

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

8.3 The NPPF (para.81) states that significant weight should be placed on the need to support economic growth and productivity, taking into account both local business needs and wider opportunities for development.

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

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

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

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

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

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

8.9 The proposal is to develop a currently vacant site to provide 39no. new industrial units to be used for B2/B8 purposes, with ancillary office accommodation on the 1st floor of the Type A units. The site is allocated for employment purposes within the Local Plan.

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

9.0 Impact on surrounding occupiers

9.1 Paragraph 185 of NPPF states that planning decisions should ensure that new development is appropriate for its location taking into account the likely effects (including cumulative effects) of pollution. In doing so they should mitigate and reduce to a minimum potential adverse impacts resulting from noise from new development, and avoid noise giving rise to significant adverse impacts on health and quality of life.

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

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

9.4 The site is located within an area that contains both industrial and residential uses. Beyond the A187 to the west is a waste recovery and recycling facility, and immediately to the east is a timber/fencing merchant. The closest residential

properties are located approximately 45m to the east on Kilburn Gardens and 50m to the south east on Brunton Street.

9.5 It is proposed to construct 39no. industrial units. The proposed hours of operation and the exact nature of the use are not specified.

9.6 The Manager of Environmental Health has been consulted and provided comments. She states that she has concerns regarding the potential impact of noise from the operation of the site and from plant and equipment. The impact of odours is also a concern should flues and vents be required. She notes that no noise assessment has been provided.

9.7 To control the potential noise impact the Manager of Environmental Health recommends conditions to restrict the hours of operation, requiring a noise scheme to assess the impact of operational and plant noise, to control any external vents/flues and the storage of dusty material and waste.

9.8 Members need to consider whether the impact on existing occupiers would be acceptable. It is officer advice that the impact would be acceptable and in accordance with Policy DM5.19 subject to the conditions recommended by the Manager of Environmental Health.

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

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

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

10.5 The application site is located within an established industrial area. It is currently vacant and following fire damage and vandalism the buildings have been partially demolished.

10.6 The proposed development contains a mixture of single and 2-storey units with a maximum height of 9.2m. The units would have pitched roofs and the external elevations would be finished in artificial stone and light grey cladding. Concrete tiles and metal sheeting are the proposed roofing materials.

10.7 The site is laid out with 24no. units facing the A187 to give the appearance of an active employment area. The other units are arranged in blocks of three with parking at the front and service yards at the rear.

10.8 The proposed units are considered to be of an acceptable height and the varied material palette would add interest to the elevations. Planted areas are proposed at the site entrance, along the western boundary and within the car park to soften the appearance of the development.

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

10.10 Members need to determine whether the proposed development would be acceptable in terms of its impact on the character and appearance of the site and surrounding area. It is officer opinion that the impact would be acceptable and in accordance with Policy DM6.1.

11.0 Whether there is sufficient car parking and access provided

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

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

11.3 Paragraph 111 of NPPF states that development should only be prevented or refused on highway grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.

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

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

11.6 The application is supported by a Transport Assessment (TA).

11.7 148no. parking spaces are proposed, and the applicant has stated that cycle parking would be provided at a level of 2no. spaces per unit.

11.8 Vehicle access to the units would be from the A193 where Wallsend Road is accessed via a left in, left out priority junction. From Wallsend Road two access points are proposed into the site. The TA advises that pedestrian access would also be from Wallsend Road, which does not have any formal footway provision, but is lit and is not heavily trafficked. Footways and pedestrian crossings on the A193 and A187 provide access to the nearby residential areas of Howdon, Chirton and Percy Main. Cycle access can be gained via a cycle path which runs along the A187 and Wallsend Road and connects to the National Cycle Network. Bus services are available on the A197 and High Flatworth. In terms of trip regeneration, the TA states that the development is anticipated to generate 50 two-way vehicle trips in the AM peak hour and 38 two-way vehicle trips in the PM peak hour.

11.9 The Highway Network Manager has been consulted and raises no objections to the proposal. He advises that car and cycle parking has been provided to meet the needs of the development and the TA demonstrates that the development would not have a severe impact on the local highway network. He also notes that a scheme to improve High Flatworth roundabout has been implemented in recent years.

11.10 Nexus has advised that the site is adjacent to a corridor of land that has been identified as a Transport Safeguard Route, in the event that the route is required in connection with a potential expansion of the Metro Network. They state that they are currently working on feasibility studies and that until the studies are complete there is uncertainty as to the extent of any land requirements.

11.11 The applicant has advised that the proposal has been discussed with Nexus and that as a result of these discussions it was agreed that a rail incursion assessment would be required by condition. They have further advised that the potential Metro expansion would not require land from within the site and would not therefore be impacted by the development.

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

12.0 Landscaping and ecology

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

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

12.3 Paragraph 180 of NPPF states that when determining planning application that if significant harm to biodiversity cannot be avoided, or as a last resort compensated for, then planning permission should be refused.

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

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

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

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

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

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

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

12.6 Local Plan Policy DM5.6 states that proposals that are likely to have significant effects on features of internationally designated sites, either alone or in-combination with other plans or projects, will require an appropriate

assessment. Proposals that adversely affect a site's integrity can only proceed where there are no alternatives, imperative reasons of overriding interest are proven and the effects are compensated.

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

12.8 A Preliminary Ecological Appraisal, Ecological Impact Assessment, Biodiversity Metric and Arboricultural Impact Assessment (AIA) have been submitted in support of the application.

12.9 The site is covered mainly by bare ground with scattered scrub around the boundaries and buildings, and a small area of grassland to the north. There is an area of dense shrub and trees along the southern boundary with the Metro line.

12.10 The buildings have been assessed and found to have negligible potential to support roosting bats. The habitat along the southern boundary provides some potential for foraging/commuting bats.

12.11 The Ecological Impact Assessment states that the site has limited opportunities for nesting birds, negligible potential for reptiles and contains no habitats suitable for protected mammals. Butterfly surveys have been carried out. These found no dingy skipper butterflies, and the site was assessed as having negligible suitability for this species.

12.12 The AIA sets out that the development requires the removal of 1no. individual tree (category B1) and sections of 3no. tree groups (Category B2 and C2). There would also be some encroachment into the root protection areas of retained trees.

12.13 The development would result in the loss of all the existing habitats on site with the exception of the dense scrub at the southern boundary. A landscaping scheme has been submitted to provide replacement grassland and scrub habitat, trees planting and hedgerow. Biodiversity calculations have been carried out and these show that with the proposed landscaping the development would result in a net loss of 1.49 biodiversity units and a gain of 0.76 hedgerow units.

12.14 The Landscape Architect and Biodiversity Officer have provided comments. They advise that a financial contribution for the delivery of habitat creation on Council owned land will be required given that the scheme results in a net loss of biodiversity units from within the site. Conditions are recommended in respect of tree protection measures, requiring a detailed landscaping scheme and maintenance schedule, bird and bat boxes and external lighting.

12.15 To mitigate for the net loss of biodiversity units on site the applicant has agreed to make a financial contribution of £29,160 towards offsite habitat creation and maintenance.

12.16 Subject to the imposition of the conditions recommended by the Landscape Architect and Biodiversity Officer and a financial contribution towards off-site habitat creation, it is officer advice that the impact on trees and ecology is acceptable and in accordance with the NPPF and Policies DM5.5 and DM5.9 of the Local Plan.

13.0 Other issues

13.1 Contaminated Land

13.2 Paragraph 184 of NPPF states that where a site is affected by contamination of land stability issues, responsibility for securing safe development rests with the developer and/or landowner.

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

13.4 The site lies within the Contaminated Land Buffer Zone. The application is supported by a Phase I Desk Study.

13.5 The Manager of Environmental Health (Contaminated Land) has provided comments. She advises that the site lies within 250m of two known landfills, and therefore the development may be impacted by landfill. The site's former use as a breakers yard could give rise to contamination. She also notes that the partially demolished buildings may potentially contain asbestos. She recommends conditions to address the potential contamination and gas risk.

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

13.7 Flooding

13.8 The National Planning Policy Framework states that when determining any planning applications, local planning authorities should ensure that flood risk is not increased elsewhere. Where appropriate, applications should be supported by a site-specific flood-risk assessment.

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

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

13.11 The application site is located within Flood Zone 1 and is at low risk of surface water flooding.

13.12 A Flood Risk Assessment and Outline Drainage Strategy has been submitted as part of the application. Surface water would be collected using permeable paving or an underground storage tank before discharge into Northumberland Water's existing drainage system at a restricted discharge rate of 20.6l/s using a flow control device. Foul water would be discharged into the existing sewer network.

13.13 The Local Lead Flood Officer has provided comments. He states that he has no objections to the proposals given that surface water attenuation is proposed for up to a 1in100yr rainfall plus a 40% increase for climate change. He recommends that conditions are imposed in respect of the detailed drainage design and a SUDs management plan.

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

13.15 S106 Contributions

13.16 Paragraph 55 of NPPF states that local planning authorities should consider whether otherwise unacceptable development could be made acceptable through the use of conditions or planning obligations. Planning obligations should only be used where it is not possible to address unacceptable impacts through a planning condition.

13.17 Paragraph 57 of NPPF states that planning obligations must only be sought where they meet all of the following tests:

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

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

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

13.20 Policy DM7.5 states that the Council will seek applicants of major development proposals to contribute towards the creation of local employment opportunities and support growth in skills through an increase in the overall

proportion of local residents in education or training. Applicants are encouraged to agree measures with the Council to achieve this, which could include:

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

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

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

- A financial contribution of £15,000 towards employment initiatives within the borough
- Travel Plan Bond: £10,000
- Travel Plan Monitoring Fee: £1,250 (£250 per annum)
- £29,160 towards habitat creation, management and monitoring

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

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

13.25 Local Financial Considerations

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

13.27 The proposal would result in the creation of jobs during the construction phase and within the industrial units once the development is complete.

14.0 Conclusions

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

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

14.3 The development is considered to comply with relevant national and Local Plan policies and is therefore recommended for conditional approval subject a S106 agreement.

RECOMMENDATION: Minded to grant legal agreement req.

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

Employment and Training: £15,000 towards employment initiatives within the borough

Travel Plan Bond: £10,000

Travel Plan Monitoring Fee: £1,250 (£250 per annum).

Ecology: £29,160 towards habitat creation, management and monitoring

Conditions/Reasons

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

- Application form
- OS plan 21-10/002A
- Proposed site plan 21-10/001B
- Proposed plans and elevations Block Type A 21-10/003B
- Proposed plans and elevations Block Type A 21-10/004B
- Materials schedule
- Detailed landscape proposals 3788/1 A

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

3. The construction site subject of this approval shall not be operational and there shall be no construction, demolition, 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.

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

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

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

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

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

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

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

7. Notwithstanding Condition 1, no development shall commence until a Construction Method Statement for the duration of the construction period has been submitted to and approved in writing by the Local Planning Authority. The approved statement shall: identify the access to the site for all site operatives (including those delivering materials) and visitors, provide for the parking of vehicles of site operatives and visitors; details of the site compound for the storage of plant (silos etc), materials used in constructing the development, fuels and waste as well concrete mixing and use of fires; provide a scheme indicating the route for heavy construction vehicles to and from the site; a turning area within the site for delivery vehicles; dust suppression scheme (such measures shall include mechanical street cleaning, and/or provision of water bowsers, and/or wheel washing and/or road cleaning facilities, and any other wheel cleaning solutions and dust suppressions measures considered appropriate to the size of the development). The scheme must include a site plan illustrating the location of facilities and any alternative locations during all stages of development. The approved statement shall be implemented and complied with during and for the life of the works associated with the development. It must also include tree protection measures for the trees to be retained. Cabins, storage of plant and materials and parking must not be located within the RPA of the retained trees as defined by the Tree Protection Plan. The AMS must form part of the Contractors Method Statement.

Construction shall not commence on any part of the development other than the construction of a temporary site access and site set up until the agreed wheel washing/road cleaning measures are fully operational. If the agreed measures are not operational then no vehicles shall exit the development site onto the public highway.

Reason: This information is required pre development to ensure that the site set up does not impact on highway safety, pedestrian safety, retained trees (where necessary) and residential amenity having regard to policies DM5.19 and

DM7.4 of the North Tyneside Local Plan (2017) and National Planning Policy Framework.

8. No other part of the development shall be occupied until the means of access has been altered in accordance with the approved drawing.

Reason: In order to minimise danger, obstruction and inconvenience to users of the highway and of the access having regard to policy DM7.4 of the North Tyneside Local Plan (2017).

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

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

10. No part of the development shall be occupied until details of Electric Vehicle (EV) parking and charging provision has been submitted to and approved by in writing the Local Planning Authority. This must be implemented in accordance with the approved details prior to occupation of the development and thereafter retained.

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

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

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

12. Prior to operational activities taking place at the industrial units a noise management plan must be submitted to and agreed in writing by the Local Planning Authority. The plan must include an assessment of noise impacts arising from activities within the site and where necessary details of mitigation measures and management controls to ensure the rating level of the industrial activities, when assessed in accordance with BS4142, does not exceed the background noise level at the nearest noise sensitive receptor. The mitigation measures shall be implemented in accordance with the agreed details and thereafter retained.

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

13. Prior to the installation of any external plant a noise scheme must be submitted to and approved in writing by the Local Planning Authority. The

scheme shall be carried out in accordance with BS4142 and must determine the current background noise levels without the plant operating at the boundary of the nearest residential premises and appropriate mitigation measures where necessary to ensure the rating level of external plant and equipment does not exceed the background noise. Thereafter the plant must be installed and maintained in accordance with the approved details.

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

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

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

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

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

16. Noise No Tannoys Externally Audible NOI002 *

17. No deliveries or collections shall take place outside the hours of 07:00 and 23:00 on any day.

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.

18. The units shall not operate outside the hours of 07:00 to 23:00 on any day.

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

19. Prior to the installation of any external vents and chimneys details of their height, position, design and materials must be submitted to and approved in writing by the Local Planning Authority. Thereafter, the development shall not be carried out other than in accordance with the approved details.

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

20. No air ventilation systems shall be installed unless the details have been first submitted to and approved in writing by the Local Planning Authority. Thereafter, the development shall not be carried out other than in accordance with the approved details.

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

21. 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.

Where new lighting is to be erected adjacent to the operational railway, the potential for train drivers to be dazzled must be eliminated. In addition, the location and colour of lights must not give rise to the potential for confusion with the signalling arrangements on the railway.

External lighting should be low level, avoiding the use of high intensity security lighting and should be designed to minimise light spill into adjacent habitat areas around the boundaries.

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

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

22. Desk Study and Method Statement	CON00 3	*
23. Site Investigation	CON00 4	*
24. Remediation Method Statement	CON00 5	*
25. Validation Report	CON00 6	*
26. Unexpected Hotspots	CON00 7	*
27. Gas Investigate no Development	GAS00 6	*

28. No development shall commence until details of a surface water management scheme has been submitted to and approved by in writing by the Local Planning Authority. Water storage facilities (including attenuation tanks) shall not be permitted within the 3m easement of the Nexus tunnels. The agreed

scheme shall be implemented prior to occupation of the development and retained thereafter.

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

29. Prior to occupation of the development details of the maintenance regime for the surface water drainage infrastructure and contact details for the company responsible for this work, 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 that the proposed development would not increase flood risk in accordance with NPPF and Policy DM5.12 of the North Tyneside Local Plan 2017.

30. Notwithstanding condition 1, prior to occupation of the development details of all screen and boundary walls, fences and any other means of enclosure must be submitted to and approved in writing by the Local Planning Authority. Unless otherwise agreed, these must include a suitable trespass proof fence adjacent to Nexus Rail's boundary (minimum 1.8m high) and an Armco or similar barrier in positions where vehicles may be in a position to drive into or roll onto the railway or damage the lineside fencing. The development shall thereafter only be carried out in accordance with the approved details and the buildings hereby approved shall not be occupied until the details have been fully implemented.

Reason: To ensure a satisfactory environment within the development and in the interest of security and rail safety; having regard to policy DM6.1 of the North Tyneside Local Plan 2017.

31. Prior to the use of any vibro-compaction, details of the use of such machinery and a method statement must be submitted to and approved in writing by the Local Planning Authority, in consultation with the railway undertaker. Thereafter the works shall only be carried out in accordance with the approved method statement.

Reason: In order to protect the adjacent railway line; having regard to policy Policy S7.3 of the North Tyneside Local Plan (2017).

32. No trees, shrubs or hedges within the site other than those shown to be removed within the submitted AIA 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.

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

33. Prior to any ground being broken on site in connection with the development hereby approved (including demolition works, tree works, soil moving, hardstandings, temporary access construction and / or widening or any operations involving the use of motorised vehicles or construction machinery, site security fencing, services, construction of vehicular drives, parking areas,

installation of kerb edges, retaining wall construction and other hard surfacing within the root protection area (as defined by BS5837:2012)), a detailed Arboricultural Method Statement (AMS), including a Tree Protection Plan, (TPP) in accordance with BS5837:2012 'Trees in relation to design, demolition and construction - Recommendations' must be submitted to and approved in writing by the Local Planning Authority. Thereafter the development hereby permitted shall only be carried out in accordance with the approved details. Tree protective fencing surrounding each retained tree group /hedgerow must be installed prior to any work commencing and shall remain for the full duration of the development and shall not be removed or repositioned without the prior written approval of the Local Planning Authority.

Reason: This needs to be pre-commencement condition to ensure that important features are protected and retained in the interests of amenity and to ensure trees and hedges to be retained are adequately protected from damage during the execution of the works hereby permitted, in the interests of visual amenity having regard to policy DM5.9 of the North Tyneside Local Plan (2017).

34. All works within the RPA of the retained trees that include (but not limited to) kerb installation, fence post installation, lighting, any new service installations or service diversions including drainage, must be carried out in complete accordance with the Arboricultural Method Statement, BS 5837:2012 and the National Joint Utilities Group (NJUG) 'Guidelines for the Planning, Installation and Maintenance of Utility Apparatus in Proximity To Trees' with works being undertaken by hand or suitable method such as an air spade to ensure works will not damage to the root systems of the retained trees. Confirmation of the proposed working method must be submitted to and approved in writing by the Local Planning Authority prior to the work taking place. Thereafter the work shall only be carried out in accordance with the approved details.

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

35. Any trees identified for removal at the southern end of the site amongst the dense scrub habitat must be soft felled. Each section of the tree must be gently lowered to the ground and left in situ for at least twenty-four hours before being chipped or removed from site to allow time for any individual roosting bats to escape.

Reason: In the interests of good tree management having regard to Policy DM5.9 of the North Tyneside Local Plan (2017).

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

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

37. Within 1 month of completion of the development bird and bat boxes must be provided in accordance with the details set out in Section 5 of the Ecological Impact Assessment Report dated 30th June 2021 (Whitcher Wildlife Ltd).

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.

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

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

39. Within one month from the start on site of any operations such as site excavation works, site clearance (including site strip) for the development, a fully detailed landscape plan shall be submitted to and approved in writing by the Local Planning Authority. The landscape scheme must be in accordance with the Biodiversity Net Gain Assessment within the EclA Report (Whitcher Wildlife Ltd June 2021) and must include a detailed specification and proposed timing for all new tree, shrub, hedgerow and wildflower planting. All new standard trees are to be a minimum 12-14cm girth. Native scrub planting is to be included along the southern and western boundaries in place of ornamental shrub planting. Where trees/shrubs are to be planted adjacent to the railway boundary these trees/shrubs should be positioned at a minimum distance greater than their predicted mature height from the boundary.

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.

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

40. Within one month from the start on site of any operations such as site excavation works, site clearance (including site strip) for the development, a schedule of landscape maintenance and monitoring for a minimum period of 30 years including details of the arrangements for its implementation must be submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved schedule.

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

41. Prior to development commencing, a Rail Incursion Assessment shall be submitted to the Local Planning Authority for approval in consultation with Nexus. Any required measures within the Rail Incursion Assessment to be undertaken by the developer shall be installed before works commence and retained for the lifetime of the development.

Reason: To protect the adjacent railway route in accordance with Policy S7.3 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)

Contact ERH Construct Highway Access (I05)

Contact ERH Path Bridleway Xs Site (I07)

Contact ERH Works to Footway (I08)

No Doors Gates to Project Over Highways (I10)

Do Not Obstruct Highway Build Materials (I13)

Street Naming and numbering (I45)

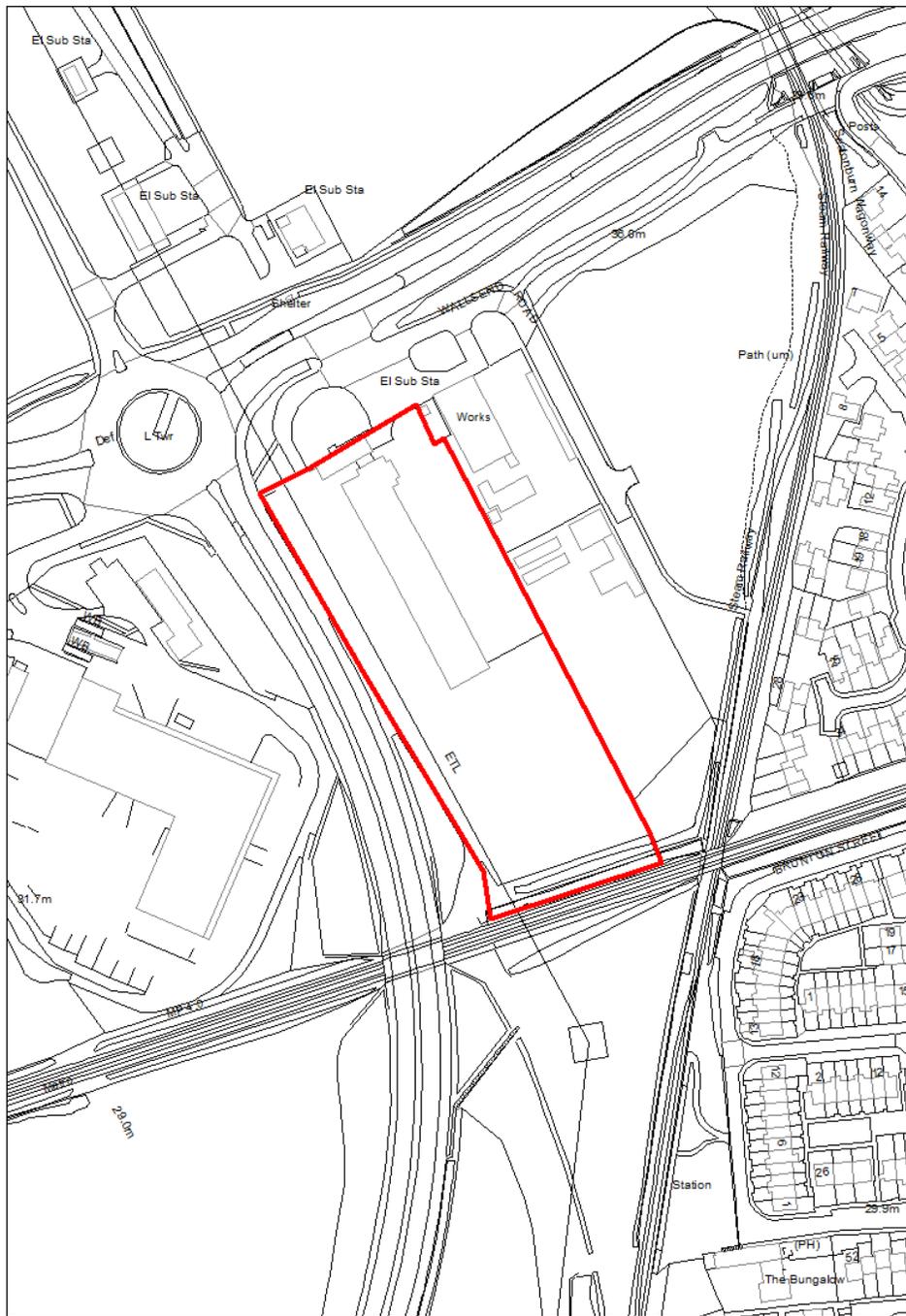
Highway Inspection before dvlpt (I46)

Method Statements and Risk Assessments must be submitted to Nexus Rail's Project Manager for acceptance a minimum of 10 working days prior to works commencing on site.

All roads, paths or ways providing access to any part of the railway undertaker's land shall be kept open at all times during and after the development

Good housekeeping must be observed to prevent items blowing onto the Nexus Electrified Overhead Line Equipment resulting in the Metro service being stopped which will incur large costs for disruption, enclosed skips should be used to mitigate against this from happening.

Appropriate measures must be taken to control the emission of dust and dirt entering the railway corridor.

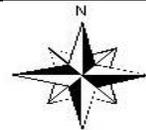


Application reference: 21/01028/FUL
Location: Former Motor Hog, Wallsend Road, North Shields
Proposal: Demolition of existing buildings and erection of 39no. hybrid units for Use Class B2 and B8

Not to scale

Date: 21.07.2021

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**Appendix 1 – 21/01028/FUL
Item 3**

Consultations/representations

1.0 Internal Consultees

1.1 Highway Network Manager

1.2 This application is for the demolition of the existing buildings and erection of 39 hybrid units for use class B2 and B8.

1.3 A Transport Assessment (TA) was submitted that assessed the development against the local highway network. It is considered that the impact will not be severe and as such no off-site mitigation will be required. It should also be noted that a scheme to improve High Flatworth roundabout has been implemented in recent years. The site has good links with public transport and a condition is recommended to require a Travel Plan (TP) & Electric Vehicles (EV) charging points

1.4 The site is accessed via the old Wallsend Road and its existing access with the A193 Wallsend Road dual carriageway. Parking and cycle parking have been provided to meet the needs of the site and conditional approval is recommended.

1.5 Recommendation - Conditional Approval

1.6 Conditions:

ACC10 - New Access: Access before Devel

ACC15 - Altered Access: Access Alt Prior To Occ

ACC25 - Turning Areas: Before Occ

PAR04 - Veh: Parking, Garaging before Occ

REF01 - Refuse Storage: Detail, Provide Before Occ

SIT07 - Construction Method Statement (Major)

SIT08 - Wheel wash

No part of the development shall be occupied until a Framework Travel Plan has been submitted to and approved by in writing the Local Planning Authority. This will include an undertaking to conduct travel surveys to monitor whether or not the Travel Plan targets are being met.

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

No part of the development shall be occupied until details of Electric Vehicle (EV) parking and charging provision has been submitted to and approved by in writing the Local Planning Authority. This will implemented in accordance with the approved details and retained thereafter

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

No part of the development shall be occupied until details of secure and undercover cycle parking provision has been submitted to and approved by in

writing the Local Planning Authority. This will be implemented in accordance with the approved details and retained thereafter.

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

1.7 Informatives:

I05 - Contact ERH: Construct Highway Access

I07 - Contact ERH: Footpath/Bridleway X's Site

I08 - Contact ERH: Works to footway.

I10 - No Doors/Gates to Project over Highways

I13 - Don't obstruct Highway, Build Materials

I45 - Street Naming & Numbering

I46 - Highway Inspection before dvlp

1.8 Sustainable Transport

1.9 This development requires a Travel Plan (TP) with a Travel Plan Coordinator to be in place from 3 months prior to first occupation until at least five years from first occupation. This TP requirement will need to be written into the S106 Agreement. A Travel Plan Bond and Monitoring fee is required.

1.10 Please can we include a Travel Plan Condition for this application:

Notwithstanding the details submitted in the Travel Plan, no part of the development shall be occupied until a Full Travel Plan in accordance with the council's Travel Plan Scope, has been submitted to and approved by in writing the Local Planning Authority. Thereafter, the development shall be carried out in full accordance with the details agreed Travel Plan. The Travel Plan will require the Travel Plan Coordinator to be in place three months prior to first occupation until at least five years from first occupation and will also include an undertaking to conduct annual travel surveys to monitor whether the Travel Plan targets are being met with a Monitoring Report submitted to the council within two months of surveys being undertaken.

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

1.11 Manager of Environmental Health (Pollution)

1.12 I would be concerned about potential noise from plant and equipment and operational noise arising from the new commercial/light industrial buildings and also any potential odours arising from activities at the site if new flues or vents were installed. The site is located adjacent to residential properties of Kilburn Gardens some 45 metres to the east of the site and Brunton Street some 51 metres to the south east of the site.

1.13 I have reviewed the air quality assessment. This has considered potential dusts arising from construction activities and potential operational air quality impacts. The assessment determined that there was a medium risk of dust soiling during construction but this would not result in significant adverse impacts if control measures are employed. Air quality impacts arising from the operational phase were screened out and considered to give rise to negligible impacts.

1.14 No noise assessment has been provided to assess potential noise impacts from this development. To control potential noise impacts I would recommend conditions are attached to any approval to restrict operations to daytime hours only and to require a noise scheme to assess the industrial operations at the site and determine if acoustic screening or sound mitigation measures are required. I would also recommend conditions to require details to be submitted for approval for any vents of flues to be installed at the units. I would also require that any noise arising from any external plant and equipment that might be installed in the units would need to be assessed for impacts on nearby sensitive receptors. If the occupiers of the units were required to store dusty materials or storage of wastes then this could give rise to potential nuisance to neighbouring sensitive receptors. I would therefore recommend conditions to prevent such activities.

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

- Prior to operational activities taking place at the industrial units a noise management plan must be submitted to the planning authority for agreement in writing and thereafter implemented. The plan must provide details of the assessment of noise impacts arising from the activities occurring at the industrial units and any mitigation measures and management controls required where necessary to ensure the rating level when assessed in accordance with BS4142 of the industrial activities at the industrial units does not exceed the background noise level at the nearest noise sensitive receptor. The mitigation measures shall be implemented and thereafter retained.

- A noise scheme must be submitted in accordance with BS4142 to determine the noise rating level of external plant and equipment operating at the site and that appropriate mitigation measures are taken where necessary to ensure the rating level of the plant and equipment does not exceed the existing 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.

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

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

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

- NOI02

- No deliveries and collections shall be permitted to the industrial units between 23:00 hours and 07:00 hours.

EPL01 for any external vents and chimneys

EPL02

HOU03 0700-2300 hours

HOU04
HOU05
SIT03
REF01
REF02
LIG01

1.16 Manager of Environmental Health (Contaminated Land)

1.17 The site lies within 250m of 2 known landfills, there may be the risk of landfill gas impacting the development. The sites former use as a breakers yard could give rise to contamination.

1.18 The roof appears to be corrugated material, potentially containing asbestos. I note that some demolition has already taken place. If this has been carried out by a contractor who is not suitably qualified, then there is the significant possibility that the site is contaminated with asbestos. If a suitably qualified contractor has not been used then an assessment of the potential contamination from these works should be carried out and included in the contamination investigation required for this site due to the previous history giving rise to the significant possibility of contamination being present.

1.19 Due to the previous site use and the close proximity of 2 known former landfill sites the following must be applied:

Con 003
Con 004
Con 005
Con 006
Con 007
Gas 006

1.20 Local Lead Flood Authority

1.21 I can confirm following the revisions to the surface water drainage proposals that in principle I do not have any objections. The applicant will be providing surface water attenuation on site via the use of permeable paving and or an underground storage tank which will contain surface water within the site for up to a 1in100 year rainfall event plus a 40% increase for climate change. The surface water from the site is then proposed to discharge into the local surface water sewer network at a restricted discharge rate of 20.6l/s using a flow control device.

1.22 I would recommend the following conditions are placed on the application;

- Detailed drainage design to be submitted to LLFA for approval prior to construction.
- Suds Management plan to be submitted to LLFA for approval prior to occupation.

1.23 Landscape Architect and Biodiversity Officer

1.24 The application is for the demolition of existing buildings and erection of 39no. hybrid units at the former Motorhog site, Wallsend Road, North Shields.

1.25 The site comprises of a linear building to the centre of the site with a single storey, brick office block located on the northern area of the site. The remainder of the site is made up of hardstanding with two vehicle access points into the site off Wallsend Road to the north. To the north is the A193, to the east is an industrial building with associated yard, to the south of the application site is the Nexus Metro line, and to the west is the A187.

1.26 The Local Plan designates the site as part of employment allocation E031, known as Wallsend Road Industrial Area and is identified as employment land.

1.27 Earlier comments requested further survey information which included an Arboricultural Impact Assessment (AIA), Ecological Impact Assessment (EclA) and a Biodiversity Net Gain (BNG) Assessment, all of which have now been submitted.

1.28 Arboricultural Impact Assessment (AIA):

The AIA has been undertaken in accordance with BS 5837:2012 – ‘Trees in Relation to Design, Demolition & Construction’ (BS5837:2012). The site includes scrub within the site and scattered trees along the southern and western boundaries. The trees are not protected by a Tree Preservation Order or located within a Conservation Area. However, the trees on the site contribute to the amenity of the local urban landscape and therefore are a material consideration under local plan policy DM5.9.

1.29 A large tree group is located immediately beyond the fence to the south (G4) comprising of Buddleia, Hawthorn, Willow and Birch. A small number of trees (G1 and G2) are located to the front (north) of the site and comprise of Cherry and Hawthorn, and a group (G3) is located off site, within the timber facility to the east, comprising of Birch and poplar.

1.30 The proposed layout will necessitate the removal of one individual tree (T1) and G1, G2 and a large section of G4. In addition, there will be some encroachment from the proposed structures within root protection areas of retained trees.

1.31 T1 and sections from Groups 1 and 2 would need to be removed to form the proposed access routes. T1 and Group 1 are Cherry trees which were classified as Category B, however, it should be possible to retain at least one of the trees within this group. Group 2 is a dense group of Laurel which was classified as Category C. A section of Group 4 (shown on the group data sheet as G3), mostly located beyond the existing site fence to the south, would need to be removed to construct the proposed infrastructure. It is expected that a section of trees close to the Metro line can be retained. The AIA classified Group 4 as Category B but the lower quality scrub in the northern area which is to be removed would typically be considered Category C. Some of the overhanging trees within the timber yard might need to be crown lifted or pruned back. There is no tree removal proposed in relation to G3.

1.32 Parking is to be constructed within the root protection area and crown spread of T2, located within the sub-station. The level of encroachment is minor

and given that much of the surrounding area is already concrete. Some pruning of the overhanging canopy is likely to be required.

1.33 Although no actual tree numbers have been provided, it is estimated that this equates to approximately 1,100m² of tree and scrub to be lost from within the red line boundary of the application site.

1.34 Ecological Impact Assessment (EclA) & Biodiversity Net Gain (BNG):
The initial site survey was carried out on 17th March 2021. Following this survey, Dingy Skipper surveys were requested, and three survey visits were carried out on 2nd, 4th and 21st June 2021. Upon completion of all survey work, an Ecological Impact Assessment (EclA) was submitted to support the application.

1.35 The habitats on the site are all common habitats and the majority of the site offers low ecological value. The area of dense scrub with scattered trees at the southern end of the site provide the highest ecological value on the site, but this is an enclosed area of habitat that is already subject to some level of disturbance. No dingy skipper butterfly were found and the site was assessed as having negligible suitability for this species. The buildings on site proposed for demolition were both assessed as having negligible suitability for roosting bats, although the dense scrub habitat at the southern end of the site and the edges of the adjacent scrub habitats adjacent to the boundaries of the site provide some potential for foraging and commuting bats and habitat for breeding birds. The site was also assessed as having negligible potential for reptiles.

1.36 The habitats lost on site include mixed scrub, modified grassland, ruderal/ephemeral vegetation and urban street trees. A Biodiversity Net Gain Assessment has been undertaken and the results of this assessment show an overall loss of 2.16 biodiversity habitat units within the site. Habitat creation on site includes introduced shrub, mixed scrub, neutral grassland and urban street trees which generates 0.67 habitat units and hedgerow creation will result in 0.76 biodiversity units being delivered. With on-site landscaping, the scheme will result in an overall net loss of 1.49 habitat biodiversity units and a gain of 0.76 hedgerow units.

1.37 Landscape Scheme:

The proposed landscape plan shows standard and heavy standard tree planting, native hedging and scrub, a small area of species rich grassland and areas of ornamental planting to the southern and western boundaries. It is considered that the loss of native planting could be minimised within the site and landscaping improved on site to minimise net loss and the number of biodiversity units required to be delivered off-site. The ornamental planting proposed along the southern and western boundary's (behind the car parking) could be replaced with native scrub planting and would help increase biodiversity units on site. The scheme will result in a net loss of 1.49BU which equates to a net loss of - 55% and subsequently off-site compensation will be required. As the applicant has no other land to deliver the off-site compensation in North Tyneside, they have agreed to provide a financial contribution to the Council for the delivery of habitat creation on Council land (including maintenance and monitoring) which will deliver a net gain of approximately 5%.

1.38 Conditions:

- No trees, shrubs or hedges within the site other than those shown to be removed on the AIA 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.

- Prior to any ground being broken on site and in connection with the development hereby approved (including demolition works, tree works, soil moving, hardstandings, temporary access construction and / or widening or any operations involving the use of motorised vehicles or construction machinery, site security fencing, services), construction of vehicular drives, parking areas, installation of kerb edges, retaining wall construction and other hard surfacing within the root protection area (as defined by BS5837:2012), a detailed Arboricultural Method Statement (AMS), including a Tree Protection Plan, (TPP) in accordance with BS5837:2012 'Trees in relation to design, demolition and construction – Recommendations' is to be submitted to and approved in writing by the Local Planning Authority. No site clearance works or the development itself shall be commenced until such a scheme is approved by the Local Planning Authority and thereafter the development hereby permitted shall only be carried out in accordance with that scheme. Tree protective fencing surrounding each tree group /hedgerow is to be installed prior to any work commencing and shall remain for the full duration of the development and shall not be removed or repositioned without the prior written approval of the Local Planning Authority.

- All works within the RPA of the retained trees that include (but not limited to) kerb installation, fence post installation, lighting, any new service installations or service diversions including drainage, are to be carried out in complete accordance with the Arboricultural Method Statement, BS 5837:2012 and the National Joint Utilities Group (NJUG) 'Guidelines for the Planning, Installation and Maintenance of Utility Apparatus in Proximity To Trees' with works being undertaken by hand or suitable method such as an air spade to ensure works will not damage to the root systems of the retained trees. Confirmation of the proposed working method is to be submitted for approval.

- The contractors 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 as defined by the Tree Protection Plan and maintained for the duration of the works

- Any trees identified for removal at the southern end of the site amongst the dense scrub habitat will be soft felled. Each section of the tree will be gently lowered to the ground and left in situ for at least twenty-four hours before being chipped or removed from site to allow time for any individual roosting bats to escape.

- External lighting will be low level, avoiding the use of high intensity security lighting and should be designed to minimise light spill into adjacent habitat areas around the boundaries.

- 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.

- Bird and bat boxes will be provided upon completion of the development, in accordance with the details set out in Section 5 of the Ecological Impact Assessment Report dated 30th June 2021(Whitcher Wildlife Ltd)

- 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°.

- Within one month from the start on site of any operations such as site excavation works, site clearance (including site strip) for the development, a fully detailed landscape plan shall be submitted to and approved in writing by the Local Planning Authority and shall be in accordance with the Biodiversity Net Gain Assessment within the EclA Report (Whitcher Wildlife Ltd June 2021). The landscape scheme shall include a detailed specification and proposed timing of all new tree, shrub, hedgerow and wildflower planting. All new standard trees are to be a minimum 12-14cm girth. Native scrub planting is to be included along the southern and western boundaries in place of ornamental shrub planting. 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. No development shall take place until a schedule of landscape maintenance and monitoring for a minimum period of 30 years including details of the arrangements for its implementation has been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved schedule.

- A financial contribution for the delivery of off-site compensation will be agreed with the LPA prior to any planning approval and the agreed sum will be paid to the LPA prior to development commencing on site.

2.0 External Consultees

2.1 Northumbria Police

2.2 We have no objections to make with regards to this application, however could it be clarified what the boundary treatment will be for the development as I am struggling on finding information on the submitted planning documents.

2.3 From looking at current images, it appears to mixture of fencing in varying states of repair. A good perimeter boundary not only defines the space as to public or private property, but it can also prevent intrusion onto the site by criminals and therefore prevent the removal of property unlawfully.

2.4 Nexus

2.5 The site of the proposed development is well located for employees and visitors to be able to use public transport. Percy Main Metro is within 800m walking distance of the site and offers frequent light rail services. Bus services 1A, 1B and 19 also call at bus stops close to the site.

2.6 The site has a southern boundary with the operational Metro rail line which is in the ownership of Nexus. The applicant must contact Nexus' engineering department to discuss proposed methods of working. To date the applicant has not made contact with Nexus to discuss the proposals and should do so to discuss the requirements within the attached Nexus Rail Planning Condition Requirements document. Nexus contact address is 3rdpartyworks@nexus.org.uk

2.7 As this application is for commercial/industrial units, Nexus needs to ensure that the required railway incursion measures will be provided at the southern boundary with the Metro, to ensure that road vehicles do not enter the railway at any time.

2.8 As well as being adjacent to the existing Metro line, the location identified in the planning application is next to a corridor of land that has been identified in the North Tyneside Local Plan as a Transport Safeguard Route as described in Policy S7.3 Transport, in the event that the route is required in connection with a potential Metro network extension corridor (Cobalt Corridor Link).

2.9 Transport North East is working on feasibility studies, including within the area adjacent to this application along the southern and eastern boundary of the proposed development. Nexus recommends that the developer liaises with Transport North East as studies are further developed to avoid any potential conflicts with Metro network extension proposals. Until these studies are concluded and there is certainty as to extent of any land requirements for the Cobalt Corridor Link, Nexus reserves its position on the potential impact of the proposed development upon the network extension and vice versa.

2.10 Condition requirements:

- The developer and design team are to establish a dialogue with Nexus Rail and we require that liaison between the developer and ourselves continues as necessary to ensure safe working adjacent to the operational railway infrastructure and that the development has no adverse impact on our property.

- Any demolition and refurbishment works must not be carried out on the development site that may endanger the safe operation of the railway, or the stability of the adjoining Nexus Rail structures. The demolition of buildings or other structures near to the operational railway infrastructure must be carried out in accordance with an agreed method statement. Acceptance of the method statement must be obtained from Nexus Rail's Project Manager before the development can commence. Items to be considered will include dust

suppression and the prevention of any debris entering Nexus Infrastructure and fouling the electrified overhead line equipment.

- All surface and foul water arising from the proposed works must be collected and diverted away from Nexus Rail property. In the absence of detailed plans all soakaways must be located so as to discharge away from the railway infrastructure.

- Services and utilities (including drainage) across the tunnels should be minimised as far as practicable, and Nexus Rail approval must be gained prior to design approval. Nexus Rail may require future cut and cover access to the tunnels, and hence consideration must be given to facilitating this access (including, but not limited to, the installation of pipe valves or cable joints either side of the tunnel footprints, and removable ducting). The potential for leaks from drainage or water pipes must be minimised and mitigated as far as practicable, and the developer shall be required to maintain such pipes to further reduce the risk of leaks. Gas pipes or other high-risk utilities shall not be permitted over Nexus Rail infrastructure. Water storage facilities (including attenuation tanks) shall not be permitted within the 3m easement of the Nexus tunnels.

- All operations, including the use of cranes or other mechanical plant working adjacent to Nexus Rail's property, must at all times be carried out in a "fail safe" manner such that in the event of mishandling, collapse or failure, no materials or plant are capable of falling within 3.0m of the nearest rail of the adjacent railway line, or where the railway is electrified, within 3.0m of overhead electrical equipment or supports. No cranes or plant are allowed to oversail Nexus Rail property, overhead lines or track.

- All excavations/earthworks carried out in the vicinity of Nexus Rail property/ structures must be designed and executed such that no interference with the integrity of that property/structure can occur. If temporary works compounds are to be located adjacent to the operational railway, these should be included in a method statement for approval by Nexus Rail. Prior to commencement of works, full details of excavations and earthworks to be carried out near the railway undertaker's boundary fence should be submitted for the approval of the Local Planning Authority acting in consultation with the railway undertaker and the works shall only be carried out in accordance with the approved details. Where development may affect the railway, consultation with the Nexus Rail Project Manager should be undertaken. Nexus Rail will not accept any liability for any settlement, disturbance or damage caused to any development by failure of the railway infrastructure nor for any noise or vibration arising from the normal use and/or maintenance of the operational railway. No right of support is given or can be claimed from Nexus RAILS infrastructure or railway land.

- Security of the railway boundary will need to be maintained at all times. If the works require temporary or permanent alterations to the mutual boundary, the applicant must contact the Nexus Rail Project Manager.

- Because of the nature of the proposed developments we consider that there will be an increased risk of trespass onto the railway. The Developer must provide a suitable trespass proof fence adjacent to Nexus Rail's boundary (minimum 1.8m

high) and make provision for its future maintenance and renewal. Nexus Rail's existing fencing / wall must not be removed or damaged.

- An Armco or similar barrier should be located in positions where vehicles may be in a position to drive into or roll onto the railway or damage the lineside fencing. Nexus Rail's existing fencing/wall must not be removed or damaged. Given the considerable number of vehicle movements likely provision should be made at each turning area/roadway/car parking area adjacent to the railway. In this instance there appear to be several parking areas proposed adjacent to the railway boundary where barriers would be appropriate.

- The developer/applicant must ensure that their proposal, both during construction, and after completion of works on site, does not affect the safety, operation or integrity of the operational railway, Nexus Rail and its infrastructure or undermine or damage or adversely affect any railway land and structures.

- Where trees/shrubs are to be planted adjacent to the railway boundary these trees/shrubs should be positioned at a minimum distance greater than their predicted mature height from the boundary. Certain broad leaf deciduous species should not be planted adjacent to the railway boundary. We would wish to be involved in the approval of any landscaping scheme adjacent to the railway.

- Where new lighting is to be erected adjacent to the operational railway, the potential for train drivers to be dazzled must be eliminated. In addition, the location and colour of lights must not give rise to the potential for confusion with the signalling arrangements on the railway. Detail of any external lighting should be provided as a condition if not already indicated on the application.

- Method Statements and Risk Assessments are required to be submitted to Nexus Rail's Project Manager for acceptance a minimum of 10 working days prior to works commencing on site.

- Where vibro-compaction machinery is to be used in development, details of the use of such machinery and a method statement should be submitted for the approval of the Local Planning Authority acting in consultation with the railway undertaker prior to the commencement of works and the works shall only be carried out in accordance with the approved method statement.

- The Developer should be aware that any development for residential use adjacent to an operational railway may result in neighbour issues arising.

- All roads, paths or ways providing access to any part of the railway undertaker's land shall be kept open at all times during and after the development. In particular, access over adjacent any level crossings and road/rail motor vehicle track access points must be kept clear and unobstructed at all times both during and following construction work.

- Good housekeeping is to be observed to prevent items blowing onto the Nexus Electrified Overhead Line Equipment resulting in the Metro service being stopped which will incur large costs for disruption, enclosed skips should be used to mitigate against this from happening.

- Appropriate measures are to be taken to control the emission of dust and dirt entering the railway corridor, excessive dust and dirt will be reported by the Metro drivers.

- Nexus Rail is required to recover all reasonable costs associated with facilitating these works.

3.0 Representations

3.1 1no. representation has been received in support of the application. This is summarised below.

- It will create much needed employment opportunities for the residents of North Tyneside especially the younger resident.

- This application is replacing a commercial entity (eyesore) with a modern well planned small business park.