

Item No: 5
Application No: 16/01438/FUL Author: Rebecca Andison
Date valid: 31 August 2016 ☎: 0191 643 6321
Target: 30 November 2016 Ward: Wallsend
decision date:

Application type: full planning application

Location: Swans, Station Road, Wallsend, Tyne And Wear, NE28 6EQ

Proposal: Various sections of new and improved security fencing. Perimeter pallisade fencing up to 3m high with razor wire. Pallisade fencing surrounding the wet berth. 3m high quay pallisade fencing 40m back from river. Handrails to river edge

Applicant: North Tyneside Council, FAO Daniel Wise Regeneration Team Swans Station Road Wallsend Tyne And Wear NE28 6EQ

RECOMMENDATION: Application Permitted

INFORMATION

1.0 Summary Of Key Issues & Conclusions

1.0 Main Issues

1.1 The main issues in this case are:

- Principle of the proposal;
- The impact on residential and visual amenity; and
- The impact on archaeology.

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

2.0 Description of the Site

2.1 This application refers to the former Swan Hunter shipyard, in Wallsend.

2.2 The site is located in a prominently industrial area on the banks of the River Tyne.

3.0 Description of the Proposed Development

3.1 Permission is sought to carry out alterations to the existing boundary fencing and to install new sections of fencing/gates.

3.2 The proposals include 3m high perimeter pallisade fencing with razor wire, 3.0m high pallisade fencing around the wet berth, 4.0m high pallisade fencing within the southern part of the site and handrails to the river edge.

4.0 Relevant Planning History

1974 to 2006

Various planning applications associated with the industrial works at Swan Hunter Shipyard

12/01501/DESLDO

The Former Swan Hunter Ship Yard Local Development Order granting specific permitted development rights for Use Classes B1 and B2 development associated with off shore wind energy generation tidal and wave technology, oil and gas exploitation and extraction and advanced subsea manufacturing and technology business sectors.

Order Confirmed

14/01194/LDO

Proposed office refurbishment

Order Confirmed

15/00130/FUL

Proposed new UDE Standard Distribution Substation, located on the vacant former Swan Hunter site. The substation is situated centrally on this site in a position deemed most appropriate to allow for adequate distribution to surrounding future developments. The proposed building is required to enable the new enterprise zone

Permitted

5.0 Development Plan

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

5.2 Direction from Secretary of State under Paragraph 1(3) of Schedule 8 to Town and Country Planning and Compulsory Purchase Act 2004 in respect of Policies in the North Tyneside UDP (August 2007)

6.0 Government Policy

6.1 National Planning Policy Framework (March 2012)

6.2 National 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 in this case are:

- Principle;
- Impact on visual and residential amenity; and
- Impact on archaeology.

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

8.0 Principle of the Development

8.1 The NPPF sets out the core planning principles which should underpin decisions and that planning should amongst other matters proactively drive and support sustainable economic development to deliver the homes, business and industrial units, infrastructure and thriving local places that the country needs. Every effort should be made objectively to identify and then meet the housing, business and other development needs of an area, and respond positively to wider opportunities for growth.

8.2 The NPPF states that the Government is committed to securing economic growth in order to create jobs and prosperity. Planning should operate to encourage and not act as an impediment to sustainable growth. Therefore significant weight should be placed on the need to support economic growth through the planning system. This proposal encourages growth, investment and employment and therefore accords with the NPPF.

8.3 The site is included within The River Tyne North Bank Strategic Development Framework Plan (SDFP). The North Bank SDFP is a material planning consideration in determining this application.

8.4 In the SDFP the application site falls within the area defined as Wallsend Riverside. The aspirations for Wallsend Riverside in the Strategy are to encourage Marine Research & Development uses, Heritage & Culture, Enterprise Business, Marine Engineering and Training and Development.

8.5 The proposed fencing is required to ensure the security of the site while it is undergoing redevelopment. The development therefore complies with the site's designation within the UDP for employment purposes and with these aspirations of the SDFP in terms of promoting marine engineering.

9.0 Impact on visual and residential amenity

9.1 The National Planning Policy Framework states that good design is a key aspect of sustainable development and that permission should be refused for development of poor design. NPPF states that it is important to plan positively for the achievement of high quality and inclusive design for all development. It also confirms that authorities should set out their own approach to housing density to reflect local circumstances.

9.2 Paragraph 123 of NPPF states that planning decisions should aim to avoid noise from giving rise to significant impacts on health and quality of life as a result of new development. Planning decisions should aim to mitigate and reduce other adverse impacts on health and quality of life arising from noise from new development, including through the use of conditions.

9.3 The Design Quality SPD provides guidance on the design of buildings, places and spaces in North Tyneside. It states that the Council will encourage innovation in the design and layout, provided that the existing quality and character of the immediate and wider environment are respected and enhanced and local distinctiveness is generated. Boundary treatments should be carefully considered and should not detract from the public realm.

9.4 UDP Policy LE1/7 in considering proposals for class B1 (business) B2 (general industrial) and B8 (storage and distribution) development the Local Planning Authority will seek to ensure that development is in particular acceptable in terms of: (i) its impact on the environment, existing land uses and local amenity. (ii) the local planning authority's requirements for design, landscaping, access, circulation and parking standards, storage of materials, fencing, signing, servicing and security.

9.5 Various forms of security fencing are proposed within the site and around its perimeter. The fencing includes 3m high palisade fencing with razor wire. This form of fencing would often be unacceptable due to the adverse impact on visual amenity. However in this case regard has been had to the need to ensure site security and the existing character of the area. The existing boundary treatment includes 2.4m high palisade fencing and there are other examples of palisade fencing in the immediate area. While the proposed fencing would be visible from the adjacent highways to the west and east, it is set well back from Buddle Street and will not have a significant impact on views along this street.

9.6 Residential amenity would not be affected given that there are no residential properties within the immediate area.

9.7 The proposal includes some clearance of low value vegetation and tree pruning. The Landscape Architect has commented and raises no objections to the work. He advises that additional planting and/or wildflower meadows would extend the ecological biodiversity of the site. Given that low quality of the vegetation that would be removed and the industrial character of the site, it is not considered reasonable to impose a condition requiring replacement planting in this case.

9.8 Officer advice is that the impact on the streetscene and character of the area is acceptable when taking into account the character of the site and surrounding area, and the need to ensure that the site is secure.

10.0 Impact upon Archaeology

10.1 The NPPF states that Local Planning Authorities should identify and assess the particular significance of any heritage asset that may be affected by the proposal taking account of the available evidence and expertise.

10.2 UDP Policy E19 seeks to protect the sites and settings of sites of archaeological importance.

10.3 UDP Policy E19/2 considers the impact of development which may adversely affect the archaeology or setting of the Hadrian's Wall military zone.

10.4 This site is located within close proximity to Hadrian's Wall a UNESCO World Heritage Site.

10.5 The County Archaeologist and English Heritage have been consulted and provided comments.

10.6 The County Archaeologist considers it unlikely that the proposal would result in substantial harm to Roman archaeology on the site, given the results of recent archaeological evaluation across the site. She recommends that as a precaution an archaeological watching brief will be required during groundworks within the areas of medium-high sensitivity.

10.7 Historic England are of the view that the proposal is archaeologically acceptable subject to the imposition of conditions requiring an archaeological watching brief and the submission of a drawing to show the scaffolding that will be installed across the visible remains of Hadrian's Wall.

recorded, and , if necessary, emergency salvage undertaken in accordance with paragraph 141 of the NPPF, Local Plan S9.11, Policy DM9.12 and DM9.13 and saved UDP policy E19/6

4. The building(s) shall not be occupied/brought into use until the report of the results of observations of the groundworks pursuant to condition 3 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 141 of the NPPF, Local Plan S9.11, Policy DM9.12 and DM9.13 and saved UDP policy E19/6

5. Waste Acceptance Criteria testing must be carried out prior to the removal of any soil from the site.

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.

6. No scaffolding shall be installed until a detailed plan to show the method of fixing/installation across the visible remains of Hadrian's Wall has been submitted to and approved in writing by the Local Planning Authority. Thereafter the development shall be carried out in accordance with the agreed details.

Reason: To ensure that archaeological remains on the site can be preserved in accordance with paragraph 141 of the NPPF, Local Plan S9.11, Policy DM9.12 and DM9.13 and saved UDP policy E19/6

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

No Doors Gates to Project Over Highways (I10)

Contact ERH Erect Scaffolding on Rd (I12)

Do Not Obstruct Highway Build Materials (I13)

Highway Inspection before dvlpt (I46)



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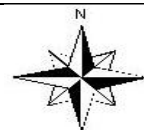
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Perimeter pallisade fencing up to 3m high with razor wire. Pallisade fencing surrounding the wet berth. 3m high quay pallisade fencing 40m back from river. Handrails to river edge

Not to scale

Date: 24.11.2016

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Appendix 1 – 16/01438/FUL
Item 5

Consultations/representations

1.0 Internal Consultees

1.1 Highway Network Manager

1.2 Recommendation - Approval

No objections in principle to this proposal.

1.3 Informatives:

I10 - No Doors/Gates to Project over Highways

I12 - Contact ERH Erect Scaffolding on Rd

I13 - Don't obstruct Highway, Build Materials

I46 - Highway Inspection before dvlpt

1.4 Landscape Architect

1.5 A range of new fencing measures and features have been proposed in relation to preserving and increasing the security and safety of the perimeter and internal areas of the site. These works also include for the minor crown raising and pruning of tree(s) and some clearance works of low value (wild) vegetation and scrub.

1.6 In terms of the clearance works this would be acceptable and necessary to facilitate the proposed (new), existing and/or realigned sections of the fencing system. The impact of the clearance and fencing works would be mitigated by the planting and/or laying out of a more controlled (wildflower meadow) horticultural system adjacent to the existing fence line. These measures will extend the ecological biodiversity of the overall site area and attract a more diverse range of wildlife along the fencing corridor in an otherwise heavily industrialised area. Along with the existing landscape systems the proposals would also provide a broader green infrastructure to the site, which would make the facility more attractive to the existing and potential future users.

1.7 Manager of Environmental Health (Land Contamination)

1.8 I have no objections to this development, however previous land use may have given rise to contamination. I note that an area of soil is to be removed off site. As the site lies on unknown filled ground Waste Acceptance Criteria testing will have to be carried out prior to disposal.

2.0 Representations

2.1 None received.

3.0 External Consultees

3.1 Tyne and Wear County Archaeologist

3.2 This site is located within close proximity to Hadrian's Wall a UNESCO World Heritage Site. The line of Hadrian's Wall runs through this site from Segedunum fort down to the River Tyne. The areas to the north and south of the Wall are also archaeologically sensitive and were occupied in the Roman period.

3.3 An archaeological sensitivity plan of the site has been produced. The majority of the proposed works occur in the areas which are of low archaeological potential. However, there are proposals in the northern areas (Phase 3 areas) closer to the fort, which are of medium and high sensitivity.

3.4 Historic England have asked for further information to be submitted as part of this proposal. It is acknowledged that their final comment on this has not yet been made clear.

3.5 It is my opinion that given the results of recent archaeological evaluation across the site it is unlikely that the removal of vegetation and the erection of a new fence would result in substantial harm to Roman archaeology on the site.

3.6 As a precaution an archaeological watching brief will be required during groundworks within the areas of medium-high sensitivity on the plan below (yellow and red areas).

3.7 Newcastle Airport

3.8 The proposal has been assessed by the Aerodrome Safeguarding Team and given its location and modest nature it is not considered that the proposal would result in any detriment to the safe operations of the Airport. NIA would not therefore offer any objection to this application.

3.9 Historic England

3.10 I have seen a draft plan for scaffolding across the visible remains of Hadrian's Wall. This avoided any intervention to these remains, with excavation being limited to a small number of support pads either side. This is an acceptable approach as far as we are concerned, although some of these pads (those closest to the Wall itself) should be covered by an archaeological watching brief secured by condition as they could encounter other Roman frontier archaeology. The final plan should be submitted to the Council ideally in advance of determination, but if this is not possible, I have sufficient reassurance at this point for approval of this final plan to be able to be conditioned.

3.11 The new fencing around the wet dock. This is acceptable, subject to the need for an archaeological watching brief secured by condition.

3.12 The realignment of the existing fence immediately to the north of the extant Wall remains. This work is effectively carried out entirely above ground, without excavation. I therefore have no issue with this element.

3.13 Historic England is of the view that what is proposed is archaeologically acceptable.

3.14 Newcastle City Council

3.15 No comments.