

DELEGATED REPORT / CASE OFFICER'S ASSESSMENT

Ref No: ST/1059/17/FUL
Proposal: Construct 3 No. commercial units for light industrial use i.e. Use Class B1(c) with associated external space, workshop and welfare facilities using a modular building solution. Vehicle access/egress from Jarrow Road.
Location: Land Adjacent to
Total Service Station
Jarrow Road
SOUTH SHIELDS
NE34 9PS

Site Visit Made: 20/12/2017

Relevant policies/SPDs

- 1 DM1 - Management of Development (A)
- 2 LDF CS E1 - Delivering Economic Growth and Prosperity
- 3 LDF CS ST1 - Spatial Strategy for South Tyneside
- 4 SPD6 - Parking Standards
- 5 LDF CS EA5 - Environmental Protection

Description of the site and of the proposals

This application relates to a parcel of land to the rear (south) of an existing petrol station on Jarrow Road in South Shields. The parcel of land also wraps around the petrol station site to the east and west. The site has been predominantly cleared and the southern portion is separated from the petrol station by a concrete block fence of approximately 1m height. At the time of the case officer's site visit (20/12/2017), that part of the site had been partially cleared. The site is bounded by the petrol station and Jarrow Road to the north, Bedesway Industrial Estate to the west, and at a higher level a car dealership to the east and an industrial unit to the south. The southern and eastern boundaries are formed of a dense row of trees. The site falls slightly to the north.

This application seeks full planning permission to erect 3no units for light industrial (B1c Use). Each unit would be located within a compound hosting a workshop and a staff welfare unit, surrounded by a fence. The surfacing of each compound would be hard standing.

Each workshop would have a footprint of 6.14m x 9m and would have a barrel roof 4.86m high. Each staff welfare unit would be of a modular design of 3 small portakabin like structures attached together, measuring 2.5m x 8.5m and 2.9m in height. There would be 2no car parking spaces and 2no cycle parking spaces for each unit. Access would be from the existing petrol station forecourt via inwardly

opening gates. The whole site, and each individual compound, would be bounded by a palisade fence of 2.4m height. This would sit atop a 900mm high retaining wall to the western boundary of the site.

Planning History

3no. applications for advertisement consent, relating to signs at the petrol station, dating from 2003, 2004 and 2007.

An application for 2no. Electric Vehicle charging stations at the petrol station is currently under consideration (ref: ST/0097/18/FUL).

Publicity / Consultations (Expiry date 09/01/2018)

1) Neighbour responses

None

2) Other Consultee responses

Environmental Health (Contaminated Land)

I have reviewed the information provided in the Desk Top Study Report submitted and have the following comments:

- The desk top reports that made ground was visibly exposed during a site walk over and that there has been two previous earth workings on site, therefore the nature and extent of made ground on site is unknown at this stage.
- The report also identifies that there is a risk of migration of hydrocarbons on site due to its close proximity to the garage / existing service station, nor was it possible to establish if this site has been utilised by the garage in years gone by.

Based on this information, a Phase 2 Site Investigation will be required if this application is to proceed. I would be satisfied with conditioning the Phase 2 prior to development, together with our usual suite of conditions regards remediation, verification etc.

Environmental Health (Flood Risk)

These comments are given as an informative.

As it is not a major development there is no requirement to install sustainable drainage and there is no requirement for a flood risk assessment as it is just outside the Flood Zones 2 and 3. The application form advises that they propose to put surface water into the mains sewer this is the last resort in terms of disposal of surface water, they would need to consult Northumbrian Water on these proposals should any connection be sought. In terms of flood risk there is no specific concerns from the surface water flood maps. It would be prudent however to consider the resilience of the building/development and to perhaps have a flood plan for the business in particular where a connection to the sewer network is sought as described in the application form as during high return storm events any discharge might be restricted due to river flooding which may cause drainage to back up.

Traffic and Road Safety

Recommend approval

Assessment

In assessing this application due regard has been had to the requirement of section 149 of the Equality Act 2010.

The main considerations are the principle of development, impacts the development will have on visual amenity, highways and parking, flooding, contaminated land.

Principle of Development

The Core Strategy identifies the site as in an employment area. Policy E1 seeks to facilitate the delivery of economic growth and prosperity. The site is also located in the River Tyne Regeneration Corridor. Policy ST1 (A) states that the Spatial Strategy for South Tyneside is to regenerate the River Tyne and coastal corridors. Criterion E of that policy seeks to maximise the reuse of previously developed land.

Given the site is a previously developed brownfield site, it is considered that the principle of development is acceptable.

Visual Amenity

Policy DM1 sets out the general criteria against which all applications made under the planning Acts will be determined, including the impact of visual amenity, design, landscaping, highway capacity, flood risk and land contamination.

The proposed units would be located set back from Jarrow Road. The surrounding area is characterised by light and heavy industrial uses. The Port of Tyne lies to the north across Jarrow Road and industrial uses are to the south and west. The scale and massing of the industrial units would be in keeping with the surrounding area. Consequently it is considered that the proposal would have no adverse impact upon the visual amenity of the area.

Flood Risk

The Environmental Health Officer as Lead Local Flood Authority has been consulted and has commented that there are no specific concerns from the surface water flood maps. The applicant is also advised to consult Northumbrian Water with regard to putting surface water into the mains sewer. It is therefore not considered that the proposal would have a significant adverse impact upon the risk of flooding to the area.

Contaminated Land

A desk top study regarding contaminated land was submitted as part of this application. The Council's Environmental Health Officer has considered this study and has commented that whilst a Phase 2 Site Investigation Report is required, this can be conditioned. Therefore it is considered that the proposal is acceptable in terms of contaminated land issues subject to conditions.

Highway Safety

Supplementary Planning Document 6 sets out parking standards in the borough. The proposal includes 2no car parking spaces and 2no cycle parking spaces on 'Sheffield' type stands within each of the three compounds. This level of parking complies with SPD 6. Access to each industrial unit and its compound would be from the existing petrol station forecourt via gates which open inwardly into each compound. Amended plans have been received to illustrate as above. The Council's Traffic and Road Safety team have been consulted and have no objection to the proposal. Consequently it is not considered that the proposal would have an adverse impact upon the Highway Safety of the area.

Summary

In conclusion it is considered that the proposal would have no significant adverse impact upon visual amenity, highways and parking, flooding, contaminated land. The proposal would comply with all relevant local and national planning policy. The application is therefore recommended for approval.

Recommendation

Grant Permission with Conditions

Conditions

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

As required by Section 91 of the Town and Country Planning Act 1990 and to ensure that the development is carried out within a reasonable time.

- 2 The development shall be carried out in accordance with the approved plan(s) as detailed below

Dwg No. 01 Rev B received 09/01/2018

Any minor material changes to the approved plans will require a formal planning application under S73 of the Town and Country Planning Act 1990 to vary this condition and substitute alternative plans.

In order to provide a procedure to seek approval of proposed minor material change which is not substantially different from that which has been approved.

- 3 The external surfaces of the development hereby permitted shall be as specified on Dwg. No. 01 Rev B received 09/01/2018 unless otherwise agreed in writing by the Local Planning Authority pursuant to this condition.

To ensure a satisfactory standard of development and in the interests of visual amenity in accordance with South Tyneside LDF Development Management Policy DM1.

4 Unless otherwise agreed by the Local Planning Authority, development must not commence until a Phase 2 investigation and risk assessment, in addition to any assessment provided with the planning application, has been completed in accordance with a scheme to assess the nature and extent of any contamination on the site, whether or not it originates on the site. The contents of the scheme are subject to the approval in writing of the Local Planning Authority. The investigation and risk assessment must be undertaken by competent persons and a written report of the findings must be produced. The written report is subject to the approval in writing of the Local Planning Authority. The report of the findings must include:

(i) a survey of the extent, scale and nature of contamination;

(ii) an assessment of the potential risks to:

human health, property (existing or proposed) including buildings, crops, livestock, pets, woodland and service lines and pipes, adjoining land, groundwaters and surface waters, ecological systems, archaeological sites and ancient monuments;

(iii) an appraisal of remedial options, and proposal of the preferred option(s).

This must be conducted in accordance with DEFRA and the Environment Agency's 'Model Procedures for the Management of Land Contamination, CLR 11'.

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 policy EA5 of the adopted South Tyneside Local Development Framework Core Strategy and saved policies ENV12 and ENV16 of the South Tyneside Unitary Development Plan.

5 Unless otherwise agreed by the Local Planning Authority, development must not commence until a detailed remediation scheme to bring the site to a condition suitable for the intended use by removing unacceptable risks to human health, buildings and other property and the natural and historical environment must be prepared, and is subject to the approval in writing of the Local Planning Authority. The scheme must include all works to be undertaken, proposed remediation objectives and remediation criteria, timetable of works and site management procedures. The scheme must ensure that the site will not qualify as contaminated land under Part 2A of the Environmental Protection Act 1990 in relation to the intended use of the land after remediation.

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 Policy EA5 of the adopted South Tyneside Local Development Framework Core Strategy and saved Policies ENV12 and ENV16 of the South Tyneside Unitary Development Plan.

6 The remediation scheme approved under Condition 5 (Submission of Remediation Scheme) must be carried out in accordance with its terms prior to the commencement of development other than that required to carry out remediation, unless otherwise agreed in writing by the Local Planning Authority. The Local Planning Authority must be given two weeks written notification of commencement of the remediation scheme works.

Following completion of measures identified in the approved remediation scheme, a verification report (referred to in PPS23 as a validation report) that demonstrates the effectiveness of the remediation carried out must be produced, and is subject to the approval in writing of the Local Planning Authority.

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 Policy EA5 of the adopted South Tyneside Local Development Framework Core Strategy and saved Policies ENV12 and ENV16 of the South Tyneside Unitary Development Plan.

- 7 In the event that contamination is found at any time when carrying out the approved development that was not previously identified it must be reported in writing immediately to the Local Planning Authority. An investigation and risk assessment must be undertaken in accordance with the requirements of condition 4 (Site Characterisation), and where remediation is necessary a remediation scheme must be prepared in accordance with the requirements of condition 5 (Submission of Remediation Scheme), which is subject to the approval in writing of the Local Planning Authority.

Following completion of measures identified in the approved remediation scheme a verification report must be prepared, which is subject to the approval in writing of the Local Planning Authority in accordance with condition 6 (Implementation of Approved Remediation Scheme).

If unexpected contamination is found after development has begun, development must be halted on that part of the site affected by the unexpected contamination to the extent specified by the Local Planning Authority in writing until this condition has been complied with in relation to that contamination.

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 Policy EA5 of the adopted South Tyneside Local Development Framework Core Strategy and saved Policies ENV12 and ENV16 of the adopted South Tyneside Unitary Development Plan.

Informatives

- 1 In dealing with this application the Council has implemented the requirements of the National Planning Policy Framework (paragraphs 186 & 187) to seek to approve applications for sustainable development where possible.
- 2 The proposed development lies within a coal mining area which may contain unrecorded coal mining related hazards. If any coal mining feature is encountered during development, this should be reported immediately to the Coal Authority on 0345 762 6848.

Further information is also available on the Coal Authority website at:
www.gov.uk/government/organisations/the-coal-authority

3 NOTE TO APPLICANT

The applicant should note that should a connection to the main sewer be required, consent would need to be sought from Northumbrian Water. It would also be prudent to consider the resilience of the development and to have a flood plan for the business, in particular where a connection to the sewer network is sought, as during high return storm events any discharge might be restricted due to river flooding which may cause drainage to back up.

Case officer: Seán Gallagher

Signed:

Date: 14/03/2018

Authorised Signatory:

Date:

«END»