

Application No: 22/01328/FUL
Date valid: 12 July 2022
Target decision date: 11 October 2022

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Ward: Chirton

Application type: full planning application

Location: Land Adjacent to Third Avenue, Tyne Tunnel Trading Estate, North Shields, Tyne And Wear

Proposal: Construction of battery energy storage containers and substation buildings, together with associated electrical infrastructure, small operational buildings, security fencing, CCTV, improved access tracks and structural landscaping

Applicant: Northumberland Estates, Mr Barry Spall Estates Office Alnwick Castle Alnwick NE66 1NQ

Agent: Northumberland Estates, Mr Barry Spall Estates Office Alnwick Castle Alnwick NE66 1NQ

RECOMMENDATION: Application Permitted

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.

1.1 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 is located on the west side of Narvik Way within the Tyne Tunnel Trading Estate. It has an area of approximately 1.38 hectare and is currently vacant.

2.2 The A19 is located beyond the site's western boundary and to the north is vacant employment land with commercial/industrial premises beyond. To the south of the site is a building supplier (Jewson) and to the east are further industrial uses.

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

3.0 Description of the proposed development

3.1 Planning permission is sought for a battery energy storage facility. The development includes containers and substation buildings, together with associated electrical infrastructure, small operational buildings, security fencing, CCTV, improved access tracks and landscaping.

3.2 The site would be surfaced in gravel and concrete with areas of landscaping and a new access from Narvick Way.

4.0 Relevant Planning History

15/00699/OUT - Construction of 20,754 sqm of B2/B8 business units with new access roads, HGV turning areas, yards and car parking spaces (Additional ecology surveys received 05.10.2015) – Permitted 12.02.2016

5.0 Development Plan

5.1 North Tyneside Local Plan 2017

6.0 Government Policy

6.1 National Planning Policy Framework (July 2021)

6.2 Planning Practice Guidance (As amended)

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

PLANNING OFFICERS REPORT

7.0 Main Issues

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

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

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

8.0 Principle of the Proposed Development

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

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

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

8.4 Paragraph 151 of NPPF states “The planning system should support the transition to a low carbon future in a changing climate, taking full account of flood risk and coastal change. It should help to: shape places in ways that contribute to radical reductions in greenhouse gas emissions, minimise vulnerability and improve resilience; encourage the reuse of existing resources, including the conversion of existing buildings; and support renewable and low carbon energy and associated infrastructure.”

8.5 Paragraph 151 of NPPF states: “When determining planning applications for renewable and low carbon development, local planning authorities should:

- a) not require applicants to demonstrate the overall need for renewable or low carbon energy, and recognise that even small-scale projects provide a valuable contribution to cutting greenhouse gas emissions; and
- b) approve the application if its impacts are (or can be made) acceptable. Once suitable areas for renewable and low carbon energy have been identified in plans, local planning authorities should expect subsequent applications for commercial scale projects outside these areas to demonstrate that the proposed location meets the criteria used in identifying suitable areas.”

8.6 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.

8.7 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.

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

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

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

8.10 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.

8.11 Policy DM7.6 states that the Council will encourage the local production of energy from renewable and low carbon sources to help to reduce carbon emissions.

The Council will also encourage and support community energy schemes that reduce, manage and generate energy to bring benefits to the local community. Where planning permission is required, proposals for development involving the provision of renewable and/or low carbon technologies, including micro-generation technologies, will be supported and encouraged except where the proposal would have unacceptable adverse effects that are not outweighed by the local and wider environmental, economic, social and other considerations of the development.

Commercial scale renewable energy generation projects will be supported in locations where other policies of the Plan can be satisfied. Developments of this type should be supported by a comprehensive assessment of their impact. When considering applications, regard will be given to the wider benefits of providing the energy from renewable sources as well as the potential effects at the local scale.

8.12 The application site is allocated for employment use by the Local Plan and lies within the A19 economic corridor. The proposed use is not an employment use as defined by Policy DM2.3.

8.13 Policy DM2.3 seeks to enable flexibility in the use and development of employment land whilst ensuring that developments support the overall growth and prosperity of North Tyneside. To achieve this flexibility Policy DM2.3 seeks to ensure that applications for development on employment land are considered

on the basis of their impact on the economic prosperity of North Tyneside, rather than whether the use proposed falls within use classes B1, B2 and B8. This is to ensure sufficient flexible opportunities for business that are in use classes B1, B2 and B8 are retained, but also that full use can be made of the economic potential of land in highly sustainable and accessible locations across North Tyneside (LP para.5.52-5.53).

8.14 Policy DM2.3 allows for the development of non-employment uses when a variety of criteria have been considered. These include the impact of the development on existing businesses and jobs, the potential impact on neighbouring businesses and whether it would cause an excessive reduction in the supply of employment land.

8.15 The proposal complies with part (a) of Policy DM2.3 given that the site currently vacant and no existing jobs or businesses would be lost.

8.16 The Employment Land Review (ELR) (2015) included an assessment of 1,591 hectares (ha) of land for employment potential, including 955ha of currently allocated or existing land. The unit to which this application relates has an area of 1.38ha and therefore represents just 0.09% of the total available supply of land for employment uses in the borough. The ELR concludes that within the administrative area of North Tyneside there is sufficient identified employment land to meet forecast demands. When assessing the scale of the proposed development and the total available employment floor space across the borough, it is not considered that the proposal would result in an excessive reduction in the supply of employment land. It is therefore considered that the proposal complies with part (b) of DM2.3.

8.17 The impact on existing occupiers (part c) is discussed below.

8.18 The proposal complies with the aims of the NPPF and LP Policy DM7.6 to encourage renewable and low carbon energy. Battery storage facilities allow energy from renewable sources to be captured at times of high supply and low demand, to be stored and released to customers when demand is high. The facility would allow up to 50MW of energy to be stored for up to 2 hours to assist in stabilising the local energy network.

8.19 Having regard to the above, it is officer advice that the principle of the proposal is acceptable.

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 approximately 80m to the west on the opposite side of the A19.

9.6 The Manager of Environmental Health has been consulted and provided comments. She states that as a noise assessment has not been submitted she has concerns regarding the potential impact of noise from the associated electrical infrastructure on the amenity of existing residential properties. She recommends that conditions are imposed to ensure that the impact is assessed and mitigation incorporated within the design.

9.7 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 includes metal container units, a brick substation, switch room and site office. These buildings are 3.5m - 4m high. The plans also show an indicative 15m high radio mast which is located adjacent to the site office within the eastern part of the site. This structure would be higher than the surrounding buildings but when taking into account the industrial character of the surroundings it is not considered that it would appear out of keeping or result in any significant harm to the streetscene. A condition is recommended to control its final appearance.

10.8 It is proposed to enclose the site using 2.2m V-mesh fencing with 2.2m high palisade fencing around the sub-station. This type of fencing is in keeping with other boundary enclosures in the area and therefore considered to be acceptable.

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

11.0 Whether there is sufficient car parking and access provided

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

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

11.3 Paragraph 111 of NPPF states that development should only be prevented or refused on highway grounds if there would be an unacceptable impact on

highway safety, or the residual cumulative impacts on the road network would be severe.

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

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

11.6 Vehicle access would be from Narvick Way where a new access is proposed leading to gates which are set back from the highway. The applicant has stated that vehicle trips related to the operational phase will be minimal and linked to routine weekly / monthly management and yearly maintenance. During the construction phase HGV movements will be required to deliver materials and equipment to the site.

11.7 The Highway Network Manager has been consulted and raises no objections to the proposal.

11.8 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 is supported by an Ecological Assessment Report, Biodiversity Net Gain (BNG) Assessment and Tree Constraints Assessment.

12.9 The Ecological Assessment states that the site is dominated by managed poor semi-improved neutral grassland with an area of scattered scrub in the southwest corner. There are no ponds located within 500m of the site and the site is assessed as being unsuitable for amphibians. No records of bats were identified within or immediately adjacent to the site, and the site has limited suitability for foraging and commuting bats, and no roosting potential. The site also has limited value for breeding birds due to the intensive management of the grassland. Trees and shrubs in the wider landscape offer nesting opportunities. There was no evidence of badger or other protected species within the site.

12.10 There is 1no. Elder tree and 1no. tree group within the southwest corner of the site. These lie outside the area to be developed and would be retained.

12.11 The proposal would result in the loss of semi-improved neutral grassland and to mitigate this a landscaping strategy has been submitted. Areas of neutral grassland and wildflower planting are proposed around the site boundaries and within the area to be used as a site compound within the centre of the site. Scrub planting is also proposed adjacent to the site access and in the southwest corner, and a native hedge would be planted along the southern boundary. The BNG Assessment demonstrates that the proposed landscaping would result in a BNG of 1.24 habitat units (8.64%) and a gain of 0.86 hedgerow units (100%).

12.12 The Biodiversity Officer and Landscape Architect have been consulted and their comments will be reported to Members prior to the committee meeting.

12.13 Members need to consider whether the impact on trees and ecology would be acceptable and whether the proposal accords with the NPPF and LP policies S5.4, DM5.5, DM5.6 and DM5.9.

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 and partially within a Coal Mining High Risk Area.

13.5 The application is supported by Preliminary Risk Assessment which indicates that the site is at a high risk as a result of the two recorded mine entries. It recommends that further intrusive ground investigation works are required in order to confirm the exact location and condition of the mine entries and that a nominal 20m stand-off should be implemented for future structures. The recommended stand-off is reflected in the proposed site layout.

13.6 The Coal Authority have been consulted and raise no objections. They recommend that conditions are imposed requiring that a scheme of intrusive site investigation must be carried out prior to development commencing and confirmation that the site has been made safe provided prior to the development being brought into use.

13.7 The Contaminated Land Officer has also provided comments. She recommends conditions to address contamination and gas risk.

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

13.9 Flooding

13.10 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.

13.11 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.

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

13.13 The application site is located within Flood Zone 1 and is at low risk of surface water flooding. A Flood Risk Assessment and Drainage Strategy has been submitted in support of the application.

13.14 The Local Lead Flood Officer has provided comments and raises no objections. The site would be partially surfaced with pervious hardstanding areas which would allow for some surface water infiltration with the remainder to be captured within the developments drainage system. The surface water within the site would be stored within geocellular storage crates to provide attenuation for up to a 1in100 year rainfall event plus a 45% climate change allowance. The discharge rate from the development would be restricted to 5l/s using a hydrobrake or similar flow control device before discharging to the adjacent Northumbrian Water surface water sewer.

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

13.16 S106 Contributions

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

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

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

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

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

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

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

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

13.23 Following consultation with service providers a scheme 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.

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

13.25 Local Financial Considerations

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

13.27 The proposal would result in the creation of jobs during the construction phase.

13.28 Archaeology

13.29 A desk based archaeological assessment has been submitted. The Tyne and Wear County Archaeologist has provided comments. She notes that previous archaeological evaluation consisting of trial trenching has been undertaken and that this identified evidence for medieval or post-medieval cultivation and post-medieval coal mining remains of the early 19th century Percy Pit. She considers that the remains identified are of regional significance and merit further investigation. Conditions are therefore recommended requiring that an archaeologist is appointed to undertake a programme of observations of groundworks and a report of the finding submitted.

14.0 Conclusions

14.1 The proposal would utilise a vacant site within an established industrial area and help to support the use of energy from renewable sources. In officer opinion that 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 and the impact on the highway network.

14.3 An update on the ecological impacts will be reported to committee once comments have been received from the Landscape Architect and Biodiversity Officer.

14.4 Subject to the comments of the Landscape Architect and Biodiversity Officer confirming that they have no objections, the development is considered to comply with relevant national and Local Plan policies and is therefore recommended for conditional approval.

14.4 The development is considered to comply with relevant national and Local Plan policies and is therefore recommended for conditional approval.

RECOMMENDATION: Application Permitted

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 2874-SGA-BV-00-DR-A-0100-PL Rev. R03
- Venus Park Landscape strategy 1385_VP_100
- Proposed site plan 2874-SGA-BV-00-DR-A-0102-PL Rev. R06
- Proposed elevations 2874-SGA-BV-ZZ-DR-A-0100-PL Rev. R04
- Vehicle swept path and junction visibility splay 2874-SGC-ZZ-00-DR-C-

0521 Rev.P01

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

3. Restrict Hours No Construction Sun BH HOU004 *

4. The scheme for parking and turning of associated service vehicles shall be laid out in accordance with the approved plans prior to development being brought into use 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).

5. Notwithstanding Condition 1, no development shall commence until a Construction Method Statement a scheme to show wheel washing facilities and mechanical sweepers to prevent mud and debris onto the public highway 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 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 and DM7.4 of the North Tyneside Local Plan (2017) and National Planning Policy Framework.

6. Prior to the development being brought into use a noise scheme must be submitted to and approved in writing by the Local Planning Authority. The scheme shall be assessed in accordance with BS4142 to determine the current background noise levels for daytime, evening and night. The noise rating level at the closest residential receptor locations (to be agreed with the Local Planning Authority) shall not exceed the measured background noise levels. The scheme shall specify the acoustic noise rating of the plant and machinery modelled within the study. Any measures beyond standard equipment required to achieve the noise rating limits shall be listed in the scheme. The plant and machinery shall not be used until these additional measures have been implemented. 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

7. Within one month of the plant and equipment being installed acoustic testing must be undertaken to verify compliance with condition 6 and a report of the findings submitted to and approved in writing by the Local Planning Authority.

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

8. Noise No Tannoys Externally Audible NOI002 *

9. No development shall commence until the detailed drainage design has been submitted to and approved by in writing the Local Planning Authority. Thereafter, this scheme shall be implemented in accordance with the approved details and before the development is occupied.

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

10. Prior to the development being brought into use details of the appointed private management company for the drainage system must be submitted to and approved by in writing the Local Planning Authority.

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.

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

Reason: This information is required from the outset to ensure that any archaeological remains on the site can be preserved wherever possible and

recorded, and , if necessary, emergency salvage undertaken in accordance with paragraph 205 of the NPPF, Local Plan S6.5 and policies DM6.6 and DM6.7.

12. The development shall not be occupied/brought into use until the report of the results of observations of the groundworks pursuant to condition 12 has been submitted to and approved in writing by the Local Planning Authority.

Reason: The site is located within an area identified as being of potential archaeological interest. The investigation is required to ensure that any archaeological remains on the site can be preserved wherever possible and recorded, to accord with paragraph 205 of the NPPF, Local Plan S6.5 and policies DM6.6 and DM6.7.

13. No development shall commence until;

a) a scheme of intrusive site investigations has been carried out on site to establish the risks posed to the development by past coal mining activity, and

b) any remediation works and/or mitigation measures to address land instability arising from coal mining legacy, as may be necessary, have been implemented on site in full in order to ensure that the site is made safe and stable for the development proposed; and

c) a report to demonstrate compliance with parts a and b of this condition has been submitted to and approved in writing by the Local Planning Authority in consultation with the Coal Authority.

The report should include the submission of the approved layout plan to illustrate the exact location (and grid co-ordinates) of the two mine entries and their calculated no build exclusion zone (stand-off zone). The intrusive site investigations and remedial works shall be carried out in accordance with authoritative UK guidance.

Reason: The undertaking of intrusive site investigations, prior to the commencement of development, is considered to be necessary to ensure that adequate information pertaining to ground conditions and coal mining legacy is available to enable appropriate remedial and mitigatory measures to be identified and carried out before building works commence on site. This is in order to ensure the safety and stability of the development, in accordance with paragraphs 183 and 184 of the National Planning Policy Framework.

14. Prior to the occupation of the development, or it being taken into beneficial use, a signed statement or declaration prepared by a suitably competent person confirming that the site is, or has been made, safe and stable for the approved development shall be submitted to the Local Planning Authority for approval in writing. This document shall confirm the methods and findings of the intrusive site investigations and the completion of any remedial works and/or mitigation necessary to address the risks posed by past coal mining activity.

Reason: To ensure that appropriate remedial and mitigatory measures have been undertaken to ensure the safety and stability of the development, in accordance with paragraphs 183 and 184 of the National Planning Policy Framework.

15. Notwithstanding Condition 1, prior to the installation of the satellite/radio mast details of its location, height and appearance 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).

16. Notwithstanding Condition 1, details of the location, height and appearance of the CCTV shall be submitted to and approved in writing by the Local Planning Authority prior to installation. 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).

17. Site Investigation	CON004	*
18. Remediation Method Statement	CON005	*
19. Validation Report	CON006	*
20. Unexpected Hotspots	CON007	*
21. Gas Investigate no Development	GAS006	*

22. 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.

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

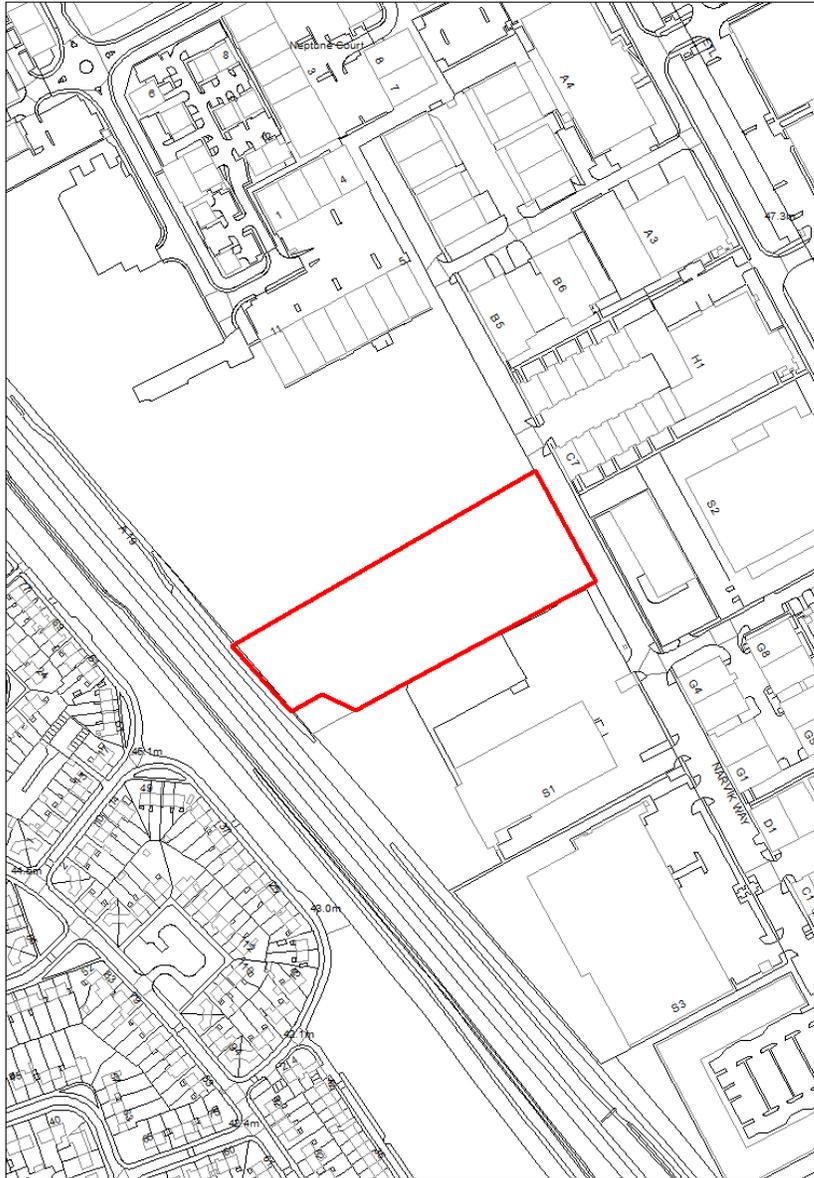
The proposal complies with the development plan and would improve the economic, social and environmental conditions of the area. It therefore comprises sustainable development and the Local Planning Authority worked proactively and positively to issue the decision without delay. The Local Planning Authority 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)

The applicant is advised to share their Operational Requirement and general site security plan with Northumbria Police and to contact their Crime Prevention Department at crime.prevention@northumbria.police.uk



Application reference: 22/01328/FUL

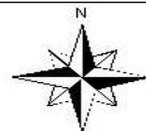
Location: Land Adjacent To, Third Avenue, Tyne Tunnel Trading Estate, North Shields

Proposal: Construction of battery energy storage containers and substation buildings, together with associated electrical infrastructure, small operational buildings, security fencing, CCTV, improved access tracks and structural landscaping

Not to scale

Date: 15.09.2022

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**Appendix 1 – 22/01328/FUL
Item 5**

Consultations/representations

1.0 Internal Consultees

1.1 Highway Network Manager

1.2 This application is for the construction of battery energy storage containers and substation buildings, together with associated electrical infrastructure, small operational buildings, security fencing, CCTV, improved access tracks and structural landscaping

1.3 Vehicle trips associated with the site post-construction will be minimal and limited to routine maintenance and parking and turning areas have been provided to accommodate associated service vehicles. Conditional approval is recommended.

1.4 Recommendation - Conditional Approval

1.5 Conditions:

Notwithstanding the details submitted, the scheme for parking and turning of associated service vehicles shall be laid out in accordance with the approved plans. This scheme 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 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 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 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 DM5.19 and DM7.4 of the North Tyneside Local Plan (2017) and National Planning Policy Framework.

1.6 Manager of Environmental Health (Pollution)

1.7 The site is located in an existing industrial estate with nearest residential properties located some 80m from the development.

1.8 No noise assessment has been provided to assess the impact of the proposed development on existing residential and I would be concerned about noise from the associated electrical infrastructure. I would recommend conditions are attached to ensure any new external plant and equipment is assessed and mitigation incorporated within the design.

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

External plant and equipment:

A noise scheme must be submitted in accordance with BS4142 to determine the current background noise levels for daytime, evening and night. The rating level for all plant must not exceed the current background noise levels.

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.

NO104 this will include details of the noise levels expected to be created by the combined use of external plant and equipment to ensure compliance with the noise rating level.

NOI02

HOU04

1.10 Local Lead Flood Authority

1.11 I have carried out a review of the flood risk and surface water drainage proposals detailed in planning application 22/01328/FUL. I can confirm in principle I have no objections to the proposed development. The site will be partially compromised of impervious and pervious hardstanding areas which will allow for some surface water infiltration with the remainder to be captured within

the developments drainage system. The surface water within the site will be stored within geocellular storage crates which will provide attenuation for up to a 1in100year rainfall event plus a 45% climate change allowance. The discharge rate from the development will be restricted to 5l/s using a hydrobrake or similar flow control device before discharging to the adjacent Northumbrian Water surface water sewer at MH7901. The developments drainage features will be maintained by a private management company.

1.12 I will require the following conditions to be placed on the application.

- Detailed Drainage Design to be approved by LLFA before commencement of development
- Contact Details of appointed private management company to be supplied to LLFA following completion of the development.

1.13 Sustainable Transport

1.14 A Travel Plan will not be required for this development.

1.15 Recommendation - Approval

1.16 Manager of Environmental Health (Contaminated land)

1.17 This application is for the construction of battery energy storage containers and substation buildings, together with associated electrical infrastructure, small operational buildings, security fencing, CCTV, improved access tracks and structural landscaping

1.18 The Preliminary Risk Assessment Report states:

It is recommended that intrusive ground investigations are undertaken at the site, comprising a suitable number of exploratory holes to target the superficial strata and mine shaft entries with bedrock, with a supporting chemical and geotechnical analysis and the installation of gas and groundwater monitoring points.

1.19 Based on the above the following conditions should be applied:

Con 004
Con 005
Con 006
Con 007
Gas 006

1.20 Biodiversity Officer and Landscape Architect

1.21 Final comments awaited.

2.0 External Consultees

2.1 Tyne and Wear County Archaeologist

2.2 The applicant has provided an archaeological desk based assessment by Archaeological Services Durham University (HER event 5311 report 2022/26). Previous archaeological evaluation consisting of trial trenching has also been undertaken at the site (HER event 4466 report 2016/118). This identified evidence for medieval or post-medieval cultivation, and post-medieval coal mining remains of the early 19th century Percy Pit. This work meets the

requirements of the NPPF for an applicant to describe the significance of any heritage assets affected by the proposed development (para 194).

2.3 I consider the mining remains identified to be of regional significance, and meriting further investigation. The archaeological desk based assessment recommends that archaeological monitoring is conducted during groundworks to record any mining remains which may be impacted upon by the development. This approach is consistent with the NPPF requirement for developers to record and advance understanding of the significance of any heritage assets to be lost (para 205).

2.4 I can provide a specification for the work when required. The following conditions should be used to secure the archaeological works;

Archaeological Watching Brief Condition

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

Reason: The site is located within an area identified as being of potential archaeological interest. The observation is required to ensure that any archaeological remains on the site can be preserved wherever possible and recorded, and, if necessary, emergency salvage undertaken in accordance with paragraph 205 of the NPPF, Local Plan S6.5 and policies DM6.6 and DM6.7.

Archaeological Watching Brief Report Condition

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

Reason: The site is located within an area identified as being of potential archaeological interest. The investigation is required to ensure that any archaeological remains on the site can be preserved wherever possible and recorded, to accord with paragraph 205 of the NPPF, Local Plan S6.5 and policies DM6.6 and DM6.7.

2.5 Coal Authority

2.6 The Coal Authority Response: Material Consideration

2.7 I have reviewed the proposals and confirm that the application site falls within the defined Development High Risk Area; therefore within the application site and surrounding area there are coal mining features and hazards which need to be considered in relation to the determination of this planning application.

2.8 The Coal Authority records indicate that two mine entries are recorded as being present within the application site (CA shaft ref: 432567-001 and 432567-002). Our records state that:

- Shaft ref:432567-001- “This balancing/staple shaft was capped to an unknown specification in 2007 at the request of Gladedale, the housing developer's consultant”; and
- Shaft ref: 432567-002 “This shaft was grouted from the base at 275m deep and topped with a 18m by 18m by 0.45m thick reinforced concrete cap (40mm diameter reinforcement bars in two layers) founded at circa 6m depth within natural stiff glacial type clays. Strong rock-head horizon was proven to sit at 45m below the surface. Total grout take under pressure within the filled shaft column was approximately 100 tonnes to the base of the glacial deposits”.

2.9 Notwithstanding the above, due to the historic source plans used to plot their current position, this could vary by several meters. The Coal Authority is of the opinion that building over the top of, or in close proximity to, mine entries should be avoided wherever possible, even after they have been capped, in line with our adopted policy:

<https://www.gov.uk/government/publications/building-on-or-within-the-influencing-distance-of-mine-entries>

2.10 In addition, to the above, the Coal Authority has in the past been called upon to deal with three surface hazard at this site.

2.11 The planning application is accompanied by a Preliminary Risk Assessment, 20 March 2022 Issue V1 prepared for the proposed development by The Shadbolt Group. One of the objectives of the Assessment is to assess the risks to the site from former coal mining activity (Section 8.2).

2.12 Having carried out a review of the available historical, geological and coal mining information the report author concur with our records and considers that currently the site is at a high risk as a result of the two recorded mine entries.

2.13 Therefore, in order to fully understand the implications that these mining features will have on the proposed development, recommendations have been made that further intrusive ground investigation works are required in order to confirm the exact location and condition of the mine entries; and have these been treated to current UK authoritative guidance (CIRIA C758D – Abandoned mine workings manual). Recommendations have been made that a nominal 20m stand-off should be implemented for future structures.

2.14 Section 10 concludes that the investigation works will “provide confirmation of the Preliminary Risk Assessment and allow the project to proceed on a more assured basis with regards earthworks, foundations and any risks to the proposed development and future site users arising from the materials present on and beneath the site”.

2.15 We are pleased to note that the applicant has afforded due consideration to the professional opinion provided by The Shadbolt Group and both existing and proposed plans clearly illustrate how the 20m stand-off relates to the layout being considered as part of this proposal. We note that the Proposed Layout Plan (Drawing No. 0102 Revision R06) illustrates that as part of the construction works, this specific area (20m stand-off zone) will be used as the construction compound area. Vigilance should remain by all site operators.

2.16 Mine Gas

It should be noted that wherever coal resources or coal mine features exist at shallow depth or at the surface, there is the potential for mine gases to exist. These risks should always be considered by the LPA. The Planning & Development team at the Coal Authority, in its role of statutory consultee in the planning process, only comments on gas issues if our data indicates that gas emissions have been recorded on the site. However, the absence of such a comment should not be interpreted to imply that there are no gas risks present. Whether or not specific emissions have been noted by the Coal Authority, local planning authorities should seek their own technical advice on the gas hazards that may exist, and appropriate measures to be implemented, from technically competent personnel.

2.17 Sustainable Drainage

It should be noted that where SUDs are proposed as part of the development scheme consideration will need to be given to the implications of this in relation to the stability and public safety risks posed by coal mining legacy. The developer should seek their own advice from a technically competent person to ensure that a proper assessment has been made of the potential interaction between hydrology, the proposed drainage system and ground stability, including the implications this may have for any mine workings which may be present beneath the site.

2.18 The Coal Authority Recommendation to the LPA

In light of the above, the Coal Authority recommends the imposition of the following conditions:

1. No development shall commence until;
 - a) a scheme of intrusive site investigations has been carried out on site to establish the risks posed to the development by past coal mining activity, and
 - b) any remediation works and/or mitigation measures to address land instability arising from coal mining legacy, as may be necessary, have been implemented on site in full in order to ensure that the site is made safe and stable for the development proposed. This should include the submission of the approved layout plan to illustrate the exact location (and grid co-ordinates) of the two mine entries and their calculated no build exclusion zone (stand-off zone).

The intrusive site investigations and remedial works shall be carried out in accordance with authoritative UK guidance.

2. Prior to the occupation of the development, or it being taken into beneficial use, a signed statement or declaration prepared by a suitably competent person confirming that the site is, or has been made, safe and stable for the approved development shall be submitted to the Local Planning Authority for approval in writing. This document shall confirm the methods and findings of the intrusive site investigations and the completion of any remedial works and/or mitigation necessary to address the risks posed by past coal mining activity.

2.19 This is our recommendation for condition wording. Whilst we appreciate that you may wish to make some amendment to the choice of words, we would

respectfully request that the specific parameters to be satisfied are not altered by any changes that may be made.

2.20 The Coal Authority has no objection to the proposed development subject to planning permission being granted in accordance with Drawing No. 0102 Revision R06 – Proposed Site Layout and the imposition of the conditions to secure the above.

2.21 The following statement provides the justification why the Coal Authority considers that a pre-commencement condition is required in this instance:

The undertaking of intrusive site investigations, prior to the commencement of development, is considered to be necessary to ensure that adequate information pertaining to ground conditions and coal mining legacy is available to enable appropriate remedial and mitigatory measures to be identified and carried out before building works commence on site. This is in order to ensure the safety and stability of the development, in accordance with paragraphs 183 and 184 of the National Planning Policy Framework

2.22 Northumbria Police

2.23 We have no objections or comments, however we would encourage the applicant to consider security measures for the proposal. I have noted the inclusion of CCTV, however it would be beneficial for the applicant to share their Operational Requirement and general site security plan, I would therefore recommend contact to be made with our Crime Prevention Department at crime.prevention@northumbria.police.uk