

**Item No:** 5.1

**Application No:** 17/00956/FUL

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**Date valid:** 14 July 2017

**☎:** 0191 643 6321

**Target decision date:** 13 October 2017

**Ward:** Riverside

Application type: full planning application

**Location: Howdon Landfill Site And, Land West Of Waste Transfer Station And, Civic Amenity Site, Wallsend Road, North Shields**

**Proposal: New depot encompassing accommodation for; service vehicle maintenance, staff welfare, associated offices & archive store. external works to incorporate car parking, fueling station, vehicle wash facilities, storage containers, salt barn, gatehouse and ancillary minor structures. External works to include drainage and attenuation systems**

Applicant: North Tyneside Council, FAO Ian Lillie Quadrant The Silverlink North Cobalt Business Park Newcastle Upon Tyne NE27 0BY

Agent: Kier North Tyneside, FAO Mr Guy Holmes Block C Harvey Combe Killingworth Newcastle Upon Tyne NE12 6UB

**RECOMMENDATION:** Minded to grant on expiry consultation

## **INFORMATION**

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

#### 1.0 Main Issues

1.1 The main issues for Members to consider are:

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

1.2 Planning law requires that application for planning permission must be determined in accordance with the development plan, unless material considerations indicate otherwise. Members need to consider whether this

application accords with the development plan and also take into account any other materials considerations in reaching their decision.

## 2.0 Description of the Site

2.1 The application site is located between the A19 to the west and the A187 to the east. It comprises two plots of land located to the north and south of the Metro line. The site has a total area of 9.3 hectares.

2.2 The northern site contains areas of hardstanding, grass, trees and shrubs, and a small watercourse. It is accessed from the A193 via Wallsend Road. Sita waste transfer station is located to the east beyond Brewers Lane, and to the north is an area of shrubs and trees, which separates the site from the A193.

2.3 The southern site contains mainly grassland, with 3no small ponds in the north east corner, and a large landscaped mound in the south west corner. Access is from the A187 roundabout. It is bounded by highways to the south, east and west.

2.4 The northern site is allocated as Employment Land by the Local Plan. The northern and eastern section of the southern site are also allocated for employment use, while the landscaped mound in the south west corner is allocated as open space. The southern site also lies within a wildlife corridor.

## 3.0 Description of the Proposal.

3.1 Planning permission is sought to develop to the site to provide a new Council depot.

3.2 The northern part of the site would contain a gritter garage and compound, salt store and car park. These facilities would be located on an existing area of hard surfacing. Access would be from the east via Brewers Lane. 18no parkig spaces are proposed.

3.3 The southern site would contain the main depot building, a green store, fuelling station, storage containers, vehicle wash facilities and parking. The area to be developed excludes the landscaped mound and designated open space in the south west section of the site.

3.4 The proposed depot building is located on an east-west axis, to the south of the Metro line. It has accomodation over 3no floors and contains a vehicle workshop, MOT station, staff welfare facilities and offices. The building measures 81m by 25m, with a ridge height of 14m.

3.5 A green store is proposed adjacent to the western boudnary. The building would have a footprint of 20m by 25m, and a ridge height of 8m.

3.6 The area between the two buildings would contain a fuelling station, vehicle wash facilities and storage.

3.7 The main car park would be located within the eastern part of the site, accessed via an existing access off the A187 roundabout. 389no car parking

spaces are proposed, plus parking for fleet vehicles, MOT bays and cycle parking.

#### 4.0 Relevant Planning History

4.1 None.

#### 5.0 Government Policy

5.1 National Planning Policy Framework (March 2012)

5.2 National Planning Practice Guidance (As Amended)

5.3 Planning applications must be determined in accordance with the development plan unless material considerations indicate otherwise. The NPPF is a material consideration in the determination of all application. 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.

#### 6.0 Development Plan

6.1 North Tyneside Local Plan 2017

### **PLANNING OFFICERS REPORT**

#### 7.0 Main Issues

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

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

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

#### 8.0 Principle of the proposal

8.1 The National Planning Policy Framework (NPPF) states that the Government is committed to ensuring that the planning system does everything it can to support sustainable economic growth in order to create jobs. Therefore significant weight should be placed on the need to support economic growth through the planning system.

8.2 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.

8.3 Policy S1.4 of the Local Plan states that proposals for development will be considered favourably where it can be demonstrated that they would accord with the strategic, development management or area specific policies of this Plan. Should the overall evidence based needs for development already be met additional proposals will be considered positively in accordance with the principles for sustainable development.

8.4 Policy DM1.3 states that the Council will work pro-actively with applicants to jointly find solutions that mean proposals can be approved wherever possible that improve the economic, social and environmental conditions in the area through the Development Management process and application of the policies of the Local Plan. Where there are no policies relevant to the application, or relevant policies are out of date at the time of making the decision, then the Council will grant permission unless material considerations indicate otherwise.

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

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

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

8.7 Policy AS2.6 states that the Council will promote and support further development and investment in a range of B1, B2 and B8 employment activities across the A19(T) Economic Corridor, and the continued diversification of North Tyneside's economy through delivery of small, medium and large scale office developments.

8.8 The application site is allocated partly as employment land and partly open space within the Local Plan. The proposal is to develop the currently vacant site to provide a new Council depot, including storage, offices and workshops. The development would be restricted to the allocated employment land. There would be no development within the land designated as open space.

8.9 The proposal is in keeping with the allocation of the site, would bring a currently vacant site into use, and secure economic development in accordance with the NPPF.

8.10 The principle of the proposal is therefore considered to be acceptable subject to consideration of the issues set out below.

## 9.0 Character and appearance

9.1 The National Planning Policy Framework states that good design is a key aspect of sustainable development and that permission should be refused for development of poor design.

9.2 Policy DM6.1 states that applications will only be permitted where they demonstrate high and consistent design standards. Designs should be specific to the place, based on a clear analysis the characteristics of the site, its wider context and the surrounding area.

9.3 Policy DM5.9 (Trees, Woodland and Hedgerows) supports the protection and management of existing woodland, trees, hedgerows and landscape features. It seeks to secure new tree planting and landscaping schemes for new development and, where appropriate, promote and encourage new woodland, tree and hedgerow planting schemes and encouraging native species of local provenance.

9.4 LDD11 'Design Quality' applies to all planning applications that involve building works. It states that extensions must offer a high quality of design that will sustain, enhance and preserve the quality of the built and natural environment. It further states that extensions should compliment the form and character of the original building.

9.5 The application site is located within a predominantly industrial area, adjacent to Sita waste transfer station and two major roads.

9.6 The northern site contains rough grass, shrubs and trees, and an area of hard surfacing. The proposed development would be confined to the existing hard surfacing, with planting retained to the south and west. The salt barn and gritter garage are functional structures finished in metal cladding. The buildings would be screened from views outside the site by the Sita building to the east and dense planting to the south and west.

9.7 The main depot building would be located in the southern part of the site. It is a 14m high, 3-storey, steel framed structure, and would be finished in metal sheet cladding. A lower (8m high) green store is proposed adjacent to the west boundary, with the remainder of the site taken up by parking, storage containers, a filling station and ancillary facilities such as bike and bin storage.

9.8 The proposed buildings are in keeping with the industrial character of the surroundings, and are considered to be of an acceptable size and design. The southern site is dominated by a 7m high landscaped mound in the south west corner, which would screen views into the site from the south. An extensive car park is proposed adjacent to the eastern boundary. The impact of this large area of hard surfacing could be mitigated through the provision of planting along the eastern boundary with the highway. This can be secured through the submission of a detailed landscaping scheme, which can be controlled by condition.

9.9 There are areas of trees within the northern site and to the south of the Metro line along the side of the A19. Both sites also contain dense shrubs and grassland. A tree survey has been carried out and submitted as part of the

planning application. It is not necessary to remove any trees to construct the development, but areas of grass and shrubs would be lost. A detailed landscape scheme will be required to show replacement planting as mitigation for any loss.

9.10 The site would be enclosed by 2.4m high green securifor 2D fencing. This is considered to be acceptable in principle, given that industrial character of the surroundings and that much of the fencing would be screened by existing planting and the landscaped mound. Where the fencing is exposed along the eastern boundary additional planting to provide screening can be secured through the detailed landscaping scheme.

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

#### 10.0 Impact on surrounding occupiers

10.1 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'.

10.2 Policy S1.4 of the Local Plan states that development proposals should be acceptable in terms of their impact upon local amenity for new or existing residents and businesses, adjoining premises and land uses.

10.3 DM5.19 states that development proposals that may cause pollution either individually or cumulatively of water, air or soil through noise, smell, smoke, fumes, gases, steam, dust, vibration, light, and other pollutants will be required to incorporate measures to prevent or reduce their pollution so as not to cause nuisance or unacceptable impacts on the environment, to people and to biodiversity. Development that may be sensitive (such as housing, schools and hospitals) to existing or potentially polluting sources will not be sited in proximity to such sources. Potentially polluting development will not be sited near to sensitive areas unless satisfactory mitigation measures can be demonstrated.

10.4 Properties within the immediate area are occupied by commercial/industrial uses. The closest residential properties to the northern site are located 107m to the west, beyond the A19. The closest to the southern site lie 150m to the east and 100m to the south east, beyond the A187.

10.5 The applicant has advised that most activity within the site would take place between the hours of 07:30 and 15:30, but 24 hours use of the salt depot would be required during the winter months.

10.6 The Manager of Environmental Health has been consulted. She raises concern regarding the potential impact of noise on residential occupiers and notes that a noise assessment has not been provided. She recommends the imposition of a condition requiring that a noise scheme is provided to assess the impact of noise from the operation of the site, to include acoustic screening on the western side of the gritter compound and storage areas. Further conditions are recommended to address deliveries and noise generated by plant.

10.7 An air quality assessment has been submitted and this has been reviewed by the Manager of Environmental Health. She advises that any new development will have some impact on overall air quality levels, but notes that the assessment shows the impacts on air quality at the nearest sensitive receptors would be negligible. She advises that a dust management plan should be provided. This can be controlled by condition.

10.8 Conditions are also recommended to address external lighting, the storage of waste materials and to limit the construction hours.

10.9 Members need to consider whether the development is compatible with surrounding land uses and whether there would be any adverse impact on the amenity of residential occupiers. Given the nature of the proposal and location of the site it is officer opinion that subject, to the conditions discussed above, the impact is acceptable.

#### 11.0 Impact on the highway network

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

11.2 All developments that generate significant amounts of movements should be supported by a Transport Statement or Transport Assessment. Planning decisions should take into account amongst other matters that safe and suitable access to the site can be achieved for all people.

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

11.4 Local Plan Policy DM7.4 New Development and Transport states that the Council and its partners will ensure that the transport requirements of new development, commensurate to the scale and type of development, are taken into account and seek to promote sustainable travel to minimise environmental impacts and support residents health and well-being.

11.5 The Highway Network Manager has been consulted and raises no objections to the proposal. He notes that a Transport Statement and Travel Plan have been submitted as part of the application to examine the impact on the highway network. The Transport Statement demonstrates that adequate car and cycle parking would be provided to meet the operation needs of the development, and the requirements of both staff and fleet vehicles.

11.6 The northern site would be accessed from the A193, via Wallsend Road, and the southern site from the A187 roundabout. Both access points are capable of accommodating HGV vehicles. A swept path analysis of the accesses and internal site layout has been provided to demonstrate vehicle manoeuvrability.

11.7 The applicant anticipates that staff arrivals and departures will typically be outside the network peak hours. They state that away from the site accesses, traffic will disperse to different directions, reducing the impact on the wider road network. The Transport Statement highlights that the vehicular trips already exist on the highway network as they are part of the existing Council depots and operations.

11.8 There are bus stops within 400m of the application site and Percy Main Metro station is within 850m. The site is also adjacent to both local and national cycle routes.

11.9 The Highway Network manager does not consider that the number of trips associated with the site would have a severe impact on the highway network.

11.10 There are a number of cycle and pedestrian links surrounding the site. To ensure that the development is accessible from these existing links, a condition is recommended requiring that a scheme to provide links to the existing pedestrian and cycle network is submitted.

11.11 Taking the above factors into account, it is officer opinion the site is sustainably located and the impact on the highway network is acceptable.

11.12 Members need to consider whether the proposal would accord with the advice in NPPF, Policy DM7.4 and LDD12 and weight this in their decision.

## 12.0 Ecology

12.1 An environmental role is one of the three dimensions of sustainable development according to NPPF, which seeks to protect and enhance our natural, built and historic environment as part of this helping to improve biodiversity amongst other matters.

12.2 Paragraph 109 of NPPF states that the planning system should contribute to and enhance the natural and local environment by amongst other matters minimising the impacts on biodiversity and producing net gains to biodiversity where possible, contributing to the Government's commitment to halt the overall decline in biodiversity.

12.3 Paragraph 118 of NPPF states that when determining a planning application, local planning authorities should aim to conserve and enhance biodiversity. If significant harm resulting from development cannot be avoided, adequately mitigated, or, as a last resort, compensated for, then planning permission should be refused.

12.4 Local Plan Policy S5.4 states that the Borough's biodiversity and geodiversity resources will be protected, created, enhanced and managed having regard to their relative significance. Priority will be given to:



- a. The protection of both statutory and non-statutory designated sites within the Borough, as shown on the Policies Map;
- b. Achieving the objectives and targets set out in the UK Post-2010 Biodiversity Framework and Local Biodiversity Action Plan;
- c. Conserving, enhancing and managing a Borough-wide network of local sites and wildlife corridors, as shown on the Policies Map; and
- d. Protecting, enhancing and creating new wildlife links.

12.5 Policy DM5.5 of the Local Plan states that all development proposals should:

- a. Protect the biodiversity and geodiversity value of land, protected and priority species and buildings and minimise fragmentation of habitats and wildlife links; and,
- b. Maximise opportunities for creation, restoration, enhancement, management and connection of natural habitats; and,
- c. Incorporate beneficial biodiversity and geodiversity conservation features providing net gains to biodiversity, unless otherwise shown to be inappropriate.

12.6 Proposals which are likely to significantly affect nationally or locally designated sites, protected species, or priority species and habitats (as identified in the BAP), identified within the most up to date Green Infrastructure Strategy, would only be permitted where:

- d. The benefits of the development in that location clearly demonstrably outweigh any direct or indirect adverse impacts on the features of the site and the wider wildlife links; and,
- e. Applications are accompanied by the appropriate ecological surveys that are carried out to industry guidelines, where there is evidence to support the presence of protected and priority species or habitats planning to assess their presence and, if present, the proposal must be sensitive to, and make provision for, their needs, in accordance with the relevant protecting legislation; and,
- f. For all adverse impacts of the development appropriate on site mitigation measures, reinstatement of features, or, as a last resort, off site compensation to enhance or create habitats must form part of the proposals. This must be accompanied by a management plan and monitoring schedule, as agreed by the Council.

Proposed development on land within or outside a SSSI likely to have an adverse effect on that site would only be permitted where the benefits of the development clearly outweigh both the impacts that it is likely to have on the features of the site that make it of special scientific interest and any broader impacts on the SSSI national network.

12.7 Policy DM5.7 states that development proposals within a wildlife corridor, as shown on the Policies Map, must protect and enhance the quality and connectivity of the wildlife corridor. All new developments are required to take account of and incorporate existing wildlife links into their plans at the design stage. Developments should seek to create new links and habitats to reconnect isolated sites and facilitate species movement.

12.8 An Ecological Impact Assessment and Ornithological Survey have been carried out and submitted as part of the planning application.

12.9 The Ecological Impact Assessment notes that a number of protected species, including common toad, dingy skipper butterfly and pipistrelle bats have all been recorded within 2km of the site. The application site includes unimproved neutral grassland and ephemeral short perennial habitats, which are considered to be of up to district habitat value. Broadleaf woodland, marshy grassland, watercourse and hedgerow habitats are considered to be of local habitat value. A bat survey has been carried out and all trees on the site have been categorised as having negligible to low suitability for roosting bats. The Assessment states that habitats within the site, particularly the northern section, are well suited to reptiles, and that food plants of the dingy skipper and grayling butterfly were recorded on site.

12.10 The Ornithological Survey and Ecological Impact Assessment describe how the development would have a number of impacts. These include the loss of large areas of neutral grassland of district importance; the loss of other habitats including marshy grassland, dense scrub and ephemeral pool habitats; the loss of habitats of district and parish importance to breeding and wintering birds; the loss of habitat of district importance supporting Dingy Skipper butterfly; and the potential impact on bats through the loss of bat foraging habitat, severance of commuting routes and additional lighting.

12.11 The Biodiversity officer has commented and raises concern that the application does not include a landscape strategy or a mitigation strategy to address the impacts of the scheme. She considers that without adequate mitigation the development does not meet the requirements of national and local planning policy.

12.12 The applicant is producing a mitigation strategy to address these concerns. An update will be reported to Planning Committee.

### 13.0 Other Issues

#### 13.1 Flooding

13.2 The National Planning Policy Framework states that when determining planning applications, local planning authorities should ensure that flood risk is not increased elsewhere and only consider development appropriate in areas at risk of flooding where, informed by a site-specific flood risk assessment following the Sequential Test.

13.3 Policy DM5.12 of the Local Plan states that all major developments will be required to demonstrate that flood risk does not increase as a result of the development proposed, and that options have been taken to reduce overall flood risk from all sources, taking into account the impact of climate change over its lifetime.

All new development should contribute positively to actively reducing flood risk in line with national policy, through avoidance, reduction, management and mitigation.

In addition to the requirements of national policy, development will avoid and manage flood risk by:

- a. Helping to achieve the flood management goals of the North Tyneside Surface Water Management Plan and Northumbria Catchment Flood Management Plans; and
- b. According with the Council's Strategic Flood Risk Assessment, including meeting the requirement for a Flood Risk Assessment for sites over 0.5ha in identified Critical Drainage Areas.

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

13.5 Policy DM5.15 states that applicants will be required to show, with evidence, they comply with the Defra technical standards for sustainable drainage systems (unless otherwise updated and/or superseded).

13.6 The application site is largely undeveloped greenfield land. There is a water course in the northern site and three small ponds in the southern site.

13.7 A Flood Risk and Drainage Impact Assessment has been submitted. This confirms that the application site lies within Flood Zone 1 and has a low probability of flooding.

13.8 The FRA advises that due to underlying ground conditions infiltration techniques in the form of soakaways or permeable surfaces are not suitable. Surface water from the northern site would discharge into the existing watercourse, but as there is no watercourse available in the southern site, surface water would need to drain into the drainage system. The FRA states that peak run-off rates for surface would be maintained at greenfield run-off rates but foul flows would increase. To restrict surface water discharge rates an approximate storage volume of 3000m<sup>3</sup> will be required. This would be provided by surface level features such as conveyance swales and detention basins.

13.9 The Environment Agency has been consulted and raise no objections on grounds of flood risk.

13.10 The Council as Local Lead Flood Authority has been consulted raise no objections. The state a surface water management scheme and a condition survey of the land east of the A187 will be required. These matters can be controlled by condition.

13.11 Northumbrian Water has been consulted. Their comments will be reported to planning committee.

13.12 Members need to consider whether the proposed development is acceptable in terms of flood risk. It is the view of officers, that subject to

conditions to secure the detailed design of the surface water drainage, and subject to no objections being raised by Northumbrian Water, the proposed development accords with the relevant national and local planning policies.

### 13.13 Archaeology

13.14 Paragraph 141 of NPPF states that heritage assets are an irreplaceable resource and therefore they should be conserved in a manner appropriate to its significance.

13.15 Policy DM6.7 of the Local Plan states that the Council will seek to protect, enhance and promote the Borough's archaeological heritage and where appropriate, encourage its interpretation and presentation to the public.

13.16 Developments that may harm archaeological features will require an archaeological desk based assessment and evaluation report with their planning application. Where archaeological remains survive, whether designated or not, there will be a presumption in favour of their preservation in-situ. The more significant the remains, the greater the presumption will be in favour of this.

13.17 The results of the preliminary evaluation will determine whether the remains warrant preservation in-situ, protection and enhancement or whether they require full archaeological excavation in advance of development.

13.18 Should the loss of significance of the archaeological remains be outweighed by substantial public benefits so that preservation in-situ would not be justified, preservation by record will be required to be submitted to and agreed with the Local Planning Authority, and completed and the findings published within an agreed timescale.

13.19 A Desk Based Archaeological Assessment has been carried out.

13.20 The Tyne and Wear Archaeology Officer has been consulted. She has advised that a number of historic railways once crossed the site, and that the application site contains the possible site of Flatworth medieval manor, dating from the 12th century.

13.21 She has advised that conditions should be imposed requiring that a programme of archaeological fieldwork is carried out.

13.22 Members need to determine whether the proposed development is acceptable in terms of its impact archaeological heritage. It is officer advice that, subject to the imposition of the suggested conditions, the proposed development complies with both national and local planning policy.

### 13.23 Contamination

13.24 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.

13.25 Policy DM5.18 of the Local Plan states that where the future users or occupiers of a development would be affected by contamination or stability issues, or where contamination may present a risk to the water environment, proposals must be accompanied by a report which shows that investigations have been carried and set out detailed measures to allow the development to go ahead safely and without adverse affect.

13.26 The Environment Agency has been consulted and provided comments. They recognise that initial details of the fuel stations and tanks have been provided, and that appropriate protection measures are proposed. They raise no objections to the development.

13.27 The Contaminated Land Officer has been consulted. She has recommended conditional approval.

#### 13.28 Local Financial Considerations

13.29 Section 70(2) of the Town and Country Planning Act 1990 (as amended) provides that a local planning authority must have regard to local finance considerations as far as it is material. Section 70(4) of the 1990 Act (as amended) defines a local financial consideration as a grant or other financial assistance that has been, that will or could be provided to a relevant authority by a Minister of the Crown (such as New Homes Bonus payments).

13.30 Economically there would be benefits in terms of the provision of jobs during the construction of the development.

#### 14.0 Conclusion

14.1 The proposed development complies with the allocation of the site for employment use within the Local Plan and would secure sustainable economic development in accordance with the NPPF.

14.2 It is officer advice that, subject to the outstanding comments of consultees, and the submission of information to satisfy the Biodiversity Officer's concerns, the proposed development is acceptable in terms of its impact on nearby residents and businesses, on visual amenity, biodiversity and in respect of highway safety.

14.3 The development is considered to comply with relevant National and UDP policy and is therefore recommended for approval subject to no objections being raised by Northumbria Water and the removal of the objection from the Biodiversity Officer.



6. 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 policy DM7.4 of the North Tyneside Local Plan 2017.

7. Prior to occupation of the development details of facilities to be provided for the storage of refuse at the premises and a refuse management scheme must be 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 DM7.9 of the North Tyneside Local Plan 2017.

8. Construction Method Statement - Major SIT007 \*

9. Wheel Wash SIT008 \*

10. Cycle Parking PAR00 \*  
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11. Notwithstanding the submitted details prior to any building hereby permitted being first occupied a travel plan shall be submitted to and approved in writing by the Local Planning Authority. Thereafter the development shall only proceed in accordance with the approved travel plan.

Reason: In the interests of highway safety having regard to policy DM7.4 of the North Tyneside Council Local Plan (2017).

12. The development shall not be occupied until a scheme for the provision of improved pedestrian and cycle links to the existing pedestrian and cycle network, including crossing points as necessary, has been submitted to and approved by in writing the Local Planning Authority. Thereafter, this scheme shall be implemented in accordance with the approved details before the development is occupied.

Reason: In the interests of highway safety having regard to policy DM7.4 of the North Tyneside Council Local Plan (2017).

13. Notwithstanding Condition 1, prior to the construction of any buildings above ground level a detailed scheme for the disposal of surface water from the development hereby approved shall be submitted to and approved in writing by the Local Planning Authority in consultation with the Lead Local Flood Authority. The development shall not be occupied until the details hereby approved have been constructed and thereafter permanently retained.

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





with these agreed details. The agreed landscaping shall be planted in accordance with these details within the first planting and seeding seasons following the commencement of development. 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.

Reason: In the interests of amenity and to ensure a satisfactory standard of landscaping having regard to policy DM5.9 of the North Tyneside Local Plan 2017.

21. No vegetation removal shall take place in the bird nesting season (March-August) unless a survey by a suitably qualified ecologist has confirmed the absence of nesting birds and the results have been submitted to and approved in writing by the Local Planning Authority.

Reason: To ensure that local wildlife populations are protected in the interests of ecology, having regard to the NPPF and Policy DM5.5 of the North Tyneside Local Plan.

22. Prior to the commencement of any site clearance works 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 pre development to ensure that trees and hedges are adequately protected from damage from the start of development; having regard to policy DM5.9 of the North Tyneside Local Plan.

23. There shall be no site storage or parking of (plant) vehicles within the root protection area of any tree to be retained within the site. No utilities or drainage should 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).

Reason: To ensure that trees and hedges are adequately protected from damage; having regard to policy DM5.9 of the North Tyneside Local Plan.

24. Tree work to accord with BS3998 TPO00 \*  
2

25. Notwithstanding any indication of materials which may have been given in the application, prior to the construction of any part of the development hereby approved above ground level a schedule and/or samples materials and finishes for the development and all surfacing materials, shall be submitted to and approved in writing by the Local Planning Authority. Thereafter, the development shall not be carried out other than in accordance with the approved details.

Reason: To ensure a satisfactory appearance having regard to Policy DM6.1 of the North Tyneside Local Plan 2017.

26. Notwithstanding condition 1, prior to the occupation of any part of the development hereby approved details of all screen and boundary walls, fences and any other means of enclosure shall be submitted to and approved in writing by the Local Planning Authority. The development shall thereafter only be carried out in accordance with the approved details and the buildings hereby approved shall not be occupied until the details have been fully implemented.

Reason: To ensure that the proposed development does not adversely effect the privacy and visual amenities enjoyed by the occupiers of neighbouring properties, and to ensure a satisfactory environment within the development having regard to policy DM6.1 of the North Tyneside Local Plan 2017.

27. Prior to the development being brought into operation a scheme shall be submitted to and approved in writing by the Local Planning Authority which specifies the provisions to be made for the control of noise emanating from the site. The scheme shall consider all operations carried out at the site and include mitigation measures as necessary. The approved scheme shall be carried out in full prior to the use and occupation of the site and of the building(s) hereby permitted.

Reason: To safeguard the amenity of nearby residents having regard to policy DM5.19 of the North Tyneside Local Plan (2017) and National Planning Policy Framework.

28. Prior to the development being brought into operation, a scheme for the management of deliveries and collections to and from the site must be submitted to and approved in writing by the Local Planning Authority. The scheme must assess the impact of deliveries and collections, and provide details of mitigation measures and management controls that will be put in place. The approved scheme shall thereafter be implemented in accordance with the agreed details.

Reason: To safeguard the amenity of nearby residents having regard to policy DM5.19 of the North Tyneside Local Plan (2017) and National Planning Policy Framework.

29. Prior to the installation of external plant, ventilation and extraction systems, a noise scheme must be submitted to and approved in writing by the Local Planning Authority. The noise scheme must provide details of all noisy external plant and any tonal or impulsivity characteristics to the plant and the assessment must be carried out in accordance to BS4142. The scheme shall include the overall equivalent noise level and noise rating level for different worst case operational scenarios for both daytime and night time arising from the site to the nearest noise sensitive housing, and any necessary mitigation measures. The scheme shall be implemented in accordance with the approved details prior to the plant being brought into use and thereafter retained and maintained.

Reason: To safeguard the amenity of nearby residents having regard to policy DM5.19 of the North Tyneside Local Plan (2017) and National Planning Policy Framework.

30. Acoustic testing must be undertaken to verify compliance with condition 29 within 1 month of the installation of the plant. The findings must be submitted to and approved in writing by the local planning authority prior to the operation of the plant (other than for testing purposes) and thereafter maintained in working order.

Reason: To safeguard the amenity of nearby residents having regard to policy DM5.19 of the North Tyneside Local Plan (2017) and National Planning Policy Framework.

31. No sound reproduction equipment which is audible outside the curtilage of the premises shall be operated on the site.

Reason: To safeguard the amenity of nearby residents having regard to policy DM5.19 of the North Tyneside Local Plan (2017) and National Planning Policy Framework.

32. No waste materials shall be stored externally, within containers or heavy goods vehicles.

Reason: To safeguard the amenity of nearby residents having regard to policy DM5.19 of the North Tyneside Local Plan (2017) and National Planning Policy Framework.

33. Prior to the development being brought into operation, a dust management plan must be submitted to and approved in writing by the Local Planning Authority, to assess the impact of dust and provide details of mitigation measures and management controls that will be put in place to minimise wind blown dusts from the site. The scheme shall be thereafter be implemented in accordance with the approved details.

Reason: To safeguard the amenity of nearby residents having regard to policy DM5.19 of the North Tyneside Local Plan (2017) and National Planning Policy Framework.

34. Prior to installation of any floodlighting or other form of external lighting, a lighting scheme shall be submitted to and approved in writing by the Local Planning Authority. This shall include the following information:

- a statement of frequency of use, and the hours of illumination;
- a site plan showing the area to be lit relative to the surrounding area, indicating parking or access arrangements where appropriate, and highlighting

any significant existing or proposed landscape or boundary features;

- details of the number, location and height of the proposed lighting columns or other fixtures;
- the type, number, mounting height and alignment of the luminaires;
- the beam angles and upward waste light ratio for each light;
- an isolux diagram showing the predicted illuminance levels at critical locations on the boundary of the site and where the site abuts residential properties or the public highway to ensure compliance with the institute of lighting engineers Guidance Notes for the reduction of light pollution to prevent light glare and intrusive light for agreed environmental zone ; and
- where necessary, the percentage increase in luminance and the predicted illuminance in the vertical plane (in lux) at key points.

The lighting shall be installed and maintained in accordance with the approved scheme.

Reason: To safeguard the amenity of nearby residents having regard to policy DM5.19 of the North Tyneside Local Plan (2017) and National Planning Policy Framework.

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

The proposal complies with the development plan and would improve the economic, social and environmental conditions of the area. It therefore comprises sustainable development and the Local Planning Authority worked proactively and positively to issue the decision without delay. The Local Planning Authority has therefore implemented the requirements in Paragraphs 186-187 of the National Planning Policy Framework.

**Informatives**

Building Regulations Required (I03)

No Doors Gates to Project Over Highways (I10)

Contact ERH Erect Scaffolding on Rd (I12)

Do Not Obstruct Highway Build Materials (I13)

Street Naming and numbering (I45)

Highway Inspection before dvlpt (I46)

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

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



**Application reference: 17/00956/FUL**

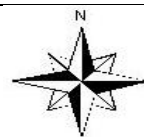
**Location: Howdon Landfill Site And, Land West Of Waste Transfer Station And , Civic Amenity Site, Wallsend Road**

**Proposal: New depot encompassing accommodation for; service vehicle maintenance, staff welfare, associated offices & archive store. external works to incorporate car parking, fueling station, vehicle wash facilities, storage containers, salt barn, gatehouse and ancillary minor structures. External works to include drainage and attenuation systems**

Not to scale

Date: 28.09.2017

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## Appendix 1 – 17/00956/FUL

### Item 1

#### Consultations/representations

##### 1.0 Internal Consultees

##### 1.1 Highway Network Manager

1.2 This application is for a new depot encompassing accommodation for; service vehicle maintenance, staff welfare, associated offices & archive store. External works to incorporate car parking, fuelling station & vehicle wash facilities, storage containers, salt barn, gatehouse, ancillary minor structures and drainage & attenuation systems.

1.3 As part of the application a Transport Statement (TS) & Framework Travel Plan (TP) were submitted that examined the impact of the development on the adjacent highway network. This site is accessed via two access points - the A193 (Wallsend Road), East Howdon Bypass & High Flatworth roundabout and the A187, East Howdon Bypass & Tyne Tunnel service road roundabout. It is considered that the number of trips associated with the site will not have a severe impact. A swept path analysis of the accesses and internal site layout for appropriate service vehicles has also been supplied and parking will be provided to meet the needs of the development.

1.4 For the reasons outlined above and on balance we recommend that planning permission is granted subject to conditions.

##### 1.5 Recommendation - Conditional Approval

##### 1.6 Conditions:

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

SIT07 - Construction Method Statement (Major)

SIT08 - Wheel wash

Prior to works commencing a scheme for the provision of secure undercover cycle parking shall be submitted to and approved by in writing the Local Planning Authority. Thereafter, this scheme shall be implemented in accordance with the approved details before the development is occupied.

Reason: In the interests of highway safety.

Notwithstanding the Framework Travel Plan submitted, the full Travel Plan shall be developed as set out and implemented in accordance with the agreed details.

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

##### 1.7 Informatives:

I10 - No Doors/Gates to Project over Highways

I12 - Contact ERH Erect Scaffolding on Rd

I13 - Don't obstruct Highway, Build Materials

I45 - Street Naming & Numbering

I46 - Highway Inspection before dvlpmt

### 1.8 Public Rights of Way

1.9 The site is located near National Cycle Route 72 and would benefit from improved links to the surrounding network. For the reasons outlined above, conditional approval is recommended.

#### 1.10 Condition:

No development shall commence until a scheme for the provision of improved pedestrian & cycle links to the existing pedestrian & cycle network including crossing points as necessary to have been submitted to and approved by in writing the Local Planning Authority. Thereafter, this scheme shall be implemented in accordance with the approved details before the development is occupied.

Reason: In the interests of highway safety.

#### 1.11 Informatives:

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

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

### 1.12 Local Lead Flood Authority

1.13 The northern phase of the site is proposing to utilise the existing watercourse located nearby to discharge surface water from this part of the site at 5l/s. The southern phase of the site will include rainwater harvesting above ground, SUDS features and proposals to discharge the surface water from this part of the site into the nearby highway drainage system at a restricted run-off rate of 5l/s.

1.14 Given the impact on the watercourse, the existing culvert grille located within the northern part of the site will need to be replaced with a new grille constructed using the latest guidance. This essentially is replacing the vertical culvert grille with a sloped faced grille which is less prone to blocking as the debris is pushed up the grille allowing the water to enter the culvert.

1.15 Furthermore, a condition should be included for a condition survey to be carried out on the A187 East Howdon Bypass highway drainage system to establish whether it is fit for purpose as the southern part of the depot site is proposing to discharge the surface water from the site into the local Highway drainage network.

1.16 For the reasons outlined above, conditional approval is recommended.

#### 1.17 Conditions:

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

Reason: In the interests of surface water management

No development shall commence until details of condition survey for the existing highway drainage network at the southern part of the site has been submitted to and approved by in writing the Local Planning Authority. Thereafter, any works required to the highway drainage network by the LLFA shall be carried out prior to occupation.

Reason: In the interests of surface water management

#### 1.18 Manager of Environmental Health (Land Contamination)

1.19 Due to the close proximity of Low Flatworth Landfill Site, the following conditions should be attached to the application:

CON 01

GAS 06

#### 1.20 Biodiversity Officer

1.21 A number of ecological assessments have been undertaken, one of which is a bat transect survey which is in a separate report. The bat survey report has not been submitted and I will require this in order to be able to assess the application fully.

1.22 In addition to this, no landscape strategy/plan has been submitted for the site and there is also no mitigation strategy. In summary, the main impacts of the scheme as set out in the Ornithological Survey and Ecological Impact Assessment are as follows:-

- \* Loss of large areas of neutral grassland of district importance (a site of district value generally equates to the designation of a Local Wildlife Site)
- \* Loss of other habitats including marshy grassland, dense scrub and ephemeral pool habitats
- \* Loss of habitats of district and parish importance to breeding and wintering birds
- \* Impacts on breeding birds from the operation of the site
- \* Loss of habitat of district importance supporting Dingy Skipper butterfly and potential impacts on small heath butterfly (both of these butterflies are UK National Priority Species protected under S41 of the NERC Act 2006)
- \* Potential loss of bat foraging habitat and severance of commuting routes
- \* Lighting impacts on bat commuting and foraging routes

1.23 I have not had sight of the Bat Report yet, so there may be additional impacts set out in this document.



1.24 As no landscape strategy has been submitted and there is also no mitigation strategy to address the impacts of the scheme, I am unable to assess the application properly or support the scheme. Without adequate mitigation, the scheme would not meet the requirements of the following planning policy and legislation:-

1.25 National Planning Policy Framework (NPPF) Paragraph 109:-

The planning system should contribute to and enhance the natural and local environment by minimising impacts on biodiversity and providing net gains in biodiversity where possible.

1.26 Paragraph 118:-When determining planning applications, local planning authorities should aim to conserve and enhance biodiversity by applying the following principles:

- if significant harm resulting from a development cannot be avoided (through locating on an alternative site with less harmful impacts), adequately mitigated, or, as a last resort, compensated for, then planning permission should be refused;

1.27 Natural Environment & Rural Communities Act (NERC) 2006

Section 40 of the above Act places a duty on all public authorities in England and Wales to have regard, in the exercise of their functions, to the purpose of conserving biodiversity. Section 41 of the Act lists priority habitats and species which must be taken into account through the planning system.

1.28 North Tyneside Local Plan

Policy S5.4 Biodiversity and Geodiversity

Policy DM5.5 Managing effects on Biodiversity and Geodiversity

DM5.7 Wildlife Corridors

DM5.9 Trees, Woodland and Hedgerows

1.29 Manager of Environmental Health (Pollution)

1.30 I have concerns with regard to noise and dusts arising from the site operations affecting residential properties located in Firtrees Avenue in Howdon and nearby properties located in Percy Main.

1.31 I have viewed the air quality assessment that has considered impacts on air quality at nearest sensitive receptors and has shown that the overall increase in NO<sub>2</sub> and PM<sub>10</sub> will be negligible. The total concentrations for both pollutants with the development will <75% of the air quality annual limit, with the highest NO<sub>2</sub> level calculated as 20.80 µg/m<sup>3</sup> and PM<sub>10</sub> as 14.02 µg/m<sup>3</sup>. The air quality report has not included for an assessment of dusts arising from the construction phase or considered dusts arising from the operations on site. With regard to PM<sub>2.5</sub> levels, although there is a limit level within the 2010 Regulations there are no specific target limits set within the LAQM Technical Guidance (TG16) for Local Authorities in England to work towards. It is recognised that there are no safe levels for particulates and that Local Authorities must have policies in place to reduce the levels to as low a level as possible. Any new development will contribute to the overall air quality levels within an area and therefore although the overall impacts are considered to be minor adverse, the development will still give rise to air pollution impacts for local residents that will affect their amenity.

1.32 No information has been provided with regard to potential dust, and mitigation measures with regard to the handling of this material. A dust management plan will be necessary and I would recommend a condition to require this to be provided if planning consent is to be given.

1.33 No noise assessment has been provided to determine the impacts of the proposed operations on nearest sensitive receptors. It is noted from the site plan that a materials storage area, container storage area and a Green Store are proposed to the southern part of the site, adjacent to the A19. A vehicle wash area and also the main depot. The applicant indicates that access will be required 24 hours per day, 7 days a week including weekends. To the north of the site will be a salt barn and gritter compound. I would recommend a condition to require a noise scheme is provided to determine what mitigation is required to address noise arising from the operations carried out on the site, this may include acoustic screening of external storage areas, closing of workshop doors when noisy equipment is in use etc. As part of the noise scheme it is recommended that acoustic screening is provided to the western boundary adjacent to the gritter compound and storage areas to afford some mitigation for noise arising from accessing these areas. The noise scheme will need to include all operations occurring on the site including use of the workshop vehicle wash areas and gritter compound and must include for background noise monitoring to determine the overall noise impact from the operations. I would also recommend conditions to address deliveries to the site and a noise scheme for plant and equipment. I would also recommend conditions to cover a lighting scheme for the site.

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

1.35 NOI10 noise scheme to include for all operations carried out at the site and mitigation measures.

1.36 Prior to occupation, details for the management of deliveries and collections to and from the site must be submitted for agreement in writing by the planning authority to assess the impact and provide details of mitigation measures and management controls that will be put in place.

1.37 Prior to the installation of external plant, ventilation and extraction systems to the development, a noise scheme must be submitted to the planning authority agreed in writing giving mitigation measures and thereafter implemented and maintained. The noise scheme must provide details of all noisy external plant and any tonal or impulsivity characteristics to the plant and the assessment must be carried out in accordance to BS4142. The noise scheme shall include the overall equivalent noise level and noise rating level for different worst case operational scenarios for both daytime and night time arising from the site to the nearest noise sensitive housing.

1.38 It will be necessary following installation of the plant and equipment that acoustic testing is undertaken to verify compliance with this condition within one month of its installation and submitted for written approval prior to the operation of the plant and thereafter maintained in working order.

1.39 HOU04

1.40 NOI02

1.41 No storage of waste materials is permitted externally, or within containers or heavy goods vehicles.

1.42 Prior to occupation, a dust management plan must be submitted for agreement in writing by the planning authority to assess the impact and provide details of mitigation measures and management controls that will be put in place to minimise wind blown dusts from the site.

1.43 SIT01 Dust management scheme during construction phase only.

1.44 LIG01

## 2.0 External Consultees

### 2.1 Tyne and Wear County Archaeologist

2.2 There are a number of historic railways which once crossed the site, including the Percy Main Waggonway and North Eastern Railway, Newcastle and Tynemouth Riverside Branch. Of more significance however is the possible site of Flatworth medieval manor, which dates back to the 12th century and was owned by Tynemouth Priory. Ridge and furrow earthworks relating to medieval or post medieval ploughing exist [or existed] within the site.

2.3 However I have read in the Design and Access Statement that the site was a quarry which has been subsequently landfilled. The archaeologists have not been able to clarify the extent of the landfill within the site from historic mapping.

2.4 Archaeological work required:

Archaeological evaluation trenching to investigate the site of Flatworth medieval manor, Low Flatworth, the ridge and furrow, the former toll road, the waggonway and the North Eastern Railway Riverside Branch line.

2.5 The area of landfill will be omitted from the archaeological work.

2.6 If archaeological remains are found in the preliminary trenches, further archaeological excavation will be required before development can proceed.

2.7 Archaeological Excavation and Recording Condition:

No groundworks or development shall commence until a programme of archaeological fieldwork (to include evaluation and where appropriate mitigation excavation) has been completed. This shall be carried out in accordance with a specification provided by the Local Planning Authority.

Reason: The site is located within an area identified as being of potential archaeological interest. The investigation is required to ensure that any archaeological remains on the site can be preserved wherever possible and recorded, in accordance with paragraph 141 of the NPPF, Local Plan S6.5 and policies DM6.6 and DM6.7.

#### 2.8 Archaeological Post Excavation Report Condition:

The building(s) shall not be occupied/brought into use until the final report of the results of the archaeological fieldwork undertaken in pursuance of condition ( ) has been submitted to and approved in writing by the Local Planning Authority. Reason: The site is located within an area identified as being of potential archaeological interest. The investigation is required to ensure that any archaeological remains on the site can be preserved wherever possible and recorded, in accordance with paragraph 141 of the NPPF, Local Plan S6.5 and policies DM6.6 and DM6.7.

#### 2.9 Archaeological Publication Report Condition:

The buildings shall not be occupied/brought into use until a report detailing the results of the archaeological fieldwork undertaken has been produced in a form suitable for publication in a suitable and agreed journal and has been submitted to and approved in writing by the Local Planning Authority prior to submission to the editor of the journal. \_

Reason: The site is located within an area identified in the Unitary Development Plan as being of potential archaeological interest and the publication of the results will enhance understanding of and will allow public access to the work undertaken in accordance with paragraph 141 of the NPPF, Local Plan S6.5 and policies DM6.6 and DM6.7.

#### 2.10 Environment Agency

2.11 Additional information, provided by the applicant has outlined the initial details of the proposed fuel station and tanks. Tank construction will be above ground with pipework below ground and appropriate protection measures, including alarm systems and 110% bunding, are proposed to mitigate potential risks to controlled waters in the vicinity of the site.

2.12 Full technical details are currently unavailable however the applicant has advised that these will be provided when they become available. If, following the receipt of additional information, the proposed design changes we would wish to be reconsidered regarding any potential changes in risk (eg. change to below ground storage tanks).

2.13 In light of this additional information, we are happy with the proposed development and that potential risks have now been understood. The information is sufficient to allow us to remove our objection and, based on the site's hydrogeological setting, it is not considered that conditions will be required.