

Item No: 5.5
Application No: 19/00641/FUL **Author:** Rebecca Andison
Date valid: 10 May 2019 **☎:** 0191 643 6321
Target decision date: 9 August 2019 **Ward:** Chirton

Application type: full planning application

Location: Units 3F To 3J, Plymouth Road, WEST CHIRTON INDUSTRIAL ESTATE SOUTH, North Shields, Tyne And Wear

Proposal: Change of use to revert back to industrial use class B2 which is in keeping with the surrounding industrial estate

Applicant: Northern Trust Company Ltd, Mr Jonathan Houghton Lynton House
Foxhole Road Ackhurst Business Park Chorley PR7 1NY

Agent: Whittle Jones North East, Miss Louise Elliot 9 Kingfisher Way Silverlink
Business Park Wallsend NE28 9NX

RECOMMENDATION: Application Permitted

INFORMATION

1.0 Summary Of Key Issues & Conclusions

1.0 Main Issues

1.1 The main issues for Members to consider are:

- whether the principle of the development is acceptable;
- the impact upon surrounding occupiers; and
- whether sufficient parking and access would be provided.

1.2 Planning law requires that application 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 materials considerations in reaching their decision.

2.0 Description of the Site

2.1 The application relates to five units within West Chirton Industrial Estate. They are located on the north side Plymouth Road which lies to the south of Tesco Extra and the North Shields Retail Park.

2.2 The units were last used as a non-residential education and training centre but have been vacant since 2012.

2.3 The site is allocated for mixed use development within the Local Plan and lies within the A19 Economic Corridor.

3.0 Description of the Proposal.

3.1 Planning permission is sought to change the use of the units back into B2 General Industrial use. No external alterations are proposed.

4.0 Relevant Planning History

91/01509/FUL - Change of use to non-residential Education and Training Centre – Permitted 14.11.1991

5.0 Government Policy

5.1 National Planning Policy Framework (February 2019)

5.2 National Planning Practice Guidance (As Amended)

5.3 Planning applications must be determined in accordance with the development plan unless material considerations indicate otherwise. The NPPF is a material consideration in the determination of all application. It requires LPAs to apply a presumption in favour of sustainable development in determining development proposals. Due weight should still be attached to Development Plan policies according to the degree to which any policy is consistent with the NPPF.

6.0 Development Plan

6.1 North Tyneside Local Plan 2017

PLANNING OFFICERS REPORT

7.0 Main Issues

7.1 The main issues for Members to consider in this case are;

- whether the principle of the development is acceptable;
- the impact upon surrounding occupiers; and
- whether sufficient parking and access would be provided.

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

8.0 Principle of the proposal

8.1 The NPPF confirms that local authorities should attach significant weight to the benefits of economic and housing growth and enable the delivery of sustainable developments. It states that achieving sustainable development means that the planning system has three overarching objectives, namely an economic, social and an environmental objective. Significant weight should be placed on the need to support economic growth and productivity, taking into account both local business needs and wider opportunities for development.

8.2 Policy S1.4 of the Local Plan states that proposals for development will be considered favourably where it can be demonstrated that they would accord with the strategic, development management or area specific policies of this Plan. Should the overall evidence based needs for development already be met

additional proposals will be considered positively in accordance with the principles for sustainable development.

8.3 Policy DM1.3 states that the Council will work pro-actively with applicants to jointly find solutions that mean proposals can be approved wherever possible that improve the economic, social and environmental conditions in the area through the Development Management process and application of the policies of the Local Plan. Where there are no policies relevant to the application, or relevant policies are out of date at the time of making the decision, then the Council will grant permission unless material considerations indicate otherwise.

8.4 Policy S2.1 states that proposals that make an overall contribution towards sustainable economic growth, prosperity and employment in North Tyneside will be encouraged.

8.5 Policy S4.3 allocates sites for housing development, including those identified for both housing and mixed-use schemes.

8.6 Policy DM2.4 states that proposals for new employment uses outside the 150ha of available land or existing areas of employment land will be permitted where it can be demonstrated that the proposal:

- a. Cannot be accommodated within the existing portfolio of available employment land; and,
- b. Would make a contribution to job creation and diversification of the economy in North Tyneside; and, c. Can be provided with appropriate vehicular access, and supports access to sustainable transport connections; and,
- d. Would not be detrimental to local amenity.

8.7 Policy AS2.6 states that the Council will promote and support further development and investment in a range of B1, B2 and B8 employment activities across the A19(T) Economic Corridor, as identified on the Policies Map, and the continued diversification of North Tyneside's economy through delivery of small, medium and large scale office developments. Support for the area will in particular consider and ensure:

- a. Continued enhancement of the road and public transport infrastructure serving the A19 corridor.
- b. Priority for office (B1a, b) uses at the north of the A19(T) Economic Corridor and within 500m of Metro stations.
- c. Priority for a mix of manufacturing, trade and office development to the south of the A19(T) Economic Corridor

8.8 The application site is allocated for mixed use development within the Local Plan and lies within the A19 Economic Corridor. It is located in a long established industrial estate. There are retail units to the north of the site and industrial units to the south and east.

8.9 The proposal is to change the use of the units back to B2 use following their conversion to an education/training centre in the early 1990's. The units have been vacant for over 7 years. The proposal would assist in bringing the units back into use and would secure economic development in accordance with the NPPF and Policy AS2.6 of the Local Plan. The proposed use is considered to be in keeping with the established character of the area.

8.10 The allocation of the site for mixed use development is for the lifetime of the Local Plan i.e. until 2032. Given that no additional buildings are proposed it is not considered that the proposal would prejudice the long-term implementation of Policy S4.3.

8.11 Having regard to the above it is officer opinion that the principle of the proposal is acceptable subject to consideration of the issues set out below.

9.0 Impact on surrounding occupiers

9.1 NPPF paragraph 180 states that planning decisions should also ensure that new development is appropriate for its location taking into account the likely effects (including cumulative effects) of pollution on health, living conditions and the natural environment, as well as the potential sensitivity of the site or the wider area to impacts that could arise from the development. In doing so they should mitigate and reduce to a minimum potential adverse impacts resulting from noise from new development and avoid noise giving rise to significant adverse impacts on health and the quality of life.

9.2 Policy S1.4 of the Local Plan states that development proposals should be acceptable in terms of their impact upon local amenity for new or existing residents and businesses, adjoining premises and land uses.

9.3 DM5.19 states that 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 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.

9.4 The application site is location within an established industrial estate. The closest residential properties are located on Simonburn Avenue, approximately 220m to the east. It is proposed to use the 5no units for B2 purposes. The applicant has advised that the end users for Units 3F, 3G, 3H and 3I are unknown. Unit 3J would be used for metal fabrication by a long standing tenant of the industrial estate.

9.5 The Manager of Environmental Health has been consulted and provided comments. She raises no objections in principle to the application and recommends conditions to address potential noise from any new plant and equipment installed, and to restrict the operating hours.

9.6 Members need to consider whether the development is compatible with surrounding land uses and whether there would be any adverse impact on the amenity of residential occupiers. Given the nature of the proposal and location of the site it is officer opinion that, subject to the conditions recommended by the Manger of Environmental Health, the impact is acceptable.

10.0 Impact on the highway network

10.1 NPPF states that transport issues should be considered from the earliest stages of plan-making and development proposals. It states that significant development should be focused on locations which are or can be made sustainable, through limiting the need to travel and offering a genuine choice of transport modes.

10.2 All developments that will generate significant amounts of movement should be required to provide a travel plan, and the application should be supported by a transport statement or transport assessment so that the likely impacts of the proposal can be assessed.

10.3 Paragraph 109 of NPPF states that development should only be prevented or refused on transport grounds if there would be an unacceptable impact on highway safety, or where the residual cumulative impacts of development are severe.

10.4 Local Plan Policy DM7.4 New Development and Transport states that 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.

10.5 The site is accessed from Plymouth Road and there are 20no parking spaces at the front of the units. No alterations are proposed to the means of access or parking.

10.6 The Highway Network Manager has been consulted and raises no objections to the proposal.

10.7 It is therefore officer opinion that the impact on the highway network is acceptable.

11.0 Local Financial Considerations

11.1 Section 70(2) of the Town and Country Planning Act 1990 (as amended) provides that a local planning authority must have regard to local finance considerations as far as it is material. Section 70(4) of the 1990 Act (as amended) defines a local financial consideration as a grant or other financial assistance that has been, that will or could be provided to a relevant authority by a Minister of the Crown (such as New Homes Bonus payments).

11.2 Economically there would be benefits in terms of the provision of jobs within the industrial units.

12.0 Conclusion

12.1 The proposal would bring vacant buildings back into use and secure economic development in accordance with the NPPF.

12.2 It is officer advice that the proposed development is acceptable in terms of principle, the impact on nearby residents and businesses and in respect of highway safety.

12.3 The development is considered to comply with relevant National and Local Plan policy and is therefore recommended for conditional approval.

RECOMMENDATION: **Application Permitted**

Conditions/Reasons

1. The development to which the permission relates shall be carried out in complete accordance with the following approved plans and specifications.

Application form
Site location plan
Site plan

Reason: To ensure that the development as carried out does not vary from the approved plans.

2. Standard Time Limit 3 Years FUL MAN02 *

3. The premises shall not be open for business outside the hours of 07:00 and 23:00 on any day.

Reason: To safeguard the occupiers of adjacent properties from undue noise of other associated disturbance having regard to policy DM5.19 of the North Tyneside Local Plan (2017).

4. Noise No Tannoys Externally Audible NOI002 *

5. Prior to the installation of any new plant or equipment a noise scheme must be submitted to and agreed in writing by the Local Planning Authority. The scheme shall be carried out in accordance with BS4142 to determine the background noise level without the plant noise operating at the boundary of the nearest residential premises and appropriate mitigation measures where necessary to ensure the rating level of plant and equipment does not exceed the background noise. Thereafter the scheme shall be implemented in accordance with the agreed details.

Reason: To safeguard the occupiers of adjacent properties from undue noise of other associated disturbance having regard to policy DM5.19 of the North Tyneside Local Plan (2017).

6. Refuse Storage Detail Provide Before Occ REF00 *

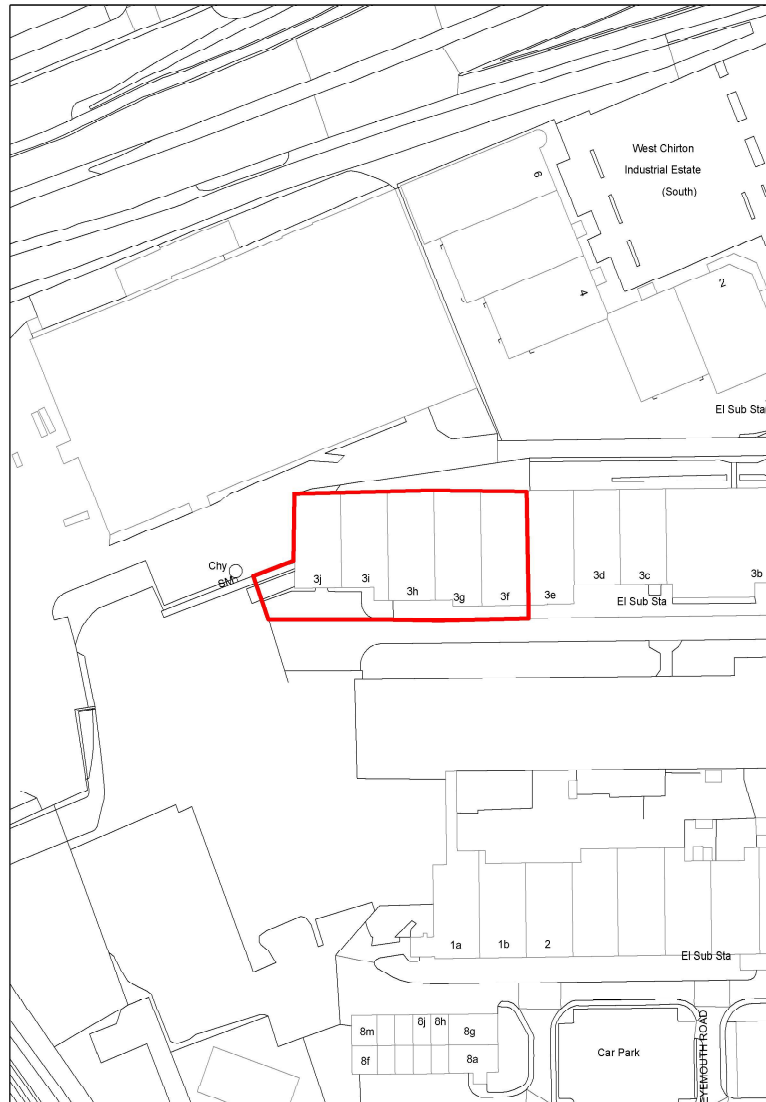
Statement under Article 35 of the Town & Country (Development Management Procedure) (England) Order 2015):

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 Paragraph 38 of the National Planning Policy Framework.

Informatives

Building Regulations Required (I03)

Do Not Obstruct Highway Build Materials (I13)



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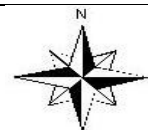
Location: Units 3F To 3J, Plymouth Road, WEST CHIRTON INDUSTRIAL ESTATE SOUTH, North Shields

Proposal: Change of use to revert back to industrial use class B2 which is in keeping with the surrounding industrial estate

Not to scale

Date: 27.06.2019

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Appendix 1 – 19/00641/FUL
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Consultations/representations

1.0 Internal Consultees

1.1 Highway Network Manager

1.2 This application is for a change of use to revert back to industrial use class B2 which is in keeping with the surrounding industrial estate. Conditional approval is recommended.

1.3 Recommendation - Conditional approval

1.4 Conditions:

PAR04 - Veh: Parking, Garaging before Occ

REF01 - Refuse Storage: Detail, Provide Before Occ

1.5 Manager of Environmental Health (Pollution)

1.6 I have no objection in principle to the change of use back to industrial but would recommend conditions to address potential noise from the site for any new plant and equipment installed and to restrict on 24 hour operations.

New External Plant

No new plant or equipment to be installed at the premises unless a noise scheme has been submitted in accordance with BS4142 to determine the background noise level without the plant noise operating at the boundary of the nearest residential premises and appropriate mitigation measures taken where necessary to ensure the rating level of plant and equipment does not exceed the background noise.

NOI02

HOU03 07:00 hours - 23:00 hours Monday to Sunday

2.0 Representations

2.1 No representations have been received.

3.0 External Consultees

3.1 No external consultee responses have been received.