

**Item No:** 5.4  
**Application No:** 16/01895/FUL Author: Julie Lawson  
Date valid: 7 December 2016 ☎: 0191 643 6337  
Target: 8 March 2017 Ward: Chirton  
decision date:

Application type: full planning application

**Location: Land West Of Dismantled Railway Track And South Of, Wallsend Road, North Shields, Tyne And Wear,**

**Proposal: Erection of new building to facilitate vehicle prep/PDI/workshop/bodyshop/MOT facility with associated new access and parking (amended red line location plan 06.02.17 and amended planting plan 15.03.17)**

Applicant: Pendragon Property Holdings, Loxley House Annesley Nottingham NG15 0DR

Agent: Unwin Jones Partnership, Bridge Lane Studio Caldewgate Carlisle CA2 5SS

**RECOMMENDATION:** Application Permitted

## **INFORMATION**

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

#### 1.0 Description of the Site

1.1 The site comprises a large triangular shaped area of scrubland which lies between industrial premises to the west and the Stephenson Railway line to the east. It is a 1.25 hectare site accessed from the A193/A187 roundabout which lies to the west. Residential properties on Kilburn Gardens are to the east of the site beyond the Stephenson Railway. The highway along the western side of the site has been closed to vehicular traffic.

#### 2.0 Description of the Proposed Development

2.1 This application is for the erection of a new building to facilitate vehicle preparation, workshop, body shop and MOT facility with associated new access and parking.

2.2 The building is sited to the northern part of the site, with vehicle storage bays to the south of this building and a vehicle wash and preparation area to the east of the main building adjacent to the former railway. A staff parking area is proposed to the south, along with an area of proposed wildflower meadow.

2.3 The applicant has advised that the proposal will act in a supporting role with a new recently approved motor vehicle dealership located on Cobalt Park Way and also an established motor vehicle dealership located on Silverlink. Customers will not visit this site, they will drop their vehicle off at the dealership and it will be taken to this site by an employee.

2.4 A new access is proposed from the west, off a currently blocked up section of former highway. Palisade fencing up to 2.4m is proposed surrounding the site, with the exception of the staff parking area.

2.5 The applicant has advised that the proposed opening hours are from 8am to 6pm Monday to Friday and from 8am to 1pm Saturdays.

2.6 The main building will have a preparation and workshop area to the ground floor and a mezzanine area with office space and storage. It will have a maximum height of 7.0m and measure 70m by 28m. The preparation and wash bay structure will be between 3.7m and 4.4m high.

### 3.0 Relevant Planning History

11/00098/FUL: Creation of new vehicular access permitted 03.03.2011

91/01469/FUL - Erection of industrial units use Class B1 and B8, construction of new

access to a highway

Permitted 14.11.1991

### 4.0 Development Plan

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

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

### 5.0 Government Policy

5.1 National Planning Policy Framework (March 2012)

5.2 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.

## **PLANNING OFFICERS REPORT**

### 6.0 Main Issues

The main issues in this case are:

- Principle of the development;
- Impact on amenity
- Car parking and access;
- Other issues.

6.2 Consultation responses received as a result of the publicity given to this application are set out in the Appendix to this report.

### 7.0 Principle of the development

7.1 The Government is committed to securing economic growth in order to create jobs prosperity, and it is committed to ensuring that the planning system does everything it can to support sustainable economic growth. Planning should operate to encourage and not act as an impediment to sustainable growth. Therefore significant weight should be placed on the need to support economic growth through the planning system.

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

7.3 Policy LE1/3 allocates the site for class B1 (business) B2 (general industry) and B8 (storage and distribution). UDP Policy LE1/4 states that the local planning authority will seek to ensure that the physical base of the local economy is maintained and protected. Areas shown on the proposals map as currently used for classes B1, B2 or B8 will be protected from change of use to other purposes.

7.4 The site is also identified as an Employment Site within the Local Plan Pre-submission Draft. In the Local Plan Pre-submission Draft policy DM2.3 sets out that the Council will support proposals on Employment Land for new or additional development for uses within use classes B1, B2 or B8 or that which is deemed

ancillary. Proposals that would lead to a loss of identified Employment Land or other buildings in use-class B1, B2 or B8 will be permitted where these proposals would not:

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

7.5 The proposal for B2/B8 use accords with the designated land use of the site and would encourage growth, investment and employment in accordance with the aims of NPPF.

7.6 Members need to determine whether the principle of the proposed development is acceptable. Officer advice is that this use complies with policy and the principle of the development is acceptable.

#### 8.0 Impact on neighbouring amenity

8.1 There are residential properties to the east of the site and beyond the main road to the north east of the site and the impact of noise on these residents is an important consideration.

8.1 NPPF paragraph 123 states 'Planning policies should aim to: avoid noise from giving rise to significant adverse impacts on health and quality of life as a result of new development; mitigate and reduce to a minimum other adverse impacts on health and quality of life arising from noise new development, including through conditions; recognise that development will often create some noise and existing business 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; and identify and protect areas of tranquillity which have remained relatively undisturbed by noise and are prized for their recreational and amenity value for this reason'.

8.2 Policy E3 of the UDP seeks to minimise the impact of pollution on the environment including existing land uses and on proposed development.

8.3 Policy H13 of the UDP states that in assessing proposals for non residential uses within or adjacent to residential areas or for changes of use from residential to other uses, or for the intensifications of an existing residential use will be approved only where the Local Planning Authority consider that they would not adversely affect residential amenity. Uses that generate excessive noise, smell

fumes, traffic, or on street parking problems will not be allowed. Applications for the expansion or intensification of existing non-residential uses within residential areas will be judged against the same criteria.

8.4 The workshop building will be located between 40m and 53m to the boundary of the residential dwellings to the east. The wash and prep building will be approximately 25m from the boundary of the residential properties. The residential properties will be separated from the site by the steam railway and there is existing landscaping to the north eastern boundary of the site. Given this separation, it is considered that the proposed buildings will be adequately separated from the residential properties.

8.5 Objections have been received to the proposed use of the site on the basis of impact from noise. The applicant had considered opening hours which included Sundays, but has now advised that the proposed operating hours are from 8am to 6pm Monday to Friday and 8am to 1pm Saturdays. The Manager of Environmental Health has advised no objections subject to conditions, including restricting the operating times to these hours.

8.6 Conditions have also been recommended to address construction times and dust mitigation during construction.

8.7 Members need to consider whether the impact on the amenity of the occupiers of nearby residential dwellings and existing businesses is acceptable. It is officer advice that the impact on amenity is acceptable subject to the suggested conditions.

#### 9.0 Impact on visual amenity

9.1 The NPPF attaches great importance to the design of the built environment. It states that high quality inclusive design should be promoted, whilst design which fails to improve the character and quality of an area should not be accepted. The planning system should also contribute to and enhance the natural and local environment by minimising impacts on biodiversity. When determining planning applications the NPPF states that local planning authorities should refuse planning permission if significant harm resulting from development cannot be avoided, adequately mitigated or compensated for.

9.2 UDP Policy LE1/7 sets out the policies by which proposals for B1, B2 and B8 uses will be assessed.

9.3 UDP policy E14 requires the LPA to seek to protect and conserve existing trees and landscape features within the urban environment and will encourage new planting in association with development and wherever possible in other suitable locations.

9.4 The Design Quality SPD provides guidance on the design of buildings, places and spaces in North Tyneside. It states that the Council will encourage innovation in the design and layout, provided that the existing quality and character of the immediate and wider environment are respected.

9.5 The surrounding area is industrial in character and the proposed workshop would not appear out of keeping with existing commercial units to the west. The main building is sited to the northern part of the site. It will be clad in profiled composite cladding. A 2.4m high palisade fencing is proposed but the site is well screened from the main road to the north and there is landscaping to the north and north east of the site. The building is considered to be acceptable for its location.

9.6 Members must determine whether the proposed development would adversely affect the character and appearance of this designated employment location. It is Officer advice is that the proposed development is appropriate in terms of siting and design for this location.

#### 10.0 Car parking and access

10.1 The Government clearly emphasises that transport policies have an important role to play in facilitating sustainable development. It further states that “Development should only be prevented or refused on transport grounds where the residual cumulative impacts of development are severe”.

10.2 LDD12 ‘Transport and Highways’ SPD provides guidance on the Council’s planning policies relating to transport and highways considerations. The SPD sets out the procedures that North Tyneside Council follows in order to ensure that the transport implications of new developments are rigorously and consistently assessed and appropriate measures secured.

10.3 UDP policy T7 states that development requiring improvements to the highway network will not be allowed unless amongst other matters appropriate contributions related directly to the impact of the proposal are obtained from developers and appropriate provision is made for public transport, pedestrians, cyclists and horse riders.

10.4 UDP policy T8 seeks to encourage cycling by amongst other matters ensuring cyclists’ needs are considered as part of new development and providing parking facilities at appropriate locations.

10.5 UDP policy T9 states that the needs of pedestrians will be given a high priority when considering transport and development issues.

10.6 UDP policy T11 states that parking requirements will be kept to the operational maximum and should include adequate provision for people with disabilities and special needs.

10.7 The applicant has amended the original plans to include the access to the site to the adopted highway within the site. The Stephenson Railway is to the east of the site, but this is outside the application site.

10.8 A Transport Assessment and Travel Plan have been submitted as part of the application. The Highways Network Manager has been consulted. He states that the impact on the local highway network will not be severe and he is satisfied that the customer parking levels are adequate for the proposed amount of display vehicles. The applicant has advised that the level of parking for the servicing, repair, MOT's etc. is appropriate for the needs of the business.

10.9 Conditions are suggested to ensure the access and parking are provided in accordance with the approved plans.

10.10 Members need to determine whether the proposed development is acceptable in terms of parking provision and the impact on highway safety. It is Officer advice that it is.

## 11.0 Other issues

### 11.1 Trees and Biodiversity

11.2 The NPPF states that the planning system should also contribute to and enhance the natural and local environment by minimising impacts on biodiversity. When determining planning applications the NPPF states that local planning authorities should refuse planning permission if significant harm resulting from development cannot be avoided, adequately mitigated or compensated for.

11.3 UDP policy E14 requires the LPA to seek to protect and conserve existing trees and landscape features within the urban environment and will encourage new planting in association with development and wherever possible in other suitable locations.

11.4 The site currently contains dense trees along the northern and eastern boundaries which screen it from Wallsend Road and the residential properties to the east. The site contains native scrub planting and trees, with groups of trees along the northern and eastern boundaries.

11.5 The applicant has submitted a tree survey and a mitigation plan as well as an ecology survey. The Landscape Officer has advised that these details are acceptable given an access road separates the main building from the trees to the north. He has suggested a condition regarding additional planting along parts

of the eastern boundary. Such a condition is recommended, along with a condition to ensure the existing trees are protected during construction works.

11.6 The Biodiversity Officer had raised concerns regarding the mitigation proposed in an earlier planting plan for the loss of scrub on the site and with regards to the ecological survey information. An amended planting plan (revision C) has been submitted which includes mitigation and planting and additional information has been submitted. Additional native tree and shrub planting will take place. The Biodiversity Officer has advised that the provision of a variety of small good quality habitat areas as well as the bird and bat features will mitigate for the loss of grassland and any potential impacts on breeding birds or foraging bats. She has recommended conditions.

11.7 It is considered that the proposal will be acceptable in terms of its impact on trees and biodiversity subject to conditions.

### 12.0 Contaminated Land

12.1 NPPF states that planning decisions should ensure that new development is appropriate for its location. The effects (including cumulative effects) of pollution on health, the natural environment or general amenity and the potential sensitivity of the area or proposed development to adverse effects of pollution, should be taken into account. Where a site is affected by contamination or land stability issues, responsibility for securing a safe development rests with the developer and/or landowner.

12.2 Policy E3 seeks to maintain the impact of pollution on the environment including existing land uses and on proposed development and will support and encourage measures including monitoring of pollution to reduce it to the lowest practicable levels.

12.3 Policy E8 of the UDP provides that future dereliction or contamination should be prevented by imposing restoration and aftercare conditions on appropriate development permissions.

12.4 The Council's Contaminated Land Officer has recommended conditions.

12.5 Officer advice is that subject to the suggested conditions the proposal is acceptable with regards to contamination.

### 13.0 Flood risk and drainage

13.1 The NPPF states that local planning authorities should adopt proactive strategies to mitigate and adapt to climate change, taking full account of flood risk.



13.2 The site is not located with flood zones 2 and 3 and it is not in a critical drainage area. A flood risk assessment has been submitted. The Local Lead Flood Officer has recommended conditional approval.

13.3 Members must decide whether the development complies with the NPPF in relation to flooding and drainage issues. It is officer advice that it does.

#### 14.0 Local Financial Considerations

14.1 Local financial considerations are defined as a grant or other financial assistance that has been, that will or that could be provided to a relevant authority by the Minister of the Crown (such as New Homes Bonus payments) or sums that a relevant authority has received, or will or could receive in payment of the Community Infrastructure Levy. The proposed development would bring employment opportunities and associated benefits to the local area.

#### 15.0 Conclusion

15.1 Members need to consider whether the principal of development, impact on amenity, car parking and access are acceptable.

15.2 It is Officer advice that subject to the imposition of appropriate conditions the proposed development complies with the relevant policies and is acceptable.

**RECOMMENDATION:     Application Permitted**

#### **Conditions/Reasons**

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

- Application Form
- Site Plan as Proposed 2838/20
- Planting Plan 2838/WW/01 Revision C
- Elevations as Proposed 2838/22 Revision A
- Ground and First Floor Plans 2838/21
- Site Details as Proposed 2838/24
- Wash and Valet Bay 2838/23
- Site Plan finishes as proposed 2807/25

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. | Restrict Hours No Construction Sun BH  | HOU04 | *              |
| 4. | New Access Access Before Devel         | ACC10 | *LE1/7         |
| 5. | Altered Access Access Alt Prior to Occ | ACC15 | *LE1/7         |
| 6. | Turning Areas Before Occ               | ACC25 | *HGV<br>*LE1/7 |
| 7. | Veh Parking Garaging before Occ        | PAR04 | *LE1/7         |
| 8. | Construction Method Statement          | SIT05 | *E3            |

9. The building shall not be occupied until details of facilities to be provided for the storage of refuse at the premises have been submitted to and approved in writing by the Local Planning Authority. The facilities which should also include the provision of wheeled refuse bins shall be provided in accordance with the approved details, prior to the occupation of any part of the development and thereafter permanently retained.

Reason: In order to safeguard the amenities of the area having regard to policy LE1/7 of the North Tyneside Unitary Development Plan 2002.

- |     |                                |       |   |
|-----|--------------------------------|-------|---|
| 10. | Gas Investigate no Development | GAS06 | * |
|-----|--------------------------------|-------|---|

11. Notwithstanding any indication of materials which may have been given in the application, no development of the building above ground level shall take place until a schedule and/or samples of the materials and finishes for the development has 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 LE1/7 of the North Tyneside Unitary Development Plan 2002.

12. No other part of the development shall be commenced until:-

- a) A detailed site investigation has been carried out to establish:

- i) If the site is contaminated;
- ii) To assess the degree and nature of the contamination present, and whether significant risk is likely to arise to the occupiers and public use of land;
- iii) To determine the potential for the pollution of the water environment by contaminants and;
- iv) The implication for development of the site and the quality of the environment for future occupiers.

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

b) The results and conclusions of the detailed site investigations referred to in (a) above have been submitted to and the conclusions approved in writing by the Local Planning Authority. The Phase 2 Report should be written using the current government guidelines.

c) If remediation is required following the assessment of the chemical results under current guidelines, then a method statement should be provided for comment. This should provide details of exactly how the remediation works are to be carried out, detailed site location plan of where material is to be deposited and details including drawings of gas protection scheme should be included.

d) If remediation is carried out on the site then a validation report will be required. This should provide evidence of what remediation has been carried out over the site. This report should confirm exactly what remediation has been carried out and that the objectives of the remediation statement have been met. This report should verification of the type, source, depth, location and suitability (to include any test certificates for material to be imported on site to ensure it is not contaminated) of the imported materials for their use on site. This should include cross sectional diagrams for the site and detailed plans of the site. This report should be submitted before the contaminated land condition can be removed from the planning application.

e) If any unexpected contamination or hotspots are encountered during the investigation and construction phases it will be necessary to inform the Local Authority then cease development and carry out additional investigative works and subsequent remediation if any unexpected contamination or underground storage tanks are discovered during the development. Work should be ceased until any risk is assessed through chemical testing and analysis of the affected soils or waters.

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

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

13. No development of the building above ground floor level shall take place until the details of the height, position, design and materials of any chimney or extraction vent to be provided in connection with 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: This information is required in the interests of residential amenity having regard to Policies E3 and H13 of the North Tyneside Council Unitary Development Plan 2002

14. No development of the building above ground floor level shall take place until details of an odour suppression system for the arrestment of odours have been submitted to and approved in writing by the Local Planning Authority. The scheme shall thereafter be implemented before the development or use commences in accordance with the approved details and permanently retained.

Reason: This information is required in the interests of residential amenity having regard to Policies E3 and H13 of the North Tyneside Council Unitary Development Plan 2002

15. No activities shall be carried out at the site outside the hours of 8am to 6pm Mondays to Fridays and 8am to 1pm Saturdays with no activity or operations on the site on Sundays and Bank Holidays.

Reason: In the interests of residential amenity having regard to Policies E3 and H13 of the North Tyneside Council Unitary Development Plan 2002

16. Prior to the commencement of the construction of any building on the site, a noise survey shall be carried out to determine the current back ground noise level and any required mitigation measures and it shall be submitted to and approved in writing by the Local Planning Authority. The approved mitigation shall be implemented prior to occupation of the building in order to ensure the rating level as measured one metre from facade of nearest residential property does not exceed by more than 5 dB the current background noise levels. The measurement shall be carried out in accordance with BS4142.

Reason: This information is required from the outset of the development because the measures will need to be incorporated into the development as it is

constructed in the interests of residential amenity having regard to Policies E3 and H13 of the North Tyneside Council Unitary Development Plan 2002

17. No development shall commence until a detailed scheme for surface water management has been submitted to and approved by in writing the Local Planning Authority. All surface water will be captured, controlled & attenuated within the site and discharged at the agreed discharge rate. Thereafter, this scheme shall be implemented in accordance with the approved details before the development is occupied.

Reason: This is required from the outset of the development in the interest of the surface water management of the site, having regard to Policy LE1/7 of the North Tyneside Council Unitary Development Plan 2002.

18. 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 commencement of the construction of the building on the site.

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

19. Prior to the occupation of the building on the site a Landscaping Management Plan shall be submitted to and approved in writing by the Local Planning Authority.

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

20. All planting, seeding or turfing comprised in the approved details of landscaping shall be carried out in the first planting and seeding seasons following the occupation of the buildings or the completion of the development, whichever is the sooner, and any trees or plants which, within a period of five years from the completion of the development, die are removed or become seriously damaged or diseased, shall be replaced in the current or first planting season following their removal or failure with others of similar size and species, unless the Local Planning Authority first gives written consent to any variation. The landscaping shall be maintained thereafter in accordance with the approved landscape management plan.

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

22. Prior to the commencement of any site clearance works or of the development there shall be submitted to the Local Planning Authority for their approval a scheme showing the type, height and position of protective fencing to be erected around each tree or hedge to be retained. Unless otherwise agreed in writing by the Local Planning Authority this shall comprise a vertical and horizontal framework of scaffolding or post and rail fencing, to a height of 1.5 metres, well braced to resist impacts and supporting either cleft chestnut pale or chain link fencing and sited at a minimum distance from the tree equivalent to the crown spread. No site clearance works or the development itself shall be commenced until such a scheme is approved by the Local Planning Authority and thereafter the development hereby permitted shall only be carried out in accordance with that scheme. The area surrounding each tree/hedge within the approved protective fencing shall remain undisturbed during the course of the works, and in particular in these areas:

- a) There shall be no changes in ground levels;
- b) No materials or plant shall be stored;
- c) No buildings or temporary buildings shall be erected or stationed;
- d) No materials or waste shall be burnt;
- e) No drain runs or other trenches shall be dug or otherwise created, without the prior written consent of the Local Planning Authority, and
- f) In carrying out the development, the developer shall conform with the recommendations in BS 5837:2012 in relation to the protection of trees during construction.

Reason: This information is required from the outset of the development in order to ensure trees and hedges to be retained are adequately protected from damage during the execution of the works hereby permitted, in the interests of visual amenity having regard to policy E14 of the North Tyneside Unitary Development Plan 2002.

23. No vegetation removal shall take place in the bird nesting season (March-August inclusive) unless a survey by a suitably qualified ecologist has confirmed the absence of nesting birds immediately prior to works commencing.

Reason: In the interests of ecology, having regard to Policy E12/6 of the North Tyneside Unitary Development Plan.

24. 10no. bird and 10no. bat boxes of various designs must be provided as part of the scheme. Details of the bird and bat box designs and their location must be submitted to and approved in writing by the Local Planning Authority prior to the commencement of construction of the building on site. The approved details shall be carried out in accordance with the approved details prior to the commencement of the use of the development.

Reason: In the interests of ecology, having regard to Policy E12/6 of the North Tyneside Unitary Development Plan.

**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)

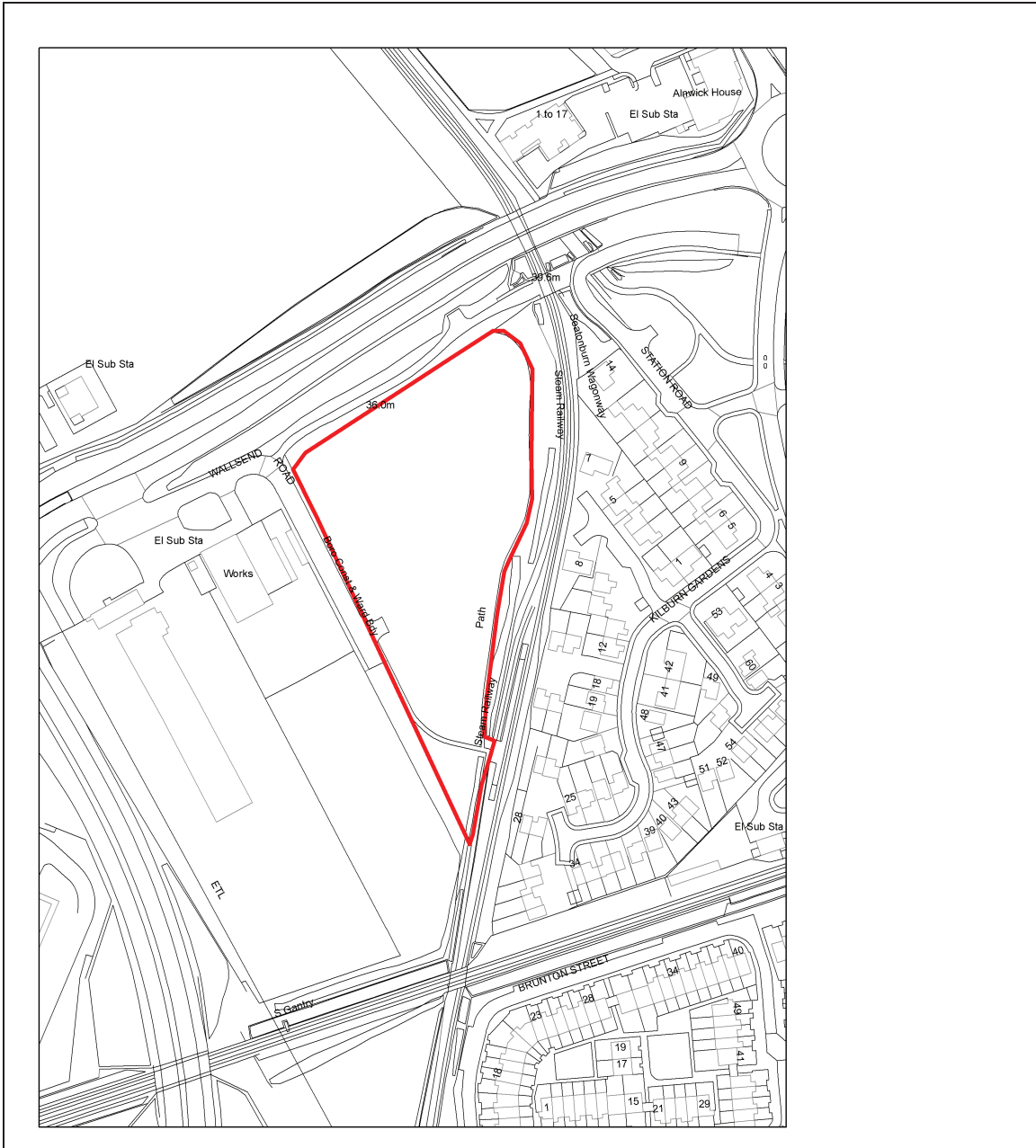
No Doors Gates to Project Over Highways (I10)

Do Not Obstruct Highway Build Materials (I13)

Street Naming and numbering (I45)

Highway Inspection before dvlpt (I46)





**Application reference: 16/01895/FUL**

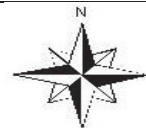
**Location: Land West Of Dismantled Railway Track And South Of, Wallsend Road, North Shields, Tyne And Wear**

**Proposal: Erection of new building to facilitate vehicle prep/PDI/workshop/bodyshop/MOT facility with associated new access and parking (amended red line location plan 06.02.17 and amended planting plan 15.03.17)**

Not to scale

Date: 23.03.2017

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**Appendix 1 – 16/01895/FUL**  
**Item 4**

**Consultations/representations**

1.0 Internal Consulters

2.0 Highways Network Manager

2.1 As part of the application a Transport Assessment (TA) & Travel Plan (TP) have been submitted that assessed the development against the local highway network. It is considered that the impact will not be severe and as such no off site mitigation will be required. Furthermore the TP seeks to reduce the amount of vehicle trips associated with the site.

2.2 The site is accessed via the old Wallsend Road and its existing access with the A186 Wallsend Road dual carriageway. Parking & cycle parking have been provided to meet the needs of the site and on balance and swept path analysis of appropriate service vehicles demonstrates that the site is accessible in a safe manner. Conditional approval is recommended.

Recommendation - Conditional Approval

Conditions:

ACC10 - New Access: Access before Devel  
ACC15 - Altered Access: Access Alt Prior To Occ  
ACC25 - Turning Areas: Before Occ  
PAR04 - Veh: Parking, Garaging before Occ  
REF01 - Refuse Storage: Detail, Provide Before Occ  
SIT05 - Construction Management

Informatives:

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

3.0 Landscape Architect (original comment)

3.1 Existing Site Context

3.2 The proposed vacant development site forms a triangular site demarked by the A193, the Wallsend Road and car dismantlers to the west and the

Stephenson Railway (Museum) and recent residential development (Kilburn Gardens) to the east and north of Percy Main centre. The site is currently accessed by a slip road from the A193 and is approximately 1.65hec in size.

3.3 The landscape character of the site is reclaimed from previous uses and has a reasonably flat and open aspect. The central areas consist mainly of grasses and scrub with occasional self-seeded smaller tree and shrub species with a network of informal tracks and pathways. There are several structural tree blocks to the site, with one along northern perimeter with the adjacent A193 and skirting half the distance close to the George Stephenson Railway to the east. The both form significant structural block of planting and also contribute to the local wildlife corridor network.

3.4 Documents have been submitted by the applicant, as requested, during an earlier stage of consultation, to ascertain the extent and quality of the existing landscaped areas bordering the site.

3.5 From study of the submitted information I have ascertained that some areas of the existing landscaping may be affected by the proposals. This is quite understandable in terms of its size and scale and what is going to be provided. The document (*Tree Mitigation Plan*) shows that Group G1, bordering the site along its northern extent, will be protected (fencing) with reference to *British Standard 5837:2012 Trees in Relation to Construction*, during the construction phase of the works.

3.6 The tree protection proposals will also be required however, around the whole of the internal site area where the construction works will come into close proximity with the existing landscaping. This is clearly shown on the submitted document (*Tree Survey*) where the car park construction surfacing will be laid out. This revision relating to 'protective fencing' should be detailed and submitted on a subsequent plan.

3.7 The submitted document (*Tree Survey*) also shows the footprint of the proposed built form of the development conflicting and/or very close to the (*Group G1*) of the existing landscape structure.

3.8 Some overlap of tree canopies, and root zone areas with the built form, is clearly visible on the submitted plan and this should be substantiated with a view to layout revision.

### 3.9 Landscape Design of Scheme

I note that there are no landscape proposals submitted as part of the proposed development; that may be because the applicant considers the perimeter of the site is adequately supported by the existing landscape conditions. However,

some level of landscape aspiration should support all new development and I would consider there is scope within the context of the proposals to achieve this.

### 3.10 Advisory Information

This may manifest, either as a more formalised 'avenue tree planting' along the approach road(s) and/or extending some further screening along the southeast (open) section of the site perimeter. The applicant may like to consider both of these options, or alternatively, provide some other landscape design proposal that the immediate area may benefit from such as general landscape maintenance and tidy up of the site approaches.

### 3.11 Planning Policy and Legislative Context

Supplementary Planning Documents (SPDs) covers various issues relating to wildlife, biodiversity, trees and hedgerows and landscape.

The contents of these documents are designed to provide guidance, information and advice in order to encourage a positive partnership between biodiversity, trees, landscape and development.

### 3.12 Advisory Notes

The applicant should also be aware of the following legislation with regard to the proposed works.

No utilities or drainage may be located within the root protection areas of the 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 the National Joint Utilities Group publication Volume 4 (November 2007).

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

### 3.13 Further comments on receipt of additional information (and planting plan revision B)

3.14 We will still need a drawing showing the position of the protective fencing around all site areas where the tree blocks exist. As long as the building and car wash facilities do not conflict with the Protective Tree Fencing that should suffice in terms of distance from the building, bearing in mind there will also be an access road in between the trees and the building. As long as all construction works to conform with (see BS5837: 2012 Trees in Relation to Construction-Recommendations) in relation to protection of existing boundary trees and shrubs and as shown on the requested drawing, that should be enough.

3.15 The other matters detailed in my Landscape Comments report still require a response. More block planting along the eastern site boundary bordering Kilburn Gardens could be provided.

#### 4.0 Contaminated Land Officer

4.1 The site is situated within 250 metres of a historic landfill site and therefore to protect the health of current and future site users the following conditions should be applied:

CON 01

GAS 06

#### 5.0 Environmental Health (Pollution)

5.1 The site is semi industrial but is bordered on two sides by residential properties. I have concerns about noise issues from revving engines, car movements, jet spray generators, and mechanical works being undertaken as a result of the MOTs. In addition, I have concerns if the body shop includes a paint shop, with issues of fugitive emissions and odour.

5.2 Should planning permission be granted I would request the following:

No development shall take place until the details of the height, position, design and materials of any chimney or extraction vent to be provided in connection with 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.

No development shall take place until details of an odour suppression system for the arrestment of odours have been submitted to and approved in writing by the Local Planning Authority. The scheme shall thereafter be implemented before the development or use commences in accordance with the approved details and permanently retained.

HOU04

No activities shall be carried out outside the hours of 08:00 - 18:00 Monday to Friday, 08:00 - 13:00 on a Saturday, and no activity on Sundays or Bank Holidays.

A noise survey to be carried out to determine the current back ground noise level and submit to the planning authority for written approval and implement the noise scheme prior to development to ensure the rating level as measured one metre from façade of nearest residential property does not exceed by more than 5 dB the current background noise levels. The measurement shall be carried out in accordance with BS4142

#### 6.0 Local Lead Flood Officer

6.1 Conditional approval is recommended.

Condition:

No development shall commence until a detailed scheme for surface water management has been submitted to and approved by in writing the Local Planning Authority. All surface water will be captured, controlled & attenuated within the site and discharged at the agreed discharge rate. Thereafter, this scheme shall be implemented in accordance with the approved details before the development is occupied.

Reason: In the interest of the surface water management of the site

### 7.0 Biodiversity Officer

7.1 An 'Ecological Assessment' has been undertaken for this site, which shows that the development will result in the permanent loss of over 1 hectare of neutral grassland which is moderately herb rich. A landscape plan has been submitted which proposed to mitigate for this loss with the following:

- 4m wide strip of species rich wildflower grassland along the eastern boundary and an area of approximately 350sqm at the southern part of the site
- Approximately 120 linear metres of new native mixed hedgerow with hedgerow trees (12 Rowan trees)
- A mixed native shrub belt to the eastern boundary
- 19 native trees provided within scheme

7.2 In addition, 10 bat boxes and 10 bird boxes will be provided as part of the scheme. A variety of designs should be provided and details submitted to the LA showing the location of these boxes within or adjacent to the scheme.

7.3 The provision of a variety of small good quality habitat areas as well as the bird and bat features will mitigate for the loss of grassland and any potential impacts on breeding birds or foraging bats.

7.4 The final landscape plan submitted DWG No: 2838/WW/01 REV C (Feb 2017) has made the relevant changes regarding incorporation of new planting areas, however, some minor changes are required regarding the location of the new native shrub belt to the east (which should be on the eastern side of the new grassland strip and joining the tree and shrub belt).

I would therefore request that a landscape condition is attached to the application to ensure these minor amendments are made.

7.5 In addition to the landscape plan, a management plan has also been submitted for the landscaping within the site. This plan is generally adequate but requires a few minor amendments. I would therefore request that a condition is attached to the application to ensure these minor amendments are agreed with the LA and incorporated into the plan.

Conditions:

- No vegetation removal will take place in the bird nesting season (March-August inclusive) unless a survey by a suitably qualified ecologist has confirmed the absence of nesting birds immediately prior to works commencing

- All trees adjacent to the site must be adequately protected during construction through appropriate tree protection measures
- A Landscape Plan must be submitted to the Local Authority for approval prior to development commencing
- A Management Plan must be submitted to the Local Authority for approval prior to development commencing.
- All planting, seeding or turfing comprised in the approved details of landscaping shall be carried out in the first planting and seeding seasons following the occupation of the buildings or the completion of the development, whichever is the sooner, and any trees or plants which, within a period of five years from the completion of the development, die are removed or become seriously damaged or diseased, shall be replaced in the current or first planting season following their removal or failure with others of similar size and species, unless the Local Planning Authority first gives written consent to any variation. The landscaping shall be maintained thereafter in accordance with the approved management plan.

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

- 10no. bird and 10no. bat boxes of various designs must be provided as part of the scheme. Details of the bird and bat box designs and their location must be submitted to the Local Authority for approval prior to development commencing.

## 8.0 Representations

### 8 letters from 6 addresses on Kilburn Gardens:

- One letter querying the hours of operation and whether working would occur at night.
- The land is adjacent to the side of my house. Will we be hearing the constant moving of cars and workshop noise?
- This will have an effect on us as we will not have privacy and we will also be subject to noise from car parking as our garden is at the side of the railway tracks.
- I was okay with the original hours but this will now be including Sundays and later in evenings meaning we can't enjoy the privacy and quietness of our garden on evenings and weekends during summer months.
- We paid extra to the house builder for this cul- de- sac location with open land at the side of the house with no businesses operating there, meaning we have a better quality of life. Unless these hours are changed I would like to object to the proposed plans.
- Noise and disruption when the building opens and impact on quality of life
- The scrub land on which this plan is to built closely skirts many of the houses in Kilburn Gardens. The plans show that the car parking spaces and also turning and parking for HGV/car transporter will also be on this land nearest to our homes. Although the main workshops will be furthest away we have serious doubts that such a business as metal body repairs would not also have an impact. We cannot but assume that the constant noise from cars entering and exiting this facility, and also the even more disruptive level of noise from

HGV/transporters will cause considerable and constant high levels of noise, when the parking for these is a short distance from our residences. Indeed the plans show parking for some 265 cars. This degree of invasive noise we find totally unacceptable as this will diminish our quality of life and be detrimental to the enjoyment of our homes and gardens.

- This land has already been the subject of complaints as residents have endured the constant whine from rally motor bikes using the land as speedways, throughout the warmer months. Therefore how can the council allow this scrub land to have such a construction that will allow not only a vastly increased noise level, but also on a persistent daily basis? This is taking away the residents' peace and it will be akin to living next to a highway service station! There will be little or no enjoyment in our gardens having to endure cars and HGV constantly entering and leaving.

- We have been informed that the original opening hours for this business is stated on the plans as being Monday to Friday 8am - 5.30 pm. Saturday 8am - 12.30pm, these hours so we believe have now increased to 8am - 8pm Monday to Saturday, and Sundays 10am - 4pm, so are we now to accept, that given permission for this plan the residents can anticipate never being allowed to sleep past 8 am or have even a single evening or day without noise.

- It is only the homes which directly lie perpendicular to the scrub land that have been informed of the plans. Ourselves and immediate neighbours whose homes lie behind these homes, only a matter of about 50 yards have had no notification of these plans, and have found out about this proposed disruption to our quality of life through neighbours. We fail to understand how such a short distance would eliminate us from the noise of HGV/car transporters when we can hear a motor bike being raced on this land.

- Plans for the car parking and HGV/car transporters will be built on the land nearest to our homes, entailing constant noise from not only the endless entrance and exit of cars i.e. 265 car parking places but also the higher noise level from HGV/transporters entering and exiting.

- Adverse effect on wildlife

- Inadequate parking provision

- Inappropriate design

- None compliance with approved policy

- Nuisance - disturbance

- Nuisance - fumes

- Nuisance - noise

- Poor traffic/pedestrian safety

- Poor/unsuitable vehicular access

- Traffic congestion

- Concerns re artics at Redburn roundabout doubling back i.e. full loop of roundabout (how many) and entering site slowing traffic on main road (full left loop turn). Noise and environmental pollution.. We already have A19 emissions and council tip vehicle and summer smell emissions.



- Ensure slow speed access and exit as this crosses the public wagon way pedestrian / cycle route.
- The extra traffic and the unsightly view that I will see now from my windows and the effect this may have on the value of my property.
- In the summer we have to put up with the smell from Sita
- It will take away the only bit of green land near my house.

Other sites available for this use

- It will decrease the quality of life to the near neighbours to an intolerable level. We have already got a Household Waste recycling centre, a woodyard and a car scrap yard within close proximity, and to build this facility within yards of a housing complex is unthinkable.
- I am not against building on that piece of land, but to build such a tremendous outlet, with the possibility of noise and light pollution night and day, fill us neighbours with dread.
- We have enough noise pollution at the present time, and to build this facility so close to our homes is just unthinkable.

#### 9.0 External Consultees

##### 10.0 Northumbrian Water

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

10.2 Having assessed the proposed development against the context outlined above I refer you to our previous response, dated 13<sup>th</sup> December 2016, and can confirm that at this stage we would have no additional comments to make.

##### 11.0 Tyne and Wear Archaeology Officer

11.1 The Newcastle to North Shields turnpike once ran through this site. This was replaced by Wallsend Road. The railway track to the east of the site is the former Blyth and Tyne Railway, which overlay the earlier Seghill Waggonway. The line is now used by the Stephenson Railway Museum.

11.2 No archaeological work is required.