

Committee Report

Application No:	DC/21/00938/FUL
Case Officer	Amy Williamson
Date Application Valid	10 August 2021
Applicant	Mr Briggs
Site:	North East Concrete Ltd Longshank Lane Birtley Chester Le Street DH3 1QZ
Ward:	Lamesley
Proposal:	Relocation of concrete batching plant, installation of new tarmac plant and associated material storage areas, plant workshops, processing of recycled and secondary aggregate and creation of new office building and associated parking (additional information received 07/12/21, amended information received 22/12/21, amended plans received 31/1/22 and 15/02/22).
Recommendation:	GRANT
Application Type	Full Application

1.0 The Application:**1.1 DESCRIPTION OF THE SITE**

The application site comprises the existing premises of North East Concrete situated to the northern part of the site which occupies an area of around 1.95ha, referred to as Area A in the submitted plans.

1.2 To the south of this lies land and buildings of around 2ha on the former Brenntag premises, a chemical storage and distribution site (B8 use class), which has been vacant since 2019, referred to as areas B and C on the submitted plans. An area of scrub land of around 1.3ha, not previously known to be used for any purpose, referred to in the submitted plans as Area D, lies between the Brenntag buildings and Mary Avenue to the east.

1.3 The existing North East Concrete site currently comprises concrete and tarmac plants, together with areas for the processing and storage of recycled and non-recycled aggregate materials, which are used to produce tarmac and concrete. The tarmac plant is adjacent to the northern boundary and the concrete plant is in the centre of the site. North East Concrete have operated from the site since around 2010. The existing site is allocated under policies MSGP49 of Making Spaces for Growing Places (MSGP) and CS20 of the Core Strategy and Urban Core Plan (CSUCP) as a safeguarded minerals-related infrastructure.

- 1.4 The former Brenntag site comprises two workshops, an industrial unit, a small office/welfare building and an electric sub-station.
- 1.5 The site is currently accessed via Longshank Lane to the north east of the site, which is adopted highway and subsequently links on to Lamesley Road and in turn to the A167 and A1. Two passing places have previously been installed along Longshank Lane which were required by the previous planning permission for the North East Concrete site DC/11/00265/FUL. The vehicle access to an adjoining industrial premises, the Birtley Group, lies immediately adjacent to the North East Concrete access to the southern end of Longshank Lane. The Birtley Group are permitted to operate with unrestricted HGV access along Longshank Lane. Within the application site an access road of around 245m in length runs from the site access on Longshank Lane to the former Brenntag site, leading to areas of hard standing and parking around the existing buildings.
- 1.6 The existing site in Area A is permitted by planning permission DC/11/00265/FUL to operate 24 hours per day, however condition 9 of this consent requires that the existing tarmac and concrete plants are not operated simultaneously outside the hours 6am - 8pm Monday to Saturday and 6am - 1pm on Sundays and Bank Holidays. Conditions 27 and 28 of this consent restrict the total number of HGV movements between 8pm and 6am to 20 and the overall HGV movements within a 24hr period to 185 inbound and 185 outbound. The number of HGV movements associated with the former Brenntag site is not controlled by any previous planning consents or conditions.
- 1.7 An area of unused land lies in the centre of the wider site adjoining the western site boundary, between the existing North East Concrete premises and the former Brenntag Site. This is within the applicant's ownership but does not form part of the planning application site.
- 1.8 The East Coast Mainline lies immediately adjacent to the western site boundary with the Tyne Marshalling Rail Yard on the opposite side of the railway line.
- 1.9 Existing industrial premises lie to the north east and southern sides of the application site, jointly forming a large industrial estate which continues southwards on the eastern side of the East Coast Mainline.
- 1.10 A relatively recent housing development, Elm Crescent, comprising 70 dwellings constructed around 2011/12 lies to the east side of Longshank Lane. The housing estate is situated around 160m to the north east of the existing entrance to North East Concrete on Longshank Lane. A cemetery is located to the southern side of Elm Crescent and the Birtley Group, another industrial premises borders the application site to the north east.

- 1.11 Mary Avenue is located to the east of the site, this appears to have previously been a residential area but has now been cleared of housing, with only a couple of isolated former terraced/semi detached dwellings remaining. Terraced and semi detached dwellings are situated to the north, south and east of the cleared area on the opposite side of Mary Avenue to the application site.
- 1.12 Levels across the site are fairly flat, with a fall of 2.74m over a 340m distance from the boundary with Mary Avenue in the east to the western boundary with the East Coast Main Line. Area A, as shown on the submitted plans, also sits around 2.6m lower than adjacent parts of the site.
- 1.13 DESCRIPTION OF THE APPLICATION
Planning permission is sought for expansion of the existing North East Concrete premises on to the vacant Brenntag site with associated development linked to the expansion. The wider premises would consolidate offices, storage and industrial uses from the North East Group, including North East Concrete, North East Civils and North East Site Services. North East Group would still retain their existing premises in Newburn. Employment at the Birtley site would rise from 6 current full time employees to between 70 and 90 full time jobs. Of these 30 employees would relocate to Birtley from the company's current premises at Newburn, with 34-54 new jobs being created.
- 1.14 Access into the site would continue to be from Longshank Lane, which would be used by HGVs. The newly acquired part of the site (former Brenntag premises) would be accessed via the existing internal access road running through the site into Area C.
- 1.15 A new access into the site is also proposed from Mary Avenue and would be situated immediately to the west of the office building. It would be used by employees and light vehicles associated with the new offices. The access has been designed to accommodate some use by HGVs but this would only be to ensure business continuity on very rare occasions if the Longshank Lane access were to become blocked, but in general it would only be used by light vehicles (cars and vans). A small section of the existing boundary hedge and tree planting of around 23m would be removed to accommodate the new Mary Avenue access.
- 1.16 Within the current premises in Area A on the northern part of the site, the existing tarmac plant would be retained and new tarmac plant provided in the central area in the location of the existing concrete plant, which would be removed. The new tarmac plant would be of industrial appearance, including a small number of taller structures, comprising the processing plant structure, filler storage silos and a series of lower height structures containing conveyors. The processing plant structure would be clad in corrugated metal sheeting. At its longest point the combined tarmac plant would be around 62m in length and 18.6m in width. The processing plant would have a maximum height of 25m, the filler storage silos would be 13.5m in height, with the smaller elements being between 4m and 6.7m in height. The new and existing tarmac plant would sit within an area of existing hard standing. Storage of aggregate materials used to make tarmac would be located to the south of this area. An

existing hardstanding to the northern part of this area would be retained and continue to be used for staff parking accommodating 15 spaces. This area of the site would continue to be accessed via the internal access road immediately to the south west of the junction with Longshank Lane.

- 1.17 A new concrete plant would be situated in the central area of the site, Area B, previously occupied by Brenntag. This has been relocated from the former Breedon Concrete Plant, previously located to the west of Scotswood Bridge in Newcastle. Installation of this relocated concrete plant is now substantially complete, but it has not yet been brought into use and this element of the scheme is therefore retrospective. The concrete plant sits within a hard standing yard area, where some smaller ancillary buildings have been demolished and would also include an aggregate storage area to the south east corner. The concrete plant comprises a tall, linear structure of around 30m in length and 10m in width, with an overall height of 21m. It would be of industrial appearance, clad in corrugated sheeting.
- 1.18 Workshop 1 located to the west side of the site would be used for repair of vehicles and equipment belonging to the business. Workshop 2 located centrally within the site would be used for storage of materials, tools and equipment belonging to different subsidiaries of the North East Group.
- 1.19 Within Area C at the centre of the site, north of workshop 2, an existing single storey timber office building would be demolished. A new car park accommodating 25 no. spaces would be formed in this area. An existing substation adjacent to this area would be retained. A vacant industrial building lies to the south east of Area C, no change of use of this building is sought as part of the application.
- 1.20 Within Area D to the east of the site a new two storey office building, car park comprising 25 spaces, including 2 accessible bays and 2 electric vehicle charging points, and a 7000sqm hard standing would be created, together with a new vehicle access off Mary Avenue. The office building would provide 1315sqm of office accommodation split into three areas on the ground floor for North East Concrete, North East Civils and North East Site Services and ancillary kitchen and WC facilities, with an open plan office on the first floor. It would have a footprint of 30m x 23m, with a ridge height of 7.8m. The external walls would be constructed from precast concrete cladding panels to the ground floor with profiled metal cladding above and a profiled metal roof.
- 1.21 The current application, if approved, would effectively supersede planning permission DC/11/00265/FUL and grant a new consent for the entire extended site. Given the mix of uses proposed on the site including processing of aggregates, manufacture of tarmac and concrete, storage, vehicle repair and ancillary uses, the use of the extended site would be sui generis. Consent is sought to operate the extended site 24hrs per day and to increase HGV movements to a total of 640 per day, restricting night time HGV movements to 40 between the hours of 8pm and 6am.

1.22 PLANNING HISTORY

The relevant planning history of the application site summarised as follows:

745/84 Erection of a single-storey extension to solvent building and erection of a new bund wall around water miscible products storage area Granted:

15.01.1982

900/98 Erection of extension on north- west side of chemicals warehouse at chemical distribution depot Granted: 09.10.1998

169/99 Increase in height by 4 metres of part of No 3 warehouse building to facilitate installation of plant Granted: 14.04.1999

1039/99 DEEMED HAZARDOUS SUBSTANCES CONSENT: Storage of methanol, lead carboxylates, 2,2' bipyridyl, chromic acid liquor, oxygen, hydrogen peroxide, white spirit, low flash metal/lead carboxylates, heavy/light fuel oil, kiln/kiln overflow residues, zinc oxide B20, chlorine and zinc oxide/dust Granted: 22.10.1999

DC/09/01494/FUL Erection of new weighbridge, office and messing, tarmac plant, concrete batching plant, recycling shed, car parking for 23 cars, and storage yard (amended 17/12/09, 05/03/10 and 14.04.10.) (flood risk assessment received 22.07.10) Granted: 20.08.2010

1046/99 DEEMED HAZARDOUS SUBSTANCES CONSENT: Storage of hydrofluoric acid, hydrogen peroxide and ammonium persulphate Granted: 22.10.1999

235/00 Erection of 3 PVC coated fabric clad warehouses at south east corner of site for storage of iron oxide pigment (use class B8) Granted: 31.03.2000 (Temporary permission for 10 years)

DC/09/01494/FUL Erection of new weighbridge, office and messing, tarmac plant, concrete batching plant, recycling shed, car parking for 23 cars, and storage yard (amended 17/12/09, 05/03/10 and 14.04.10.) (flood risk assessment received 22.07.10). Granted 20.08.2010

DC/10/01249/FUL Erection of concrete batching plant, tarmac plant, recycling shed, storage yard, weighbridge, office and staff room/canteen with associated car parking (revised application) to include the 14 hour operation of the site with restricted night-time working. (amended description 10.01.11). Granted 13.01.2011

DC/11/00265/FUL Amendment to planning permission DC/10/01249/FUL for removal of condition 27 which restricts the night-time hours of operation, condition 28 which required details of night-time working and condition 29 which restricts the total number of vehicles to 80 in a 24 hour period and addition of two new conditions to restrict operational HGV traffic leaving the site to 10 movements during night-time hours of 20:00 to 06:00 hours and to restrict

the number of operational HGV vehicles leaving the site in any 24 hour period commencing at 08:00 hours to 185. Granted 20.05.2011

2.0 Consultation Responses:

Northern Gas Networks	Note that an intermediate pressure gas pipeline and medium pressure gas main run along the western side of Mary Avenue. Following clarification about surfacing of the new access onto Mary Avenue and confirmation that no new trees would be planted within 10m of the pipelines the objection originally made has been withdrawn.
Coal Authority	Advise that there are likely to be shallow coal seams beneath the site and recommend conditions for intrusive site investigations to establish the risks these would pose to the development, a scheme of remediation if needed and verification of any remediation works. Consideration should also be given to shallow coal workings in designing any SuDs proposals on the site. The potential for mine gas on the site is highlighted and should be considered by the LPA in determining the application.
Health And Safety Executive	No Objections
Environment Agency	No objections, advice is provided that the applicant should comply with Environmental Permitting Regulations and CL: AIRE Definition of Waste: Development Industry Code of Practice requiring separate submissions to be made to the Agency.

3.0 Representations:

- 3.1 Neighbour notification and publicity of the application was carried out in accordance with formal procedures introduced in the Town and Country Planning (Development Management Procedure) Order 2015.
- 3.2 64 letters of objection to the application have been received raising the following points:
- Out of character with the area
 - Over-development

- Increase in HGV traffic movements on the local highway network, in particular Longshank Lane
- Traffic pressure on the junction of Longshank Lane and Lamesley Road
- HGVs travel at speed along Longshank Lane and do not adhere to 30MPH limit
- Have been previous accidents in the vicinity of Longshank Lane and the development will result in an increased risk of accidents for vehicles and pedestrians
- Dangerous for children who play in proximity to Longshank Lane
- Will impede the use of public rights of way that cross Longshank way
- Additional noise
- Adverse impact upon the health of local residents
- Additional disturbance generated at antisocial hours
- Not a sustainable form of development;
- Adverse impact upon residential amenity;
- Vibration to properties from passing HGVs
- Inconsiderate behaviour and litter from drivers parked in laybys
- Inadequate parking;
- Fumes, dust, odours and pollution
- Inadequate access for emergency services
- Adverse impact upon local wildlife
- Devaluation of property
- Loss of trees and hedging
- There are other sites that could be used for the production of tarmac and concrete
- The development will attract vandals
- Lack of consultation in writing to local properties

3.3 A petition in objection to the application from the residents of Elm Crescent with 91 signatures has also been received raising the following points:

- Inadequate public consultation
- Disruption from high volumes of lorries and commercial vehicles travelling at speed along Longshank Lane
- Traffic on Longshank Lane is a hazard for pedestrians crossing the lane
- Drivers park up in the laybys, urinating and dropping litter causing vermin and environmental health hazards
- The development would increase traffic and congestion on Longshank Lane, which will exacerbate residents existing difficulties driving out of the estate
- The development will result in noise and air pollution, changing a residential area into an industrial estate
- The value of properties would decrease

3.4 50 letters of support raising the following points have been received:

- Support of local industry
- Creation of jobs and job security for existing employees
- Locally run and operated business reducing carbon footprint
- Good and effective use of existing industrial land
- Improvement to the condition, operation and appearance of existing industrial land
- Proposals are in line with local and national planning policy
- Processes for the production of tarmac and concrete comply with permitting regulations and follow good practice protocols

4.0 Policies:

NPPF National Planning Policy Framework

NPPG National Planning Practice Guidance

MSGP1 Employment Land Supply

MSGP14 Mitigating Impact on Transport Network

MSGP15 Transport Aspects of Design of Dev

MSGP17 Residential Amenity

MSGP18 Noise

MSGP19 Air Quality

MSGP20 Land Contamination/Stability

MSGP24 Design Quality

MSGP29 Flood Risk Management

MSGP30 Water Quality/River Environments

MSGP32 Maintain/Protect/Enhance Green Infrast.

MSGP36 Woodland, Trees and Hedgerows

MSGP37 Biodiversity and Geodiversity

MSGP45 Minerals/Waste Development - Noise

MSGP48 Waste Management Facilities - New Dev

MSGP49 Safeguarding Minerals Infrastructure

CS5 Employment-Economic Growth Priorities

CS6 Employment Land

CS13 Transport

CS14 Wellbeing and Health

CS15 Place Making

CS16 Climate Change

CS17 Flood Risk and Waste Management

CS18 Green Infrastructure/Natural Environment

CS20 Minerals

5.0 Assessment of the Proposal:

The key considerations to be taken into account when considering this planning application are the principle of the development, transport, residential amenity, ecology, flooding and drainage, impact on the character of the surrounding area, ground conditions and waste management.

5.1 ENVIRONMENTAL IMPACT ASSESSMENT

The development does not fall within the criteria listed in schedule 1 and 2 of the Town and Country Planning (Environmental Impact Assessment) Regulations 2017, as such an Environmental Impact Assessment is not required in relation to this application.

5.2 PRINCIPAL OF DEVELOPMENT

Safeguarding of Minerals-Related Infrastructure

The existing tarmac and concrete plant in Area A is allocated under policies MSGP49.2 and CS20 of the Local Plan for Gateshead as safeguarded minerals-related infrastructure, which seeks to prevent the unnecessary loss of this infrastructure to non-minerals development on or within the vicinity of the site. Parts 2 and 3 of MSGP49 advise that proposals for non-mineral development within an existing mineral infrastructure site will not be supported, unless it can be demonstrated that:

- a) The proposal will not prejudice the current or future use of the site;
- b) The site is no longer needed for minerals handling, processing, storage and transport; or
- c) Alternative minerals related infrastructure and/or capacity can be provided at an alternative site.

5.3 Proposals in the vicinity of minerals-related infrastructure will be required to demonstrate that they will not prejudice the operation of the minerals-related infrastructure or that any adverse impacts can be suitably mitigated.

5.4 Policy CS20 states that mineral resources and related infrastructure will be managed and safeguarded to meet current and future needs.

5.5 Para. 209 of the NPPF advises it is essential that there is a sufficient supply of minerals to provide the infrastructure, buildings, energy and goods that the country needs.

5.6 In this instance the proposed development involving the expansion of the tarmac and concrete plants, would increase the output from the site without prejudicing the established minerals-related infrastructure. The expanded site would have benefits in terms of contributing towards meeting regional needs for the supply of concrete and tarmac for the construction and related industries.

- 5.7 North East Concrete currently operate one quarry and control two further quarries where mineral extraction is due to commence in 2022 in Northumberland. The operation of these sites will mean that the company will be self-sufficient in the minerals it needs to operate and will no longer need to rely on third party supplies, which will support the intended growth at the Birtley site.
- 5.8 The associated vehicle repair workshop, storage building and offices would be ancillary and directly related to the primary use for the production of tarmac and concrete. These ancillary uses are not considered to prejudice the ongoing ability of the site for the processing of recycled and secondary aggregates and production of concrete and tarmac. The proposal would safeguard and increase production of mineral related products and would accord with policies MSGP49 and CS20 of the Local Plan for Gateshead and Part 17 of the NPPF.
- 5.9 Economic Development and Job Creation
Other than the above allocation as safeguarded minerals-related infrastructure, the site is not currently allocated in the MSGP or CSUCP as employment land. It was previously included within the Durham Road, Birtley Primary Employment Area under policy JE1.10 of the Unitary Development Plan. Following the 2012 Employment Land Review this part of the industrial estate is no longer protected for employment uses.
- 5.10 Para. 81 of the NPPF states that planning policies and decisions should help create the conditions in which businesses can invest, expand and adapt. Significant weight should be placed on the need to support economic growth and productivity, taking into account both local business needs and wider opportunities for development.
- 5.11 Policy CS5 states that Gateshead and Newcastle will play a major role in the economic growth of the North East. They will continue to develop a diverse economy with accessible employment and deliver significant increases in the number of businesses and jobs.
- 5.12 Policy CS6 advises that employment land will be managed to meet our needs. Part 1 of the policy sets out that this will be achieved by ensuring a sufficient supply, range and choice of employment land is maintained for class B1, B2 and B8 uses. A minimum of 150 hectares of net developable employment land will be identified and allocated to meet the gross employment land requirements (including office floorspace).
- 5.13 Policy MSGP1 relates to employment land supply and sets out that sites with capacity for 31.57 hectares of net developable employment land are allocated for B1, B2 and B8 uses in the Plan.
- 5.14 Whilst the former Brenntag premises and adjacent land, which would accommodate expansion of the existing business, is not specifically allocated as employment land in the CSUCP or MSGP, it has been previously been used as a storage and distribution centre for chemicals in excess of 30 years.

- 5.15 The development would expand the existing business resulting in an increase of output of the tarmac and concrete and increase the number of jobs at the site from 6 to 70-90, including providing between 34-54 new full time jobs. The proposal would comply with the aims of policies CS5, CS6 and MSGP1 by making positive re-use of vacant (non allocated) employment land, supporting economic growth and job creation.
- 5.16 **Sequential Test for Proposed Offices**
Part 2 of policy CS6 requires that a minimum of 512,000sqm of office space is provided, focused within the urban core and with a limited amount in Team Valley, Newcastle International Airport and Metrogreen. Part 3 of the policy states that proposals over 200 square metres (net internal area) for office development in locations outside these areas are required to undertake an impact and sequential assessment.
- 5.17 The Glossary in Annex 2 of the NPPF establishes that offices are a main town centre use. Para. 87 of the NPPF advises that main town centre uses, including offices, should be located in town centres, then edge of centre locations and only if suitable sites are not available should out of centre sites be considered. A sequential test is required for main town centre uses which are not in an existing centre nor in accordance with an up to date plan.
- 5.18 The NPPF has removed the requirement for an impact assessment in relation to office development and as such this element of policy CS6 is considered out of date.
- 5.19 A sequential test has been submitted as part of the application. This establishes that a minimum office floor space of 1000sqm is required by the applicant, it will be for their sole use and not sublet to third parties, it needs to be located in proximity to the industrial uses for operational reasons and have adequate car parking. Local centres of Wrekenton, the Galleries and Concord (Washington) and Chester le Street were discounted due to their distance from the site. Within Birtley town centre and Birtley Business Centre commercial units were available but were considered too small to meet the applicant's needs.
- 5.20 The conclusions of the sequential test are accepted and it is considered there are no sequentially preferential sites for the proposed office within the local area. As the office is intended to be used as an administrative base for the North East Group and linked to the manufacturing, storage and vehicle repair activities on the site, a condition requiring the office building to be used for administrative activities associated with industrial and storage activities taking place within the red line boundary on the site location plan is considered appropriate, to prevent any subletting or use of the building by third parties. Furthermore an office would fall within Class E of the Town and Country Planning (Use Classes) (Amendment) (England) Regulations 2020, which allows a permitted change between a number of commercial, business and service uses, as such a condition requiring the building to only be used as an

office (Class E g(i)) and not any of the other uses falling under Class E is also recommended.

5.21 Principle of Development Conclusion

The proposal would safeguard and expand the existing minerals-related infrastructure for the manufacture of tarmac and concrete, with associated benefits to local construction industries. It would re-use a vacant (non allocated) employment site for this purpose, supporting economic growth and creation of 70-90 in Birtley, including providing between 34-54 new full time posts. It has been adequately demonstrated that there are no sequentially preferable sites for the proposed office, which together with the vehicle repair workshop and storage building, would be ancillary to the primary tarmac and concrete manufacturing use. The proposal would accord with the aims of policies MSGP1, MSGP49, CS5 and CS6 of the Local Plan for Gateshead and Parts 6 and 7 of the NPPF.

5.22 TRANSPORT

Policy MSGP14 advises that where development is likely to have a significant impact on the transport network its acceptability will need to be demonstrated by a transport assessment and travel plan.

5.23 Policy MSGP15 requires new development to provide safe secure access for all people, not have an unacceptable impact on the safe operation of the transport network or sever residual cumulative impact on the efficient operation of the road network or levels of congestion, give priority access by sustainable travel, protect and enhance public right of way and cycle networks and provide adequate parking to ensure the safe and effective operation of the development, including electric vehicle charging, motorcycle and cycle parking.

5.24 Policy CS13 states that the enhancement and delivery of an integrated transport network to support sustainable development and economic growth will be achieved by promoting sustainable travel choices, improving the operation of the transport network and its wider connections and ensuring new development complies with specified criteria to contribute to these aims.

5.25 Paragraph 108 sets out that safe and suitable access should be achieved for all people. In addition, Paragraph 109 states that development should only be refused on transport grounds where the residual cumulative impacts on development are severe.

5.26 A Transport Assessment (TA) has been submitted as part of the application to assess the transport impacts of the development, this includes an interim travel plan, in accordance with policy MSGP14.

5.27 Existing Situation

In addition to use by North East Concrete and the former Brenntag site, the access to the existing site along Longshank Lane is shared by the Birtley Group, a manufacturing premises. As part of a previous planning permission DC/11/00265/FUL to vary conditions controlling the operations at the existing North East Concrete site, the applicant was required to install 2 passing places

on Longshank Lane, which have been implemented and function effectively for the passing of vehicles on this road, although issues have occurred where they are used as parking laybys.

- 5.28 The existing North East Concrete site is currently restricted by conditions 27 and 28 of DC/11/00265/FUL to 185 inbound and 185 outbound HGV movements (370 two way movements) within a 24 hour period via the Longshank Lane access, including a maximum of 20 between 8pm and 6am.
- 5.29 The TA includes an assessment of site records from the beginning of 2019 to October 2021 which state that on average there are currently 187 two way HGV movements in a 24 hour period, peaking at 338 two way HGV movements on busy days. Given the nature of the business, North East Concrete do not consider they were unduly affected by the pandemic and vehicle movements during this time remained consistent, with a small increase year on year on recorded vehicle movements.
- 5.30 The results of a traffic survey carried out at the site entrance on 19 October 2021 are also included in the TA which state that a total of 474 total two way vehicle movements took place on that day, 109 of which were two way HGV movements, with the remainder being light vehicles. On 19 October, between the hours 00.00 - 06.00 and 18.00 to 24.00 there were no HGV movements and 15 light vehicle movements. Officers note that the results of the traffic survey on 19 October 2021 are unusually low compared to the assessment of site records which conclude a higher level of average vehicle movements in and out of the site. Potentially Tuesday 19 October 2021 was just a quiet day at the site. The assessment of the site records from the beginning of 2019 to October 2021 is considered to be a more typical representation of the levels of traffic associated with the existing site.
- 5.31 The TA demonstrates that the existing site is typically operational for an 11 hour day from 06.00 - 17.00, with significantly fewer vehicle movements during the evening and night time. During peak traffic periods in the morning (08.15 - 09.15) and late afternoon (16.30 - 17.30), the TA states that the existing site generates a total of 39 vehicles (10 HGVs) per hour in the morning peak and 22 (2 HGVs) in the late afternoon peak respectively. It is noted these figures appear to be from the traffic survey carried out on 19 October 2021 and may not be representative of a typical day but overall records indicate the site does not generate a significant number of vehicle movements during peak periods.
- 5.32 Baseline traffic flows on the local highway network were established from a combination of 2021 traffic surveys, 2016 traffic surveys provided by the Council and Department for Transport traffic survey data. The data showed that Longshank Lane carries low traffic flows, Lamesley Road has modest peak period flows of around 450-600veh/hour and the A167 has higher peak flows over 1,000veh/hour.

- 5.33 Approximately two thirds of HGV trips from the site are to/from the A167, with the majority (52-60% of total) travelling via A1 Junction 66 roundabout. The remainder are to/from the west via Lamesley Road towards the A1 Junction 67 roundabout. There is limited HGV activity in network peak periods.
- 5.34 The former Brenntag premises, which previously operated as a chemical storage and distribution centre (B8 use) did not have any restrictions applied to HGV movements on Longshank Lane. The Birtley Group are also not subject to any restrictions on HGV movements.
- 5.35 No information is available to confirm the precise number of vehicle movements associated with the former Brenntag premises, which closed in 2019 and has remained vacant since. In order to assess the impacts of additional HGV movements on Longshank Lane resulting from the proposed development the TA has made a calculation using TRICS (Trip Rate Information Computer System) of the estimated number of vehicle movements associated with Brenntag when operational, before the pandemic. This estimates that for the 7205sqm premises there would be 651 two way vehicle movements per 24 hours, of these 167 two way movements during the daytime (05.00 - 22.00) by Other Goods Vehicles (OGVs), which constitutes any goods vehicle larger than a 3.5 tonne twin axel van and 68 two way OGV movements between 22.00 - 05.00.
- 5.36 However Council Officers have some uncertainty in relation to the actual number of trips the Brenntag premises would have generated at its average and peak operating conditions due to the lack of information about the precise nature of operations and number of employees. Notwithstanding this, the trip rates and numbers presented are generally within a level of expected trips for a B8 use.
- 5.37 Proposed Traffic and Vehicle Movements
The proposed development seeks to increase the total two way HGV movements to the site to 640, with 40 of these being during the hours 22.00 - 06.00. As with previous approvals a condition is recommended to control these HGV movements.
- 5.38 The TA explains that although a condition is sought to increase total two way HGV movements to 640, in reality it is considered that HGV movements would typically increase by around 187 two way movements per day. In addition to the current average 187 two way movements, this would total around 374 two way HGV movements per day. This has been calculated based on HGV movements associated with the current activity at the site during 2021, which recorded the highest levels during the three year survey period. As such the condition sought to 640 HGV movements is likely to be in excess of what is required on a typical day, but would make provision for busier periods.

- 5.39 The TA states that a formal route management plan would be in place to control the routing of vehicles, a condition is recommended to secure a HGV routing management strategy and for it to be in place for the life of the development.
- 5.40 The new tarmac plant will employ approximately 13 additional staff (4 at the new tarmac plant and 9 in Workshops 1 and 2 for storage and vehicle repair). Staffing at the existing tarmac and relocated concrete plants will be unchanged, with 12 staff in total continuing to be employed. The additional 13 staff will work on a typical 06:00-18:00 shift pattern.
- 5.41 Tarmac manufactured at the new plant would be delivered to customers in HGVs. At present customers collect tarmac from the existing plant typically in vans or smaller goods vehicles, which would continue but not in relation the proposed second tarmac plant. As such the number of light vehicles is not expected to increase as there would be no additional customer collection of tarmac.
- 5.42 It is anticipated that around 45 people would be employed at the proposed office building. The TA estimates that the fully occupied office with 45 employees is predicted to generate approximately 38 trips (two-way) during the morning peak hour and 35 two-way trips in the late afternoon peak hour. Of these, 16 two-way trips would be by private vehicle during the AM Peak with 15 two-way trips undertaken during the PM peak hour. In the short term staffing levels are anticipated to be lower than this initially until the building becomes fully utilised.
- 5.43 **Proposed Highway Works**
The applicant has committed to providing improvements to Longshanks Lane as part of the development, which will act as the primary access road for HGV traffic. These would include widening of the carriageway within the extents of the existing highway boundary and resurfacing. Council Officers have identified some potential issues which could affect the proposed widening works including existing mounding that is present within the highway verge, street lighting changes and removal of hedgerows. As such conditions are appropriate to agree precise details of the widening scheme, secure its implementation and a timetable for its delivery. The widened road, unless otherwise agreed with the Local Highway Authority, should have a consistent width of 6.75m along the main length of Longshanks Lane to the tie in points with the site access and the approach to Lamesley Road, which would address lighting, waiting and loading restrictions, traffic calming (minimum 1 set of features), drainage proposals and ecological impacts associated with these improvements. A S278 agreement under the Highways Act will also be required in relation these works.
- 5.44 A new access onto Mary Avenue to the east of the site is proposed which would serve the new offices. This is intended to be used by office employees and for deliveries to the offices in light vehicles, however may also be used by HGVs accessing the industrial part of the site in emergencies if Longshank Lane were to be unpassable. Whilst generally access via Mary Avenue and Edward and Windsor Roads to the A167 would not be a desirable route for HGVs due to

their residential character and narrow width, in practice it is expected this would be a very rare occurrence. A condition is appropriate to control the use of the site accesses requiring Longshank Lane to be the primary access for HGVs except in emergencies or when it is blocked.

- 5.45 Given the potential for emergency HGV access and also as the new Mary Avenue access would be used by refuse collection vehicles associated with the offices, it is important that it is constructed to an appropriate standard. The new access road from the junction to the car parks would be 6m wide, with an indicated 10m junction radius and 2.4m x 43m visibility splay. Individual swept path analysis for vehicle movements at this junction have been provided as part of the application, this demonstrates a refuse vehicle will need to cross the centre line when turning left in and out of the site. As such the junction radius will need to increase beyond the 10m shown on the proposed plans, additionally pedestrian crossing facilities comprising dropped kerb and tactile paving positions will be required. Conditions to agree precise engineering details of the amended Mary Avenue access, secure its implementation and a timetable for its delivery are appropriate, to ensure its final design is fit for purpose and it is implemented to an acceptable timescale. A S278 agreement under the Highways Act will also be required in relation these works.
- 5.46 **Road Safety**
Personal Injury Collision (PIC) data has been assessed in the TA based on data received from Gateshead Traffic and Accident Data Unit (TADU) for the period of March 2015 - October 2021. The study area comprised Longshank Lane, Lamesley Road from the junction with Moor Mill Lane to the A167, Mary Avenue, Windsor Road and Edward Road.
- 5.47 There were 19 PICs within the study area between March 2015 and October 2021, with thirteen slight and six serious collisions. No fatal incidents were recorded. The overall number of incidents (three per year on average) is spread across a wide study area and is not considered unusual for a busy urban highway network. The majority of incidents occurred at four separate locations, although none saw an average of more than one incident per year, the maximum was five at the Lamesley Road / Moormill Lane junction. All incidents appear to have resulted from road user error. Only one incident throughout the entire 6.5-year period involved an HGV.
- 5.48 Within this context it is not considered additional traffic generated by the development would significantly increase the risk of PICs on the road network in proximity to the site.
- 5.49 However Council Officers consider that additional mitigation to remove vegetation within the highway verge to improve visibility at the Longshanks Lane / Lamesley Road junction is required. Currently vegetation located within the highway verge impacts on visibility splay to the left for vehicles exiting Longshanks Lane and forward visibility towards Longshanks Lane for vehicles travelling east on Lamesley Road. A condition to agree and secure implementation of adequate sight visibility splays at the Longshanks Lane / Lamesley Road junction is considered appropriate.

5.50 Pedestrian Safety

Local residents have expressed concern that the development could affect use of public rights of way off Longshank Lane. There are no formal public rights of way off Longshank Lane. Public bridleway LA/72a/12 runs along the north western side of the field to the west of Longshank Lane following the route of the former Pontop and Jarrow Railway. From aerial photographs it appears that desire line footpaths have been formed across the field to the west of Longshank Lane immediately opposite the end of Mary Avenue and around the north eastern edge adjacent to Lamesley Road connecting to the public right of way. It is unclear how long these informal paths have been in existence and whether they have accrued any public rights from long term use. The field is privately owned agricultural land and any public access would be at the discretion of the land owner or to be established by a formal process to register long term public access. Nevertheless, as part of the improvements to Longshank Lane, it is intended to introduce traffic calming measures in the vicinity of the crossing point where Mary Avenue abuts Longshank Lane, which would aid pedestrians.

5.51 It is considered unlikely there would be any other reason for pedestrians to use Longshank Lane, with surfaced footpaths provided in the vicinity of Elm Crescent connecting to Lamesley Road and Mary Avenue, extending to provide access to the cemetery.

5.52 Whilst residents comments are noted in this regard, details of HGV movements along Longshank Lane have been considered and are considered acceptable. HGVs using Longshank Lane are not solely attributed to North East Concrete, with the Birtley Group also using this section of adopted road. Any individual crossing any road should do so using their own judgement of safety and at their own risk. The controlled increase in HGV use of Longshank Lane, within the context of currently unrestricted movements by the Birtley Group and the former Brenntag site, is not considered to significantly affect pedestrian crossing to access informal paths over the field to the west.

5.53 Travel Plan and Sustainable Transport

The applicant has provided an Interim Travel Plan (ITP) as part of the TA. A condition to secure and implement a full travel plan as part of the development is considered appropriate, to provide a long term management strategy to encourage sustainable travel.

5.54 The overarching aims of the ITP are the promotion of walking and cycling as part daily commutes, the use of public transport as an alternative to the private car and car sharing for staff as a means of minimising the number of car journeys.

5.55 The ITP names a Travel Plan Coordinator (TPC) a member of North East Concrete staff to be in place for the lifetime of operations, this is welcomed. The TPC will be allocated a budget by North East Concrete for the implementation, monitoring and review of the objectives of the travel plan, which would be increased if targets are not being met.

- 5.56 The ITP proposes a 5% target reduction in single occupancy car trips for the site over a 3 year period. This is accepted by Council Officers in principle however, as the site is existing and operational the Full Travel Plan should present staff surveys to understand the baseline staff travel behaviours. This will allow the TPC to identify a percentage reduction that is reasonable to the site. It will also allow them to target car sharing, cycling or public transport as an incentive measure depending upon results.
- 5.57 The Chartered Institution of Highways and Transportation's (CIHT's) publication 'Providing for Journeys on Foot', states the average length of a walk journey is 1km. It further suggests a preferred maximum walking distance of 2km for commuting journeys and 1.2km for other journey destinations. The local highway network in the vicinity of the proposed Mary Avenue access has good pedestrian provision which includes footways with streetlighting on all roads in the surrounding residential areas that link the site to the A167. This ensures that a number of residential areas, bus stops and local amenities would be within a reasonable walking distance of the site via the proposed Mary Avenue access.
- 5.58 Best practice identifies a distance of up to 5km for reasonably fit individuals to cycle to and from workplace destinations. On this basis the cycling catchment would extend to take in the southern suburbs of Gateshead, Springwell Village, much of Washington, all of Birtley, north Chester-le-Street, Kibblesworth, Ouston, Urpeth, Perkinsville and Pelton. There is a good network of local cycle routes in the vicinity of the site. The cycle network comprises a mixture of on-carriageway, advisory and traffic-free routes. The local network offers links to throughout the majority of the identified catchment area. The cycling infrastructure provides good links through the surrounding area and it likely to offer a viable alternative to the private car for staff of the proposed development.
- 5.59 The nearest bus stops to the site are located on Elisabeth Avenue located approximately 300m to the east of the site, served by one bus service to Washington and Birtley. There are further bus stops located 700m east on the A167 which is a major bus corridor and served by a wider range of services to Newcastle northwards and Chester le Street to the south, passing through various settlements on route. Bus services along the A167 run at all times of the day, including evenings and weekends, meaning they would be accessible to shift workers.
- 5.60 Car sharing is also a key focus for sustainable travel at North East Concrete, particularly for in-work journeys where contractors typically travel together in works vans.
- 5.61 Parking

25 parking spaces would be provided in Area C at the centre of the site and a further 25 to the south and east sides of the office building. A cycle shed accommodating 20 cycle parking spaces is proposed to the east of the office building. There is an existing car park of around 15 spaces to the north of the site beyond the tarmac plant.

- 5.62 Initially 41 spaces were proposed in Area C and a further 41 adjacent to the office building, totalling 82. Council Officers considered this would undermine the aims of the travel plan and would not support sustainable travel to the site. As such amended plans have been provided with a reduced number of parking spaces, 50 in total, as detailed in a revised TA and ITP.
- 5.63 Electric vehicle charging points and accessible parking bays are intended to be provided as part of the development. Precise details of all proposed parking features have not been provided as part of the application and conditions are appropriate to agree precise details of the car park layouts, EV charging points, accessible bays and cycle parking and secure their implementation.
- 5.64 **Transport Conclusion**
The proposal would involve expansion of the North East Concrete site on to the vacant former Brenntag premises. Precise levels of vehicle movements associated with Brenntag are unknown, the TA estimates these could have been as high as 651 two way vehicle movements per 24 hours, but the accuracy of this is questionable.
- 5.65 The existing North East Concrete attracts on average 187 two way HGV movements in a 24 hour period. A current planning condition restricts this to 370 two way movements) within a 24 hour period via the Longshank Lane access, including a maximum of 20 between 8pm and 6am.
- 5.66 A new condition is sought to increase approved HGV movements to 640, with 40 of these being during the hours 22.00 - 06.00. However actual levels of HGV use is expected to be lower than this at around 374 two way HGV movements on a typical day, with the higher level specified in the condition to account for busier periods.
- 5.67 Widening of Longshank Lane to 6.75m is proposed to assist with HGV movements along it. A new access principally serving the office building is proposed on Mary Avenue.
- 5.68 An Interim Travel Plan forms part of the TA, which would be expanded on to produce a Full Travel Plan to support travel to the site by more sustainable modes of transport. Adequate levels of parking are proposed to meet the needs of the site but not conflict with the aims of the travel plan.
- 5.69 Brenntag and the adjacent premises to North East Concrete, the Birtley Group, both have unrestricted HGV access along Longshank Lane. Whilst previous actual numbers of HGV movements associated with Brenntag remain unknown, the application allows the opportunity to control vehicle numbers

from the newly combined premises. The fall back position would be that a separate storage and distribution company (B8 use) could occupy the Brenntag premises with uncontrolled vehicle movements to a significant level along Longshank Lane. North East Concrete have previously provided passing places on Longshank Lane and are now intending to undertake widening works, which will assist access both from this site, the Birtley Group adjacent and any other users of the adopted highway.

- 5.70 Office staff and deliveries would use the new Mary Avenue access. These would typically be in cars and vans and to a relatively low level, at limited times of the day depending on shift patterns. Use of the new access by larger vehicles, other than for refuse collection, would be a very rare occurrence. As such it is not considered formation of this access would impact significantly on Mary Avenue, Edward and Windsor Roads or the wider road network.
- 5.71 Subject to conditions to control use of the new office building, agree details of and secure implementation of the widening of Longshank Lane, new access to Mary Avenue and precise car and cycle parking details, ensure Longshank Lane is the primary HGV access and the Full Travel Plan, the expansion of the site and increased HGV numbers are considered to be acceptable. It is not considered the development would result in any adverse highway safety impacts, in accordance with policies MSGP14, MSGP15 and CS13 of the Local Plan for Gateshead and Part 9 of the NPPF.
- 5.72 Residential Amenity
Policy CS14 advises that the wellbeing and health of communities will be maintained and improved by, amongst other things, preventing negative impacts on residential amenity and wider public safety from noise, ground instability, ground and water contamination, vibration and air quality.
- 5.73 Policy MSGP17 requires new development to provide a high-quality environment and a good standard of amenity for existing and future occupants of land and buildings.
- 5.74 Policy MSGP18 relates to noise and states that noise-sensitive development will be assessed for its compatibility with existing land uses and activities. Noise-generating development will not be permitted if the rating level would exceed the pre-existing background noise levels by 10dB(A) or more for existing noise-sensitive land uses and this cannot be mitigated. Where the increase in noise level would be between 5dB(A) and 10dB(A) the applicant will be expected to demonstrate that acceptable noise levels will be achieved, or can be achieved, through appropriate mitigation and a noise assessment may be required. Where the increase in noise levels would be below 5dB(A) the application will be judged on its merits.
- 5.75 Policy MSGP19 relates to air quality and states that development that has the potential to: (a) increase air pollution levels that would exceed National Air Quality Objective thresholds, or (b) lead to an increase in exposure where high levels of air pollution already exist will only be permitted where it can be demonstrated, through an air quality assessment, that acceptable air quality

levels will or can be achieved. Where proposed development includes a polluting process prescribed under the Environmental Permitting Regulations 2016 (or equivalent), the applicant will be required to demonstrate through an air quality assessment that acceptable air quality levels will be achieved.

- 5.76 Policy MSGP45 advises that proposals for mineral and waste developments will be permitted in appropriate circumstances where the operator can demonstrate that noise levels at specifically identified noise-sensitive properties will not exceed:

Existing background levels by more than 10dB(A) subject to a maximum of 55dB LAeq,1h (free field) during normal daytime hours (07.00-19.00 hours)

Existing background levels by more than 10dB(A) subject to a maximum of 55dB(A) LAeq,1h (free field) during the evening (19.00-22.00 hours)

A maximum of 42dB(A) LAeq,1h (free field) at night-time (22.00-07.00)

- 5.77 These policies are in line with the approach of parts 12 and 15 of the NPPF, which requires development to provide a high standard of amenity for new and existing residents. In particular para.185 states that planning policies and decisions should ensure that new development is appropriate for its location taking into account the likely effects (including cumulative effects) of pollution on health, living conditions and the natural environment, as well as the potential sensitivity of the site or the wider area to impacts that could arise from the development. In doing so they should: (a) mitigate and reduce to a minimum potential adverse impacts resulting from noise from new development - and avoid noise giving rise to significant adverse impacts on health and the quality of life.

- 5.78 The closest residential properties to the site are those at Elm Crescent around 200m to the north east from the existing operational site and those on Birch and Rosewood Terraces to the east side of Mary Avenue, located around 18-19m from the eastern site boundary.

- 5.79 Noise
North East Concrete have been operational on the site since around 2010, with other adjacent industrial uses and the former Brenntag site pre-dating this.

- 5.80 Planning permission DC/10/00832/FUL initially granted consent for 70 dwellings on land to the east of Longshank Lane, now known as Elm Crescent, in April 2011, with the first dwellings occupied during spring 2012. Following the initial approval, this consent was subsequently varied to amend house types and minor details of the development. Noise from adjacent industrial uses and HGVs on Longshank Lane were fully considered as part of the approval for the housing development. Conditions were attached to the consent requiring a post completion noise assessment in relation to certain plots (62-69 and 44-47 inclusive) within the housing development to demonstrate compliance with an internal noise level of 30dBA LAeq and 40 dB LAmx and requiring acoustic glazing and ventilation for the same plots. These

conditions were discharged and the development demonstrated compliance with the noise levels specified.

- 5.81 Planning permission DC/09/01494/FUL originally granted consent for the concrete and tarmac plants and associated development on the North East Concrete site in August 2010. Noise impacts were considered as part of this application, including potential impacts on the Elm Crescent housing development, which although not approved or constructed at this time, had been allocated for residential development in the Gateshead Strategic Housing Land Availability Assessment (SHLAA) March 2010. No specific conditions relating to noise mitigation were attached to this original approval, but conditions to control working hours attached.
- 5.82 The original approval for the concrete and tarmac plants was superseded by subsequent consents DC/10/01249/FUL and DC/11/00265/FUL, with the later being considered at the same planning committee meeting as the Elm Crescent housing development. Noise and amenity impacts were considered in determining these applications.
- 5.83 Planning permission DC/10/01249/FUL increased use of the site to a 14 hour operation with restricted night-time working. Planning permission DC/11/00265/FUL increased operational hours to 24 hours per day, with restrictions on activities that could take place during the night and increased the number of HGVs permitted to 185 in bound and 185 out bound during a 24 hour period, with a restriction on 20 HGV movements between 20.00 and 06.00 hours.
- 5.84 A Condition was also attached to prevent the tarmac and concrete plants from operating simultaneously outside the hours 06.00 to 22.00 Monday to Saturday and 06.00 to 13.00 on Sundays and Bank Holidays and to restrict use of the crusher, one of the noisier pieces of equipment used on the site, to 08.00 to 17.00 Monday to Friday, 08.00 to 13.00 on Saturday and at no time on Sundays or Bank Holidays.
- 5.85 Condition 25 of DC/11/00265/FUL required a post construction noise report to be submitted to the LPA confirming that the rating level of noise emitted from the site did not exceed the existing background noise level during any 5 minute period between 11pm and 7am Monday to Sunday. If this was not achieved a mitigation scheme was required to be provided. The locations for noise monitoring as part of the post completion assessment had been identified in the noise assessment submitted as part of the application and also included the closest dwelling in the new residential development.
- 5.86 Condition 29 of DC/11/00265/FUL required noise control measures to attenuate noise from the crusher to be agreed and implemented, requiring provision of means of enclosure, a barrier or bund.
- 5.87 Conditions 25 and 29 of DC/11/00265/FUL were subsequently discharged. A noise assessment submitted with regards condition 25 demonstrated the lowest measured background noise level was not exceeded by operation of

either the tarmac or concrete plant. Details of a noise barrier in relation to the crusher were also provided to an acceptable standard.

- 5.88 The proposed development subject to this application involves addition of a new tarmac plant in the position of the existing concrete plant. A replacement concrete plant, relocated from an off site location, would be situated in Area B to the south west of the site. It is intended that both tarmac plants and the concrete plant could be operational simultaneously for 24 hours per day.
- 5.89 At present North East Concrete are permitted to 370 two way HGV movements along Longshank Lane per 24 hour period, including 20 between 20.00 and 06.00 hours. The current application seeks to increase this to 640 HGV movements per day, including 40 between the hours of 08.00 and 06.00. Although as highlighted above it is anticipated that on a typical day two way HGV movements would be around 374 per day.
- 5.90 A noise assessment has been submitted as part of the current application to assess the impacts of the proposed expansion. This has measured existing noise levels during the day and night from a series of locations in proximity to the application site, including Elm Crescent and Mary Avenue. In establishing average noise levels for the locations, the assessment has used data gathered from the same locations in previous years and before the pandemic. Most recent noise monitoring as part of the assessment took place in June 2021, while some covid restrictions were still in place and levels of activity and traffic may have been a little lower than usual. June 2021 results were considered together with pre-pandemic noise monitoring to establish average baseline noise levels in the different locations.
- 5.91 Given the proximity of the site and adjacent housing to the East Coast Main Line, A167, A1 and other unrelated industrial sites, existing background noise levels in the vicinity are to a relatively high level. Noise from the proposed development would be subsumed to some extent by these higher than average background noise levels.
- 5.92 The Noise Assessment demonstrates that during the daytime and early evening the operational development and HGV movements would not generate excessive levels of noise and would comply with policies MSGP18 and MSGP45 in this regard.
- 5.93 The Noise Assessment demonstrates that during the night time, operational noise levels from the tarmac and concrete plants would comply with levels specified in MSGP18 and MSGP45. However for completeness and as some monitoring to inform the Noise Assessment took place during the pandemic with potentially lower background noise levels at times, a condition requiring submission of a post completion noise assessment is considered appropriate. If this identifies any noise in excess of the levels specified in policies MSGP18 and MSGP45, an appropriate scheme of noise mitigation will need to be agreed and implemented as part of the same condition. This would ensure that operational noise from the plants complies with required levels and does not generate adverse noise to the detriment of local amenity.

- 5.94 A condition to agree details of noise enclosures and barriers for the relocated concrete and tarmac plants is also considered appropriate. These features will assist in reducing operational noise.
- 5.95 Existing HGV movements permitted by the previous planning permission DC/11/00265/FUL between 20.00 and 06.00 generate noise levels of 42.4 dB LAeq. Following the increase in HGV movements to 40 two way movements between 20.00 and 06.00 this would increase by 3dB to 45.5 dB LAeq. This would exceed the requirements of policy MSGP45 which states that minerals and waste developments should not exceed a maximum of 42 dB(A) LAeq between 22.00-07.00. However policy MSGP45 is not explicit as to whether the specified noise limited apply to operational noise or includes vehicle movements.
- 5.96 Acoustic glazing fitted in the closest plots to the industrial uses and Longshank Lane, when Elm Crescent was constructed, provided mitigation to ensure that based on the noise levels of planning permission DC/11/00265/FUL and two way HGV movements of 370 between 06.00-20.00 and 20 between 20.00-06.00, internal noise levels of 30dBA LAeq and 40 dB LAmax were achieved. The noise levels used in the assessment to inform this were based on a worst case scenario of around 70-75dB LAmax. The Noise Assessment submitted with the current application demonstrates that both during the day and night noise levels from HGVs on Longshank Lane would be significantly less than this and as such the mitigation fitted during construction, to the closest properties on Elm Crescent would be sufficient to mitigate additional noise from increased HGV movements.
- 5.97 Whilst HGV movements during the night would double to 40 two way movements, this equates to a very low level of around 4 per hour. This figure is based on a worst case scenario and in practice is likely to be less than this, with HGV movements primarily taking place during the daytime.
- 5.98 At present the surface of Longshank Lane is not in ideal condition with some cracks and pot holes. This is likely to contribute to worsening of noise levels. The proposal involves widening and resurfacing of Longshank Lane which would improve the road surface and reduce noise from HGVs passing through.
- 5.99 Planning permission DC/11/00265/FUL approved use of a crusher on the existing site for the processing of aggregates, the application acknowledged this had potential to generate high levels of noise of around 112db LAeq when in use. The application advised it was intended to keep the crusher within a recycling shed. This consent sought to control use of the crusher by imposing conditions to control its use to day time hours and requiring a noise barrier to be constructed.
- 5.100 The applicant advises that a crusher is currently used on the site on an infrequent basis and is not used daily. The recycling shed previously approved was never constructed and as such a single crusher is used externally. A bund

was constructed adjacent to the existing site which reduces noise emissions. Use of the crusher is technically in breach of some of these previous conditions. However as it has operated as such in excess of 10 years this would now be lawful in planning terms and enforcement action could not now be taken against these breaches of conditions.

- 5.101 Whilst the crusher was not operational when surveys were carried out to inform the submitted noise assessment, noise levels from it have been taken into account in modelling to calculate anticipated noise emissions from the extended use as part of the noise assessment. As the crusher is only permitted to operate during day time hours, the assessment found that noise levels from the site overall during the day time and earlier part of the evening would be to an acceptable level and in compliance with policies MSGP18 and MSGP45. There are no proposals to increase the number of crushers used on the site. Conditions are appropriate to only allow one crusher to operate from the premises and for it to operate from 08.00 - 17.00 Monday to Friday, 08.00 - 13.00 on Saturdays and at no time on Sundays or Bank Holidays.
- 5.102 The development of housing at Elm Crescent occurred around the same time or within a relatively short period of time after commencement of use of the tarmac and concrete plants. However there have been industrial uses by the Birtley Group and on the former Brenntag premises for many years, which have operated with no control on noise or HGV movements along Longshank Lane. Noise impacts were considered when planning permission was granted for the housing development and as part of the discharge of related conditions, acoustic glazing and ventilation was used in the closest properties to the industrial uses. Overall the housing development was considered acceptable having regard to the proximity of long established industrial uses, unrestricted HGV use of Longshank Lane and the broadly simultaneous development of the North East Concrete site.
- 5.103 Similarly noise impacts on the housing development were considered as part of DC/10/01249/FUL and DC/11/00265/FUL for intensification of the use of the concrete and tarmac plants. Following the discharge of conditions, the operation of these features was not found to generate unacceptable noise impacts.
- 5.104 Para. 187 of the NPPF advises that planning policies and decisions should ensure that new development can be integrated effectively with existing businesses and community facilities. Existing businesses and facilities should not have unreasonable restrictions placed on them as a result of development permitted after they were established. Where the operation of an existing business or community facility could have a significant adverse effect on new development (including changes of use) in its vicinity, the applicant (or 'agent of change') should be required to provide suitable mitigation before the development has been completed.
- 5.105 In this instance, having regard to para. 187, the housing development is considered to be the 'agent of change' being next to long established, unrestricted industrial uses.

- 5.106 Whilst North East Concrete commenced operations around the same time as the housing development, the Brenntag site they are expanding into is currently unrestricted in terms of noise levels and HGV movements. The company are seeking to agree an appropriate level of HGV movements for the expanded site, which has regard to movements from the current site and those anticipated to have occurred in association with Brenntag.
- 5.107 The fall back position, if North East Concrete had not bought the site, would be that a storage and distribution business could operate from the Brenntag site without requiring planning permission and operate on an unrestricted basis, generating noise and a significantly higher number of HGV movements along Longshank Lane than what is currently proposed. This must be given weight in the consideration of this application and whilst it is important noise and amenity issues are properly considered and controlled as far as possible as part of this application, it would be unreasonable to impose excessive restrictions on the former Brenntag site within this context.
- 5.108 In terms of HGV movements during the night, these would not be more than 5dB(A) above current levels and would accord with policy MSGP18 in this regard. They would exceed night time levels stated in MSGP45 Part 3 by around 3.5db. However neither policy MSGP18 nor MSGP45 specify whether noise levels should include both operational noise and vehicle noise. In the context of the unrestricted HGV movements at the former Brenntag premises and the adjacent Birtley Group and wider benefits of the development, on balance this is considered acceptable. Overall it is considered the proposal would not result in significant additional amenity impacts to local residents and would not conflict with the aims of policies CS14, MSGP17, MSGP18 and MSGP45 and Parts 12 and 15 of the NPPF.
- 5.109 Air Quality
The existing site is currently subject to a Part B Environmental Permit, which is regulated by Gateshead Council's Environmental Health Team. The Environmental Permit includes a series of conditions to control and minimise emissions to air, including annual particulate testing and continuous emission monitoring of the stack serving the tarmac plant and cement plant silos, fugitive emissions from ground stockpiles, bitumen storage and handling and odours. This will need to be varied to allow for the proposed new tarmac plant, an informative to remind the applicant of this is appropriate.
- 5.110 An Air Quality Assessment has been submitted as part of the application. This sets out measures for preventing air quality issues associated with the use including a publicised procedure for air quality and dust complaints, regular monitoring and record keeping, siting of activities away from sensitive receptors, use of dust suppression techniques during construction and operational phases, no idling of vehicles, no fires and careful treatment of material stock piles and vehicle unloading areas. The Assessment concludes that having regard to relevant best practice criteria for air quality (EPUK/IAQM) that dust and odour emissions will be low/negligible during the operational phases for residential receptors. Council Officers responsible for dealing with

the Environmental Permit agree with these conclusions. The Air Quality Assessment would be included in the list of approved plans/documents to ensure compliance with the mitigation specified.

5.111 Subject to the variation of the Environmental Permit, which is controlled by separate environmental legislation and compliance with the mitigation set out in the Air Quality Assessment, it is not considered the development would have an adverse impact on air quality in the local area, in accordance with policies CS14 and MSGP19 of the Local Plan for Gateshead and Part 15 of the NPPF.

5.112 Construction Management Plan

In order to prevent unacceptable impacts to local residents during the construction phase, a condition to agree a construction management plan is considered appropriate. This will set out considerate working practices by contractors to minimise noise, dust and general disturbance, in accordance with policies CS14 and MSGP17 and Parts 12 and 15 of the NPPF.

5.113 Other Amenity Issues

Residents have expressed concerns about HGV drivers parking in laybys, urinating and dropping litter. It is understood that North East Concrete have previously reminded their own drivers not to conduct such practices. The TA indicates that the western passing place would be removed as part of the road widening works. The eastern passing place appears to be retained, but this may change when precise details of the road widening works are agreed. An informative is considered appropriate to remind North East Concrete that drivers should be considerate to local residents when accessing the site.

5.114 A condition to agree details of external lighting, demonstrating compliance with the ILP (Institute of Lighting Professionals) guidance notes for the reduction of intrusive light is considered appropriate. This will ensure any new lighting on the site is proportionate and does not generate adverse glare outside the site.

5.115 A condition requiring all vehicles leaving the site to be sufficiently cleaned to prevent mud and dirt being transferred onto the highway is considered appropriate, in the interests of highway safety and residential amenity.

5.116 ECOLOGY

Policy MSGP32 states that development will be required to maintain and protect existing green infrastructure assets and where appropriate contribute towards the delivery of new and/or enhanced green infrastructure assets and establishes a series of criteria of how this would be achieved.

5.117 Policy MSGP37 advises that proposals for new development should avoid or minimise adverse impacts on biodiversity and geodiversity in accordance with the mitigation hierarchy set out in para. 180 of the NPPF and provide net gains in biodiversity. Where development which is likely to adversely affect biodiversity and/or geodiversity is to be approved, the Council will require planning conditions and/or obligations to secure the provision, maintenance and monitoring of appropriate mitigation, compensation and/or enhancement

measures. The policy also sets out requirements for dealing with ecologically designated sites.

- 5.118 Policy CS18 seeks to provide a high quality and comprehensive green infrastructure network by, amongst other things, protection, enhancement and management of green infrastructure assets which including biodiversity and geodiversity assets, including designated sites, designated wildlife corridors and priority habitats and species.
- 5.119 Part 15 of the NPPF seeks to ensure that proposals show regard to the protection and enhancement of internationally and nationally important sites and species; contributing and enhancing the natural and local environment by ensuring there is no net loss of biodiversity.
- 5.120 A Preliminary Ecological Survey and Metric assessment of the impacts of the development on biodiversity have been submitted as part of the application.
- 5.121 There is a group of contiguous Local Wildlife Sites to the west of the East Coast Main Line, with mainly wetland and grassland habitats. These are the Birtley Sewage Works Reedbeds, the Bowes Nature Reserve, the Bowes Railway Walk, Lamesley Pastures Nature Reserve and the Birtley Union Brickworks. To the east of the East Coast Main Line, more than 600 metres to the north of the survey site, there are two ancient woodland Local Wildlife Sites, Longacre Wood and Longacre Dene.
- 5.122 Protected/Priority Species
A series of ponds which are a habitat for great crested newts are located within 250m of the site to the west side of the East Coast Main Line at the Old Union Brickworks site. The Preliminary Ecological Survey advises there is no requirement for licenced mitigation or compensation for any loss of great crested newt habitat as part of the development. It is considered unlikely newts from the adjacent ponds have migrated to the site due to the electrified railway line on intervening land and conditions on the application site are generally not conducive to great crested newt habitat. The applicant's ecologist searched some debris on the application site within the 250m radius of the ponds but did not find any great crested newts.
- 5.123 The existing office building intended to be demolished was surveyed by the applicant's ecologist and was identified as having some potential bat roosting features. Further surveys of this building were undertaken during the summer bat activity season and no bats were found to be present. As such demolition of the building is considered acceptable and is unlikely to have any impacts on bats.
- 5.124 The site contains some patches of birds-foot trefoil plants, which are the food plant of dingy skipper butterflies. The Preliminary Ecological Survey advises these were searched for adult butterflies and eggs in the appropriate season, but none were found. The preferred habitats for Grayling and Small Heath butterflies, which are also BAP species are not present on the site.

- 5.125 There are likely to be birds nesting in trees and shrubs on the site, and also in some of the buildings. Any necessary removal of trees and shrubs should take place outside of the bird nesting season, March to August, or, if this is not practical, an experienced ecologist should carry out a check for nesting birds before any trees or shrubs are removed.
- 5.126 The Preliminary Ecological Survey did not identify any other protected or priority species within the site. It is not considered that the development would result in any adverse impacts on the surrounding designated ecological sites, given the nature of the proposals, the distance to designated sites and intervening features.
- 5.127 A condition is appropriate requiring implementation of the development in accordance with the Avoidance, Mitigation and Compensation Strategy as set out in Section 4 of the Preliminary Ecological Survey. This will ensure there are no adverse impacts upon protected or priority species or surrounding designated ecological sites as a result of the development, in accordance with policies MSGP32, MSGP37, CS18 and Part 15 of the NPPF. Informatives relating to bats and breeding birds are also recommended for the applicant's information.
- 5.128 Biodiversity
There are large areas of mown grassland in the vicinity of the former Brenntag premises in Area C. This is mainly a sown lawn species mix, with occasional patches of other species such as White Clover *Trifolium repens*, Ribwort Plantain *Plantago lanceolata*, Daisy Bellis *perennis* and Yarrow *Achillea millefolium*.
- 5.129 In the south- eastern part of the site (Area D) there is an area of species-poor rough grassland which appears to have been unmanaged in recent years. The grassland is composed mainly of False Oat Grass *Arrhenatherum elatius*, Cock's Foot *Dactylis glomerata*, Tufted Hairgrass *Deschampsia cespitosa*, Ragwort *Jacobea vulgaris* and Rosebay Willowherb *Chamerion angustifolium*. Defra's Biodiversity Metric would count this as "modified grassland". There are several self-sown trees in corners of this grassland, including Silver Birch and Goat Willow. There are also several patches of Birds-Foot Trefoil in this habitat, on the fringes of the Poplar trees bordering Mary Avenue.
- 5.130 The rough grassland area has a belt of trees, mainly White Poplar *Populus alba* along the edge of Mary Avenue at the eastern edge of the survey site. There is also a row of Lombardy Poplars, *Populus nigra "italica"* in this area. The shrub and ground flora layers are very poor. There is a similar planted area along the Longshank Lane boundary.
- 5.131 The eastern side of the existing North East Concrete premises, where the new office, access and hardstanding are proposed, comprises an area of land with ground material from former industries. There are mixed habitats of bare ground, sparsely vegetated land, planted shrubs and wet grassland. The wet grassland includes small seasonally wet pools with Soft Rush *Juncus effusus*, Reedmace *Typha latifolia*, Common Spike Rush *Eleocharis palustris* and a

small patch of Norfolk Reed *Phragmites australis*. However as this is situated on largely inert material and surrounded by heaps of waste material its value is decreased.

- 5.132 Cotoneaster which is an invasive species has also been found on the site and the Preliminary Ecological Survey recommends removal of this to prevent it from spreading.
- 5.133 The most significant loss of these areas would be the modified grassland in Area D to accommodate the new office, car park and hard standing. The mown grassland in Area C would also be affected to a lesser extent by proposals to reconfigure hard standings and car parking in this area. A strip of around 23m of the poplar trees would also need to be removed to accommodate the proposed new access off Mary Avenue.
- 5.134 The Metric Assessment indicates overall there would be a loss of 8 biodiversity units from the development. The proposal would provide 2.43 units of biodiversity on the site to offset this, but there would still be an overall net loss of around 5.57 biodiversity units.
- 5.135 The scheme intends to provide 2.43 biodiversity units on site. This would be achieved by planting of trees and ground flora within existing woodland on the boundary with Mary Avenue and to the north and south, erection of 45 bird boxes and 8 bat boxes, provision of SuDs features including a pond and swift boxes/bricks in the new office building. The number of biodiversity units to be achieved on site may increase marginally when precise SuDs proposals are finalised, which would be agreed by condition. Precise details of these enhancements including landscape and planting details have not been submitted as part of the application and conditions are appropriate to agree details of on site enhancements and confirm the exact number of biodiversity units that would be achieved following SuDs proposals being finalised, together with securing implementation. In order to ensure biodiversity enhancements are permanent and provide the desired outcomes to improve biodiversity, it is necessary that they are regularly monitored, maintained and reports produced to confirm that they are providing identified outcomes. As such conditions are also required to secure the monitoring, maintenance and reporting of the biodiversity enhancements for at least 30 years.
- 5.136 Other than this there is no other land available on the site to provide further enhancements and the applicant does not own any other suitable land within the Borough to provide off site enhancements to offset the net loss.
- 5.137 The Council are able to provide enhancements on its own land at a cost of £15,000 per biodiversity units, which includes acquisition of the land for enhancements, undertaking the enhancements involving planting of trees, grassland etc, provision of ponds or other habitats, monitoring and maintaining this for at least 30 years and reporting periodically on whether the desired biodiversity outcomes are being achieved. In this case the applicant has not offered to provide contributions for off site enhancements by the Council to offset the net loss.

- 5.138 As such as the development would result in a net loss to biodiversity, in conflict with policy MSGP37 and para. 174 (d) of the NPPF.
- 5.139 Supporting information has been submitted by the applicant to justify the policy conflict resulting from the net loss of biodiversity. As set out in the Transport section of this report above, the applicant intends to widen Longshank Lane as part of the development. This road is adopted highway and is not used solely by the applicant, as such other businesses and road users would benefit from these improvements which are anticipated to cost in excess of £200,000. There are other significant infrastructure costs associated with the development involved with the new plant to be purchased, new office building, remediation of industrial land and drainage.
- 5.140 Policy MSGP49 safeguards the existing mineral processing facility from redevelopment and sets out a series of measures to protect mineral processing infrastructure to both discourage its redevelopment for another use but also to protect it from the inappropriate uses being developed near to it that would prevent the site from operating for this purpose. North East Concrete have experienced a growth in recent years, which have culminated in the firm seeking to relocate its head office facilities to this site, alongside investing in new concrete and tarmac manufacturing facilities. Given the protected and fixed nature of the existing Longshank Lane operations, as per policy MSGP49, the applicant is highly constrained in terms of potential sites that are suitable for redevelopment and are well located next to existing NEC assets. The proposal seeks to develop much of the surrounding land around the site for a use that is directly linked, and is highly compatible with, the existing mineral processes currently undertaken. This will significantly reduce the likelihood of an alternative use coming forward on the surrounding land which may prejudice existing protected operations.
- 5.141 The supporting information notes that North East Concrete have restored a number of quarries in Northumberland and County Durham in recent years. Although these are outside of Gateshead they are still within the wider region and the applicant considers these works have provided significant biodiversity net gains within the wider area. Precise details of the works carried out and the number of biodiversity units created have not been provided and this information is anecdotal.
- 5.142 Furthermore the development would result in significant expansion in the number of jobs at the site from 6 to between 70 and 90 full time jobs. Of these 30 employees would relocate to Birtley from the company's current premises at Newburn, with 34-54 new jobs being created.

5.142 The policy conflict in terms of the net loss of biodiversity, together with the applicant's justification will need to be considered in the planning balance as set out in the conclusion below.

5.143 FLOODING AND DRAINAGE

Policy CS16 requires that development will be sustainable, able to function effectively in a changing climate and address impacts on climate change emissions, and establishes a series of criteria of how this will be achieved including use a good standard of building fabric, passive design, and landscaping measures to minimise energy demand.

5.144 Policy CS17 advises that development will avoid and manage flood risk from all sources, taking into account the impact of climate change over its lifetime. Development should follow a series of criteria to avoid and manage flood risk to people and property, ensure water supply and foul and surface water infrastructure are provided with adequate capacity and not adversely affect water quality and where possible seek to improve water quality. Surface water run off should be discharged in accordance with the specified hierarchy, to SuDs, a water course, a surface water sewer or combined sewer. Policies MSGP29 and MSGP30 set out further requirements for flood risk management and water quality and river environments respectively.

5.145 Part 14 of the NPPF seeks to resist inappropriate development in areas at risk of flooding, directing development away from areas at highest risk (whether existing or future). Where development is necessary in such areas, the development should be made safe for its lifetime without increasing flood risk elsewhere.

5.146 A Flood Risk and Drainage Assessment (FRDA) and subsequent additional supporting information from the applicant's geotechnical consultant has been submitted as part of the application.

5.147 The Environment Agency Risk of Flooding from Surface Water (RoFSW) map indicates some parts of the site are at risk from a higher level of surface water flooding.

5.148 The existing site plan and a further plan showing the location of NWL assets have been submitted and indicate that there are existing positive drainage systems on site with outfalls to foul water sewers, surface water sewers and watercourse. However insufficient information has been provided to confirm whether the existing drainage system is adequate, fit for purpose or that it includes sufficient measures to mitigate pollution of runoff delivered from the site.

5.149 Details of how runoff is to be managed on site are required in accordance with the above policies. Plans will be required provided showing how the site is currently drained. Those areas where development works will not directly affect the existing drainage system will need to be appraised for the level of service that the existing drainage system provides and whether flooding on site will occur for 1in30year return period rainfall. The risk of flooding during 1in30year

return period rainfall should be mitigated via remedial works to the system. Alternatively, the flood water could be managed on site via routing and impoundment to designated areas where it will not present a hazard.

5.150 The existing drainage systems to the areas of site where the development proposals will result in an increase in runoff area or where existing drainage systems will receive new or modified flows and should be assessed for capacity to manage 1in30year return period rainfall, with modifications undertaken to prevent flooding at ground level in line with DEFRA's 2015 Technical Standard S7 'The drainage system must be designed so that, unless an area is designated to hold and/or convey water as part of the design, flooding does not occur on any part of the site for a 1 in 30 year rainfall event'. Runoff from new areas created by the development proposals (estimated to be 1.4365ha in section 5.1.3 of the FRDA) should be limited to a greenfield rate of runoff. If volumetric control is provided (DEFRA standards S4 and S5), then the peak flow rate can be limited to suit the 1in1year and 1in100year greenfield rates. Otherwise, a qbar greenfield rate should be applied for all rainfall events up to 1in100yr+40% in line with the intention of DEFRA standard S6 and section 24.10 of the SuDS Manual. Overall, the response of the development site under rainfall of 1in100year+40% rainfall must be considered and it must be demonstrated that runoff under this scenario is managed on site with flooding occurring only to areas where it can be safely accommodated.

5.151 Further information is required in regard to the drainage proposals including consultation with Northumbrian Water, a drainage plan showing the layout, level and capacity of proposed drainage systems, calculations to substantiate the sizing of all attenuation facilities proposed and to demonstrate that discharge will be to a greenfield qbar rate, demonstration of safeguarding water quality / mitigation pollution and details of how the drainage system will be managed and maintained.

5.152 Given the information submitted to date, there is no reason to suggest the site is not capable of providing adequate foul and surface water drainage, including appropriate mitigation of pollution and safeguarding water quality. Whilst further details are required to satisfactorily demonstrate drainage on the site can function effectively, it is considered submission of details and implementation of precise drainage details, including management and maintenance, can be secured by condition. This would ensure drainage complies with policies CS16, CS17, MSGP29 and MSGP30 of the Local Plan for Gateshead, part 14 of the NPPF and relevant best practice technical guidance.

5.153 IMPACT ON THE CHARACTER OF THE SURROUNDING AREA

Policies MSGP24 and CS15 support delivery of high quality and sustainable design as part of new developments. Policy MSGP36 of the MSGP and CS18 of the CSUCP support the retention of existing trees and hedges as part of new development and establish the criteria for considering impacts on such features as part of planning applications. These policies align with Part 12 of the NPPF which seeks to provide well designed places, which are well related to the built and natural environment.

- 5.154 Both the existing North East Concrete site and former Brenntag premises have previous industrial or storage and distribution uses. Their appearance reflects their industrial character and that of surrounding premises. Overall this would not significantly change, with buildings on the former Brenntag site largely being retained. An existing timber office building would be demolished but this is of no aesthetic merit and is in a deteriorating condition.
- 5.155 The appearance of Area A would not significantly change, replacing the existing concrete plant with a new tarmac plant of similar appearance and size. The replacement concrete plant located in Area B introduces a new tall structure of around 21m in height to this central position within the site, however this is over 231m away from Mary Avenue and over 350m from the site access on Longshank Lane. A drawing demonstrating proposed site levels and sections has been submitted, which indicates how the development would sit given the topography of the site. The new buildings and structures would be viewed within the context of the tarmac plants in Area A and existing industrial buildings on the site and adjacent premises and would relate acceptably in terms of height, scale and massing. Existing trees and hedging along Mary Avenue would provide some screening of the industrial structures.
- 5.156 The proposed new office building would be set into the site and is of a proportionate scale and massing to adjacent existing buildings. Whilst it would differ in appearance, the building would create a defined entrance feature for visitors to site accessing via the new Mary Avenue access. The indicated palate of materials is considered appropriate, reflecting the industrial aesthetic of the other buildings in this industrial area, and also through its materiality, the specific products manufactured on site.
- 5.157 Car parking and hard standings in area D would be screened by boundary trees and hedging along Mary Avenue. Parking has been reduced to address transport concerns and where seen would be clearly related to the new office building and wider use of the site. Parking in area C would be contained within the site and is unlikely to be visible outside it.
- 5.158 Conditions are considered appropriate to agree details of external materials for the new office building, hard surfacing for Areas C, D and around the new office building and external lighting on the site, to ensure final finishes relate acceptably to the character of the site and its surroundings.
- 5.159 Formation of the new access off Mary Avenue would result in the loss of around 23m of existing tree and hedge planting. These are primarily poplar trees. A large section of the hedge and trees would be retained and the proposed loss is considered relatively minimal within this context. Additional tree planting is proposed as wider landscaping of the site and would adequately mitigate the loss of this small section. A condition to agree a tree protection plan is considered appropriate to ensure other trees and hedging are adequately

protected during construction works and there is no further loss which affects the visual amenity of the area.

5.160 Overall it is not considered that the proposed development would result in any adverse visual impacts upon the largely industrial character and appearance of the surrounding area, in accordance with policies MSGP24, MSGP36, CS15 and CS18 of the Local Plan for Gateshead and Part 12 of the NPPF.

5.161 GROUND CONDITIONS

Policy MSGP20 Land Contamination/Stability of the MSGP requires assessment and investigation of development sites for risks of land contamination or ground stability issues. Where significant contamination is identified that cannot be mitigated, development will not be permitted. Where necessary removal of the contamination and remediation will be required to prevent unacceptable risk or harm to human health, the environment, property or significantly pollute controlled waters.

5.162 Policy CS14 part 1 (iii) states that the wellbeing and health of communities will be maintained and improved by preventing negative impacts on residential amenity and wider public safety from noise, ground instability, ground and water contamination, vibration and air quality.

5.163 The above policies echo the approach of Paras. 183-185 of the NPPF, which advocates ensuring a site is suitable for its proposed use taking account of ground conditions and any risks arising from land instability and contamination.

5.164 The site is situated on land formerly occupied for the storage and distribution of chemicals and adjacent to an engineering works. The site has also contained unknown stockpiles of material identified on the 1950s ordnance survey maps and is adjacent to railway line on the western boundary. Consequently, it is possible that the development area may be affected by ground contamination. Contamination may possibly exist from historic made ground deposits present possibly from previous industrial use, imported fill materials and material used to construct a development platform for the site and former building materials e.g. asbestos used in buildings that have now been demolished.

5.165 A Preliminary Geo-Environmental Assessment has been submitted as part of the application. This concludes that intrusive site investigations should be undertaken to assess the potential for presence of contamination and ground gases, in particular in the central and northern areas. The investigation would also inform foundation and engineering solutions for the development. Council officers concur that a condition is appropriate to secure will be required for a Preliminary Risk Assessment and an intrusive site investigation with a Phase II Detailed Risk Assessment. Conditions for remediation and verification reports are also considered appropriate, to be discharged if site investigations determine remediation works are necessary.

- 5.166 The site is situated within a coalfield development high risk area and the Coal Authority were a statutory consultee on the application.
- 5.167 The Coal Authority records indicate that coal seams of workable thickness outcrop within parts of the site and surrounding area that may have been historically worked at shallow depths beneath the site, which could potentially affect the safety and stability for the new tarmac plant in Area A and new access to Area C. Whilst a Coal Mining Risk Assessment was not submitted as part of the application, the Preliminary Geo-Environmental Assessment identifies that a recorded shallow coal seam (Hutton) is likely to be present beneath the site and there is a potential for instability associated with the collapse of such shallow mine workings. The Assessment recommends investigation and further assessment of the shallow mine workings in order to inform the extent of any remedial and / or mitigation measures considered necessary to ensure the safety and stability of the proposed development.
- 5.168 Conditions are recommended by the Coal Authority to secure intrusive site investigations of shallow mine workings, together with remediation and mitigation works and verification of such works, as necessary.
- 5.169 Subject to the above conditions, the development is considered to comply with the requirements of Policies CS14 and MSGP20 of the Local Plan for Gateshead.
- 5.170 WASTE MANAGEMENT
Policy MSGP48 of the MSGP relates to waste management facilities in new development. It requires that suitable collection and recycling facilities are provided, in terms of capacity and design, together with a layout allowing for adequate access and manoeuvrability for refuse collection vehicles.
- 5.171 The site is a large site with ample space for the storage of bins or skips and easy access for HGV waste collection vehicles to service them. As such no issues with regards waste management are anticipated and the proposal would comply with policy MSGP48. However a condition to agree precise details of bin storage and collection is considered appropriate to ensure final proposals are acceptable.
- 5.172 The Environment Agency advise that for the construction of new offices and other associated infrastructure the applicant should have consideration of CL:aire Definition of Waste: Development Industry Code of Practice (DoW CoP) where applicable, which relates to the reuse of excavated materials on-site or their movement between sites. This guidance relates to separate environmental legislation and is not a material planning consideration, the comments have been forwarded to the applicant for their information.
- 5.173 COMMUNITY INFRASTRUCTURE LEVY
On 1st January 2017 Gateshead Council became a Community Infrastructure Levy (CIL) Charging Authority. This application has been assessed against the Council's CIL charging schedule and the development is CIL chargeable development and would fall within the category of 'All Other Development'. The

development is located within a charging zone with a levy of £0 per square metre for this type of development and as such there is no CIL to be paid.

5.174 OTHER MATTERS

Northern Gas Networks originally objected to the application noting the presence of intermediate and medium pressure gas pipelines running along western side of Mary Avenue and raising concerns that the development, specifically the proposed new access, could affect their assets. Following confirmation from the agent that the new access would be constructed to an adoptable standard to ensure it can adequately bear the weight from vehicles, including HGVs, passing over and that no new tree planting would take place within a 10m buffer from the pipelines, the objection has now been withdrawn. Precise details of the new access would be agreed by condition and as part of a S278 agreement to ensure it is constructed to the required adoptable standard. The applicant is aware of the need to retain a 10m buffer from the pipelines and that no new tree planting can take place in that area. This has been indicated on drawing no. NP10190 014 Rev H (Areas C, D and E) and future landscaping drawings agreed by condition will be checked to ensure compliance.

5.175 Concern has been expressed from local residents about potential devaluation of property following the development. This is not a material planning consideration and cannot be taken into account in determination of this application.

5.176 It is noted that the relocated concrete plant in Area B has been substantially constructed. It is regrettable that this plant has been constructed without the benefit of planning permission. The applicant has been advised that this plant should not be operated until such time that planning permission has been granted. Although this aspect of the development is retrospective it should still be assessed on its planning merits and its retrospective nature is not a material planning consideration.

5.177 Local residents advise that not all properties in proximity to the site received neighbour notification letters. Requirements for publicity of planning applications are set out in S15 of the Town and Country Planning (Development Management Procedure) (England) Order 2015. S15 Part 4 of the order requires that for major applications a site notice is displayed or notice of the application is served on adjoining owners/occupiers and the application is publicised in a local newspaper. In this instance a site notice was posted, the application advertised in the Journal Newspaper and some properties in proximity to the site notified in writing. Whilst not all properties within the vicinity of the site received written notification, those adjoining the site were notified and other forms of publicity as set out in the legislation were undertaken. As such the Council have exceeded legislative publicity requirements in this instance.

6.0 CONCLUSION

6.1 Planning law requires that applications for planning permission must be determined in accordance with the development plan unless material

considerations indicate otherwise. The Council has an up to date development plan comprising the Core Strategy and Urban Core Plan and Making Spaces for Growing Places. Paragraph 11 of the NPPF establishes a presumption in favour of sustainable development, for decision taking this means approving development proposals that accord with an up-to-date development plan without delay (paragraph 11 c).

- 6.2 The development would not provide a net gain to biodiversity in conflict with policy MSGP37 and para. 174 (d) of the NPPF. However widening and improvement works are proposed to Longshank Lane which would benefit other businesses and users of the adopted highway. The proposal would safeguard and expand an established mineral processing facility to the benefit of local construction and related industries. There would be a significant uplift in the number of jobs at the site rising from 6 to 70-90, which would include 34-54 newly created jobs and associated economic benefits.
- 6.3 In this instance it is considered in the round that the wider benefits of the development would outweigh the loss of biodiversity and associated policy conflict.
- 6.4 It is acknowledged there would be a small exceedance of night time noise levels from HGV movements on Longshank Lane as specified in policy MSGP45. However the policy does not state whether specified noise levels should include both operational noise and vehicle noise, generated beyond the site itself. In considering the amenity impacts of the development weight must be afforded to the unrestricted level of HGV movements and general operational conditions associated with the former Brenntag premises and the adjacent Birtley Group Premises, together with the wider benefits of the development identified above. Whilst residents' concerns about noise and disturbance are noted, overall it is considered the proposal would not result in significant additional amenity impacts and would not conflict with the aims of relevant policies from the Local Plan or NPPF.
- 6.5 The development is considered appropriate in terms of design and layout, transport, flooding and drainage, impacts on the character of the surrounding area, ground conditions and waste management. It is therefore concluded that the development would accord with relevant policies of the Local Plan for Gateshead and the NPPF.
- 6.6 The proposal has generated public interest. All of the objections and concerns raised have been taken into account and addressed within this report. On balance the concerns raised were not considered sufficient to justify refusal of this application in light of the benefits of the scheme and the ability to impose conditions to control detailed construction, design and operational matters. There are no material considerations which indicate otherwise and the application is recommended for approval.

7.0 Recommendation:

That permission be GRANTED subject to the following condition(s) and that the Service Director of Climate Change, Compliance, Planning and Transport be authorised to add, vary and amend the planning conditions as necessary:

1

Unless otherwise required by condition, the development shall be carried out in complete accordance with the approved plan(s) as detailed below

Areas C, D & E (drawing no. NP10190 014 Rev H)

Proposed Office (drawing no. NP10190 110)

Site Location Plan

Proposed Site Sections (drawing no. NP10190 011 Rev D)

Proposed Site Layout (drawing no. NP10190 010 Rev K)

Proposed Finishes (drawing no. NP10190 015 Rev A)

Proposed Tarmac Plant (drawing no. NP10190 013 Rev B)

Proposed Concrete Plant (drawing no. NP10190 012 Rev A)

Transport Assessment and Travel Plan Rev A (Milestone Transport Planning Ltd, Ref: 19-223-N, 20/07/21)

Noise Assessment Report (Blue Tree Acoustics, Ref: 00133-130601, 19/07/21)

Air Quality Constraints and Opportunities Appraisal Statement (Delta Simons, Ref: 20-01560.5 Issue 1, 03/06/21)

Preliminary Ecological Survey (J L Durkin, June 2021)

Any material change to the approved plans will require a formal planning application to vary this condition and any non-material change to the plans will require the submission of details and the agreement in writing by the Local Planning Authority prior to any non-material change being made.

Reason

In order to ensure that the development is carried out in complete accordance with the approved plans and any material and non-material alterations to the scheme are properly considered.

2

The development to which this permission relates must be commenced not later than 3 years from the date of this permission.

Reason

To comply with section 91 of the Town and Country Planning Act 1990 as amended by section 51 of the Planning and Compulsory Purchase Act 2004.

3

Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended), the office building hereby approved shall only be used for uses falling within Class E (g)(i) as defined by the Town and Country Planning (Use Classes) (Amendment) (England) Regulations 2020 and for no other purpose.

Reason

In order to protect the vitality and viability of existing centres, in accordance with policy CS6 of the Local Plan for Gateshead and Part 7 of the NPPF.

4

The office building hereby approved shall only be used for administrative activities associated with industrial and storage activities taking place within the red line boundary on the Site Location Plan. It shall not be sublet to any third parties without there being an operational connection to the approved activities taking place on the application site.

Reason

In order to protect the vitality and viability of existing centres, in accordance with policy CS6 of the Local Plan for Gateshead and Part 7 of the NPPF.

5

No development other than construction of the relocated concrete plant, ground clearance or remediation works shall commence until a scheme for the provision of foul and surface water drainage works, including management and maintenance of drainage features and a timetable for delivery, has been submitted to and approved in writing by the Local Planning Authority.

The scheme shall be developed based on the principles set out in Flood Risk and Drainage Assessment (DAB Geotechnics Ltd, Ref: DABGeot/21006FRA/Final, 16/07/21), Supporting Information contained in letter from DAB Geotechnics Ltd to Sam Thistlethwaite, Barton Wilmore dated 03.12.21 and consultee comments from the Drainage Officer (dated 11 January 2022).

Reason

To ensure that foul and surface water is adequately disposed of using sustainable principles, in accordance with policies CS16, CS17, MSGP29 and MSGP30 of the Local Plan for Gateshead and Part 14 of the NPPF.

6

The development hereby approved shall be undertaken in complete accordance with the foul and surface water drainage details and timetable approved at condition 5 and maintained for the lifetime of the development.

Reason

To ensure that foul and surface water is adequately disposed of using sustainable principles, in accordance with policies CS16, CS17, MSGP29 and MSGP30 of the Local Plan for Gateshead and Part 14 of the NPPF.

7

No works other than construction of the relocated concrete plant, ground clearance or remediation works shall commence until a scheme for the widening of Longshank Lane from the site access to the junction with Lamesley Road, including a timetable for the delivery of these works, shall be submitted to and approved in writing by the Local Planning Authority.

Unless first agreed with the Local Planning Authority, the scheme shall include:

a consistent carriageway width of 6.75m along the main length of Longshank Lane to the tie in points with the site access and the approach to Lamesley Road, encompassing an appropriate street lighting scheme, waiting and loading restrictions, traffic calming (minimum 1 set of features), drainage proposals, pedestrian dropped kerbs, and full consideration/mitigation of ecological impacts associated with these improvements.

Reason

To provide an acceptable standard of highway safety on Longshank Lane, in accordance with Policies MSGP14, MSGP15 and CS13 of the Local Plan for Gateshead and Part 9 of the NPPF.

8

The development hereby approved shall be undertaken in complete accordance with the widening works to Longshank Lane and timetable for delivery approved at condition 7.

Reason

To provide an acceptable standard of highway safety on Longshank Lane, in accordance with Policies MSGP14, MSGP15 and CS13 of the Local Plan for Gateshead and Part 9 of the NPPF.

9

At no time shall the number of HGV vehicles accessing and egressing the operational development hereby approved exceed 320 HGV vehicle movements inbound and 320 HGV vehicle movements outbound between 00.01 to 00.00 on any day.

Reason

In the interests of highway safety and protecting local amenity, in accordance with Policies MSGP14, MSGP15, MSGP17, MSGP18, MSGP45, CS13 and CS14 of the Local Plan for Gateshead and Part 9 of the NPPF

10

Where the use hereby approved is operational between 20.00 hours and 06.00 hours the number of HGV vehicles accessing and egressing the operational development between 20.00 and hours and 06.00 hours shall not exceed 40 HGV vehicle movements in total.

Reason

In the interests of highway safety and protecting local amenity, in accordance with Policies MSGP14, MSGP15, MSGP17, MSGP18, MSGP45, CS13 and CS14 of the Local Plan for Gateshead and Part 9 of the NPPF

11

All HGVs associated with the tarmac and concrete manufacturing process shall access and egress the site via the Longshank Lane entrance at all times, except for emergencies or circumstances outside of the applicant's control, when Longshank Lane is blocked or unpassable.

Reason

In the interests of the safe and efficient operation of the highway network and to protect the amenity of residential properties, in accordance with Policies MSGP14, MSGP15, MSGP17, MSGP18, MSGP45, CS13 and CS14 of the Local Plan for Gateshead and Part 9 of the NPPF.

12

Prior to first use of the additional tarmac plant or relocated concrete plant hereby approved, whichever is brought into use first, a Heavy Goods

Vehicle (HGV) Routing Strategy shall be submitted to and approved in writing by the Local Planning Authority. The Strategy shall include a clear diagram identifying the routes used by HGVs accessing and leaving the site and monitoring procedures demonstrated.

Reason

In the interests of the safe and efficient operation of the highway network and to protect the amenity of residential properties, in accordance with Policies MSGP14, MSGP15, MSGP17, MSGP18, MSGP45, CS13 and CS14 of the Local Plan for Gateshead and Part 9 of the NPPF.

13

The HGV routing strategy and monitoring procedures approved under condition 12 shall be implemented in full accordance with the approved details prior to first use of the additional tarmac plant or relocated concrete plant hereby approved, whichever is brought into use first, and adhered to for the lifetime of the development.

The Strategy shall be implemented and monitored in accordance with the approved details. In the event of failing to meet the requirements of the Strategy, a revised Strategy shall be submitted to and approved in writing by the Local Planning Authority to address any shortfalls and, where necessary, make provision for and identify mitigation for the impacted communities. The Strategy thereafter shall be implemented and may be updated in accordance with schemes to be submitted to and approved in writing by the Local Planning Authority.

Reason

In the interests of the safe and efficient operation of the highway network and to protect the amenity of residential properties, in accordance with Policies MSGP14, MSGP15, MSGP17, MSGP18, MSGP45, CS13 and CS14 of the Local Plan for Gateshead and Part 9 of the NPPF.

14

Prior to first use of the additional tarmac plant or relocated concrete plant, whichever is brought into use first, a scheme to provide adequate sight visibility at the junction of Longshank Lane and Lamesley Road shall be submitted to and approved in writing by the Local Planning Authority. The vegetation should be removed back to the existing fence line on the northern side of Lamesley Road for a distance of 75 m from the centre line of the junction with Longshank Lane heading in a westerly direction to the northern kerb line of Lamesley Lane, unless otherwise agreed with the Local Planning Authority.

Reason

To provide an acceptable standard of highway safety on Longshank Lane, in accordance with Policies MSGP14, MSGP15 and CS13 of the Local Plan for Gateshead and Part 9 of the NPPF.

15

The sight visibility improvements approved at condition 14, shall be implemented in full, prior to the first use of the new tarmac plant or relocated concrete plant hereby approved..

Reason

To provide an acceptable standard of highway safety on Longshank Lane, in accordance with Policies MSGP14, MSGP15 and CS13 of the Local Plan for Gateshead and Part 9 of the NPPF.

16

Prior to the commencement of any construction works to form the new office building or the new Mary Avenue access, precise details of the new Mary Avenue access, including a timetable for delivery of the new access, updated swept path analysis, amended junction radii and pedestrian crossing facilities, shall be submitted to and approved in writing by the Local Planning Authority.

Reason

To provide an acceptable standard of highway safety, in accordance with Policies MSGP14, MSGP15 and CS13 of the Local Plan for Gateshead and Part 9 of the NPPF.

17

The construction and timescale for the delivery of the new Mary Avenue access shall be undertaken in complete accordance with the details approved at condition 16. For the avoidance of doubt, unless it has been incorporated into the approved timescale for delivery of the new access, the new office building shall not be brought into use until all works relating to the new access have been completed.

Reason

To provide an acceptable standard of highway safety, in accordance with Policies MSGP14, MSGP15 and CS13 of the Local Plan for Gateshead and Part 9 of the NPPF.

18

Prior to first use of the additional tarmac plant, relocated concrete plant or office building hereby approved a Full Travel Plan, based on the principles set out in the Interim Travel Plan within the Transport Assessment (Milestone Transport Planning Ltd, Rev A, dated: 17/12/2021) shall be submitted to and approved in writing by the Local Planning Authority.

The Travel Full Plan shall include:

- a. An assessment of the site, including the transport links to the site, on site facilities, any transport issues and problems, barriers to non-car use and possible improvements to encourage walking, cycling and bus use.
- b. Appointment of a travel plan co-ordinator and identification of associated budget
- c. Clearly defined objectives, targets and indicators
- d. Details of proposed measures
- e. Detailed timetable for implementing measures
- f. Proposals for maintaining momentum and publicising success
- g. A programme of continuous review of the approved details of the Travel Plan and the implementation of any approved changes to the plan.
- h. Commitment to the use of the Council's preferred monitoring database (Modeshift)
- i. Details of any complementary or discounted travel tickets for employees

Reason

To ensure an appropriate long term management strategy to encourage sustainable travel at the site, in accordance with policies CS13, MSGP14 and MSGP15 of the Local Plan for Gateshead and Part 9 of the NPPF.

19

Within 18 months of the date of discharge of condition 18, evidence of the implementation of the Travel Plan approved under condition 18 over a minimum period of 12 months, and any revisions, shall be submitted to the Local Planning Authority for consideration.

Reason

To ensure an appropriate long term management strategy to encourage sustainable travel at the site, in accordance with policies CS13, MSGP14 and MSGP15 of the Local Plan for Gateshead and Part 9 of the NPPF.

20

The Full Travel Plan approved under condition 18 shall be implemented on commencement of the use of the additional tarmac plant, relocated concrete plant or new office building hereby approved, whichever is implemented first. The Full Travel Plan and any revisions approved under conditions 18 and 19 shall be wholly implemented in accordance with the approved details for the lifetime of the development.

Reason

To ensure an appropriate long term management strategy to encourage sustainable travel at the site, in accordance with policies CS13, MSGP14 and MSGP15 of the Local Plan for Gateshead and Part 9 of the NPPF.

21

Notwithstanding the submitted details, prior to the construction of any new car parking or cycle parking areas on the site, precise details of the layout of car parks and cycle parking adjacent to the new office building and in Area C as depicted on the Proposed Site Layout (drawing no. NP10190 010 Rev K), including the number and specification of electric vehicle charging points, accessible parking bays, motorcycle parking, cycle parking and a timetable for delivery of the car and cycle parking, shall be submitted to and approved in writing by the Local Planning Authority.

Reason

To ensure adequate levels of parking are provided as part of the development, in the interest of highway safety to comply with Policies MSGP14, MSGP15 and CS13 of the Local Plan for Gateshead and Part 9 of the NPPF.

22

The car, motorbike and cycle parking shall be undertaken in complete accordance with the parking details and timetable for implementation , approved at condition 21. The car parking spaces depicted on the Proposed Site Layout (drawing no. NP10190 010 Rev K) shall thereafter be used solely for the parking of employee and visitor parking and not for any external storage or loading.

Reason

To ensure adequate levels of parking are provided as part of the development, in the interest of highway safety to comply with Policies MSGP14, MSGP15 and CS13 of the Local Plan for Gateshead and Part 9 of the NPPF.

23

The development hereby approved, other than the relocated concrete plant already constructed, shall not commence until a report of findings

arising from further intrusive site investigations and a Phase II Detailed Risk Assessment (to assess potential contamination at the site) have been submitted to and approved in writing by the Local Planning Authority. Where required, the Assessment shall include measures and timescales for Remediation, Monitoring and Verification Reports.

Reason

To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors, in accordance with CS14 and MSGP20 of the Local Plan.

Reason for prior to commencement condition

The site investigation and assessment of the risks of the site must be undertaken before the development commences in order to ensure that an appropriate remediation scheme suitable for the sensitive end use is identified and approved prior to commencement of the development, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors, from the beginning of the works.

24

Where required, the remediation and monitoring measures approved under Condition 23 shall be implemented in accordance with the details and timescales approved and in full accordance with the approved details.

Reason

To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors, in accordance with CS14 and MSGP20 of the Local Plan.

25

If any areas of odorous, abnormally coloured or suspected contaminated ground are encountered during development works, then operations shall cease and the exposed material shall be chemically tested. The works shall not continue until a Risk Assessment and, if required, remediation and monitoring measures have been and submitted to and approved in writing by the Local Planning Authority.

Reason

To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors, in accordance with CS14 and MSGP20 of the Local Plan.

26

The remediation and monitoring measures approved under condition 25 shall be implemented in accordance with the approved details prior to any further works (other than those required for remediation) and maintained for the life of the development.

Reason

To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors, in accordance with CS14 and MSGP20 of the Local Plan.

27

Where remediation is required (under conditions 23-26) following completion of the approved remediation and monitoring measures, use of the development hereby approved shall not commence until a verification report that demonstrates the effectiveness of the remediation carried out has been submitted to and approved in writing by the Local Planning Authority. Where this is carried out in phases, use of the buildings, structures or plant within the relevant phase shall not commence until a verification report that demonstrates the effectiveness of the remediation carried out for that phase has been submitted to and approved in writing by the Local Planning Authority. The Verification report(s) shall also include cross sectional diagrams of the foundations and details of the approved gas protection measures, details of integrity testing of gas membranes and any test certificates produced.

Reason

To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors, in accordance with CS14 and MSGP20 of the Local Plan.

28

No development within Areas A and C as identified on the Proposed Site Layout - drawing no. NP10190 010 Rev K shall commence until:

a. a scheme of intrusive site investigations has been carried out on site to establish the risks posed to the development by past coal mining activity, and;

b. any remediation works and/or mitigation measures to address land instability arising from coal mining legacy, as may be necessary, have been implemented on site in full in order to ensure that the site is made safe and stable for the development proposed.

The intrusive site investigations and remedial works shall be carried out in accordance with authoritative UK guidance.

Reason

To ensure that the development is not subject to any unacceptable risks from coal mining legacy features and is stable and capable of accommodating the development, in accordance with Policies CS14 and MSGP20 of the Local Plan and Part 15 of the NPPF.

Reason for prior to commencement condition

The undertaking of intrusive site investigations, prior to the commencement of development, is considered to be necessary to ensure that adequate information pertaining to ground conditions and coal mining legacy is available to enable appropriate remedial and mitigatory measures to be identified and carried out before buildings works commence on site. This is in order to ensure the safety and stability of the development, in accordance with paragraphs 183 and 184 of the NPPF.

29

Prior to occupation of the development within Areas A and C as identified on the Proposed Site Layout - drawing no. NP10190 010 Rev K, a signed statement or declaration prepared by a suitable competent person confirming that the site is, or has been made, safe and stable for the approved development shall be submitted to the Local Planning Authority for approval in writing. This document shall confirm the methods and findings of the intrusive site investigations and the completion of any remedial works and/or mitigation necessary to address the risks posed by past coal mining activity.

Reason

To ensure that the development is not subject to any unacceptable risks from coal mining legacy features and is stable and capable of accommodating the development, in accordance with Policies CS14 and MSGP20 of the Local Plan and Part 15 of the NPPF.

30

Within one month of the first use of the relocated Concrete Batching Plant and new Tarmac Plant hereby approved details of a post construction noise assessment shall be submitted for the consideration and written approval of the Local Planning Authority. The post completion noise assessment shall demonstrate that noise levels from all plant and equipment detailed in Noise Assessment (Blue Tree Acoustics, Ref: 00133-130601, 19/07/21) at points 3, 4 and 6 indicated in the Noise Assessment does not exceed 42dB(A) LAeq,1h (free field) as set out in Policy MSGP45 Part 3 or measured existing background noise levels if higher between 22.00 and 07.00. Where these levels are exceeded, operation of the equipment resulting in a breach of noise levels in Policy MSGP45 Part 3 or measured existing background noise levels if higher shall stop until a mitigation scheme has been submitted to and approved in writing by the Local Planning Authority. The assessment methodology and precise noise monitoring locations shall be discussed and agreed in advance with the Local Planning Authority prior to noise testing.

Reason

To ensure noise levels from the expanded use are not excessive and detrimental to the amenity of local residents, in accordance with Policies CS14, MSGP17, MSGP18 and MSGP45 of the Local Plan for Gateshead and Parts 12 and 15 of the NPPF.

31

The development hereby approved shall be undertaken in complete accordance with the post construction noise monitoring scheme approved at condition 30. Where mitigation is required this shall be implemented in accordance with approved details prior to the use of the related plant or equipment re-commencing.

Reason

To ensure noise levels from the expanded use are not excessive and detrimental to the amenity of local residents, in accordance with Policies CS14, MSGP17, MSGP18 and MSGP45 of the Local Plan for Gateshead and Parts 12 and 15 of the NPPF.

32

Prior to first use of the relocated Concrete Batching Plant and new Tarmac Plant, details of noise enclosures and barriers, including their acoustic specifications, location and appearance for each of these plants shall be submitted to and approved in writing by the Local Planning Authority.

Reason

To ensure noise levels from the plants are not excessive and detrimental to the amenity of local residents, in accordance with Policies CS14,

MSGP17, MSGP18 and MSGP45 of the Local Plan for Gateshead and Parts 12 and 15 of the NPPF.

33

The development hereby approved shall be undertaken in complete accordance with the noise enclosure and barriers approved at condition 32. The respective noise enclosures and barriers shall be installed prior to the first use of either the relocated Concrete Batching Plant or new Tarmac Plant, as appropriate.

Reason

To ensure noise levels from the plants are not excessive and detrimental to the amenity of local residents, in accordance with Policies CS14, MSGP17, MSGP18 and MSGP45 of the Local Plan for Gateshead and Parts 12 and 15 of the NPPF.

34

No more than 1 crusher shall operate on the site at any time. The crusher shall only operate between the hours 08:00 hours to 17:00 hours Monday to Friday, 08:00 hours to 13:00 hours Saturdays, and at no time on Sundays and Bank Holidays.

Reason

To ensure noise levels from the crusher is not detrimental to the amenity of local residents, in accordance with Policies CS14, MSGP17, MSGP18 and MSGP45 of the Local Plan for Gateshead and Parts 12 and 15 of the NPPF.

35

The development hereby approved shall be implemented in complete accordance with the Avoidance, Mitigation and Compensation in Sections 4 and 5 of the Preliminary Ecological Survey (J L Durkin, June 2021), including but not limited to checking of debris for great crested newts, timing of works to avoid nesting bird season (March - August) and/or checking of buildings/vegetation for nests by an ecologist and provision of bird and bat boxes.

Reason

To provide new biodiversity features on the site and ensure there are no adverse impacts to protected and priority species, in accordance with Policies MSGP32, MSGP37 and CS18 of the Local Plan for Gateshead and Part 15 of the NPPF.

36

Prior to the commencement of any part of the development with the exception of the relocated concrete plant already constructed, an on site

biodiversity and habitat creation scheme shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall include the following:

Trees, hedges and shrubs scheduled for retention

Details of soft landscaping including planting species, sizes, layout, densities, numbers, demonstrating a 10m buffer for new tree planting from the gas pipeline on Mary Avenue

Details of planting procedures or specification

The establishment regime, including watering, rabbit protection, tree stakes, guards etc

Details of the location, size and specification of any ponds or water based habitats

Locations, specifications and total number of bird and bat boxes

A revised DEFRA Metric assessment confirming the precise number of biodiversity units to be achieved following finalised landscaping proposals

A timetable for implementation of the biodiversity and habitat creation scheme

Targets for biodiversity and habitat creation

A scheme for the management and maintenance of biodiversity and habitat creation features for a minimum of 30 years, including details of a monitoring regime to ensure features are achieving desired outcomes and procedures to be implemented if features are damaged or are not meeting identified targets

Reason

To provide biodiversity and habitat creation as part of the development, in accordance with Policies MSGP32, MSGP37 (2) and CS18 of the Local Plan for Gateshead and Part 15 of the NPPF.

37

The development hereby approved shall be undertaken in complete accordance with the on site biodiversity and habitat creation scheme and timetable approved at condition 36 and maintained in accordance with the approved details thereafter for a period of at least 30 years.

Reason

To provide biodiversity and habitat creation as part of the development, in accordance with Policies MSGP32, MSGP37 and CS18 of the Local Plan for Gateshead and Part 15 of the NPPF.

38

No development, other than the relocated concrete plant which has already been constructed, shall commence until a Construction Management Plan has been submitted to and approved in writing by the Local Planning Authority.

The Construction Management Plan shall include as a minimum but not necessarily be restricted to the following:

- a. A Dust Action Plan including measures to control the emission of dust and dirt during construction.
- b. Details of methods and means of noise reduction/suppression.
- c. Where construction involves penetrative piling, details of methods for piling of foundations including measures to suppress any associated noise and vibration.
- d. Details of measures to prevent mud and other such material migrating onto the highway from all vehicles entering and leaving the site.
- e. Designation, layout and design of construction access and egress points.
- f. Details for the provision of directional signage (on and off site).
- g. Details of contractors' compounds, materials storage and other storage arrangements, including cranes and plant, equipment and related temporary infrastructure.
- h. Details of provision for all site operatives for the loading and unloading of plant, machinery and materials.
- i. Details of provision for all site operatives, including visitors and construction vehicles for parking and turning within the site during the construction period.
- j. Routing agreements for construction traffic.
- k. Details of the erection and maintenance of security hoarding including decorative displays and facilities for public viewing, where appropriate.
- l. Waste audit and scheme for waste minimisation and recycling/disposing of waste resulting from demolition and construction works.

m. Management measures for the control of pest species as a result of demolition and/or construction works.

n. Detail of measures for liaison with the local community and procedures to deal with any complaints received.

The management strategy shall have regard to BS 5228 "Noise and Vibration Control on Construction and Open Sites" during the planning and implementation of site activities and operations.

Reason

In order to avoid nuisance to the occupiers of adjacent properties during the construction phase of the development, in accordance with the NPPF and policies CS13, CS14, MSGP15, MSGP17 and MSGP18 of the Local Plan.

Pre-commencement reason

To ensure that construction details can be approved prior to on-site works thereby avoiding any abortive work and preventing harm to nearby sensitive receptors due to uncontrolled construction and harm to highway safety which could otherwise occur.

39

The development hereby approved shall be implemented wholly in accordance with Construction Management Plan measures approved under condition 38 at all times during construction.

Reason

In order to avoid nuisance to the occupiers of adjacent properties during the construction phase of the development, in accordance with the NPPF and policies CS13, CS14, MSGP15, MSGP17 and MSGP18 of the Local Plan.

40

In undertaking the development that is hereby approved: No external construction works, works of demolition, construction related deliveries, external running of plant and equipment shall take place other than between the hours of 0730 to 1800 on Monday to Friday and 0730 to 1400 on Saturday.

No internal works audible outside the site boundary shall take place on the site other than between the hours of 0730 to 1800 on Monday to Friday and 0800 to 1700 on Saturday.

No construction works or works of demolition whatsoever, including deliveries, external running of plant and equipment, internal works whether audible or not outside the site boundary, shall take place on Sundays, Public or Bank Holidays.

For the purposes of this condition, construction works are defined as: The carrying out of any building, civil engineering or engineering construction work involving the use of plant and machinery including hand tools.

Reason

In order to avoid nuisance to the occupiers of adjacent properties during the construction phase of the development, in accordance with the NPPF and policies CS13, CS14, MSGP15, MSGP17 and MSGP18 of the Local Plan.

41

Prior to the first use of the new office building hereby approved final details of the location, specification and routing arrangements within the site for refuse and recycling storage and collection shall be submitted to and approved in writing by the Local Planning Authority.

Reason

To ensure there is appropriate provision for refuse and recycling storage and collection on the site, in accordance with Policy MSGP48 of the Local Plan for Gateshead and the NPPF.

42

The refuse and recycling storage and collection details approved under condition 41 shall be implemented in full accordance with the approved details prior to first use of the office development and retained as such for the lifetime of the office development.

Reason

To ensure there is appropriate provision for refuse and recycling storage and collection on the site, in accordance with Policy MSGP48 of the Local Plan for Gateshead and the NPPF.

43

No development, other than the relocated concrete plant which has already been constructed, shall commence until a scheme for the protection of the existing trees, shrubs and hedges growing on or adjacent to the site has been submitted to and approved in writing by the Local Planning Authority. The scheme must include a plan clearly showing the location and specification of the protective fencing to be used.

Reason

To ensure the satisfactory protection of trees, shrubs and hedges in accordance with Policies MSGP32, MSGP36 and CS18 of the Local Plan for Gateshead and Part 15 of the NPPF.

Reason for pre-commencement condition

To minimise the risk of harm and long-term adverse impacts of the development on the trees to be retained by ensuring the trees are retained and protected before the development commences.

44

The approved tree protection measures under condition 43 must be installed prior to the commencement of the development and thereafter retained intact for the full duration of the construction works.

Protective fencing, must be retained intact for the full duration of all construction works and there shall be no access, storage, ground disturbance or contamination within the protected areas without the prior written approval of the local planning authority.

The approved tree protection plan shall be displayed at all times outside the site office or in a location visible to all contractors and site personnel. Once implemented the tree protection scheme shall be checked weekly throughout all construction works with a record of the weekly checks being kept on file in the site office. The record shall include the date, time and name of the person carrying out the checks together with any problems identified and action taken. If at any time tree protection is missing or deficient without the prior written approval of the Local Planning Authority being obtained, all construction operations within a 15m radius of the unprotected tree(s) shall cease until the protection is correctly in place. Details of this should also be recorded in the tree protection record file.

Reason

To ensure the satisfactory protection of trees, shrubs and hedges in accordance with Policies MSGP32, MSGP36 and CS18 of the Local Plan for Gateshead and Part 15 of the NPPF.

Reason for prior to commencement condition

To minimise the risk of harm and long-term adverse impacts of the development on the trees to be retained by ensuring the trees are retained and protected before the development commences.

45

Prior to the commencement of any development above foundation level to the new office building details of the make, colour and texture of all walling and roofing materials shall be submitted to and approved in writing by the Local Planning Authority.

Reason

In the interests of the appearance of the surrounding area, in accordance with Policies MSGP24 and CS15 of the Local Plan for Gateshead and Part 12 of the NPPF.

46

The external materials for the new office building approved under condition 45 shall be implemented in full accordance with the approved details.

Reason

In the interests of the appearance of the surrounding area, in accordance with Policies MSGP24 and CS15 of the Local Plan for Gateshead and Part 12 of the NPPF.

47

Prior to their installation, precise details of specification and appearance of all new hard surfacing materials in Areas C, D and around the new office building as shown on the Proposed Site Layout Plan (drawing no. NP10190 010 Rev K) shall be submitted to and approved in writing by the Local Planning Authority.

Reason

In the interests of the appearance of the surrounding area, in accordance with Policies MSGP24 and CS15 of the Local Plan for Gateshead and Part 12 of the NPPF.

48

Hard surfacing materials approved under condition 47 shall be implemented in full accordance with the approved details.

Reason

In the interests of the appearance of the surrounding area, in accordance with Policies MSGP24 and CS15 of the Local Plan for Gateshead and Part 12 of the NPPF.

49

A lighting scheme, including all new external lighting on the site, shall be submitted to and approved in writing by the Local Planning Authority prior to the installation of any external lights. The detail provided shall

demonstrate adherence to the ILP (Institute of Lighting Professionals) guidance notes for the reduction of intrusive light.

Reason

To ensure lighting is appropriate to the character of the surrounding area and residential amenity and does not have an adverse impact on any protected species, in accordance with Policies MSGP17, MSGP18, MSGP24, MSGP32, MSGP37, CS14, CS15 and CS18 of the Local Plan for Gateshead and Parts 12 and 15 of the NPPF.

50

External lighting approved under condition 49 shall be implemented in full accordance with the approved details.

Reason

To ensure lighting is appropriate to the character of the surrounding area and residential amenity and does not have an adverse impact on any protected species, in accordance with Policies MSGP17, MSGP18, MSGP24, MSGP32, MSGP37, CS14, CS15 and CS18 of the Local Plan for Gateshead and Parts 12 and 15 of the NPPF.

51

There shall be no burning of waste or other materials within the site.

Reason

In the interest of residential amenity and to prevent air pollution, in accordance with the NPPF and policies CS13, CS14, MSGP15, MSGP17 and MSGP19 of the Local Plan.

52

Once the approved development is operational, all vehicles leaving the site shall be sufficiently cleaned in order to ensure that mud and dirt is not transferred onto the public highway.

Reason

In the interests of highway safety and residential amenity, in accordance with Policies MSGP14, MSGP15, MSGP17, MSGP18, MSGP45, CS13 and CS14 of the Local Plan for Gateshead and Parts 9 and 12 of the NPPF.

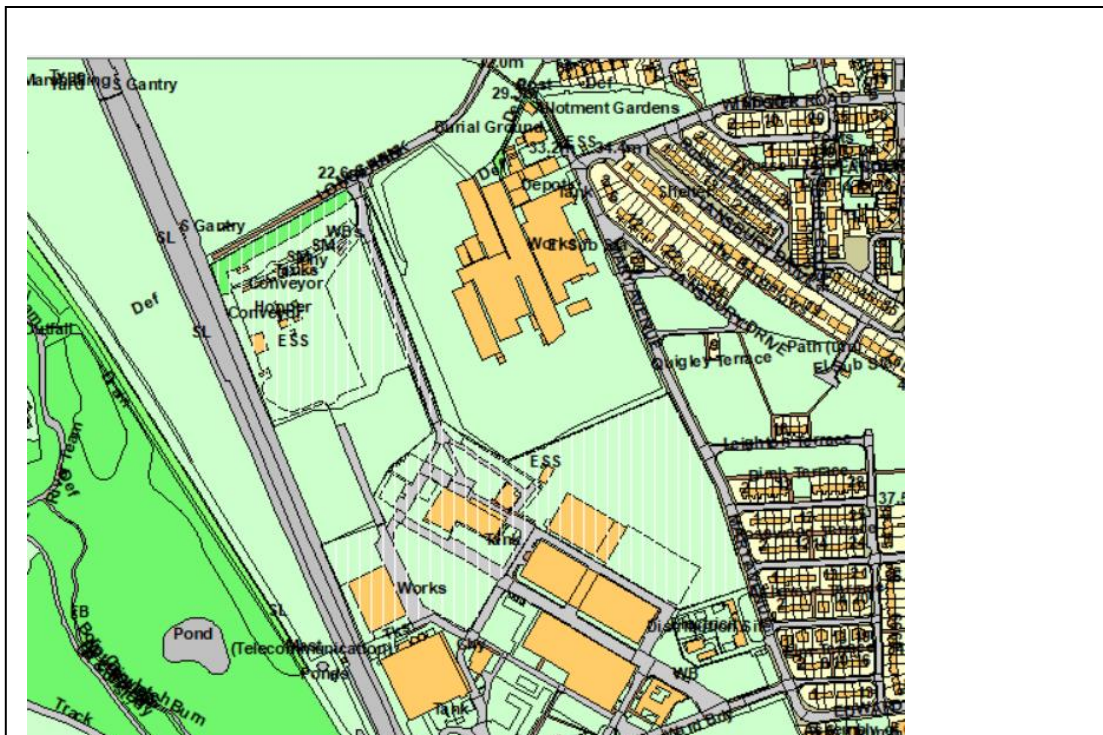
53

Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended), no further fixed plant or machinery shall be brought on to the site other

than in accordance with the noise assessment Noise Assessment Report (Blue Tree Acoustics, Ref: 00133-130601, 19/07/21).

Reason

In order to avoid nuisance to the occupiers of adjacent properties during the construction phase of the development, in accordance with the NPPF and policies CS13, CS14, MSGP15, MSGP17 and MSGP18 of the Local Plan.



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