

Application No: 21/02355/FUL Author: Rebecca Andison
Date valid: 16 November 2021 ☎: 0191 643 6321
Target decision date: 15 February 2022 Ward: Riverside

Application type: full planning application

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

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

Applicant: Mandale Construction Ltd, C/O Agent

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

RECOMMENDATION:

The Committee is recommended to:

- a) indicate that it is minded to grant this application subject to an Agreement under Section 106 of the Town and Country Planning Act 1990 and the addition, omission or amendment of any other conditions considered necessary; and
- b) authorise the Director 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: £18,900 towards habitat creation, management and monitoring

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. 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 sites 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 9.1m (increased from 8.5m), while the single storey Type B units have a ridge height of 9.4m (increased from 9.2m).

3.3 The proposal includes 132no. parking spaces which would be accessed via 2no. access points from Wallsend Road.

3.4 The application is a re-submission of a previously approved application. The units proposed under the revised scheme are set further off the southern boundary, so they do not encroach into the scrub adjacent to the Metro line. The revised development also includes a sub-station, 3no. metre rooms and indicates the location of cycle storage facilities

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: 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

21/01028/FUL - Demolition of existing buildings and erection of 39no. hybrid units for Use Class B2 and B8 – Permitted 15.11.2021

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 makers 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.

10.6 The proposed development contains a mixture of single and 2-storey units with a maximum height of 9.4m. 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 132no. parking spaces and 24no. cycle storage spaces are proposed.

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 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 Method Statement and 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. The Biodiversity Officer and Landscape Architect note in their comments that the proposed landscaping scheme is an improvement to the previously approved scheme.

12.14 Biodiversity calculations have been carried out and these show that with the proposed landscaping the development would result in a net loss of 0.89 (28%) habitat 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 £18,900 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 and Phase II Site Investigation.

13.5 The Manager of Environmental Health (Contaminated Land) has provided comments. She advises that conditions are required 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. Northumbrian Water states that they have no objections to the development subject to it being carried out in accordance with the submitted Flood Risk Assessment and Outline Drainage Strategy.

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

13.16 S106 Contributions

13.17 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.

13.18 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.

13.19 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.

13.20 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.

13.21 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.

13.22 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.

13.23 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)
- £18,900 towards habitat creation, management and monitoring of that habitat for a period of 30 years.

13.24 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.

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

13.26 Local Financial Considerations

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

13.28 The proposal 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:

The Committee is recommended to:

- a) indicate that it is minded to grant this application subject to an Agreement under Section 106 of the Town and Country Planning Act 1990 and the addition, omission or amendment of any other conditions considered necessary; and**
- b) authorise the Director 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: £18,900 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
- Site location plan 21-10/002B
- Proposed site plan 21-10/001Q
- Proposed plans and elevations block type B Units 25-39 21-10/004C
- Unit type A (hybrid) elevations sheet 1 21-10/C 104A
- Unit type A (hybrid) elevations and sections sheet 2 21-10C 105A
- Construction elevations Units 9-16 21-10/C 109
- Construction ground floor plan units 9-16 21-10/C 107
- Construction first floor plan 21-10/C 101A
- Construction ground floor plan 21-10/C 100B
- Detailed landscape proposals 3788/1 Rev.C
- Proposed cycle stores 21-10/005
- Materials schedule

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

2. Standard Time Limit 3 Years FUL MAN02 *

3. Restrict Hours No Construction Sun BH HOU004 *

4. Facilities for the storage of refuse and recycling, which should also include the provision of wheeled for all waste types, must be provided in accordance with the approved plans prior to 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 heavy goods 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. The submitted Construction Management Plan shall be implemented and complied with during and for the life of the works associated with the development.

Reason: To ensure that the site set up does not impact on highway safety, pedestrian safety, retained trees and residential amenity having regard to policies DM5.19, DM5.9 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. Notwithstanding the submitted Travel Plan, the development shall not be occupied until a Full Travel Plan has been submitted to and approved by in writing the Local Planning Authority. The Travel Plan will require the Travel Plan Coordinator to be in place prior to first occupation until at least five years from occupation of the final unit and will also include an undertaking to conduct annual travel surveys to monitor whether the Travel Plan targets are being met and be retained thereafter. 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. The scheme for Electric Vehicle (EV) charging shall be laid out in accordance with the approved plans. These EV charging areas shall be thereafter retained and not used for any other purpose.

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

11. The scheme for undercover cycle storage shall be laid out in accordance with the approved plans and thereafter retained.

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

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 site and that appropriate mitigation measures are taken 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. Within one month of the installation of any external plant or equipment acoustic testing must be undertaken to verify compliance with condition no.13 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.

15. 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.

16. 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.

17. Noise No Tannoys Externally Audible NOI002 *

18. 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.

19. 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).

20. 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).

21. 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).

22. 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.

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).

23. No development shall commence until the detailed drainage design of the surface water management scheme has been submitted to and approved in writing by the Local Planning Authority. The drainage design must accord with the drainage scheme contained within the submitted document entitled "Flood Risk Assessment and Outline Drainage Strategy Report" dated "25 October 2021". The drainage scheme shall ensure that foul flows discharge to the combined sewer at manhole 3501 and ensure that surface water discharges to the combined sewer at manhole 3501. The surface water discharge rate shall not exceed the available capacity of 20.6 l/sec that has been identified in this sewer. 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.

24. Prior to occupation of the development details of the maintenance regime for the surface water drainage infrastructure, contact details for the company responsible for this work and the maintenance procedure for the Bypass separator 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.

25. 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).

26. No development shall commence until a detailed plan showing services and drainage that require excavations, and which provides for the long term protection of the existing trees on the site and adjacent to the site, has been

submitted to and approved in writing by the Local Planning Authority. The layout shall demonstrate that any trenches will not cause damage to the root systems of the trees. An updated/supplemental AIA/AMS must also be submitted. Thereafter the services and drainage layout shall be implemented in accordance with the approved details unless approved in writing by 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).

27. 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).

28. 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).

29. 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.

30. 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 21st October 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.

31. 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.

32. 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 October 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).

33. 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).

34. 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. 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; having regard to policy DM6.1 of the North Tyneside Local Plan 2017.

- | | | |
|----------------------------------|--------|---|
| 35. Remediation Method Statement | CON005 | * |
| 36. Validation Report | CON006 | * |

37. Unexpected Hotspots	CON007	*
38. Gas Investigate no Development	GAS006	*

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

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

Do Not Obstruct Highway Build Materials (I13)

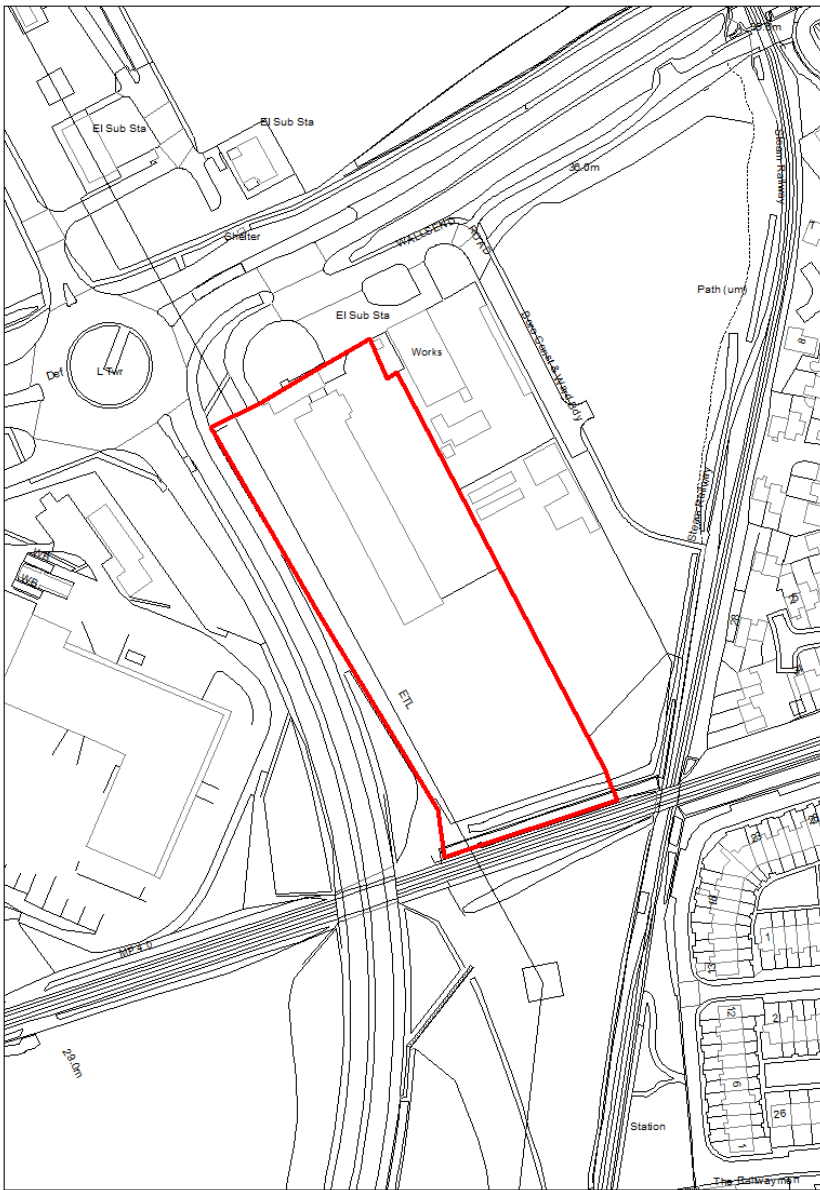
Street Naming and numbering (I45)

The applicant is advised that free and full access to the Public Right of Way network is always to be maintained. Should it be necessary for the protection of route users to temporarily close or divert an existing route during development, this should be agreed with the council's Public Rights of Way Officer. Contact Highways@northtyneside.gov.uk for further information.

The applicant is advised to contact the council's Public Rights of Way Officer prior to construction arrange s joint inspection of the Public Right of Way network on and adjacent to the site. If this inspection is not carried out, the Local Highway Authority may pursue the developer for any costs to repair damage to these routes. Contact Highways@northtyneside.gov.uk for further information.

No Doors Gates to Project Over Highways (I10)

Building Regulations Required (I03)



Application reference: 21/02355/FUL

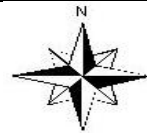
Location: Former Motor Hog, Wallsend Road, North Shields

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

Not to scale

Date: 03.02.2022

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**Appendix 1 – 21/02355/FUL
Item 6**

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 & 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 A186 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:

No part of the development shall be occupied until the new means of access has been laid out in accordance with the approved details and retained thereafter.
Reason: In the interests of highway safety and of the development having regard to policy DM7.4 of the North Tyneside Local Plan (2017).

Notwithstanding the details submitted, the scheme for heavy goods vehicles to turn shall be laid out in accordance with the approved plans. These turning areas shall not be used for any other purpose and retained thereafter.
Reason: In the interests of highway safety and of the development having regard to policy DM7.4 of the North Tyneside Local Plan (2017).

Notwithstanding the details submitted, the scheme for parking shall be laid out in accordance with the approved plans. These parking areas shall not be used for any other purpose and retained thereafter.
Reason: In the interests of highway safety and of the development having regard to policy DM7.4 of the North Tyneside Local Plan (2017).

Notwithstanding the details submitted, the scheme for the provision of and storage of refuse shall be laid out in accordance with the approved plans and prior to the occupation. These storage areas shall not be used for any other purpose and retained thereafter.
Reason: In the interests of highway safety and of the development having regard to policy DM7.4 of the North Tyneside Local Plan (2017).

Notwithstanding the details submitted, the scheme for Electric Vehicle (EV) charging shall be laid out in accordance with the approved plans. These EV charging areas shall not be used for any other purpose and retained thereafter. Reason: In the interests of highway safety and of the development having regard to policy DM7.4 of the North Tyneside Local Plan (2017).

Notwithstanding the details submitted, the scheme for undercover cycle storage shall be laid out in accordance with the approved plans. This cycle storage shall not be used for any other purpose and retained thereafter. Reason: In the interests of highway safety and of the development having regard to policy DM7.4 of the North Tyneside Local Plan (2017).

Notwithstanding the details submitted in the Travel Plan, no part of the development shall be occupied until a Full Travel Plan has been submitted to and approved by in writing the Local Planning Authority. The Travel Plan will require the Travel Plan Coordinator to be in place prior to first occupation until at least five years from occupation of the final unit and will also include an undertaking to conduct annual travel surveys to monitor whether the Travel Plan targets are being met and be retained thereafter. Reason: To accord with Central Government and Council Policy concerning sustainable transport.

Notwithstanding the details submitted, the Construction Management Plan shall be implemented in accordance with the agreed details and retained throughout the entire construction period. Reason: In the interests of highway safety and of the development having regard to policy DM7.4 of the North Tyneside Local Plan (2017).

1.7 Informatives:

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

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

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

for further information.

The applicant is advised that free and full access to the Public Right of Way network is always to be maintained. Should it be necessary for the protection of route users to temporarily close or divert an existing route during development, this should be agreed with the council's Public Rights of Way Officer. Contact Highways@northtyneside.gov.uk for further information.

The applicant is advised to contact the council's Public Rights of Way Officer prior to construction arrange s joint inspection of the Public Right of Way network on and adjacent to the site. If this inspection is not carried out, the Local Highway Authority may pursue the developer for any costs to repair damage to these routes. Contact Highways@northtyneside.gov.uk for further information.

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

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.

- Installation of External Plant and Equipment:

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 Local Lead Flood Authority

1.17 I have carried out a review of the surface water drainage proposals in planning application 21/02355/FUL. I can confirm in principle I do not have any objections to the proposals. The applicant will be providing surface water attenuation on site via the use of 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.

1.18 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.
- Details on the maintenance procedure for the Bypass separator.

1.19 Landscape Architect and Biodiversity Officer

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

1.21 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.

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

1.23 Arboricultural Impact Assessment (AIA) and Method Statement (AMS):
The site includes scrub within the site and scattered trees along the southern and western boundaries. An Arboricultural Method Statement incorporating an Impact Assessment (dated September 2021) has been undertaken in accordance with BS 5837:2012 – ‘Trees in Relation to Design, Demolition & Construction’ (BS5837:2012). 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.

1.24 The impacts associated with the development are:

- Loss of trees due to the proposed layout
- Construction within root protection areas
- Location of utilities runs with Root Protection Areas.
- Damage to trees within site during demolition and construction.
- Damage to structures from trees

1.25 The proposed layout will necessitate the removal of one individual cherry tree (T1B) and sections of G1(B), G2(C) and G4(B), shown on the group data sheet as G3. G1 contains a number of cherry trees; G2 contains a large number of laurel and G4(B) contains a mix of buddleia, hawthorn, willow and Birch. A large section of Group 4 is located beyond the existing site fence to the south and 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. There is no tree removal proposed in relation to G3.

1.26 Some of the overhanging trees within the timber yard might need to be crown lifted or pruned back. In addition, there will be some encroachment from the proposed structures within root protection areas of retained trees. 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.

1.27 The AIA states that utility runs must not be located within any of the retained tree root protection areas. Any works to existing utilities will be undertaken with regard for the retained tree cover and will be in accordance with NJUG (National Joint Utility Groups) guidelines. A condition will be applied to ensure no damage to tree is undertaken.

1.28 Tree protective fencing will be installed around the retained trees and demolition/development areas to ensure that the trees and the soil medium within which they are growing are protected from damage. The position of the tree protective fencing is shown on the Tree Protection Plan, Appendix 4 with a specification within Appendix 5.

1.29 The report also confirms that at the beginning of the construction phase, the site manager will appoint a delegated site representative who shall be responsible for continued checking of the protective barriers to ensure it is compliant with the exclusion zone.

1.30 Ecological Impact Assessment (EclA) & Biodiversity Net Gain (BNG):
A Preliminary Ecological Appraisal (PEA) 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. (Whitcher Wildlife Ltd – October 2021) along with a Biodiversity Metric spreadsheet for the site.

1.31 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.

1.32 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, with on-site landscaping, indicates an overall loss of 0.89 biodiversity habitat units within the site which equates to a net loss of 28%.

1.33 Landscape Scheme:

The submitted Landscape Scheme (DWG No. 3788/1 Rev C) is an improvement on the previous scheme submitted for planning application 21/01028/FUL. The

proposed landscape plan shows that more native scrub has been retained within the site and there is a variety of landscaping that includes standard and heavy standard tree planting, native hedging, scrub and wildflowers. A native hedge and native shrub mix is proposed along the length of the western boundary behind car parking spaces which will improve this boundary. The scheme will result in a net loss of 0.89 habitat units which equates to a net loss of 28% 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) to deliver a net gain.

1.34 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 revised 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. This is to include any impacts associated with the installation of utilities. 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.
- No development or other operations shall commence on site until a detailed plan showing services and drainage that require excavations, and which provides for the long term protection of the existing trees on the site and adjacent to the site has been submitted to and approved in writing by the Local Planning Authority. The layout shall demonstrate that any trenches will not cause damage to the root systems of the trees. Thereafter the services and drainage layout shall be implemented in accordance with the approved details unless approved in writing by 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 revised 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 (EclA) Report dated 21st October 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.

1.16 Manager of Environmental Health (Contaminated Land)

1.17 This application is for 'Demolition of existing buildings and erection of 39no. hybrid units for Use Class B2 and B8'.

1.18 The Phase1 report has indicated that asbestos containing materials may be present in the existing buildings. An asbestos survey should be carried out prior to demolition and any findings acted upon accordingly.

1.19 The Phase 2 report stated that:

During the initial site strip, proposed soft landscaped areas should be excavated to 0.45mbgl or natural ground (whichever is the shallowest). Any deleterious materials encountered (i.e. ash, slag, brick rubble and concrete) should be removed and placed beneath areas of permanent hardcover. Topsoil and subsoil from around the site is deemed unsuitable for re-use given the elevated levels of speciated PAH.

1.20 If the material you excavate is only fit for use if it is encapsulated, it is likely that this will be regarded as a landfilling activity and may require a permit. Removing material and placing it under a hardcover is no longer acceptable.

1.21 Any material imported for landscaping will have to be suitable use and will require human health testing as well as testing to BS 3882:2015. Details of the suitable growing medium must be presented in a Phase 3 Remediation Statement.

1.22 Although the unique reference number for the LQM S4UL has not been included in the Phase 2 report, it has been subsequently provided via email.

1.23 The gas addendum report has shown that the site is classified as Characteristic Situation 2, however no information is submitted regarding the foundation design and gas protection measures proposed.

1.24 The following Conditions must be applied:

Gas 006
Con 005

Con 006
Con 007

2.0 External Consultees

2.1 Northumbria Police

2.2 We have no comments or objections from a crime prevention viewpoint.

2.3 Northumberland Wildlife Trust

2.4 Dinky Skipper: Dinky skipper (*Erynnis tags*) is a Section 41 species of principle importance under the NERC (2006) Act, and a Newcastle and North Tyneside Biodiversity Action Plan priority species. Butterfly Conservation indicates that the flight period for this species peaks in mid-May and is largely finished by mid-June, in this region. Therefore, none of the survey dates indicated in the EclA Rev 2 cover the peak flight period for this species, and the last survey for dinky skipper was carried out at an inappropriate time. This species has been recorded directly north of the proposed development, and is prevalent in the surrounding area so it would not be unexpected to find this species here.

2.5 The National Planning Policy Framework (paragraph 179b) states that plans should *"promote the conservation, restoration and enhancement of priority habitats, ecological networks and the protection and recovery of priority species....."*. The North Tyneside Local Plan (policy DM5.5) states that all development proposals should *"protect the biodiversity and geodiversity value of land, protected and priority species"* and that proposals which may impact priority species *"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."*

2.6 As such, and given the presence of the species nearby, we feel that further survey at an appropriate time (i.e. mid- May) is required to accurately assess the presence of this species on site. However, if the applicant is unable to do further survey, then we would request that mitigation for this species is provided as per the requirements of the NPPF and the Local Plan.

2.7 Biodiversity Net Gain: The EclA Rev 2, and the provided Biodiversity Net Gain DEFRA Metric, indicate that this development will contribute an overall loss of 0.89 (-28%) habitat biodiversity units, with a positive gain of 0.76 hedgerow biodiversity units.

2.8 The NPPF states (paragraph 174d) that planning decisions should contribute to and enhance the natural and local environment by *"minimising impacts on and providing net gains for biodiversity...."*, and also states that (paragraph 179b) plans should *"identify and pursue opportunities for securing measurable net gains for biodiversity."* The Local Plan (policy DM5.5) states that proposals should *"incorporate beneficial biodiversity and geodiversity conservation features providing net gains to biodiversity.."*

2.9 Given that the development will constitute an overall loss of biodiversity units, it fails to deliver biodiversity net gain and therefore does not meet the requirements of the NPPF or the Local Plan. The applicant should consider whether they are able to deliver further biodiversity units as part of this development.

2.3 Summary: Given the above, Northumberland Wildlife Trust objects to these proposals.

2.4 Northumbrian Water

2.5 We have no issues to raise with this application, provided it is approved and carried out within strict accordance with the submitted document entitled "Flood Risk Assessment and Outline Drainage Strategy Report". This document reflects our pre-planning enquiry advice identifying that foul flows will discharge to the existing public combined sewer at manhole 3501. Surface water flows will discharge to the existing public combined sewer at manhole 3501, at a restricted rate of 20.6 l/sec.

2.6 We request that the following approval condition is attached to a planning approval, so that the development is implemented in accordance with the above-named document:

2.7 CONDITION: Development shall be implemented in line with the drainage scheme contained within the submitted document entitled "Flood Risk Assessment and Outline Drainage Strategy Report" dated "25 October 2021". The drainage scheme shall ensure that foul flows discharge to the combined sewer at manhole 3501 and ensure that surface water discharges to the combined sewer at manhole 3501. The surface water discharge rate shall not exceed the available capacity of 20.6 l/sec that has been identified in this sewer. The final surface water discharge rate shall be agreed by the Lead Local Flood Authority.

REASON: To prevent the increased risk of flooding from any sources in accordance with the NPPF.

2.8 It should be noted that we are not commenting on the quality of the flood risk assessment as a whole or the developer's approach to the hierarchy of preference. The council, as the Lead Local Flood Authority, needs to be satisfied that the hierarchy has been fully explored and that the discharge rate and volume is in accordance with their policy. The required discharge rate and volume may be lower than the Northumbrian Water figures in response to the National and Local Flood Policy requirements and standards. Our comments simply reflect the ability of our network to accept flows if sewer connection is the only option. They are not part of any approval process for determining whether the proposed drainage layouts / design put forward at the planning stage satisfies the adoption criteria as set out in the Code for Sewer Adoption (sewer sector guidance). It is important for developers to understand that discussions need to take place with Northumbrian Water prior to seeking planning permission where it is their intention to offer SuDS features for adoption.

2.9 For information only:

We can inform you that a water main crosses the site and may be affected by the proposed development. Northumbrian Water does 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. This is an informative only and does not materially affect the consideration of the planning application.

2.10 Coal Authority

2.11 The application site does not fall within the defined Development High Risk Area

and is located instead within the defined Development Low Risk Area. This means

that there is no requirement under the risk-based approach that has been agreed with the LPA for a Coal Mining Risk Assessment to be submitted or for The Coal Authority to be consulted.

3.0 Representations

3.1 None received.