

**Item No:** 5.2  
**Application No:** 16/01692/FUL Author: Jane Tuck  
Date valid: 20 October 2016 ☎: 0191 643 6331  
Target: 19 January 2017 Ward: Riverside  
decision date:

Application type: full planning application

**Location: Land At, Ballast Hill Road, North Shields, Tyne And Wear,**

**Proposal: Erection of 34 dwellings comprising of 10 No. four bedroom houses, 8 No. 3 bedroom houses, 15 No. two bedroom apartments and 1 No. three bedroom apartment, car parking area for 32 cars, bin and cycle store and connection to existing adopted highway**

Applicant: Cussin (North East) Ltd, FAO Mr David Brocklehurst 12 Bondgate  
Within Alnwick NE651TD

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

## **INFORMATION**

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

#### 1.0 Summary of Key Issues and Considerations

1.1 The main issues are

- a) the principle of residential development
- b) design and layout
- c) impact on residential amenity

1.2 Members must determine whether the principle of residential development is acceptable and whether or not the proposal is acceptable in visual, layout and amenity terms.

#### 2.0 Description of the Site

2.1 The site is located between Ballast Hill Road and the River Tyne. Ballast Hill Road lies to the north and beyond this there is an embankment at the top of which is residential development. The riverside can be accessed from The Haven and Robert Westall Way via a pedestrian route down to the north west corner of the site. Ballast Hill Road slopes down from Dock Road and Prince Consort Way and ends in an informal parking area at the north west corner of the application site. Ballast Hill Road gives access to a Northumbrian Water pumping station and boat yard to the west of the site. There is a public footpath on the western boundary within the site. To the south of the site is a river walkway and quay to the river, beyond this is the listed lock gates of the former Albert Edward Dock, leading to the Royal Quays Marina, and the listed Accumulator Tower. To the east of the site is some open space and a footpath linking the riverside with Ballast Hill Road. Beyond this is the Smith's Dock development site.

2.2 The site is a relatively flat site currently grassed. Beyond the northern part of the site the land slopes up to Ballast Hill Road and is tree planted.

2.3 The lock gates and walls to the Albert Edward Dock are grade II listed.

2.4 The Accumulator Tower on the marina edge is grade II\* listed.

### 3.0 Description of the Proposal

3.1 It is proposed to build 34 dwellings comprising 10 four bedroom houses, 8 three bedroom houses and 15 two bedroom apartments and 1 three bedroom apartment. The houses are proposed on the eastern part of the site with rear gardens abutting the embankment. To the front of the houses is the road giving access to all the houses with visitor parking spaces and beyond this is a grassed area. The apartments are located on the western side of the site adjacent to the river side with the access road to the rear and car parking, bin and bike stores in the north western corner of the site. Access to the site is in the north western corner of the site with a new section of road linking it to Ballast Hill Road.

3.2 The proposed houses are three storey semi detached houses with pitched roofs. They have an integral garage, parking to the front and a first floor terrace to the front overlooking the river. The four bedroom houses also have a ground floor projection that forms part of a guest room/ fourth bedroom. The proposed materials for the houses are red multi facing bricks with some detailing and metal standing seam for the roof. The proposed materials for the flats will be the same brick, grey horizontal boarding and single ply grey flat roofs.

3.3 The proposed apartments are in a block on the river frontage. The block varies in height and has two, three and four storey elements with a flat roof. The apartments have balconies or terraces overlooking the river. The ground floor apartments have access to a small area of external space adjacent to the river walkway. The apartments also have access to garden space to the rear of the building.

3.4 Car parking for the apartments is proposed across the access road for 15 of the apartments and 2 parking spaces per unit is proposed. Two parking spaces are proposed adjacent to unit 16. Bin and cycle stores are proposed within the car park. The car park will have a barrier to restrict access to residents. Twelve visitor parking spaces are proposed.

3.5 The houses are set back from the riverside with a grassed area retained along the dock wall. This is due to the requirement to retain easements for surface water drainage and for anchor ties to the dock wall.

### 4.0 Relevant Planning History

96/02266/FULUDC Erection of private housing. Sites 18D 18R 20 And 22 Royal Quays

Albert Edward Dock. Approved by Tyne and Wear Development Corporation in 1996.

97/01602/FULUDC Erection of 76 no. dwellings consisting of 45 no. flats and 31 no. Houses at Site 18R. Construction of a new access to a highway. Approved by Tyne and Wear Development Corporation in 1998

## 5.0 Government Policy

National Planning Policy Framework March 2012

## 6.0 Development Plan

6.1 North Tyneside Unitary Development Plan (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 (August 2007).

6.2 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.

6.3 The North Tyneside Local Plan Pre- Submission Draft 2015. Examination in Public November 2016.

## **PLANNING OFFICERS REPORT**

### 7.0 Planning Considerations

#### 7.1 Summary of Key Issues and Considerations

The main issues are

- a) the principle of residential development
- b) design and layout
- c) impact on residential amenity

7.2 Consultation responses and objections from local residents are set out in Appendix 1 to this report.

### 8.0 Principle of residential development

8.1 The National Planning Policy Framework sets out the Government's commitment to ensuring that the planning system supports sustainable economic and housing growth and states that housing applications should be considered in the context of the presumption in favour of sustainable development.

8.2 The site is not shown for a particular land use on the proposals map of the Unitary Development Plan.

8.3 The application site is considered to be a 'windfall site' under policy H5 of the North Tyneside Unitary Development Plan. This states that proposals for housing development on sites not identified for this purpose within the UDP will only be approved where the proposal is on a previously developed site and within the built up area; the proposal is acceptable in terms of its impact on its site, local amenity, the environment and adjoining land uses; the proposal can be accommodated within the existing infrastructure; and the proposal does not have an adverse impact on urban open space provision.

8.4 The site is currently a grassed area that was previously developed dockside. Residential development of 76 dwellings comprising 45 flats and 31 houses has previously been approved on this site in 1998 by the Tyne and Wear Development Corporation.

8.5 The site is allocated for housing (Site 74) under policy S4.3 of the North Tyneside Local Plan Pre- Submission Draft 2015 which has recently undergone its Examination in Public in November 2016.

8.6 The Regeneration Team supports the proposed development. The site adjoins the Smith's Dock residential development. This site should be seen as an addition to this new housing offer for the Borough. The new homes will increase the footfall to the nearest town centre North Shields improving its vitality and viability.

8.7 The site is within the built up area and lies between residential development and the Royal Quays Marina. It is officer opinion that the principle of residential development is acceptable on this site.

#### 9.0 Housing Land Supply

9.1 Paragraph 47 of National Planning Policy Framework (NPPF) requires local planning authorities to identify and maintain a rolling 5-year supply of deliverable housing land. This must include an additional buffer of at least 5%, in order to ensure choice and competition in the market for housing land.

9.2 Through the North Tyneside Local Plan Pre-Submission Draft 2015, the Council has outlined a preferred level of future housing growth to 2032 based on the latest evidence of need. Reflecting this position, and after incorporating a 5% buffer, there is a minimum requirement for 6,416 new homes between 2016/17 and 2020/21.

9.3 The September 2016 Strategic Housing Land Availability Assessment (SHLAA) identifies the total potential 5-year housing land supply in the borough at 5,544 new homes (a total which includes delivery from sites yet to gain planning permission). This represents a shortfall of 872 homes against the Local Plan requirement (or a 4.32 year supply of housing land).

9.4 Paragraph 49 of the NPPF sets out that relevant development plan policies for the supply of housing will not be considered up-to-date if the local planning authority cannot demonstrate a 5-year supply of deliverable housing sites. Therefore, North Tyneside Council remains dependent upon approval of further planning permissions to achieve, and subsequently maintain, its housing supply.

9.5 This proposal would make a valuable contribution towards the Council's ability to achieve a deliverable 5-year housing land supply, a situation which provides significant weight in favour of the proposal.

#### 10.0 Design and Layout

10.1 Paragraph 56 of the 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 H5 - Windfall Sites of the UDP is relevant and is set out more fully above. This states that the proposal must be acceptable in terms of its impact on its site, local amenity, the environment and adjoining land uses.

10.3 Policy H11 - Design Standards and Development Control Policy Statement No.14 - New Housing Estates - Design and Layout of the UDP, refer to design and layout standards for new residential development including, scale, density, massing, construction, landscaping and materials, provision for parking, access, pedestrian and vehicle circulation and the impact of the proposal on its site, local amenity, the environment and adjoining land uses. Design guidance for high quality design is set out in the Council’s LDD11 Supplementary Planning Document on Design Quality.

10.4 The proposed development comprises 18 three and four bedroom houses and apartment block comprising of 15 two bedroom apartments and 1 three bedroom apartment. The houses are three storeys high with a pitched roof and the apartments are two three and four storeys high.

10.5 The applicant in the Design and Access Statement has advised that the development has been designed specifically for this site and seeks to create a continuous flow of river frontage; maximise river views to each dwelling; conserve and enhance the existing ecological and tree resource; provide a unique high quality, site specific design solution; provide a safe place for people to live and circulate; and enhance the existing environment. The applicant has had pre-application discussions on the proposal and carried public consultations on two occasions.

10.6 Four letters from three addresses have been received objecting to the design and scale of the proposal including that the design of the proposed development is inappropriate and not in keeping with the area; and it is too high and the flats will form a wall to the marina.

10.7 The applicant has advised in the Design and Access Statement that the houses have been designed to follow the curve of the river wall and the apartments maximise views over the river. The houses are semi-detached and have pitched roofs with ridges at right angles to the river wall which breaks up the massing of the houses and enables views between the ridges of the development. The flats have been designed to vary in height from 2 to 4 storeys. This gives visual interest and reduces massing to retain views of the river and also to the listed accumulator tower.

10.8 With regard to the scale of the development and views, the development is at a much lower level than existing houses. There is no right to a view, however the earlier development was designed with the concept that there should be views of the listed accumulator tower from the higher level including views from a viewing platform on the footpath down to the river.

10.9 The applicant has submitted levels information and sections. The existing site is relatively flat but the applicant has advised that the levels will be raised in order to provide a clean cover over the site to address contaminated land issues and flood risk. The drawings indicate that levels will be raised between 0.2 to 0.7m.

10.10 The proposed houses are to be built at approximately 5.1-5.5m AOD (Above Ordnance Datum) level and back onto a treed embankment that rises up to Ballast Hill Road and then another embankment that rises up to Atkinson Gardens. The submitted drawings show that Atkinson Gardens is situated at approximately 14.5m AOD level and the nearest house in Atkinson Gardens is approximately 55m away from the proposed houses. The proposed houses are approximately 11m to maximum ridge height and 7.6m to eaves level. The houses are to a large extent screened by the slope of Ballast Hill Road as it rises up to Dock Road and Prince Consort Way and by existing planting along Ballast Hill Road that is on land owned by the Council. It is officer opinion that the proposed houses will not have a detrimental impact on privacy and outlook of existing residents or on the visual amenity of the area.

10.11 The flats have been designed at different heights not only to give interest and reduce massing but also to enable views of the accumulator tower from the viewing point and residential area. The flats are to be built at approximately 5.2m AOD. The flats back onto the proposed car park for the apartments, Ballast Hill Road, the embankment up to Kingdom Place, Robert Westall Way and Atkinson Gardens. The submitted drawings show that Kingdom Place is situated at approximately 13.5m AOD and the nearest house in Kingdom Place is approximately 87m from the proposed apartments. The proposed apartments are 2 to 4 storeys and vary in height from approximately 6.1m to 11.5m. It is officer opinion that the proposed apartments will not have a detrimental impact on privacy and outlook of existing residents.

10.12 The impact of a proposed development on the significance of a designated heritage asset also needs to be considered. The NPPF states that significance can be harmed or lost through development within its setting. The degree of harm has to be considered and the NPPF states that where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits, including securing its optimum viable use.

10.13 Policy E17/4 of the UDP relates to the developments that could impact adversely on the setting of a listed building. The hydraulic accumulator tower is located to the south of the application site within the marina and is grade II\* listed as it is the only surviving example on the River Tyne of hydraulic machinery. The walls of the lock and gates to marina formerly the Albert Edward Dock, are grade II listed.

10.14 The applicant has considered the listed accumulator tower in the context of the Royal Quays development. The applicant has reduced the massing and height of the apartments and realigned the blocks to enable the retention of key views towards the tower from George Stephenson Way and from the viewing platform on the footpath down to the riverside from Robert Westall Way and

George Stephenson Way. This view of the accumulator tower was designed into the residential development of Royal Quays in the 1990's.

10.15 The scheme the subject of this application has been designed to retain views towards the accumulator tower by locating two storey blocks of the apartments in front of the accumulator tower. The applicant has submitted a section and visuals which indicate that the proposal will not have a significant detrimental impact on the views of the accumulator tower.

10.16 Other important views of the accumulator tower are of it viewed from the marina where it is seen against a backdrop of trees, the embankment and houses. The addition of the proposed development will not significantly alter this backdrop to create harm to the setting of the listed building.

10.17 It is officer opinion that the proposed development will not lead to substantial harm to the significance of the listed accumulator tower and therefore that the proposed development accords with the NPPF and policy E17/4 of the UDP.

10.18 The Design Policy Officer has advised that the proposed development responds well to the site features and constraints; that the design is of a high quality contemporary design which responds to the shape and outlook of the site; and that the form of the apartment block is acceptable as it has been designed to retain views of the accumulator tower as evidenced in the visual modelling submitted by the applicant.

10.19 The Design Policy Officer is of the view, that the rear of the apartments, which face the access road and is the first elevation seen on entering the development, although of a more functional design approach have features such as balconies, boarding and brick features that improve the appearance of the block and that landscaping will also add to the appearance at street level.

10.20 Road access to the site is at the northwest corner of the site from Ballast Hill Road and allows continued access to boatyard. The new road is situated through the centre of the site giving access to the houses and a car park to the north of the road. Apartments and open space lie to the south of the road. Parking for the houses are a garage and driveway to the front of the houses and two spaces for 15 of the apartments are provided in the car park area. Two spaces are provided adjacent to flat 16 and 12 visitor spaces are provided off the access road. Provision for cycle storage is proposed to the front of each of the houses in a purpose built bike and bin store and within the bike and bin store located in the car park for the apartments. There are a number of pedestrian links from the surrounding area including down the bank from Robert Westall Way. These link to an existing path on the west side of the site, to the river walkway and to the Marina. This will be retained in the proposed development. The river walkway also links to a footpath on the east side of the site that links up to Ballast Hill Road.

10.21 The Road Network Manager has advised that the road layout, parking and turning facilities for refuse vehicles meet the required standards and recommends approval subject to conditions relating to access, parking turning

areas, surface water drainage, refuse storage, traffic calming and details of site management during construction.

10.22 Refuse storage for the houses is proposed in bin stores at the front of the properties and will require space for three bins for household, recycling and garden waste. The Operations and Logistics Manager (refuse collection) has advised that the communal bin store for the apartments will need to be big enough for 2 x 1100 litre bins for domestic waste, 2 x 1100 litre bins for mixed recycling waste and 2 x 240 litre bins for glass. The applicant has advised that a management company will manage the car park, bin store and cycle store and other communal areas and that the company will arrange for the refuse bins to be placed in the bin collection areas at the entrance to the car park on bin collection days. The applicant has also indicated drop kerbs to the bin collection points to enable refuse collection crews to safely manoeuvre the bins to the refuse vehicles. This is in line with comments of the Manager of Operations and Logistics.

10.23 Means of enclosure have been set out on the proposed site plan and includes a 1.8m high timber close boarded fence to the rear of the houses and an instant hedge is proposed to the front of the houses 1500mm high. An instant hedge 1500mm high is proposed to the garden areas to the apartments fronting the road with a 1500mm fence dividing some of the gardens. An 1800mm wall is proposed around the garden adjacent to plot 1 to address noise issues.

10.24 A tension wire fence on a brick wall is proposed to the gardens adjacent to the river walkway. The gardens are higher than the river walkway by approximately 600mm due to the need to address flood risk and contamination. The proposed wall is approximately 600mm and the fence is approximately 1100mm high. It is proposed that there will be a shrub bed behind the fence. A 450mm high timber kicker rail is proposed to the car park and to the open space in front of the houses. It is officer opinion that the proposed means of enclosure are acceptable subject to conditions relating to brick details of the proposed wall and details of the instant hedge.

10.25 Policy E14 of the UDP seeks to encourage new planting with new developments. The applicant has submitted an Arboricultural Implications Assessment, an Arboricultural Constraints Assessment and a Landscape Strategy Plan. The site is currently grassed with little planting. The trees on the embankment to the north of the site are outside the boundary of the site and so will remain. An open grassed space is proposed to be retained in front of the houses. There will be some landscaping around the car park. The Landscape Officer has advised that the proposed development is acceptable subject to conditions relating to the submission of a landscaping scheme and implementation of tree protection measures prior to work commencing on site.

10.26 Policy E12/6 relates to wildlife corridors. The Biodiversity Officer has advised that the proposed development will result in the loss of an area of semi-improved grassland which is adjacent to a Local Wildlife Site (River Tyne) and part of the site is within a wildlife corridor. The Biodiversity Officer has advised that the loss of this should be adequately mitigated for through native planting within the development and the grassland strip should be enhanced as wildflower



meadow and that the proposal is acceptable subject to conditions including a detailed landscape plan, mitigation in line with the Habitat Regulations Assessment, tree protection, the submission of Landscape Management/Maintenance Plan and a Pollution Protection Plan.

10.27 It is officer opinion that the proposed design, massing, scale, layout, access, parking, means of enclosure and refuse storage are acceptable and that the proposal will not have a detrimental impact on visual amenity of the area, or on privacy and outlook of nearby residents and will not have a significant detrimental impact on the setting of the listed accumulator tower. Therefore the proposal accords with policies H5, H11, E17/4, DCPS 14 and LDD11 Design Quality.

### 11.0 Impact on residential amenities

11.1 Paragraph 123 of NPPF states that planning decisions should aim to avoid giving rise to significantly adverse impacts on health and quality of life as a result of new development. Where new residential development is proposed in close proximity to an established business, advice in NPPF, recognises that development will often create some noise and existing businesses wanting to develop in continuance of their business should not have unreasonable restrictions put on them because of changes in nearby land uses since they were established.

11.2 National Planning Practice Guidance states that the potential effect of new residential development located close to an existing business that gives rise to noise should be carefully considered. Existing noise levels from the business even if intermittent (for example, a live music venue) may be regarded as unacceptable by the new residents. Advice in the NPPG indicates that noise impacts can be mitigated using a variety of measures including an engineered solution to mitigate noise at its source, designing the layout of new development to minimise exposure to noise, using planning conditions to restrict activities and mitigation measures including optimising the sound insulation of the new development's building envelope.

11.3 The applicant has submitted an Environmental Noise Impact Assessment which advises that:

- With the sound insulation proposed, internal sound levels at nighttime in the dwellings are acceptable against World Health Organisation guidelines with windows closed.
- There are some noisy activities associated with the Royal Quays Marina and the Port of Tyne namely cruise ships, berthing of fishing trawlers and the lock gate sirens. The applicant will install a System 4 mechanical acoustic ventilation so that there is ventilation without the need for residents to open windows when there is occasional noise from cruise ships and trawlers and when the lock gate sirens are in operation.
- Additional electrical hook up points will be provided for fishing trawlers and other boats berthing close to the application site so trawlers do not have to use their generators.
- Existing lock gate sirens will be replaced with 'smart alarms'. These will continually monitor the background noise level and adjust the sound output

accordingly so that when the background sound is low the sound level of the alarm will also lower.

11.4 The proposed development is located adjacent to a working marina, boatyard and port where there are existing noise levels. Anyone choosing to live in this location would have to accept this.

11.5 The Manager of Environmental Health has concerns about noise arising from the Marina lock gates; the Port of Tyne ie cruise ships berthing at Commissioners Wharf producing noise when loading and unloading goods and PA systems; noise from fishing trawlers and other boats including generators that berth adjacent to the application site; and noise from the boat yard to the west of the site.

11.6 The applicant's noise report has considered the noise sources from the above and has concluded that noise from the cruise liners, fishing trawler generators and lock gates would not result in unacceptable internal noise levels if windows and doors are shut. However the Manager of Environmental Health has advised that these activities have the potential to give rise to significant adverse impact and potential complaints if residents choose to use balconies or have open windows or doors during the day and night. The applicant has proposed mitigation measures to minimise the potential nuisance. This includes the provision of System 4 mechanical ventilation which will give residents adequate ventilation without needing to open windows for additional ventilation.

11.7 With regard to the cruise ships, they do not berth on the river over night on a regular basis. The noise report indicated that, in 2016, there were only two full nights when there was a cruise ship berthed all night. The provision of mechanical ventilation will enable residents to have adequate ventilation without needing to open windows during the nighttime and early hours of the morning when there could be noise from cruise ships.

11.8 The adjacent boatyard can give rise to noise. The noise report indicates that typical noise levels from the boat yard activities will not give significant adverse impacts for habitable rooms as the gable end of the apartment building for plots 1-3 will screen noise from daytime activities and there are no habitable windows proposed in the gable walls.

11.9 The layout plan indicates that properties will have rear gardens which are screened from the cruise liner activities and lock gate noise and therefore the Environmental Health Officer is of the opinion that residents will have access to an outdoor amenity area that will meet World Health Organisation noise levels for out door areas. The garden area for apartments 1-3 requires 1.8m acoustic screening to mitigate for potential noise from the adjacent boat yard.

11.10 The Planning Practice Guidance states that noise impacts can be mitigated using a variety of measures including engineered solutions to mitigate noise at its source. The applicant has provided new alarms to the lock gates which the Marina has installed. These adjust the noise level of the alarms to a lower level when background noise levels are lower to minimize the impact from the sirens.

11.11 Boats and fishing trawlers can berth at the riverside adjacent to the apartments. Fishing trawlers do so on an irregular basis during the winter months. Currently there is an electricity supply on the Marina side of the berthing area but not on the river wall side. The applicant has advised that they will supply an additional electric point on the river wall side of the berthing area so trawlers can hook up to the electricity supply rather than using their generators.

11.12 Quays Marina Ltd who own the marina support the principle of the development as it would contribute to the economic regeneration of the area but has concerns about the potential for conflict between residents of the proposed development (particularly the apartments) and the operation of the marina in terms of the noise from operations and vessel movements and visual intrusion of vessels berthed adjacent to the proposed apartments. The concerns of the Quays Marina are set out in more detail in Appendix 1.

11.13 Quays Marina Ltd sets out in their letter that the site of the proposed housing is an attractive location next to the marina but that the scheme fronts onto an active marina and harbour that operates 24 hours 365 days a year; that many residents will accept this position, but have concerns that some residents may complain which could lead to unreasonable restrictions on their business particularly as the proposed houses are closer to the marina than existing houses. Quays Marina Ltd have advised that they have discussed with the applicant ways that noise may be reduced including the installation of the new lock gate alarms however they see this as a trial and would revert to the original alarm if it is not suitable. They have also advised that the applicant has agreed to provide additional electricity supply so that vessels mooring adjacent to the site would not have to run their engines or generators. Quays Marina Ltd has advised that whilst they will encourage vessels to use the supply they cannot guarantee that all vessels will be able to link up to the supply; they cannot make them use the electricity supply; and the electrical supply will not be free.

11.14 The applicant's noise consultant has reiterated that the noise assessment has considered all noise sources in the area and the results show that acceptable internal noise levels against World Health Organisation guidelines can be achieved within the proposed dwellings when windows are closed and a System 4 ventilation system is used whether or not new lock gate alarms are used and trawlers are using the electricity supply. They also advise that the trawlers already have access to electricity on the marina side of the berth and the applicant's provision on the river wall is to ensure additional provision to reduce noise levels further. They advise that electricity supply, as with the existing supply, will be provided by the Marina and charged at low cost. The replacement of the lock gate alarms will also further reduce noise levels in the immediate vicinity of the development.

11.15 The Manager of Environmental Health has commented on the concerns of the Marina and advised that she has concerns that if generators were used at night this could potentially cause nuisance to residents if windows are opened. The Quay Marinas Ltd has advised the applicant that fishing vessels moor in the location next to the apartments during the winter months between September and March, usually this is sporadic and overnight; up to 6 vessels could moor in this location at any one time. Between 1 September 2016 and 19 January 2017,

of the 12 trawlers that berth here, there has been an average of 2.5 trawlers a night. The Environmental Health Officer has noted this and that fishing vessels generally moor during the winter period when weather conditions are poor and when residents would be less likely to open windows. Some nights there may be no trawlers and other nights there could be up to 6. They are regular users and therefore familiar with the power supply arrangements.

11.16 The Environmental Health Officer has concerns that Quays Marina Ltd has advised that the new alarm system is on trial and they could revert to the original system if it is unsuitable, and this could have significant adverse impacts on resident's amenity. This is only if residents choose to open their windows. The Manager of Environmental Health has advised that the application should be determined once a trial period has been completed. The alarms have been installed and the applicant will supply further information to Planning Committee.

11.17 The Environmental Health Officer has recommended that, should the application be approved, conditions should be imposed relating to the submission of details of a scheme for window glazing in accordance with the noise report, ventilation, acoustic fencing to the garden of plots 1-3, hours of construction and piling and dust and mud mitigation.

11.18 Notwithstanding this, it is officer opinion that the proposed development is located next to a river and marina where there are harbour and port activities with existing noise levels. Future residents would be aware of this when buying their houses. For many this will be part of the appeal of the location and they will accept the noise that goes with such a location. The proposed development achieves acceptable internal noise levels in the dwellings with windows closed and the use of System 4 mechanical ventilation so there will be no significant harm to occupiers with windows closed. The applicant has provided new alarms for the lock gates which the Marina has installed and proposed an electrical supply on the river wall side of the Marina to further reduce noise levels. These measures cannot be controlled by the planning application other than to ensure the additional electrical supply is provided. The Environmental Health Officer has concerns about the alarms and use of trawler generators if residents choose to open their windows and about potential complaints if residents choose not to use the mechanical ventilation. Quay Marinas Ltd are concerned that potential complaints could place unreasonable restrictions on their business. It is officer opinion that noise from cruise ships, lock gate alarms and trawlers and other port and marina activities does not occur all the time, and residents have the option to close their windows and use mechanical ventilation to ensure satisfactory internal noise levels and therefore, on balance, the amenities of occupiers of the proposed development will not be significantly adversely impacted upon.

11.19 Members must decide whether or not mitigation for noise proposed for the development is acceptable and whether there will be any significantly adverse impacts to the amenities of the residents.

## 12.0 Other matters

### 12.1 Contaminated Land

12.2 The NPPF states that where a site is affected by contamination, planning decisions should ensure that the site is suitable for its new use taking into

account amongst other things any proposals for mitigation including land remediation.

12.3 Policy E3 of the North Tyneside Unitary Development Plan 2002 seeks to minimise the impact of pollution on the environment, including existing land uses, and on the proposed development and will support and encourage measures, including monitoring of pollution to reduce existing pollution to the lowest practicable levels.

12.4 The applicant has submitted a Remediation Statement, and due to the contamination on the site, it has recommended that a cover system of subsoil and topsoil is required to be placed within private gardens and on open space areas. The Contaminated Land Officer has advised that the remediation proposed is acceptable and that a condition should be imposed that a Validation Report should be submitted to confirm that remediation of the site has been carried out in accordance with the Remediation Statement.

12.5 The Contaminated Land Officer has also advised that a hazardous gas assessment has been submitted and that no gas protection measures are required.

12.6 The Coal Authority has advised that the application site falls within a defined Development High Risk Area and there are coal mining features and hazards within the site and surrounding area which need to be considered. A Geo-Environmental Assessment has been submitted. The car parking is proposed in the affected part of the site. As there will be no operational development that intersects the ground in the part of the site affected by the Development High risk Area, the Coal Authority has no objection to this planning application.

#### 12.7 Drainage and Flooding

12.8 The NPPF and the Planning Practice Guidance aim to ensure that flood risk is taken into consideration at all stages of the planning process in order to avoid inappropriate development in areas at medium to high risk of flooding.

12.9 The site lies in Flood Zone 2 defined by the Environment Agency Flood Map. The applicant has submitted a Flood Risk Assessment. The Environment Agency has advised that the proposed development is acceptable if finished floor levels of the proposed dwellings are set no lower than 4.85m above Ordnance Datum (AOD) in order to reduce the risk of flooding to the development and to future occupants.

12.10 Northumbrian Water Ltd have advised that they have no issues to raise and if the application is approved the proposed development should be carried out in accordance with the submitted documents entitled "*Flood Risk Assessment*" and "*Section 104 Agreement*".

12.11 The Drainage Officer has advised that raising the finished floor levels to 4.85mAOD will help reduce the risk of flooding to the proposed development and that the surface water drainage proposals are acceptable.

### 13.0 Planning Obligations

13.1 Policy DC4 of the UDP states that where it can be demonstrated that it is a necessary requirement for the grant of planning permission, agreement will be sought with a developer to enter into a planning obligation/agreement or to make a financial contribution towards infrastructure or other essential elements.

13.2 The Council's Supplementary Planning Document LDD 8 on Planning Obligations was adopted in October 2009. Planning obligations are considered an appropriate tool to ensure that the environment is safeguarded and that necessary infrastructure and facilities are provided to mitigate impacts, ensure enhancements and achieve high quality environment where people choose to live, work, learn and play and should comply with local and national planning policies.

13.3 A planning obligation must be lawful and comply with the three tests set out in Regulation 122 of the Community Infrastructure Levy Regulations 2010. It must be necessary; directly related to the development; and fairly and reasonably related in scale and kind to the development.

13.4 The applicant has offered to provide contributions of £3,381 for parks, £1,434 for semi natural greenspace, £68,185 for education (£43,430 for primary and £24,755 for secondary), £100,000 for offsite affordable housing and an apprenticeship or £7000. The Strategic Property Manager has advised that the viability of the development was assessed through the land sale process with the site being in the ownership of the Council and the Homes and Communities Agency (HCA). The applicant initially advised that the development was not viable with a lower contribution than set out above and no affordable housing contribution. Discussions took place with the applicant, service providers, the Manager of Strategic Property and the HCA to agree the above contributions and a reduction in the land sale price.

13.5 Contributions for parks for improvements to access infrastructure and signage at West End Park and Chirton Dene, for semi natural green space towards biodiversity enhancements to Chirton Dene Park SLCI, additional places in existing primary and secondary schools within North Tyneside are required as the proposed development would result in increased demand/pressures on these facilities in the area. The provision of an apprenticeship or £7000 for training will secure economic benefits from the development through job creation and address skills gaps. The provision of £100,000 towards offsite affordable housing would assist with the Council's targets for the delivery of affordable housing.

13.6 It is officer opinion that the contributions are necessary, directly related to the development and would be fairly and reasonably related in scale and kind and would comply with the CIL Regulations.

### 14.0 Conclusion

14.1 Members must determine whether the principle of residential development is acceptable on this vacant land which would have regeneration benefits for the area, whether the design, layout, scale, massing, parking and access of the proposed development are acceptable, whether or not the development will have

a significant detrimental impact on the setting of the listed accumulator tower and whether or not mitigation for noise, proposed for the development is acceptable and whether there will be any significant adverse impacts to the amenities of the residents. It is officer advice that these matters are acceptable subject to conditions and that the application accords with policies H5, H11, E3, E14, E12/6, E17/4 and DCPS14 of the UDP, policies in the emerging North Tyneside Local Plan and the National Planning Policy Framework. As the Council does not have a 5 year housing land supply this proposal will make a contribution towards this shortfall.

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

**It is recommended that members indicate they are minded to approve the application and grant plenary powers to the Head of Environment, Housing and Leisure to determine the application subject to:**

- a) the conditions set out below and the addition or omission of any other considered necessary;**
- b) the applicant entering into a legal agreement to secure the following:**
  - i) a contribution of £3,381 for parks towards improvements to access infrastructure and signage at West End Park and Chirton Dene**
  - ii) a contribution of £1,434 for semi natural green space towards biodiversity enhancements to Chirton Dene Park SLCI,**
  - iii) a contribution of £68,185 for education (£43,430 for primary and £24,755 for secondary) for additional places in existing primary and secondary schools within North Tyneside**
  - iv) £100,000 for offsite affordable housing; and**
  - v) an apprenticeship or £7000 for training.**

**Members are requested to authorise that the Head of Law and Governance and the Head of Environment, Housing and Leisure to undertake all necessary procedures (Section 278 Agreement) to secure:**

**Provision of new access**

**Upgrade of existing footpaths abutting the site**

**Associated drainage**

**Associated street lighting**

**Associated road markings**

**Associated signage**

### **Conditions/Reasons**

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

PL-01 OS Plan

PL-02 Rev D Site Plan

PL-03 Rev C Site Plan with TOPO

PL-04 Rev C Coloured Site Plan

PL-05 Rev B Site Sections

## PL-06 Boundary Treatments

PL-HT1-01 House Type 1-Plans and Elevations  
PL-HT1-02 HT 1 End Type -Plans and Elevations  
PL-HT2-01 House Type 2-Plans and Elevations  
PL-HT2-02 HT 2 End Type -Plans and Elevations  
PL-APT-01 Rev A Apartments- Ground and First Floor  
PL-APT-02 Apartments- Second and Third Floor  
PL-APT-03 Rev A Apartments-Elevations

PL-BIN-01 Bin and Cycle Store  
PL-SS-01 Streetscenes  
PL-SS-02 Streetsceens coloured  
Design and Access Statement

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

2. Standard Time Limit 3 Years FUL MAN02 \*

3. No trees or vegetation clearance is to be undertaken during the bird nesting season (March to August inclusive) unless a checking survey has first been submitted to and approved in writing by the local planning authority. The checking survey must be carried out by a suitably qualified ecologist to confirm the absence of nests immediately prior to works commencing.

Reason: In the interest of biodiversity having regard to the National Planning Policy Framework.

4. Prior to the commencement of any site clearance works or of the development, protective fencing shall be erected around each tree or hedge to be retained in accordance with the approved Arboricultural Implications Assessment (October 2016) and Tree Protection Plan. Such fencing shall be maintained during the course of works on site. No unauthorised access, vehicles or placement of goods, fuel or chemicals, soils or other materials shall be stored or placed inside the fenced area.

Reason: To ensure trees to be retained within and adjacent to the site are adequately protected from damage during the execution of the works hereby permitted from the outset of the development, in the interests of visual amenity having regard to policy E14 of the North Tyneside Unitary Development Plan 2002.

5. No utilities or drainage should be located within the root protection areas of retained trees. Where installation or alteration to existing underground services has been agreed near or adjacent to trees, all works shall conform to the requirements of National Joint Utilities Group publication Volume 4.

Reason: To ensure trees to be retained are not damaged by the installation of utilities within their root protection areas, in the interests of visual amenity having regard to policy E14 of the North Tyneside Unitary Development Plan 2002





policies H11, E14 and DCPS 14 of the North Tyneside Unitary Development Plan 2002.

13. Surface water drainage shall be carried out in accordance with the drainage details approved in the application unless otherwise agreed in writing by the Local Planning Authority.

Reason: To ensure a satisfactory means of drainage to prevent the increased risk of flooding from any sources having regard to policy H5, H11 and DCPS14 of the North Tyneside Unitary Development Plan 2002 and the National Planning Policy Framework.

14. No construction above ground level shall take place until a noise scheme has been submitted to and approved in writing by the Local Planning Authority in accordance with the Environmental Noise Impact Assessment by TNEI dated September 2016 ref 10723-001 and shall provide details of the window glazing to be provided to habitable rooms, to ensure bedrooms meet the good internal standard of 30 dB LAeq at night and prevent the exceedance of Lmax of 45 dB(A) and living rooms meet an internal equivalent noise level of 35dB LAeq in accordance with BS8233:2014 and the World Health Organisation Community Noise levels for internal residential houses. The development shall be carried out in accordance with the approved scheme.

Reason: To protect the occupants of the residential properties from noise disturbance from the Marina and river having regard to policy H5, H11 and DCPS 14 of the North Tyneside Unitary Development Plan 2002.

15. Prior to construction above ground level, the ventilation scheme for habitable rooms adjacent to the Port of Tyne and the Royal Quays Marina shall be submitted for approval in writing by the Local Planning Authority and thereafter implemented to ensure an appropriate standard of ventilation that meets as a minimum System 4 of Table 5.2 of Approved Document F. The development shall be carried out in accordance with the approved scheme.

Reason: To protect the occupants of the residential properties from noise disturbance from the adjacent port and marina activities, to ensure good ventilation without recourse to opening windows, having regard to policy H5, H11 and DCPS 14 of the North Tyneside Unitary Development Plan 2002.

16. Notwithstanding any indication of materials which may have been given in the application, no construction above ground level shall take place until a schedule and/or samples of all external finishing and surface materials for the development have been 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 secure a satisfactory external appearance having regard to policy H5, H11 and DCPS 14 of the North Tyneside Unitary Development Plan 2002.

17. Means of enclosure including walls and fences shall be carried out in accordance with approved drawings PL-02 Rev D Site Plan and PL-06 Boundary Treatments unless otherwise agreed in writing with the Local Planning Authority. Details of brick to be used for the proposed walls shall be submitted to and agreed in writing by the Local Planning Authority prior to the erection of any of

the walls hereby approved.

Reason: To ensure that the proposed development does not adversely effect the visual amenities of the area, and to ensure a satisfactory environment within the development having regard to policy H5, H11 and DCPS14 of the North Tyneside Unitary Development Plan 2002.

18. The means of enclosure to the garden area on the north side of plots 1-3 shall be a minimum 1.8m high wall which shall be implemented prior to occupation of plots 1-3 in accordance with the details shown on approved drawings PL-02 Rev D Site Plan and PL-06 Boundary Treatments. A brick sample of the wall shall be submitted to and agreed in writing by the Local Planning Authority prior to the erection of the wall. The wall shall be permanently retained thereafter.

Reason: To protect the occupants of the residential properties from noise disturbance from the adjacent boat yard having regard to policy H5, H11 and DCPS 14 of the North Tyneside Unitary Development Plan 2002.

19. Details of the instant hedges as shown on the approved drawings PL-02 Rev D Site Plan and PL-6 Boundary Treatments shall be submitted to and agreed in writing by the Local Planning Authority prior to the planting of the hedges. The details shall include species, size of plants and maintenance. The instant hedges shall be planted prior to occupation of the proposed dwellings and retained thereafter.

Reason: To secure a satisfactory external appearance to the development having regard to policy H5, H11 and DCPS 14 of the North Tyneside Unitary Development Plan 2002.

20. Three 240 litre wheeled bins shall be provided for each property for household rubbish, garden waste and recycling. Bin storage shall be provided in accordance with the approved drawings PL-02 Rev D Site Plan, PL-HT1-01, PL-HT1-02, PL-HT2-01 and PL-HT2-02 House Plans and Elevations. The bin storage shall be provided prior to the occupation of the dwellings and retained thereafter.

Reason: To protect the visual and residential amenity of the surrounding area in accordance with policies H11 and DCPS14 of the North Tyneside Unitary Development Plan 2002.

21. At least 2 x 1100 litre wheeled bins for household waste, 2 x 1100 litre wheeled bins for mixed recycling waste and 2 x 240 litre wheeled bins shall be provided. The bin store for the apartments shall be provided in accordance with the approved drawings PL-02 Rev D Site Plan and PL-BIN-01 Bin and Cycle Store. The bin storage shall be provided prior to the occupation of the apartments and retained thereafter.

Reason: To protect the visual and residential amenity of the surrounding area in accordance with policies H11 and DCPS14 of the North Tyneside Unitary Development Plan 2002.

22. The bin collection point for bins for the apartments on bin collection day shall be in the location shown on approved drawing PL-02 Site Plan Rev D. This area shall be permanently retained for bins on bin collection day.

Reason: To ensure bins can be collected on bin collection day without

implications for pedestrian and traffic safety having regard to policy H11 and DCPS14 of the North Tyneside Unitary Development Plan 2002.

23. The mitigation measures set out in paragraph 7.3 of the 'Habitat Regulations Assessment' document shall be adhered to

Reason: To minimise risk of harm to the River Tyne in the interest of biodiversity having regard to the NPPF.

24. Notwithstanding any details of landscaping which may have been given in the application, the development hereby permitted shall be landscaped and planted in accordance with a fully detailed scheme which shall be submitted to and approved in writing by the Local Planning Authority before the landscaping is planted. The scheme shall include wildflower meadow areas and native tree and scrub planting.

Reason: In the interests of amenity and to ensure a satisfactory standard of landscaping having regard to policy E14, H11 and DCPS 14 of the North Tyneside Unitary Development Plan 2002.

25. Landscape Scheme Implementation Period	LAN06	*E14, H11 and DCPS 14
--	-------	-----------------------

26. A Landscape Management/Maintenance Plan shall be submitted to and agreed in writing by the Local Planning Authority prior to the implementation of the landscaping scheme. The Management/Maintenance Plan shall be implemented thereafter.

Reason: In the interests of amenity and to ensure a satisfactory standard of landscaping having regard to policy E14, H11 and DCPS 14 of the North Tyneside Unitary Development Plan 2002.

27. Prior to occupation of the dwellings hereby approved, the new means of access shall be laid out in accordance with the approved drawing unless otherwise agreed in writing with the Local Planning Authority.

Reason: In order to minimise danger, obstruction and inconvenience to users of the highway and of the access having regard to policy H11 and DCPS 14 of the North Tyneside Unitary Development Plan 2002.

28. The scheme for parking, garaging and manoeuvring indicated on the approved plans shall be laid out prior to the initial occupation of the development hereby permitted and these areas shall not thereafter be used for any other purpose.

Reason: To enable vehicles to draw off, park and turn clear of the highway to minimise danger, obstruction and inconvenience to users of the adjoining highway having regard to LDD12 Transport and Highways and the National Planning Policy Framework.

29. Turning Areas Before Occ	ACC25	*refuse *H11 and DCPS14
------------------------------	-------	-------------------------------

30. No dwelling hereby approved shall be occupied until details of traffic calming measures to 20mph have been submitted to and approved in writing by the Local Planning Authority and implemented in accordance with the approved details.

Reason: To enable the Local Planning Authority to retain control over the provision of traffic calming to secure a satisfactory standard of development and in the interests of highway and pedestrian safety having regard to policy H11 and DCPS14 of the North Tyneside Unitary Development Plan 2002.

31. The footpath on the western side of the site linking the public footpaths to the north of the site with the river shall be laid out as shown on the approved plan and shall thereafter be permanently retained.

Reason: To ensure continued pedestrian access to river.

32. The 450mm kick rail along the road to the north of the open space shall be implemented as shown on the approved drawings PL-02 Rev D Site Plan and PL-06 Boundary Treatments prior to occupation of the dwellings hereby approved and thereafter permanently retained.

Reason: To ensure unauthorised parking does not take place on the area of open space.

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

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

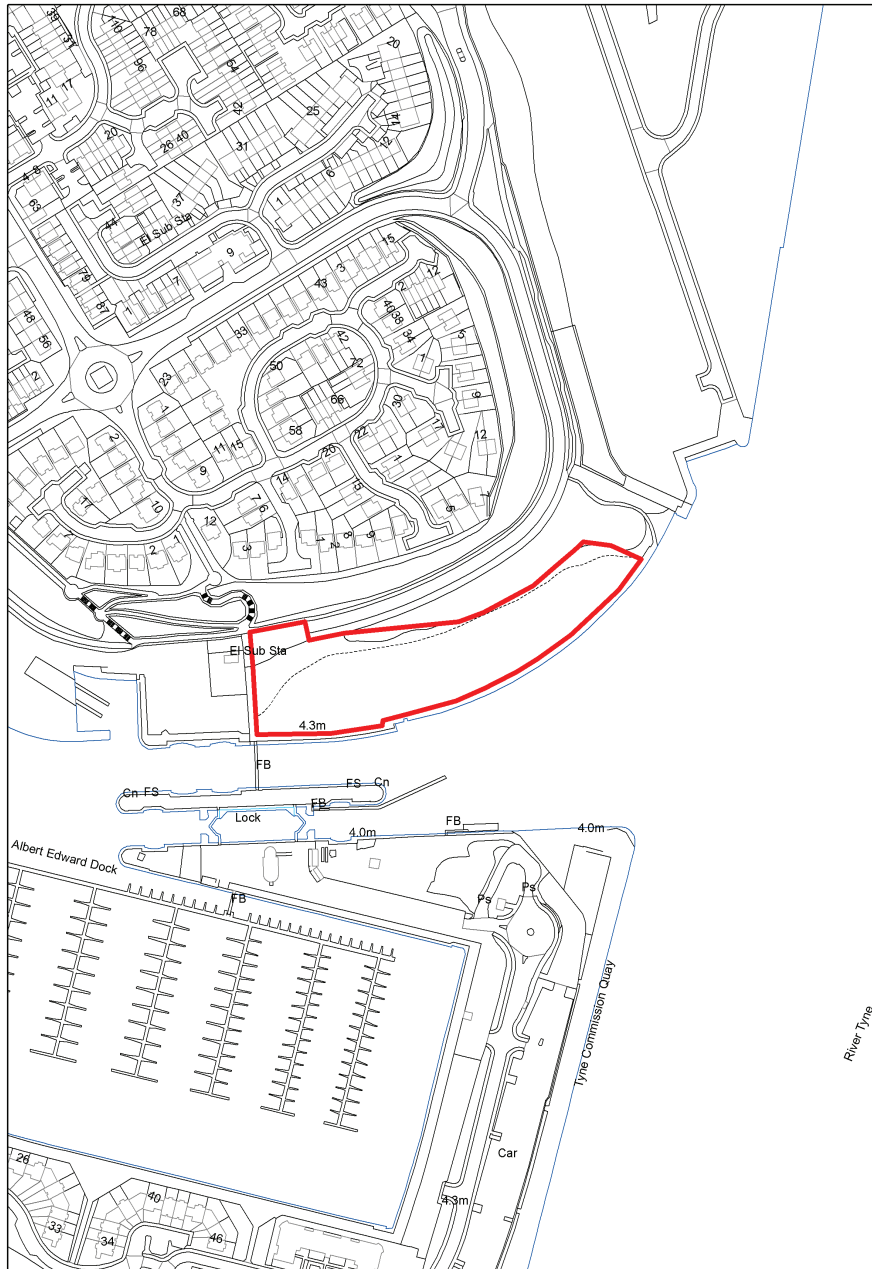
No Doors Gates to Project Over Highways (I10)

Do Not Obstruct Highway Build Materials (I13)

Street Naming and numbering (I45)

Highway Inspection before dvlpt (I46)

The proposed development lies within an area that has been defined by the Coal Authority as containing potential hazards arising from former coal mining activity. These hazards include the potential zone of influence of a mine entry at the site access and car parking area. It is recommended that suitable engineering precautions are undertaken in relation to the construction of the access road and car parking area to take into account potential land instability. Your attention is drawn to the Coal Authority Policy in relation to new development and mine entries available at: <https://www.gov.uk/government/publications/building-on-or-within-the-influencing-distance-of-mine-entries> Any intrusive activities which disturb or enter any coal seams, coal mine workings or coal mine entries (shafts and adits) requires a Coal Authority Permit. Such activities could include site investigation boreholes, digging of foundations, piling activities, other ground works and any subsequent treatment of coal mine workings and coal mine entries for ground stability purposes. Failure to obtain a Coal Authority Permit for such activities is trespass, with the potential for court action. If any of the coal mining features are unexpectedly encountered during development, this should be reported immediately to the Coal Authority on 0345 762 6848. Further information is available on the Coal Authority website at: [www.gov.uk/coalauthority](http://www.gov.uk/coalauthority)



**Application reference: 16/01692/FUL**

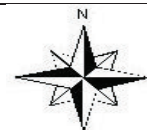
**Location: Land At, Ballast Hill Road, North Shields, Tyne And Wear**

**Proposal: Erection of 34 dwellings comprising of 10 No. four bedroom houses, 8 No. 3 bedroom houses, 15 No. two bedroom apartments and 1 No. three bedroom apartment, car parking area for 32 cars, bin and cycle store and connection to existing adopted highway**

Not to scale

Date: 09.02.2017

© Crown Copyright and database right  
2011. Ordnance Survey Licence  
Number 0100016801



## **Appendix 1 – 16/01692/FUL Item 2**

### **Consultations/representations**

#### 1.0 Internal Consultees

##### 1.1 Road Network Manager

1.2 The site is accessed via a new access on Ballast Hill Road. Parking has been provided in accordance with current standards and the internal highways are appropriate for the scale of development and allow a refuse vehicle to turn.

1.3 Conditional approval is recommended with conditions relating to the new access, turning areas and parking being laid out, details of surface water drainage and traffic calming being agreed and implemented, refuse storage and details of site management during construction

1.4 The applicant will be required to enter into a Section 278 agreement with the Local Authority for the following works:

Provision of new access  
Upgrade of existing footpaths abutting the site  
Associated drainage  
Associated street lighting  
Associated road markings  
Associated signage

##### 1.5 Manager of Operations and Logistics (Refuse Collection)

1.6 The communal store will have to be big enough to house 2 x 100 litre bins for domestic waste. 2 x 1100 litre bins for mixed recycling waste and 2 x 240 litre bins for glass. We need to clarify who will be bringing the bins to the collection point in front of the barrier. Also we would require drop kerbs in front of the bin collection area to enable the crew to safely manoeuvre the bins to the vehicle.

#### 1.7 Environmental Health

##### 1.8 a) Pollution

1.9 I am concerned about noise arising from the Royal Quays lock gates and the Port of Tyne as cruise liners berth adjacent to the proposed site. Noise will arise from the loading and unloading of goods and the PA systems. There are also berths for fishing trawlers that use the marina during inclement weather and rely upon the use of generators to power the vessels. There is also a boat yard located at the marina to the west of the site.

1.10 I have viewed the noise report that has considered noise arising from the cruise liners when berthed at the port, noise from the lock gate siren, noise from the generators for the fishing trawlers and the boat yard activities. The assessments have been carried out in accordance to BS4142 and has concluded that the noise from the fishing trawler generators, lock gates and cruise liners will have the potential to give rise to a significant adverse impact and potential complaints if residents choose to use the balconies or have windows or doors open during the day and at night. The noise report details the typical rating levels from the cruise liner activities and the lock gate siren for properties closest



to the marina, during the night will be 54 dB(A) and 55 dB(A) for the fishing trawler activity against a background of 39 dBA. Daytime levels still indicate a +10 dB above the background suggesting a significant adverse impact from the activities for residents.

1.11 Mitigation measures have been proposed to minimise potential nuisance. The layout plan indicates that properties will be provided with a rear garden that will be screened from the cruise liner activities and lock gate noise and therefore it is considered that residents will have access to an outdoor amenity area that will meet the World Health Organisation noise levels for outdoor areas of <55 dB LAeq. However, it is noted that the garden area for plots 1-3 will be affected by the boat yard activities and will therefore need a minimum 1.8m high acoustic screening to be provided to mitigate the potential noise from the boat yard. The noise report indicates that typical noise levels from the boat yard activities will not give rise to significant adverse impacts for the habitable rooms as the gable end of the buildings for plots 1-3 and plot 17 will screen noise from the daytime activities and there are no habitable windows proposed for the gable walls.

1.12 The applicant is proposing to provide System 4 mechanical ventilation which will enable residents to have adequate ventilation without recourse to open windows for additional ventilation. The noise report outlines that for 2016 there were only two complete night periods timetabled for night time berthing of a cruise liner. The provision of mechanical ventilation will provide residents with adequate ventilation so that windows do not need to be opened so that they are not subject to the early morning cruise liner related noise.

1.13 Planning Practice Guidance on Noise (2014) acknowledges that noise can constitute a statutory nuisance under the provisions of the Environmental Protection Act 1990. The aim of planning policy guidance under Section 123 is "avoid noise from giving rise to significant adverse impacts on health and quality of life" and "recognise that development will often create some noise" and that businesses "should not have unreasonable restrictions put on them". The Planning Practice Guidance on noise (2014) recognised that mitigation can be provided to address noise, this can be in the form of engineered options at source to remove the noise and consideration of the layout of the buildings to provide screening of the noise. In this case engineering options should be considered where possible to mitigate noise.

1.14 It is noted that the applicant has considered this and agreed with the Port Authority to provide mains electrical connection points for the fishing trawlers and that it will be mandatory to use this facility as the power will be provided free of charge. In addition, the lock gate siren is to be upgraded to a system that will ensure the alarm will be adjusted to a lower volume when the ambient noise levels are low to ensure minimal adverse impact from the lock gate sirens. The mitigation works are outside the remit of this application, but without the mitigation taking place there is a likelihood of significant adverse impacts from the use of the generators for the fishing trawlers and lock gate siren. It will therefore be necessary for these noise abatement measures to be formally agreed via a Section 106 Agreement or other form of legal agreement to ensure they are completed and in place prior to the occupation of the residential housing.

1.15 However, I consider that complaints may still arise, if residents choose to open windows rather than using the proposed mechanical ventilation for the bedrooms immediately adjacent to the Marina and Port of Tyne berths.

1.16 Comments following receipt of letter from Quays Marina Ltd

1.17 I have viewed the response from the Managing Director for Quay Marinas Ltd, this has raised concerns over the provision of the new lock gate alarm and the provision of the fixed electrical power connections for the moorings.

1.18 Quay Marinas Ltd's response indicates that it cannot be made mandatory for these vessels to use the fixed electrical power and that the power would not be provided at no charge. The mitigation put forward by the applicant stipulated that additional fixed electrical connections would be provided at no charge and that it would be mandatory for the fishing vessels to use this provision rather than rely on generators to provide power. I note that the revised noise assessment has amended this statement to advise that the fixed electrical power would be provided at a low cost and that when mooring at these berths the users will be encouraged to use the fixed power rather than generators but that it would not be mandatory.

1.19 The provision of mains electrical connection points for the fishing trawlers will minimise the frequency of use of generators at the berths, but there is no obligation for the users to connect to the fixed electrical points. Quay Marinas Ltd point out that some of the vessels may not have the facility to connect and therefore will need to use their onboard generators. I would be concerned if generators were used at the moorings as this would give rise to noise levels that would potentially cause nuisance to residents if windows are left open during the night. However it is noted that the fishing vessels generally moor during the winter period when weather conditions are poor and there is less likelihood of residents having open windows. Information from Quay Marinas suggests an average of 2 mooring per night with a maximum of 6 at any one time.

1.20 The mitigation measures put forward by the applicant to address the lock gate siren was the provision of a new type of alarm system that monitored the background noise levels and would therefore be less intrusive. The applicant has indicated that the new alarm system has been installed but did not advise that this would be on a trial basis. The Managing Director of Quay Marinas has outlined in his response to the application that they may revert to the original system at any time if the new alarm system was found to be unsuitable.

1.21 I would be concerned if the Marina reverted back to the original lock gate siren as there would be a likelihood of significant adverse impact for residents' amenity. I would suggest that if the use of the new lock gate siren is for a trial period, then the determination of the application should be delayed until such time as the trial has been completed.

1.22 The applicant is proposing to provide System 4 mechanical ventilation which will enable residents to have adequate ventilation without recourse to open windows for additional ventilation. However, if residents were to have open windows then I consider that complaints may still arise from the occupiers of the bedrooms immediately adjacent to the Marina and Port of Tyne berths.

1.23 If it is the intention of planning to approve the application I would recommend the following conditions:

1.24 Submit and implement on approval of the Local Planning Authority a noise scheme providing details of the window glazing, in accordance to noise report reference 10723-001 , to be provided to habitable rooms to ensure bedrooms meet the good internal equivalent standard of 30 dB LAeq at night and prevent the exceedance of LMAX of 45 dB(A) and living rooms meet an internal equivalent noise level of 35 dB LAeq as described in BS8233:2014 and the World Health Organisation community noise guidelines.

1.25 Prior to development, the ventilation scheme for habitable rooms located adjacent to the Port of Tyne and the Royal Quays Marina, to mitigate port and marina activities, must be submitted for approval in writing and thereafter implemented to ensure an appropriate standard of ventilation that meets as a minimum System 4 of Table 5.2 of Approved Document F Building Regulations.

1.26 Details of the 1.8 metre high acoustic fencing to be provided to the garden amenity area for plots 1-3 of the development site must be submitted and implemented on approval of the local Planning Authority, to attenuate noise from the boat yard activities.

1.27 Conditions relating to a mud and dust scheme and hours of operation of the construction site should be imposed. Piling activities if required at the site should be restricted to the hours 10:00 - 14:00 hours Monday to Saturday only.

#### 1.28 b) Contaminated Land

1.29 The hazardous gas assessment has shown that the site is classified as green. I confirm that no gas protection measures are required.

1.30 It is noted from the remediation statement that:  
It is recommended that a cover system comprising a mix of subsoil (450mm) and a minimum of 150mm topsoil (600mm thickness in total) is placed within private gardens within the proposed new development areas. In areas of new public open space, a reduced cover system thickness of 400mm is recommended. It is considered that these thicknesses will be sufficient to break the pollutant linkage between the known contaminants of concern (lead and PAH) and the receptors (future residents).

1.31 If the existing topsoil is proposed for re-use, then it is recommended that the topsoil is carefully scraped, segregated and stockpiled separately to prevent cross contamination from other sources. Once stockpiled it is recommended that further testing is undertaken to confirm suitability for re-use in the proposed development. If insufficient topsoil is available, then importation of topsoil and/ or subsoil from a suitable off-site source will be required. Early consultation with the Local Authority is advised to agree the cover system requirements.

### 1.32 Validation of Cover Soils

Existing site won, and any imported topsoil/ subsoil to be used within the cover system should be tested for the parameters and volumes applicable to the site/ donor site in accordance with the YAHPAC -

Verification Requirements for Cover Systems: Technical Guidance for Developers, Landowners and Consultants. It is recommended that all imported subsoil and topsoil is from a greenfield source. A minimum of three samples or, 1 sample per 250m<sup>3</sup>, whichever is greater of the soil would need to be tested, prior to being imported. All soils shall conform to the GAC concentrations detailed in Appendix B with topsoil also complying with BS 3882:2007 Specification for Topsoil.

Imported soils used in land raising could also be incorporated as part of the cover system so long as those soils have also been appropriately assessed prior to importation in accordance with YAHPAC.

### 1.33 Post Placement Validation

Following placement of the cover system in all garden and public open space areas, a validation exercise will need to be completed to confirm compliance with this specification and to satisfy the requirements of the local authority and NHBC. Validation will be undertaken in the following manner:

- Site attendance by an independent consultant as and when plot completions occur;
- Validation of 1 in every 3 properties both front and rear and/or side gardens where appropriate to prove that the required 600mm cover system has been applied to gardens and 400mm applied to public open space;
- Production of a validation completion certificate, including photographic record and chemical analysis to confirm suitability for use to be forwarded to the local authority and/or NHBC or other insurer confirming that validation has been undertaken in accordance with this specification.

1.34 The following condition, taking into account the finding above, should be applied:

As remediation is required to be 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 from the planning application.

### 1.35 Lead Local Flood Authority

1.36 The surface water drainage and flood alleviation proposals are acceptable.

1.37 The Flood Risk Assessment (FRA) notes that part of the site will be at risk of surface water flooding from run-off from the surrounding area and there will be a risk of flooding from the Tyne to the lower lying parts of the site during a 1 in 200 year storm event. To reduce the risk of flooding described the applicant is

proposing to raise the finished floor levels of the dwellings to 4.85m AOD which will help reduce the risk of flooding to these properties.

1.38 The applicant has also identified the surface water flow path and has stated that this will be mitigated with the layout design which will direct the surface water through the site to the River Tyne without impacting any of the properties within the development site.

1.39 The drainage details for the site are acceptable. A condition should be placed on the application stating that the surface water drainage construction should be carried out in accordance with the submitted documents.

1.40 The only thing that hasn't been detailed is whether the surface water sewer which discharges into the Tyne has a flap valve to prevent water from the Tyne entering the site's SW sewer system. However as this is an existing sewer I would assume this will already be installed on the outfall.

#### 1.41 Design Policy

1.42 The design and layout has had positive pre-application discussions and responds well to the site features and constraints.

1.43 The design is high quality contemporary design which responds to the shape and outlook of the site. The houses provide a curved street scene overlooking the river; the apartments are set further forward and maximise views over the river. The form of the apartment block has been designed to retain views through to the accumulator tower from the pedestrian route leading down the bank side. Visual modelling plans have been provided to support this.

1.44 The rear of the apartments have a more functional design approach although enhancements have been made to improve the appearance. Landscaping will improve the appearance of the rear of the apartments at street level.

1.45 The layout supports good movement with a pedestrian link onto the river front.

1.46 The surface materials of the car parking spaces associated with the flats should be changed to blocks to improve the appearance of a large area of car parking. This can be conditioned if not addressed within the application.

1.47 Overall, I am supportive of the application.

#### 1.48 Regeneration

1.49 The Regeneration Team supports the proposed development. The site adjoins the Smith's Dock residential development. This site should be seen as an addition to this new housing offer for the Borough. The new homes will increase the footfall to the nearest town centre North Shields improving its vitality and viability.

#### 1.49 Manager of Housing Strategy

The proposed affordable housing contribution is required

#### 1.50 Manager of School Organisation and Investment

The contribution for education is required for additional places at existing primary and secondary schools within North Tyneside

#### 1.51 Manager of Horticulture and Parks

The Parks contribution is required for improvements to access infrastructure and signage at West End Park and Chirton Dene.

#### 1.52 Employment and Training

Creation of an apprenticeship welcomed. The apprenticeship should be an apprenticeship on the site or in the supply chain if that fits in with the build timescale or a contribution.

#### 1.53 Landscape Advice

The site comprises a gently sloping grassed open space. There is a belt of structural tree planting along the northern boundary on the embankment adjacent to Ballast Hill Road. There is some planting of tree planting along the boundary with the adjacent former Smiths Dock site. There are a number of small solitary trees within the grassed area.

1.54 The site area is a marine environment and very exposed in relation to the westerly wind and salt tolerance of planted species. The applicant should consider this aspect of the planting design and be satisfied that all of the planted species (trees and shrubs) are appropriate for this type of environment. The planting design should also take into account the prevailing native landscape flavour and species of the immediate and wider area, including species type and sizes, as well as the connectivity of the planting design in relation to the overall effect of the neighbouring plant structure belts.

1.55 The submitted documents have demonstrated how the existing landscape features (trees and shrubs) will be protected, but we will also require details requiring where the proposed Contractors site access and set up area are to be located and this documentation or plan should be submitted for approval prior to commencement of any proposed works.

1.56 All construction works to conform with BS5837: 2012 Trees in Relation to Construction-Recommendations in relation to protection of existing boundary trees and shrubs.

1.57 Conditions should be imposed relating to the submission of a detailed landscape scheme and that protective fencing should be in accordance with the Arboricultural Implications Assessment and Tree Protection Plan. No unauthorised access or placement of goods, fuel or chemicals, soils or other materials shall be stored or placed inside the fenced area. Where installation or alteration to existing underground services has been agreed near or adjacent to trees, all works shall conform to the requirements of the National Joint Utilities Group publication Volume 4 (November 2007).

### 1.58 Biodiversity Officer

1.59 The above application will result in the loss of a large area of semi-improved grassland (approx 0.8ha) from this site which is adjacent to a Local Wildlife Site (River Tyne) and within a wildlife corridor. This will need to be adequately mitigated for through native landscaping within the scheme. At present, the Shrub and Groundcover mix shown on the Landscape strategy Plan has a low diversity of native shrub planting (Holly, Hazel, Hawthorn). More native scrub planting will be required within this mix including gorse, which was shown to support house sparrow on this site. The grassland strip to the south of the development should be enhanced as a wildflower meadow and managed/maintained accordingly to provide mitigation for the loss of grassland habitat. These details should be provided as part of a detailed landscape plan. Finally, the 'tree schedule' species shown on the landscape strategy should be native species and not ornamental varieties.

1.60 I have no objection to the above planning application, subject to the following conditions being attached to the application and the above amendments being made to the landscape strategy:-

- Incorporation of all mitigation measures outlined in paragraph 7.3 of the 'Habitat Regulations Assessment' document
- A detailed landscape plan must be submitted to the Local authority for approval prior to development commencing to include wildflower meadow areas and native tree and scrub planting
- A landscape 'Management/Maintenance Plan' must be submitted to the Local authority for approval prior to development commencing
- A Pollution Prevention Plan must be submitted to the Local Authority for approval prior to development commencing to ensure there is no contamination risk to the River Tyne as a result of any construction works
- No vegetation removal will take place in the bird nesting season (March-August), unless a survey by a suitably qualified ecologist has confirmed the absence of nesting birds immediately prior to works commencing
- The measures outlined in the 'Arboricultural Method Statement' must be followed to ensure any trees or woodland within or adjacent to the site are adequately protected from the impacts of construction work.

1.61 The contribution for semi natural greenspace is required for biodiversity improvements to Chirton Dene Park SLCI.

### 2.0 Representations

4 letters of objection from 3 addresses have been received with the following objections

- inappropriate design. The development is not in keeping with the area. The block of flats design is too big, the height would in essence cut off the appearance of the Royal Quays development from the marina, boat yard and protected clock tower. Its design appears to be a wall of apartments looking out of place in the area.
- the 4 storey apartment blocks are in the wrong place.
- The site borders commercial land adjacent to the boatyard and marina. The Smith's Dock is far more appropriate for residential development.
- loss of visual amenity

- poor traffic and pedestrian safety
  - loss of view of the existing clock tower. The view of the tower was part of the original planned concept of the Royal Quays Marina development.
  - The 3 storey houses are too high
  - Reservations that public services such as fire and ambulance will have difficulties in emergencies
  - risk of flooding. From our visual observations there is a risk of the whole area being susceptible to flooding. Therefore the site should not developed.
  - planning application 05/02818/FUL for residential development on the marina frontage was dismissed on appeal in 2007 on four main reasons which are relevant to this application
    - a) character and appearance of the area-this proposal refers to buildings in part of the same surrounding area although it is situated in a different part of the marina.
    - b) setting of the listed building- the proposal is much nearer to the grade II\* listed accumulator tower
    - c) living conditions of future residents and in particular regarding noise and disturbance-the proposal is subject to exactly the same noise levels as the marina frontage with added noise, fish smells and diesel fumes from trawlers which berth at the entrance to the marina
    - d) neighbouring land use- The Royal Navy is currently very depleted but that is probably a temporary situation due to the economic climate. Even so the site is adjacent to a quay heavily used by the Tyne Commissioners for the berthing of and often repair on large ships.
- The Inspector concluded the site should be left vacant. I would suggest that the application should be refused and the land left as a nature reserve.

1 letter from 1 address making comments regarding open space, whether contamination will be addressed, whether foundation piling will affect the surrounding area ie noise, whether car parking is in accordance with Council guidance, whether trawlers docking adjacent to the site will do so unaffected, and what visual impact there will be for existing residents.

## 2.1 Quays Marina Ltd

2.2 Our company Quay Marinas Ltd, is the leaseholder and operator of Royal Quays Marina, which immediately adjoins and is overlooked by the site of the above proposed development.

2.3 As a general principle, we are in favour of the development of this site for residential use. The site has lain dormant since it was reclaimed for housing in the late 1990's, and we believe that such a scheme will contribute positively to the economic regeneration of the area and improve the immediate environment of the marina. The applicant has responded to site constraints and the concerns of residents with respect to views and sight lines, so the scheme would seem to offer a reasonable compromise to a broad range of interests.

2.4 We do however have concerns about the potential for future conflict between residents of the new homes (particularly in the apartments) and the operation of the marina over the noise from operations and vessel movements and from the visual intrusion of having vessels berthed directly in front of the new apartments. Undoubtedly the marina presents an attractive outlook for new homes, but the



proposed scheme fronts on to the entrance channel, lock gates, fuel berth and quay wall berthing of a vibrant and busy working marina/harbour which operates 24 hrs / 365 days. We acknowledge that this very outlook and activity will be what makes the site desirable to would be residents, many of whom will be tolerant of any disturbance, but that will not be the case for all, and it is essential that any conflicts that arise in future should not undermine the legitimate business activity and viability of the marina by placing unreasonable restrictions upon us.

2.5 We have discussed with the applicant ways in which some of the noise issues may be reduced and whilst we are willing to implement these steps they will not eliminate all noise and may not prove successful. Comments about noise issues have been raised by the applicant's own noise study and by the Council's Environmental Health Officer, and for the sake of clarity we would like to add our own comments concerning specific noise issues:

#### 2.6 Lock Gate Operation

All vessel movements in and out of the marina basin are via the lock gates. Each time a lock gate is operated there will be noise from the hydraulic machinery, a warning alarm on the barriers on the pedestrian walkways (audible and a flashing light), and from the engines of the vessels involved. Although the gate operation is relatively short-lived, it can be at all hours of the day and night and can be frequent, at short intervals and repetitive at busy times. The warning alarms need to be sufficiently loud to alert members of the public that a barrier is due to close above the noise of the adjacent hydraulic power pack. In the past, we have had complaints from a resident that the alarms were intrusive which have been investigated by the Council's EHO and been deemed to be acceptable. However, the proposed development would place homes at a much closer distance to the source of the noise, potentially as little as 40 metres from the power packs and warning alarms. We have agreed with the applicant to fit an alternative warning alarm which is expected to be less intrusive by way of a trial, though we reserve the right to revert to the original if it is unsuitable. It should be noted that the noise of the power packs will be unaffected and a flashing beacon (which will be directly opposite the apartments) will still be required.

#### 2.7 Berthing of Vessels on the Outside of the Marina.

Quay Marinas have rights to moor vessels on the seaward quay walls which form the former northern entrance lock which is now closed off. This quay is directly in front of the proposed apartments and will be overlooked by some windows, some of which will be as little 8.5 metres from the berths. At high water, it is likely that the superstructure of some of the boats will be directly level with apartment windows. We use these berths for larger vessels which are either too big to access through the lock or are unable to do so safely, mostly this is for commercial fishing trawlers (up to 6 trawlers of up to 25 metres in length at a time). Indeed, we are obligated by our lease to provide shelter berthing for fishing vessels of up to 25 metres and the only place we can accommodate them is on this quay. The income from this activity is vital to our business as is its role in supporting North Shields as a fishing port.

2.8 The main season is between September and March and the vessels will arrive and depart daily, but typically they will arrive in the evening and depart in the early hours of the morning. We do not permit the landing of fish. The vessels'

engines are noisy as they manoeuvre into a berth and again when they start up early in the morning when readying for departure. There will also be the calls of crew, bright deck lights and exhaust emissions and vibrations from large diesel engines, which do not appear to have been considered.

2.9 Whilst berthed the vessels may run their main engines or generators as crew may be aboard. We are not sure to what extent the noise study has fully reflected the noise generated by vessels arriving and departing. The applicant has agreed to provide an electrical supply so that vessels can obtain shore power which will reduce the need to run engines or generators whilst stationary. This is a welcome addition and we are pleased to assist with this and we will encourage vessels to use the supply, however we cannot guarantee that all vessels will carry the equipment to do this and we are not willing to be bound by any requirement that prohibits the running of engines or generators. The application states that there will be a free electrical supply to vessels. This is not our intention as vessels are expected to pay for their shore power.

2.10 In addition to fishing trawlers other larger vessels (such as tugs, barges, Life boats, tall ships, survey vessels, windfarm support boats etc.) may use this quay and it is likely that the demand and type of use will change over time.

#### 2.11 General Vessel Traffic Departing and Entering the Marina

The development directly overlooks the entrance fairway to the marina which is has vessels going to and from the marina under engine at all time of the day and night. There is also a waiting pontoon and fuel berth in the entrance around which boats congregate. The general scene can be busy and we expect that this is something that most homeowners will be happy buying into, but there is noise and it can be 24 hours.

#### 2.12 Boatyard

The application site immediately adjoins the marina boatyard. It should be noted that this is not simply a passive storage area but a place where boats are worked on and repaired, with noise being generated by lifting plant, tractors and power tools (used for sanding, cutting and grinding) 7 days a week. The hours of use of the boatyard are already regulated by the original planning consent for the marina. To date complaints about noise from nearby residents have been very rare which would suggest that this is not a problem however the application proposes to place homes much closer to the boatyard than exists at present. The closest apartment will be only 6.5 metres from the boatyard boundary.

With respect to other site layout considerations we would like to make the following observations:

#### 2.13 Site Access from Ballast Hill Road

The access into the site at the bottom of Ballast Hill Road is at a haphazard junction of three footpaths, the entrance to the marina boatyard, and the entrance to the Northumbria Water pumping station. This was never properly designed and we were always led to understand that this would be addressed when this site was developed. We would ask that close attention this paid to this by the council. The marina boatyard requires access for large trucks carrying wide and heavy loads.

#### 2.14 Pedestrian Access from Lock Barrage alongside Eastern Boatyard Boundary to Ballast Hill Road

The current footway was installed with a temporary crushed stone surface pending development of the site. We cannot see any detail as to what is intended but assume that the developer will be required to provide a permanent surface? The route of this path could be slightly realigned to merge with and become the pavement of the new access road.

#### 2.15 Pedestrian Walkway to Smiths Dock Site

With the development of the adjoining Smiths Dock site now underway there is the opportunity to provide a continuous pedestrian promenade along the water's edge to link Royal Quays with the North Shields pedestrian ferry by linking the two sites together. This linkage would be out with the site application boundary, but is something which should be considered by the council in conjunction with the two developers.

2.16 In summary, it is our opinion that this application has the potential to bring a positive benefit to the area, but this will only be the case if rigorous mitigation measures and suitable conditions are applied to safeguard the marina from unreasonable demands arising from issues relating to noise and disturbance from our existing and future activities as a marina, harbour, and boatyard. The proposed scheme will place residential accommodation, particularly the apartments at the western end of the site, in very close proximity to an active quay used by fishing trawlers, a busy boatyard, and our lock gates. This will undoubtedly provide an attractive and active waterfront outlook for those who are willing to accept it, it might not always be a quiet place to be. The marina forms a vital part of the maritime infrastructure serving the River Tyne and the north-east coast, and to state the obvious, it was 'there before' these plans were submitted. We wonder if it would be possible for some form of perpetual agreement/covenant whereby purchasers/owners/tenants/occupiers of the property are bound to recognise the working nature of the surrounding marina and the potential for disturbance that may come with it.

### 3.0 External Consultees

#### 3.1 Coal Authority

3.2 The application site falls within the defined Development High Risk Area and there are coal mining features and hazards within the site and surrounding area which need to be considered. A Geo-Environmental Assessment has been submitted. No Coal Mining Risk Assessment has been submitted and incorrectly states that the site is not considered to be at risk from mining activity. The north west of the site lies within the recorded zone of influence of a mine entry. It is noted that car parking is proposed in the affected part of the site.

3.3 When considering this particular proposed layout, there will be no operational development that intersects the ground in the part of the site affected by the Development High risk Area. Therefore there is no objection to this planning application.

3.4 In the interests of public safety the Coal Authority would recommend the following informative:

The proposed development lies within an area that has been defined by the Coal Authority as containing potential hazards arising from former coal mining activity. These hazards include the potential zone of influence of a mine entry at the site access and car parking area. It is recommended that suitable engineering precautions are undertaken in relation to the construction of the access road and car parking area to take into account potential land instability. Your attention is drawn to the Coal Authority Policy in relation to new development and mine entries available on the Coal authority website.

Any intrusive activities which disturb or enter any coal seams, coal mine workings or coal mine entries (shafts and adits) requires a Coal Authority Permit. Such activities could include site investigation boreholes, digging of foundations, piling activities, other ground works and any subsequent treatment of coal mine workings and coal mine entries for ground stability purposes. Failure to obtain a Coal Authority Permit for such activities is trespass, with the potential for court action. If any coal mining features are unexpectedly encountered during development this should be reported immediately to the Coal Authority.

### 3.5 Environment Agency

3.6 The site lies in Flood Zone 2 defined by the Environment Agency Flood Map. A Flood Risk Assessment has been submitted. The proposed development will only meet the requirements of the National Planning Policy Framework if measures detailed in the FRA by Patrick Parsons submitted with the application, namely that finished floor levels are set no lower than 4.85m Above Ordnance Datum (AOD) are implemented and secured by way of a planning condition in order to reduce the risk of flooding to the proposed development and future occupants.

### 3.7 Northumbrian Water

3.8 We would have no issues to raise with the above application, provided the application is approved and carried out in strict accordance with the submitted documents entitled "*Flood Risk Assessment*" and "*Section 104 Agreement*". In these documents it states that surface water from the proposed development will discharge to the existing surface water sewer at manhole 3001, at a restricted rate of 90l/sec. Foul flows from the development are proposed to discharge to the existing foul sewer at manhole 2002.

3.9 We would therefore request that the "*Flood Risk Assessment*" and "*Section 104 Agreement*" form part of the approved documents as part of any planning approval and the development to be implemented in accordance with this document.

3.10 It should be noted that we are not commenting on the quality of the flood risk assessment as a whole or the developers approach to the hierarchy of preference. The council, as the Lead Local Flood Authority, needs to be satisfied that the hierarchy has been fully explored and that the discharge rate and volume is in accordance with their policy. The required discharge rate and volume may be lower than the Northumbrian Water figures in response to the National and Local Flood Policy requirements and standards. Our comments simply reflect the ability of our network to accept flows if sewer connection is the only option.

3.11 Northumbrian Water would also advise that the proposed development is located in close proximity to a sewage pumping station. By nature of its function as part of our statutory duty as sewerage undertaker, the works can produce odour and noise during daily operations. We include these comments as information only so that awareness is given to the presence of the pumping station in proximity to the development site. We would advise a minimum distance of 15 metres is maintained between the pumping station and proposed habitable rooms.

3.12 We can further inform you that a public sewer crosses the site and may be affected by the proposed development. Northumbrian Water do not permit a building over or close to our apparatus and therefore we will be contacting the developer direct to establish the exact location of our assets and ensure any necessary diversion, relocation or protection measures required prior to the commencement of the development. We will be contacting the developer/agent directly in this matter, however, for planning purposes you should note that the presence of our assets may impact upon the layout of the scheme as it stands.

#### 3.13 South Tyneside Council

No objections

#### 3.14 Tyne and Wear County Archaeologist

3.15 A probable lime kiln (hence the name Limekiln Shore) and the North Eastern Railway Albert Edward Dock Branch, are recorded on the Historic Environment Record.

3.16 No archaeological work is required. The main heritage issue here is the setting of the listed locks, lock gates and accumulator tower. This is discussed in the Heritage Statement and is being dealt with by your Urban Design Officers.

#### 3.17 Historic England

No comments. The application should be determined in accordance with national and local policy guidance.

#### 3.18 Newcastle International Airport

3.19 The airport has no objection to the scheme. The application has been assessed by the aerodrome safeguarding team, Given the distance of the development from Newcastle Airport and therefore the height of the aircraft, a bird strike risk assessment is not required. 'Wildlife Hazards around Aerodromes' gives guidance on how landscaping of the developments can minimise its attraction to birdlife. Cranes are unlikely to be required to height that would impact on the Airport's protected surfaces.