

<b>Item No:</b>	<b>3</b>	
<b>Application No:</b>	<b>21/02540/FUL</b>	Author: Rebecca Andison
Date valid:	7 February 2022	☎: 0191 643 6321
Target decision date:	9 May 2022	Ward: Chirton

Application type: full planning application

**Location: Land North Of, Lossiemouth Road, WEST CHIRTON INDUSTRIAL ESTATE SOUTH, North Shields, Tyne And Wear**

**Proposal: Construction of 14no. warehouse units of various sizes and heights on existing vacant brownfield site. Existing access road to be extended throughout the site to serve the new units, with parking and service yards within the site boundaries (AMENDED DESCRIPTION)**

Applicant: Snowball, Bugatti House Norham Road North Shields NE29 7HA

Agent: Knight Frank LLP, Mr Tom Jackson St Ann's Quay 124 Quayside Newcastle Upon Tyne NE1 3BD

**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 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.

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

#### 2.0 Description of the Site

2.1 The application site is located at the western end of Falmouth Road within West Chirton Industrial Estate South. It has an area of approximately 0.9 hectare.

2.2 The site is currently vacant and consists of an area of hardstanding, brownfield grassland and scrub. It is accessed from the south via a gate off Falmouth Road.

2.3 To the north of the site is Tesco Extra with the Coast Road beyond and to the east and south are industrial units. To the west is a butterfly mitigation zone and a public bridleway.

2.4 The site is allocated for mixed use development (site 78) 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 construct 14no. industrial units. Four unit types are proposed ranging in floor area from 60 sqm to 1,114 sqm.

3.2 The units would be arranged around a central access road which leads into the site from the south entrance on Falmouth Road.

### 4.0 Relevant Planning History

None.

### 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 S4.3 allocates sites for housing development, including those identified for both housing and mixed-use schemes.

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

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

8.9 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.

8.10 The application site is allocated for mixed use development within the Local Plan and lies within the A19 Economic Corridor. It is located within a long-established industrial estate. There are retail units to the north of the site and industrial units to the south and east.

8.11 The proposal is to develop a currently vacant site to provide 14no. new industrial units. The development would create jobs and secure economic development in accordance with the NPPF and Policy AS2.6 of the Local Plan. The proposed use is considered to be in keeping with the established character of the area.

8.12 The Council is dependent upon the delivery of housing on allocated sites in order to meet its future housing needs and to ensure a 5-year supply of housing land. However, the Strategic Housing Land Availability Assessment (2021) indicates that the site is deliverable in the next 6-10 years. It does not therefore form part of the 5-year housing land supply.

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

8.14 It is officer advice that the principle of the proposal is acceptable when taking into account the established use of the surrounding area, the contribution the development would make towards economic growth and productivity, and that the site does not form part of the five-year housing land supply.

#### 9.0 Impact on surrounding occupiers

9.1 Paragraph 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 DM6.1 (b and f) states that proposals should demonstrate a positive relationship to neighbouring buildings and spaces and a good standard of amenity for existing and future residents and users of buildings and spaces.

9.4 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.

9.5 The site is located within an established industrial area. The closest residential properties are located within a new housing development to the south (approximately 110m from the site) and on the east side of Norham Road (approximately 300m from the site).

9.6 It is proposed to construct 14no. industrial units. Two of the units would be occupied by Modrec International Ltd and Adams carpets but the proposed hours of operation and the exact nature of the other occupiers is not specified.

9.7 The Manager of Environmental Health has been consulted and provided comments. She states that due to the distance from residential properties the proposed development is unlikely to have an adverse impact on residential amenity. To mitigate any potential impacts, she recommends conditions including in respect of: external plant, storage of dusty materials/waste, external flues/vents, external lighting and construction hours.

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 Policies DM6.1 (b and f) and 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, beautiful and sustainable buildings and places is fundamental to what the planning and development process should achieve. Good design is a key aspect of sustainable development, creates better places in which to live and work and helps make development acceptable to communities.

10.2 NPPF (para. 130) states that planning decisions should ensure that developments:

- a) will function well and add to the overall quality of the area, not just for the short term but over the lifetime of the development;
- b) are visually attractive as a result of good architecture, layout and appropriate and effective landscaping;
- c) are sympathetic to local character and history, including the surrounding built environment and landscape setting, while not preventing or discouraging appropriate innovation or change (such as increased densities);
- d) establish or maintain a strong sense of place, using the arrangement of streets, spaces, building types and materials to create attractive, welcoming and distinctive places to live, work and visit;
- e) optimise the potential of the site to accommodate and sustain an appropriate amount and mix of development (including green and other public space) and support local facilities and transport networks; and
- f) create places that are safe, inclusive and accessible and which promote health and well-being, with a high standard of amenity for existing and future users; and where crime and disorder, and the fear of crime, do not undermine the quality of life or community cohesion and resilience.

10.3 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).

10.4 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.

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

10.6 The application site is located within an established industrial area. It is currently vacant.

10.7 The proposed development contains four unit types. The two largest units, with floor areas of 1,114 sqm and 550 sqm are located within the western part of the site. These building have ridge heights of 9.3m and 8.4m. The smaller units are located on the northern and eastern boundaries and measure 6.0m and 6.6m in height. The units would have gently sloping roofs and the external elevations would be finished in brick and grey profiled cladding.

10.8 The site is laid out around a central access road with parking area and service yards in front of the units. Small areas of soft landscaping are proposed adjacent to the eastern boundary and at the site entrance.

10.9 The proposed units are considered to be of an acceptable size, height and design, which is in keeping with the established character of the area.

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 take 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 Statement and Travel Plan.

11.7 45no. parking spaces, including 2no. accessible bays, 1no. electric vehicle charging point and a cycle store are proposed.

11.8 Vehicle access would be from the existing southern entrance from Falmouth Road. It is proposed to extend the footways on the existing access into the site and provide internal roads with footways. Cycle access is from NCN Route 10, which can be accessed via a shared pedestrian/cycle link on the A1058, and there are bus stops on Norham Road and Verne Road within 500m of the site.

11.9 In terms of trip regeneration, the Transport Statement sets out that the development is anticipated to generate 39no. two-way vehicle trips in the am peak hour and 24no. two-way vehicle trips in the pm peak hour. It is noted that these figures on a development of 17no. unit, which has not been reduced to 14no.

11.10 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 transport assessment demonstrates that the development would not have a severe impact on the local highway network. He also notes that highway improvement schemes have been implemented at the Norham Road/Verne Road junction and the Norham Bridge over the Coast Road in recent years.

11.11 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 The application site comprises areas of hardstanding, brownfield grassland and scattered scrub.

12.9 The applicant as originally submitted did not include any supporting information in respect of the impact on ecology or trees. In response to initial consultee comments an Ecological Impact Assessment, Biodiversity Net Gain (BNG) Assessment, Arboricultural Impact Assessment and Arboricultural Survey have now been submitted. The number of units proposed has also been reduced from 17no. to 14no. to allow an area of butterfly habitat to be retained within the site.

12.10 The Ecological Assessment (EclA) sets out that the site contains open mosaic habitat that has high value for invertebrates, including dingy skipper, grayling wall and small heath butterflies. It also contains hawthorn scrub and a small ephemeral pond. To minimise the loss of habitat the hawthorn scrub would be largely retained, green roofs provided on three of the industrial units and an area of 0.07 hectares of open mosaic habitat retained and managed for butterfly mitigation. The EclA states that the proposed development would result in the loss of habitats of principal importance and would negatively impact priority species unless additional mitigation is undertaken on and offsite.

12.11 The Biodiversity Officer and Landscape Architect have provided comments and state that additional grayling butterfly surveys are required and that these should be submitted before the planning permission is issued. However, they consider it unlikely that grayling will be found in significant numbers. A Habitat Mitigation Plan has been submitted. This is considered sufficient to mitigate for the low numbers of dingy skipper/brownfield butterfly recorded but may need to be amended depending on the results of the grayling survey. The applicant has arranged for the surveys to be carried out in July but has requested early determination of the application due to the fact that two of the proposed units would be used to accommodate existing businesses who are currently situated within Bugatti House. Bugatti House is part of the residential development currently being built by Miller Homes on the adjacent site to the south and is due to be demolished. The businesses are required to relocate by the end of December 2022 and in order to do this the two new units need be constructed prior to this date. Both businesses provide local employment, and the construction of the new units is important for business continuity and job retention.

12.12 The development requires the removal of five trees and three trees groups and has the potential to impact on the root protection areas of retained trees. In their comments the Landscape Architect and Biodiversity Officer note that many of the trees are self-seeded and typical of a brownfield site. It is considered that their loss can be mitigated through replacement tree planting and a detailed landscape scheme.

12.13 The BNG Assessment demonstrates that the development would result in a biodiversity net loss of 4.01 habitat units (71%). Off-site mitigation will therefore be required to achieve a biodiversity net gain. The applicant has no land available to deliver this and has agreed to a financial contribution of J61,776 towards off-site habitat creation and management in order to achieve a biodiversity net gain of 5%.

12.14 It is officer opinion that the development is acceptable in terms of the impact on landscaping and ecology and in accordance with NPPF and LP Policies DM5.5 and DM5.9 subject to the results of the grayling surveys and a contribution towards off-site habitat creation.

### 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 Phase I and Phase II Geo-environmental Assessments.

13.5 The Manager of Environmental Health (Contaminated Land) has provided comments. She states that she is satisfied that there are no contamination issues at the site and notes that there are 5 rounds of gas monitoring outstanding. She therefore recommends conditions in respect of gas monitoring and mitigation.

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 brownfiled

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. A drainage strategy has been submitted as part of the application.

13.12 The Local Lead Flood Officer has provided comments. He states that the development would provide surface water attenuation for a 1in100 yr rainfall event + 40% increase for climate change in the form of an underground cellular storage tank and filter trenches. The surface water from the development would discharge into the local Northumbrian Water Surface Water Sewer at a restricted rate of 5l/s which is above the desired greenfield run-off rate of 2.1l/s but is acceptable for this development. He recommends that 2no. petrol interceptors are installed within the proposed drainage network prior to the attenuation tank in order to further reduce the risk of contaminated water from the development entering the Royal Quays Marina / River Tyne.

13.13. Northumbrian Water states that they have no objections to the development subject to it being carried out in accordance with the submitted Drainage Strategy.

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 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.

13.17 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.

13.18 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 Following consultation with service providers a contribution towards employment and training initiatives within the borough has been requested. The applicant has agreed to a condition requiring that apprenticeship opportunities are provided during the construction phase.

13.23 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 would utilise a vacant site within an established industrial area and 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 the impact on the highway network.

14.4 The development is considered to comply with relevant national and Local Plan policies and is therefore recommended for conditional approval subject to the submission of a grayling butterfly survey to demonstrate to the satisfaction of the Biodiversity Officer that the impact of the development on grayling is acceptable and a S106 agreement to secure a contribution towards habitat creation, management and monitoring.

**RECOMMENDATION:      Mind to grant legal agreement req.**

**It is recommended that members indicate that they are minded to approve the application subject to:**

- a) a S106 agreement to secure a contribution of J61,776 towards off-site habitat creation and management;**
  - b) the submission of Grayling butterfly surveys to demonstrate that the impact on this protected species is acceptable; and**
- grant plenary powers to the Director of Regeneration and Economic Development to determine the application subject to the conditions listed below and to the addition, omission or amendment of any conditions considered necessary, providing no further matters arise which in the opinion of the**
- Director of Regeneration and Economic Development, raise issues not previously considered which justify reconsideration by the Committee.**

### **Conditions/Reasons**

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

- Application form
- Location plan - Retained habitat - Option B WCE012
- Site plan WCE006 Rev.A
- Unit 1 elevations WCE003
- Unit 1 first and ground floor plans WCE002
- Unit 2 floor plans and elevations WCE001
- Units 12-14 floor plans and elevations WCE005B
- Units 3-11 floor plans and elevations WCE004
- Site plan including civils WCE008B
- Proposed levels plan P21-056-3E-ZZ-XX-DR-C-2000-T2
- Proposed drainage layout P21-056-3E-ZZ-XX-DR-C-1000-T2

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

2.      Standard Time Limit 3 Years FUL                      MAN02      \*

4. 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).

5. Prior to occupation of the development the scheme for Heavy Goods Vehicles (HGV's) 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 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).

6. The scheme for parking 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, prior to occupation of the development a scheme for Electric Vehicle (EV) charging shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall be installed in accordance with the approved details prior to occupation of the development and the 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.

8. Prior to occupation of the development 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).

9. 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).

10. 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.

11. 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; details of the loading, unloading and storage of equipment, plant materials, 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.

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, DM5.9 and DM7.4 of the North Tyneside Local Plan (2017) and National Planning Policy Framework.

12. Notwithstanding Condition 1, no development shall commence until a scheme to show wheel washing facilities and mechanical sweepers to prevent mud and debris onto the public highway has been submitted to and approved in writing by the Local Planning Authority. This scheme shall include details of the location, type of operation, maintenance/phasing programme. Construction shall not commence on any part of the development other than the construction of a temporary site access and site set up until these agreed measures are fully operational for the duration of the construction of the development hereby approved. 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.

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 property 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. 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. 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).

18. 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).

19. A Lighting Strategy shall be submitted to the LPA for approval within 4 weeks of development commencing on site. The strategy shall include the following information:

- a statement of frequency of use, and the hours of illumination;
- a site plan showing the area to be lit relative to the surrounding area, indicating parking or access arrangements where appropriate, and highlighting any significant existing or proposed landscape or boundary features;
- details of the number, location and height of the proposed lighting columns or other fixtures;
- the type, number, mounting height and alignment of the luminaires;
- the beam angles and upward waste light ratio for each light;
- an isolux diagram showing the predicted illuminance levels at critical locations on the boundary of the site and where the site abuts residential



properties or the public highway to ensure compliance with the institute of lighting engineers Guidance Notes for the reduction of light pollution to prevent light glare and intrusive light for agreed environmental zone ; and

- where necessary, the percentage increase in luminance and the predicted illuminance in the vertical plane (in lux) at key points.

The Strategy should demonstrate how the scheme will minimise light pollution and avoid disturbance to wildlife and should follow guidelines set by the Institute of Lighting Professionals (<https://theilp.org.uk/ilp-guidance-note-1-the-reduction-of-obtrusive-light-has-been-updated/> ) and be directed away from nearby natural vegetation within or adjacent to the site.

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).

20. The development shall be implemented in line with the drainage scheme contained within the submitted document entitled "Drainage Strategy inc. Flood Risk Assessment" dated "January 2022". The drainage scheme shall ensure that foul flows discharge to the foul sewer at manhole 9403 and ensure that surface water discharges to the surface water sewer at manhole 9404. The surface water discharge rate shall not exceed the available capacity of 5 l/sec that has been identified in this sewer. The final surface water discharge rate shall be submitted to and approved in writing by the Local Planning Authority in consultation with the Lead Local Flood Authority. The scheme shall thereafter be implemented in accordance with the approved details.

Reason: 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.

21. Two petrol interceptors shall be provided within the drainage network prior to the attenuation tank in order to further reduce the risk of contaminated water from the development entering the Royal Quays Marina / River Tyne. These petrol interceptors should be included within the proposed maintenance regime for the developments surface water drainage features.

Reason: 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.

22. Gas Investigate no Development

GAS00 \*

6

23. 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.

24. Notwithstanding Condition 1, prior to the construction of any part of the

development hereby approved above damp-proof course level a schedule and/or samples of all surfacing materials and external building materials, including doors and windows) shall 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: To ensure a satisfactory appearance having regard to Policy DM6.1 of the North Tyneside Local Plan (2017).

25. Prior to commencement of development, a scheme specifying how and the number of employment opportunities will be offered to local unemployed people during construction shall be submitted to and agreed in writing by the local planning authority. Thereafter, the scheme shall be implemented in accordance with the agreed details.

Reason: To enable the Council to be put forward local eligible unemployed people with a view to securing work and training opportunities encourage employment in accordance with policy S2.1 of the North Tyneside Local Plan 2017.

26. Within 4 weeks of development commencing, a 'Landscape Ecological Management & Monitoring Plan' (LEMMP) shall be submitted to and approved in writing by the Local Planning Authority. The Plan shall be in accordance with the details set out within the Biodiversity Net Gain Report (Tyne Ecology June 2022) and the approved Landscape Mitigation Plan and shall be implemented on site before the first occupation of the development and thereafter complied with for a minimum period of 30 years.

The Management Plan must be a long-term management strategy and must set out details for the creation, enhancement, management and monitoring of landscaping and ecological habitats within the site for a minimum period of 30 years. The Plan must also include details of regular Net Gain Assessment updates that include habitat condition assessments to evidence the success of the scheme and net gain delivery. Thereafter, these areas shall be managed and maintained in full accordance with these agreed details unless first agreed in writing by the Local Planning Authority.

Reason: To ensure a satisfactory standard of landscaping, that local wildlife populations are protected and that a BNG is achieved; having regard to policies DM5.5 and DM5.9 of the North Tyneside Local Plan (2017).

27. Prior to any works commencing on site, a fully detailed Dingy Skipper Mitigation Strategy for the retention, translocation and creation of dingy skipper habitat within the application site must be submitted to and approved in writing by the Local Planning Authority. The Strategy shall be in accordance with the approved 'Landscape/Habitat Mitigation Plan' and details set out within the Biodiversity Net Gain Report (Tyne Ecology June 2022). The Strategy must be implemented in accordance with the agreed details and monitored and managed for a minimum period of 30 years. It must include the following:

- Details of grassland areas retained within the site for dingy skipper/brownfield butterflies
- Details of protection measures (fencing) of dingy skipper mitigation or open mosaic grassland areas during construction works;
- Details of receptor site preparation and translocation of turf habitat;

- Details of an Ecological Clerk of Works (ECoW) to oversee habitat translocation and creation work, protection of retained habitats and monitor the site.
- Details of dingy skipper habitat creation, including types of substrate used and creation and management of bare areas
- Details of dingy skipper habitat management and monitoring measures within the site for a minimum period of 30 years

The approved mitigation areas must be completed in accordance with the approved details prior to the commencement of construction works and the removal of existing dingy skipper/brownfield habitat on site.

Reason: This is required prior to development commencing in order to ensure that local wildlife populations are protected in the interests of biodiversity, having regard to the NPPF and Policy DM5.5 of the North Tyneside Local Plan.

28. 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 on-site landscape plan shall be submitted to and approved in writing by the Local Planning Authority. The landscape plan shall be in accordance with the Biodiversity Net Gain Assessment Report and Biodiversity Metric Tyne Ecology (June 2022). The landscape scheme shall include a detailed specification for all new tree, shrub, hedgerow and wildflower planting, including the green roofs. New standard trees are to be included to replace the trees that have been lost and are to be a minimum 12-14cm girth. The landscaping scheme shall be implemented in accordance with the approved details within the first available planting season following the approval of details with the exception of the dingy skipper mitigation habitat which will be implemented prior to development commencing. 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, that local wildlife populations are protected and that a BNG is achieved; having regard to policies DM5.5 and DM5.9 of the North Tyneside Local Plan (2017).

29. Prior to commencement of development, an amphibian/reptile precautionary working method statement shall be submitted to and approved in writing by the Local Planning Authority. Thereafter, the proposed development shall be carried out in full accordance with the agreed Method Statement.

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

30. Prior to the commencement of development, an Invasive Species Control Plan detailing measures for the control of Invasive Species (Cotoneaster) identified within the site must be submitted to and approved in writing by the LPA. Invasive species shall subsequently be eradicated in accordance with the approved Plan prior to works commencing on site.

Reason: This needs to be pre-commencement in order to protect biodiversity, having regard to the NPPF and Policy DM5.5 of the North Tyneside Local Plan 2017.

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

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

32. No vegetation removal or works to features (buildings) that could support nesting birds will 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.

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

33. 2no. bird boxes and 2no. bat boxes must be provided in suitable locations within the development site. Details of bird and bat box specification and locations must be submitted to and approved in writing by the Local Planning Authority within 4 weeks of development commencing on site and must be installed in accordance with the approved plans prior to occupation of units.

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

34. 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) a detailed design and construction method statement 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. No development or other operations shall take place except in complete accordance with the approved tree protection scheme and Arboricultural Method Statement.

Reason: This information is required prior to commencement of development to ensure that trees to be retained are adequately protected from damage during the execution of the works hereby permitted, in the interests of visual amenity and biodiversity having regard to policies DM5.5 and DM5.9 of the North Tyneside Local Plan (2017).

35. Prior to commencement of development, the retained trees within and adjacent to and overhang the site must be protected by fencing and in the locations shown and detailed in the Tree Protection Plan unless otherwise agreed in writing by the Local Planning Authority. No operational work, site

clearance works or the development itself shall commence until the fencing is installed. The protective fence shall remain in place until the works are complete or unless otherwise agreed in writing with the Local Planning Authority. The protective fence is not to be repositioned without the approval of the Local Authority.

Reason: To ensure that trees to be retained are adequately protected from damage during the execution of the works hereby permitted, in the interests of visual amenity and biodiversity having regard to policies DM5.5 and DM5.9 of the North Tyneside Local Plan (2017).

36. All works within the RPA of the retained trees that include (but not limited to) kerb installation, fence post installation, lighting and 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'.

Reason: To ensure that trees to be retained are adequately protected from damage during the execution of the works hereby permitted, in the interests of visual amenity and biodiversity having regard to policies DM5.5 and DM5.9 of the North Tyneside Local Plan (2017).

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

The Local Planning Authority worked proactively and positively with the applicant to identify various solutions during the application process to ensure that the proposal comprised sustainable development and would improve the economic, social and environmental conditions of the area and would accord with the development plan. These were incorporated into the scheme and/or have been secured by planning condition. The Local Planning Authority has therefore implemented the requirements in Paragraph 38 of the National Planning Policy Framework.

### **Informatives**

Building Regulations Required (I03)

Do Not Obstruct Highway Build Materials (I13)

Highway Inspection before dvlpmt (I46)

Street Naming and numbering (I45)

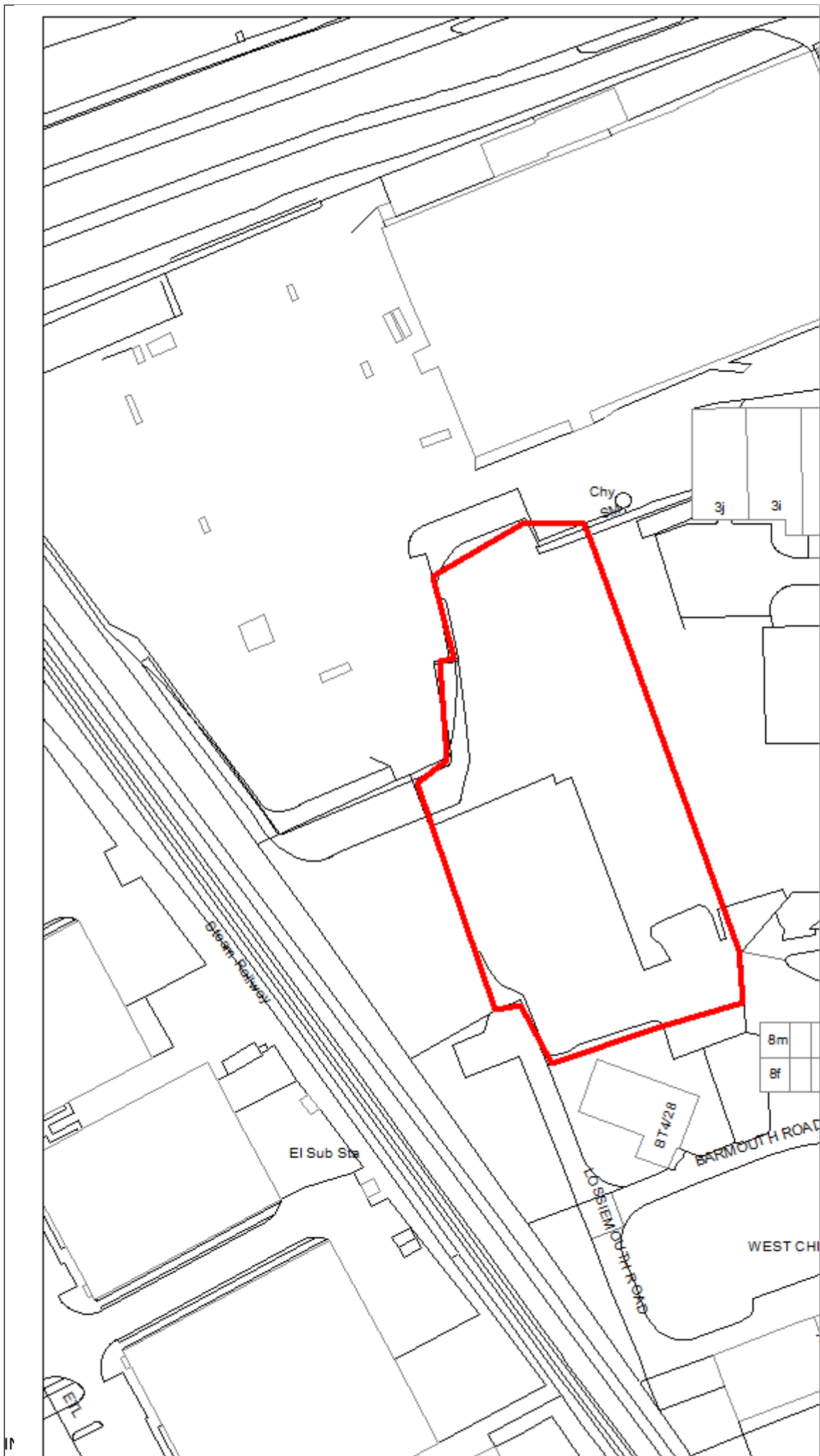
The applicant is advised that free and full access to the Public Right of Way network is always to be maintained. Should it be necessary for the protection of route users to temporarily close or divert an existing route during development, this should be agreed with the council's Public Rights of Way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

#### Contact ERH Works to Footway (I08)


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](mailto:Highways@northtyneside.gov.uk) for further information.

#### No Doors Gates to Project Over Highways (I10)

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<b>Application reference: 21/02540/FUL</b> <b>Location: Land North Of, Lossiemouth Road, WEST CHIRTON INDUSTRIAL ESTATE SOUTH, North Shields</b> <b>Proposal: Construction of 14no. warehouse units of various sizes and heights on existing vacant brownfield site. Existing access road to be extended throughout the site to serve the new units, with parking and service yards within the site boundaries (AMENDED DESCRIPTION)</b>		
Not to scale		© Crown Copyright and database right 2011. Ordnance Survey Licence Number 0100016801
Date:	21.07.2022	
		

**Consultations/representations**

1.0 Internal Consultees

1.1 Highway Network Manager

1.2 This application is for the construction of 14 warehouse units of various sizes and heights on an existing vacant brownfield site, the existing access road will be extended throughout the site to serve the new units, with parking and service yards within the site boundaries.

1.3 A Transport Statement (TS) 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 be noted that a scheme to improve Norham Road & Verne Road junction, associated with the residential development at West Chirton has been implemented reverently as well as the major scheme at Norham Bridge over the Coast Road, which have improved highway network management in the area. The site has reasonable links with public transport and a Travel Plan (TP) has been submitted with the application.

1.4 The site is accessed via the existing industrial estate and parking & cycle parking have been provided to meet the needs of the site. 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 (HGV's) 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 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, 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 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.

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

Reason: In the interests of highway safety and of the development and to accord with Central Government and Council Policy concerning sustainable transport having regard to policy DM7.4 of the North Tyneside Local Plan (2017).

- 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) and materials used in constructing the development; provide a scheme indicating the route for heavy construction vehicles to and from the site; a turning area within the site for delivery vehicles; dust suppression scheme (such measures shall include mechanical street cleaning, and/or provision of water bowzers, and/or wheel washing and/or road cleaning facilities, and any other wheel cleaning solutions and dust suppressions measures considered appropriate to the size of the development). The scheme must include a site plan illustrating the location of facilities and any alternative locations during all stages of development. The approved statement shall be implemented and complied with during and for the life of the works associated with the development.

Reason: This information is required pre development to ensure that the site set up does not impact on highway safety, pedestrian safety, retained trees (where necessary) and residential amenity having regard to policies DM5.19 and DM7.4

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

- Notwithstanding Condition 1, no development shall commence until a scheme to show wheel washing facilities and mechanical sweepers to prevent mud and debris onto the public highway has been submitted to and approved in writing by the Local Planning Authority. This scheme shall include details of the location, type of operation, maintenance/phasing programme. Construction shall not commence on any part of the development other than the construction of a temporary site access and site set up until these agreed measures are fully operational for the duration of the construction of the development hereby approved. 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

#### 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](mailto: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](mailto: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](mailto: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](mailto: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](mailto: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](mailto:New.Developments@northtyneside.gov.uk) for further information.

#### 1.8 Manager of Environmental Health (Pollution)

1.9 Due to the distance to neighbouring residential the overall operation of the site is unlikely to give rise to adverse impacts on amenity of residents. However, it is unclear as to the end use of the units. I would advise that noise arising from any external plant and equipment that might be installed in the individual units then would need to be assessed for impact on other businesses and other 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 on other neighbouring units. I would therefore recommend conditions to prevent such activities.

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

- Prior to the operation of any external plant and equipment installed within the warehouse units a noise scheme must be submitted in accordance with BS4142 to determine the background noise level without the new plant and equipment noise operating at the boundary of the nearest residential premises and appropriate mitigation measures taken where necessary to ensure the rating level of plant and equipment installed at the industrial units does not exceed the background noise level.

- 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
- EPL01 for any external vents and chimneys
- EPL02
- HOU04
- SIT03
- REF01
- REF02
- LIG01

#### 1.11 Manager of Environmental Health (Contaminated land)

1.12 I have read the Phase 1 and Phase 2 reports and am satisfied that there are no contamination issues at the site. However, I note that there are still 5 rounds of gas monitoring outstanding. As a result, the following condition must be applied:

### 1.13 Local Lead Flood Authority

1.14 I have carried out a review of the surface water drainage proposals detailed in planning application 21/02540/FUL and can confirm in principle I have no objections to the proposals. The development will be providing surface water attenuation

on site for a 1in100 yr rainfall event + 40% increase for climate change. This attenuation will be in the form of an underground cellular storage tank & filter trenches. The surface water from the development will discharge into the local Northumbrian Water Surface Water Sewer at a restricted rate of 5l/s which is above the desired greenfield run-off rate of 2.1l/s but is acceptable for this development. The surface water treatment for the development will be provided via the use of silt traps and filter trenches, however I would recommend that the applicant also installs two petrol interceptors within the proposed drainage network prior to the attenuation tank in order to further reduce the risk of contaminated water from the development entering the Royal Quays Marina / River Tyne. These petrol interceptors should be included within the proposed maintenance regime for the developments surface water drainage features.

1.15 I would recommend a condition is placed on the application requiring approval from LLFA prior to commencement if any alterations are made to the proposed drainage design.

### 1.16 Biodiversity Officer and Landscape Architect

1.17 The above scheme is for the development of 14no. warehouse units and associated infrastructure on vacant brownfield land to the north of Lossiemouth Road, North Shields. The site is a vacant plot of land to the North west of Falmouth Road; west of Norham Road, and south of the A1058 Coast Road. The site is bound by industrial units to the east and south, with Tesco Extra to the north and the development site is currently accessed from a gate to the south of the plot from Falmouth Road. The entire site is not designated as open space nor located in wildlife corridor as defined by the North Tyneside Local Plan.

1.18 The land is approximately 0.8-0.9ha in size and consists of a hard standing area and a larger area of brownfield grassland and scattered scrub of approximately 0.6ha in size. An Ecological Impact Assessment (EclA) was submitted to support the application in April 2020 (Tyne Ecology) which concluded that the proposed development would result in loss of habitats of principal importance and would negatively impact priority species unless additional mitigation is undertaken on and offsite. The Report stated that given the nearby records of protected/priority butterfly species (dingy skipper, grayling, wall butterfly) and the presence of larval foodplants for these species onsite, that it was likely these species would be negatively impacted with the loss of Open Mosaic Habitat. These conclusions indicated that further survey work was required for priority butterfly species within the site, in particular those priority species identified as a risk of being on site such as dingy skipper and grayling. In addition, the survey also identified a pond within the site and recommended that an eDNA survey for great crested newt was undertaken to ascertain presence/absence.

1.19 The following additional and updated survey information has been submitted to support the application:

- Biodiversity Net Gain (BNG) Assessment – (Tyne Ecology) June 2022
- Biodiversity Metric (version 3)
- Habitat Mitigation Plan (DWG No: WCE012)
- Proposed Site Plan – Retained Habitat Option B (DWG No: WCE012)
- Ecological Impact Assessment (Tyne Ecology) updated 20th June 2022
- Design & Access (D&A) Statement (June 2022 Rev A)
- Revised Site Plan (DWG No: WCE008B)
- Proposed Drainage Layout (DWG No: 3E ZZ XX DR C 1000 T2)
- Proposed Site Plan with Foul Lines (DWG No: WCE008B)
- Arboricultural Survey (April 2022 Arbtech)
- Arboricultural Impact Assessment Plan (DWG No: Arbtech AIA 01 April 2022)

#### 1.20 Ecological Impact Assessment (EclA)

1.21 An EclA has been submitted to support the application. Field survey was undertaken in April 2022 and found that the site supported open mosaic habitat, hawthorn scrub, hardstanding areas and an ephemeral pond. The open mosaic habitat was assessed as being of high value for UK Priority butterfly species including dingy skipper, grayling and wall butterfly which have all been found previously in the vicinity of the site. Approximately 0.34ha of the open mosaic habitat will be lost as part of the scheme as well as a small area of hawthorn scrub and the small ephemeral pond. An eDNA survey for great crested newt (GCN) was undertaken on the ephemeral pond in April and returned negative results for GCN. 3 surveys visits have also been carried out for dingy skipper butterfly on the site between mid May-Mid June with 1 count found on two separate survey dates (total of 2 counts) during the surveys.

1.22 The Report recommends further survey for grayling butterfly (which have already been requested by the LPA) and the developer has stated that these surveys will be carried out in July. These surveys should be submitted to the LPA prior to planning permission being secured to allow the LPA to fully assess any impacts.

1.23 To minimise loss of available habitats for priority species, hawthorn scrub will be largely retained and extensive green roofs on three of the industrial units covering an area of 0.02 hectares will be created using existing substrate onsite. The development plans have also been amended to erect fewer industrial units in order to retain 0.07 hectares of open mosaic habitat managed for butterfly mitigation and an area of existing hardstanding will be removed and open mosaic habitat created.

1.24 The Report recommends that the scheme provides suitable on and off-site mitigation/compensation to deliver a biodiversity net gain or agrees a contribution with the LPA for off-site mitigation if the developer is unable to deliver off-site compensation. It is also recommended that all mitigation and enhancement measures detailed in the report are implemented as part of the development, including minimising lighting impacts and ensuring clearance of vegetation is undertaken outside of the bird nesting season.

1.25 Whilst the habitat found within the site is suitable for brownfield butterflies such as dingy skipper and grayling, only 2 counts of dingy skipper were found during the survey and it is therefore, considered unlikely that grayling would be found in significant numbers if present, particularly with no known recent records of this species in the area. The habitat provided on site which includes some retained brownfield habitat as well the creation of some additional open mosaic habitat is considered adequate at present to mitigate for the low number of dingy skipper/brownfield butterflies recorded but may need to be amended depending on the results of the grayling survey. However, in addition, off-site compensation habitat will consist of the creation of similar open mosaic grassland within the vicinity of the development site that will benefit this species as well as other brownfield butterflies such as grayling. A financial contribution will be agreed with the LPA to deliver this as the applicant has no additional land to deliver the off-site compensation.

#### 1.26 Biodiversity Net Gain (BNG) Assessment

1.27 A biodiversity net gain assessment has also been undertaken using the Defra Metric 3.0 (Biodiversity Net Gain Assessment V2, Tyne Ecology, June 2022). Habitats on site include open mosaic habitat, hawthorn scrub, and ephemeral pond and hardstanding areas. The ephemeral pond will be lost and the majority of the open mosaic habitat will be lost with 0.09ha being retained. Most of the hawthorn scrub will also be retained. Post development habitat creation includes a green roof, some introduced shrub and the creation of some open mosaic habitat and neutral grassland. These habitats are indicated on the submitted 'Habitat Mitigation Plan' (DWG No: WCE012). Based on the current development plan and on-site mitigation/enhancements, the scheme will result in the loss of 4.01 habitat units which equates to a 71% biodiversity net loss. This loss is unacceptable and will require the provision of off-site compensation to ensure a net gain is achieved. The applicant has indicated that they have no alternative land to deliver off-site compensation and would be willing to pay a financial contribution to the LPA to facilitate the delivery of appropriate habitat on Council or other appropriate land agreed by the LPA.

#### 1.28 Habitat Mitigation Plan

1.29 A 'Habitat Mitigation Plan' (DWG No: WCE012) has been submitted to support the application showing on site habitat mitigation for brownfield butterflies and habitat loss in accordance with the Biodiversity Net Gain Assessment. The Plan indicates the retention of some open mosaic habitat for butterflies as well as the creation of some additional open mosaic grassland and an extensive green roof on units 14-17 to the north of the site. The majority of the native scrub habitat will also be retained on site. Full landscape details will need to be submitted for approval by the LPA as a condition of the application to ensure the plan is in accordance with the net gain assessment and metric calculation. A 30-year management and monitoring plan will also be required to ensure habitats are managed in the long term to deliver the required biodiversity net gain and a brownfield butterfly mitigation strategy will also be required detailing habitat creation measures and long term management and monitoring of this habitat for butterflies.

#### 1.30 Arboricultural Information



1.31 There are however a number of young tree groups on the site. None of the trees are protected by a TPO however, they are an important feature in urban landscapes and make a significant contribution to the character and quality of our landscape offering a 'sense of place' and amenity with regard to the general public's interaction and enjoyment of the immediate and wider area. The information provided will impact on the existing tree groups, therefore, the development should, in the first instance, seek to retain, preserve and protect any existing healthy tree structure in its design and to meet the requirements of the Local Plan policy DM5.9 (Trees, Woodland and Hedgerows), which states:

*The Council will support strategies and proposals that enhance the overall condition and extent of trees and woodland in the Borough, and:*

*a) Protect and manage existing woodland, trees, hedgerows and landscape features.*

*b) Where appropriate, secure the implementation of new tree planting and landscaping schemes as a condition of planning permission for new development.*

*c) Where appropriate, promote and encourage new woodland, tree and hedgerow planting schemes. Such measures will be particularly encouraged where they are compatible with areas designated for their built or nature conservation interest and where they do not impact on site integrity. Planting schemes included with new development must be accompanied by a ten year Management Plan.*

1.32 A tree survey (April 2022) and AIA plan (Arbtech AIA01) has been undertaken in accordance with BS5837:2012 guidance. There are 4 groups of trees/vegetation and 15no individual trees which have been surveyed and are located on or adjacent to the site. The information submitted is a tree survey and provides limited information. It appears that due to the sloping nature of parts of the site, and the location of existing below ground foul drainage, the proposed locations of some of the units will result in sections of the existing landscaping being lost for the building footprint and new macadam hardstanding. The trees to be removed are:

G01 Mixed species (C) 40 years ERC comprising of three young rowan trees and one large multi stemmed elder;

G02 Mixed species (C) 40 years ERC comprising of birch, hawthorn, willow and bramble

G04 Mixed species (C) 20 years ERC comprising of willow and buddleia;

T04 Sorbus (C) 10 years ERC

T09 Alder (C) 40 years ERC

T10 Willow (C) 20 years ERC

T11 Silver Birch (C) 20 years ERC

T12 Silver birch (C) 20 years ERC

1.33 It is expected that there will be root incursion into the root spread of a number of retained trees, namely T05, T06, T07 and T08.

1.34 The assessment shows that all the trees and tree groups lost or partially lost as a result of the development are Category C trees which are considered to be of low quality. However, many of the trees categorised as a 'C' have been given

a higher ERC (estimated remaining contribution), with a number of trees given an ERC of 20 years plus and T9 and the tree groups given an ERC of 40 years plus. Trees of moderate quality with an estimated remaining life expectancy of at least 20 years, could be categorised as a B. Those of high quality with an estimated remaining life expectancy of at least 40 years could be categorised as a A. However, many of the trees on the site are self-seeded and typical of a brownfield site. Generally they are young to semi mature with a height ranging from 2.0m to 11.0m and whilst offer biodiversity benefits, many of the individual trees can be replaced. With regard to the tree groups on the site, approximately 900m<sup>2</sup> of mixed scrub will be removed, the majority of which is within G02. It is expected that approximately 600m<sup>2</sup> of G02 will be retained to the embankments on the boundary. The loss of this mixed scrub has been included for in the BNG assessment, however, a 'Habitat Mitigation Plan' has been submitted that considered the retained mosaic habitat and new brownfield habitat, but in terms of landscape design, and the loss of trees on the site, any landscape plan that is submitted also needs to consider new standard tree planting within the development site.

1.35 The following conditions should be attached to any planning approval:

1.36 Conditions:

1) Within 4 weeks of any of the development hereby approved commencing on site, a 'Landscape Ecological Management & Monitoring Plan' (LEMMP) shall be submitted to and approved in writing by the Local Planning Authority. The Plan shall be in accordance with the details set out within the Biodiversity Net Gain Report (Tyne Ecology June 2022) and an approved Landscape Mitigation Plan and shall be implemented on site before the first occupation of any of the dwellings or commercial units and thereafter for a minimum period of 30 years.

The Management Plan will be a long-term management strategy and will set out details for the creation, enhancement, management and monitoring of landscaping and ecological habitats within the site for a minimum period of 30 years. The Plan will also include details of regular Net Gain Assessment updates that include habitat condition assessments to evidence the success of the scheme and net gain delivery. Thereafter, these areas shall be managed and maintained in full accordance with these agreed details unless first agreed in writing by the Local Planning Authority

2) Prior to any works commencing on site, a fully detailed Dingy Skipper Mitigation Strategy for the retention, translocation and creation of dingy skipper habitat within the application site will be submitted to and approved in writing by the Local Planning Authority. The Strategy shall be in accordance with an approved 'Landscape/Habitat Mitigation Plan' and details set out within the Biodiversity Net Gain Report (Tyne Ecology June 2022) to be implemented for a minimum period of 30 years and will include the following:

- Details of grassland areas retained within the site for dingy skipper/brownfield butterflies
- Details of protection measures (fencing) of dingy skipper mitigation or open mosaic grassland areas during construction works;
- Details of receptor site preparation and translocation of turf habitat;

- Details of an Ecological Clerk of Works (ECoW) to oversee habitat translocation and creation work, protection of retained habitats and monitor the site.
- Details of dingy skipper habitat creation, including types of substrate used and creation and management of bare areas
- Details of dingy skipper habitat management and monitoring measures within the site for a minimum period of 30 years

The approved mitigation areas must be completed in accordance with the approved details prior to the commencement of construction works and the removal of existing dingy skipper/brownfield habitat on site.

3) 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 on-site 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 Report & Biodiversity Metric Tyne Ecology June 2022). The landscape scheme shall include a detailed specification for all new tree, shrub, hedgerow and wildflower planting, including the green roofs. New standard trees are to be included to replace the trees that have been lost and are to be a minimum 12-14cm girth. The landscaping scheme shall be implemented in accordance with the approved details within the first available planting season following the approval of details with the exception of the dingy skipper mitigation habitat which will be implemented prior to development commencing. 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

4) Prior to the commencement of the development, an amphibian/reptile precautionary working method statement shall be submitted to and approved in writing by the Local Planning Authority. Thereafter, the proposed development shall be carried out in full accordance with the agreed Method Statement.

5) Prior to the commencement of development on site, an Invasive Species Control Plan will be submitted to the LPA for approval detailing measures for the control of Invasive Species (Cotoneaster) identified within the site. Invasive species shall subsequently be eradicated in accordance with the approved Plan prior to works commencing on site.

6) Any excavations left open overnight shall 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°.

7) No vegetation removal or works to features (buildings) that could support nesting birds will 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

8) A Lighting Strategy shall be submitted to the LPA for approval within 4 weeks of development commencing on site. The Strategy should demonstrate how the scheme will minimise light pollution and avoid disturbance to wildlife and should follow guidelines set by the Institute of Lighting Professionals (<https://theilp.org.uk/ilp-guidance-note-1-the-reduction-of-obtrusive-light-has-been-updated/> ) and be directed away from nearby natural vegetation within or adjacent to the site.

9) 2no. bird boxes and 2no. bat boxes will be provided in suitable locations within the development site. Details of bird and bat box specification and locations must be submitted to and approved in writing by the Local Planning Authority within 4 weeks of development commencing on site and will be installed in accordance with the approved plans prior to occupation of units.

10) 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), detailed design and construction method statement 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 development or other operations shall take place except in complete accordance with the approved tree protection scheme and Arboricultural Method Statement

11) Prior to commencement of works starting on site, the trees within or adjacent to and overhang the site that are to be retained are to be protected by fencing and in the locations shown and detailed in the Tree Protection Plan unless otherwise agreed in writing by the Local Planning Authority. No operational work, site clearance works or the development itself shall commence until the fencing is installed. The protective fence shall remain in place until the works are complete or unless otherwise agreed in writing with the Local Planning Authority. The protective fence is NOT to be repositioned without the approval of the Local Authority.

12) All works within the RPA of the retained trees that include (but not limited to) kerb installation, fence post installation, lighting and 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'

13) The contractors construction method statement (CMS) 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.

## 2.0 External Consultees

### 2.1 Northumbrian Water

2.2 We have no issues to raise with this application, provided it is approved and carried out within strict accordance with the submitted document entitled "Drainage Strategy inc. Flood Risk Assessment". This document reflects our pre-planning enquiry advice identifying that foul flows will discharge to the existing public foul water sewer at manhole 9403. Surface water flows will discharge to the existing surface water sewer at manhole 9404, at a restricted rate of 5 l/sec.

2.3 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:

CONDITION: Development shall be implemented in line with the drainage scheme contained within the submitted document entitled "Drainage Strategy inc. Flood Risk Assessment" dated "January 2022". The drainage scheme shall ensure that foul flows discharge to the foul sewer at manhole 9403 and ensure that surface water discharges to the surface water sewer at manhole 9404. The surface water discharge rate shall not exceed the available capacity of 5 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.

2.4 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.

### 2.6 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.

## 2.6 Coal Authority

### 2.7 The Coal Authority Response: Material Consideration

2.8 Our mining records indicate that the site may have been subject to past coal mining activities, which may include unrecorded underground coal mining at shallow depth. The Coal Authority previously noted the submitted Phase I Geo-Environmental

Assessment (2 December 2021, prepared by 3e Consulting Engineers Ltd). However, the content of the report appeared to focus generally on contaminated land and generic founding issues. The Coal Authority therefore objected to the planning application as Section 7.2 of the report recommended that a Coal Mining Risk Assessment be submitted.

2.9 The Coal Authority is therefore pleased to note Sections 4.3 to 4.7, which you have specifically drawn our attention to. On the basis of a review of geological and mining information, the information concludes that the only seams underlying the site are thin and not recorded to have been worked. The Coal Authority is therefore able to withdraw its objection to this planning application.

## 3.0 Representations

### 3.1 1no. representation has been received.

3.2 The representation questions whether the units will be available for purchase, the expected rent and rates, mezzanine floors and whether compensation will be paid to business being forced out of their units