



South Tyneside Council

Reference:	250694
Location:	Unit 17-18 Prince Consort Industrial Estate Hebburn NE31 1EH
Ward:	Hebburn North
Description:	Retention of use as a scaffolding storage and haulage yard (B8 use).
Recommendation:	Grant Permission with Conditions
Case Officer:	Adam Williamson
Case Officer Contact No.:	0191 4247434 or 07741120747

Description of the Site

The application site is a plot within the Prince Consort Industrial estate, last in use as an unauthorised scrap yard associated with the adjacent site, Bank of the Tyne Motors. This was the last undeveloped site within this industrial estate. The existing site is bounded by a brick wall and railings set back approximately 2.5 metres from the road edge to protect highway visibility.

The ground level of the application site rises gradually from Prince Consort Road which lies to the west and there is a 2 metre high embankment at the rear of the site which has a small number of trees and a grassed area located upon it. This area of soft landscaping is owned by the applicant, and it is located between the proposed factory unit and the side gable end side boundary of the neighbouring detached dwelling at no. 8 Tyne View which lies directly to the east of the application site, and this raised land. There is a high boundary fence enclosing the side garden of this adjacent dwelling.

There are existing industrial uses to the north, south and west of the application site. The residential estate which lies to the east is at a higher level than the application site. Nos. 7, 8, and 28 Tyne View have gable ends facing the industrial estate. The landscaped embankment between the residential and industrial estates has a small number of trees which provide some screening.

According to the Council's LDF Site-Specific Allocations Development Plan Document, the application site falls within a Predominantly Industrial Area and it is located approximately 250 metres to the northwest of Hebburn Town Centre.

Description of the Proposal

The application is a retrospective application and seeks planning permission for the change of use of land to a storage facility (Class B8) in association with an existing scaffolding and HGV haulage business. The business is already operating from the site and has done so since 2020.

The operational hours of the storage yard are Monday to Friday: 0800 – 1800h; and Saturday: 0800 – 1200h.

The site is composed of 4 separate operations-

- A haulage company, comprising of 2no HGVs;
- A car haulage company, comprising of 1no HGV; and
- 2no. Scaffold Companies, comprising of storage of materials.

Generally, the majority of activities occur in the morning period (between 0800 – 1000) when staff arrive at the site, load cars or scaffolding and then leave the site. Staff will then arrive back to the compound in the afternoon to drop off work vehicles / occasionally unload materials.

The cabins on the site are immune from enforcement action given the amount of time they have been on the site and as such do not form part of this application. The areas of racking are not affixed to the ground and as such do not require planning permission.

Relevant Planning History

The planning history of the site is as follows:

A number of planning permissions have been granted since 2003 for industrial units and one for the storage of caravans and siting of storage containers. The most recent planning application on the site is ST/0123/16/FUL Construction of new steel framed commercial building for the production, storage and distribution of wooden furniture. Approved 23/05/2016.

Summary of Consultation Responses

The following responses were received in response to the statutory consultation period which ended on 23/06/2026.

Public Protection (Noise): I have reviewed the submitted Noise Assessment prepared by NJD Environmental Associates Ltd in support of the retrospective planning application for the continued use of the storage yard at Units 17-18 Prince Consort Industrial Estate. The assessment includes a programme of unattended noise monitoring undertaken over a five-day period and presents an assessment of operational noise in accordance with BS4142:2014.

The assessment identifies the principal site activities as vehicle movements, loading and unloading operations and the storage of scaffolding materials. Noise monitoring was undertaken over a five-day period and the assessment predicts a BS4142 rating level of 46 dB against a representative background sound level of 42 dB, resulting in a rating level excess of +4 dB at the nearest identified residential receptors. The report concludes that the operation is unlikely to result in significant adverse effects arising from noise.

I note that representations have been received from a neighbouring resident regarding noise associated with the operation of the site, particularly in relation to scaffold handling activities

and vehicle movements. These concerns are acknowledged and have been the subject of investigation by Environmental Health on a number of occasions. Whilst concerns have been raised regarding activities associated with the site, investigations undertaken by Environmental Health have not identified evidence of a statutory nuisance. It is also noted that the application site is located within a long-established industrial estate where industrial and commercial activities form part of the prevailing acoustic environment. The site itself has a long-established industrial use and the wider estate contains a range of industrial and commercial premises which contribute to the existing noise climate.

I acknowledge that activities associated with the site may be audible at nearby residential properties. However, having reviewed the submitted noise assessment, considered the operational characteristics of the site, the established industrial nature of the surrounding area, and the findings of previous investigations, Environmental Health does not consider the continued use of the site to result in noise impacts that would warrant an objection to the application on residential amenity grounds.

The planning application identifies operating hours of 08:00 to 18:00 Monday to Friday and 08:00 to 12:00 on Saturdays. The formalisation of operating hours through the planning process would provide greater clarity regarding the approved use of the site and may assist in the future management of concerns relating to activities occurring outside those hours.

Public Protection (Contaminated Land): No objection.

Transport Development Officer: Car parking space provision on site is required to be 1 space per 180sq.m. The proposed staffing level FTE is 14.5 staff, but only 2 car parking spaces are shown within the site curtilage. The Highway Authority would not wish for parking to spill out of the site onto the highway due to inadequate in-curtilage car parking provision.

Summary of Representations

1 representation has been received in objection to the proposal.

The objector considers the development to have an unacceptable impact on neighbouring residential amenity due to noise generated by scaffolding operations, loading and unloading activities, machinery, vehicles and forklift trucks. Concerns have also been raised regarding dust, particularly during dry weather, fumes, and operations taking place during unsociable hours.

The objector further states that the yard is located approximately 7 feet from the boundary fence, whereas previous plans indicated a 12-metre separation distance and a retaining wall. It is also claimed that the use of an external storage/operational yard is out of character with the surrounding industrial estate, which is predominantly comprised of industrial units rather than open yards. The objection concludes that the development adversely affects residents' enjoyment of their homes and gardens and is inappropriate in its current location.

Relevant planning policy

Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that an application for planning permission must be determined in accordance with the adopted development plan, unless material considerations indicate otherwise.

The statutory development plan comprises the Council's adopted South Tyneside Local Plan 2023-2040. Relevant policies are listed below:

- Policy SP1: Presumption in favour of Sustainable Development
- Policy 1: Promoting Healthy Communities
- Policy 2: Air Quality
- Policy 3: Pollution
- Policy 23: Employment Development beyond Employment Allocations
- Policy SP26: Delivering Sustainable Transport
- Policy 47 Design Principles

The Local Development Framework (LDF) development plan documents also remain part of the development plan at the current time. The following LDF policies are relevant to this planning application:

DM1 Management of Development (A, B, C, G, H, I, K, & M)
 DM2 Safeguarding Employment Uses
 E1 Employment Land Allocation
 EA5 Environmental Protection

The following Council planning guidance documents are also relevant to this planning application:

Supplementary Planning Document 6 (Parking Standards)

National planning policy is also a material consideration in determining this planning application. Relevant national policy comprises the National Planning Policy Framework (NPPF), National Planning Practice Guidance (NPPG), the National Design Guide and the National Model Design Code.

Assessment

Section 38(6) of the Planning and Compulsory Purchase Act 2004 sets out that if regard is to be had to the development plan, decisions should be made in accordance with the development plan unless material considerations indicate otherwise.

In accordance with advice within the National Planning Policy Framework (NPPF), the policies contained therein are material considerations that should be taken into account in decision making, along with advice set out in the Planning Practice Guidance notes. Other material considerations include representations received.

In this context, it is considered that the main planning issues in this instance relate to the Principle of Development, Residential Amenity, Visual Amenity, Highway Safety/ Parking Issues, and Biodiversity Net Gain.

Principle of Development

Policy 23 of the Local Plan supports employment uses outside of allocated employment sites within main urban areas where they would not harm the character or amenity of the area.

LDF CS Policy E1 allocates land for future economic growth.

The application site is allocated as a 'Predominantly Industrial Area' where LDF Policy DM2 requires that the land be safeguarded for employment use, such as that which is proposed.

The principle of industrial development on the site is therefore established.

The proposal is in accordance with Local Plan policy 23, and LDF policies E1 and DM2. Other matters relating to the appropriateness of the proposals are considered later in the report.

Residential Amenity

Local Plan Policy 1 seeks to ensure that pollutants, including noise and air pollution, and hazards detrimental to public health and residential amenity are addressed prior to development.

Local Plan Policy 3 states that Development that has the potential to generate pollution, including noise, vibration, odour, light, fumes and dust, should include appropriate mitigation measures to ensure there are no unacceptable impacts on residential amenity, the environment or biodiversity.

LDF Policies DM1 and EA5 also seek to safeguard against pollution.

Planning Practice Guidance (PPG) clarifies that noise is a complex technical issue and that it is necessary to identify whether the overall effect of noise exposure is, or would be, above or below the significant observed adverse effect level and the lowest observed adverse effect level for the given situation.

Part 17 NPPF (2026) seeks to ensure that new development is appropriate for its location, taking into account risks posed by pollution and other hazards; that any impacts which development might have are taken into account; and that sufficient provision is made for development required for public safety and security.

The public objection received raises concerns regarding the impact of the development on the amenity of neighbouring residents in terms of noise, dust and fumes.

The site is a storage facility where excess equipment is stored when not used on a construction site. Typically, the scaffolding equipment stored at the site includes:

- ☐ Scaffolding tubes (Galvanised steel) of varying lengths
- ☐ Scaffolding boards (timber) of varying lengths
- ☐ Scaffolding handrails (galvanised steel)
- ☐ Associated items (fittings, clamps in various shapes, props, struts, bolts)
- ☐ Debris netting
- ☐ Scaffolding sheeting
- ☐ Plastic brick guards
- ☐ Scaffold gates and hatches
- ☐ Scaffold ladders, treads, and steps.
- ☐ Rubbish chutes.
- ☐ Base plates and Base Jacks

The yard is organised into racks and buckets containing different components of a scaffold, along with some items which are securely stored in the site containers.

Three no. HGV's are also stored on the yard overnight.

Activity on the site would generally see employees entering the site at 8am and again then leaving with the trucks within the same timeframe to head to a job. The trucks, if containing any equipment, would usually be unloaded and stored on an afternoon between the hours 3.30pm to 5pm.

An officer from the Public Protection Team has reviewed the Noise Report submitted with the application and visited the site.

The residential estate which lies to the east is at a higher level than the application site. Nos. 7, 8, and 28 Tyne View have gable ends facing the industrial estate. However, the racking is higher than the boundary fencing itself.

The proposed use generates noise and disturbance from the loading and unloading of scaffolding materials including metal poles, handrails, and ladders. The movement of such items is considered to generate some noise and disturbance for the residents of the nearby dwellings given their close proximity, and they have objected on these grounds.

The application retrospectively seeks planning permission for the activities currently taking place on the site, and is supported by a Noise Report to consider the impact of quantitative noise levels from the moving of scaffolding and vehicle movements in context to the existing background noise levels. The assessment identifies the principal site activities as vehicle movements, loading and unloading operations and the storage of scaffolding materials. Noise monitoring was undertaken over a five-day period, and the assessment predicts a BS4142 rating level of 46 dB against a representative background sound level of 42 dB, resulting in a rating level excess of +4 dB at the nearest identified residential receptors. The report concludes that the operation is unlikely to result in significant adverse effects arising from noise.

The Noise officer notes that representations have been received from a neighbouring resident regarding noise associated with the operation of the site, particularly in relation to scaffold handling activities and vehicle movements. These concerns are acknowledged and have been the subject of investigation by the Environmental Health team on a number of occasions.

Whilst concerns have been raised regarding activities associated with the site, investigations undertaken by Environmental Health have not identified evidence of a statutory nuisance. It is also noted that the application site is located within a long-established industrial estate where industrial and commercial activities form part of the prevailing acoustic environment.

The site itself has a long-established industrial use, and the wider estate contains a range of industrial and commercial premises which contribute to the existing noise climate.

The Noise officer acknowledges that activities associated with the site may be audible at nearby residential properties. However, having reviewed the submitted noise assessment, considered the operational characteristics of the site, the established industrial nature of the surrounding area, and the findings of previous investigations, the Noise officer does not consider the continued use of the site to result in noise impacts that would warrant an objection to the application on residential amenity grounds.

The planning application identifies operating hours of 08:00 to 18:00 Monday to Friday and 08:00 to 12:00 on Saturdays. The formalisation of operating hours through the planning process would provide greater clarity regarding the approved use of the site and may assist in the future management of concerns relating to activities occurring outside those hours as raised by objectors.

It is acknowledged that the wider Industrial Estate includes engineering businesses and other users which generate noise and disturbance through the undertaking of activities, throughout the day, which contribute to the general background noise of the area.

It is also appreciated that the site is identified as a protected employment site for B1, B2 and B8 uses, in the South Tyneside LDF. As outlined within the planning history, planning permission has previously been granted for an industrial building and associated hard surfacing and fencing (ST/0123/16/FUL) which was never implemented.

The noise and disturbance from dust and fumes from the scaffolding business is not a constant throughout an entire working day, noise from the loading and unloading of materials would be generated at various intervals, including in the morning. Given the nature of the activities and the close proximity of a number of residential properties, it is considered prudent to attach a condition restricting the hours of operation of the site from 8am to 6pm Monday to Friday and 8am to 1pm on Saturdays with no use of the site outside of those hours or on bank holidays

In conclusion, subject to conditions relating to the hours of operation of the yard, the development would not significantly harm the living conditions of local residents. It therefore accords with policies 1, 2 and 3 of the Local Plan, and policy DM1(B) of the South Tyneside LDF which require new development to cause no significant harm to amenity and other sensitive uses.

Visual Amenity

Policy 47 of the Local Plan sets out that all development, shall provide for high quality design that contributes positively to the character and visual amenity of the borough's townscapes, landscapes and seascapes.

LDF Policy DM1(A) seeks to preserve residential and visual amenity.

The objector has highlighted concerns regarding the design, appearance and materials used in the structures on the site.

The site features areas of storage racking built from scaffolding tubes with open sides and metal roof sheets. Other containers are positioned within the wider site.

The site is enclosed to the east by a close boarded fence, a dwarf wall and railings including gates on the western boundary, 2.4 metre high palisade fencing to the northern boundary and 2.4 metre high steel fencing to the southern boundary.

It is acknowledged that the development, in particular the containers and racking areas are of a functional appearance. Whilst it is appreciated that the racking is visible above the fencing, the fence does offer some screening of the visual impacts of the development. A condition restricting the height of external storage on the site to no higher than the highest point of the boundary fencing between the site and the curtilages of neighbouring dwellings to the east is recommended in the interests of wider visual amenity.

As stated above, the cabins on the site are immune from enforcement action given the amount of time they have been on the site and as such do not form part of this application. The areas of racking are not affixed to the ground and as such do not require planning permission in and of themselves.

The proposals are typical of development found within the wider estate. When taken in the round and in the context of the industrial estate to the south, on balance, it is considered that the development does not have such a detrimental visual impact as to warrant refusal and the proposals do not undermine the objectives of Local Plan policy 47 of LDF Policy DM1(A).

Highway Safety Issues

Policy SP26 seeks to ensure that development promotes sustainable and accessible transport. Proposals should prioritise walking, cycling and public transport, provide safe and integrated access to existing transport networks, mitigate any impacts on the highway network, and include adequate parking and cycle storage. Development should also support road safety, protect public rights of way, accommodate future growth, and, where appropriate, provide electric vehicle charging infrastructure and improve access to public transport services and facilities.

STCS Policy A1 Improving Accessibility seeks to support public transport, cycling and walking by ensuring that new developments are easily accessible. Parking standards will apply to new development, as set out in SPD6.

Policy DM1 (G, H and I) Management of Development, seeks to ensure acceptable impact (or mitigation) of developments in relation to highway capacity and safety, that convenient and safe routes are facilitated and the needs of all users are considered.

The application site is accessed from Prince Consort Industrial Estate, via an existing access point to the west. The site provides parking for HGV's, pick-up trucks and car parking (during the day).

The comments regarding employee parking provision from the Transport Development Officer are noted. Whilst the applicant advises that those employed at the site will increase from 13 to 14, there is very little floorspace on-site for staff (only around 40sqm) and the nature of the business activities on-site (haulage and scaffolding storage) are such that the majority of staff are not on-site during the day. Two no. car parking spaces are shown on the proposed site plan and on-street parking is available on the public highway adjacent to the site. Given the nature of the use, the size of the site, and its position within an existing industrial estate, in this context the proposals are not considered to generate a significant amount of traffic or vehicular trips. Sufficient car parking space is available within the site with further parking available on-street also. Turning and pick up space is provided within the site.

Specific cycle parking is not provided for. However, there are secure storage containers on-site and it is considered that these could be available to provide secure space for cycle parking should this be needed.

Overall, taking into account the above it is not considered that the use is acceptable in highway safety and car parking terms. Therefore, no highways objections are raised with the proposals considered to accord with Local Plan Policy SP26, LDF CS Policy A1 and LDF Policy DM1 (G, H & I).

Biodiversity Net Gain

In terms of Biodiversity Net Gain, the proposed development is retrospective. This would fall under the S73A exemption under the Biodiversity Gain Requirements (Exemptions) Regulation 2024 and therefore the proposal would be exempt from having to provide for mandatory 10% BNG.

Conclusion

Section 38(6) of the Planning and Compulsory Purchase Act 2004 sets out that planning applications be determined in accordance with the development plan unless material considerations indicate otherwise. The NPPF is a material consideration in planning decisions.

In this instance, it is concluded that in terms of general principle, the application site is within an established industrial estate which is a suitable location for this B8 use and the use is therefore acceptable in principle in terms of Local Plan policy 23, and LDF policies E1 and DM2.

However, the development needs to demonstrate compliance with the remaining South Tyneside policies of relevance, in particular Local Plan policies 1 and 3 relating to amenity and pollution. Having regard to the nature of the activities undertaken and the proximity of the site to neighbouring residential properties, in particular the dwellings on Tyne View, it is considered that the development would not result in unacceptable levels of noise and disturbance, to the detriment of the amenity of nearby residents subject to an hours of activity restriction condition. This accords with policies 1 and 3 of the Local Plan and Policy DM1(B) of the South Tyneside LDF, and Part 17 of the National Planning Policy Framework.

In terms of highway safety, the use is considered to have acceptable access and parking in accordance with Local Plan Policy SP26 and CS policy A1 and LDF Policy DM1 (G, H and I).

Although functional in terms of design and appearance, on balance, taking into account the site context it is not considered that the development has such a detrimental visual impact to sustain a reason for refusal.

It is noted that the development provides a valued source of employment to the local area and that a refusal of the application would have economic impacts. Overall, in this instance the adverse impacts arising from the proposal are not considered to significantly and demonstrably outweigh the benefits associated with the development.

In terms of the overall planning balance, for the purposes of NPPF Policy S3c the use is considered to accord with both an up-to-date development plan and the decision-making policies in the NPPF. With regard to NPPF Policy S4 there are not considered to be adverse effects that would substantially outweigh the benefits arising from the use.

Therefore the application is recommended for approval.

In deciding whether to grant planning permission the Council must have due regard to the 3 equality aims contained in Section 149 of the Equality Act 2010 (the public sector equality duty). A preliminary assessment of the potential equality impacts of any grant of planning permission in this case has been undertaken. There are no apparent equality impacts of the proposed development which give rise to the need to undertake a more detailed equality impact assessment.

The development has been assessed against the provisions of the Human Rights Act, and in particular Article 1 of the First Protocol and Article 8 of the Act itself. This Act gives further effect to the rights included in the European Convention on Human Rights. In arriving at this recommendation, due regard has been given to the applicant's reasonable development rights and expectations which have been balanced and weighed against the wider community interests, as expressed through third party interests / the Development Plan and Central Government Guidance.

Recommendation

Grant Permission with Conditions

Conditions

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

Site Plan Drg. No. 00214 Rev A1 received 10/11/2025

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.

2. The application site shall be used for the storage of scaffolding and related equipment storage and as a haulage yard (and for no other purpose (including any other purpose in Class B8 of the Schedule to the Town and Country Planning (Use Classes) Order 1987, as amended), (or in any provision equivalent to those classes in any statutory instrument revoking and/or re-enacting that Order with or without modification).

To protect the living conditions of the occupants of nearby residential properties and to accord with Local Plan policies 1, 2 and 3, and Policy DM1(B) of the South Tyneside Local Development Framework.

3. Loading or unloading of vehicles or other movement of scaffolding or related equipment/haulage goods within the site identified on Site Plan Drg. No. 00214 Rev A1 received 10/11/2025 shall take place only between the hours of 08:00 and 18:00 Monday to Friday, 08:00 and 12:00 on Saturdays, and not at all on Sundays and Bank or Public Holidays.

To protect the living conditions of the occupants of nearby residential properties and to accord with Local Plan policies 1, 2 and 3, and Policy DM1(B) of the South Tyneside Local Development Framework.

4. Vehicle movements within the site identified on plan Site Plan Drg. No. 00214 Rev A1 received 10/11/2025 shall take place only between the hours of 08:00 and 18:00 Monday to Friday, 08:00 and 13:00 on Saturdays, and not at all on Sundays and Bank or Public Holidays.

To protect the living conditions of the occupants of nearby residential properties and to accord with Local Plan policies 1, 2 and 3, and Policy DM1(B) of the South Tyneside Local Development Framework.

5. Within 2 calendar months of the date of this permission, all external storage on the site shall be reduced in height so as to not exceed the highest point of all boundary treatments separating the application site from neighbouring dwellings in Tyne View or 2 metres in height whichever is the greater. At all times thereafter all external storage shall not exceed this height limit.

To protect the visual amenity of the occupants of nearby residential properties and to accord with Local Plan policies 1, 2 and 3, and Policy DM1(B) of the South Tyneside Local Development Framework.

Informatives

1. Approval of a Biodiversity Gain Plan NOT REQUIRED before development commences. The effect of paragraph 13 of Schedule 7A to the Town and Country Planning Act 1990 is that planning permission granted for the development of land in England is deemed to have been granted subject to the condition "(the biodiversity gain condition)" that development may not begin unless:

(a) a Biodiversity Gain Plan has been submitted to the planning authority, and
(b) the planning authority has approved the plan.

However, based on the information available, this permission is considered to be one which will not require the approval of a biodiversity gain plan before development is begun because one or more of the statutory exemptions or transitional arrangements are considered to apply - please refer to Biodiversity net gain: exempt developments - GOV.UK (www.gov.uk).

Case officer: Adam Williamson

Date: 25/08/2026

Authorised Signatory: Geoff Horsman

Date: 01/09/2026