DELEGATED REPORT / CASE OFFICER'S ASSESSMENT

Ref No: ST/0540/23/LAA
Proposal: Construction of a new wall comprising concrete panels and steel posts
Location: Middle Docks
West Holborn
South Shields
South Tyneside
NE33 1RS

Site Visit Made: 24/08/2023

Relevant policies/SPDs

1 DM1 - Management of Development (A, B, G, K)

2 DM6 - Heritage Assets and Archaeology

3 DM7 - Biodiversity and Geodiversity Sites

4 SSTCW AAP Policy SS12 - Protecting the Built Environment Assets of South Shields

5 SSTCW AAP Policy SS13 - Protecting the Natural Environment Assets of South Shields

6 SSTCW AAP Policy SS14 - Protecting South Shields from Coastal and River Flooding

The North East Inshore and North East Offshore Marine Plan (adopted June 2021) is also considered to be relevant, as is the NPPF.

Description of the site and of the proposals

The proposal relates to the replacement of a part of a wall at the edge of the former McNulty site / Middles Docks and next to the River Tyne.

The section subject to the application is approximately 20m in length and the replacement would be 3m in height (and where the previous wall was marginally lower that this).

For information, other sections of the wall, moving away from the river to Laygate Street is being repaired / altered utilising a permitted development right.

Publicity / Consultations

1) **Neighbour / site notice responses:** None

2) **Other Consultee responses**

Countryside Team: No comments to make on this proposal.

Environment Agency: No objections, the proposal is water compatible. Advice note to applicant included about Environmental Permitting.

Assessment

The submitted details include that the proposals design and height have needed to consider security considerations relating to the Port (as Port of Tyne the former McNulty site) and they have therefore been developed in conjunction with the Port.

They are not considered to harm general local visual amenity given their location (and relative to what they would replace).

Nor are they considered to give rise to any effects in terms of highways safety (as the site is not publicly accessible) or in relation to the setting of heritage assets (given spacing from them).

They are not considered to cause any harm to residential amenity and where, given the distance from nearest residentials properties, a construction working hours planning condition is considered in this instance to be unnecessary / unreasonable. However, the applicant has indicated that works would be undertaken in line with working hours imposed by planning condition on the Holborn Enabling Works planning permission (ST/0318/21/LAA) and that is currently being carried out (to Middle Docks and land alongside / around them).

The proposals are considered to be water compatible and not give rise to any material risks in relation to flood risk and nor are they considered to give rise to any material risks to ecological related considerations.

The proposal has been eliminated in terms of its consideration with regards to Habitats Regulations Assessment (pursuant to the Conservation of Habitats and Species Regulations 2017) having regard to the Countryside Team response.

Finally, the proposal is considered to accord with relevant marine plan planning policies (NE-INF-1 Infrastructure, NE-PS-1 Ports, harbours and shipping, NE-HER-1 Heritage assets, NE-SCP-1 Seascape and landscape, NE-CC-2 Climate change).

For the reasons articulated above, the proposal is acceptable, subject to the suggested conditions and informatives; and it would accord with relevant policies set out (including the NPPF).

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

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

368634-MMD-XX-00-DR-C-4301 Rev. P01 received 19/07/2023
368634-MMD-XX-00-DR-C-4302 Rev. P01 received 19/07/2023
368634-MMD-XX-00-DR-C-4303 Rev. P01 received 19/07/2023

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.

Informatives

1 In dealing with this application the Council has implemented the requirements of the National Planning Policy Framework 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 Environmental permit - advice to applicant
The Environmental Permitting (England and Wales) Regulations 2016 require a permit or exemption to be obtained for any activities which will take place:

- on or within 8 metres of a main river (16 metres if tidal)
- on or within 8 metres of a flood defence structure or culverted main river (16 metres if tidal)
- on or within 16 metres of a sea defence
- involving quarrying or excavation within 16 metres of any main river, flood defence (including a remote defence) or culvert
- on the floodplain of a main river if the activity could affect flood flow or storage and potential impacts are not controlled by a planning permission

For further guidance please visit https://www.gov.uk/guidance/flood-risk-activities-environmental-permits or contact our National Customer Contact Centre on 03708 506 506 (Monday to Friday, 8am to 6pm) or by emailing enquiries@environment@agency.gov.uk.

Case officer initials: G.S.
Date: 19/09/2023

Authorised Signatory: Helen Lynch
Date: 19/09/2023

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