



North Tyneside Council

Planning Committee

4 May 2018

To be held on **Tuesday 15 May 2018** in room 0.02, Ground Floor, Quadrant East, The Silverlink North, Cobalt Business Park, North Tyneside, NE27 0BY **commencing at 10.00am.**

Agenda Item	Page
1. Apologies for absence	
To receive apologies for absence from the meeting.	
2. Appointment of substitutes	
To be informed of the appointment of any substitute members for the meeting.	
3. To receive any declarations of interest	
You are invited to declare any registerable and/or non-registerable interests in matters appearing on the agenda, and the nature of that interest.	
You are also requested to complete the Declarations of Interests card available at the meeting and return it to the Democratic Services Officer before leaving the meeting.	
You are also invited to disclose any dispensation from the requirement to declare any registerable and/or non-registerable interests that have been granted to you in respect of any matters appearing on the agenda.	
4. Minutes	3
To confirm the minutes of the meeting held on 24 April 2018.	

Continued overleaf

Members of the public are welcome to attend this meeting and receive information about it.

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5. Planning officer reports

To give consideration to the planning applications contained in the above report relating to: 5

5.1 18/00279/FUL
Sterling Pharma Solutions Ltd, Dudley Lane, Dudley 10
(Weetslade Ward)

Members of the Planning Committee:

Councillor Brian Burdis	Councillor Frank Lott (Chair)
Councillor Sandra Graham	Councillor Wendy Lott
Councillor Muriel Green	Councillor Gary Madden
Councillor Ed Hodson	Councillor Paul Mason
Councillor John Hunter	Councillor David McMeekan (Deputy Chair)

(Note: These minutes are subject to confirmation at the next meeting of the Committee scheduled to be held on 15 May 2018.)

Planning Committee

24 April 2018

Present: Councillor F Lott (Chair)
Councillors B Burdis E Hodson,
M A Green, S Graham, John Hunter,
W Lott, D McMeekan and P Mason.

PQ59/04/18 Apologies

There were no apologies for absence.

PQ60/04/18 Substitute Members

There were no substitute members appointed.

PQ61/04/18 Declarations of Interest and Dispensations

There were no declarations of interest or dispensations reported.

PQ62/04/18 Minutes

Resolved that the minutes of the meeting held on 3 April 2018 be confirmed as a correct record and signed by the Chair.

PQ63/04/18 Planning Officer's Reports

Resolved that (1) permission to develop pursuant to the General Development Provisions of the Town and Country Planning Act 1990 and the Orders made thereunder, be granted for such class or classes of development or for such limited purpose or purposes as are specified, or not granted as the case may be, in accordance with the decisions indicated below; and

(2) any approval granted for a limited period be subject to the usual conditions relating to the restoration of land, removal of buildings and discontinuance of temporary use.

Application No: 18/00239/FUL Ward: St Mary's
Application Type: Full planning application
Location: Visitor Centre, St Mary's Island, St Mary's Island Access Road, Whitley Bay
Proposal: Proposal: Refurbishment of lighthouse and visitor centre including internal re-planning of visitor centre, partial demolition of visitor centre entrance and construction of single storey extension in its place, single storey extension to visitor centre east elevation, construction of ancillary external storage and plant rooms and renewal of causeway. (Resubmission)
Applicant: North Tyneside Council

The Committee gave consideration to a report from planning officers in relation to the application, together with an addendum circulated to the Committee prior to the meeting. A

planning officer presented details of the application, together with details of application 18/00240/LBC, with the aid of various maps, plans and photographs.

Members of the Committee asked questions of officers and the applicant's representatives who were present at the meeting and made comments. In doing so the committee gave particular consideration to:

- a) the details of the proposed causeway improvement works and its impact on access to the Island and the ecology of the area;
- b) the impact of an increased number of visitors to the Island on the ecology of the area; and
- c) the proposed condition that a site management plan would have to be submitted to, and approved by, the local planning authority in consultation with the RSPB and the Northumberland Wildlife Trust prior to the commencement of works.

Decision

Application approved, subject to the conditions set out in the planning officer's report and addendum, as the proposed development was considered to be acceptable in terms of its impact on the ecology, archaeology, visual amenity, character and appearance, residential amenity and highway safety in the area in accordance with the relevant policies contained in the National Planning Policy Framework and the Council's Local Plan 2017.

Statement under Article 35 of the Town & Country (Development Management Procedure) (England) Order 2015):

The Local Planning Authority worked proactively and positively with the applicant to identify various solutions during the application process to ensure that the proposal comprised sustainable development and would improve the economic, social and environmental conditions of the area and would accord with the development plan. These were incorporated into the scheme and/or have been secured by planning condition. The Local Planning Authority has therefore implemented the requirements in Paragraphs 186-187 of the National Planning Policy Framework.

Application No:	18/00240/LBC	Ward:	St Mary's
Application Type:	Listed Building Consent		
Location:	Visitor Centre, St Mary's Island, St Mary's Island Access Road, Whitley Bay		
Proposal:	Proposal: Refurbishment of lighthouse and visitor centre including internal re-planning of visitor centre, partial demolition of visitor centre entrance and construction of single storey extension in its place, single storey extension to visitor centre east elevation, construction of ancillary external storage and plant rooms and renewal of causeway. (Resubmission)		
Applicant:	North Tyneside Council		

The Committee gave consideration to a report from planning officers in relation to the application. A planning officer presented details of the application, together with details of application 17/01852/FUL, with the aid of various maps, plans and photographs.

Decision

Application approved, subject to the conditions set out in the planning officer's report, as the proposed development was considered to be acceptable in terms of its impact on the character and appearance of the heritage assets in accordance with advice contained in the National Planning Policy Framework and policies S6.5, DM6.6, AS8.15 and AS8.17 of the Council's Local Plan 2017.

PLANNING COMMITTEE

Date: 15 May 2018

PLANNING APPLICATION REPORTS

Background Papers - Access to Information

The background papers used in preparing this schedule are the relevant application files the numbers of which appear at the head of each report. These files are available for inspection at the Council offices at Quadrant East, The Silverlink North, Cobalt Business Park, North Tyneside.

Principles to guide members and officers in determining planning applications and making decisions

Interests of the whole community

Members of Planning Committee should determine planning matters in the interests of the whole community of North Tyneside.

All applications should be determined on their respective planning merits.

Members of Planning Committee should not predetermine planning applications nor do anything that may reasonably be taken as giving an indication of having a closed mind towards planning applications before reading the Officers Report and attending the meeting of the Planning Committee and listening to the presentation and debate at the meeting. However, councillors act as representatives of public opinion in their communities and lobbying of members has an important role in the democratic process. Where members of the Planning Committee consider it appropriate to publicly support or oppose a planning application they can do so. This does not necessarily prevent any such member from speaking or voting on the application provided they approach the decision making process with an open mind and ensure that they take account of all the relevant matters before reaching a decision. Any Member (including any substitute Member) who finds themselves in this position at the Planning Committee are advised to state, prior to consideration of the application, that they have taken a public view on the application.

Where members publicly support or oppose an application they should ensure that the planning officers are informed, preferably in writing, so that their views can be properly recorded and included in the report to the Planning Committee.

All other members should have regard to these principles when dealing with planning matters and must avoid giving an impression that the Council may have prejudged the matter.

Planning Considerations

Planning decisions should be made on planning considerations and should not be based on immaterial considerations.

The Town and Country Planning Act 1990 as expanded by Government Guidance and decided cases define what matters are material to the determination of planning applications.

It is the responsibility of officers in preparing reports and recommendations to members to identify the material planning considerations and warn members about those matters which are not material planning matters.

Briefly, material planning considerations include:-

- North Tyneside Local Plan (adopted July 2017);
- National policies and advice contained in guidance issued by the Secretary of State, including the National Planning Policy Framework, Planning Practice Guidance, extant Circulars and Ministerial announcements;
- non-statutory planning policies determined by the Council;
- the statutory duty to pay special attention the desirability of preserving or enhancing the character or appearance of conservation areas;
- the statutory duty to have special regard to the desirability of preserving a listed building or its setting or any features of special architectural or historic interest which it possesses;
- representations made by statutory consultees and other persons making representations in response to the publicity given to applications, to the extent that they relate to planning matters.

There is much case law on what are material planning considerations. The consideration must relate to the use and development of land.

Personal considerations and purely financial considerations are not on their own material; they can only be material in exceptional situations and only in so far as they relate to the use and development of land such as, the need to raise income to preserve a listed building which cannot otherwise be achieved.

The planning system does not exist to protect private interests of one person against the activities of another or the commercial interests of one business against the activities of another. The basic question is not whether owners and occupiers or neighbouring properties or trade competitors would experience financial or other loss from a particular development, but whether the proposal would unacceptably affect amenities and the existing use of land and buildings, which ought to be protected in the public interest.

Local opposition or support for the proposal is not in itself a ground for refusing or granting planning permission, unless that opposition or support is founded upon valid planning reasons which can be substantiated by clear evidence.

It will be inevitable that all the considerations will not point either to grant or refusal. Having identified all the material planning considerations and put to one side all the immaterial considerations, members must come to a carefully balanced decision which can be substantiated if challenged on appeal.

Officers' Advice

All members should pay particular attention to the professional advice and recommendations from officers.

They should only resist such advice, if they have good reasons, based on land use planning grounds which can be substantiated by clear evidence.

Where the Planning Committee resolves to make a decision contrary to a recommendation from officers, members must be aware of their legislative responsibilities under Article 35 of the Town & Country Planning (Development Management Procedure) (England) Order 2015 (as amended) to:

When refusing permission:

- state clearly and precisely the full reasons for any refusal including specifying all the policies and proposals in the development plan relevant to the decision; or

When granting permission:

- give a summary of the reasons for granting permission and of the policies and proposals in the development plan relevant to the decision; and
- state clearly and precisely full reasons for each condition imposed, specifying all policies and proposals in the development plan which are relevant to the decision; and
- in the case of each pre-commencement condition, state the reason for the condition being a pre-commencement condition.

And in both cases to give a statement explaining how, in dealing with the application, the LPA has worked with the applicant in a proactive and positive manner based on seeking solutions to problems arising in relation to dealing with the application, having regard to advice in para.s 186-187 of the National Planning Policy Framework.

Lobbying of Planning Committee Members

While recognising that lobbying of members has an important role in the local democratic process, members of Planning Committee should ensure that their response is not such as to give reasonable grounds for their impartiality to be questioned or to indicate that the decision has already been made. If however, members of Committee express an opinion prior to the Planning Committee this does not necessarily prevent any such member from speaking or voting on the application provided they approach the decision making process with an open

mind and ensure that they take account of all the relevant matters before reaching a decision. Any Member (including any substitute Member) who finds themselves in this position at the Planning Committee are advised to state, prior to consideration of the application, that they have taken a public view on the application.

Lobbying of Other Members

While recognising that lobbying of members has an important role in the local democratic process, all other members should ensure that their response is not such as to give reasonable grounds for suggesting that the decision has already been made by the Council.

Lobbying

Members of the Planning Committee should ensure that their response to any lobbying is not such as to give reasonable grounds for their impartiality to be questioned. However all members of the Council should ensure that any responses do not give reasonable grounds for suggesting that a decision has already been made by the Council.

Members of the Planning Committee should not act as agents (represent or undertake any work) for people pursuing planning applications nor should they put pressure on officers for a particular recommendation.

**PLANNING APPLICATION REPORTS
CONTENTS**

5.1 18/00279/FUL

Weetslade

**Sterling Pharma Solutions Ltd Dudley Lane Dudley
NORTHUMBERLAND NE23 7QG**

Item No: 5.1
Application No: 18/00279/FUL Author: Maxine Ingram
Date valid: 6 March 2018 ☎: 0191 643 6322
Target 5 June 2018 Ward: Weetslade
decision date:

Application type: full planning application

Location: Sterling Pharma Solutions Ltd, Dudley Lane, Dudley, NORTHUMBERLAND, NE23 7QG

Proposal: Development of a new three story building that will house pharmaceutical particle size reduction equipment, analytical laboratories, chemistry laboratories, warehousing, liquids storage and administrative offices and a liquid storage building.

Applicant: Sterling Pharma Solutions Limited, Mr Steve Adams Shasun Pharma Solutions Dudley Lane DUDLEY NE23 7QG

Agent: BT Bell, Mr Brian Bell Burnside House Hexham Business Park Burn Lane Hexham NE46 3RU

RECOMMENDATION: Application Permitted

INFORMATION

1.0 Summary Of Key Issues

1.0 The main issues for this proposal are:

-The principle of the development, the impact on amenity and other issues (highways, flooding, wildlife corridor).

1.1 Planning law requires that applications for planning permission must be determined in accordance with the development plan, unless material considerations indicate otherwise. Members need to consider whether this application accords with the development plan and also take into account any other material considerations in reaching their decision.

2.0 Description of the Site

2.1 The application relates to the Shasun Pharma Solutions Site, Dudley covering a site area of approximately 11 hectares (ha). The site comprises a number of industrial buildings of varying heights and designs.

2.2 To the west of the site is a railway line, with open agricultural land beyond. The agricultural land is designated as Green Belt. To the north of the site are existing commercial units that fall within the administrative boundary of

Northumberland. Opposite the site, to the east and across Dudley Lane, are residential dwellings. The main entrance to the site is from Dudley Lane.

3.0 Description of the Proposed Development

3.1 Planning permission is sought for the construction of a three storey building that will house pharmaceutical size reduction equipment, analytical laboratories, chemistry laboratories, warehousing, liquids storage and administrative offices.

3.2 Pharmaceutical particle size reduction is the process of taking a pharmaceutical powder and reducing the size of the particles. This can be done by multiple methods falling broadly into two categories.

3.3 Category 1 Mechanical Milling – Typically involves using mechanical force to break the particle and push these through a screen with holes. Examples of these methods are pin milling, hammer milling, cone milling.

3.4 Category 2 Micronisation – Typically involves using an inert gas or air as the force to use the particles themselves to rub against each other to reduce the particle size, this grinding action using particle on particle attrition grinds without the introduction of heat or wear. An example of this method is jet milling.

3.5 The analytical laboratories will house bench mounted testing equipment including weigh scales, particle size testing machines, sieves, friability testing etc. this testing is typically completed with small amounts of product substances.

3.6 The chemistry laboratories will house fume cupboards/down flow booths with small glassware vessels and receivers inside them, in which chemistry will be carried out.

3.7 The clean rooms required to manufacture powders for pharmaceutical use must be laid out in certain ways so as to minimise contamination to the product. These requirements dictate many of the space constraints used during design. The design is generally to British and International standards for clean room design.

3.8 The applicant has advised that the facility is laid out to accommodate the best practice for pharmaceutical design and operations. It is designed to allow entry and exit of materials and personnel in a controlled fashion. It is designed to be easily cleaned and operated.

4.0 Relevant Planning History

4.1 There is a wide variety of planning history relating to this site however the most relevant applications are as follows:

17/01814/FUL - Installation of new road within established industrial site – Permitted 12.02.2018

17/01125/FUL - New facility to produce gaseous nitrogen is to be erected on a concrete slab over an existing gravel hardstanding, to include an 18m high storage tank, a 16m vacuum distillation column, two 8m high vaporisers, and a

40 sq. metre compressor building. The facility will be contained in a fenced compound – Permitted 13.10.2017

14/01382/HAZSUB - Increase of Tetrahydrofuran storage on site to 34mT – Permitted 09.03.2015

11/00877/HAZSUB - Application for revision of hazardous substances consent for storage and use of various substances - Withdrawn 19.03.14

10/00773/HAZSUB - Application for revised limits of storage of various hazardous substances: Permitted 05.08.10

09/01139/HAZSUB - Variation of condition on 01/01483/HAZSUB to vary the location and storage type for propylene oxide: permitted 20.01.10

01/01483/HAZSUB - Storage and use of various hazardous substances (as amended on 16 February 2004): Permitted 24.09.2004

5.0 Development Plan

5.1 North Tyneside Local Plan (2017)

6.0 Government Policies

National Planning Practice Guidance (NPPG) (As amended)

National Planning Policy Framework (NPPF) (2012)

Draft National Planning Policy Framework (2018)

Planning (Hazardous Substances) Act 1990

Planning (Hazardous Substances) Regulations 2015

PLANNING OFFICERS REPORT

7.0 Detailed Planning Considerations

7.1 The main issues in this case are:

- Principle of the development;
- Impact on amenity;
- Other issues.

7.2 Consultations responses and representations received as a result of the publicity given to this application are set out in the appendix to this report.

8.0 Principle of the development

8.1 S2.2 Provision of Land for Employment Development advises that there is a further 30ha of employment land identified as being reserved within the curtilage of existing businesses and is therefore to be treated as potential expansion for businesses.

8.2 DM2.3 Development Affecting Employment Land and Buildings

“The Council will support proposals on employment land, as shown on the Policies Map, for new or additional development for uses within use classes B1, B2 or B8 or that which is deemed ancillary.

Proposals on identified employment land or other buildings in use-class B1, B2 or B8, for uses that could conflict with the development and regeneration of sites for economic development, will be permitted where these proposals would not:

- Result in the unacceptable loss of operating businesses and jobs; and,
- Result in an excessive reduction in the supply of land for development for employment uses, taking into account the overall amount, range, and choice available for the remainder of the plan period; and,
- Have an adverse impact upon the amenity and operation of neighbouring properties and businesses.”

8.3 The applicant has advised that the proposed development takes the place of an existing waste treatment building that has been on the site since 1995. It will be located at the furthest west point of the wider Sterling Pharma Solutions production site. It will not be highly visible from the B1319, entrance to the site or the houses opposite the main site entrance.

8.4 The applicant has further advised that the proposed development adds to the existing site’s capabilities in the areas of particle size reduction, analytical laboratories and chemistry laboratories. All these activities already take place on the site and no new risks will be introduced to the site by the addition of this building.

8.5 The proposed development will support employment opportunities.

8.6 The proposed development would be sited within the confines of the existing business. Therefore, it would not result in a reduction in the level of available employment land.

8.7 Members need to determine whether the principle of the proposed development is acceptable. It is the view of officers that the proposed development complies with both national and local planning policies.

9.0 Impact on amenity

9.1 Paragraph 123 of NPPF states that planning decisions should aim to avoid noise from giving rise to significant adverse impacts on health and quality of life as a result of new development.

9.2 DM5.19 Pollution

“Development proposals that may cause pollution either individually or cumulatively of water, air or soil through noise, smell, smoke, fumes, gases, steam, dust, vibration, light, and other pollutants will be required to incorporate measures to prevent or reduce their pollution so as not to cause nuisance or unacceptable impacts on the environment, to people and to biodiversity.

Development proposed where pollution levels are unacceptable will not be permitted unless it is possible for mitigation measures to be introduced to secure a satisfactory living or working environment.

Development that may be sensitive (such as housing, schools and hospitals) to existing or potentially polluting sources will not be sited in proximity to such

sources. Potentially polluting development will not be sited near to sensitive areas unless satisfactory mitigation measures can be demonstrated.

Proposals for development should have regard to the noise impacts arising from the Newcastle International Airport flight path as shown on the Policies Map.”

9.3 DM6.1 Design of Development

“Applications will only be permitted where they demonstrate high and consistent design standards. Designs should be specific to the place, based on a clear analysis the characteristics of the site, its wider context and the surrounding area. Proposals are expected to demonstrate:

- a. A design responsive to landscape features, topography, wildlife habitats, site orientation and existing buildings, incorporating where appropriate the provision of public art;
- b. A positive relationship to neighbouring buildings and spaces;
- c. A safe environment that reduces opportunities for crime and antisocial behaviour;
- d. A coherent, legible and appropriately managed public realm that encourages accessibility by walking, cycling and public transport;
- e. Sufficient car parking that is well integrated into the layout; and,
- f. A good standard of amenity for existing and future residents and users of buildings and spaces.”

9.4 The proposed development would cover a ground area of approximately 825 square metres (sqm) with a further two floors of 825sqm giving a total floor area of approximately 2,475sqm. An additional liquid storage building of 34 sqm is also proposed. The height of the building will be approximately 14.5m with extract ducts to a height of 18.5m at the rear of the building. The extract stacks are for vented air from the clean rooms and laboratories. All the clean rooms and laboratory areas are vented through these stacks and will be filtered to remove any powders that may be present in the air.

9.5 The Manager for Environmental Health has been consulted. She has noted that the external vents from the laboratory rooms will be fitted with filters to minimise potential particulates into the air. The location of the proposed building would be screened by the existing buildings on the site, however, due to the installation of additional plant and equipment she has recommended a noise scheme to be conditioned to ensure any potential noise is suitably mitigated.

9.6 Newcastle International Airport has been consulted. They have advised that any crane over 45m in height would penetrate the airfield’s protected obstacle limitation surface. They have requested that all cranes should be fitted with medium intensity red steady obstacle lights. They have also advised that any lighting required for the development either permanently or during construction, should be fully cut off so as to minimise light pollution spilling into the atmosphere which could distract pilots on final approach to Newcastle Airport. It is recommended that conditions are imposed to secure these measures.

9.7 The proposed development will be clad in the same colour scheme and cladding profile as the existing adjacent development centre. It will also be of a similar height and appearance. The proposed building would be sited on the

most western part of the site. Therefore, the visual impact would be reduced when viewed from these residential properties located to the east of the site.

9.8 Existing commercial units are located to the north of the site. It is not considered that the proposed development would significantly impact upon the amenity of these existing units.

9.9 The site is bound to the west by railway lines beyond which lies an area of designated Green Belt. Views of the proposed development would be afforded from the Green Belt. However, when viewed from this direction it would be seen in the context of an existing and established commercial use. Therefore, it is not considered that the proposed development would harm the characteristics of the adjacent Green Belt.

9.10 The western perimeter of the site, adjacent to the proposed development is made up of an external division fence separating the east coast main line from the site. The applicant has advised that there is existing foliage/planting screening in this area that will not be disturbed by the proposed works. They have also advised that the area to the south of the liquids storage building will be built up, planted with grass and possible small shrubs/areas of planting. Small areas of planting may be created on the east side of the building near the entrance.

9.11 The Council's Landscape Architect has been consulted. She has advised that the applicant has drawn attention to the landscape opportunities that may be presented by the development footprint. However, in their opinion, the landscaping does not necessarily need to be located within the proximity of the build, but could be featured throughout the wider site area within the application to help mitigate and/or attenuate external views of the facility. Therefore, they consider that a landscape scheme should be conditioned due to its location next to a wildlife corridor.

9.12 Members need to determine whether the proposed development is acceptable in terms of its impact on both residential and visual amenity. It is officer advice, subject to the imposition of the suggested conditions, that the proposed development accords with both national and local planning policies.

10.0 Other Issues

10.1 Contaminated Land

10.2 NPPF states that the planning system should contribute to remediating and mitigating despoiled, degraded, derelict, contaminated and unstable land where appropriate.

10.3 DM5.18 Contaminated and Unstable Land

"Where the future users or occupiers of a development would be affected by contamination or stability issues, or where contamination may present a risk to the water environment, proposals must be accompanied by a report which:

- Shows that investigations have been carried out to assess the nature and extent of contamination or stability issues and the possible effect it may have on the development and its future users, biodiversity, the natural and built environment; and

b. Sets out detailed measures to allow the development to go ahead safely and without adverse affect, including, as appropriate:

- i. Removing the contamination;
- ii. Treating the contamination;
- iii. Protecting and/or separating the development from the effects of the contamination;
- iv. Validation of mitigation measures; and
- v. Addressing land stability issues.

Where measures are needed to allow the development to go ahead safely and without adverse affect, these will be required as a condition of any planning permission”

10.4 The Contaminated Land Officer has been consulted. She has recommended conditional approval.

10.5 Members need to consider whether the proposed development is acceptable in terms of its impact on ground conditions. It is officer advice that it is.

10.6 Flooding

10.7 NPPF states that when determining planning applications, LPA’s should ensure that flood risk is not increased elsewhere and only consider development appropriate in areas at risk of flooding where informed by a site specific flood risk assessment (FRA) following the sequential test.

10.8 DM5.12 Development and Flood Risk

“All major developments will be required to demonstrate that flood risk does not increase as a result of the development proposed, and that options have been taken to reduce overall flood risk from all sources, taking into account the impact of climate change over its lifetime.

All new development should contribute positively to actively reducing flood risk in line with national policy, through avoidance, reduction, management and mitigation. In addition to the requirements of national policy, development will avoid and manage flood risk by:

- a. Helping to achieve the flood management goals of the North Tyneside Surface Water Management Plan and Northumbria Catchment Flood Management Plans; and
- b. According with the Council’s Strategic Flood Risk Assessment, including meeting the requirement for a Flood Risk Assessment for sites over 0.5ha in identified Critical Drainage Areas”.

10.9 The proposed development would be located within an existing facility. It is located in Flood Zone 1.

10.10 The Local Lead Flood Authority (LLFA) has been consulted. They have advised that the site is located in Flood Zone 1, has a minimal risk of surface

water flooding and there have been no records of internal flooding to properties in the vicinity. On this basis, the LLFA has raised no objections.

10.11 The Environment Agency has been consulted. They have raised no objections to the proposed development.

10.12 Members need to determine whether the proposed development is acceptable in terms of flood risk. It is officer advice that it is and it would accord with both national and local planning policies.

10.13 Highways

10.14 DM7.4 New Development and Transport

“The Council and its partners will ensure that the transport requirements of new development, commensurate to the scale and type of development, are taken into account and seek to promote sustainable travel to minimise environmental impacts and support residents health and well-being:

- a. Accessibility will be improved and transport choice widened, by ensuring that all new development is well serviced by an attractive choice of transport modes, including public transport, footways and cycle routes. Connections will be integrated into existing networks with opportunities to improve connectivity identified.
- b. All major development proposals likely to generate significant additional journeys will be required to be accompanied by a Transport Assessment and a Travel Plan in accordance with standards set out in the Transport and Highways SPD (LDD12).
- c. The number of cycle and car parking spaces provided in new developments will be in accordance with standards set out in the Transport and Highways SPD (LDD12).
- d. New developments will need to demonstrate that existing or proposed public transport services can accommodate development proposals, or where necessary, identify opportunities for public transport improvements including sustainable access to public transport hubs.
- e. New developments in close proximity to public transport hubs, whenever feasible, should provide a higher density of development to reflect increased opportunities for sustainable travel.
- f. On developments considered appropriate, the Council will require charging points to be provided for electric vehicles in accordance with standards set out in the Transport and Highways SPD (LDD12).”

10.15 All vehicular traffic will enter and exit the site via the existing main entrance. The applicant has advised that there will be an increase in personal vehicles entering and leaving the site due to the potential increase in employment. The applicant does not consider that there would be an increase of tanker traffic, large goods vehicles or delivery vehicles. A new road/access will be created to the rear of the building for maintenance and removal of equipment.

10.16 The Highways Network Manager has been consulted. He has raised no objections to the proposed development as there are no alterations to the existing access or parking arrangements.

10.17 Members need to determine whether the proposed development is acceptable in terms of its impact on the highway network and existing parking provision. It is officer advice that it is. The proposed development accords with both national and local planning policies.

10.18 Wildlife Corridor

10.19 DM5.7 Wildlife Corridors

“Development proposals within a wildlife corridor, as shown on the Policies Map, must protect and enhance the quality and connectivity of the wildlife corridor. All new developments are required to take account of and incorporate existing wildlife links into their plans at the design stage. Developments should seek to create new links and habitats to reconnect isolated sites and facilitate species movement.”

10.20 The application site lies adjacent to a wildlife corridor. Based on the information submitted the proposed development would be built on the footprint of an existing building.

10.21 Members are advised that the Council’s Ecology Officer has been consulted. Her comments will be reported as an addendum.

10.22 Health and Safety Executive (HSE)

10.23 The Health and Safety Executive (HSE) has been consulted. No objections have been raised.

10.24 Network Rail

10.25 Network Rail has been consulted. They have raised no objections to the proposed development.

10.26 Minerals

10.27 DM5.17 sets out guidance on minerals extraction. However, this development relates to an existing site that has been occupied and is already occupied by a number of commercial uses.

10.28 North West Villages Sub Area

10.29 The application site is located in an area identified as being within the North West Sub Area. The proposed development would not prevent the aims of Policy AS8.24 being met.

11.0 Local Financial Considerations

1.1 Local financial considerations are defined as a grant or other financial assistance that has been, that will or that could be provided to a relevant authority by the Minister of the Crown (such as New Homes Bonus payments) or sums that a relevant authority has received, or will or could receive in payment of the Community Infrastructure Levy. It is not considered that the proposal results in any local financial considerations.

12.0 Conclusion

12.1 Members need to determine whether the proposed development is acceptable in terms of its impact on amenity, its impact on the character and appearance of the area and all other issues including its impact on highways,

4. Prior to the operation of cranes, over 45m in height, on site, a Method Statement for Crane Operation, shall be submitted to and approved in writing by the Local Planning Authority, in consultation with Newcastle International Airport. Any cranes to be used on site shall be fitted with low intensity lighting (200cd steady red). Thereafter, the development shall be carried out in accordance with these agreed details.

Reason: This information is required from the outset in the interest of aerodrome safeguarding and in accordance with the National Planning Policy Framework.

5. Any lighting required for the development either permanently or during construction, should be fully cut off so as to minimise light pollution spilling into the atmosphere which could distract pilots on final approach to Newcastle Airport.

Reason: In the interest of aerodrome safeguarding and in accordance with the National Planning Policy Framework.

6. All operations, including the use of cranes or other mechanical plant working adjacent to Network Rail's property, must at all times be carried out in a "fail safe" manner such that in the event of mishandling, collapse or failure, no materials or plant are capable of falling within 3.0m of the nearest rail of the adjacent railway line, or where the railway is electrified, within 3.0m of overhead electrical equipment or supports.

Reason: In the interests of protecting Network Rail's assets.

7. Notwithstanding Condition 1, prior to the commencement of any works, full details of excavations and earthworks to be carried out near the railway undertaker's boundary fence shall be submitted to and approved in writing by the Local Planning Authority acting in consultation with the railway undertaker. Thereafter, the proposed development shall only be carried out in accordance with these agreed details.

Reason: This information is required pre development in the interests of protecting Network Rail's assets.

8. Notwithstanding Condition 1, prior to the commencement of any development on site a method statement shall be submitted to and approved in writing by the Local Planning Authority in consultation with Network Rail. This statement shall include an outline of the proposed method of construction, risk assessment in relation to the railway and construction traffic management plan. Where appropriate an asset protection agreement will have to be entered into. Where any works cannot be carried out in a "fail-safe" manner, it will be necessary to restrict those works to periods when the railway is closed to rail traffic i.e. "possession" which must be booked via Network Rail's Asset Protection Project Manager and are subject to a minimum prior notice period for booking of 20 weeks.

Reason: This information is required pre development in the interests of protecting Network Rail's assets.

9. Prior to the use of any vibro-compaction machinery details of such machinery and a method statement shall be submitted to and approved in writing by the Local Planning Authority in consultation with Network Rail. Thereafter the

use of such machinery shall only be carried out in accordance with the approved method statement.

Reason: In the interests of protecting Network Rail's assets.

10. Notwithstanding Condition 1, prior to the commencement of any development details of any lighting to be erected adjacent to the operational railway shall be submitted to and approved in writing by the Local Planning Authority in consultation with Network Rail. Thereafter, the lighting shall be installed in full accordance with these agreed details.

Reason: This information is required pre development in the interests of protecting Network Rail's assets.

11. No part of the development shall be occupied until a Travel Plan Statement has been submitted to and agreed in writing by the Local Highway Authority. Thereafter this Travel Plan Statement shall be implemented in accordance with the approved details and retained thereafter.

Reason: In the interests of promoting sustainable transport having regard to DM7.4 of the North Tyneside Local Plan (2017).

12. Notwithstanding Condition 1, prior to the installation of external plant, ventilation and extraction systems to the development, a noise scheme shall be submitted to and approved in writing by the Local Planning Authority. The noise scheme must provide details of all noisy external plant and any tonal or impulsivity characteristics to the plant and the assessment must be carried out in accordance to BS4142. The noise scheme shall include the overall equivalent noise level and noise rating level for the worst case operational scenario for both daytime and night time arising from the site to the nearest noise sensitive housing. Thereafter, the external plant, ventilation and extraction systems shall be installed in accordance with these agreed details and permanently maintained.

Reason: In the interests of protecting residential amenity from undue noise and disturbance having regard to Policy DM5.19 of the North Tyneside Local Plan (2017).

13. Within one month of the equipment pursuant to condition 12 being installed it will be necessary that acoustic testing is undertaken to verify compliance with this condition. These details shall be submitted to and approved in writing prior to the permanent operation of the external plant, ventilation and extraction systems.

Reason: In the interests of protecting residential amenity from undue noise and disturbance having regard to Policy DM5.19 of the North Tyneside Local Plan (2017).

14. Restrict Hours No Construction Sun BH HOU00 *
4

15. Notwithstanding Condition 1, prior to the commencement of any part of the development hereby approved above ground level, a fully detailed landscape scheme shall be submitted to and approved in writing by the Local Planning Authority in consultation with Network Rail. The landscape scheme shall include details and proposed timing of all new tree planting, including replacement tree planting for the loss of any trees and ground preparation noting the species and

sizes for all new tree planting (trees to be a minimum 12-14cm girth). The landscaping scheme shall be implemented in accordance with the approved details within the first available planting season following the approval of details. Any trees and shrubs that die or are removed within five years of planting shall be replaced in the next available planting season with others of similar size and species.

Reason: In the interests of visual amenity and ecology having regard to policies DM6. 1, DM5.5 and DM5.7 of the North Tyneside Local Plan (2017).

16. Notwithstanding Condition 1, prior to the commencement of any part of the development tree protection measures shall be implemented along the western boundary to protect the existing vegetation. These protection measures shall be implemented in accordance with best practice and to BS5837: 2012, 'Trees in Relation to Design, Demolition and Construction - Recommendations'. Appropriate protective barriers/fencing (HERAS) and any other relevant physical protection measures as required, including ground protection and construction exclusion zones to protect the root protection areas, should be provided to avoid physical damage to trees and root plates during construction and existing boundary trees and hedgerows. These protection measures shall be retained for the duration of construction works.

Reason: The tree protection measures are required from the outset to protect the existing vegetation having regard to Policy DM5.9 of the North Tyneside Local Plan (2017).

17. No utilities or drainage should be located within the root protection areas of retained trees on site or on adjacent land. Where installation or alteration to existing underground services has been agreed near or adjacent to trees, all works shall conform to the requirements of the National Joint Utilities Group publication Volume 4 (November 2007).

Reason: In the interests of protecting existing vegetation having regard to Policy DM5.9 of the North Tyneside Local Plan (2017).

18. All construction works to conform with (see BS5837: 2012 Trees in Relation to Construction-Recommendations) in relation to protection of existing boundary trees and shrubs.

Reason: In the interests of protecting existing vegetation having regard to Policy DM5.9 of the North Tyneside Local Plan (2017).

19. Levels Details Exist Prop Before Devel LEV001 *

20. Notwithstanding any indication of materials which may have been given in the application, prior to the commencement of any part of the development above ground level a schedule and/or samples of the materials and finishes for the development has been submitted to and approved in writing by the Local Planning Authority. Thereafter, the development shall not be carried out other than in accordance with the approved details.

Reason: To secure a satisfactory external appearance having regard to policy DM6.1 of the North Tyneside Local Plan (2017).

21. Gas Investigate no Development GAS00 *
6

Statement under Article 35 of the Town & Country (Development Management Procedure) (England) Order 2015):

The proposal complies with the development plan and would improve the economic, social and environmental conditions of the area. It therefore comprises sustainable development and the Local Planning Authority worked proactively and positively to issue the decision without delay. The Local Planning Authority has therefore implemented the requirements in Paragraphs 186-187 of the National Planning Policy Framework.

Informatives

If planning permission is granted, it will be for the operator to review and if necessary, revise the safety report before the modification is carried out. The revised safety report must also be sent to the COMAH competent authority before the modification takes place. HSE, as part of the competent authority, will examine the revised safety report, and will use its regulatory powers to ensure that the risks to the occupants of the proposed building are properly controlled by the site operator.

The site falls both within the EPR and COMAH and any risks from the proposed development will need to be approved under both regulations. The applicant will need to apply for a variation to their EPR to operate the proposed development. The applicant may need to apply for approval under COMAH if this development changes the Major Accident Risk on their site. Particle Abatement systems may be required for this process, and if so this will result in a new emission point. This emission point will typically need to be at least 3m higher than the roofline of the proposed building and/or at least 3m higher than any nearby buildings or higher than this depending on modelling. The Environment Agency's Regulatory Officer for this site has had discussions with the applicant regarding this development. The applicants are aware that they may need to resubmit and/or amend the planning application to include a stack if the height of the proposed development has changed. The development site is located on a historic landfill site. Developers may be required to carry out a comprehensive risk assessment due to the risks the former landfill site poses. The local authority's Environmental Health and Building Control departments would wish to ensure that any threats from landfill gas have been adequately addressed in the proposed development. This may include building construction techniques that minimise the possibility of landfill gas entering any enclosed structures on the site to be incorporated into the development.

Excavations/Earthworks All excavations/ earthworks carried out in the vicinity of Network Rail property/ structures must be designed and executed such that no interference with the integrity of that property/ structure can occur. If temporary works compounds are to be located adjacent to the operational railway, these

should be included in a method statement for approval by Network Rail. Network Rail will not accept any liability for any settlement, disturbance or damage caused to any development by failure of the railway infrastructure nor for any noise or vibration arising from the normal use and/or maintenance of the operational railway. No right of support is given or can be claimed from Network Rail's infrastructure or railway land. Generally if excavations/piling/buildings are to be located within 10m of the railway boundary a method statement should be submitted for NR approval. Security of Mutual Boundary Security of the railway boundary will need to be maintained at all times. If the works require temporary or permanent alterations to the mutual boundary the applicant must contact Network Rail's Asset Protection Project Manager. OPE Once planning permission has been granted and at least six weeks prior to works commencing on site the Asset Protection Project Manager (OPE) MUST be contacted, contact details as below. The OPE will require to see any method statements/drawings relating to any excavation, drainage, demolition, lighting and building work or any works to be carried out on site that may affect the safety, operation, integrity and access to the railway. Scaffolding Any scaffold which is to be constructed within 10 metres of the railway boundary fence must be erected in such a manner that at no time will any poles over-sail the railway and protective netting around such scaffold must be installed. Cranes With a development of a certain height that may/will require use of a crane, the developer must bear in mind the following. Crane usage adjacent to railway infrastructure is subject to stipulations on size, capacity etc. which needs to be agreed by the Asset Protection Project Manager prior to implementation. Encroachment The developer/applicant must ensure that their proposal, both during construction, and after completion of works on site, does not affect the safety, operation or integrity of the operational railway, Network Rail and its infrastructure or undermine or damage or adversely affect any railway land and structures. There must be no physical encroachment of the proposal onto Network Rail land, no over-sailing into Network Rail air-space and no encroachment of foundations onto Network Rail land and soil. There must be no physical encroachment of any foundations onto Network Rail land. Any future maintenance must be conducted solely within the applicant's land ownership. Should the applicant require access to Network Rail land then must seek approval from the Network Rail Asset Protection Team. Any unauthorised access to Network Rail land or air-space is an act of trespass and we would remind the council that this is a criminal offence (s55 British Transport Commission Act 1949). Should the applicant be granted access to Network Rail land then they will be liable for all costs incurred in facilitating the proposal.

Building Regulations Required (I03)

Do Not Obstruct Highway Build Materials (I13)

Consent to Display Advertisement Reqd (I04)

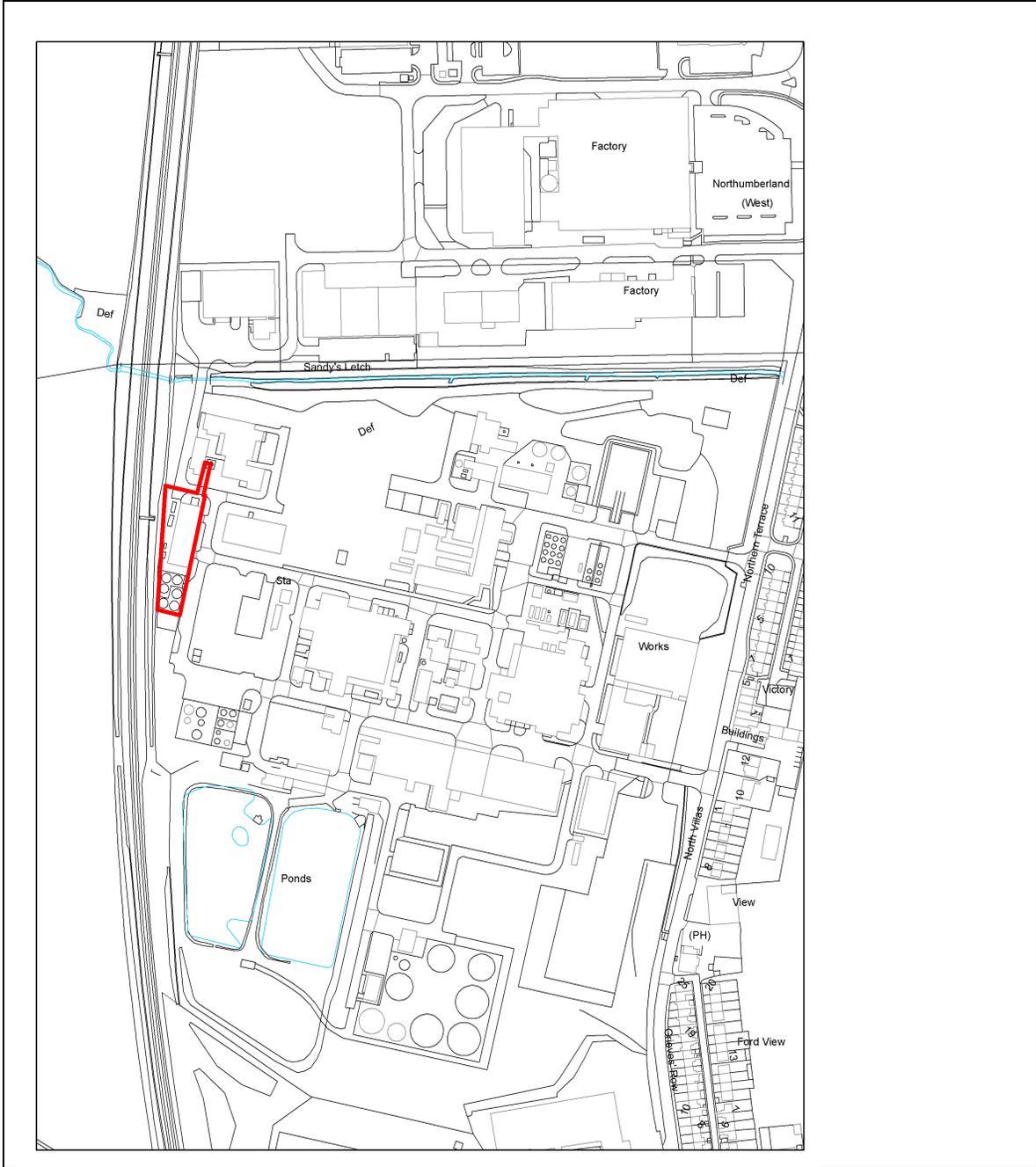
Do Not Obstruct Highway Build Materials (I13)

Take Care Proximity to Party Boundary (I21)

Advice All Works Within Applicants Land (I29)

Coal Mining Standing Advice (FUL,OUT) (I44)

Highway Inspection before dvlpt (I46)



Application reference: 18/00279/FUL

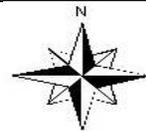
Location: Sterling Pharma Solutions Ltd, Dudley Lane, Dudley

Proposal: Development of a new three story building that will house pharmaceutical particle size reduction equipment, analytical laboratories, chemistry laboratories, warehousing, liquids storage and administrative offices and a liquid storage building.

Not to scale

Date: 03.05.2018

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Appendix 1 – 18/00279/FUL
Item 1

Consultations/representations

1.0 Internal Consultees

1.1 Highways Network Manager

1.2 Access and internal circulation remain unchanged and conditional approval is recommended.

1.3 Recommendation - Condition approval

1.4 Conditions:

SIT06 - Construction Method Statement (Minor)

No part of the development shall be occupied until a Travel Plan Statement has been submitted to and agreed in writing by the Local Highway Authority.

Thereafter this Travel Plan Statement shall be implemented in accordance with the approved details and retained thereafter.

Reason: In the interests of promoting sustainable transport

1.5 Informatives:

I13 - Don't obstruct Highway, Build Materials

I46 - Highway Inspection before dvlp

1.6 Manager for Environmental Health (Pollution)

1.7 I have no objection in principle to this development. I note that the external vents from the laboratory rooms will be fitted with filters to minimise potential particulates into the air. The location of the proposed building will also be screened by the existing buildings on the site, however, due to the installation of additional plant and equipment I would recommend a noise scheme to ensure any potential noise is suitability mitigated.

1.8 If planning consent is to be given I would recommend the following conditions.

New External Plant and Equipment Installed at the Site:

Prior to the installation of external plant, ventilation and extraction systems to the development, a noise scheme must be submitted to the planning authority agreed in writing giving mitigation measures and thereafter implemented and maintained. The noise scheme must provide details of all noisy external plant and any tonal or impulsivity characteristics to the plant and the assessment must be carried out in accordance to BS4142. The noise scheme shall include the overall equivalent noise level and noise rating level for the worst case operational scenario for both daytime and night time arising from the site to the nearest noise sensitive housing .

It will be necessary following installation of the plant and equipment that acoustic testing is undertaken to verify compliance with this condition within one month of its installation and submitted for written approval prior to the operation of the plant and thereafter maintained in working order.

1.9 Local Lead Flood Authority (LLFA)

1.10 The site is located in an existing facility. It is located in Flood Zone 1, has minimal risk of surface water flooding and there have been no reports of internal flooding to properties in the vicinity. Approval is recommended.

1.11 Recommendation – Approval

1.12 Landscape Architect

1.13 Existing Site Context

1.14 The proposed site area occupies land within the applicant's existing operational area and wider site context. The (soft) landscape matrix throughout the site area generally consists of semi-mature shrubs and trees of mixed species. There are some sporadic (soft) landscaping elements occupying the central areas of the site however, most of the existing landscape structure is concentrated around the perimeter of the site and within the more open aspect areas to the south.

1.15 The East Coast Main (Railway) Line closely borders the site along its western boundary with sporadic shrub and tree elements occupying the linear tracts of land between the proposed site area and railway line. These landscape elements provide minor screening, which attenuate views of the built form and activities on site, principally from the railway and road (A19) networks.

1.16 The topography of the site is generally flat, reflecting the wider prevailing topography of the surrounding area. Access to the application area and wider site is via the main site entrance(s) from the B1319 Northern Terrace and Dudley Lane.

1.17 Landscape Comments (Trees and Landscape Design)

1.18 The submitted documents have not highlighted any (soft) landscape element to the scheme other than comments made in the *Landscape Design; Section 7* of the *Design and Access Statement*. The applicant has drawn attention to the landscape opportunities that may be presented by the development footprint however, these proposals, although pertinent to the proposed development, do not necessarily need to be located within the proximity of the build, but may also feature throughout the wider site area within the application site if it helps mitigate and/or attenuate external views of the facility. A suitable landscape scheme is particularly important due to its location next to a wildlife corridor as defined in the Local Plan.

1.19 Proposed conditions:

No development shall commence on site until a fully detailed scheme for the landscaping of the site has been submitted to and approved in writing by the Local Planning Authority. The landscape scheme shall include details and proposed timing of all new tree planting, including replacement tree planting for the loss of protected (TPO) trees and ground preparation noting the species and

sizes for all new tree planting (trees to be a minimum 12-14cm girth). The landscaping scheme shall be implemented in accordance with the approved details within the first available planting season following the approval of details. Any trees and shrubs that die or are removed within five years of planting shall be replaced in the next available planting season with others of similar size and species.

The western perimeter areas of the site area contain existing planting/screening (trees and shrubs) growing within the site boundary and also outside the boundary, on other land. These landscape elements will require protection during the construction works, in accordance with best practice and to BS5837: 2012, 'Trees in Relation to Design, Demolition and Construction - Recommendations'. Appropriate protective barriers/fencing (HERAS) and any other relevant physical protection measures as required, including ground protection and construction exclusion zones to protect the root protection areas, should be provided to avoid physical damage to trees and root plates during construction and existing boundary trees and hedgerows.

A plan showing the position (dimensioned) and stand-off distances of the protective fencing along the site perimeter areas, where required, should be submitted along with information relating to the Construction Phase - Method Statement (MS) demonstrating how these measures will be enforced. The construction site compound and associated storage area positions should also be submitted for approval before commencement of the works.

No site storage or parking of (plant) vehicles should be located within the root protection area of the tree(s) or other trees in the area or adjacent to the boundary of the proposed development area.

No utilities or drainage should be located within the root protection areas of retained trees on site or on adjacent land. Where installation or alteration to existing underground services has been agreed near or adjacent to trees, all works shall conform to the requirements of the National Joint Utilities Group publication Volume 4 (November 2007).

All construction works to conform with (see BS5837: 2012 Trees in Relation to Construction-Recommendations) in relation to protection of existing boundary trees and shrubs.

1.20 Contaminated Land Officer

1.21 The site overlies a former landfill. A Phase 1 report must be submitted and the following must be applied:

Con 001 and Gas 006

2.0 Representations

2.1 None

3.0 External Consultees

3.1 Newcastle International Airport (NIA)

3.2 Physical Development

3.3 The proposed development itself does not present a hazard to aircraft, however the use of cranes or other tall construction equipment during the development phase could be. Any crane over 45m in height would penetrate the airfield's protected obstacle limitation surface. Even below this height it is requested that all cranes be fitted with low intensity lighting (200cd steady red).

3.4 Any lighting required for the development either permanently or during construction, should be fully cut off so as to minimise light pollution spilling into the atmosphere which could distract pilots on final approach to Newcastle Airport.

3.5 Health and Safety Executive (HSE)

3.6 When, as in this case, HSE is consulted for land use planning advice on a proposed workplace development on an existing major hazard site, and which will be under the control of the operator of that major hazard, it is HSE's policy not to advise against the granting of planning permission. This is because the onus for safety considerations of the use of occupied buildings at a major hazard installation rests with the operator of the installation.

3.7 The Sterling Pharma Solutions Ltd site at Cramlington is subject to the upper tier requirements of the Control of Major Accident Hazards Regulations 2015 (COMAH).

COMAH requires operators of upper tier site to prepare a safety report to show that arrangements are in place to control major accident hazards and to limit the consequences to people and the environment of any that do occur.

3.8 Operators are required to review, and where necessary, revise safety reports, before any modifications are made to the establishment which could have significant consequences for major accident hazards; this includes changes to the location of occupied buildings and/or the number of people present within them.

In addition, the operator must undertake an Occupied Buildings Risk Assessment to demonstrate the suitability of the building for its proposed location.

3.9 In this case, HSE's land use planning advice is therefore, that we do not advise, on safety grounds, against the granting of planning permission.

If planning permission is granted, It will be for the operator to review and if necessary, revise the safety report before the modification is carried out. The revised safety report must also be sent to the COMAH competent authority before the modification takes place.

3.10 HSE, as part of the competent authority, will examine the revised safety report, and will use its regulatory powers to ensure that the risks to the occupants of the proposed building are properly controlled by the site operator.

3.11 I have copied this advice to HSE colleagues who are responsible, as part of the competent authority, for the regulation of the Sterling Pharma Solutions Ltd site, to ensure that they are aware of the proposed new building at this site.

3.12 Environment Agency

3.13 No objection. However, we have the following advice to offer:

3.14 Environmental Permitting Regulations (EPR) and Control of Major Accident Hazards (COMAH) – Advice to LPA/Applicant

3.15 The site falls both within the EPR and COMAH and any risks from the proposed development will need to be approved under both regulations. The applicant will need to apply for a variation to their EPR to operate the proposed development. The applicant may need to apply for approval under COMAH if this development changes the Major Accident Risk on their site.

3.16 Particle Abatement systems may be required for this process, and if so this will result in a new emission point. This emission point will typically need to be at least 3m higher than the roofline of the proposed building and/or at least 3m higher than any nearby buildings or higher than this depending on modelling.

3.17 The EA's Regulatory Officer for this site has had discussions with the applicant regarding this development. The applicants are aware that they may need to resubmit and/or amend the planning application to include a stack if the height of the proposed development has changed.

3.18 Historic Landfill – Advice to LPA/Applicant

3.19 The development site is located on a historic landfill site. Developers may be required to carry out a comprehensive risk assessment due to the risks the former landfill site poses. The local authority's Environmental Health and Building Control departments would wish to ensure that any threats from landfill gas have been adequately addressed in the proposed development. This may include building construction techniques that minimise the possibility of landfill gas entering any enclosed structures on the site to be incorporated into the development.

3.20 Network Rail

3.21 With reference to the protection of the railway, Network Rail has no objection in principle to the development, but below are some requirements which must be met, especially with the close proximity to the development of an electrified railway.

3.22 Fail Safe Use of Crane and Plant

3.23 All operations, including the use of cranes or other mechanical plant working adjacent to Network Rail's property, must at all times be carried out in a "fail safe" manner such that in the event of mishandling, collapse or failure, no materials or plant are capable of falling within 3.0m of the nearest rail of the adjacent railway line, or where the railway is electrified, within 3.0m of overhead electrical equipment or supports.

3.24 Excavations/Earthworks

3.26 All excavations/ earthworks carried out in the vicinity of Network Rail property/ structures must be designed and executed such that no interference with the integrity of that property/ structure can occur. If temporary works compounds are to be located adjacent to the operational

railway, these should be included in a method statement for approval by Network Rail. Prior to commencement of works, full details of excavations and earthworks to be carried out near the railway undertaker's boundary fence should be submitted for the approval of the Local Planning Authority acting in consultation with the railway undertaker and the works shall only be carried out in accordance with the approved details. Where development may affect the railway, consultation with the Asset Protection Project Manager should be undertaken. Network Rail will not accept any liability for any settlement, disturbance or damage caused to any development by failure of the railway infrastructure nor for any noise or vibration arising from the normal use and/or maintenance of the operational railway. No right of support is given or can be claimed from Network Rails infrastructure or railway land.

3.27 Security of Mutual Boundary

3.28 Security of the railway boundary will need to be maintained at all times. If the works require temporary or permanent alterations to the mutual boundary the applicant must contact Network Rail's Asset Protection Project Manager.

3.29 Method Statements/Fail Safe/Possessions

3.33 Method statements may require to be submitted to Network Rail's Asset Protection Project Manager at the below address for approval prior to works commencing on site. This should include an outline of the proposed method of construction, risk assessment in relation to the railway and construction traffic management plan. Where appropriate an asset protection agreement will have to be entered into. Where any works cannot be carried out in a "fail-safe" manner, it will be necessary to restrict those works to periods when the railway is closed to rail traffic i.e. "possession" which must be booked via Network Rail's Asset Protection Project Manager and are subject to a minimum prior notice period for booking of 20 weeks. Generally if excavations/piling/buildings are to be located within 10m of the railway boundary a method statement should be submitted for NR approval.

3.34 OPE

3.35 Once planning permission has been granted and at least six weeks prior to works commencing on site the Asset Protection Project Manager (OPE) must be contacted, contact details as below. The OPE will require to see any method statements/drawings relating to any excavation, drainage, demolition, lighting and building work or any works to be carried out on site that may affect the safety, operation, integrity and access to the railway.

3.36 Vibro-impact Machinery

3.37 Where vibro-compaction machinery is to be used in development, details of the use of such machinery and a method statement should be submitted for the approval of the Local Planning Authority acting in consultation with the railway undertaker prior to the commencement of works and the works shall only be carried out in accordance with the approved method statement

3.38 Scaffolding

3.39 Any scaffold which is to be constructed within 10 metres of the railway boundary fence must be erected in such a manner that at no time will any poles over-sail the railway and protective netting around such scaffold must be installed.

3.40 Cranes

3.41 With a development of a certain height that may/will require use of a crane, the developer must bear in mind the following. Crane usage adjacent to railway infrastructure is subject to stipulations on size, capacity etc. which needs to be agreed by the Asset Protection Project Manager prior to implementation.

3.42 Encroachment

3.43 The developer/applicant must ensure that their proposal, both during construction, and after completion of works on site, does not affect the safety, operation or integrity of the operational railway, Network Rail and its infrastructure or undermine or damage or adversely affect any railway land and structures. There must be no physical encroachment of the proposal onto Network Rail land, no over-sailing into Network Rail air-space and no encroachment of foundations onto Network Rail land and soil. There must be no physical encroachment of any foundations onto Network Rail land. Any future maintenance must be conducted solely within the applicant's land ownership. Should the applicant require access to Network Rail land then must seek approval from the Network Rail Asset Protection Team. Any unauthorised access to Network Rail land or air-space is an act of trespass and we would remind the council that this is a criminal offence (s55 British Transport Commission Act 1949). Should the applicant be granted access to Network Rail land then they will be liable for all costs incurred in facilitating the proposal.

3.44 Trees/Shrubs/Landscaping

3.45 Where trees/shrubs are to be planted adjacent to the railway boundary these shrubs should be positioned at a minimum distance greater than their predicted mature height from the boundary. Certain broad leaf deciduous species should not be planted adjacent to the railway boundary. We would wish to be involved in the approval of any landscaping scheme adjacent to the railway. Where landscaping is proposed as part of an application adjacent to the railway it will be necessary for details of the landscaping to be known and approved to ensure it does not impact upon the railway infrastructure. Any hedge planted adjacent to Network Rail's boundary fencing for screening purposes should be so placed that when fully grown it does not damage the fencing or provide a means of scaling it. No hedge should prevent Network Rail from maintaining its boundary fencing. Lists of trees that are permitted and those that are not permitted are provided below and these should be added to any tree planting conditions:

3.46 Acceptable:

Birch (Betula), Crab Apple (Malus Sylvestris), Field Maple (Acer Campestre), Bird Cherry (Prunus Padus), Wild Pear (Pyrus Communis), Fir Trees – Pines (Pinus), Hawthorne (Cretaegus), Mountain Ash – Whitebeams (Sorbus), False Acacia (Robinia), Willow Shrubs (Shrubby Salix), Thuja Plicatata "Zebrina"

3.47 Not Acceptable:

Acer (Acer pseudoplatanus), Aspen – Poplar (Populus), Small-leaved Lime (Tilia Cordata), Sycamore – Norway Maple (Acer), Horse Chestnut (Aesculus Hippocastanum), Sweet Chestnut (Castanea Sativa), Ash (Fraxinus excelsior), Black poplar (Populus nigra var, betulifolia), Lombardy Poplar (Populus nigra var, italica), Large-leaved lime (Tilia platyphyllos), Common lime (Tilia x europea)

A comprehensive list of permitted tree species is available upon request.

3.48 Lighting

3.49 Where new lighting is to be erected adjacent to the operational railway the potential for train drivers to be dazzled must be eliminated. In addition the location and colour of lights must not give rise to the potential for confusion with the signalling arrangements on the railway. Detail of any external lighting should be provided as a condition if not already indicated on the application.

3.50 Network Rail is required to recover all reasonable costs associated with facilitating these works.

3.51 I would advise that in particular the method statements, lighting and landscaping should be the subject of conditions, the reasons for which can include the safety, operational needs and integrity of the railway. For the other matters we would be pleased if an informative could be attached to the decision notice.

3.52 Northumberland County Council

3.53 No objection.