

**Item No:** 5.6  
**Application No:** 15/00699/OUT Author: Haley Marron  
Date valid: 12 May 2015 ☎: 0191 643 6330  
Target: 11 August 2015 Ward: Chirton  
decision date:

Application type: outline planning application

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

**Proposal: 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)).**

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

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

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

## **INFORMATION**

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

#### 1.0 Main Issues

1.1 The main issue in this case is whether the proposal development is acceptable in principle.

#### 2.0 Description of the Site

2.1 The application site consists of a large area of grassland measuring approximately 6.72 hectares within the Tyne Tunnel Trading Estate.

2.2 The site is largely vacant albeit there is an existing temporary car park on hard standing towards the northern end of the site, and a large area of top soil stored towards the western edge of the site.

2.3 There is a line of structural planting running along the western edge of the site acting as a buffer to the A19.

2.4 The site is bounded to the east by Narvik Way and to the west by the A19. There are existing industrial developments to the north and south of the development.

### 3.0 Description of the proposed development

3.1 The proposal seeks outline planning permission (with all matters reserved) for the construction of 20,754 sq m of B2/B8 business units with new access roads, HGV turning areas, yards and car parking spaces.

3.2 The proposed development will comprise a total of 5 large industrial buildings, with a potential for further subdividing the units, creating a total of 9 units overall.

3.3 The proposed units will potentially range in size from 1,087 sq m to 9,290 sq m.

### 4.0 Relevant Planning History

4.1 01/00168/SCREIA - Car showroom trade centre public house and 60 bed hotel

No Environmental Assessment required 13.02.2001.

4.2 01/00417/OUT - Proposed business park incorporating industrial uses (use class B2), distribution (B8), offices (B1) car showroom and trade centre use. Vehicular access from High Flatworth.

Permitted 25.02.2002

4.3 02/00798/REM - Details of means of access, first phase for proposed Business Park. Approved under outline permission, ref: 01/00417/OUT

Permitted 30.05.2002.

4.4 03/03068/REM - Erection of a building for Trade Centre purposes of 2230 sq. metres (internal) with associated access, landscaping, servicing and car parking.

Permitted 16.01.2004.

4.5 03/03069/REM - Details of New access road with associated drainage and services. Approved under Outline Planning Permission 01/00417/OUT

Permitted 05.12.2003.

4.6 03/03386/FUL - Develop site without compliance with Condition 22 of Planning Permission 01/00417/OUT to allow an additional 743 sq. metres of trade centre development.

Permitted 16.01.2004.

4.7 04/02953/REM - Details of siting, design, external appearance, means of access and landscaping for B1 office development complete with associated parking. Construction of 8no. 2 storey and 1no. 3 storey offices ranging from 281.6 to 1131 sq

Permitted 15.10.2004.

### 5.0 Development Plan

5.1 North Tyneside Unitary Development Plan (adopted March 2002).

Direction from Secretary of State under paragraph 1(3) of Schedule 8 of Town and Country Planning and Compulsory Purchase Act 2004 in respect of policies in the North Tyneside UDP.

## 6.0 Government Policy

6.1 National Planning Policy Framework (March 2012).

6.2 National Planning Policy Guidance (March 2014).

6.3 Planning applications must be determined in accordance with the development plan unless material considerations indicate otherwise. The National Planning policy Framework is a material consideration in the determination of this application. It requires local planning authorities 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 National Planning policy Framework.

## **PLANNING OFFICERS REPORT**

### 8.0 Main Issues

o The main issues in this case are:

- Whether the principle of development is acceptable
- Whether the proposal will impact on the character of the area
- Impact on the wildlife corridor
- Whether adequate parking has been provided and whether impact on the highway network is acceptable
- Impact on archaeology, flood risk and ground conditions

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

### 9.0 Principle

9.1 Paragraph 14 of NPPF states that at the heart of it is a presumption in favour of sustainable development. For decision taking this means approving development proposals that accord with the development plan without delay; and where the development plan is absent, silent or relevant policies are out-of-date granting planning permission unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits.

9.2 Paragraph 18 of NPPF states that the Government is committed to ensuring that the planning system does everything it can to support sustainable economic growth. Significant weight should be placed on the need to support economic growth through the planning system.

9.3 The application site is allocated for employment purposes by way of policy LE1/4 of the UDP. The employment land allocation is similarly reflected in the emerging Local Plan.

9.4 Policy LE1/4 states that the local planning authority will seek to ensure that the physical base of the local economy is maintained and protected. Areas

shown on the proposals map as currently used for classes B1, B2 or B8 will be protected from change of use to other purposes.

9.5 The proposed development seeks permission for up to 20,754 sq m of B2 (General Industrial) and B8 (Storage and Distribution) and therefore would be in accordance with the sites allocation in the UDP and would accord with policy LE1/4.

#### 10.0 Impact on the character of the area

10.1 Paragraph 56 of NPPF states that the Government attaches great importance to the design of the built environment. Good design is a key aspect of sustainable development, is indivisible from good planning and should contribute positively to making places better for people.

10.2 Policy LE1/7 states that in considering proposals for employment purposes the Council will seek to ensure that development is acceptable in term of its impact upon the local environment, existing land uses, and local amenity amongst other matters.

10.3 The proposal seeks to be able to accommodate up to 20,754 sq m of B2 (General Industrial) and B8 (Storage and Distribution). An indicative site layout plan has been submitted to show how this amount of development could be accommodated on this site.

10.4 The indicative plan shows 5 separate units, which could depending on the requirements of the occupiers be further sub-divided into 9 units. The size of the units would range from 1,087 sq m up to 9,290 sq m. The indicative site layout shows a logical and functional layout with an internal access road, each unit having a double row of parking at the front for cars and a rear service yard large enough to allow an HGV to turn around. Landscaping would be provided to the front rear and edge of the site.

10.5 In terms of the heights of buildings scale is also a reserved matter. However, some indicative elevations have been submitted, which indicate the buildings would measure approximately 12m to the eaves with a shallow sloping roof.

10.6 The surroundings are characterised by similar sized industrial buildings and this proposal would fit in well, developing part of the Tyne Tunnel Trading Estate which is currently vacant.

10.7 The Manager of Environmental Health (Pollution) has been consulted and supports the proposal in principle subject to conditions.

10.8 It is considered that the amount of development can be adequately accommodated on this site without detriment to the site or its surroundings. Therefore the proposal accords with policy LE1/7 and the advice in NPPF.

## 11.0 Landscaping

11.1 Policy E14 seeks to protect and conserve existing trees and landscaping features within the urban environment and encourages new planting in association with development.

11.2 The site is currently vacant grassland and allocated for employment purposes. Part of the western edge of the site (adjacent to the A19) is required in connection with the works planned by Highways England to improve The Silverlink Roundabout. The application takes account of the proposed A19 widening and the western boundary of the application site has moved further eastwards with additional planting along this boundary.

11.3 Due to proposed improvements to the A19 and Silverlink roundabout by Highways England which is subject to a separate Development Consent application, a large proportion of the existing planting screen that is identified as Group 5 on the western boundary of the site is likely to be lost in advance of employment development coming forward on this site. This is because part of this site has been identified as a site compound to facilitate the Silverlink/Coast Road improvement works. This proposal seeks to provide a new 10m landscaped buffer to the western extent of the site adjacent to the widened A19. Details of this landscaped buffer can be controlled by a condition and future reserved matters submissions.

11.4 The Arboricultural Impact Assessment confirms that it will be necessary to remove some of the existing trees from Group 6 to facilitate the construction of the adjacent footpath. The Council's Landscape Architect has been consulted and advises this is an acceptable loss. The remaining trees are to be retained and protected.

11.5 The proposals are considered acceptable in terms of Policy E14.

## 12.0 Biodiversity

12.1 Paragraph 118 of NPPF states that when determining planning applications, local planning authorities should aim to conserve and enhance biodiversity

12.2 Policy E12/6 states that development which would adversely affect the contribution to biodiversity of a wildlife corridor will not be permitted unless no alternative site is reasonably available, or appropriate measures of mitigation or compensation for all the adverse effects are secured.

12.3 The site is within a wildlife corridor according to policy E12/6 of the UDP.

12.4 The applicant has submitted the following ecological reports including an Ecological Appraisal, Bat Survey and Breeding Bird Survey. The key issues are the habitat value of the application site itself and the protection and enhancement of Dingy Skipper and Wall butterfly.

12.5 The Ecological Appraisal states the site itself supports habitats of District ecological value. Habitats within the site include botanically rich semi improved grassland and areas of lower botanical diversity.

12.6 The site has also attracted Dingy Skipper and Wall butterfly which are a Priority UK Species by virtue of the NERC Act Section 41 and are a material planning consideration. The applicant has submitted a Butterfly Mitigation Strategy and Management Plan.

12.7 The Council's Biodiversity Officer has been consulted and states that a large section of this 6.7ha site is botanically rich grassland. The grassland is classified as a BAP habitat in the Newcastle and North Tyneside Biodiversity Action Plan and the loss of the grassland habitat in itself should be adequately mitigated for.

12.8 The applicant also proposes a £20,000 financial contribution as mitigation for the loss of grassland and Dingy Skipper and Wall butterfly habitat. The contribution would go towards creating and enhancing areas of grassland and butterfly habitat. The contribution is acceptable and it can be secured via the S106 Agreement.

12.9 The Biodiversity Officer is satisfied with the Butterfly Mitigation Strategy and Management Plan and recommends the measures set out in the report are conditioned. These include the translocation of existing Dingy Skipper butterfly larvae into areas of landscaping; ensuring protection of the proposed 10m landscaping belt to the west and the southern grassland (unaffected by the development) and incorporating suitable butterfly habitat into the new landscaping.

12.10 The development complies with the NPPF and UDP policy E12/6 and is therefore acceptable in ecological terms.

### 13.0 Archaeology

13.1 Paragraph 128 of NPPF states that local authorities should require an applicant to describe the significance of any heritage assets affected, including any contribution made by their setting. Where a site on which development is proposed includes or has the potential to include heritage assets with archaeological interest, local planning authorities should require developers to submit an appropriate desk-based assessment and where necessary a field evaluation.

13.2 The applicant has submitted an Archaeological Desk-based Assessment. The Tyne and Wear Archaeology Officer has been consulted and states that the only known archaeological features within the site is a coal mine (Flatworth Pit) at the southern end. This is shown on a plan of 1820. Bell's Plan of 1847 names it Percy Pit. It was disused by 1897. No further archaeological work is required.

13.3 In conclusion that applicant has described the significance of the site in terms of archaeology and therefore the proposal in this respect accords with the advice NPPF.

### 14.0 Flooding

14.1 The Government have made it clear in a Ministerial Statement that they expect that sustainable drainage systems for the management of run-off are put in place, unless demonstrated to be inappropriate.

14.2 Paragraph 100 of NPPF states that inappropriate development in areas at risk of flooding should be avoided by directing development away from areas at highest risk, but where development is necessary making it safe without increasing the flood risk elsewhere.

14.3 The applicant has submitted a Flood Risk Assessment and Drainage Strategy. It is proposed that the foul water will be connected to the existing foul sewer which will discharge to the existing combined sewer. Increased runoff from the introduction of impermeable surfaces will be attenuated on site to the equivalent Greenfield runoff rate to ensure no increase in flood risk elsewhere.

14.4 The site is located within Flood Zone 1, which is the lowest risk. The applicant states that the possible effects of climate change have also been considered by acknowledging the requirement to make an allowance for increased rainfall in the calculation of the surface water discharge rate over the lifespan of the development.

14.5 The Council as Local Lead Flood Authority is satisfied with the proposals as the surface water will be attenuated on the site and discharged at green field runoff rates into a nearby watercourse.

14.6 Both Northumbrian Water and the Environment Agency have been consulted and neither has any objections subject to conditions.

14.7 In conclusion, it is considered that the proposal would not unacceptably increase the risk of flooding and would be both in accordance with the Written Ministerial Statement and the advice in NPPF.

#### 15.0 Ground Conditions

15.1 NPPF states that to prevent unacceptable risks from pollution and land instability planning policies and decisions should ensure that new development is appropriate for its location. Where a site is affected by contamination or land stability issues, responsibility for securing a safe development rests with the developer and/or landowner.

15.2 Policy E3 of the UDP seeks to minimise the impact of pollution on the environment, and on proposed development and supports and encourages measures to reduce pollution to the lowest practicable levels.

15.3 The applicant has submitted a Phase 1 Geo-environmental Report. The Council's Contaminated Land Officer has been consulted and states that previous railway and mining activity has the potential for contamination. If present on the site, it is likely to be located at the site's eastern end and southern boundaries, rather than site wide.

15.4 The Contaminated Land Officer recommends that a Phase 2 Intrusive Ground Investigation is undertaken at the site to assess this further and to allow monitoring wells to be installed and a programme of has monitoring implemented. This can all be secured through the use of conditions.

15.5 In conclusion, it is considered that the site can be made suitable for the proposed use subject to conditions and that the proposal would accord with UDP policy E3 and the advice within NPPF.

#### 16.0 Access and Parking

16.1 Where access is a reserved matter, as is the case in this instance, an application for outline planning permission shall state the area or areas where access points to the development proposed will be situated. Proposed access to the site is from Narvik Way.

16.2 Paragraph 32 of NPPF states that development should only be prevented or refused on transport grounds where residual cumulative impacts of development are severe.

16.3 In a Written Ministerial Statement in March 2015 The Secretary of State said that local planning authorities should only impose local parking standards for residential and non-residential development where there is a clear and compelling justification that it is necessary to manage their local road network.

16.4 The Highway Network Manager has been consulted and states the Transport Assessment shows that some junctions and in particular High Flatworth roundabout, are currently operating at or over capacity and the development will add traffic to the network. To mitigate for the impact of their development, the applicant has agreed to a financial contribution of £91,449 towards off site highway improvements at High Flatworth roundabout and the A193 corridor. This will be secured by S106 Agreement.

16.5 A Framework Travel Plan has been submitted as part of the application. Given the outline nature of the application, the Highways Network Manager accepts the Travel Plan is in its early stages and will be developed at reserved matters stage. He does however, require the imposition of a Travel Plan Bond of £50,000 which be held by the Council to incentivise the developer(s) to meet the Travel Plan targets. The applicant has agreed to the contribution and the Travel Plan and the Bond will be secured through the S106 Agreement.

16.6 In term of access arrangements, parking layout and cycle provision the Highway Network Manager is satisfied that these issues will be determined at reserved matters stage and through the imposition of conditions.

16.7 Nexus state that they have no objections in principle and welcome proposals for further development and economic growth. They have however requested enhanced pedestrian access to allow employees and visitors to the site to be able to reach existing and future planned bus services. It is considered this matter can be controlled by condition.

16.8 Highways England has been consulted and have no objections subject to conditions.

16.9 The development is considered acceptable in terms of highways issues and therefore complies with the NPPF.



### 17.0 Other issues

17.1 The applicant has formally requested a 5 year planning permission. This is because of the highway improvements works to the A19/ Silverlink roundabout and the applicant's ability to develop the whole site in the short term.

17.2 The site is allocated employment land in the UDP and the emerging Local Plan. Therefore there are no objections to a longer planning permission being granted in this case.

### 18.0 Conclusion

18.1 The proposal seeks outline planning permission, with all matters reserved, to develop this site for employment purposes. Currently the land is vacant and does little to contribute to the larger Tyne Tunnel Trading Estate.

18.2 It is considered that the proposed development would provide additional employment units and would be a benefit to the local economy generally. NPPF states that there is a presumption in favour of sustainable development and that the proposal that accord with the development plan should be approved without delay.

18.3 This proposal would accord with the development plan. It also states that significant weight should be placed on the need to support economic growth through the planning system. This proposal would also help towards supporting economic growth. In conclusion it is recommended that planning permission should be granted subject to a section 106 agreement and conditions.

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

**It is recommended that members indicate that they are minded to grant this application subject to the conditions set out (or any subsequent amendments, omissions or additional conditions) and to grant plenary powers to the Head of Environment, Housing and Leisure to determine the application following the completion of the S106 Agreement to secure the following:**

**- £91, 449 towards highway improvements at High Flatworth roundabout and the A193 corridor**

**- £20,000 towards off site grassland mitigation for the loss of semi-improved grassland and impacts on dingy skipper and wall butterfly**

**- The Travel Plan**

**- Travel Plan Bond Sum of £50,000 to be deposited to the Council, in the event targets in the Travel Plan are not achieved.**

## Conditions/Reasons

1. Details of the appearance, landscaping, layout, scale and access (hereafter called the reserved matters) for each phase of the development shall be submitted to and approved in writing by the local planning authority before the development of that phase, and the development shall be carried out as approved.

Reason: That your application is expressed to be an outline application only.

2. Application for the approval of reserved matters for each phase shall be made to the local planning authority no later than 5 years from the date of this outline permission.

Reason: To comply with the requirements of Section 92 of the Town and Country Planning Act 1990.

3. The development hereby permitted shall begin not later than two years, from the date of approval of the last of the reserved matters to be approved.

Reason: To comply with the requirements of Section 92 of the Town and Country Planning Act 1990

4. The development hereby permitted shall be carried out on a phased basis, with each individual phase to be identified within each reserved matter submission (as defined within condition 1). Unless otherwise stated, all conditions are to be discharged relating to the phase identified within the relevant reserved matters submission.

Reason: To ensure that all components of the overall development are provided and integrated in an appropriate manner having regard to LE1/4 of the North Tyneside Unitary Development Plan 2002

5.	Ind Devel Roads No Occ OUT	ACC05	*1 *LE1/4
6.	Ind Devel Details Access Road No Occ	ACC07	*LE1/4
7.	New Access Access Before Devel OUT	ACC08	*
8.	Exist Access Closure By OUT	ACC16	*
9.	Visibility Splay Detail Before Devel	ACC20	*
10.	Turning Areas Laid Out Before Occ OUT	ACC24	*
11.	Surface Water Drainage OUT	DRN01	*

- |  |       |        |
|--|-------|--------|
| 12. Veh Parking Garaging Loading OUT         | PAR03 | *LE1/4 |
| 13. Refuse Storage Detail Provide Before Occ | REF01 | *LE1/4 |
| 14. Building Site Detail Compound Storage    | SIT01 | *      |
| 15. Building Site Construction Access        | SIT02 | *      |
| 16. Dust suppression during construction     | SIT03 | *      |
| 17. Lorry routeing during construction       | SIT04 | *      |

18. No development shall commence on any phase until a detailed parking layout designed in accordance with LDD12 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 before the development is occupied.

Reason: In the interests of highway safety.

19. No development shall commence on any phase until a car park management strategy for the site has be submitted to and agreed in writing by the Local planning Authority. Thereafter the management of the car park shall be carried out in accordance with the agreed details.

Reason: To ensure adequate parking facilities for the site and in the interests of highway safety.

20. Prior to development commencing on any phase a scheme for the provision of secure undercover cycle storage 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: To comply with the Council's policy on cycle storage regarding residential dwellings.

21. Prior to development commencing on any phase, a revised Travel Plan taking into account the new development has been submitted to and approved by in writing the Local Planning Authority. This will include an undertaking to conduct travel surveys to monitor whether or not the Travel Plan targets are being met. Thereafter, the development shall be carried out in accordance with the details agreed.

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

22. Prior to development commencing on any phase details of a surface water management scheme shall be submitted to and approved by in writing the Local Planning Authority. The scheme shall include details of future maintenance. Thereafter, this scheme shall be implemented in accordance with the approved details and before the development is occupied.

Reason: In the interests of surface water management

24. Prior to development commencing on any phase, the measures set out in the Butterfly Mitigation Strategy and Management Plan (Final version R03) Section C.2.1 shall be implemented unless otherwise agreed with the Local Planning Authority.

Reason: In the interests of biodiversity conservation having regard to policy E12/6 of the North Tyneside Unitary Development Plan 2002.

25. Prior to development commencing on any phase, a detailed landscape plan shall be submitted to the Local Authority for approval and which will include the provision of:

Landscaping scheme for the 10m Landscaping Zone identified on the approved drawings

The butterfly mitigation details

Planting within the layout of the development

Thereafter the planting shall be carried out in accordance with the details agreed, unless otherwise agreed in writing.

Reason: In the interests of amenity and to ensure a satisfactory standard of landscaping having regard to policy E14 and E12/6 ; of the North Tyneside Unitary Development Plan 2002.

27. Landscape Scheme Implementation                      LAN06    \*E14  
    Period

28. No vegetation clearance will take place in the bird nesting season unless a survey by a suitably qualified ecologist has confirmed the absence of nesting birds immediately prior to development commencing.

29. Protection of Trees During Construction                      LAN10    \*E14 and E16/2

30. Restrict Hours No Construction Sun BH                      HOU04    \*

31. Landfill Gas Investigate No Devel Before                      GAS01    \*E3

32. Underground Gas Investigate                                      GAS02    \*E3

33. Underground Gas Design to Guard                                      GAS03    \*32

34. Prior to development commencing on any phase, the following shall be submitted to the Local Planning Authority for approval:

- a) A detailed site investigation has been carried out to establish:
  - i) If the site is contaminated;
  - ii) To assess the degree and nature of the contamination present, and whether significant risk is likely to arise to the residents and public use of land;
  - iii) To determine the potential for the pollution of the water environment by contaminants and;
  - iv) The implication for residential development of the site and the quality of the residential environment for future occupiers.

Such detailed site investigation to accord with a statement of method and extent which shall previously have been agreed in writing by the Local Planning Authority and

- b) The results and conclusions of the detailed site investigations referred to in (a) above have been submitted to and the conclusions approved in writing by the Local Planning Authority. The Phase 2 Report should be written using the current government guidelines.
- c) If remediation is required following the assessment of the chemical results under current guidelines, then a method statement should be provided for comment. This should provide details of exactly how the remediation works are to be carried out, detailed site location plan of where material is to be deposited and details including drawings of gas protection scheme should be included
- d) If remediation is carried out on the site then a validation report will be required. This should provide evidence of what remediation has been carried out over the site. This report should confirm exactly what remediation has been carried out and that the objectives of the remediation statement have been met. This report should verification of the type, source, depth, location and suitability ( to include any test certificates for material to be imported on site to ensure it is not contaminated) of the imported materials for their use on site. This should include cross sectional diagrams for the site and detailed plans of the site. This report should be submitted before the contaminated land condition can be removed form the planning application.
- e) If any unexpected contamination or hotspots are encountered during the investigation and construction phases it will be necessary to inform the Local Authority then cease development and carry out additional investigative works and subsequent remediation if any unexpected contamination or underground storage tanks are discovered during the development. Work should be ceased until any risk is assessed through chemical testing and analysis of the affected soils or waters.

Thereafter the development shall not be implemented otherwise than in accordance with the scheme referred to in c) above.

Reason: To ensure that the potential contamination of the site is properly investigated and its implication for the development approved fully taken in to account having regard to policy E3 of the North Tyneside Unitary Development Plan 2002.

35. The development of all phases shall be implemented in accordance with the approved Flood Risk Assessment and Drainage Strategy submitted with the outline application.

Reason: To ensure a satisfactory drainage scheme and to ensure the proposed foul and surface water flows are discharged into the agreed manholes and at the restricted rates stipulated in the report.

36. Prior to development commencing on any phase, the following shall be submitted to the Local Planning Authority for approval:

The submission of a scheme of assessment of the current condition for the mine entries for approval

The undertaking of a scheme of assessment

A report detailing the findings arising from the assessment

A layout plan which identifies appropriate zones of influence for mine entries on the site, and the definition of suitable 'no-build' zones;

A scheme of further treatment for the mine entries on site is identified as required in the assessment for approval

Thereafter the development of the phases should be implemented in accordance with the remediation / treatment works identified in the assessment and which are agreed with the Local Planning Authority.

Reason: To ensure that the historical coal mining legacy is taken into account and appropriately mitigated to ensure a safe development in accordance with the advice in 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 Paragraphs 186-187 of the National Planning Policy Framework.

**Informatives**

Contact ERH Construct Highway Access (I05)

Contact ERH Path Bridleway Xs Site (I07)

Contact ERH Works to Footway (I08)

No Doors Gates to Project Over Highways (I10)

Do Not Obstruct Highway Build Materials (I13)

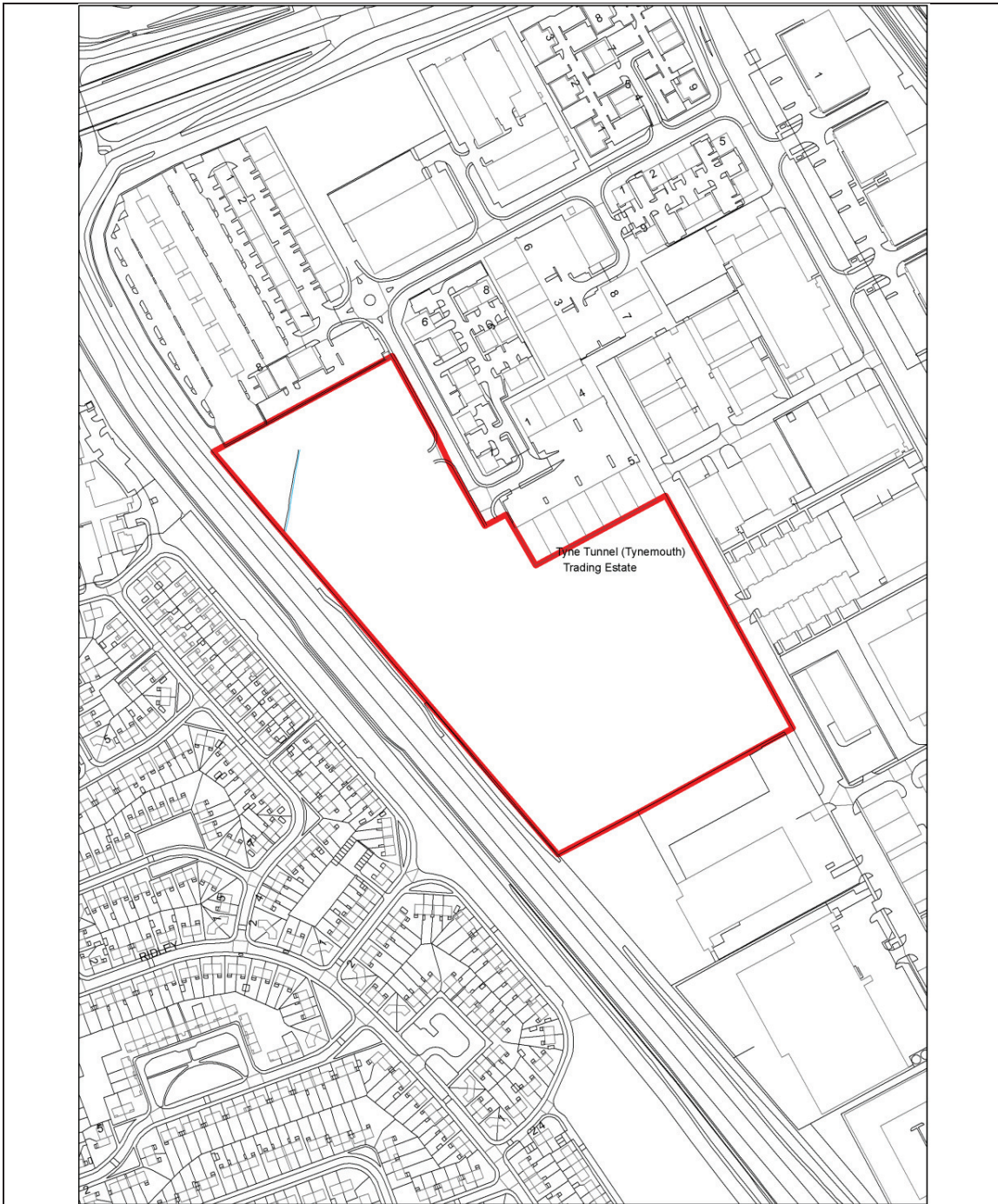
Street Naming and numbering (I45)

Highway Inspection before dvlpt (I46)

Free and full access to the Public Right of Way network is to be maintained at all times. Should it be necessary for the protection of route users to temporarily close or divert an existing route during development, this should be agreed with the council's Public Rights of Way Officer.

Prior to the commencement of works and upon the completion of the development the developer shall contact the council's Public Rights of Way Officer to enable a full inspection of the routes affected to be carried out. The developer will be responsible for the reinstatement of any damage to the network arising from the development.

The developer is advised to contact the council's Public Rights of Way Officer to discuss connectivity to the site into the surround Public Right of Way network.

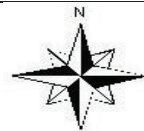


**Application reference: 15/00699/OUT**  
**Location: Land Adjacent To, Third Avenue, Tyne Tunnel Trading Estate, North Shields**  
**Proposal: Construction of 20,754 sqm of B2/B8 business units with new access roads, HGV turning areas, yards and car parking spaces (Additional ecology surveys received 05.10.2015)).**

Not to scale

Date: 27.11.2015

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## **Item 5.6**

### **Appendix 1 – 15/00699/OUT**

#### **Consultations/representations**

##### 1.0 Consultations/representations

##### 1.1 Internal Consultees

##### 1.2 Highway Network Manager

1.3 This application is an outline application with all matters reserved for the construction of 20,754m<sup>2</sup> of B2/B8 business units with new access roads, HGV turning areas, yards and car parking spaces

1.4 A Transport Assessment (TA) was submitted as part of the planning application that analysed the highway network in the vicinity of the site. The TA acknowledges that some junctions and in particular High Flatworth roundabout are currently operating at or over capacity and that the development will add traffic to the network. The TA also identifies existing road safety issues at High Flatworth roundabout that need to be addressed. As such it is considered appropriate that the development makes a financial contribution to an improvement scheme at High Flatworth roundabout.

1.5 A Framework Travel Plan (TP) has been submitted as part of the application. As the TP is at its early stages given the outline nature of the application, it will be developed as part of reserved matters and targets will be determined at this stage. A Travel Plan Bond (£50,000) is required and will be incorporated into the Section 106 Agreement.

1.6 A Flood Risk Assessment (FRA) was submitted as part of the application whereby surface water is attenuated on site and discharged into existing infrastructure at appropriate green field run off rates.

1.7 The application is outline with all matters to be determined. The layout, parking and cycle parking provision etc. will be determined at the reserved matters stage and appropriate conditions have been included.

1.8 For the above reasons outlined above and on balance conditional approval is recommended.

1.9 Recommendation - Conditional Approval

1.10 The applicant will be required to enter into a Section 106 Agreement for the following works:

- Contribution to a scheme for congestion reduction on the A193 corridor of £91,449
- A Travel Plan Bond for the sum of £50,000

1.11 Conditions:

ACC05 - Ind Devel Roads No Occ OUT  
ACC07 - Ind Devel Details Access Road No Occ  
ACC08 - New Access: Access before Devel (OUT)  
ACC16 - Exist Access Closure By (OUT) (\*6 Months)  
ACC20 - Visibility Splay: Detail, Before Devel (\*9.0m by 90m by 0.6m)  
ACC24 - Turning Areas: Laid out before Occ (OUT)  
DRN01 - Housing Estate: Road Drainage (OUT)  
PAR03 - Veh: Parking, Garaging, Loading (OUT)  
REF01 - Refuse Storage: Detail, Provide Before Occ  
SIT01 - Building Site: Compound Storage  
SIT02 - Building Site: Construction Access  
SIT03 - Dust suppression  
SIT04 - Lorry routing

1.12 No development shall commence until a detailed parking layout designed in accordance with LDD12 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 before the development is occupied.  
Reason: In the interests of highway safety.

1.13 No development shall commence until a car park management strategy for the site has be submitted to and agreed in writing by the Local planning Authority. Thereafter the management of the car park shall be carried out in accordance with the agreed details.  
Reason: To ensure adequate parking facilities for the site and in the interests of highway safety.

1.14 No development shall commence until a scheme for the provision of secure undercover cycle storage for residential use 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: To comply with the Council's policy on cycle storage regarding residential dwellings.

1.15 No development shall commence until a revised Travel Plan taking into account the new development has been submitted to and approved by in writing the Local Planning Authority. This will include an undertaking to conduct travel surveys to monitor whether or not the Travel Plan targets are being met.  
Reason: To accord with Central Government and Council Policy concerning sustainable transport.

1.16 No development shall commence until details of a surface water management scheme have 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: In the interests of surface water management

1.17 Informatives:

- I05 - Contact ERH: Construct Highway Access
- I07 - Contact ERH: Footpath/Bridleway X's Site
- I08 - Contact ERH: Works to footway.
- I10 - No Doors/Gates to Project over Highways
- I13 - Don't obstruct Highway, Build Materials
- I45 - Street Naming & Numbering
- I46 - Highway Inspection before dvlpt

1.18 Free and full access to the Public Right of Way network is to be maintained at all times. Should it be necessary for the protection of route users to temporarily close or divert an existing route during development, this should be agreed with the council's Public Rights of Way Officer.

1.19 Prior to the commencement of works and upon the completion of the development the developer shall contact the council's Public Rights of Way Officer to enable a full inspection of the routes affected to be carried out. The developer will be responsible for the reinstatement of any damage to the network arising from the development.

1.20 The developer is advised to contact the council's Public Rights of Way Officer to discuss connectivity to the site into the surround Public Right of Way network.

## 2.0 Local Lead Flood Authority

2.1 This application is for Construction of 20,754m<sup>2</sup> of B2/B8 business units with new access roads, HGV turning areas, yards and car parking spaces

2.2 A Flood Risk Assessment (FRA) was submitted as part of the application and surface water will discharge into a nearby watercourse. The site is located in Flood Zone 1 and as such has a low risk of flooding. Surface water will be attenuated on the site and discharged at Greenfield runoff rates, subject to detailed design and conditional approval is recommended.

2.3 Recommendation - Conditional Approval

2.4 Conditions:

2.5 No development shall commence until details of a surface water management scheme have been submitted to and approved by in writing the Local Planning Authority. This scheme shall include details of future maintenance. Thereafter, this scheme shall be implemented in accordance with the approved details and before the development is occupied.

Reason: In the interest's surface water management

2.6 No development shall commence until details of improvements to the culvert grille located to the west of Brewers Lane (OS Grid Reference 33075, 67230) on the watercourse to the south of the site have 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: In the interest's surface water management

### 3.0 Biodiversity Officer

3.1 The above application will result in the loss of:-

Botanically rich semi-improved grassland (calculated at around 1.7 hectares)  
Dingy skipper and Wall butterfly sites, both of which are NERC (Natural Environment & Rural Communities) Act Section 41 Priority UK species

3.2 The area of semi-improved grassland within the site is approximately 6 hectares in size, with approximately 1.7 hectares of this, classed as regionally important diverse grassland. Most of the semi-improved grassland will be lost to this development with some of the more diverse areas retained within the scheme. The grassland is classified as a BAP habitat under the Newcastle & North Tyneside Biodiversity Action Plan and therefore, needs to be adequately mitigated for.

3.3 As Dingy Skipper and Wall Butterfly (both a UK Priority species) have been found on site, the areas supporting these species should ideally be retained within the site and additional habitat created. If this is not possible, then off site mitigation is required.

3.4 With regard to mitigation for loss of diverse grassland habitat and dingy skipper butterfly locations, a 'Butterfly Mitigation Strategy' (Final Document R03) has been submitted which details plans for translocation of existing dingy skipper and wall butterfly areas within the site as well as creation of grassland areas suitable for these species. In addition to this, a S106 contribution of £20,000.00 has also been agreed to provide offsite mitigation for the loss of semi-improved grassland and impacts on dingy skipper and wall butterfly. This will enable new diverse grassland areas to be created offsite that will also provide habitat and mitigation for dingy skipper and wall butterfly.

3.5 I do not have any objection to the scheme, subject to the following:-

The implementation of the final 'Dingy Skipper Butterfly Mitigation Strategy',  
Appropriate landscaping within the site  
A S106 contribution of £20,000 for off-site mitigation

3.6 Please attach the following conditions to the application:-

3.7 Conditions:

3.8 The measures set out in the 'Butterfly Mitigation Strategy (Final version R03) are implemented prior to development commencing.

3.9 A detailed landscape plan is submitted to the Local Authority for approval prior to development commencing which will include the butterfly mitigation details

3.10 A S106 contribution of £20,000 is provided for off-site dingy skipper and grassland mitigation.

3.11 No vegetation clearance will take place in the bird nesting season unless a survey by a suitably qualified ecologist has confirmed the absence of nesting birds immediately prior to development commencing.

#### 4.0 Landscape Architect

4.1 An Arboricultural Impact Assessment and Tree Protection Plan have been submitted.

4.2 The report confirms that it will be necessary to remove some of the existing trees from Group 6 to facilitate the construction of the footpath but this is an acceptable loss.

4.3 The remaining existing trees are to be retained and protected in accordance with BS 5837 and the details as set out in the report. The TPP indicates the location of the protective fence which is acceptable.

4.4 The TPP and drawing no. 2380A-102 Rev B show a 10m wide area of new planting to the east of an area of existing trees which is to be retained (Group 5), and is likely to be the extent of land that could be taken by the proposed improvements to the A19 and Silverlink roundabout and subject to a separate Development Consent Order.

4.5 The landscape planting proposals can be conditioned.

#### 5.0 Environmental Health Manager (Pollution)

5.1 I support the development in principle but would make the following comments:

5.2 SIT03 Prior to the development commencing a detailed scheme to prevent the deposit of mud and other debris onto the highway and to suppress dust arising from construction activities shall be submitted to and approved in writing by the Local Planning Authority. Such a scheme shall include details of the means proposed to remove debris arising from the construction from the highway, and the provision of suitable water spraying equipment to suppress dust in dry conditions. Thereafter development shall not be carried out other than in accordance with the approved details and the approved measures shall be retained on site for the duration of the works and used on all occasions when visible dust emissions are likely to be carried from the site e.g. during dry, windy conditions.

5.4 HOU04 Restrict Hours: No Construction, Sun, BH

5.5 All construction work shall take place between the hours of 08:00- 18:00 Monday - Friday and 08:00 - 14:00 Saturdays with no working on Sundays or Bank Holidays.

#### 6.0 Environmental Health Manager (Contaminated Land)

6.1 I have read the Phase One Report and based on the information below the following should be attached

Gas 01  
Gas 02  
Gas03

6.2 If ground stabilisation works are required then further gas monitoring will be required post treatment to confirm the ground gas regime and if any proposed mitigation measures require revision.

Con 01

#### 7.0 Tyne and Wear Archaeology Officer

7.1 An archaeological desk based assessment has been submitted.

7.2 The only known archaeological features within the site is a coal mine (Flatworth Pit) at the southern end. This is shown on a plan of 1820. Bell's Plan of 1847 names it Percy Pit. It was disused by 1897.

7.3 No further archaeological work is required.

#### 8.0 External Consultees

##### 8.1 Environment Agency

8.2 No objections to the proposed development, but wishes to provide the following information.

8.3 Drainage from parking areas that will discharge to a surface watercourse must first be passed through an oil interceptor. Drainage to soakaway from car parking areas for greater than 50 spaces should be passed through an oil interceptor before discharging to ground.

8.4 An acceptable method of foul drainage disposal would be connection to the foul sewer. This being the case, Sewerage Undertaker should be consulted by the Local Planning Authority and be requested to demonstrate that the sewerage and sewage disposal systems serving the development have sufficient capacity to accommodate the additional flows generated as a result of the development, without causing pollution.

8.5 If a non-mains system is proposed, then we would wish to be re-consulted.

8.6 Our records show that there could be great crested newt in the area. These are protected under the Wildlife & Countryside Act 1981 and the Conservation of Habitats and Species Regulations 2010.

#### 9.0 Northumbrian Water

9.1 We would have no issues to raise with the above application, provided the application is approved and carried out within strict accordance with the submitted document entitled "*Flood Risk Assessment and Drainage Strategy*". In this document it states that the estimated foul flows from the proposed development will discharge to the existing 450mm diameter combined sewer at manhole 9603. The document further states that surface water from the proposed development will discharge to the existing 450mm diameter surface water sewer

at manhole 7901 at a restricted rate of 20.1l/sec, and a further connection to the existing 900mm diameter surface water sewer at manhole 4102 at a restricted rate of 10l/sec.

9.2 We would therefore request that the *Flood Risk Assessment and Drainage Strategy* form part of the approved documents as part of any planning approval and the development to be implemented in accordance with this document.

#### 10.0 Highways England

10.1 The proposed development is predicted to increase trips on the A19/A193 Howdon junction, which is shown to be over capacity at 2015 in both peak periods with base and committed traffic only. However, the proposed development trips would increase queues and delays on the A193 approaches only, which would be of more concerns to North Tyneside Council. Additionally, we plan to implement a LNMS (local network management scheme) at this junction in 2016.

10.2 We would therefore recommend, that in order to minimise the traffic impact on this already congested junction and consolidate the benefits of our planned scheme, should the development be granted permission, a condition requiring the implementation and monitoring of the submitted Travel Plan be attached to the consent.

10.3 Condition - Prior to the occupation of the development hereby approved details for the implementation, monitoring and review of a Sustainable Travel Plan for the employees and visitors to the development shall be submitted to and agreed with the Local Planning Authority. Such details shall include proposals for the appointment of a Travel Plan Co-ordinator, provision of information on sustainable travel, availability of public transport services, timescales for implementation, monitoring, reporting on and review of the Plan.

#### 11.0 The Coal Authority

11.1 The Coal Authority concurs with the recommendations of the Coal Mining Risk Assessment Report; that the mine entries should not be developed over.

11.2 It will also be necessary to assess their current condition to ensure that no further treatment works are necessary to allow use of the land for access, circulation or parking within their respective zones of influence.

11.3 The Coal Authority recommends that the LPA impose a planning condition should planning permission be granted for the proposed development.

11.4 A condition should therefore require prior to the submission of the reserved matters:

The submission of a scheme of assessment of the current condition for the mine entries for approval;

The undertaking of a scheme of assessment;

As part of the reserved matters application the submission of a report of findings arising from the assessment;

As part of the reserved matters application the submission of a layout plan which identifies appropriate zones of influence for mine entries on the site, and the definition of suitable 'no-build' zones;

As part of the reserved matters application the submission of a scheme of further treatment for the mine entries on site is identified as required in the assessment for approval.

1.9 A condition should also require prior to the commencement of development implementation of those further treatment works for the mine entries of identified as required in the assessment.

11.7 The Coal Authority therefore has no objection to the proposed development subject to the imposition of a condition or conditions to secure the above.

## 12.0 Nexus

12.1 Nexus have no objection in principle to this development, and welcome proposals for further development and economic growth.

12.2 We would however ask for some substantially enhanced pedestrian access to allow employees and visitors to this site to be able to reach existing and future bus services.

12.3 The travel plan enclosed with the application simply shows the straight line distance to the nearest bus stops, as being 400m. While this is true, we make the points below:

12.4 Unlike some more recently-built sectors, the Narvik Way sector of the TTE is poorly equipped with pedestrian footways, and there are no footways at all along Third Avenue, the route to reach the nearest bus stops on High Flatworth. We think that as a minimum requirement a good quality footway should be installed on the north side of Third Avenue, with connection to the new footways on the application site.

12.5 The pedestrian distance to the existing pair of bus stops on High Flatworth is actually 700-800+ for much of the western half of the development site, if pedestrians are required to walk all the way around to the southern entrance road. An opportunity exists to install a 110m pedestrian shortcut on a corridor of unused land, which would reduce the total distance back towards 400m, and provide 'best practice' pedestrian permeability. While the plan shows that utility 'easements' are in place on this corridor, a simple tarmac (or even dust surfaced) path should not offer any interference with underground utilities or prevent any occasional maintenance requirements (installing utilities under footpaths is extremely common in the UK, after all). This shortcut path should ideally be equipped with streetlight columns, probably only 4 will be needed on this length.

12.6 An alternative route for bus passengers is via Second Avenue to a different pair of stops, but as with Third Avenue, there is no safe footway on either side of this road; this should also be rectified.



12.7 The developers seem not to be aware that Highways England are proposing to install a new footway and bus stop on the A19 as part of the major Silverlink Junction Scheme. This is intended to provide access through to the west of the TTTE, for further bus services, which can not use the upgraded Tunnel more freely. Importantly, in the absence of a link from the Coast Road bus stops direct to Orion Way. The new A19 footway will also provide by far the closest and easiest access route between the application site and the frequent E-W strategic bus routes on the Coast Road. The developers need to be required to provide an access point/path somewhere in the NW of their site.

12.8 We also feel that it is perfectly reasonable for a development of this size to be asked to upgrade the two existing bus stops near Third Avenue to bus shelters. This will make this mode of transport much more attractive, and would ensure a consistent high quality of provision for the whole TTTE.

12.9 The Travel Plan/Transport Assessment refers to improvements to cyclist access in the area; we have not reviewed these in detail, but some of the proposals for the A193 are not very clear. In particular proposing the NCN10 Cycle Route is a key cyclist access route, does not take into account the fact that there is no formal access to its west side (or indeed, currently, to its east side). There is a good opportunity to use this large application to finally tackle this issue and install a formal connection point between NCN10 and the TTTE, which hosts thousands of jobs; we have previously suggested that a connection point somewhere around Tromoso Close would be suitable. Overall, we feel that cyclist access need to be more comprehensively addressed, perhaps in consultation with Sustrans or CTC.

### 13.0 Representations

13.1 One letter of objection has been received raising the following issues:

13.2 Traffic congestion. This new development can only be supported if provision is made to improve egress from the Tyne Tunnel Estate onto the main road and access to A19 and subsequent routes. Currently there is a major problem with egress from the estate due to the lack of traffic lights at the roundabout at the exit from the state. This causes a large tailback through the estate at the end of normal office hours. This issue could be addressed by the use of traffic lights at the roundabout and I believe that it would be totally wrong to increase the amount of traffic in the estate, without create a solution to eliminate the traffic congestion at this roundabout.