

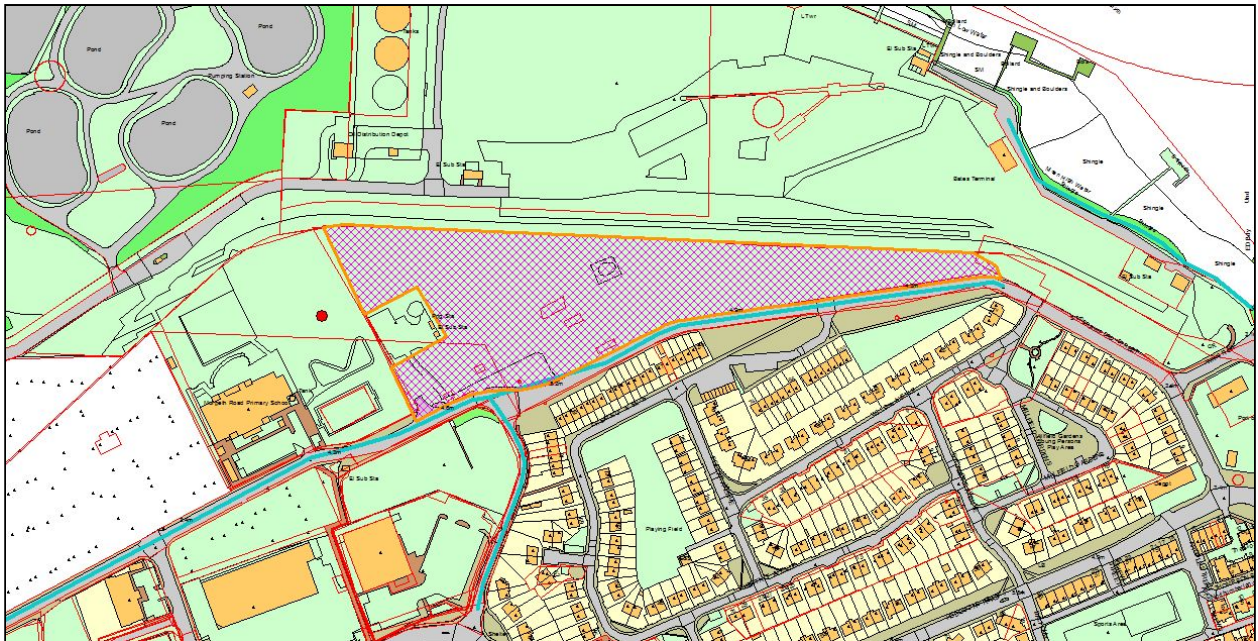


# Northumberland County Council

## Strategic Planning Committee 3rd March 2020

<b>Application No:</b>	19/01736/FUL		
<b>Proposal:</b>	Full planning permission for engineering operations related to relocation of existing bunds, erection of warehouse and associated hard standing at Bates Terminal, Port of Blyth		
<b>Site Address</b>	Land East Of Morpeth Road Primary School , Bates Avenue, Blyth, NE24 5TQ		
<b>Applicant/ Agent</b>	Mr David Green 8 First Street, Manchester, M15 4RP		
<b>Ward</b>	Cowpen	<b>Parish</b>	Blyth
<b>Valid Date</b>	20 June 2019	<b>Expiry Date</b>	6 March 2020
<b>Case Officer Details</b>	Name: Mr Callum Harvey Job Title: Planning Officer Tel No: 01670 623625 Email: Callum.Harvey@northumberland.gov.uk		

**Recommendation:** That Members GRANT permission for this application, subject to recommended conditions.



## **1. Introduction**

- 1.1 This application has been referred to the Strategic Planning Committee due to the scale of the proposed development, in accordance with the Scheme of Delegation.

## **2. Description of the Proposals**

- 2.1 The application site is located at land at Bates Terminal, South Harbour, Port of Blyth. The land is owned by the Port of Blyth and is located to the east of Morpeth Road Primary School and to the north of a row of terraced properties along Crawford Street. The application site forms part of the former Bates Colliery Site which was closed in 1986. The application site is currently vacant waste ground following the closure of the Colliery.
- 2.2 As the site is not considered 'operational land' associated with the Port, as it is currently vacant land acting a landscape buffer between the Port to the north and Crawford Street to the South, the proposed development is not considered Permitted Development under Schedule 2, Part 8, Class B of the General Permitted Development Order (2015, as amended). Therefore planning consent is required from the County Council as the local planning authority for the proposed development.
- 2.3 Planning permission is sought for the construction of a warehouse to be used for storage/distribution purposes (Use Class B8) ancillary to the Port of Blyth. The proposed warehouse would measure 100m in length and 25m in width and would be constructed atop a concrete slab which would extend by 3m beyond the elevations of the building. The warehouse would feature a dual pitched roof measuring 11m in height to roof eaves and 15m in height to roof ridge. The warehouse would be constructed of metal panels coloured grey and blue to match the materials used on other buildings elsewhere within the Port. A warehouse of similar scale and design exists on the north side of the River Blyth.
- 2.4 The proposal includes the relocation of an existing earth bund to the southern boundary of the site to make way for the proposed warehouse. The proposed bund would measure 5m in height and 388m in length, and would feature a 1m high fence along its ridge. The bund would provide screening between the site and Crawford Street to the south, though the proposed warehouse would be visible above the height of the bund.
- 2.5 The received site plan shows two separate working areas within the site, with the area to the north west of the warehouse being a 24 hour working area, and

the areas to the south and east of the warehouse being a non-24 hour working area. As such the proposed warehouse has been assessed by Officers on the basis that it would be operational 24 hours a day.

- 2.6 The proposal also includes 3no. flood lights located along the south western and southern boundaries of the site. The floodlights would be directed toward the proposed external working areas, away from neighbouring properties along Crawford Street to the south of the site.
- 2.7 To the west of the application site is a Pumping Station operated by the Coal Authority. This station is still in use following the closure of the former Bates Colliery. Whilst the station itself is outside of the application site, the access to it from Crawford Street falls within the red line boundary, and the current application seeks to retain that existing access.
- 2.8 The received site plan indicates that a 2.4m high palisade fence would be erected around the southwestern and southern boundaries of the site. A 3m high wall would also be erected to the north of the adjacent Pumping Station to the west of the proposed warehouse.
- 2.9 The application site is within the High Risk Coal Working Area as identified by the Coal Authority, given that the site is a former Colliery site. There is a former coal shaft to the east of the location of the proposed warehouse. The site is also located with Flood Zone 2 as identified by the Environment Agency.

### **3. Planning History**

**Reference Number:** B/08/00169/OUT

**Description:** Outline application for remediation of former colliery land followed by construction of approximately 327 dwellings with associated road infrastructure, engineering works, car parking and landscaping. (9.87ha)

**Status:** Permitted

**Reference Number:** 12/03370/REM

**Description:** Reserved matters application for Remediation of former colliery land followed by construction of 257 dwellings with associated road infrastructure, engineering works, car parking and landscaping.

**Status:** Permitted

**Reference Number:** B/88/C/180

**Description:** Reclamation and redevelopment of former colliery site

**Status:** Permitted

## **4. Planning Policy**

### 4.1 Development Plan Policy

*Blyth Valley District Local Development Framework: Core Strategy (2007)*

Policy SS1 – Spatial Strategy  
Policy SS3 – Sustainability Criteria  
Policy H1 – Housing Provision  
Policy ENV1 – Natural Environment & Resources  
Policy ENV2 – Historic and Built Environment

*Blyth Valley District Local Development Framework: Development Control Policies  
Development Plan Document (2007)*

Policy DC1 – General Development  
Policy DC5 – Housing Development on Windfall Sites  
Policy DC11 – Planning for Sustainable Travel  
Policy DC14 – Sites of National Importance for Nature Conservation  
Policy DC15 – Sites of Nature Conservation Importance and Local Nature Reserves  
Policy DC16 – Biodiversity  
Policy DC17 – Landscape: General Protection and Restoration  
Policy DC19 – Drainage and Flood Risk  
Policy DC20 – Utilities and Infrastructure  
Policy DC21 – Pollution Control  
Policy DC22 – Noise Pollution  
Policy DC27 – Design of New Developments  
Policy DC30 – Integrated Renewable Energy

*Blyth Valley District Local Plan (1999) (Saved Policies 2007)*

Policy E3 – Landscape  
Policy E18 – Visual Aspects of Open Spaces within the Built Environment  
Policy W1 – Employment Use  
Policy W3 – Needs of Port Development in Blyth  
Policy W4 – Port of Blyth: Port Development Area  
Policy M7 – Heavy Goods Vehicles  
Policy M8 – Car Parking  
Policy M9 – Road Construction in Built Up Areas

## 4.2 National Planning Policy

National Planning Policy Framework (2019)  
National Planning Practice Guidance (2020)

## 4.3 Emerging Planning Policy

Northumberland Local Plan - Publication Draft Plan (including Proposed Minor Modifications) (Regulation 19) (submitted on 29th May 2019)

Policy STP 1 – Settlement Boundaries

Policy STP 2 - Presumption in favour of sustainable development (Strategic Policy)

Policy STP 3 - Principles of sustainable development (Strategic Policy)

Policy STP 4 - Climate change mitigation and adaptation (Strategic Policy)

Policy STP 5 - Health and wellbeing (Strategic Policy)

Policy STP 6 - Green infrastructure (Strategic Policy)

Policy ECN 1 - Planning strategy for the economy (Strategic Policy)

Policy ECN 2 - Blyth Estuary Strategic Employment Area (Strategic Policy)

Policy ECN 5 - Large-scale windfall employment development (Strategic Policy)

Policy HOU 2 - Provision of new residential development (Strategic Policy)

Policy QOP 1 - Design principles (Strategic Policy)

Policy QOP 2 - Good design and amenity

Policy QOP 4 - Landscaping and trees

Policy QOP 5 - Sustainable design and construction

Policy QOP 6 - Delivering well-designed places

Policy TRA 1 – Promoting sustainable connections (Strategic Policy)

Policy TRA 2 – The effects of development on the transport network

Policy TRA 4 - Parking provision in new development

Policy TRA 8 - Ports, harbours and beach launch facilities (Strategic Policy)

Policy ENV 1 - Approaches to assessing the impact of development on the natural, historic and built environment (Strategic Policy)

Policy ENV 2 - Biodiversity and geodiversity

Policy ENV 3 - Landscape

Policy ENV 4 - Tranquillity, dark skies and a sense of rurality

Policy WAT 1 - Water quality

Policy WAT 2 - Water supply and sewerage

Policy WAT 3 - Flooding

Policy POL 1 - Unstable and Contaminated Land

Policy POL 2 - Pollution and air, soil and water quality

#### 4.4 Other Documents/Strategies

Bates Colliery Strategic Development Guide Supplementary Planning Document (2008)

Blyth Urban Design Guide and Public Realm Strategy (2008)

#### **5. Consultee Responses**

Environment Agency	<i>Comments received 11.07.2019:</i> Objection, further details required in respect of proposed non-mains foul drainage system.
Environment Agency	<i>Comments received 05.08.2019:</i> No objection; the submitted information states that the development will not generate foul sewerage and that a foul drainage system is not required. Furthermore, discussions with the local authority suggest that the warehouse will only be used for storage and distribution (B8 Use Class) purposes.
Public Health Protection	<i>Comments received 12.07.2019:</i> Objection, further details required clarifying the exact use of the proposed building; exact use of the proposed external working areas; details of fixed plant; details in respect of noise; details in respect of artificial lighting ; and indication of whether restrictions on noisy activities and ground gas mitigation measures would be agreeable.
Public Health Protection	<i>Comments received 19.12.2019</i> No objection following the agreement to restrict the use of the warehouse to B8 Use Class (storage/distribution); and following receipt of an acceptable Noise Assessment. Conditions recommended in respect of noise, artificial lighting, ground gas and land contamination.
Northumbrian Water Ltd	No response received.
Blyth Town Council	No response received.
Highways	<i>Comments received 12.07.2019:</i> The proposed development is not expected to generate a level of vehicle trips that cannot be accommodated within the existing road network. No objection to this application subject to the use of recommended conditions and informatives.

The Coal Authority	<i>Comments received 10.07.2019:</i> The proposed warehouse is within close proximity of two mineshafts and is within the High Risk Coal Area. No objection to this application, subject to the use of a recommended condition requiring further details to be submitted for consideration prior to works commencing.
Countryside/ Rights Of Way	<i>Comments received 10.07.2019:</i> Blyth Valley Public Footpath No.71 passes adjacent to the south of the applications red line site boundary. No objection to this application subject to the use of a recommended condition which protects this Public Right of Way.
Lead Local Flood Authority (LLFA)	<i>Comments received 18.07.2019:</i> Objection; details on the existing and proposed bund required; Drainage Strategy required.
Lead Local Flood Authority (LLFA)	<i>Comments received 30.09.2019:</i> Objection; Drainage Strategy required.  Objection since removed; agreed to require Drainage Strategy through use of recommended pre-commencement condition.
Strategic Estates	No response received.
Natural England	<i>Comments received 17.07.2019:</i> No objection subject to use of recommended informatives.
County Ecologist	<i>Comments received 17.02.2020:</i> No objection subject to use of recommended conditions.

## 6. Public Responses

### Neighbour Notification

Number of Neighbours Notified	47
Number of Objections	0
Number of Support	0
Number of General Comments	0

### Notices

Site notice - Public Right of Way; three site notices put in place 5<sup>th</sup> July 2019

News Post Leader; advertised 4th July 2019

## Summary of Responses:

Despite three site notices being displayed along Crawford Street along the southern boundary of the site, a notice being published in the local newspaper, and 47 letters being sent to neighboring properties, no comments have been received from members of the public in respect of this application.

## **7. Appraisal**

- 7.1 In assessing the acceptability any proposal regard must be given to policies contained within the development plan, unless material considerations indicate otherwise. The National Planning Policy Framework (NPPF) is a material consideration and states that the starting point for determining applications remains with the development plan, which in this case contains Policies of the Blyth Valley District Local Development Framework: Core Strategy (2007) and Blyth Valley District Local Development Framework: Development Control Policies Development Plan Document (2007); as well as the Policies of the Blyth Valley District Local Plan (1999) which were 'Saved' by the Secretary of State in 2007.
- 7.2 Paragraph 48 of the NPPF states that from the day of its publication, weight can be given to policies contained in emerging plans dependent upon the stage of preparation of the plan, level of unresolved objections to policies within the plan and its degree of consistency with the NPPF. The emerging Northumberland Local Plan was submitted to the Planning Inspectorate for examination in May 2019, along with a schedule of Minor Modifications (May 2019) following public consultation. The Authority are therefore affording appropriate weight to policies contained within the emerging plan which form a material consideration in determining planning applications alongside Development Plan Policies.
- 7.3 The main issues for consideration in the determination of this application are:
- Principle of the development
  - Design and visual impact
  - Residential amenity
  - Highway safety
  - Ecology
  - Foul drainage
  - Surface water flood risk
  - Coal mining legacy



## Sustainable Design and Construction

### Principle of the development

#### *Location/Sustainability*

- 7.4 The application site is within the Settlement Limit of Blyth as identified in the Blyth Valley District Local Plan and the emerging Northumberland Local Plan. Policy SS1 of the Blyth Valley District Local Development Framework: Core Strategy (BVCS) states that the majority of new housing, employment, retail and other significant development will be directed towards the main town of Blyth. Blyth is listed as a Main Town in Policy STP1 of the emerging Northumberland Local Plan, and Policy STP1 states that these settlements will be the main focus for employment, housing, retail and services.
- 7.5 Paragraph 7 of the NPPF states that the purpose of the planning system is to contribute to the achievement of sustainable development. At a very high level, the objective of sustainable development can be summarised as meeting the needs of the present without compromising the ability of future generations to meet their own needs. Paragraph 8 of the NPPF states that achieving sustainable development means that the planning system has three overarching objectives, which are interdependent and need to be pursued in mutually supportive ways (so that opportunities can be taken to secure net gains. The economic objective set out under Paragraph 8 is to help build a strong, responsive and competitive economy, by ensuring that sufficient land of the right types is available in the right places and at the right time to support growth, innovation and improved productivity.
- 7.6 The application site is within a Main Town as identified in the adopted Development Plan and the emerging Northumberland Local Plan. The proposed development would be ancillary to the Port of Blyth and the site and its access are within 400m from the bus stops along Cowpen Road, which is considered a sustainable walking distance and would therefore reduce the users of the proposed development's dependency on using private vehicles. The location of the proposed development is therefore considered to be within a sustainable location, in accordance with Policies SS1 and SS3 of the BVCS and Chapter 2 of the NPPF.

#### *Landscape Buffer*

- 7.7 The application site was previously designated as a Landscape Buffer between the Port to the north and Crawford Street and Hodgsons Road residential estate to the south, as identified in the Blyth Valley District Local Plan (BVDLP). However, Policy E6 which relates to the Landscape Buffer designation was not 'Saved' by the Secretary of State in 2007, therefore this Policy and the Landscape Buffer designation is no longer taken into consideration when assessing proposals for development on this site.
- 7.8 The application site was not re-allocated as a Landscape Buffer in the Blyth Valley Core Strategy (BVCS) or Blyth Valley Development Control Policies DPD (BVDCP) in 2007, and is not allocated as a Landscape Buffer in the emerging Northumberland Local Plan. Officers note that this site features no designations in any of the three above documents. As such the application site is considered 'White Land' in Planning Policy terms.

*Employment Use ancillary to the Port of Blyth*

- 7.9 This application has been submitted by the Port of Blyth, and seeks to construct a storage and distribution warehouse (Use Class B8) ancillary to the Port. This warehouse would assist the Port in handling freight in the coming years. The application site was previously owned by the Coal Authority as recently as 2008, though the site is now within the ownership of the Port.
- 7.10 Paragraph 9.49 of the emerging Northumberland Local Plan notes that the Port of Blyth is the main functioning port in Northumberland, capable of handling large freight vessels. It is significant in the context of proposals to promote strategic economic uses around the Blyth Estuary, including in respect of renewable and offshore industries, for which the Port has already established its reputation. The Port handles up to 2 million tonnes of cargo per annum with particular expertise in energy, project cargo, container, dry bulk and break bulk. Paragraph 9.49 of the emerging Plan goes on to note that the Port of Blyth is planning for further expansion in its capacity over the coming years. Paragraph 9.51 of the emerging Plan notes that it is expected that both the Port of Blyth and the Port at Berwick-upon-Tweed will continue to play a key role in the County's economy, including in facilitating the sustainable transport of freight.
- 7.11 The application site lies adjacent to, though outside of, the allocated site for employment use in the BVDLP and the Blyth Estuary Strategic Employment Area in the emerging Northumberland Local Plan. The reason for this site being excluded from the employment site allocation in the 1999 BVLP was to provide

a Landscape Buffer, which as explained earlier in this report is no longer a consideration in the assessment of proposals on this site.

7.12 When considering the current proposal, the emerging Northumberland Local Plan, which is currently undergoing examination and can be afforded some weight, is a material consideration. The emerging Plan reflects the Northumberland Economic Strategy (2019-2024), and the wider strategies for the North East Local Enterprise Partnership area, the North of Tyne Combined Authority and the Borderlands. The emerging Plan is 'jobs-led' and sets an ambitious target to increase the quantity and quality of employment opportunities for the residents of Northumberland.

7.13 A key element of these employment ambitions are the employment allocations in the emerging Plan, one of them being the Blyth Estuary Strategic Employment Area covered under emerging Policy ECN 2. Policy ECN 2 states that:

*“Land at Blyth Estuary is allocated as a 'Strategic Employment Area' within which the following sectors within the B-Class industrial uses will be prioritised:*

- a. low carbon and related environmental goods and services;*
- b. offshore and sub-sea engineering;*
- c. energy generation sectors with special emphasis on renewable and low carbon ;*
- d. development which will support and strengthen the economic role of the Port of Blyth.”*

The Policy goes on to state that:

*“Within the wider hinterland of Blyth Estuary:*

- a. favourable consideration will be given to proposals which will directly or indirectly support the growth of the Blyth Estuary Strategic Employment Area and its prioritised industrial sectors, especially on key employment sites in South East Northumberland;*
- b. necessary infrastructure improvements will be sought that allow the smooth flow of goods to and from the Port of Blyth and the wider Blyth Estuary area.”*

7.14 Whilst the application site is not within the designated Strategic Employment Site in the emerging Plan, Officers consider that the above emerging Policy ECN 2 is still a material consideration as the proposed development would directly support the growth of the Port and indirectly support businesses across the County who depend on the Port for the transport of goods.

7.15 Policy TRA 8 of the emerging Northumberland Local Plan is a Strategic Policy in relation to Ports. Part 1 of the Policy states that:

*“Development proposals will be supported that provide for:*

- a. The expansion of port facilities to allow growth in sustainable sea based freight movement;*
- b. The development at Ports of Blyth, Berwick, Amble;*
- c. Connections to the industries they serve; and*
- d. New Freight movement patterns and suitable vehicular routes.”*

The proposed warehouse would increase the Port’s capacity to handle freight, therefore the proposal accords with Part 1 of this emerging Policy.

#### *Large-scale Windfall Site*

7.16 As the application site does not lie within the Blyth Estuary Strategic Employment Area covered under emerging Policy ECN 2, the proposal is a windfall site. Due to the scale of the proposed warehouse, the proposal is a ‘Large-scale Windfall Site’; therefore Policy ECN5 of the emerging Northumberland Local Plan is a material consideration. The Policy supports proposals for large-scale major business development within the B use classes, either as a standalone proposal or an extension of an existing business, on land which is not designated as employment land, provided that the following criteria can be robustly demonstrated:

- “a. The development represents a major inward investment and would provide a significant number of new, permanent jobs; and*
- b. The needs of the business cannot be reasonably met on allocated employment land within the North East Local Enterprise Partnership area; and*
- c. The proposal would not compromise the viability or deliverability of sites allocated for development that are demonstrably deliverable within the Plan period; and*
- d. The development can be satisfactorily accommodated through proposed mitigation measures in relation to the capacities of critical infrastructure, and timescales associated with investment works.”*

7.17 The application submits that 10 jobs would be created on-site as a result of the proposed development. Whilst this would not normally qualify as a significant number of new, permanent jobs as required by criterion a) of emerging Policy ECN 5, it is considered that the proposed development would have a positive

multiplier effect for businesses across the County, as the support of the Port of Blyth would support other businesses which would indirectly create new jobs or retain existing jobs elsewhere in the County. Officers note that it would be difficult for the applicant to robustly demonstrate these indirect benefits would occur in the coming years, however it is considered reasonable to assume that these benefits would materialise. As such it is considered that the proposed development would accord with criterion a) of emerging Policy ECN 5.

- 7.18 In order to accord with Criterion b) of Policy ECN 5, the application would need to demonstrate that the proposed warehouse could not be reasonably located on allocated employment land elsewhere within the North East Local Enterprise Partnership area. Whilst the received Planning Statement accompanying the application sets out the advantages of bringing this particular site into use ancillary to the Port, the application has not firmly established whether there is not already sufficient land within the Blyth Estuary Strategic Employment Area covered under emerging Policy ECN 2. Notwithstanding this, Officers note that the proposed warehouse would need to be within close proximity of the Port in order to effectively fulfil its role as a storage facility of freight moving through the Port. It is also noted that the vast majority of the Strategic Employment Area, particularly land to the north of the River Blyth, is either already in use or effectively reserved for industries relating to the Port of Blyth, energy and off-shore businesses. It is therefore considered that the need for a warehouse cannot be reasonably met within the Blyth Estuary Strategic Employment Area covered under emerging Policy ECN 2. Officers also consider that the proposed warehouse could not be reasonably located elsewhere within the County as it would need to be located in close proximity to the Port to effectively fulfil its purpose. As such the proposed development would accord with criterion b) of emerging Policy ECN 5.
- 7.19 In order to accord with Criterion c) of Policy ECN 5, the application would need to demonstrate that the proposed warehouse would not compromise the viability or prevent the deliverability of other allocated sites within the emerging Plan period. Officers do not consider that the construction of a warehouse for the storage of freight ancillary to the Port in this location would compromise the viability or prevent the deliverability of other allocated sites elsewhere within the County during the emerging Plan period. As such the proposed development would accord with criterion c) of emerging Policy ECN 5.
- 7.20 In order to accord with Criterion d) of Policy ECN 5, the application would need to demonstrate that the proposed warehouse can be satisfactorily accommodated through proposed mitigation measures in relation to the

capacities of critical infrastructure, and timescales associated with investment works. Whether the application accords with criterion d) will be discussed later in this report, as the views of colleagues in the Highways Development Management team and the Public Health Protection team are an important consideration.

#### *Loss of potential housing site*

- 7.21 The application site was previously subject to part of a wider scheme for Outline consent for residential development, Planning reference B/08/00169/OUT. Part of this wider site is currently under construction to the west of Morpeth Road Primary School following the approval of a Reserved Matters application 12/03370/REM. Due to the age of these consents, the outline consent for housing on the application site has expired.
- 7.22 As highlighted earlier in this report, the application site is 'White Land' as it does not feature any Policy designations in either the adopted Development Plan or the emerging Northumberland Local Plan. Therefore the application site is not allocated for residential development in the emerging Plan. Notwithstanding this, as the principle of development for housing in this location had previously been established under decision B/08/00169/OUT, the proposed development would lead to a loss of a potential site for housing.
- 7.23 Policy H1 of the BVCS sets out the provision of new housing across the former Blyth Valley District until the year 2021. Paragraph 4.2.14, which forms part of the surrounding text of this Policy, highlights the former Bates Colliery site's role in delivering this provision of housing.
- 7.24 As the application site is not allocated for housing in the adopted Development Plan, a proposal for residential development on this site would be considered a Windfall Development Site. Policy DC5 of the BVDCP states that new build housing on Windfall Sites would only be supported if there is an identified under-supply of housing. The Northumberland Strategic Housing Land Availability Assessment 2019 identifies a supply of potentially 'deliverable' housing sites that could provide capacity to deliver 7,956 net additional homes over the 5 year period 2019-24. This equates to a 224% 5-year housing land supply when compared to Northumberland's minimum Local Housing Need for 3,549 net additional homes between 2019-2024, equivalent to about 11.2 years supply of potentially 'deliverable' housing sites, which is notably greater than the current requirement for Local Planning Authorities to establish a 5 year supply of potentially 'deliverable' housing sites. Therefore, if an application for

residential development came forward on the current application site, it would not accord with Policy DC5 of the BVDCP and would likely not be supported by Officers in principle. This restriction on delivering housing on this application site is a material consideration in the assessment of the current proposal.

7.25 Policy HOU 4 of the emerging Northumberland Local Plan sets out the housing allocations across the County. Whilst there are a number of allocated sites within Blyth, this application site is not one of them. Officers do not consider that this site would need to come forward as a residential site in order to meet the indicative requirement of 1,800 dwellings within Blyth from 2016 to 2036, as set out under Table 7.1 of the emerging Northumberland Local Plan.

7.26 Therefore, due to the considerations set out above, the proposed development would not lead to a loss of a potential housing site which would undermine the emerging Plan's ability to provide sufficient homes during the Plan period upto 2036. The proposal would therefore not lead to a conflict with Policy H1 of the BVCS, Policy DC5 of the BVDPD or Policy HOU4 of the emerging Northumberland Local Plan.

#### *Summary of the Principle of Development*

7.27 The proposed development would be in a sustainable location, within the settlement limit of Blyth, which the adopted Development Plan and the emerging Northumberland Local Plan seeks to direct the majority of development toward.

7.28 The proposed development would be located outside of an allocated employment site in the adopted Plan and the emerging Northumberland Local Plan. Therefore the application is considered a Large-scale Windfall Site. The proposed development would support the operations of the existing Port, which would lead to positive multiplier effects for the County's economy. The proposed development would therefore be in accordance with the direction of travel of the emerging Local Plan, which seeks to support employment generating development such as this. Whilst only limited weight can be given to the emerging Local Plan at this time, it is still a material consideration when assessing this application, particularly as it gives an indication of the direction of travel for the economy and development within the County through to the year 2036.

7.29 As set out earlier in this report, the proposed development would not lead to a loss of a potential housing site which would undermine the emerging

Northumberland Local Plan's ability to provide sufficient homes in Blyth during the Plan period upto 2036.

- 7.30 The determination of whether the principle of the proposed development is acceptable in this location is dependant on a number of technical considerations, which are discussed later in this report. Provided that the technical considerations are found acceptable, the principle of development would be in accordance with Policies SS1 and SS3 of the BVCS, would be broadly in accordance with Policies W1, W3 and W4 of the BVDPD, and would be in accordance with Policies STP 1, STP 2, STP 3, ECN 1, ECN 5 and TRA 8 of the emerging Northumberland Local Plan.

#### Design and Visual Impact

- 7.31 The proposed warehouse would measure 100m in length and 25m in width and would be constructed atop a concrete slab which would extend by 3m beyond the elevations of the building. The warehouse would feature a dual pitched roof measuring 11m in height to roof eaves and 15m in height to roof ridge. The warehouse would be constructed of metal panels coloured grey and blue to match the materials used on other buildings elsewhere within the Port. A warehouse of similar scale and design exists on the north side of the River Blyth. When viewed from public vantage points to the south, the proposed building would be seen within the context of existing buildings at the Port to the north, and the Morpeth Road Primary School to the west. The proposed bund also provides some visual screening of the warehouse.
- 7.32 It is considered that sufficient details of the materials and finishes of the proposed warehouse have been submitted as part of this application in order to fully assess its appearance. Therefore, provided that the development would be carried out in accordance with approved plans, no further details of the materials or finishes would be required through a subsequent planning application.
- 7.33 The received site plan shows that a 2.4m high palisade fence would be erected along the southwestern and southern boundaries of the site, whilst a 3m high wall would be erected along part of the western boundary of the site. It is considered necessary to recommend the use of a condition requiring further details of these boundary treatments to be submitted for consideration and approval prior to their construction.



7.34 Subject to the use of the above condition, it is considered that the development would not have an unacceptable visual impact on the surrounding area, in accordance with Policy ENV2 of the BVCS, Policies DC1, and DC27 of the BVDPD, Policies E3 and E18 of the BVDLP, Policies QOP1, QOP2, QOP4, QOP6 and ENV1 of the emerging Northumberland Local Plan, and Chapter 12 of the NPPF.

#### Residential Amenity

7.35 The application site is located 16m from the rear elevation of the nearest residential property to the south. The proposed warehouse would be 45m from the rear elevation of the nearest residential property to the south. It is considered that the proposed relocated earth bund and the proposed warehouse would not have an unacceptable adverse impact on the amenity of neighbouring residential properties in respect of loss of light, overbearing or overlooking.

7.36 The proposal seeks to erect 3no. lighting columns along the southwestern and southern boundaries of the site. The lighting columns would be 30m in height and would be directed away from the neighbouring properties to the south of the site. The Council's Public Health Protection team have been consulted and have no objection to the proposed lighting subject to the use of a recommended condition requiring further details of the lighting to be submitted and approved prior to their installation. Subject to the use of this condition the proposed lighting would not have an unacceptable impact on the amenity of neighbouring residents to the south.

7.37 The proposal seeks to construct a warehouse and create a working area to the north, south and east of the building. The applicant's agent has agreed to the use of a restriction on the Use Class of the warehouse so that it would be used for storage/distribution purposes (Use Class B8), and not for General Industrial purposes (Use Class B2). The Public Health Protection team have been consulted and have no objection to the proposed B8 use warehouse, subject to the use of a recommended condition requiring further details in relation to noise to be submitted and approved prior to the the warehouse being brought into use. Subject to the use of this condition and recommended conditions in respect of noise, the proposed warehouse and associated external working areas would not have an unacceptable impact on the amenity of neighbouring residents to the south.

7.38 Subject to the use of conditions recommended by the Public Health Protection team the proposed development would not have an unacceptable impact on the amenity of neighbouring residents, in accordance with Policies DC21 and DC22 of the Blyth Valley District Local Development Framework: Development Control Policies Development Plan Document, Policies STP5, ENV1, POL1 and POL2 of the emerging Northumberland Local Plan and the NPPF.

#### Highway Safety

7.39 The proposed development would be an expansion of the operational land of the Port of Blyth, and the proposed development would seek to use the existing access to the Port from Chain Ferry Road/Spencer Road to the north west of the site. The application also seeks to retain the existing access from Crawford Street to the Coal Authority's Pumping Station to the west of the application site. Officers note that the stretch of Crawford Street adjacent to the application site is not an adopted highway and is owned and maintained by the Port of Blyth.

7.40 The Council's Highways Development Management team have been consulted on the application and have no objection, subject to the use of a number of recommended conditions in the interest of highway safety. One of these conditions requires the existing Port and the proposed development to use existing access arrangement for the Port from Chain Ferry Road/Spencer Road, and not use the access to the Coal Authority's Pumping Station as described above which is sought to be retained. The proposal is therefore considered to be acceptable in highways terms, in accordance with Policy DC11 of the BVDPD, Policies M7, M8 and M9 of the BVDLP, Policies TRA1, TRA2 and TRA4 of the emerging Northumberland Local Plan, and Chapter 9 of the NPPF.

#### Ecology

7.41 The application seeks to construct a warehouse; erect boundary treatments; erect 3no. lighting columns and relocate an existing earth bund on brownfield land at the former Bates Colliery Site. The application site is 90m from the River Blyth to the north of the site at the nearest point, with the warehouse located 260m from the River Blyth and the nearest point. The nearest proposed lighting column to the River Blyth would be 140m. The River Blyth is a Site of Regional & Local Ecological Importance and a National Site of Special Scientific Interest (SSSI) as identified in the Blyth Valley Local Development Framework Proposals Map. The River Blyth is also a Special Protection Area (SPA), Local

Wildlife Site, and part of the South East Northumberland Wildlife Network as identified in the emerging Northumberland Local Plan.

- 7.42 The application is supported by a Preliminary Ecological Appraisal, dated August 2018, prepared by Eco North Ecological Consultants. The received proposed site plan shows the erection of 3no. lighting columns at 30m in height, however a Lighting Assessment Strategy has not been submitted as part of this application.
- 7.43 Natural England have been consulted and have no objection to the proposed development. The Council's Ecologist has been consulted and they have noted that the proposed development would lead to a loss of some habitat, whilst invasive non-native species are present on site. The Council's Ecologist has no objection to the proposed development subject to the use of recommended conditions in the interest of conserving protected species and in the interest of ecological enhancement. The proposal is therefore acceptable in these respects, in accordance with in accordance with Policy ENV1 of the Blyth Valley District Local Development Framework: Core Strategy, Policies DC14, DC15, DC16 and DC17 of the Blyth Valley District Local Development Framework: Development Control Policies Development Plan Document, Policies QOP4, ENV2, ENV3 and ENV4 of the emerging Northumberland Local Plan, and the NPPF.

#### Surface Water Flood Risk

- 7.44 The application site is located within Flood Zone 2 as identified by the Environment Agency. The proposal seeks to construct a 2500m<sup>2</sup> warehouse for the storage of freight, and to relocate an existing earth bund.
- 7.45 The Lead Local Flood Authority have been consulted on the application and have objected due to a lack of a Drainage Strategy being submitted for consideration. However it has been agreed that the consideration and approval of a Drainage Strategy can be secured by use of a recommended condition. This condition would require the submission, consideration and approval of a Drainage Strategy prior to any works commencing, in the interest of mitigating surface water flood risk.
- 7.46 Subject to the use of a condition as set out above, the proposal would not lead to an increase in surface water flood risk, in accordance with Policy DC19 of the BVDPD, Policies STP4 and WAT3 of the emerging Northumberland Local Plan and Chapter 14 of the NPPF.

### Foul Drainage

7.47 The application seeks to construct a 2500m<sup>2</sup> warehouse within Flood Zone 2. Following initial consultation with the Environment Agency, the application has clarified that the proposed development does not include the creation of non-mains drainage. On this basis the Environment Agency have withdrawn their objection, and have recommended the use of an informative. The proposal would not have an unacceptable impact on the environment through an unsuitable foul drainage solution, in accordance with Policy ENV1 of the BVCS, Policy DC19 of the BVDPD, Policies STP4 and WAT2 of the emerging Northumberland Local Plan and Chapter 14 of the NPPF.

### Coal Mining Legacy

7.48 The application site is located at the former Bates Colliery Site which was closed in the 1980's, with a former mineshaft located to the east of the proposed location of the warehouse, and Pumping Station to the west of the site which is still used by the Coal Authority. A Coal Mining Risk Assessment has been submitted as part of the application.

7.49 The Coal Authority have been consulted on the proposed development and have no objection, subject to the use of a recommended condition requiring further details to be submitted, considered and approved prior to works commencing, in the interest of ground stability and human health.

7.50 The Public Health Protection team have been consulted on the application, and following the receipt of a Noise Assessment they have no objection, subject to the use of a number of recommended conditions in respect of noise, ground gas, land contamination and artificial lighting. The proposed scheme is therefore considered acceptable in these respects and would not lead to an unacceptable impact on the amenity of neighbouring residents or human health, in accordance with Policies DC21 and DC22 of the Blyth Valley District Local Development Framework: Development Control Policies Development Plan Document, Policies STP5, ENV4, POL1 and POL2 of the emerging Northumberland Local Plan and the NPPF.

### Sustainable Design and Construction

7.51 The application seeks consent for the construction of a 2500m<sup>2</sup> warehouse, therefore the proposal is considered major development. Policy DC30 of the

BVDPD requires proposals for major development to include measures to produce 10% of total predicted energy requirements by renewable energy sources. Policy STP4 of the emerging Northumberland Local Plan requires proposals to mitigate climate change and contribute to meeting targets to reduce greenhouse gas emissions. Policy STP4 goes on to state that two elements which are taken into consideration are building designs which reduce energy consumption, and the incorporation of decentralised, renewable and low carbon energy in the design and construction of the development. In line with consents previously granted for major development proposals in the former Blyth Valley district, it is considered necessary to recommend the use of a condition requiring details showing how the design of the proposed development includes measures to produce 10% of total predicted energy requirements by renewable energy sources, in accordance with Policy DC30 of the BVDPD, Policy STP4 of the emerging Northumberland Local Plan and the NPPF.

### Other Matters

#### *Equality Duty*

7.52 The County Council has a duty to have regard to the impact of any proposal on those people with characteristics protected by the Equality Act. Officers have had due regard to Sec 149(1) (a) and (b) of the Equality Act 2010 and considered the information provided by the applicant, together with the responses from consultees and other parties, and determined that the proposal would have no material impact on individuals or identifiable groups with protected characteristics. Accordingly, no changes to the proposal were required to make it acceptable in this regard.

#### *Crime and Disorder Act Implications*

7.53 These proposals have no implications in relation to crime and disorder.

#### *Human Rights Act Implications*

7.54 The Human Rights Act requires the County Council to take into account the rights of the public under the European Convention on Human Rights and prevents the Council from acting in a manner which is incompatible with those rights. Article 8 of the Convention provides that there shall be respect for an individual's private life and home save for that interference which is in accordance with the law and necessary in a democratic society in the interests

of (inter alia) public safety and the economic wellbeing of the country. Article 1 of protocol 1 provides that an individual's peaceful enjoyment of their property shall not be interfered with save as is necessary in the public interest.

7.55 For an interference with these rights to be justifiable the interference (and the means employed) needs to be proportionate to the aims sought to be realised. The main body of this report identifies the extent to which there is any identifiable interference with these rights. The Planning Considerations identified are also relevant in deciding whether any interference is proportionate. Case law has been decided which indicates that certain development does interfere with an individual's rights under Human Rights legislation. This application has been considered in the light of statute and case law and the interference is not considered to be disproportionate.

7.56 Officers are also aware of Article 6, the focus of which (for the purpose of this decision) is the determination of an individual's civil rights and obligations. Article 6 provides that in the determination of these rights, an individual is entitled to a fair and public hearing within a reasonable time by an independent and impartial tribunal. Article 6 has been subject to a great deal of case law. It has been decided that for planning matters the decision making process as a whole, which includes the right of review by the High Court, complied with Article 6.

## **8. Conclusion**

8.1 This application has been submitted by the Port of Blyth, and seeks consent for a 2500m<sup>2</sup> warehouse for the storage and distribution of freight (B8 Use Class) associated with the Port. The application site is outside of an employment allocation within the adopted Development Plan and the emerging Northumberland Local Plan, therefore the proposal is considered a Large-scale Windfall Site. Due to the positive multiplier effects that would result in supporting the operations of the Port, which plays an important role in the County's Economy, it is considered that the proposed use of this land would provide both direct and indirect economic benefits. The loss of a potential windfall housing site would also not conflict with the emerging Northumberland Plan's ability to meet housing needs in Blyth from 2016-2036. The proposed development would therefore be in accordance with the direction of travel of the emerging Northumberland Local Plan, which seeks to support employment generating development such as this.

8.2 In order to be acceptable in principle, the proposed development would need to satisfy relevant consultees in respect of technical considerations. Subject to the use of recommended conditions in respect of highway safety, flood risk, noise, ground gas protection, land contamination, landscaping, lighting and energy efficiency, it is considered that the proposal would be an acceptable form of development, in accordance with the adopted Development Plan, the emerging Northumberland Local Plan and the NPPF.

## 9. Recommendation

That this application be GRANTED planning permission subject to the following:

### Conditions

- 1) The development hereby permitted shall be begun before the expiration of three years from the date of this permission.

Reason: To comply with Section 91 of the Town and Country Planning Act 1990 (as amended)

- 2) The development hereby permitted shall not be carried out otherwise than in complete accordance with the approved plans. The approved plans for this development are:-

1201/11/01/02 Rev A	Proposed Layout and Levels – received 12.09.2019
1201/11/01/03 Rev 0	Cross Section 1-1 – received 30.05.2019
1201/11/01/04 Rev 0	Cross Section 2-2 – received 30.05.2019
1201/11/01/05 Rev 0	Site Location Plan – received 30.05.2019
1201/11/01/06 Rev 0	Proposed Shed – received 30.05.2019

Reason: To ensure that the approved development is carried out in complete accordance with the approved plans.

- 3) The proposed warehouse as shown on the hereby approved plans shall be restricted to storage/distribution use only (Use Class B8).

Reason: In the interest of residential amenity, in accordance with Policies DC1 and DC22 of the Blyth Valley District Local Development Framework: Development Control Policies Development Plan Document and the NPPF.

- 4) Prior to their installation, precise details of the proposed boundary treatments and of the proposed fence along the top of the proposed bund shall be submitted to the local planning authority for consideration and approval. The development shall then be carried out in accordance with the approved details.

Reason: In the interest of visual amenity, in accordance with Policies DC1 and DC27 of the Blyth Valley District Local Development Framework: Development Control Policies Development Plan Document and the NPPF.

- 5) Prior to the commencement of development, a scheme of intrusive site investigations shall be undertaken which is adequate to properly assess the ground conditions and the potential risks posed to the development by past shallow coal mining activity. The report of findings arising from the intrusive site investigations and a scheme of proposed remedial works shall be submitted to the local planning authority for consideration and approval prior to works commencing. The development shall then be carried out in strict accordance with the approved remedial works.

Reason: In the interest of ground stability and human health, in accordance with Policy ENV1 of the Blyth Valley District Local Development Framework: Core Strategy, Policies DC1 and DC21 of the Blyth Valley District Local Development Framework: Development Control Policies Development Plan Document, and the NPPF.

- 6) Means of vehicular access to the permitted development use Class B2 General Industrial areas and hereby approved Use Class B8 Warehouse shall be from the internal access road formed from Spencer Road only.

Reason: In the interests of highway safety, in accordance with the NPPF.

- 7) Development shall not commence until a Construction Method Statement, together with supporting plan, has been submitted to and approved in writing by the Local Planning Authority. The approved Construction Method Statement shall be adhered to throughout the construction period. The Construction Method Statement and plan shall, where applicable, provide for:
- i. details of temporary traffic management measures, temporary access, routes and vehicles;
  - ii. vehicle cleaning facilities;
  - iii. the parking of vehicles of site operatives and visitors;
  - iv. the loading and unloading of plant and materials;
  - v. storage of plant and materials used in constructing the development

Reason: To prevent nuisance in the interests of residential amenity and highway safety, in accordance with the National Planning Policy Framework.

- 8) The development shall not be occupied until details of car parking area have been submitted to and approved in writing by the Local Planning Authority and implemented in accordance with the approved details. Thereafter, the car parking area shall be retained in accordance with the approved details.

Reason: In the interests of highway safety, in accordance with Policy M8 of Blyth Valley District Local Plan and the NPPF.



- 9) The development shall not be occupied until details of cycle parking have been submitted to and approved in writing by the Local Planning Authority. The approved cycle parking shall be implemented before the development is occupied. Thereafter, the cycle parking shall be retained in accordance with the approved details and shall be kept available for the parking of cycles at all times.

Reason: In the interests of highway safety and sustainable development, in accordance with the National Planning Policy Framework.

- 10) Prior to occupation, details of surface water drainage to manage run off from private land have been submitted to and approved by the Local Planning Authority. The approved surface water drainage scheme shall be implemented in accordance with the approved details before the development is occupied and thereafter maintained in accordance with the approved details.

Reason: In order to prevent surface water run off in the interests of the amenity of the area and to ensure suitable drainage has been investigated for the development and implemented, in accordance with the National Planning Policy Framework.

- 11) The development shall not be occupied until details of refuse storage facilities and a refuse storage strategy for the development have been submitted to and approved in writing by the Local Planning Authority. The details shall include the location and design of the facilities and arrangements for the provision of the bins. The approved refuse storage facilities shall be implemented before the development is brought into use. Thereafter the refuse storage facilities and refuse storage plan shall operate in accordance with approved details.

Reason: To ensure sufficient and suitable facilities are provided for the storage and collection of household waste in accordance with National Planning Policy Framework.

- 12) Blyth Valley Public Footpath No.71 passes adjacent to the south of the application's red line site boundary. The Public Footpath no.71 shall be protected throughout the proposed works and the lifetime of the development. No action should be taken to disturb the path surface, without prior consent from ourselves as Highway Authority, obstruct the path or in any way prevent or deter public use without the necessary temporary closure or Diversion Order having been made, confirmed and an acceptable alternative route provided.

Reason: In the interest of preserving the Public Right of Way, in accordance with the NPPF.

- 13) Prior to bund formation commencing, a landscaping scheme for the site shall be submitted to the Local Planning Authority for consideration and approval.

This shall include full details of the substrates and seeding of the environmental/noise attenuation bund, in order to establish species-rich open mosaic habitat on it. The development shall then be carried out in accordance with the approved details.

Reason: To compensate for the loss of open-mosaic habitat of value to plants and invertebrates, in accordance with Policy ENV1 of the Blyth Valley District Local Development Framework: Core Strategy, Policies DC14, DC15, DC16 and DC17 of the Blyth Valley District Local Development Framework: Development Control Policies Development Plan Document, and the NPPF.

- 14) Prior to land clearance or development commencing, the following invasive non-native species shall be eliminated from the site:
- Sea buckthorn ( *Hippophae rhamnoides* )
  - Buddleia ( *Buddleia* sp.)
  - Japanese rose ( *Rosa rugosa* )

Reason: To control the spread of non-native invasive species, in accordance with Policy ENV1 of the Blyth Valley District Local Development Framework: Core Strategy, Policy DC16 of the Blyth Valley District Local Development Framework: Development Control Policies Development Plan Document, and the NPPF.

- 15) Prior to construction of the lighting columns, a lighting strategy shall be submitted to the Local Planning Authority for consideration and approval. The lighting strategy shall demonstrate that there will be no measurable increase in light levels at the top of the bank of the Blyth Estuary. The development shall then be carried out in accordance with the approved details.

Reason: To avoid harm to species that are interest features of the Northumberland Shore SSSI, in accordance with Policy ENV1 of the Blyth Valley District Local Development Framework: Core Strategy, Policies DC14, DC15 and DC16 of the Blyth Valley District Local Development Framework: Development Control Policies Development Plan Document, and the NPPF.

- 16) All development shall be undertaken in full accordance with Section 7 (Mitigation and Compensation Strategy) of the report entitled Preliminary Ecological Appraisal; Land off Crawford Street, Blyth (EcoNorth, August 2018)

Reason: To ensure the protection of species protected by law, in accordance with Policy ENV1 of the Blyth Valley District Local Development Framework: Core Strategy, Policies DC14, DC15 and DC16 of the Blyth Valley District Local Development Framework: Development Control Policies Development Plan Document, and the NPPF.

- 17) Prior to works commencing, a Drainage Strategy and associated Drainage Statement, drawings and micro drainage calculations shall be submitted to the

Local Planning Authority for consideration and approval. The Drainage Strategy shall include:

- a. Proposal for discharge point using the hierarchy of preference:
  - i. Infiltration
  - ii. Watercourse
  - iii. Sewer

b. Discharge rate to the proposed location if not via infiltration

c. Attenuation requirements to meet this discharge rate.

The drainage proposals should use vegetated surface water attenuation preferentially to provide water quality improvements alongside drainage function.

The development shall then be carried out in accordance with the approved details.

Reason: In the interest of mitigating flood risk, with the proposal being a major development in Flood Zone 2, in accordance with Policy DC19 of the Blyth Valley District Local Development Framework: Development Control Policies Development Plan Document and the NPPF.

- 18) Prior to the construction of the proposed warehouse shown on the hereby approved plans, details showing measures of the production of 10% of total predicted energy requirements for the proposed development by renewable energy sources shall be submitted to the Local Planning Authority for consideration and approval. The development shall then be carried out in accordance with the approved details.

Reason: In the interest of ensuring a sustainable form of development by reducing carbon emissions resulting from the construction and use of the proposed development, in accordance with Policy DC30 of the Blyth Valley District Local Development Framework: Development Control Policies Development Plan Document and the NPPF.

- 19) No buildings shall be constructed until a report detailing the protective measures to prevent the ingress of ground gases, including depleted Oxygen (<19%), to the CS2 standard specified in BS8485:2015 (Code of Practice for the design of protective measures for Methane and Carbon Dioxide ground gases for new buildings), have been submitted to and approved in writing by the Local Planning Authority.

The report shall contain full details of the validation and verification assessment to be undertaken on the installed ground gas protection, as detailed in CIRIA C735 (Good practice on the testing and verification of protection systems for buildings against hazardous ground gases).

Reason: In order to prevent any accumulation of ground gas, which may potentially be prejudicial to the amenity of the occupants of the respective

properties, in accordance with Policy DC21 of the Blyth Valley District Local Development Framework: Development Control Policies Development Plan Document and the NPPF.

- 20) The development shall not be brought into use until the applicant has submitted a validation and verification report to the approved methodology in Condition 19, which has been approved in writing by the Local Planning Authority.

Reason: In order to prevent any accumulation of ground gas, which may potentially be prejudicial to the amenity of the occupants of the respective properties, in accordance with Policy DC21 of the Blyth Valley District Local Development Framework: Development Control Policies Development Plan Document and the NPPF.

- 21) The development hereby permitted shall not be commenced until a scheme to deal with any contamination of land or pollution of controlled waters has been submitted to and approved in writing by the Local Planning Authority and until the measures approved in that scheme have been implemented. The scheme shall include all of the following measures unless the Local Planning Authority dispenses with any such requirement in writing:

a) A ground-intrusive site investigation shall be carried out to fully and effectively characterise the nature and extent of any land contamination and/ or pollution of controlled waters as recommended by the Phase 1 report (Phase 1 Geo-Environmental Assessment produced by WSP, Our Ref. No. 70055215-11283 and dated April 2019). It shall specifically include a risk assessment that adopts the Source-Pathway-Receptor principle, in order that any potential risks are adequately assessed taking into account the sites existing status and proposed new use. Two full copies of the site investigation and findings shall be forwarded to the Local Planning Authority without delay upon completion.

b) Thereafter, a written Method Statement (or Remediation Strategy) detailing the remediation requirements for the land contamination and/or pollution of controlled waters affecting the site shall be submitted and approved by the Local Planning Authority, and all requirements shall be implemented and completed to the satisfaction of the Local Planning Authority. No deviation shall be made from this scheme without express written agreement of the Local Planning Authority.

c) Two full copies of a full closure (Verification Report) report shall be submitted to and approved by the Local Planning Authority. The report shall provide verification that the required works regarding contamination have been carried out in accordance with the approved Method Statement(s). Post remediation sampling and monitoring results shall be included in the closure report to demonstrate that the required remediation has been fully met.

Reason: To ensure that risks from land contamination to the future users of the land and dwellings are minimised and to ensure that the development can be carried out safely without unacceptable risks to any future occupants, in accordance with Policy DC21 of the Blyth Valley District Local Development Framework: Development Control Policies Development Plan Document and the NPPF.

- 22) If during redevelopment contamination not previously considered is identified, then an additional written Method Statement regarding this material shall be submitted to and approved in writing by the Local Planning Authority. No building shall be occupied until a method statement has been submitted to and approved in writing by the Local Planning Authority, and measures proposed to deal with the contamination have been carried out.

Reason: To ensure that risks from land contamination to the future users of the land and dwellings are minimised and to ensure that the development can be carried out safely without unacceptable risks to any future occupants, in accordance with Policy DC22 of the Blyth Valley District Local Development Framework: Development Control Policies Development Plan Document and the NPPF.

- 23) During the construction or demolition phases of the development there should be no noisy activity, i.e. audible at the site boundary, on Sundays or Bank Holidays or outside the hours: Monday to Friday - 0800 to 1800, Saturday 0800 to 1300. Any repeatedly noisy activity at any time may render the developer liable to complaints which could result in investigation as to whether a statutory nuisance is being caused.

Reason: To protect residential amenity and provide a commensurate level of protection against noise, in accordance with Policy DC22 of the Blyth Valley District Local Development Framework: Development Control Policies Development Plan Document and the NPPF.

- 24) During the construction or demolition phases of the development there shall be no deliveries or collections from the site outside the hours of Monday to Friday 08:00 to 18:00 and Saturday 08:00 to 13:00.

Reason: To protect residential amenity and provide a commensurate level of protection against noise, in accordance with Policy DC22 of the Blyth Valley District Local Development Framework: Development Control Policies Development Plan Document and the NPPF.

- 25) No floodlighting shall be installed unless details have first been submitted to and approved in writing by the Local Planning Authority. The details shall include a light spill plan showing the spread of light beyond the site boundary and at the facade of the nearest residential dwellings. The floodlighting shall

thereafter be installed and operated fully in accordance with the approved scheme.

Reason: To protect residential amenity and ensure a commensurate level of protection against intrusive light, in accordance with Policies DC1 and DC21 of the Blyth Valley District Local Development Framework: Development Control Policies Development Plan Document and the NPPF.

- 26) Before the development is brought into use or continues in use, a scheme shall be submitted to and approved in writing by the Local Planning Authority detailing the management of noise from the use of the site. The development shall thereafter be operated in accordance with the approved noise management scheme unless otherwise agreed in writing by the Local Planning Authority

Reason: To protect nearby residents from undesirable noise impacts, in accordance with Policy DC22 of the Blyth Valley District Local Development Framework: Development Control Policies Development Plan Document and the NPPF.

- 27) No buildings shall be constructed until details of the earthen bund and barrier immediately north of Crawford Street as indicated in the Noise Assessment (WSP, Project No. 70055215 and dated 24 January 2020) have been submitted to and approved in writing by the Local Planning Authority. The bund / barrier shall attenuate external noise levels at the nearest residential dwellings in line with the modelled levels in the noise assessment. The submission shall include a plan showing the location and extent of the earthen bund and barrier, a specification of materials to be used, the design of the barrier and a full spectrum calculation of the noise attenuation to be expected. Thereafter, the approved acoustic screening (bund and barrier) shall be implemented in full before the site becomes operational, maintained as approved and retained in perpetuity.

Reason: To ensure a commensurate level of protection against obtrusive noise, in accordance with Policy DC22 of the Blyth Valley District Local Development Framework: Development Control Policies Development Plan Document and the NPPF.

## **Informatives**

### *Reminder to not store building material or equipment on the highway*

Building materials or equipment shall not be stored on the highway unless otherwise agreed. You are advised to contact the Streetworks team on 0345 600 6400 for Skips and Containers licences.

*Contact NCC Lighting Section*

You are advised to contact the Council's Lighting Section on [HighwaysStreetLighting@northumberland.gov.uk](mailto:HighwaysStreetLighting@northumberland.gov.uk) before and during the construction period with respect of street lighting to ensure sufficient illumination levels of the public highway.

*Reminder to not deposit mud/ debris/rubbish on the highway*

In accordance with the Highways Act 1980 mud, debris or rubbish shall not be deposited on the highway

*Surface Water Flood Risk*

Any areas of hardstanding areas (car parks, driveways etc.) within the development shall be constructed of a permeable surface so flood risk is not increased elsewhere.

There are three main types of solution to creating a permeable surface:

- Using gravel or a mainly green, vegetated area.
- Directing water from an impermeable surface to a border rain garden or soakaway.
- Using permeable block paving, porous asphalt/concrete.

Further information can be found here -

[https://www.gov.uk/government/uploads/system/uploads/attachment\\_data/file/7728/pavingfrontgardens.pdf](https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/7728/pavingfrontgardens.pdf)

In addition the development should explore disconnecting any gutter down pipes into rain water harvesting units and water butts, with overflow into rainwater garden/pond thus providing a resource as well as amenity value and improving water quality.

*Environment Agency Permit*

It should be noted that an environmental permit from the Environment Agency may be required for the use of non-mains drainage. Further information is available at <https://www.gov.uk/guidance/discharges-to-surface-water-and-groundwater-environmental-permits>

*External Artificial Lighting*

Any fixed, external lighting installed as part of this development should have regard for the ILP Guidance on the Reduction of Obtrusive Light, 2012

<https://www.theilp.org.uk/documents/obtrusive-light/>

The applicant should ensure that lighting does not cause an annoyance to any nearby receptors.

Experience of lighting installations has shown that complaints about floodlighting normally arise from poorly designed or installed lighting schemes. It is recommended that the applicant ensures the lighting contractor installs the proposed lighting

scheme in line with submitted proposals and that the ILP guidance is adhered to minimise the impact of lighting as part of this development.

### *Statutory Nuisance*

The Public Health Protection Unit would advise that the prevention of nuisance is the responsibility of the developer and their professional advisors. Developers should, therefore, fully appreciate the importance of professional advice.

Failure to address issue of noise and light at the development stage does not preclude action by the Council under Section 79 of The Environment Protection Act 1990 in respect of statutory nuisance.

### *Dust Management*

Dust minimisation and control shall have regards to accepted guidance and in particular The Institute of Air Quality Management has produced very current documentation entitled "Guidance on the Assessment of Dust from Demolition and Construction" available at:

<http://iaqm.co.uk/guidance/>

Additionally, the Mayor of London's office has produced a supplementary guidance document entitled "The Control of Dust and Emissions During Construction and Demolition" which is available at:

<https://www.london.gov.uk/what-we-do/planning/implementing-london-plan/supplementary-planning-guidance/control-dust-and>

### *Burning Materials Onsite*

There shall be no burning of any material associated with the construction phase on the site.

### *Ground Gas Risk*

The buildings will require gas protection following CIRIA C735 and BS 8485:2015+A1:2019.

It is likely that the structure would conform to Building Type D (Table 3 of BS 8485:2015+A1:2019), being an industrial style building having large volume internal space(s) that are well ventilated. To meet a precautionary gas risk of Characteristic Situation 2 (CS2), this would require achieving a score on 1.5 from the gas protection elements (Table 4 of BS 8485:2015+A1:2019).

This could be achieved from:

A cast in situ monolithic, reinforced ground bearing raft or reinforced cast in situ suspended floor slab with minimal penetrations.

Minimal penetrations would be expected in such a development.



A proprietary gas membrane fitted as a gas membrane (taped or welded sheets, pre-formed internal corner, tophats to services etc.).

Please note that the gas membrane would be integral to the gas protection system.

Therefore, the applicant should propose gas protection measures meeting the requirements of CIRIA C735 and achieving the necessary 1.5 point in BS 8485:2015 for Characteristic Situation 2 (CS2).

Our adopted guidance provides a guide to what should be included in a gas protection proposal and is included in Appendix 2 of the YALPAG Technical Guidance - Verification Requirements for Gas Protection Systems, Version 1.1 Dec 2016, which can be accessed in the "related documents for environmental protection in development" section at:

<https://www.northumberland.gov.uk/Protection/Pollution/Advice.aspx>

Verification should also be proposed, once the buildings are erected to floor level then the seconds gas protection condition can be discharged and the verification should match what is proposed but should broadly consist of the items listed in Appendix 3 of the above guidance document.

## **EIA**

The proposal has been assessed and is not considered to fall under any category listed within Schedules 1 or 2 of the Town and Country Planning (Environmental Impact Assessment) Regulations 2011. The proposal is not considered to be EIA development and therefore does not require screening.

**Date of Report:** 19.02.2020

**Authorised by:**

**Date:**

**Background Papers:** Planning application file(s) 19/01736/FUL; 12/03370/REM; B/08/00169/OUT.