

**Application No:** 19/00047/FUL Author: Maxine Ingram  
Date valid: 5 February 2019 ☎: 0191 643 6322  
Target decision date: 7 May 2019 Ward: Killingworth

Application type: full planning application

**Location: Benton House, Benton Business Park, Bellway Industrial Estate, Benton, NEWCASTLE UPON TYNE**

**Proposal: Construction of 2no steel-framed industrial units including car parking and hard landscaping (part retrospective).**

Applicant: Benton House Limited, Mr Phil Rodgers Benton House Limited  
Bellway Industrial Estate Longbenton Newcastle Upon Tyne NE12 9SW

Agent: Building Surveyors Ltd, Mr Chris Jude Suite 1 & 2 Walker Davison House  
High Street Newburn NEWCASTLE UPON TYNE NE15 8LN

**RECOMMENDATION:** Application Permitted

## **INFORMATION**

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

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

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

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

### 2.0 Description of the Site

2.1 The application site relates to two parcels of land; one within the north east corner of the site and one adjacent to its western boundary. The sites are located within Bellway Industrial site which is designated as an employment site in the Local Plan (LP).

2.2 The parcel of land located in the north east corner of the site is bound to the north by a Metro track. To the east, south and west of this parcel of land are existing commercial/industrial buildings. The parcel of land located adjacent to the western boundary of the site is bound to the north and west by the main industrial estate road. To the east and south of this parcel of land are existing commercial/industrial buildings.

2.3 The most north east corner of the site is designated as a wildlife corridor. Members are advised that this parcel of land is hard surfaced. There is no vegetation or soft landscaping within the application site. The adjacent landscaping is separated from the site by an existing palisade fence.

2.4 The nearest residential properties are located to the north of the site, beyond the railway lines.

### 3.0 Description of the Proposed Development

3.1 Planning permission is sought for the construction of two steel framed industrial units with associated parking. The units would be used primarily for storage. The applicant has confirmed that the use of the buildings would fall within Use Class B2 'General Industrial' and B8 'Storage and Distribution'.

3.2 Members are advised that the works have already commenced on the proposed units.

3.3 The following documents have been submitted to support this application:

- Planning Statement
- Flood Risk Assessment
- Phase 2 Ground Investigation Report

### 4.0 Relevant Planning History

#### 4.1 Buildings within the blue line boundary of the site

12/01165/FUL - Erection of portal-framed storage unit with profiled coated decking and cladding as existing buildings under 'Use Class B2' (general industrial) to be located to the southern boundary – Permitted 23.10.2012  
12/01163/FUL - Erection of portal-framed unit with profiled plastic coated decking and cladding under use class B2 (general industrial) to be location to the eastern boundary (Re-submission) – 19.09.2012

12/00607/CONEPA - Consultation on environmental permit application – No objection 27.04.2012

12/00241/FUL - Erection of a storage unit (portal frame construction) – Withdrawn 24.03.2012

10/02657/CLPROP - Proposed use for waste recycling - Permitted 30.11.2010

#### 4.2 Unit A within the blue line boundary of the site

16/01801/FUL - Change of use of land and buildings from warehouse (Use Class B8) to indoor trampoline park (Use Class D2) with access, car parking, boundary treatments and associated external alterations – Permitted 31.01.2017

## 5.0 Development Plan

### 5.1 North Tyneside Local Plan (2017)

## 6.0 Government Policies

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

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

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

## **PLANNING OFFICERS REPORT**

### 7.0 Detailed Planning Considerations

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

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

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

### 8.0 Principle of the development

8.1 The Local Plan (LP) was adopted in July 2017 to guide development in the period up to 2032. The council acknowledges that the policies contained within the LP predate the publication of the revised NPPF however, it is clear from paragraph 213 of the NPPF that: "However, existing policies should not be considered out-of-date simply because they were adopted or made prior to the publication of this Framework. Due weight should be given to them, according to their degree of consistency with this Framework (the closer the policies in the plan to the policies in the Framework, the greater the weight that may be given)." The council considers that, as the plan is very recent, the local plan policies set out in this report are consistent with the NPPF and can be afforded significant weight.

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

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

8.4 LP Policy S2.2 ‘Provision of Land for Employment Development’ seeks to ensure an attractive and flexible supply of employment land is available to deliver the Council’s strategy for economic prosperity, job growth and investment over the plan period.

8.5 LP Policy DM2.3 Development Affecting Employment Land and Buildings states “The Council will support proposals on employment land, as shown on the Policies Map, for new or additional development for uses within use classes B1, B2 or B8 or that which is deemed ancillary.

Proposals on identified employment land or other buildings in use-class B1, B2 or B8, for uses that could conflict with the development and regeneration of sites for economic development, will be permitted where these proposals would not:

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

8.6 The Council’s Regeneration Team have raised no objections to the proposed development.

8.7 The applicant has confirmed that the buildings would be used for B2 ‘General Industry’ and B8 ‘Storage and Distribution’ purposes.

8.8 The proposed development meets the requirements of Policy DM2.3 which permits B1, B2 and B8 uses. Members need to determine whether the principle of the proposed development is acceptable. It is the view of officers that the principle of the proposed development is considered to be acceptable, subject to all other material considerations set out below being addressed.

#### 9.0 Impact on amenity

9.1 Paragraph 180 of the NPPF states “Planning policies and decisions should also ensure that new development is appropriate for its location taking into account the likely effects (including cumulative effects) of pollution on health, living conditions and the natural environment, as well as the potential sensitivity of the site or the wider area to impacts that could arise from the development. In doing so they should: a) mitigate and reduce to a minimum potential adverse impacts resulting from noise from new development – and avoid noise giving rise to significant adverse impacts on health and the quality of life; b) identify and

protect tranquil areas which have remained relatively undisturbed by noise and are prized for their recreational amenity value for this reason; and c) limit the impact of light pollution from artificial light on local amenity, intrinsically dark landscapes and nature conservation”.

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

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

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

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

Proposals for development should have regard to the noise impacts arising from the Newcastle International Airport flight path as shown on the Policies Map.”

9.4 The Manager for Environmental Health has been consulted. She has advised that there are residential properties located to the north of the site beyond the railway line. The residential properties of Meadway Drive would be sited approximately 111m from proposed Unit B. The residential properties of Ashcroft Drive would be sited approximately 156m from proposed Unit A. She has expressed concerns with regard to potential noise from the development from activities such as deliveries and any plant and equipment installed at the site affecting these residential properties, if occurring during the night period. She has advised that if 24 hour operations were required then noise mitigation measures would be necessary however; such measures would not be required if operations were restricted to daytime hours only. She has recommended conditions to restrict operating hours and deliveries to the proposed units to daytime hours only to minimise noise impacts.

9.5 She has also advised that if any new external plant were to be installed in the units then a noise assessment would be necessary to ensure existing background noise levels are maintained.

9.6 The NPPF, paragraph 54 states “Local Planning Authorities should consider whether otherwise unacceptable development could be made acceptable through the use of conditions or planning obligations.” Paragraph 55 states “Planning conditions should be kept to a minimum and only imposed where they are necessary, relevant to planning and to the development to be permitted, enforceable, precise and reasonable in all other respects.” The NPPF paragraph 180 aims to “avoid noise from giving rise to significant adverse impacts on health and quality of life”. Members are advised that it is clear from the environmental health comments set out in paragraphs 1.15-1.19 of the appendix to this report that appropriate mitigation to reduce the impacts arising from noise can be secured by conditions. Based on the works that have already commenced on site, a condition to secure dust suppression measures is not considered to be reasonable or necessary.

9.7 Members need to determine whether the proposed development is acceptable in terms of its impact on the amenity of neighbouring and nearby properties. It is officer advice that the proposed development is, subject to the imposition of the suggested conditions. As such, it is officer advice that the proposed development accords with the advice in paragraph 180 of the NPPF and LP policies DM5.19 and DM6.1.

#### 10.0 Impact on character and appearance

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

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

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

10.4 It is proposed to construct two storage facilities (Unit A and Unit B) of over 1,000 sqm of floor space. Unit B would be the larger of the two buildings. The proposed finish of the buildings would be metal cladding and brick work. The roof finish for both units would be metal corrugated sheets. These materials are considered to be suitable; therefore a materials condition is not considered to be necessary. Views of the units would be afforded from the surrounding public domain (industrial estate road and railway line). However, when viewed from

publicly accessible areas, both units would be seen in the context of an established industrial estate.

10.5 The existing buildings in the immediate vicinity of the site are generally industrial in their design. The proposed development would reflect this by constructing buildings of a similar appearance.

10.6 It is clear from the works that have already been carried out on site that the levels of the proposed buildings are similar to immediate surrounding units. Therefore, it is not considered necessary to impose a levels condition.

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

#### 11.0 Impact on highway safety

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

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

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

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

11.5 Nexus has been consulted. They have raised no objections to the proposed development.

11.6 The site is accessed via the existing industrial estate. A total of 28 parking spaces are to be provided within the site.

11.7 The Highways Network Manager has been consulted. He has advised that parking has been provided in accordance with current standards. He has raised no objections to the proposed development subject to the imposition of the suggested conditions set out in the appendix to this report. However, as works have already commenced on site and the fact that the immediate surrounding land is hard surfaced, it is not considered reasonable or necessary to impose the construction method statement or wheel wash conditions.

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

## 12.0 Other Issues

### 12.1 Contaminated Land

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

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

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

a. Shows that investigations have been carried out to assess the nature and extent of contamination or stability issues and the possible effect it may have on the development and its future users, biodiversity, the natural and built environment; and

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

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

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

12.5 The Contaminated Land Officer has been consulted. She has assessed the submitted Phase 2 Ground Investigation report. She has confirmed that no gas protection measures are required.

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



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

#### 12.8 Flooding

12.09 The NPPF paragraph 163 makes it clear that “When determining planning applications, LPA’s should ensure that flood risk is not increased elsewhere and only consider development appropriate in areas at risk of flooding where informed by a site specific flood risk assessment (FRA) following the sequential test.”

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

12.11 The Lead Local Flood Authority (LLFA) has been consulted. They have confirmed that the developments surface water would be attenuated within the two sites via the use of underground storage crates. These would store surface water within the two sites which would then discharge into the local sewer network at two locations with both utilising hydrobrakes to restrict the discharge rate.

12.12 Northumbrian Water has been consulted. They have raised no objections to the proposed development subject to it being carried out in full accordance with the submitted Flood Risk Assessment.

12.13 Newcastle International Airport Limited (NIAL) has been consulted. Their comments are noted. However, there are no open bodies of water proposed as result of this development to manage surface water run-off. Therefore, their suggested comments are not considered to be reasonable or necessary.

12.14 Members need to determine whether the proposed development is acceptable in terms of flood risk. It is officer advice that it is and it would accord with both national and local planning policies.

#### 12.15 Biodiversity

12.16 An environmental role is one of the three dimensions of sustainable development according to NPPF, which seeks to protect and enhance our natural, built and historic environment as part of this helping to improve biodiversity amongst other matters.

12.17 Paragraph 175 of the NPPF states that when determining planning applications, local planning authorities should apply the following principles: a) if significant harm to biodiversity resulting from a development cannot be avoided (through locating on an alternative site with less harmful impacts), adequately mitigated, or, as a last resort, compensated for, then planning permission should be refused.

12.18 Paragraph 177 of the NPPF states that the presumption in favour of sustainable development does not apply where development requires appropriate assessment because of its potential impact on a habitats site is being planned or determined.

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

12.20 Part of the most north east corner of the application site is designated as a wildlife corridor. Members are advised that this part of the site is hard surfacing. There is no vegetation or areas of soft landscaping within the site. The landscaping adjacent to the railway line is separated from the application site by a palisade fence.

12.21 The Council’s Biodiversity Officer has been consulted. She has raised no objection to the proposed development.

12.22 Members need to determine whether the proposed development is acceptable in terms of biodiversity. It is officer advice that it is and it would accord with both national and local planning policies.

#### 12.23 Minerals

12.24 LP DM5.17 ‘Minerals’ sets out guidance on minerals extraction. However, this development relates to an existing hard surfaced site.

#### 13.0 Local Financial Considerations

13.1 Local financial considerations are defined as a grant or other financial assistance that has been, that will or that could be provided to a relevant authority by the Minister of the Crown (such as New Homes Bonus payments) or sums that a relevant authority has received, or will or could receive in payment of the Community Infrastructure Levy (CIL). It is not considered that the proposal results in any local financial considerations.

#### 14.0 Conclusion

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

**RECOMMENDATION:      Application Permitted**



Reason: To safeguard the occupiers of adjacent properties from undue noise of other associated disturbance having regard to policy DM5.19 of the North Tyneside Local Plan (2017).

10. Deliveries and collections to the buildings hereby approved shall be restricted to between 07:00 and 23:00 hours Monday to Sunday.

Reason: To safeguard the occupiers of adjacent properties from undue noise of other associated disturbance having regard to policy DM5.19 of the North Tyneside Local Plan (2017).

11. No new plant or equipment shall be installed at the buildings hereby approved until a noise scheme has been submitted to and approved in writing by the Local Planning Authority. This scheme shall be carried out and submitted in accordance with BS4142 to determine the background noise level without the plant noise operating at the boundary of the nearest residential premises and appropriate mitigation measures taken where necessary to ensure the rating level of plant and equipment does not exceed the background noise. Thereafter, any new plant or equipment shall be installed in accordance with these agreed details and thereafter maintain in working order.

Reason: To safeguard the occupiers of adjacent properties from undue noise of other associated disturbance having regard to policy DM5.19 of the North Tyneside Local Plan (2017).

12. Within one month of the installation of any plant and equipment pursuant to condition 11 acoustic testing shall be undertaken to verify compliance with this condition. This verification shall be submitted to and approved in writing prior to the operation of this plant and equipment. Thereafter, it shall be maintained in working order.

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

13. Notwithstanding Condition 1, prior to the occupation of each building hereby approved, the attenuation tanks identified on Dwg No. D901 shall be installed. These attenuation tanks must be fully operational prior to the occupation of each building and permanently retained and maintained.

Reason: In the interest of preventing flood risk in accordance with NPPF.

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

The proposal complies with the development plan and would improve the economic, social and environmental conditions of the area. It therefore comprises sustainable development and the Local Planning Authority worked proactively and positively to issue the decision without delay. The Local Planning Authority has therefore implemented the requirements in Paragraph 38 of the National Planning Policy Framework.

## **Informatives**

Building Regulations Required (I03)

Do Not Obstruct Highway Build Materials (I13)

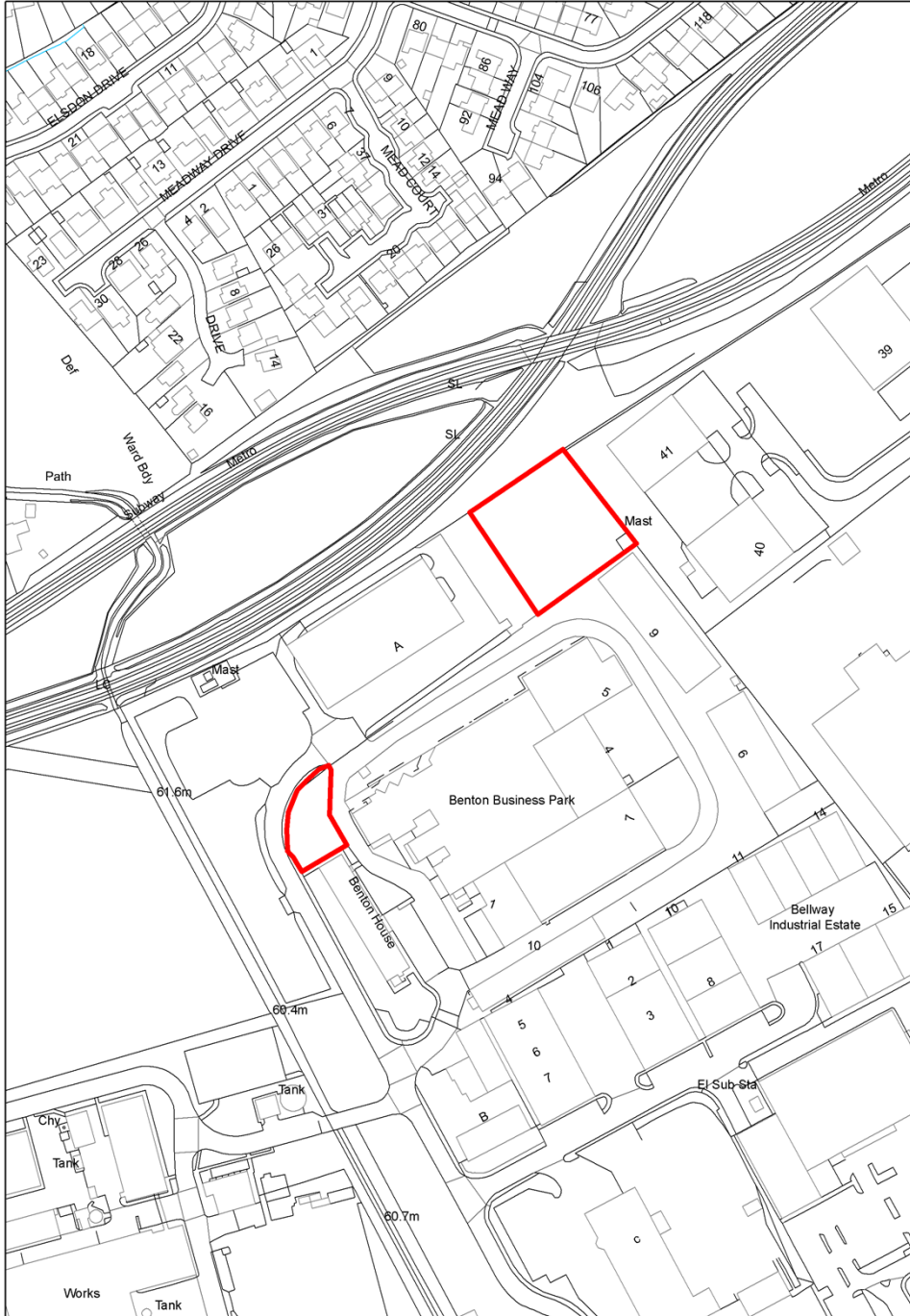
Take Care Proximity to Party Boundary (I21)

Advice All Works Within Applicants Land (I29)

Coal Mining Standing Advice (FUL,OUT) (I44)

Street Naming and numbering (I45)

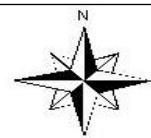
Highway Inspection before dvlpt (I46)



**Application reference: 19/00047/FUL**  
**Location: Benton House, Benton Business Park, Bellway Industrial Estate, Benton**  
**Proposal: Construction of 2no steel-framed industrial units including car parking and hard landscaping (part retrospective).**

Not to scale  
 Date: 25.07.2019

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**Appendix 1 – 19/00047/FUL**  
**Item 4**

**Consultations/representations**

1.0 Internal Consultees

1.1 Regeneration

1.2 No objection.

1.3 Biodiversity Officer

1.4 The above application is an area of hard standing that has currently been built out, therefore, I have no comments to make on this application.

1.5 Highways Network Manager

1.6 The site is accessed via the existing industrial estate and parking has been provided in accordance with current standards. Conditional approval is recommended.

1.7 Recommendation - Conditional Approval

1.8 Conditions:

ACC25 - Turning Areas: Before Occ

PAR04 - Veh: Parking, Garaging before Occ

REF01 - Refuse Storage: Detail, Provide Before Occ

SIT07 - Construction Method Statement (Major)

SIT08 - Wheel wash

No development shall commence until a scheme for the provision of secure undercover cycle parking shall be submitted to and approved by in writing the Local Planning Authority. Thereafter, this scheme shall be implemented in accordance with the approved details before the development is occupied.

Reason: In the interests of highway safety.

1.9 Informatives:

I13 - Don't obstruct Highway, Build Materials

I46 - Highway Inspection before dvlp

1.10 Contaminated Land Officer

1.11 I have reviewed the Phase 2 report and the Phase 2 reports for the immediately adjacent areas. The Phase 2 report for the site shows that:

“Following the results of the contamination assessment it can be seen that no elevated contaminants are present across the site as a whole and therefore no risk is envisaged to the proposed end users, based on a commercial end use.”

1.12 The gas monitoring undertaken as part of this investigation and the gas monitoring undertaken during the development of the adjacent site show the gas results are a Characteristic site 1.

1.13 No gas protection measures are required.

1.14 Based on the information submitted I have no objection to the development.

### 1.15 Environmental Health

1.16 The proposed industrial units are to be located on a dedicated industrial estate, although there are residential properties located to the north of the site beyond the rail line in Meadway Drive approximately 111m from Unit B and Ashcroft Drive approximately 156m from Unit A. I would have concerns with regard to potential noise from the development from activities such as deliveries and any plant and equipment installed at the site affecting the adjacent residential properties, if occurring during the night period. If 24 hours operations were required then noise mitigation measures would be necessary such as the closure of access doors, except for access and egress during the night period and the installation of acoustic screening for any external yard areas. These measures would not be required if operations were restricted to daytime hours only. I would therefore recommend conditions are attached to restrict operating hours and deliveries to the units to daytime hours only to minimise noise impacts from activities at the units for the adjacent residential properties.

1.17 The layout plans do not appear to show the installation of any new external plant to be fitted at the site. If this was not the case and new external plant e.g. air condition units, air source heat pumps etc were to be fitted then a noise assessment would be necessary to ensure existing background noise levels are maintained.

1.18 In addition conditions to address construction hours and dust mitigation during any construction phase should be applied to any planning consent.

1.19 If planning consent is to be given I would recommend the following:

#### New External Plant

No new plant or equipment to be installed at the premises unless a noise scheme has been submitted in accordance with BS4142 to determine the background noise level without the plant noise operating at the boundary of the nearest residential premises and appropriate mitigation measures taken where necessary to ensure the rating level of plant and equipment does not exceed the background noise. It will be necessary following installation of the plant and equipment that acoustic testing is undertaken to verify compliance with this condition within one month of its installation and submitted for written approval prior to the operation of the plant and thereafter maintain in working order.

#### NOI02

Deliveries and collections to the units to be restricted to between 07:00 and 23:00 hours.

LIG01 for any new external lighting provided.

HOU03: operating hours for units 07:00 - 23:00 hours Monday to Sunday.

HOU04

SIT03

### 1.20 Lead Local Flood Authority (LLFA)

1.21 I have carried out a review of the surface water drainage proposals for the above application.



1.22 I can confirm that I have no objections to the proposals. The developments surface water will be attenuated within the two sites via the use of underground storage crates. These will store surface water within the two sites for up to a 1in100yr + 40% CC rainfall event. The surface water will then discharge into the local sewer network at two locations with both utilising hydrobrake's to restrict the discharge rate to 4 l/s.

## 2.0 Representations

2.1 None

## 3.0 External Consultees

### 3.1 Nexus

3.2 No comment.

### 3.3 Northumbrian Water

3.4 In making our response to the local planning authority Northumbrian Water will assess the impact of the proposed development on our assets and assess the capacity within Northumbrian Water's network to accommodate and treat the anticipated flows arising from the development. We do not offer comment on aspects of planning applications that are outside of our area of control.

3.5 It should also be noted that, following the transfer of private drains and sewers in 2011, there may be assets that are the responsibility of Northumbrian Water that are not yet included on our records. Care should therefore be taken prior and during any construction work with consideration to the presence of sewers on site. Should you require further information, please visit <https://www.nwl.co.uk/developers.aspx>.

3.6 Having assessed the proposed development against the context outlined above Northumbrian Water have the following comments to make:

3.7 Following the submission of a flood risk assessment, we would have no issues to raise with the above application, provided the application is approved and carried out within strict accordance with this document, which states that surface water discharges will be restricted to greenfield runoff rates.

### 3.8 The Coal Authority

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

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

### 3.11 Newcastle International Airport Limited (NIAL)

3.12 I have reviewed in conjunction with our Aerodrome Safeguarding Technical Advisor and can confirm that we have no objection to this application, subject to being consulted on:

- Drainage system proposals and water pooling - Any proposed flood alleviation scheme in the form of SUDS Ponds and Swales, should be designed in accordance with aerodrome safeguarding best practices and should be approved in writing by the Local Planning Authority, in consultation with NIAL, and conditioned as part of any planning decisions. If SUD basins are to be permanently wet, NIAL expects that the basin be fully planted to cover the surface of the pond with netting used as an interim measure whilst the reed planting is established. If the basin will only be wet during time of the flood it is expected that it will drain rapidly (not more than 2 days). It is also expected that water pooling is avoided during construction. These mitigation provisions are to avoid the use of drainage areas by wetland birds, which could be a strike hazard to aircraft associated with Newcastle International Airport.