

8 July 1996

96/96

**Application No:** ST/26/96/96

**Proposal:** Erection of Shelter to Allow Boat Repairs to be Carried out Under Cover

**Address:** Tyne Slipway & Engineering Co., River Drive, South Shields

**Applicant:** Tyne Slipway and Engineering Company Limited

**Existing Use:** Boat Repair Yard

**Consultations:** Occupiers of surrounding residential premises and the South Shields Motorboat and Yacht Club were consulted. 17 letters of objection have been received (see Appendix 1), including one in the form of a petition signed by 19 residents of Harbour View which forms the western part of the Littlehaven housing development which borders the eastern part of the application site.

**Recommendation of**

**Local Authority:** Grant planning permission subject to confirmation of a number of details, including materials to be used and means of securing the end panels of the shelter.

**Comments:** The proposed development involves the erection of a shelter over the existing slipway at Tyne Slipway, South Shields, to allow boat repairs to be carried out under cover and hence protect the surrounding environment, particularly from dust and paint overspray particles.

The shelter structure would be approximately 15.5 metres high, with the top 3 metres being stepped in at an angle, producing a mansard style of Hat roof. The width of the structure is proposed to be approximately 12.2 metres at base, reducing to 7.2 metres across the top of the flat roof. The two main "walls" of the structure, each approximately 22.5 metres in length are to run north-south along the sides of the existing slipway and also slope in at a slight angle as they rise in height. These longer sides and the roof are to be constructed from profiled metal sheeting which is to be colour coated in an appropriate colour. Translucent panels with colour contrast trim are also to be incorporated into the design of this structure, partly to serve the purpose of breaking up its bulk and massing and hence adding visual interest, as well as to allow some daylight to penetrate into the structure for operational purposes. The two narrower ends of the structure are to be covered in monoflex plastic sheeting. Each end will comprise about three of these vertical strips of heavy duty plastic which will be hung from a horizontal rail running along the edge of the flat roof. When works are in progress these sheets will be tied or "laced" together and attached to the main sides of the structure in order to produce a completely enclosed internal working environment and prevent any leakage of emissions to the external environment. When the structure is empty these will be secured to the main sides of the structure to prevent them flapping in the wind with any consequent problems of noise and disturbance. The applicant wishes to use this monoflex sheeting rather than a form of roller shutter or vertically sliding door in order to afford maximum flexibility, to allow cabling and wires to pass into and out of the structure and to allow for the rise and fall of the river with tides. The design, height and location of the proposed shelter can be seen in the display material which will be presented at the Board Meeting. The photomontages, commissioned by the Executive to assess the visual impact of this proposal upon the surrounding area, illustrate a solid structure, as they were undertaken prior to the receipt of amended plans.

The primary activities which are to take place within the proposed shelter are paint spraying and shot or sand blasting of vessels. These activities currently already take place within this slipway but the erection of this shelter would allow them to be less dependent on weather conditions. At present problems of dust and/or paint overspraying particles have been experienced by adjacent premises and in particular by the South Shields Motorboat and Yacht Club which lies directly to the west of the application site. The proposed structure is to be totally enclosed when such operations are taking place, hence preventing the emission of such particles to the atmosphere and ensuring that this problem no longer occurs. The applicant has stated that machinery to be utilised will include compressors and a diesel welding set. These are already used on the site to a certain degree, but their usage may intensify.

As a result of wide consultation 17 letters of objection have been received, including one in the form of a petition signed by 19 residents of Harbour View which forms the western part of the Littlehavcn housing development. The rear elevations and gardens of numbers 15-20 Harbour View lie adjacent to the eastern boundary of the boatyard site, although the slipway itself is located to the western side of the site. The nearest property to the proposed shelter would be number 20 (approximately 48 metres) whilst numbers 15 and 16 Harbour View, at the southern end of this row of houses would be [-3-] approximately 55 metres away. Objections have also been received from the residents of Green's Place, located approximately 60 metres at the nearest point, to the south of the proposed development, at a higher level, as the land rises steeply on the southern side of River Drive. All of the objections received are attached as Appendix 1 and are summarised at Appendix 2, In the main the concerns expressed are regarding loss of view, effect upon the visual and tourism/leisure amenity of the area and the impact of noise, dust and disturbance upon residential amenity.

In respect of the visual issues, the protection of views across another persons land from private property is not a planning matter, but rather it is a private interest. This was clearly established in the Inspector's report which dismissed the appeal against the refusal of Outline Planning for residential development on this site in 1992. However this report also emphasised that the issue of the protection of public views of the river can be regarded as a material consideration if they form part of the area's general amenity. The objections currently received relate to the potential loss of view from both private dwelling houses and from public viewing areas, such as The Lawes, which is located to the east of Greens Place, and overlooks the site from a higher level. Whilst not being obliged to take the former issue into consideration, the Executive were concerned to assess the exact impact of the proposed development in visual terms from both private dwellings and public viewpoints, in the interests of good neighbour'ness and fairness, as government advice contained within PPG I states that these are among the yardsticks against which development proposals should be measured. Accordingly the photomontages mentioned earlier in this report and now displayed for the Board's information, were commissioned. These illustrate the visual effect of the proposed shelter from 6 key points surrounding the site. Whilst it is acknowledged that the proposed shelter will indeed be visually prominent, this will be mitigated to a certain extent by the site land levels, which are such that the cover will be set back into the river bank. The shelter would also not be as high as the existing brick tower

which is located to the west and structures of a similar nature and height already exist on the edge of the river, such as the ice cooling tower on the opposite bank in North Shields and are considered to be part of the overall river scene.

As the structure would be located to the west of the Littlehaven housing and to the north of the housing in Green's Place it is considered that it would have no direct effect upon the daylight/sunlight received by these properties and is far enough away as not to have any overshadowing effects onto them. The only property on which the proposed shelter would have an overbearing effect in visual terms is the clubhouse of the South Shields Motorboat and Yacht Club, which is located directly to the west of the application site. However the club-members do not have any objections and as this club-house does not contain a residential element or involve a situation where people are working within it all day, this is not considered to be a material consideration.

The colour of the proposed shelter is also thought to be important. Given its bulk and massing, colours such as pale grey or blue, similar to that used for the ice tower in North Shields, or alternatively bright colours with a maritime flavour such as yellows, reds or bright blues, have been suggested. The applicant is willing to be flexible on this and choice could be the subject of a condition, in order to allow further consideration of this aspect.

In conclusion, following detailed consideration of the visual impact of the proposed development whilst the shelter will indeed be prominent, its impact would not be significantly detrimental to the visual amenity or character of the area and as such a refusal of planning permission on such grounds could not be sustained.

The other main objection, to this proposal concerns the impact of potential noise, dust and disturbance upon the residential and the tourism/leisure amenity of the area. The concerns expressed indicate that public perception of this site is as a small scale boatyard which deals primarily with the repair and repainting by hand of fishing vessels and other relatively small boats. Examination of the planning history of the site indicates that the presence of the boatyard pre-dates planning legislation and that whilst the boatyard does seem to have suffered a period of decline during which there was a significant decrease in activities on the site, that operations such as shot-blasting and paint spraying of individual vessels within the Slipway are activities which could normally be expected to be undertaken on such a site. Indeed, the provision of such a shelter to form a permanent means of protection against dust and overspray paint particles into the surrounding environment, can only be of benefit rather than to the detriment of the area in these terms. Environmental Health Officers of South Tyneside Council have offered no objection in principle to the proposed shelter, subject to the end panels being fully secured when works are being undertaken inside. For the same reasons the end panels should be firmly tied back when open. The Environmental Health Officers have however also advised that the structure will not serve any effective purpose in terms of mitigating noise from activities which may take place within the shelter. The applicant has stated that there will be an element of noisy activities associated with the proposed operations, including the use of compressors and diesel welding sets. Although such operations already

take place on the site to a certain extent without restrictions, (and the noise element can be controlled by means of the Environmental Protection Act) given the fact that the shelter will allow works to take place on a regular basis, it is considered that the hours of operation within the shelter should be restricted in order to protect the residential amenity of the occupiers of nearby dwellings. The applicant has agreed to such a restriction, although he has stated that there may be times when a degree of flexibility is required in order to allow him to complete an order. In view of this the Executive consider that if such circumstances do occur, that a temporary variation of these hours of operation may be viewed sympathetically if no problems of noise have occurred on the site during normal operational hours.

In conclusion, the Executive considers that there are no compelling planning reasons to refuse this application and that concerns regarding noise, dust and disturbance can all be adequately dealt with by means of planning conditions.

**Recommendation:** Grant planning permission subject to the following conditions, in addition to standard conditions:

1) No work shall commence on site until full details, including samples, of all external materials and colour treatments have been submitted to and approved by the Development Corporation as local planning authority.

2) No works shall commence on site until full details, including drawings and sections on a 1:20 scale, of the means of attachment of the mono-flex end panels to the roof and the main sites of the shelter and to each other to ensure:-

a) that the ends of the structure are fully enclosed when works are being undertaken and hence that there are no emissions of over-spray particles to the surrounding environment

b) that the mono-flex panels are fully secured when no works are being undertaken to prevent any flapping of these panels in the wind - have been submitted to and approved by the Development Corporation as local planning authority. Thereafter these approved details shall be implemented to the full satisfaction of the Development Corporation prior to the commencement of any operations/works within the shelter.

3) No works shall take place within the shelter between the hours of 7pm and 7am Monday to Saturday and not at all on Sundays or Bank Holidays unless any written consent of variation is previously given by the Development Corporation as local planning authority.

**Reasons :**

1) To ensure a satisfactory form of development in the interests of the visual amenity of the area.

2) In the interests of the amenity of the surrounding area, which includes residential and tourism/leisure related uses.