

PLANNING AND DEVELOPMENT COMMITTEE *AGENDA*

Wednesday, 13 July 2022 at 10.00 am in the Bridges Room - Civic Centre

From the Chief Executive, Sheena Ramsey

Item	Business
1	Apologies for Absence
2	Minutes The Committee is asked to approve as a correct record the minutes of the meeting held on 8 June 2022 (copy previously circulated).
3	Declarations of Interest Members to declare interests in any agenda items
4	Planning Applications (Pages 3 - 10) Report of the Service Director, Climate Change, Compliance, Planning and Transport
4i	No.1 Land at South Shore Road, Gateshead (Pages 11 - 42)
4ii	No.2 North East Concrete Ltd, Longshank Lane (Pages 43 - 108)
4iii	No.3 Site of Former Odeon Cinema and Theatre, High Street (Pages 109 - 138)
5	Delegated Decisions Report of the Strategic Director, Communities and Environment
6	Enforcement Team Activity (Pages 139 - 140) Report of the Service Director, Climate Change, Compliance, Planning & Transport
7	Enforcement Action (Pages 141 - 148) Report of the Service Director, Climate Change, Compliance, Planning & Transport
8	Planning Appeals (Pages 149 - 154) Report of the Service Director, Climate Change, Compliance, Planning & Transport

9 | **Planning Obligations** (Pages 155 - 156)

Report of the Service Director, Climate Change, Compliance, Planning & Transport

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Date: Tuesday, 5 July 2022



PLANNING AND DEVELOPMENT
COMMITTEE
13 July 2022

TITLE OF REPORT: Planning applications for consideration

REPORT OF: Anneliese Hutchinson, Service Director,
Climate Change, Compliance, Planning and
Transport

Purpose of the Report

1. The Committee is requested to consider the attached schedule of miscellaneous planning applications, which are presented as follows:-

PART ONE:

Planning Applications
Applications for Express Consent under the Advertisement Regulations
Proposals for the Council's own development
Proposals for the development of land vested in the Council
Proposals upon which the Council's observations are sought
Any other items of planning control

PART TWO: FOR INFORMATION ONLY

Applications determined in accordance with the powers delegated under Part 3, Schedule 2 (delegations to managers), of the Council Constitution.

Recommendations

2. Recommendations are specified in the schedule.

The Human Rights Implications of the recommendations have been considered. Unless specified there are no implications that outweigh the material planning considerations.

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Contents

Application Number	Site Location	Ward
1. DC/21/00851/FUL	Land At South Shore Road Gateshead	Bridges
2. DC/21/00938/FUL	North East Concrete Ltd Longshank Lane	Lamesley
3. DC/22/00275/OUT	Site Of Former Odeon Cinema And Theatre High Street	Bridges

DEVELOPMENT PLAN

Section 38(6) of the Planning & Compulsory Purchase Act 2004 specifies that: 'If regard is to be had to the Development Plan for the purpose of any determination to be made under the Planning Acts the determination must be made in accordance with the Plan unless material considerations indicate otherwise.'

NATIONAL PLANNING POLICY FRAMEWORK (NPPF)

The NPPF was published in 2019 by Ministry of Housing, Communities and Local Government (MHCLG) and is a material consideration in planning decisions. The NPPF is supported by Planning Practice Guidance (PPG), which provides further detail on how some policies of the NPPF should be applied.

LOCAL PLAN

In 2015 Gateshead Council and Newcastle City Council adopted Planning for the Future Core Strategy and Urban Core Plan for Gateshead and Newcastle Upon Tyne 2010-2030 (CSUCP). This Development Plan Document (DPD) sets area-wide planning policies for Gateshead and Newcastle (including policies setting out the amount and broad distribution of new development) and provides more detailed policies for the Urban Core of Gateshead and Newcastle.

We have carried out a Review of the CSUCP and concluded that it remains up-to-date in that it continues to be in general conformity with the provisions of the NPPF and helps to deliver the key priorities and aims of both.

The Council adopted Making Spaces for Growing Places (MSGP) on 1st February 2021, and this part of the Local Plan complements the CSUCP by setting out non-strategic allocations, designations and development management policies for Gateshead.

In accordance with the Planning and Compulsory Purchase Act 2004 (as amended) the CSUCP and MSGP form part of the statutory development plan for Gateshead. The CSUCP and MSGP between them supersede and delete all of the saved policies remaining from the Unitary Development Plan (UDP). Lists of the respective deleted UDP policies are provided in Appendix 1 of the CSUCP and Appendix 19 of MSGP.

In the report for each application, specific reference will be made to those policies and proposals which are particularly relevant to the application site and proposed development.

The Council has published Supplementary Planning Documents to indicate the preferred approach to some types of development, and give greater detail on how some policies will be considered and applied. These continue to be revised and updated where appropriate.

UPDATES

The agenda is formed and printed approximately a week prior to the Planning and Development Committee meeting. Information, correspondence and representations can sometimes be received in the intervening period. In such cases a written update report will be circulated to Members the day prior to the meeting and on occasion there may be further verbal updates to Members from officers, so that Members are aware of all material planning considerations when making their decision on applications.

SPEAKING AT COMMITTEE

Gateshead Council seeks to be inclusive in its decision making process and therefore allows applicants, agents and interested parties to make verbal representation to Members at Committee in accordance with the Council's agreed speaking rights protocol; amongst other procedural requirements, a person must have submitted a request to speak in writing at least a week in advance of the meeting, and subsequently confirmed their intention to speak.

For further details of speaking rights at committee contact the Development Management Team on (0191) 433 3150 or please view the leaflet 'Having Your Say' available from Development Management.

SITE PLANS

The site location plans included in each report are for illustrative purposes only. Scale plans are available to view on the application file or via Public Access.

PUBLICITY/CONSULTATIONS

The reports identify the responses to site notices, press notices, consultations and/or neighbour notifications which have been undertaken. The reports include a précis of the comments received, full copies of letters are available to view on the application file. In all cases the consultations and publicity have been carried out in accordance with the appropriate procedure(s).

SITE VISITS

On occasion the Committee will defer making a decision until they have viewed the application site themselves as a group. The visits are fact finding visits only and no debate or decision making will take place on the visit and no representations will be heard at these visits and therefore the Local Planning Authority will not invite applicants or third parties to attend unless for the sole purpose of arranging access to land and or/ buildings.

LOCAL GOVERNMENT ACT 1972 – ACCESS TO INFORMATION (AS AMENDED)

The background papers material to the reports included on this agenda are:

- The application and supporting reports and information;
- Responses from consultees;
- Representations received;
- Correspondence between the applicant and/or their agent and the Local Planning Authority;
- Correspondence between objectors and the Local Planning Authority;
- Minutes of relevant meetings between interested parties and the Local Planning Authority;
- Reports and advice by specialist consultants employed by the Local Planning Authority;
- Other relevant reports.

Please note that not all of the reports will include background papers in every category and that the background papers will exclude any documents containing exempt or confidential information as defined by the Act.

These papers are held on the relevant application file and are available for inspection on the Councils website or by appointment at the Civic Centre, Regent Street, Gateshead NE8 1HH.

Generalised Guide to Use Classes Order 1987 (as amended September 2020)

C1 Hotels	Hotels, boarding and guest houses where no significant element of care is provided	Class E - Commercial, Business and Service	<p>E(a) Display or retail sale of goods, other than hot food</p> <p>E(b) Sale of food and drink for consumption (mostly) on the premises</p> <p>E(c) Provision of:</p> <p style="padding-left: 20px;">E(c)(i) Financial services,</p> <p style="padding-left: 20px;">E(c)(ii) Professional services (other than health or medical services), or</p> <p style="padding-left: 20px;">E(c)(iii) Other appropriate services in a commercial, business or service locality</p> <p>E(d) Indoor sport, recreation or fitness (not involving motorised vehicles or firearms or use as a swimming pool or skating rink,)</p> <p>E(e) Provision of medical or health services (except the use of premises attached to the residence of the consultant or practitioner)</p> <p>E(f) Creche, day nursery or day centre (not including a residential use)</p> <p>E(g) Uses which can be carried out in a residential area without detriment to its amenity:</p> <p style="padding-left: 20px;">E(g)(i) Offices to carry out any operational or administrative functions,</p> <p style="padding-left: 20px;">E(g)(ii) Research and development of products or processes</p> <p style="padding-left: 20px;">E(g)(iii) Industrial processes</p>
C2 Residential Institutions	<p>Residential care homes, hospitals, nursing homes, boarding schools, residential colleges and training centres</p> <ul style="list-style-type: none"> • C2(a) Secure residential Institutions - Use for a provision of secure residential accommodation, including use as a prison, young offenders institution, detention centre, secure training centre, custody centre, short term holding centre, secure hospital, secure local authority accommodation or use as a military barracks 		
C3 Dwellings	<ul style="list-style-type: none"> • C3(a) covers use by a single person or a family, an employer and certain domestic employees, a carer and the person receiving the care and a foster parent and foster child • C3(b) covers up to six people living together as a single household and receiving care e.g. supported housing schemes such as those for people with learning disabilities or mental health problems • C3(c) allows for groups of people (up to six) living together as a single household. 	F1 Learning and non-residential institutions	<ul style="list-style-type: none"> • 1(a) Provision of education • F1(b) Display of works of art (otherwise than for sale or hire) • F1(c) Museums • F1(d) Public libraries or public reading rooms • F1(e) Public halls or exhibition halls • F1(f) Public worship or religious instruction (or in connection with such use) • F1(g) Law courts
		F2 Local community	<ul style="list-style-type: none"> • F2(a) Shops (mostly) selling essential goods, including food, where the shop's premises do not exceed 280 square metres and there is no other such facility within 1000 metres • F2(b) Halls or meeting places for the principal use of the local community • F2(c) Areas or places for outdoor sport or recreation (not involving motorised vehicles or firearms) • F2(d) Indoor or outdoor swimming pools or skating rinks

C4 Houses in Multiple Occupation	Small shared houses occupied by between three and six unrelated individuals, as their only or main residence, who share basic amenities such as a kitchen or bathroom.	Sui generis – no class will always require permission	Any use not included within any of the above use classes, such as theatres, nightclubs, taxi businesses, motor vehicle sales, betting shops Hot Food Take Away shops, Public Houses and drinking establishments with expanded food provision.
B2 General Industry	General industry not within class E(g).		
B8 Storage and Distribution	Wholesale warehouses repositories, including open air storage		

In many cases involving similar types of use, a change of use of a building or land does not need planning permission. Planning permission is not needed when both the present and proposed uses fall within the same 'class', or if the Town and Country Planning (Use Classes) Order 1987 says that a change of class is permitted to another specified class.

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Committee Report

Application No:	DC/21/00851/FUL
Case Officer	Andrew C Softley
Date Application Valid	6 July 2021
Applicant	ES Gateshead Limited
Site:	Land At South Shore Road Gateshead
Ward:	Bridges
Proposal:	Demolition of existing buildings and erection of residential development of up to 12 storeys with associated hard and soft landscaping, car parking, servicing and access works (amended 01/10/2021, 05/11/2021 and 11/05/2022).
Recommendation:	GRANT
Application Type	Full Application

1.0 The Application:

1.1 DESCRIPTION OF THE SITE

The application site is fundamentally a rectangular shaped parcel of land located to the north of South Shore Road, along Gateshead's Quays. It comprises a total of 0.4 hectares of brownfield land, with one building (Viscom House) currently occupying the site. Viscom House is a large single storey industrial building constructed from brick and metal cladding and also features a metal clad double pitched roof with central valley. The building is currently vacant, having most recently operated as an industrial fire protection coatings business.

1.2 The grounds of the application site are mostly hardstanding apart from modest strips of soft landscaping along the northern, western and southern boundaries. The site is bounded to the north by the River Tyne, to the south, by South Shore Road, with a wooded area beyond that, to the east by industrial buildings and a commercial garage, and to the west by vacant parcel of land, with extant planning permission for office development (ref: DC/10/00385/FUL).

1.3 The site is defined by metal palisade fencing, which also incorporates metal palisade gates that give vehicular access to and from South Shore Road.

1.4 The character of the area is a mixture of commercial, cultural, industrial, and residential uses, with the application site forming the junction between the commercial, cultural and residential uses to the west and the industrial uses to the east.

1.5 There are no listed buildings in proximity to the site and the majority of the site sits within Flood Zone 1 (the lowest risk of flooding).

1.6 DESCRIPTION OF THE APPLICATION

This application proposes demolition of existing buildings and erection of residential development of up to 12 storeys with associated hard and soft landscaping, car parking, servicing and access works (amended 01/10/2021, 05/11/2021 and 11/05/2022). The building would provide 162 one and two bedroom apartments and would be split over three distinct sections of 5, 9 and 12 storeys.

1.7 Vehicular access will be achieved via South Shore Road, by removing the existing accesses and creating a new centrally located access that would serve a central courtyard. The access point will be used for residents, visitors, deliveries and for servicing the building, although there is also a servicing bay proposed on South Shore Road also.

1.8 The building incorporates its own 'hub' on the ground floor which will provide amenity space exclusively for residents. The design also incorporates a green roof and allows for the extension of the pedestrian/cycle riverside route along the River Tyne. Extensive cycle parking is proposed to promote sustainable modes of transport and as a result car parking is kept to a minimum, with only car club, accessible, motorcycle and delivery/servicing bays provided.

1.9 A roof terrace is proposed for the top of the 5 storey element that fronts the river. It would include an area of sedum type planting, and other ornamental planting along with a seating area. A 5m wide ecological buffer is proposed along the boundary with the quay wall due to the presence of tidal mud flats, with this buffer zone also offering biodiversity mitigation opportunities. The site will also feature hard and soft landscaping, with the soft landscaping also design to provide biodiversity mitigation opportunities.

1.10 RELEVANT PLANNING HISTORY

DC/14/00853/COU: Planning permission granted for change of use from light industrial to Art Gallery, Artists' Studios storage and cafe including minor external alterations to window and door openings. Granted 10.09.2015.

DC/10/00385/FUL: Section 73 application to amend conditions 1, 3, 4, 5, 6, 7, 8, 15, 20, 21, 22, 27, 28, 29, 31, 32, 34 and 35 of DC/08/01922/FUL for the development of a hotel (use class C1) and office (use class B1) complex, car parking and associated hard and soft landscaping (including a riverside walkway) (amended 04/05/10). Granted 25.06.2010.

DC/08/01922/FUL: Planning permission granted for development of a hotel (Use Class C1) and Office (Use Class B1) complex, car parking for 83 cars, and associated hard and soft landscaping (including a riverside walkway) (amended 10/03/09 and 11/03/09). Granted 02.06.2009.

2.0 Consultation Responses:

Tyne And Wear Archaeology Officer	No further archaeological investigation is required.
Northumbria Police	No objection subject to a lighting condition.
Northumbria Water	No objection subject to a foul water condition.
Marine Management Organisation	No objections.
Port Of Tyne	No objections, however, a Ports River Works Licence will be required.
Northern Gas Networks	No objections.
Tyne And Wear Fire And Rescue Service	No objections.
Nexus	No objections.
Environment Agency	No objection subject to conditions.

3.0 Representations:

- 3.1 Two letters of support have been received from a neighbouring occupier that supports the regeneration of the area.
- 3.2 One letter of objection has been received and raises the following concerns:
- Is this site the most appropriate, given its allocation under policy QB3 of the Local Plan.
 - The site should not be developed in isolation and rather a cohesive masterplan to the wider should be adopted.
 - The bulk, mass, height and materials would be harmful to the Tyne Gorge and its views.
 - The development would harm the residential amenity currently afforded to the neighbouring buildings.

4.0 Policies:

NPPF National Planning Policy Framework

NPPG National Planning Practice Guidance

QB1 Quays and Baltic Sub-Area

QB2 Gateshead Quays Key site

QB3 Quays and Baltic Dev Opportunity Sites

UC3 Leisure Culture and Tourism

UC4 Homes

UC11 Gateways and Arrival Points

UC12 Urban Design

UC13 Respecting and Managing Views

UC14 Heritage

UC15 Urban Green Infrastructure

UC16 Public Realm

UC17 Public Art

CS2 Spatial Strategy for Urban Core

CS10 Delivering New Homes

CS11 Providing a range and choice of housing

CS13 Transport

CS14 Wellbeing and Health

CS15 Place Making

CS16 Climate Change

CS17 Flood Risk and Waste Management

CS18 Green Infrastructure/Natural Environment

MSGP8 Digital Infrastructure

MSGP9 Housing Sites Allocation

MSGP10 Accessible and Adaptable Dwellings

MSGP12 Housing Space Standards

MSGP15 Transport Aspects of Design of Dev

MSGP17 Residential Amenity

MSGP18 Noise

MSGP19 Air Quality

MSGP20 Land Contamination/Stability

MSGP24 Design Quality

MSGP25 Conservation/Enhancement Heritage Assets

MSGP27 Archaeology

MSGP28 Renewable and Low Carbon Energy

MSGP29 Flood Risk Management

MSGP30 Water Quality/River Environments

MSGP36 Woodland, Trees and Hedgerows

MSGP37 Biodiversity and Geodiversity

IPA4 Tyne Gorge Study

GPGSPD Gateshead Placemaking Guide SPG

POSPD Planning Obligations SPD

5.0 Assessment of the Proposal:

5.1 ASSESSMENT

The main planning issues to be considered are the principle of the development, viability, air quality, contaminated land and coal mining legacy, drainage, transport, design/landscaping, ecology, residential amenity and employment opportunities.

5.2 PRINCIPLE

The site is located in the Urban Core the Quays and Baltic Sub-Area Policy QB1 of the Core Strategy and Urban Core Plan (CSUCP), as well as forming part of the Millennium Quay/Hawks Road Development Opportunity Site (QB3(1) of the CSUCP).

5.3 It is acknowledged that the site forms part of the Millennium Quay / Hawks Road Development Opportunity Site which states the site should encompass a mix of principal uses including Office (B1a) and Assembly and Leisure (D2) (now use class E and Sui Generis). Whilst residential use (C3) is not identified as one of the principal uses for this site, in allocating the site for mixed-use development, the policy does not go as far as to prevent other uses, as inappropriate for this location. Therefore, the proposal for residential (C3) should be considered in relation to the wider development opportunity site. Furthermore, the potential for non-policy compliant development at the

Millennium Quay / Hawks Road site was highlighted during consultation on the CSUCP. Although policy QB3(1) maintains that office (B1a) and assembly and leisure (D2) are the preferred uses for this site, the Compliance Statement prepared to support the CSUCP Examination in Public does acknowledge: "other uses could be considered and a planning application will be assessed on its merits".

- 5.4 In this case, as already highlighted, the CSUCP does not preclude residential use in this area, and it is also considered the development of this site has the potential to facilitate the wider development of the QB3 allocation to incorporate the principal uses listed in policy. In addition, policy UC4 identifies the development of approximately 3,750 homes in the urban core and allocates mixed use sites which will include homes in the Quays and Baltic Sub Area. Therefore, the principle of housing is acceptable in the Baltic and Quays Sub Area.
- 5.5 It is also considered investment in the area would have added economic benefits. The regeneration of a key site, construction job opportunities, and improved confidence amongst developers looking to develop in the area, has the potential to increase prosperity and enhance the competitiveness of the urban core and the Baltic and Quays sub area. The development would also result in the riverside route being extended.
- 5.6 As such it is considered the benefits delivered through this type of, large scale, landmark development outweighs the conflict it may have with the requirement of policy QB3(1i).
- 5.7 As a result, taking into account all of the above, it is accepted that the proposed development is not strictly in accordance with all the relevant policies in the CSUCP. However, taking account of the flexibility of the policy approach for the area, particularly when considered alongside the NPPF and NPPG, it is considered the development is sustainable and will deliver a number of economic and regenerative benefits, as well as providing additional new housing supply. This objective is in line with the aspirations of the NPPF, as well as policies UC3, UC4, QB1 and in part policy QB3 of the CSUCP. Therefore, on balance, it is considered the merits of this residential development are acceptable in this location, and as such the principal of the development is supported in this case.
- 5.8 Space standards and Housing Provision
- Policy CS11(4) of the Core Strategy requires adequate space inside and outside of the home to meet the needs of residents.
- 5.9 Policy MSGP12 of MSGP also sets out that new homes should be built in accordance with the Nationally Described Space Standards (NDSS). This policy came into force on 1st February 2022 following a transition period.

- 5.10 The Planning Statement submitted with the application sets out that all dwellings will conform to the NDSS. It is also noted that all dwellings have access to a private balcony or patio.
- 5.11 Policy MSGP10 sets out that on housing developments of 15 or more dwellings, 25% of dwellings will be constructed to meet the Building Regulation M4(2) Category 2: Accessible and Adaptable Dwellings standard or equivalent successor standards. This can be secured by condition (condition 50).
- 5.12 Part 1 of policy CS11 of the CSUCP requires 60% of new private housing across the plan area being suitable for and attractive to families with a minimum target of 16,000 new homes to have 3 or more bedrooms.
- 5.13 The proposed development would incorporate only one and two-bedroom properties and therefore would not help to contribute to this target. However, it is acknowledged that the location of the site may not be as attractive to families and so it is not considered necessary to introduce larger units in this location. Moreover, the site could not support play or open space provision due to its modest footprint, which along with the proposed 1-2 bed units is not considered necessary or reasonable to require such provision in this case.
- 5.14 VIABILITY
The application is supported by a Viability Assessment, which seeks to demonstrate that the provision of affordable housing makes the scheme unviable. The report has been comprehensively reviewed by officers and an impartial external consultant, and it is considered that the appraisal inputs that have been used in the viability assessment are reasonable and in line with market rates for both build and sales values. It is also considered that the approach to the Benchmark Land Value and the values used are reasonable for this area of Gateshead.
- 5.15 In addition, further consideration of the current economic constraints facing new developments linked to inflation, the global political situation, and resultant increases in the cost of raw materials and lead in times, has shown that viability is a key issue with the delivery of this scheme.
- 5.16 Therefore, on balance, it is considered that the provision of affordable housing or any offsite financial contributions would place the delivery of the scheme into question and hence should not be required in this instance.
- 5.17 ARCHAEOLOGY
The application is accompanied by an archaeological desk-based assessment for the site by Archaeological Services Durham University (event 5167 report 2021/36). The report concluded that there was some potential for below-ground remains relating to post-medieval and later industry to survive within the site, but limited potential for any earlier archaeological remains. The site was a timber yard from the late 19th century and was redeveloped as an engineering works in the later 20th century. The archaeological desk-based assessment demonstrates that the site has low archaeological potential.

Therefore, it is considered that no further archaeological investigation is required and the application would accord with the NPPF and policy MSGP27 of the Local Plan for Gateshead.

5.18 CONTAMINATION/COAL MINING LEGACY

The site is located on land identified as being potentially contaminated and a Phase 1 land contamination assessment has been submitted which concludes further investigations are required to ensure the ground is safe to build on from both a ground contamination and a land stability perspective. This is considered acceptable and can be conditioned in accordance with the NPPF and policies CS14 and MSGP20 of the Local Plan for Gateshead (conditions 8-14).

5.19 ECOLOGY

The application site is located within a designated Wildlife Corridor, and immediately adjacent the River Tyne Local Wildlife Site (LWS). An extensive area of important intertidal mudflats is also located immediately adjacent/adjoining the site. The areas of intertidal mudflats which occur within the Tyne Estuary support a range of priority species including wading birds and wildfowl and marine mammals. It is considered necessary that these mudflats and the birds that use them are safeguarded from undue disturbance from passers-by.

5.20 The application is supported by a Preliminary Ecological Appraisal, a Bat Emergence Survey Report, and an Invasive Species Survey.

5.21 The application site is considered to be of low ecological value being dominated by buildings and areas of hardstanding, with smaller areas of dense scrub, tall ruderal vegetation, amenity grassland and scattered trees. The habitats/features on the site are considered to provide limited opportunities for statutorily protected and/or priority species, being restricted to roosting, foraging and commuting bats, nesting birds and hedgehog. Survey work recorded low levels of bat activity within and/or immediately to the south of the site; and confirmed the likely absence of roosting bats within the buildings on site.

5.22 All existing vegetation will be lost as part of the proposed development, however, given the low value of the current vegetation it is seen as an opportunity to improve the ecological value of the site through appropriate ecological and landscaping measures. Furthermore, planning policy does require new development to demonstrate a measurable net gain in biodiversity, which in this case is considered possible within the red line boundary of the site via soft landscaping, the proposed ecological buffer to the River Tyne and the inclusion of a green roof. That said, the application is not supported by a Biodiversity Net Gain (BNG) Assessment, but given the modest vegetation levels at the moment, it is considered the baseline figure will be low. Therefore, conditioning the submission of a BNG assessment is considered necessary (see condition 5) From that the final landscaping scheme can be secured, which will be the mechanism for demonstrating and

delivering a measurable net gain on site, which can be secured by conditions (conditions 19-21).

- 5.23 Moreover, protection of the existing mudflats from undue disturbance during demolition/construction and operational phases of this high rise development is very important. It is considered that agreeing a suitable landscaping scheme, with a 5m wide ecological buffer to the river side, across the full river frontage of the site, should be sufficient for the operational phase. As for the construction phase, a demolition/construction environmental management (DCEMP) plan will be required to manage the construction process to minimise noise, dust and disturbance. This can be addressed by conditions (conditions 3 and 4).
- 5.24 Further to the above, the submitted drainage proposals confirm that surface waters from the proposed development will be discharged directly into the River Tyne. The proposals identify the use of treatment measures to address the issue of water quality, however, no reference is made to the provision of scour control measures to prevent/reduce the erosion/mobilisation or increased erosion/mobilisation of intertidal mud, including potentially contaminated sediments. This can be addressed by condition (conditions 6 and 7).
- 5.25 The use of appropriate lighting will also be important to ensure that it would not result in undue harm to the River Tyne, the habitats it supports, but also highway and pedestrian safety are also relevant. The Police have also requested that the lighting strategy be agreed, and so attaching a condition will allow further discussions to take place to find a suitable lighting solution for the development. This can be addressed by condition (conditions 22-23).
- 5.26 Overall, having assessed the proposal in respect of ecology and biodiversity it is recommended that, subject to the addition of conditions to agree a DCEMP, scour protection, lighting design strategy, and landscaping planning permission be approved. The proposal thus accords with the NPPF and policies CS18, MSGP36 and MSGP37 of the Local Plan for Gateshead.
- 5.27 **FLOOD RISK AND DRAINAGE**
The site is predominantly located in flood zone 1, apart from the northern boundary, which falls within flood zone 3. The submitted Flood Risk Assessment (FRA) demonstrates that the application site is not at significant risk from flooding by rivers or the sea. With regard to surface water, the FRA demonstrates that the application site is not currently at risk from flooding by surface water, with the exception of the area that is within the highway along the southern borders of the site and within the existing parking / paved areas in the east of the site.
- 5.28 The surface water risk at the site is likely to originate in the higher ground to the south of the site and may be exaggerated by ponding at the River Tyne boundary. This will be dealt with by ensuring no building is within the flooding area on the East of the site. This area will be reserved for hard surfacing/landscaping with provision of drop kerbs to allow transmission of

water to the River Tyne in the event of Surface water flooding thus prevent ponding in this area. Therefore, development of the site for the proposed use is considered appropriate in flood risk terms without the need for an exception test. The development is in accordance with the NPPF and policy CS17 of the CSUCP in that regard.

- 5.29 Furthermore, being a major a development a drainage assessment has also been submitted, which looks to incorporate SuDS into the proposed development in accordance with CSUCP Policy CS17. The proposed drainage system comprises the following:
- 5.30 Discharge from the site will be directly into the River Tyne from the North of the site, with surface water discharge unrestricted into the Tyne. It is proposed that surface water will undergo pre-treatment along with 1 form of treatment for pedestrian/roof areas and 2 forms of treatment for any trafficked areas.
- 5.31 The site has been assessed for sustainability based on the Drainage Hierarchy. Percolation is not possible due to the underlying geology. Green roofs will be implemented on the 5th floor roof terrace were possible. All other areas will be piped via gravity and discharged into the voided aggregate at ground floor level via diffuser crates. All roof outlets will have screen guards to provide pre-treatment prior to discharge into the voided aggregate. On the ground floor area voided aggregate subbase will be utilised. All parking spaces will be permeable paving. All decorative paving will have treatment channels to collect the water. This collected water will then be filter treated before going into the voided aggregate, (First form of treatment). The water will then pass through a minimum of 500mm of voided aggregate (second form of treatment) prior to being collected by a perforated pipe and discharged directly into the River Tyne and the Tyne Estuary. Rain gardens will be utilised round the front of the building to provide pre-treatment, attenuation storage, irrigation of planting and one form of treatment. This will then connect into the voided aggregate subbase.
- 5.32 In terms of exceedance levels around the building, external levels around the built form will be designed to ensure that during extreme events, exceedance flows around the development, beyond the design storm event, surface flow of water will mimic that of the pre-development flow paths.
- 5.33 The SuDS system will be managed, maintained and funded by the owner of the buildings and the communal areas will be managed, maintained and funded by the single maintenance contractor employed by all the building owners. A full maintenance manual and schedule of maintenance will be provided at handover to ensure the manual is applicable to the SuDS component manufacturers requirements. No components of the SuDS systems will be adopted by Northumbrian Water. Maintenance for the biodiversity/green roofs can be carried out from the rooftops. The permeable paving landscaping can be maintained from the external ground area.

- 5.34 There will be a non-return valve installed in the final storm manhole to prevent backing up of the system in the flood scenario.
- 5.35 To help ensure that is the case, it is considered necessary for a final drainage construction method statement and also a drainage maintenance plan to be approved. This is to ensure that the proposed drainage is installed as proposed and managed to prevent undue impact upon sensitive environmental receptors in accordance with policies CS17 and QB2 of the CSUCP. This can be dealt with via conditions (conditions 15-18).
- 5.36 In addition, following consultation the Environment Agency (EA), they have raised no objections and consider the development would be acceptable, subject to the proposed Demolition/Construction Environmental Management Plan (DCEMP) detailing how the scheme will protect the River Tyne from pollution (see conditions 3 and 4) and also securing a scour impact assessment and mitigation scheme to prevent undue impact upon the adjacent mudflats (see conditions (6 and 7).
- 5.37 The EA have also confirmed that the submitted Water Framework Directive (WFD) assessment has correctly considered the risk to WFD status of the Tyne estuary. The EA agree that the impacts associated with construction of the development would be temporary and negligible and the potential permanent impacts have been assessed as minor and mitigation identified through the management of surface water runoff.
- 5.38 TRANSPORT
The proposed development is located in a moderately accessible location in terms of cycling and public transport.
- 5.39 Servicing layby and junction visibility and the highway layout/car park/service yard are considered acceptable in principle, subject to conditioning a highway design for the cycle merge onto the South Shore Road carriageway. Please see conditions 24-25.
- 5.40 As required by CSUCP policy QB1v a continuous recreational riverside cycle/pedestrian multiuser route has been incorporated into the scheme. This and a north/south connection through the site to South Shore Road are considered acceptable. The neighbouring site (with the extant permission for the office building adjacent to the Jury's Inn) already has permission in place to secure a further section of the riverside route and the associated Section 73 application will allow the continuous route to be delivered. Due to the car free nature of this development, and the consequently heightened importance of cycle and pedestrian access to and from this site, conditions are considered necessary to ensure the contiguous riverside route sections are delivered together (condition 26-27 and 34-35).
- 5.41 A total of 11 parking spaces are proposed, all of which are car club/car share bays-only, as requested, given the premise of the development to be a car free scheme. The final layout details can be secured by conditions, including details around ev charging (conditions 28-29).

5.42 Cycle storage

The development looks to provide 190 cycle storage spaces for residents in-lieu of the scheme not providing car parking spaces other than car club bays. To improve security and thus provide further confidence to residents to make use of the provision, it is considered measures, such as CCTV, electronic access, etc. should be incorporated into the final design. Therefore, it is considered necessary to condition that a cycle storage management plan be submitted to agree a final strategy for the development. Final details of external visitor stands are also required, which can be addressed by conditions (conditions 30-31).

5.43 As a result of the expected demand for online shopping and grocery deliveries, to residents it is considered appropriate that this should be properly accommodated within the development; to prevent delivery vehicles from either obstructing the highway or to avoid the need for a physical 'add-on' to the building at a later date if there are not adequate procedures and/or capacity for the receipt and storage of deliveries from the outset. Whilst internal building management and security measures are a matter between the residents and the management company for the building, it is considered that a comprehensive Delivery Management Strategy (DMS) is required. The submitted DMS lacks detail, however, it is considered that precise details can be addressed by conditions (conditions 32-33).

5.44 Travel Plan

The Travel Plan (TP) contains insufficient detail at this stage and so a further, more detailed TP will be required, which can be addressed by condition (conditions 36-37).

5.45 The TP must consider truly proactive measures to encourage the uptake of sustainable transport. Key to this may be:

- Cycle purchase incentives/discounts.
- Provision of pre-paid travel cards.
- A clearly agreed budget within the TP. Accounts should be reviewed annually with any underspend immediately reviewed and ploughed back into new initiatives or incentives.
- Review of cycle store facilities and how they are operating/being managed.

5.46 The final TP should consider the use of these and other proactive measures.

5.47 Overall, subject to the conditions referred to above, it is considered that the proposal would be acceptable from a transport perspective and thus accord with the NPPF and policies CS13 and MSGP15 of the Local Plan for Gateshead.

5.48 URBAN DESIGN/LANDSCAPING

The principle of the design, materials and landscaping proposed is considered to be acceptable and of good quality, which should result in a development that is sympathetic to its neighbours, respects the character and appearance of this part of Gateshead Quays and helps to provide biodiversity enhancement through the provision of a riverside ecological buffer, green roof and other soft landscaping around the site. To help ensure that is the case it is considered necessary to condition that the final details be approved prior to installation. This can be addressed by condition (conditions 19, 20, 21, 38 and 39) and subject to them, the proposal would accord with the National Planning Policy Framework as well as policies QB1, QB3, UC11, UC12, UC13, UC15, UC16, UC17, CS15, CS18, MSGP24 and MSGP37 of the Local Plan for Gateshead and the Tyne Gorge Study.

5.49 AMENITY

The location, height and scale and orientation of windows within the new development relative to existing neighbouring units is not considered to raise any significant residential amenity issues. This is because any overlooking would be mutual and is something to be reasonably expected in an urban core location where high density development sit together. Nonetheless the separation distance involved would be approximately 40m at the closest point to Baltic Place offices and approximately 50m at the closest point to the Jurys Inn hotel, which is considered to be acceptable and reasonable in an urban core location where higher density and thus lower separation distances could be expected. Baltic Place and Jurys Inn are also not residential development and so cannot not be expected to have the same level of amenity as a residential unit.

5.50 It is accepted that changing from a 1-2 storey building to a up to 12 storey building would impact upon some of the views currently enjoyed by neighbouring sites. However, this area of Gateshead is allocated for large scale regeneration, as detailed in the Local Plan and so it is reasonable to expect the situation on the ground to change as a result. Therefore, on balance, it is considered that the proposed development is in keeping with its surroundings and would not unreasonably impact upon the residential amenity of the future residents of the proposed development nor would the amenity of neighbouring units be unduly affected.

5.51 Furthermore, the NPPF and NPPG also states that authorities should take a flexible approach in applying policies or guidance relating to daylight and sunlight, where they would otherwise inhibit making efficient use of a site (as long as the resulting scheme would provide acceptable living standards)."

5.52 In this case the application site is in an urban core river front location where higher density, lower separation distances and thus greater constraints on daylight and sunlight would be expected. Albeit in this case the separation distances are considered to be reasonable in any event.

5.53 The application is supported by a noise and vibration impact assessment that has considered the various noise issues that could impact upon the residential

amenity of future occupants. Officers consider the submission provides reasonable proposals to ensure an acceptable level of residential amenity is provided, subject to agreeing the final details of glazing design, external plant equipment and any mechanical ventilation (conditions 40-44).

- 5.54 To help ensure that noise and dust during demolition and construction is managed appropriately to minimise impacts on residential amenity, it is considered necessary for this to form part of the DCEMP to be approved, which shall include measures to minimise fugitive dust emissions. This is to ensure that the demolition and construction phases are managed to prevent undue impact upon sensitive environmental/ecological receptors in accordance with the NPPF and policy CS14 of the CSUCP. This can be dealt with via condition (conditions 3 and 4).
- 5.55 Therefore, on balance, it is considered that the development does accord with the NPPF and policies CS14 and MSGP17 of the Local Plan for Gateshead and is considered to be acceptable in terms of providing acceptable living conditions for future residents.

5.56 CLIMATE CHANGE

Policy CS16 of the Local Plan states:

Development will be sustainable, able to function effectively in a changing climate and address impacts on climate change emissions. Development will be required to:

1. Use a good standard of building fabric, passive design, and landscaping measures to minimise energy demand,
2. Be flexible from the outset to allow adaptation to alternative uses,
3. Deliver a good level of sustainability required by relevant government schemes/guidance,
4. Minimise its contributions and provide resilience to the ongoing and predicted impacts of climate change,
5. Reduce its whole-life CO₂ equivalent emissions impact, and
6. Optimise the use of local renewable or low carbon energy in accordance with the following hierarchy:
 - i. Connection to an existing, or make provision for future connection, to a committed wider decentralised energy scheme within a specified timeframe,
 - ii. Development of a decentralised energy scheme for the whole or significant portion of a development from the outset, including joint schemes with significant adjacent external energy loads,
 - iii. Incorporation of other renewable energy solutions,
 - iv. Incorporation of other low carbon energy solutions in accordance with current government guidelines.

- 5.57 It should also be noted that Gateshead Council declared a climate emergency in 2019 and has pledged to be carbon neutral by 2030 and work with partners and agencies to assist in the whole of Gateshead being carbon-neutral in the

same timeframe, development needs to contribute to carbon reduction targets.

5.58 With regard to the hierarchy in policy CS16 part 6, Gateshead District Energy Scheme is located at the nearby Gateshead Energy Centre and is an operating, decentralised energy scheme, providing lower carbon heat from gas-fired combined heat and power plants.

5.59 It is considered that a connection to this network would be highly likely to be technically feasible. The network has been designed with considerable spare capacity and the proposal site is close to existing infrastructure. Therefore, it is considered reasonable to condition that connection with the District Energy Scheme be explored to help show compliance with the aims and requirements of policy CS16 of the Local Plan (conditions 45-46).

5.60 DIGITAL INFRASTRUCTURE

Policy MSGP8 states that 'The necessary physical infrastructure to enable access to information and digital communication networks will be integrated into all appropriate new developments.' The supporting text clarifies that all proposals for new dwellings and new business premises will be required to demonstrate that engagement has taken place with more than one digital infrastructure provider to explore how digital communication networks can be integrated into the development. The requirements of this policy will be satisfied by the submission of a statement explaining the outcome of this engagement. As such, this requirement can be addressed by condition (conditions 47).

5.61 AIR QUALITY

An Air Quality Assessment has been submitted which concludes that:

- There will be no significant residual effects arising from the construction phase of the development;
- That the impact of the proposed development will be negligible during its operation phase, and implementing the proposed mitigation measures will further reduce the significance of any residual effects; and
- The impact of new exposure to pollution concentrations for future occupants of the property is considered to be negligible.

5.62 Officers agree with the report's conclusions and thus, subject to managing air quality as part of the DCEMP condition, it is considered that this application accords with the requirements of policies CS14, MSGP 17, MSGP 18 and MSGP19 of the Local Plan for Gateshead (see conditions 3 and 4).

5.63 EMPLOYMENT OPPORTUNITIES

A major priority for the Council is the creation of employment and training opportunities, especially apprenticeships for local people and as such the Council seeks to bring forward opportunities in construction and also the operation of the development.

- 5.64 The apprenticeships could be through the Council's supply chain, contractors, delivery partners or ancillary activities across the length of the build. Any such opportunities would be made available to target groups within the Borough and beyond.
- 5.65 In line with the Council's Planning Obligation SPD (Targeted Recruitment and Training) December 2016, a Training and Employment Management Plan, that could include apprenticeships, can be secured through planning conditions (conditions 48-49).
- 5.66 CIL
On 1st January 2017 Gateshead Council became a CIL Charging Authority. This application has been assessed against the Council's CIL charging schedule and the development is CIL chargeable development, as it is housing related. However, the development is located within Charging Zone C, which has a levy of £0 per square metre for this type of development. As such no CIL charge is liable.

6.0 CONCLUSION

- 6.1 Taking all the relevant issues into account, it is recommended that planning permission be granted, as the proposal has been able to demonstrate that it would be acceptable, subject to conditions. It is considered that the proposal does accord with national and local planning policies and the recommendation is made taking into account all material planning considerations including the information submitted by the applicant and third parties.

7.0 Recommendation:

That permission be GRANTED subject to the conditions below:

1

The development shall be carried out in complete accordance with the approved plan(s) as detailed below -
Plan numbers to follow as an update.

Any material change to the approved plans will require a formal planning application to vary this condition and any non-material change to the plans will require the submission of details and the agreement in writing by the Local Planning Authority prior to any non-material change being made.

Reason

In order to ensure that the development is carried out in complete accordance with the approved plans and any material and non-material alterations to the scheme are properly considered.

2

The development to which this permission relates must be commenced not later than 3 years from the date of this permission.

Reason

To comply with section 91 of the Town and Country Planning Act 1990 as amended by section 51 of the Planning and Compulsory Purchase Act 2004.

3

Prior to commencement of the development hereby approved (including vegetation clearance works, erection of site security hoardings and demolition), a Demolition and Construction Environment Management Plan shall be submitted to, and approved in writing by, the Local Planning Authority. The Statement shall provide for:

- i. the parking of vehicles of site operatives, contractors and visitors
- ii. loading and unloading of plant and materials
- iii. storage of plant and materials used in constructing the development
- iv. the erection and maintenance of security hoarding
- v. wheel washing facilities
- vi. measures to control the emission of dust and dirt during demolition and construction
- vii. a scheme for the recycling/disposing of waste arising from demolition and construction works.
- viii. the sequencing of the implementation of the development
- ix. measures to minimise noise during the demolition and construction phases including:
 - a. Selection of appropriate equipment for the demolition and construction methods;
 - b. Plant to be located as far away as is reasonably practicable from noise-sensitive receptors;
 - c. Static plant/equipment fitted with suitable enclosures or screening where practicable;
 - d. Temporary hoardings/screens around the site boundary or specific activities as appropriate;
 - e. Site personnel instructed on Best Practicable Means to reduce noise and vibration as part of their induction training and as required prior to specific work activities;
 - f. Appropriate management of working hours for noisier tasks; and
 - g. Liaison with neighbouring occupiers and businesses in advance of works commencing to provide information regarding the programme.
- x. protection of and mitigation to river species such as otter and fish species, wading birds and associated mudflats.
- xi. management of Invasive Non Native Species.
- xii. preventing pollution upon sensitive receptors including the River Tyne.
- xiii. measures to control/minimise disruption to the highway network during peak periods.
- xiv. management of lighting during demolition and construction so as to not impact features such as the River Tyne.

In addition, all works and ancillary operations in connection with the remediation of the site, demolition and the construction of the new development, including the use of any equipment or deliveries to the site shall

be carried out only between 0700 hours and 1900 hours Monday to Friday, between 0800 hours and 1700 hours Saturday and at no time on Sundays or Bank Holidays unless otherwise approved in writing by the Local Planning Authority.

Reason

To safeguard the sensitive environmental features that have the potential to be affected by demolition and the construction of the proposed development in accordance with policies CS14, CS18, MSGP20 and MSGP37 of the Local Plan for Gateshead.

Reason for prior to commencement condition

The Local Planning Authority is satisfied that this information is so fundamental to the development permitted that it would have been otherwise necessary to refuse the whole permission.

4

The development shall be carried out in accordance with the Demolition and Construction Environment Management Plan approved under condition 3 at all times during demolition and construction.

Reason

To safeguard the sensitive environmental features that have the potential to be affected by demolition and the construction of the proposed development in accordance with policies CS14, CS18, MSGP20 and MSGP37 of the Local Plan for Gateshead.

5

Prior to commencement of the development hereby approved (including any vegetation clearance works, erection of site security hoardings and demolition) a Biodiversity Net Gain Metric 3.0 shall be submitted to the Local Planning Authority for written approval.

The submitted information shall include a completed copy of the DEFRA metric and the ArcGIS shapefiles or AutoCAD files used to measure the onsite baseline and onsite post enhancement habitat parcels.

Reason

To ensure the development achieves a net increase in biodiversity in accordance with the NPPF, policies CS18 and MSGP37 of the Local Plan for Gateshead.

Reason for prior to commencement condition

The Local Planning Authority is satisfied that this information is so fundamental to the development permitted that it would have been otherwise necessary to refuse the whole permission.

6

Prior to commencement of the development hereby approved (except vegetation clearance works, erection of site security hoardings and demolition) a scour impact assessment and mitigation scheme, including long-term design objectives of the proposed outfall, management responsibilities and maintenance schedules has been submitted to and approved in writing by the Local Planning Authority.

Reason

To safeguard the River Tyne and associated habitats from pollution and erosion in accordance with the NPPF and policies CS18 and MSGP37 of the Local Plan for Gateshead.

Reason for prior to commencement condition

The Local Planning Authority is satisfied that this information is so fundamental to the development permitted that it would have been otherwise necessary to refuse the whole permission.

7

The scour protection and mitigation scheme shall be implemented in accordance with the details approved under condition 6 and retained as such thereafter unless otherwise approved in writing by the Local Planning Authority.

Reason

To safeguard the River Tyne and associated habitats from pollution and erosion in accordance with the NPPF and policies CS18 and MSGP37 of the Local Plan for Gateshead.

8

Prior to commencement of the development hereby approved (except vegetation clearance works, erection of site security hoardings and demolition) an intrusive land contamination assessment, to assess the nature and extent of any contamination on the site and whether or not it originates on the site has been submitted to and approved in writing of the Local Planning Authority. The report of the findings must include-

(i) a survey of the extent, scale and nature of contamination and coal mining legacy.

(ii) an assessment of the potential risks to,

- human health,
- property (existing or proposed) including buildings, service lines and pipes,
- adjoining land,
- groundwaters and surface waters,
- ecological systems,

(iii) an appraisal of remedial options, and proposal of the preferred option(s) including a timeline and phasing for the implementation of the remediation scheme.

This must be conducted in accordance with the Environment Agency's Land contamination risk management (LCRM)".

Reason To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters in accordance with the National Planning Policy Framework and policies CS14 and MSGP20 of the Local Plan for Gateshead.

Reason for prior to commencement condition

The Local Planning Authority is satisfied that this information is so fundamental to the development permitted that it would have been otherwise necessary to refuse the whole permission.⁹

The remediation and mitigation schemes must be carried out in accordance with the details approved under condition 8. The Local Planning Authority must be given two weeks written notification of commencement of the remediation scheme works.

9

Following completion of measures identified in the approved remediation scheme, a verification report that demonstrates the effectiveness of the remediation carried out must be produced and is subject to the approval in writing of the Local Planning Authority.

Reason

To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters in accordance with the National Planning Policy Framework and policies CS14 and MSGP20 of the Local Plan for Gateshead.

10

The results of the implemented remediation approved under condition 9 shall be submitted to an approved in writing by the Local Planning Authority prior to the first occupation of the development.

Reason

To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters in accordance with the National Planning Policy Framework and policies CS14 and MSGP20 of the Local Plan for Gateshead.

11

If unexpected contamination is found after development has begun, development must be halted on that part of the site affected by the unexpected contamination to the extent specified by the Local Planning Authority (LPA).

An investigation and risk assessment shall be undertaken and where remediation is necessary a remediation scheme shall be submitted to and approved in writing by the LPA prior to the remediation being commenced.

Following completion of the measures identified in the approved remediation scheme a verification report shall be submitted to and approved in writing by the Local Planning Authority prior to the first occupation of the development.

Reason

To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters in accordance with the National Planning Policy Framework and policies CS14 and MSGP20 of the Local Plan for Gateshead.

12

Prior to commencement of the development hereby approved (except vegetation clearance works, erection of site security hoardings and demolition) further intrusive site investigations shall be carried out on site to establish the exact situation in respect of coal mining legacy features and the findings of these site investigations submitted to and approved in writing by the Local Planning Authority. The intrusive site investigations shall be carried out in accordance with the Construction Industry Research and Information Association (CIRIA) publication "PUB C758D Abandoned mine workings manual".

Reason

To ensure that risks from land instability to the future users of the land and neighbouring land are minimised in accordance with the National Planning Policy Framework and policies CS14 and MSGP20 of the Local Plan for Gateshead.

Reason for prior to commencement condition

The Local Planning Authority is satisfied that this information is so fundamental to the development permitted that it would have been otherwise necessary to refuse the whole permission.

13

Where the findings of intrusive site investigations required by condition 12 above identify that coal mining legacy on the site poses a risk to surface stability, a detailed remediation scheme to protect the development from the effects of such land instability shall be submitted to and approved in writing by the Local Planning Authority prior to commencement of any construction operations in those affected areas.

Reason

To ensure that risks from land instability to the future users of the land and neighbouring land are minimised in accordance with the National Planning Policy Framework and policies CS14 and MSGP20 of the Local Plan for Gateshead.

14

The remediation details approved under condition 13 shall be implemented on site prior to commencement of any construction operations in the areas where such remediation works are required, and a validation report confirming the methods and findings of the intrusive site investigations and the completion of any remedial works and/or mitigation necessary to address the risks posed by past coal mining activity shall be submitted to and approved in writing by the Local Planning Authority.

Reason

To ensure that risks from land instability to the future users of the land and neighbouring land are minimised in accordance with the National Planning Policy Framework and policies CS14 and MSGP20 of the Local Plan for Gateshead.

15

Prior to commencement of the development hereby approved (except for vegetation clearance works, erection of site security hoardings, demolition and ground preparation and enabling works) a Drainage Construction Method Statement (DCMS) relating to the proposed drainage system which will serve the completed development shall be submitted to and approved in writing by the Local Planning Authority. The content of the DCMS shall be in accordance with Appendix B6 of the CIRIA SuDS Manual, and Gateshead Interim SuDS Guidelines (Version 2 - March 2016) or as updated at the time of development commencing, for best practice.

Reason

To ensure the works do not increase risk of flooding or pollution of watercourses in accordance with the NPPF, policies QB2?, CS17, MSGP29 and MSGP30 of the Local Plan for Gateshead.

16

The Drainage Construction Method Statement approved under condition 15 shall be wholly implemented prior to first occupation of the development hereby approved in accordance with the approved details and retained for the full life of the development unless otherwise approved in writing by the Local Planning Authority.

Reason

To prevent the increased risk of flooding from any sources in accordance with the NPPF, policies QB2, CS17, MSGP29 and MSGP30 of the Local Plan for Gateshead.

17

Prior to first occupation of the development hereby approved a SuDS and drainage maintenance plan, including maintenance details of all hard and soft SuDS features, shall be submitted to and approved in writing by the Local Planning Authority. The plan shall set out details of the arrangements for the ongoing maintenance of the SuDS and the drainage system over the lifetime

of the development and set out clearly where responsibility lies for the maintenance of all drainage features.

Reason

To ensure appropriate drainage so as to prevent the risk of flooding in accordance with the NPPF, policies CS17, MSGP29 and MSGP30 of the Local Plan for Gateshead.

18

The SuDS and drainage maintenance plan approved under condition 17 shall be implemented prior the first occupation of the development and maintained as such for the life of the development unless otherwise approved in writing by the Local Planning Authority.

Reason

To ensure appropriate drainage and maintenance of the sustainable drainage systems so as to prevent the risk of flooding in accordance with the NPPF, policies CS17, MSGP29 and MSGP30 of the Local Plan for Gateshead.

19

Prior to the first occupation of the development, fully detailed schemes for hard and soft landscaping and areas of habitat creation, to ensure that the development delivers a biodiversity net gain, as determined by the baseline figure identified in condition 5 shall be submitted to and approved in writing by the Local Planning Authority. The schemes shall include details and proposed timing of hard and soft landscaping, proposed trees and shrubs, ground preparation and planting plans noting the species, plant sizes and planting densities for all new planting.

Reason

To maintain the amenity and biodiversity value and function of the soft landscaping and ecological areas in the interests of visual amenity and ecology in accordance with National Planning Policy Framework and policies CS15, CS18, MSGP25, MSGP36 and MSGP37 of the Local Plan for Gateshead.

20

The landscaping and habitat creation schemes shall be implemented in accordance with the timescale and details approved under condition 19 and retained/maintained for the life of the development thereafter.

Reason

To maintain the amenity and biodiversity value and function of the soft landscaping and ecological areas in the interests of visual amenity and ecology in accordance with National Planning Policy Framework and policies CS15, CS18, MSGP24 MSGP36 and MSGP37 of the Local Plan for Gateshead.

21

The approved landscaping scheme shall be maintained in accordance with British Standard 4428 (1989) Code of Practice for General Landscape Operations commencing on the date of Practical Completion and during this period any trees or planting which die, become diseased or are removed shall be replaced in the first available planting seasons (October to March) with others of a similar size and species and any grass which fails to establish shall be re-established.

Reason

To maintain the amenity and biodiversity value and function of the soft landscaping and ecological areas in the interests of visual amenity and ecology in accordance with National Planning Policy Framework and policies CS15, CS18, MSGP24 MSGP36 and MSGP37 of the Local Plan for Gateshead.

22

A scheme detailing a comprehensive external lighting strategy shall be submitted to and approved in writing by the Local Planning Authority prior to first occupation of the development. The scheme shall include a full street lighting scheme to adoptable standards and avoid/minimise adverse impacts on light sensitive species and created and retained habitats/features, including those out with the red line boundary of the application site.

Reason

To safeguard the visual and residential amenities of the area and prevent any undue impact upon biodiversity in accordance with the National Planning Policy Framework and policies CS14, CS15, , MSGP17, MSGP24, MSGP25 and MSGP38 of the Local Plan for Gateshead.

23

The external lighting strategy shall be implemented in accordance with the details approved under condition 22 prior to the first occupation of the development and retained thereafter.

Reason

To safeguard the visual and residential amenities of the area and prevent any undue impact upon biodiversity in accordance with the National Planning Policy Framework and policies CS14, CS15, , MSGP17, MSGP24, MSGP25 and MSGP38 of the Local Plan for Gateshead.

24

Prior to the first occupation of the development final details of the highway design and layout, and the timescale for its implementation shall be submitted to and approved in writing by the Local Planning Authority. The details shall include:

Final details for the cycle merge onto the South Shore Road carriageway.

Final details of the service layby on South Shore Road.

Reason

To ensure highway safety is maintained in accordance with the National Planning Policy Framework and policies CS13 and MSGP15 of the Local Plan for Gateshead.

25

The final highway design and layout shall be constructed in accordance with the details and timescale approved under condition 24.

Reason

To ensure highway safety is maintained in accordance with the National Planning Policy Framework and policies CS13 and MSGP15 of the Local Plan for Gateshead.

26

The development hereby approved shall not progress above foundation level until the details of the multi user recreational riverside route, including through the adjoining land immediately to the west of this application site up to where it would meet the existing section of the multi user recreational riverside route, have been submitted to and approved in writing by the Local Planning Authority.

Reason

To ensure the provision of a continuous multi user recreational riverside route and in the interests of highway safety in accordance with the NPPF, policies QB2, CS13, MSGP15 and MSGP38 of the Local Plan for Gateshead.

27

The multi user recreational riverside route, including through the adjoining land immediately to the west of this application site up to where it would meet the existing section of the multi user recreational riverside route, approved under condition 26 shall be installed in accordance with the approved details and maintained as such thereafter unless otherwise agreed in writing with the Local Planning Authority.

Reason

To ensure the provision of a continuous multi user recreational riverside route and in the interests of highway safety in accordance with the NPPF, policies QB2, CS13, MSGP15 and MSGP38 of the Local Plan for Gateshead.

28

Notwithstanding the details on the submitted plans, a Car Park Management Plan including the dedication and operation of car club bays and provision of EV charging points, shall be submitted to and approved in writing by the Local Planning Authority, prior to the development hereby approved being first occupied.

Reason

In the interests of effective use of the car park and loading/drop off bays, and to ensure the development minimises car trips and promotes sustainable

travel, in accordance with policies CS13 and MSGP15 of the Local Plan for Gateshead.

29

The car park management/layout shall be implemented in accordance with the details approved under condition 28 prior to the first occupation of the development and retained thereafter unless otherwise approved in writing by the Local Planning Authority.

Reason

In the interests of effective use of the car park and loading/drop off bays, and to ensure the development minimises car trips and promotes sustainable travel, in accordance with policies CS13 and MSGP15 of the Local Plan for Gateshead.

30

Notwithstanding the submitted plans, prior to the first occupation of the development, final details of external cycle racks (of a specification and amount to accord with the Gateshead Cycling Strategy), and internal cycle storage for residents of no less than 190 cycles, shall be submitted to and approved in writing by the Local Planning Authority. The final internal cycle storage details must include: locker/unit specification inclusive of door lock and secondary internal anchor device; details of CCTV within cycle store rooms; details of security access control system on the doors that permit access into the cycle store rooms; and full details of how cycle lockers will be managed by the building management company.

Reason

To promote cycling as a sustainable mode of transport through the provision of good quality storage / parking facilities in accordance with the National Planning Policy Framework and policies CS13 and MSGP15 of the Local Plan for Gateshead.

31

The cycle storage provision shall be implemented in accordance with the details approved under condition 30 prior to the first occupation of the development and retained thereafter.

Reason

To promote cycling as a sustainable mode of transport through the provision of good quality storage / parking facilities in accordance with the National Planning Policy Framework and policies CS13 and MSGP15 of the Local Plan for Gateshead.

32

Notwithstanding the submitted plans, prior to the first occupation of the development final details of the Delivery Management Strategy shall be submitted to and approved in writing by the Local Planning Authority. The strategy shall include the provision of a concierge led system or suitable alternative to facilitate all forms of deliveries to the site.

Reason

In the interests of good design by ensuring adequate provision is made for the receipt and secure storage of deliveries, including online shopping deliveries to residents as well as safeguarding highway safety and promoting sustainable development, in accordance with policies CS13, CS15, MSGP13 and MSGP15 of the Local Plan for Gateshead.

33

The delivery management strategy shall be implemented in accordance with the details approved under condition 32 prior to the first occupation of the development and retained thereafter unless otherwise approved in writing by the Local Planning Authority.

Reason

In the interests of good design by ensuring adequate provision is made for the receipt and secure storage of deliveries, including online shopping deliveries to residents as well as safeguarding highway safety and promoting sustainable development, in accordance with policies CS13, CS15, MSGP13 and MSGP15 of the Local Plan for Gateshead.

34

Development hereby permitted shall not progress above foundation level, until final details of a shared cycle and pedestrian route along the eastern boundary of the site has been submitted to and approved in writing by the Local Planning Authority.

The shared route shall include details of surfacing, measures including signing to control public access, bollards to deter vehicular access and a proposed timetable for hard and soft landscaping.

Reason

To ensure that an adequate pedestrian/cycle route is kept clear from obstruction in accordance with policies CS13, CS15, MSGP13 and MSGP15 of the Local Plan for Gateshead.

35

The details approved under condition 34 shall be fully implemented in accordance with the approved specifications and timescales, with the shared path made available for the lifetime of the development unless agreed otherwise in writing with the Local Planning Authority

Reason

To ensure that an adequate pedestrian/cycle route is kept clear from obstruction in accordance with policies CS13, CS15, MSGP13 and MSGP15 of the Local Plan for Gateshead.

36

Prior to the first occupation of the development a detailed Travel Plan shall be submitted to and approved in writing by the Local Planning Authority. The

Travel Plan shall detail the delivery mechanism for its implementation in order to provide for but not limited to the following measures:

- 1) Identification of challenging travel plan targets and associated initiatives to help meet those targets
- 2) Cycle purchase incentives/discounts.
- 3) Provision of pre-paid travel cards.
- 4) A clearly agreed budget within the Travel Plan. Accounts should be reviewed annually with any underspend reviewed and put back into new initiatives or incentives.
- 5) Review of cycle store facilities and how they are operating/being managed.

Reason

To support sustainable travel in accordance with the National Planning Policy Framework and policies CS13 and MSGP15 of the Local Plan for Gateshead.

37

Within 24 months of the date of approval of condition 36, evidence of the implementation of the Travel Plan approved under condition 36 over a minimum period of 12 months, and any revisions, shall be submitted to the Local Planning Authority for consideration.

Reason

To ensure an appropriate long term management strategy to encourage sustainable travel at the site, in accordance with the NPPF and policies CS13, MSGP14 and MSGP15 of the Local Plan.

38

Unless otherwise agreed with the Local Planning Authority, construction of the development hereby approved shall not proceed above foundation level until samples of all materials, colours and finishes to be used on all external surfaces of the buildings hereby approved, have been made available for inspection and are subsequently approved in writing by the Local Planning Authority.

Reason

To safeguard the visual amenities of the area in accordance with the NPPF, policies UC11, UC12, UC13, UC14, QB2, CS15, MSGP24 and MSGP25 of the Local Plan for Gateshead.

39

The materials used shall be in accordance with the details approved under condition 38 unless otherwise approved in writing by the Local Planning Authority.

Reason

To safeguard the visual amenities of the area in accordance with the NPPF, policies UC11, UC12, UC13, UC14, QB2, CS15, MSGP24 and MSGP25 of the Local Plan for Gateshead.

40

The glazed windows of the development shall meet or exceed the relevant noise level criteria as set out in table S19052/T5 of the submitted amended noise assessment. The glazed windows shall be installed prior to the first occupation of the development and be retained as such thereafter unless otherwise agreed in writing with the Local Planning Authority.

Reason

To safeguard residential amenity in accordance with National Planning Policy Framework and policies CS14 and MSGP20 of the Local Plan for Gateshead.

41

No plant, machinery, mechanical ventilation or other equipment shall be installed on or attached to the exterior of the development until full details have first been submitted to and approved in writing by the Local Planning Authority. The submitted details must meet the noise level criteria at receptors as set out in table S19052/T13 of the submitted amended noise assessment.

Reason

To safeguard the visual and residential amenities of the area and prevent any undue impact upon biodiversity in accordance with the NPPF, policies CS14, CS15, CS18, MSGP17, MSGP24, MSGP25 and MSGP37 of the Local Plan for Gateshead.

42

Any plant, machinery, mechanical ventilation or other equipment to be installed on or attached to the exterior of the development shall be undertaken in accordance with the details approved under condition 41 prior to the first occupation of the development and retained as such thereafter unless otherwise agreed in writing by the Local Planning Authority.

Reason

To safeguard the visual and residential amenities of the area and prevent any undue impact upon biodiversity in accordance with the NPPF, policies, CS14, CS15, CS18, MSGP17, MSGP24, MSGP25 and MSGP37 of the Local Plan for Gateshead.

43

Prior to first occupation of the development hereby approved, details on the final construction of the ground floor hub area demonstrating that it meets the relevant sound insulation values shown in Table S19052/T11 of the submitted amended noise assessment shall be submitted to and approved in writing by the Local Planning Authority.

Reason

To safeguard residential amenity in accordance with National Planning Policy Framework and policies CS14 and MSGP20 of the Local Plan for Gateshead.

44

The ground floor hub area shall be constructed in accordance with the details approved under condition 43 and retained as such thereafter unless otherwise agreed in writing with the Local Planning Authority.

Reason

To safeguard residential amenity in accordance with National Planning Policy Framework and policies CS14 and MSGP20 of the Local Plan for Gateshead.

45

Construction of the development hereby approved shall not proceed above foundation level until an updated Sustainability Statement, has been submitted to and approved in writing by the Local Planning Authority. The Sustainability Statement will demonstrate the measures that will be incorporated into the development both during construction and operational phases to reduce carbon emissions, and the measures to be undertaken to optimise the use of local renewable or low carbon energy in accordance with the hierarchy set out in CS16 (6) of the Local Plan for Gateshead, and the Sustainability Statement shall also include timetable(s) for the implementation of these measures.

Reason

To ensure that the development is sustainable and reduces carbon emissions in accordance with policies CS16 and MSGP28 of the Local Plan for Gateshead.

46

The sustainable energy measures and use of local renewable or low carbon energy, shall be implemented in accordance with the details and timetables, submitted and approved under condition 45.

Reason

To ensure that the development is sustainable and reduces carbon emissions in accordance with policies CS16 and MSGP28 of the Local Plan for Gateshead.

47

Prior to the first occupation of the development hereby approved a digital infrastructure statement shall be submitted to and approved in writing by the Local Planning Authority demonstrating that engagement has taken place with more than one digital infrastructure provider to explore how digital communication networks can be integrated into the development.

Reason

To ensure the necessary physical infrastructure to enable access to information and digital communication networks will be integrated into the development in accordance with policy MSGP8 of the Local Plan for Gateshead.

48

Construction of the development hereby approved shall not commence until an Employment and Training Plan which is in accordance with the principles set out in the Council's Planning Obligation SPD (Targeted Recruitment and Training) December 2016, outlining the potential creation of employment and training opportunities, especially apprenticeships for local people during the construction phases of the development is submitted to and approved in writing by the Local Planning Authority.

Reason

In the interests of providing employment and training opportunities in line with the NPPF and the Council's Planning Obligation SPD (Targeted Recruitment and Training) December 2016.

49

The Employment and Training Plan shall be implemented in accordance with the details submitted and approved under condition 48.

Reason

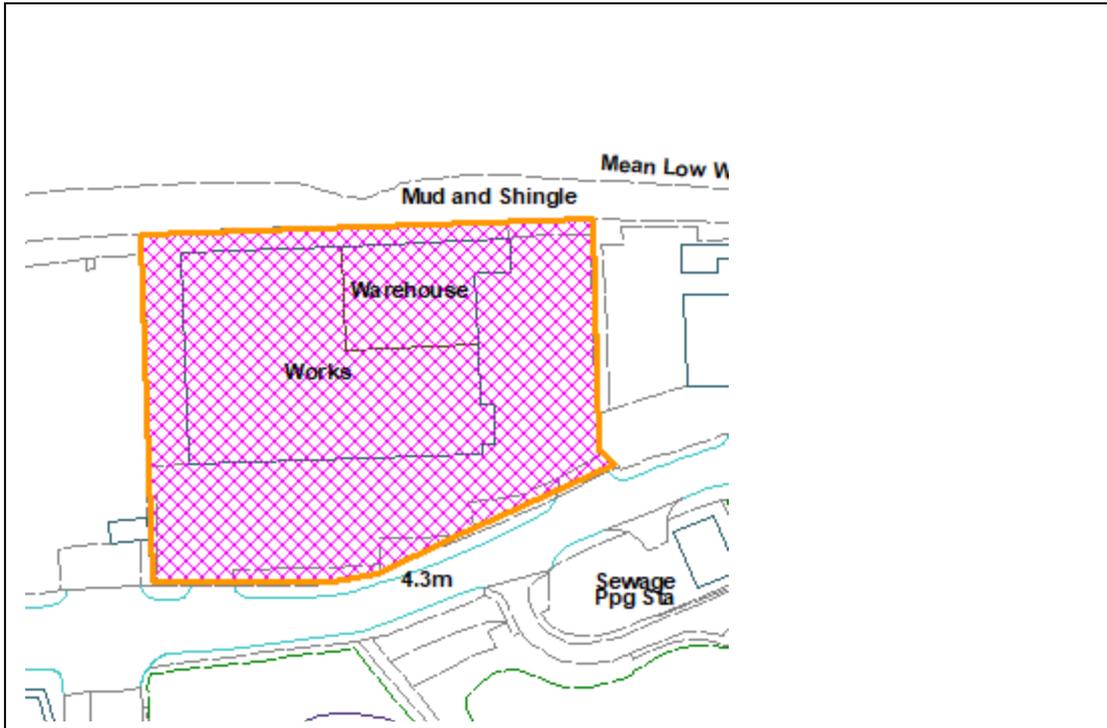
In the interests of providing employment and training opportunities in line with the NPPF and the Council's Planning Obligation SPD (Targeted Recruitment and Training) December 2016.

50

At least 25% of residential units shall be constructed to meet the Building Regulation M4(2) Category 2: Accessible and Adaptable Dwellings standard or equivalent successor standards and shall be retained as such unless otherwise agreed in writing by the Local Planning Authority.

Reason

To ensure that adequate accessible and adaptable dwellings are provided in accordance with the NPPF and policies CS14, MSGP10 and MSGP17 of the Local Plan for Gateshead.



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Committee Report

Application No:	DC/21/00938/FUL
Case Officer	Amy Williamson
Date Application Valid	10 August 2021
Applicant	Mr Briggs
Site:	North East Concrete Ltd Longshank Lane Birtley Chester Le Street DH3 1QZ
Ward:	Lamesley
Proposal:	Relocation of concrete batching plant, installation of new tarmac plant and associated material storage areas, plant workshops, processing of recycled and secondary aggregate and creation of new office building and associated parking (additional information received 07/12/21, amended information received 22/12/21, amended plans received 31/1/22 and 15/02/22).
Recommendation:	GRANT
Application Type	Full Application

1.0 The Application:

1.1 BACKGROUND

This application was deferred at the meeting of the Planning and Development Committee on 11 May 2022 to allow the Committee to visit the site. Members visited the site on 30 June 2022.

1.2 The applicant has also submitted additional information in the form of letters from Ward Hadaway LLP and from Blue Tree Acoustics to respond to comments and questions raised at the Committee meeting on 11 May.

1.3 The Letter from Ward Hadaway LLP provides the following comments:

- o The Application site mainly comprises the existing North East Concrete (NEC) site at Longshank Lane together with around 2ha of the former Brenntag Premises to the south. The Brenntag site is a long established site used for chemical related storage and distribution. There are currently no restrictions on the level, extent or nature of vehicular use serving that site. Moreover, traffic from the Brenntag site accesses the highway network via Longshank Lane. Additionally the Birtley Group's manufacturing site is also served by Longshank Lane and has no restrictions on HGV movements.

o The best evidence available, as set out in the Transport Assessment and Committee Report, regarding Brenntag trip generation is an estimate of 651 two way vehicle movements per 24 hours. The Committee report acknowledges that "the trip rates and numbers presented are generally within a level of expected trips for a B8 use". Indeed given that Brenntag operated as a commercially viable business for over 30 years such assumption is robust.

o The Committee report acknowledges "the fall back position would be that a separate storage and distribution company (B8) use could occupy the Brenntag premises with uncontrolled vehicle movements to a significant level along Longshank Lane". It also acknowledges that such business could operate from the Brenntag site "without requiring planning permission and operate on an unrestricted basis, generating noise..." and furthermore correctly recognises that the unrestricted lawful use of the Brenntag site as a fallback "must be given weight in the consideration of this application and it would be unreasonable to impose excessive restrictions on the former Brenntag site within this context"

o Given this acknowledgement of the correct approach to the fallback position (as established by planning case law Samuel Smith and Mansell v Tonbridge) and that the vehicular flows arising from the application are substantially lesser than the fallback the latest requests for further traffic assessment are considered unwarranted.

o Further planning case law (the Newbury Tests) relating to the reasonableness of imposing planning conditions is referred to. The use of a condition to impose restrictions on vehicular level use would have to be very carefully justified particularly in the context of the fallback.

o As regards air quality issue the additional information sought is disproportionate. We note that the area in question is not subject to designation such as an Air Quality Management Area or Clean Air Zone. Moreover, as above the correct approach, as recognised in the committee report, is to consider the application in the context of the fallback position in which instance impacts will be lesser.

o It is important to note that the NEC site is currently subject to Part B Environmental Permit, which is monitored regularly by the Council's Environmental Health Officers. Emissions are therefore already controlled via that regime. We understand no issue has been or is taken by the Council regarding either emissions or noise from the operation on site of NEC's business.

o As the Council will be aware, NEC has repeatedly made representations over the past decade to the Council in respect of the housing development adjacent to Longshank Lane. Longshank Lane is a long-standing public highway serving industrial sites. There are presently no upper limit restrictions on the level of use given that the Birtley Group's use is unrestricted and any B8 development on the Brenntag site would also be unrestricted. The area's industrial uses pre-date the housing use. As the Committee report

acknowledges it is the housing development which is the "agent of change". National policy is that "where the operation of an existing business...facility could have a significant adverse effect on new development ...in its vicinity...the agent of change should be required to provide suitable mitigation before the development has been completed". The proper approach is therefore for the Council to have required the "agent of change", i.e. the housing development, to provide suitable mitigation of impacts arising from its proximity to Longshank Lane. Conditions were attached to planning permission DC/10/00832/FUL in relation to acoustic glazing and ventilation (condition 25) and for a post completion noise assessment (condition 26) demonstrating noise emitted from the HGV traffic did not exceed an internal level of 30dBA and an LAmax of 40dB in plots 44-47 and 62-69 inclusive.

o The housing development was accordingly permitted by the Council in full knowledge of the presence of industrial uses and related traffic, including NEC, and it expressly addressed traffic noise by the imposition of condition which it considered necessary to make the development acceptable. Indeed the relevant committee report concluded that "it is therefore considered that subject to conditions the proposal would not conflict with policy contained in PPG24 as it has been demonstrated that noise levels are satisfactory. Therefore future residents would have an acceptable level of amenity". Occupiers and affected parties such as NEC are entitled to rely upon compliance with the above conditions having been achieved and maintained.

o The Council therefore was fully appraised of the impacts from traffic on Longshanks Lane when it determined the housing application. It imposed conditions to ensure mitigation was provided as part of that development. The present NEC Application does not amount to any increase in traffic over and above the fallback position which in effect was the position assessed when the housing application was determined.

o Given the context of the application and the recognition in the committee report that it would be "unreasonable to impose excessive restrictions on the former Brenntag site" it is therefore submitted that the Council has a sufficiency of traffic, noise and air quality data upon which to base its decision.

- 1.4 The letter from Blue Tree Acoustics sets out the relevant policies and good practice standards for considering operational noise and noise from HGVs. It provides clarification on specific questions posed by officers following members concerns at the committee on 11 May 2022 and sets out how noise generated would comply with relevant policies and standards. Issues of noise are considered further in the Residential Amenity Section below.
- 1.5 The additional information seeks to demonstrate that the Council has adequate information to determine the application and no further information relating to HGV movements, noise and air quality is required in order to make a decision on the application. Specific emphasis is made to the legal fall back position of the former Brenntag Premises that NEC intend to expand into and the context of the housing development at Elm Crescent, for which mitigation was provided as part of the relevant planning permission to ensure an acceptable level of

residential amenity was afforded to residents given the proximity to established industrial uses and Longshank Lane, an adopted highway accommodating unrestricted HGV movements from the Birtley Group and Brenntag at the time of this development.

1.6 DESCRIPTION OF THE SITE

The application site comprises the existing premises of North East Concrete situated to the northern part of the site which occupies an area of around 1.95ha, referred to as Area A in the submitted plans.

- 1.7 To the south of this lies land and buildings of around 2ha on the former Brenntag premises, a chemical storage and distribution site (B8 use class), which has been vacant since 2019, referred to as areas B and C on the submitted plans. An area of scrub land of around 1.3ha, not previously known to be used for any purpose, referred to in the submitted plans as Area D, lies between the Brenntag buildings and Mary Avenue to the east.
- 1.8 The existing North East Concrete site currently comprises concrete and tarmac plants, together with areas for the processing and storage of recycled and non-recycled aggregate materials, which are used to produce tarmac and concrete. The tarmac plant is adjacent to the northern boundary and the concrete plant is in the centre of the site. North East Concrete have operated from the site since around 2010. The existing site is allocated under policies MSGP49 of Making Spaces for Growing Places (MSGP) and CS20 of the Core Strategy and Urban Core Plan (CSUCP) as a safeguarded minerals-related infrastructure.
- 1.9 The former Brenntag site comprises two workshops, an industrial unit, a small office/welfare building and an electric sub station.
- 1.10 The site is currently accessed via Longshank Lane to the north east of the site, which is adopted highway and subsequently links on to Lamesley Road and in turn to the A167 and A1. Two passing places have previously been installed along Longshank Lane which were required by the previous planning permission for the North East Concrete site DC/11/00265/FUL. The vehicle access to an adjoining industrial premises, the Birtley Group, lies immediately adjacent to the North East Concrete access to the southern end of Longshank Lane. The Birtley Group are permitted to operate with unrestricted HGV access along Longshank Lane. Within the application site an access road of around 245m in length runs from the site access on Longshank Lane to the former Brenntag site, leading to areas of hard standing and parking around the existing buildings.
- 1.11 The existing site in Area A is permitted by planning permission DC/11/00265/FUL to operate 24 hours per day, however condition 9 of this consent requires that the existing tarmac and concrete plants are not operated simultaneously outside the hours 6am - 8pm Monday to Saturday and 6am - 1pm on Sundays and Bank Holidays. Conditions 27 and 28 of this consent restrict the total number of HGV movements between 8pm and 6am to 20 and the overall HGV movements within a 24hr period to 185 inbound and 185

outbound. The number of HGV movements associated with the former Brenntag site is not controlled by any previous planning consents or conditions.

- 1.12 An area of unused land lies in the centre of the wider site adjoining the western site boundary, between the existing North East Concrete premises and the former Brenntag Site. This is within the applicant's ownership but does not form part of the planning application site.
- 1.13 The East Coast Mainline lies immediately adjacent to the western site boundary with the Tyne Marshalling Rail Yard on the opposite side of the railway line.
- 1.14 Existing industrial premises lie to the north east and southern sides of the application site, jointly forming a large industrial estate which continues southwards on the eastern side of the East Coast Mainline.
- 1.15 A relatively recent housing development, Elm Crescent, comprising 70 dwellings constructed around 2011/12 lies to the east side of Longshank Lane. The housing estate is situated around 160m to the north east of the existing entrance to North East Concrete on Longshank Lane. A cemetery is located to the southern side of Elm Crescent and the Birtley Group, another industrial premises borders the application site to the north east.
- 1.16 Mary Avenue is located to the east of the site, this appears to have previously been a residential area but has now been cleared of housing, with only a couple of isolated former terraced/semi detached dwellings remaining. Terraced and semi detached dwellings are situated to the north, south and east of the cleared area on the opposite side of Mary Avenue to the application site.
- 1.17 Levels across the site are fairly flat, with a fall of 2.74m over a 340m distance from the boundary with Mary Avenue in the east to the western boundary with the East Coast Main Line. Area A, as shown on the submitted plans, also sits around 2.6m lower than adjacent parts of the site.

1.18 DESCRIPTION OF THE APPLICATION

Planning permission is sought for expansion of the existing North East Concrete premises on to the vacant Brenntag site with associated development linked to the expansion. The wider premises would consolidate offices, storage and industrial uses from the North East Group, including North East Concrete, North East Civils and North East Site Services. North East Group would still retain their existing premises in Newburn. Employment at the Birtley site would rise from 6 current full time employees to between 70 and 90 full time jobs. Of these 30 employees would relocate to Birtley from the company's current premises at Newburn, with 34-54 new jobs being created.

- 1.19 Access into the site would continue to be from Longshank Lane, which would be used by HGVs. The newly acquired part of the site (former Brenntag premises) would be accessed via the existing internal access road running through the site into Area C.

- 1.20 A new access into the site is also proposed from Mary Avenue and would be situated immediately to the west of the office building. It would be used by employees and light vehicles associated with the new offices. The access has been designed to accommodate some use by HGVs but this would only be to ensure business continuity on very rare occasions if the Longshank Lane access were to become blocked, but in general it would only be used by light vehicles (cars and vans). A small section of the existing boundary hedge and tree planting of around 23m would be removed to accommodate the new Mary Avenue access.
- 1.21 Within the current premises in Area A on the northern part of the site, the existing tarmac plant would be retained and new tarmac plant provided in the central area in the location of the existing concrete plant, which would be removed. The new tarmac plant would be of industrial appearance, including a small number of taller structures, comprising the processing plant structure, filler storage silos and a series of lower height structures containing conveyors. The processing plant structure would be clad in corrugated metal sheeting. At its longest point the combined tarmac plant would be around 62m in length and 18.6m in width. The processing plant would have a maximum height of 25m, the filler storage silos would be 13.5m in height, with the smaller elements being between 4m and 6.7m in height. The new and existing tarmac plant would sit within an area of existing hard standing. Storage of aggregate materials used to make tarmac would be located to the south of this area. An existing hardstanding to the northern part of this area would be retained and continue to be used for staff parking accommodating 15 spaces. This area of the site would continue to be accessed via the internal access road immediately to the south west of the junction with Longshank Lane.
- 1.22 A new concrete plant would be situated in the central area of the site, Area B, previously occupied by Brenntag. This has been relocated from the former Breedon Concrete Plant, previously located to the west of Scotswood Bridge in Newcastle. Installation of this relocated concrete plant is now substantially complete, but it has not yet been brought into use and this element of the scheme is therefore retrospective. The concrete plant sits within a hard standing yard area, where some smaller ancillary buildings have been demolished and would also include an aggregate storage area to the south east corner. The concrete plant comprises a tall, linear structure of around 30m in length and 10m in width, with an overall height of 21m. It would be of industrial appearance, clad in corrugated sheeting.
- 1.23 Workshop 1 located to the west side of the site would be used for repair of vehicles and equipment belonging to the business. Workshop 2 located centrally within the site would be used for storage of materials, tools and equipment belonging to different subsidiaries of the North East Group.
- 1.24 Within Area C at the centre of the site, north of workshop 2, an existing single storey timber office building would be demolished. A new car park accommodating 25 no. spaces would be formed in this area. An existing substation adjacent to this area would be retained. A vacant industrial building

lies to the south east of Area C, no change of use of this building is sought as part of the application.

- 1.25 Within Area D to the east of the site a new two storey office building, car park comprising 25 spaces, including 2 accessible bays and 2 electric vehicle charging points, and a 7000sqm hard standing would be created, together with a new vehicle access off Mary Avenue. The office building would provide 1315sqm of office accommodation split into three areas on the ground floor for North East Concrete, North East Civils and North East Site Services and ancillary kitchen and WC facilities, with an open plan office on the first floor. It would have a footprint of 30m x 23m, with a ridge height of 7.8m. The external walls would be constructed from precast concrete cladding panels to the ground floor with profiled metal cladding above and a profiled metal roof.
- 1.26 The current application, if approved, would effectively supersede planning permission DC/11/00265/FUL and grant a new consent for the entire extended site. Given the mix of uses proposed on the site including processing of aggregates, manufacture of tarmac and concrete, storage, vehicle repair and ancillary uses, the use of the extended site would be sui generis. Consent is sought to operate the extended site 24hrs per day and to increase HGV movements to a total of 640 per day, restricting night time HGV movements to 40 between the hours of 8pm and 6am.

1.27 PLANNING HISTORY

The relevant planning history of the application site summarised as follows:

745/84 Erection of a single-storey extension to solvent building and erection of a new bund wall around water miscible products storage area Granted: 15.01.1982

900/98 Erection of extension on north- west side of chemicals warehouse at chemical distribution depot Granted: 09.10.1998

169/99 Increase in height by 4 metres of part of No 3 warehouse building to facilitate installation of plant Granted: 14.04.1999

1039/99 DEEMED HAZARDOUS SUBSTANCES CONSENT: Storage of methanol, lead carboxylates, 2,2' bipyridyl, chromic acid liquor, oxygen, hydrogen peroxide, white spirit, low flash metal/lead carboxylates, heavy/light fuel oil, kiln/kiln overflow residues, zinc oxide B20, chlorine and zinc oxide/dust Granted: 22.10.1999

DC/09/01494/FUL Erection of new weighbridge, office and messing, tarmac plant, concrete batching plant, recycling shed, car parking for 23 cars, and storage yard (amended 17/12/09, 05/03/10 and 14.04.10.) (flood risk assessment received 22.07.10) Granted: 20.08.2010

1046/99 DEEMED HAZARDOUS SUBSTANCES CONSENT: Storage of hydrofluoric acid, hydrogen peroxide and ammonium persulphate Granted: 22.10.1999

235/00 Erection of 3 PVC coated fabric clad warehouses at south east corner of site for storage of iron oxide pigment (use class B8) Granted: 31.03.2000 (Temporary permission for 10 years)

DC/09/01494/FUL Erection of new weighbridge, office and messing, tarmac plant, concrete batching plant, recycling shed, car parking for 23 cars, and storage yard (amended 17/12/09, 05/03/10 and 14.04.10.) (flood risk assessment received 22.07.10). Granted 20.08.2010

DC/10/01249/FUL Erection of concrete batching plant, tarmac plant, recycling shed, storage yard, weighbridge, office and staff room/canteen with associated car parking (revised application) to include the 14 hour operation of the site with restricted night-time working. (amended description 10.01.11). Granted 13.01.2011

DC/11/00265/FUL Amendment to planning permission DC/10/01249/FUL for removal of condition 27 which restricts the night-time hours of operation, condition 28 which required details of night-time working and condition 29 which restricts the total number of vehicles to 80 in a 24 hour period and addition of two new conditions to restrict operational HGV traffic leaving the site to 10 movements during night-time hours of 20:00 to 06:00 hours and to restrict the number of operational HGV vehicles leaving the site in any 24 hour period commencing at 08:00 hours to 185. Granted 20.05.2011

2.0 Consultation Responses:

Northern Gas Networks Note that an intermediate pressure gas pipeline and medium pressure gas main run along the western side of Mary Avenue. Following clarification about surfacing of the new access onto Mary Avenue and confirmation that no new trees would be planted within 10m of the pipelines the objection originally made has been withdrawn.

Coal Authority Advise that there are likely to be shallow coal seams beneath the site and recommend conditions for intrusive site investigations to establish the risks these would pose to the development, a scheme of remediation if needed and verification of any remediation works. Consideration should also be given to shallow coal workings in designing any SuDs proposals on the site. The potential for mine gas on the site is highlighted and should be considered by the LPA in determining the application.

Health And Safety Executive No Objections

Environment Agency No objections, advice is provided that the applicant should comply with Environmental Permitting Regulations and CL: AIRE Definition of Waste: Development Industry Code of Practice requiring separate submissions to be made to the Agency.

3.0 Representations:

3.1 Neighbour notification and publicity of the application was carried out in accordance with formal procedures introduced in the Town and Country Planning (Development Management Procedure) Order 2015.

3.2 64 letters of objection to the application have been received raising the following points:

- Out of character with the area
- Over-development
- Increase in HGV traffic movements on the local highway network, in particular Longshank Lane
- Traffic pressure on the junction of Longshank Lane and Lamesley Road
- HGVs travel at speed along Longshank Lane and do not adhere to 30MPH limit
- Have been previous accidents in the vicinity of Longshank Lane and the development will result in an increased risk of accidents for vehicles and pedestrians
- Dangerous for children who play in proximity to Longshank Lane
- Will impede the use of public rights of way that cross Longshank way
- Additional noise
- Adverse impact upon the health of local residents
- Additional disturbance generated at antisocial hours
- Not a sustainable form of development;
- Adverse impact upon residential amenity;

- Vibration to properties from passing HGVs
- Inconsiderate behaviour and litter from drivers parked in laybys
- Inadequate parking;
- Fumes, dust, odours and pollution
- Inadequate access for emergency services
- Adverse impact upon local wildlife
- Devaluation of property
- Loss of trees and hedging
- There are other sites that could be used for the production of tarmac and concrete
- The development will attract vandals
- Lack of consultation in writing to local properties

3.3 A petition in objection to the application from the residents of Elm Crescent with 91 signatures has also been received raising the following points:

- Inadequate public consultation
- Disruption from high volumes of lorries and commercial vehicles travelling at speed along Longshank Lane
- Traffic on Longshank Lane is a hazard for pedestrians crossing the lane
- Drivers park up in the laybys, urinating and dropping litter causing vermin and environmental health hazards
- The development would increase traffic and congestion on Longshank Lane, which will exacerbate residents existing difficulties driving out of the estate
- The development will result in noise and air pollution, changing a residential area into an industrial estate
- The value of properties would decrease

3.4 50 letters of support raising the following points have been received:

- Support of local industry
- Creation of jobs and job security for existing employees
- Locally run and operated business reducing carbon footprint
- Good and effective use of existing industrial land
- Improvement to the condition, operation and appearance of existing industrial land
- Proposals are in line with local and national planning policy
- Processes for the production of tarmac and concrete comply with permitting regulations and follow good practice protocols

4.0 Policies:

NPPG National Planning Practice Guidance

MSGP1 Employment Land Supply

MSGP14 Mitigating Impact on Transport Network

MSGP15 Transport Aspects of Design of Dev

MSGP17 Residential Amenity

MSGP18 Noise

MSGP19 Air Quality

MSGP20 Land Contamination/Stability

MSGP24 Design Quality

MSGP29 Flood Risk Management

MSGP30 Water Quality/River Environments

MSGP32 Maintain/Protect/Enhance Green Infrast.

MSGP36 Woodland, Trees and Hedgerows

MSGP37 Biodiversity and Geodiversity

MSGP45 Minerals/Waste Development - Noise

MSGP48 Waste Management Facilities - New Dev

MSGP49 Safeguarding Minerals Infrastructure
CS5 Employment-Economic Growth Priorities
CS6 Employment Land
CS13 Transport
CS14 Wellbeing and Health
CS15 Place Making
CS16 Climate Change
CS17 Flood Risk and Waste Management
CS18 Green Infrastructure/Natural Environment
CS20 Minerals
NPPF National Planning Policy Framework

5.0 Assessment of the Proposal:

The key considerations to be taken into account when considering this planning application are the principle of the development, transport, residential amenity, ecology, flooding and drainage, impact on the character of the surrounding area, ground conditions and waste management.

5.1 ENVIRONMENTAL IMPACT ASSESSMENT

The development does not fall within the criteria listed in schedule 1 and 2 of the Town and Country Planning (Environmental Impact Assessment) Regulations 2017, as such an Environmental Impact Assessment is not required in relation to this application.

5.2 PRINCIPAL OF DEVELOPMENT

Safeguarding of Minerals-Related Infrastructure

The existing tarmac and concrete plant in Area A is allocated under policies MSGP49.2 and CS20 of the Local Plan for Gateshead as safeguarded minerals-related infrastructure, which seeks to prevent the unnecessary loss of this infrastructure to non-minerals development on or within the vicinity of the site. Parts 2 and 3 of MSGP49 advise that proposals for non-mineral development within an existing mineral infrastructure site will not be supported, unless it can be demonstrated that:

- a) The proposal will not prejudice the current or future use of the site;
- b) The site is no longer needed for minerals handling, processing, storage and transport; or

- c) Alternative minerals related infrastructure and/or capacity can be provided at an alternative site.
- 5.3 Proposals in the vicinity of minerals-related infrastructure will be required to demonstrate that they will not prejudice the operation of the minerals-related infrastructure or that any adverse impacts can be suitably mitigated.
- 5.4 Policy CS20 states that mineral resources and related infrastructure will be managed and safeguarded to meet current and future needs.
- 5.5 Para. 209 of the NPPF advises it is essential that there is a sufficient supply of minerals to provide the infrastructure, buildings, energy and goods that the country needs.
- 5.6 In this instance the proposed development involving the expansion of the tarmac and concrete plants, would increase the output from the site without prejudicing the established minerals-related infrastructure. The expanded site would have benefits in terms of contributing towards meeting regional needs for the supply of concrete and tarmac for the construction and related industries.
- 5.7 North East Concrete currently operate one quarry and control two further quarries where mineral extraction is due to commence in 2022 in Northumberland. The operation of these sites will mean that the company will be self-sufficient in the minerals it needs to operate and will no longer need to rely on third party supplies, which will support the intended growth at the Birtley site.
- 5.8 The associated vehicle repair workshop, storage building and offices would be ancillary and directly related to the primary use for the production of tarmac and concrete. These ancillary uses are not considered to prejudice the ongoing ability of the site for the processing of recycled and secondary aggregates and production of concrete and tarmac. The proposal would safeguard and increase production of mineral related products and would accord with policies MSGP49 and CS20 of the Local Plan for Gateshead and Part 17 of the NPPF.
- 5.9 *Economic Development and Job Creation*
Other than the above allocation as safeguarded minerals-related infrastructure, the site is not currently allocated in the MSGP or CSUCP as employment land. It was previously included within the Durham Road, Birtley Primary Employment Area under policy JE1.10 of the Unitary Development Plan. Following the 2012 Employment Land Review this part of the industrial estate is no longer protected for employment uses.
- 5.10 Para. 81 of the NPPF states that planning policies and decisions should help create the conditions in which businesses can invest, expand and adapt. 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.

- 5.11 Policy CS5 states that Gateshead and Newcastle will play a major role in the economic growth of the North East. They will continue to develop a diverse economy with accessible employment and deliver significant increases in the number of businesses and jobs.
- 5.12 Policy CS6 advises that employment land will be managed to meet our needs. Part 1 of the policy sets out that this will be achieved by ensuring a sufficient supply, range and choice of employment land is maintained for class B1, B2 and B8 uses. A minimum of 150 hectares of net developable employment land will be identified and allocated to meet the gross employment land requirements (including office floorspace).
- 5.13 Policy MSGP1 relates to employment land supply and sets out that sites with capacity for 31.57 hectares of net developable employment land are allocated for B1, B2 and B8 uses in the Plan.
- 5.14 Whilst the former Brenntag premises and adjacent land, which would accommodate expansion of the existing business, is not specifically allocated as employment land in the CSUCP or MSGP, it has been previously been used as a storage and distribution centre for chemicals in excess of 30 years.
- 5.15 The development would expand the existing business resulting in an increase of output of the tarmac and concrete and increase the number of jobs at the site from 6 to 70-90, including providing between 34-54 new full time jobs. The proposal would comply with the aims of policies CS5, CS6 and MSGP1 by making positive re-use of vacant (non allocated) employment land, supporting economic growth and job creation.
- 5.16 *Sequential Test for Proposed Offices*
Part 2 of policy CS6 requires that a minimum of 512,000sqm of office space is provided, focused within the urban core and with a limited amount in Team Valley, Newcastle International Airport and Metrogreen. Part 3 of the policy states that proposals over 200 square metres (net internal area) for office development in locations outside these areas are required to undertake an impact and sequential assessment.
- 5.17 The Glossary in Annex 2 of the NPPF establishes that offices are a main town centre use. Para. 87 of the NPPF advises that main town centre uses, including offices, should be located in town centres, then edge of centre locations and only if suitable sites are not available should out of centre sites be considered. A sequential test is required for main town centre uses which are not in an existing centre nor in accordance with an up to date plan.
- 5.18 The NPPF has removed the requirement for an impact assessment in relation to office development and as such this element of policy CS6 is considered out of date.
- 5.19 A sequential test has been submitted as part of the application. This establishes that a minimum office floor space of 1000sqm is required by the applicant, it will be for their sole use and not sublet to third parties, it needs to be

located in proximity to the industrial uses for operational reasons and have adequate car parking. Local centres of Wrekenton, the Galleries and Concord (Washington) and Chester le Street were discounted due to their distance from the site. Within Birtley town centre and Birtley Business Centre commercial units were available but were considered too small to meet the applicant's needs.

5.20 The conclusions of the sequential test are accepted and it is considered there are no sequentially preferential sites for the proposed office within the local area. As the office is intended to be used as an administrative base for the North East Group and linked to the manufacturing, storage and vehicle repair activities on the site, a condition requiring the office building to be used for administrative activities associated with industrial and storage activities taking place within the red line boundary on the site location plan is considered appropriate, to prevent any subletting or use of the building by third parties. Furthermore an office would fall within Class E of the Town and Country Planning (Use Classes) (Amendment) (England) Regulations 2020, which allows a permitted change between a number of commercial, business and service uses, as such a condition requiring the building to only be used as an office (Class E g(i)) and not any of the other uses falling under Class E is also recommended.

5.21 *Principle of Development Conclusion*

The proposal would safeguard and expand the existing minerals-related infrastructure for the manufacture of tarmac and concrete, with associated benefits to local construction industries. It would re-use a vacant (non allocated) employment site for this purpose, supporting economic growth and creation of 70-90 in Birtley, including providing between 34-54 new full time posts. It has been adequately demonstrated that there are no sequentially preferable sites for the proposed office, which together with the vehicle repair workshop and storage building, would be ancillary to the primary tarmac and concrete manufacturing use. The proposal would accord with the aims of policies MSGP1, MSGP49, CS5 and CS6 of the Local Plan for Gateshead and Parts 6 and 7 of the NPPF.

5.22 **TRANSPORT**

Policy MSGP14 advises that where development is likely to have a significant impact on the transport network its acceptability will need to be demonstrated by a transport assessment and travel plan.

5.23 Policy MSGP15 requires new development to provide safe secure access for all people, not have an unacceptable impact on the safe operation of the transport network or sever residual cumulative impact on the efficient operation of the road network or levels of congestion, give priority access by sustainable travel, protect and enhance public right of way and cycle networks and provide adequate parking to ensure the safe and effective operation of the development, including electric vehicle charging, motorcycle and cycle parking.

5.24 Policy CS13 states that the enhancement and delivery of an integrated transport network to support sustainable development and economic growth

will be achieved by promoting sustainable travel choices, improving the operation of the transport network and its wider connections and ensuring new development complies with specified criteria to contribute to these aims.

5.25 Paragraph 108 sets out that safe and suitable access should be achieved for all people. In addition, Paragraph 109 states that development should only be refused on transport grounds where the residual cumulative impacts on development are severe.

5.26 A Transport Assessment (TA) has been submitted as part of the application to assess the transport impacts of the development, this includes an interim travel plan, in accordance with policy MSGP14.

5.27 *Existing Situation*

In addition to use by North East Concrete and the former Brenntag site, the access to the existing site along Longshank Lane is shared by the Birtley Group, a manufacturing premises. As part of a previous planning permission DC/11/00265/FUL to vary conditions controlling the operations at the existing North East Concrete site, the applicant was required to install 2 passing places on Longshank Lane, which have been implemented and function effectively for the passing of vehicles on this road, although issues have occurred where they are used as parking laybys.

5.28 The existing North East Concrete site is currently restricted by conditions 27 and 28 of DC/11/00265/FUL to 185 inbound and 185 outbound HGV movements (370 two way movements) within a 24 hour period via the Longshank Lane access, including a maximum of 20 between 8pm and 6am.

5.29 The TA includes an assessment of site records from the beginning of 2019 to October 2021 which state that on average there are currently 187 two way HGV movements in a 24 hour period, peaking at 338 two way HGV movements on busy days. Given the nature of the business, North East Concrete do not consider they were unduly affected by the pandemic and vehicle movements during this time remained consistent, with a small increase year on year on recorded vehicle movements.

5.30 The results of a traffic survey carried out at the site entrance on 19 October 2021 are also included in the TA which state that a total of 474 total two way vehicle movements took place on that day, 109 of which were two way HGV movements, with the remainder being light vehicles. On 19 October, between the hours 00.00 - 06.00 and 18.00 to 24.00 there were no HGV movements and 15 light vehicle movements. Officers note that the results of the traffic survey on 19 October 2021 are unusually low compared to the assessment of site records which conclude a higher level of average vehicle movements in and out of the site. Potentially Tuesday 19 October 2021 was just a quiet day at the site. The assessment of the site records from the beginning of 2019 to October 2021 is considered to be a more typical representation of the levels of traffic associated with the existing site.

- 5.31 The TA demonstrates that the existing site is typically operational for an 11 hour day from 06.00 - 17.00, with significantly fewer vehicle movements during the evening and night time. During peak traffic periods in the morning (08.15 - 09.15) and late afternoon (16.30 - 17.30), the TA states that the existing site generates a total of 39 vehicles (10 HGVs) per hour in the morning peak and 22 (2 HGVs) in the late afternoon peak respectively. It is noted these figures appear to be from the traffic survey carried out on 19 October 2021 and may not be representative of a typical day but overall records indicate the site does not generate a significant number of vehicle movements during peak periods.
- 5.32 Baseline traffic flows on the local highway network were established from a combination of 2021 traffic surveys, 2016 traffic surveys provided by the Council and Department for Transport traffic survey data. The data showed that Longshank Lane carries low traffic flows, Lamesley Road has modest peak period flows of around 450-600veh/hour and the A167 has higher peak flows over 1,000veh/hour.
- 5.33 Approximately two thirds of HGV trips from the site are to/from the A167, with the majority (52-60% of total) travelling via A1 Junction 66 roundabout. The remainder are to/from the west via Lamesley Road towards the A1 Junction 67 roundabout. There is limited HGV activity in network peak periods.
- 5.34 The former Brenntag premises, which previously operated as a chemical storage and distribution centre (B8 use) did not have any restrictions applied to HGV movements on Longshank Lane. The Birtley Group are also not subject to any restrictions on HGV movements.
- 5.35 No information is available to confirm the precise number of vehicle movements associated with the former Brenntag premises, which closed in 2019 and has remained vacant since. In order to assess the impacts of additional HGV movements on Longshank Lane resulting from the proposed development the TA has made a calculation using TRICS (Trip Rate Information Computer System) of the estimated number of vehicle movements associated with Brenntag when operational, before the pandemic. This estimates that for the 7205sqm premises there would be 651 two way vehicle movements per 24 hours, of these 167 two way movements during the daytime (05.00 - 22.00) by Other Goods Vehicles (OGVs), which constitutes any goods vehicle larger than a 3.5 tonne twin axel van and 68 two way OGV movements between 22.00 - 05.00.
- 5.36 However Council Officers have some uncertainty in relation to the actual number of trips the Brenntag premises would have generated at its average and peak operating conditions due to the lack of information about the precise nature of operations and number of employees. Notwithstanding this, the trip rates and numbers presented are generally within a level of expected trips for a B8 use.
- 5.37 *Proposed Traffic and Vehicle Movements*

The proposed development seeks to increase the total two way HGV movements to the site to 640, with 40 of these being during the hours 20.00 - 06.00. As with previous approvals a condition is recommended to control these HGV movements.

- 5.38 The TA explains that although a condition is sought to increase total two way HGV movements to 640, in reality it is considered that HGV movements would typically increase by around 187 two way movements per day. In addition to the current average 187 two way movements, this would total around 374 two way HGV movements per day. This has been calculated based on HGV movements associated with the current activity at the site during 2021, which recorded the highest levels during the three year survey period. As such the condition sought to 640 HGV movements is likely to be in excess of what is required on a typical day, but would make provision for busier periods.
- 5.39 The TA states that a formal route management plan would be in place to control the routing of vehicles, a condition is recommended to secure a HGV routing management strategy and for it to be in place for the life of the development.
- 5.40 The new tarmac plant will employ approximately 13 additional staff (4 at the new tarmac plant and 9 in Workshops 1 and 2 for storage and vehicle repair). Staffing at the existing tarmac and relocated concrete plants will be unchanged, with 12 staff in total continuing to be employed. The additional 13 staff will work on a typical 06:00-18:00 shift pattern.
- 5.41 Tarmac manufactured at the new plant would be delivered to customers in HGVs. At present customers collect tarmac from the existing plant typically in vans or smaller goods vehicles, which would continue but not in relation the proposed second tarmac plant. As such the number of light vehicles is not expected to increase as there would be no additional customer collection of tarmac.
- 5.42 It is anticipated that around 45 people would be employed at the proposed office building. The TA estimates that the fully occupied office with 45 employees is predicted to generate approximately 38 trips (two-way) during the morning peak hour and 35 two-way trips in the late afternoon peak hour. Of these, 16 two-way trips would be by private vehicle during the AM Peak with 15 two-way trips undertaken during the PM peak hour. In the short term staffing levels are anticipated to be lower than this initially until the building becomes fully utilised.
- 5.43 *Proposed Highway Works*
The applicant has committed to providing improvements to Longshanks Lane as part of the development, which will act as the primary access road for HGV traffic. These would include widening of the carriageway within the extents of the existing highway boundary and resurfacing. Council Officers have identified some potential issues which could affect the proposed widening works including existing mounding that is present within the highway verge, street lighting changes and removal of hedgerows. As such conditions are appropriate to agree precise details of the widening scheme, secure its

implementation and a timetable for its delivery. The widened road, unless otherwise agreed with the Local Highway Authority, should have a consistent width of 6.75m along the main length of Longshanks Lane to the tie in points with the site access and the approach to Lamesley Road, which would address lighting, waiting and loading restrictions, traffic calming (minimum 1 set of features), drainage proposals and ecological impacts associated with these improvements. A S278 agreement under the Highways Act will also be required in relation these works.

- 5.44 A new access onto Mary Avenue to the east of the site is proposed which would serve the new offices. This is intended to be used by office employees and for deliveries to the offices in light vehicles, however may also be used by HGVs accessing the industrial part of the site in emergencies if Longshank Lane were to be unpassable. Whilst generally access via Mary Avenue and Edward and Windsor Roads to the A167 would not be a desirable route for HGVs due to their residential character and narrow width, in practice it is expected this would be a very rare occurrence. A condition is appropriate to control the use of the site accesses requiring Longshank Lane to be the primary access for HGVs except in emergencies or when it is blocked.
- 5.45 Given the potential for emergency HGV access and also as the new Mary Avenue access would be used by refuse collection vehicles associated with the offices, it is important that it is constructed to an appropriate standard. The new access road from the junction to the car parks be would 6m wide, with an indicated 10m junction radius and 2.4m x 43m visibility splay. Individual swept path analysis for vehicle movements at this junction have been provided as part of the application, this demonstrates a refuse vehicle will need to cross the centre line when turning left in and out of the site. As such the junction radius will need to increase beyond the 10m shown on the proposed plans, additionally pedestrian crossing facilities comprising dropped kerb and tactile paving positions will be required. Conditions to agree precise engineering details of the amended Mary Avenue access, secure its implementation and a timetable for its delivery are appropriate, to ensure its final design is fit for purpose and it is implemented to an acceptable timescale. A S278 agreement under the Highways Act will also be required in relation these works.
- 5.46 *Road Safety*
Personal Injury Collision (PIC) data has been assessed in the TA based on data received from Gateshead Traffic and Accident Data Unit (TADU) for the period of March 2015 - October 2021. The study area comprised Longshank Lane, Lamesley Road from the junction with Moor Mill Lane to the A167, Mary Avenue, Windsor Road and Edward Road.
- 5.47 There were 19 PICs within the study area between March 2015 and October 2021, with thirteen slight and six serious collisions. No fatal incidents were recorded. The overall number of incidents (three per year on average) is spread across a wide study area and is not considered unusual for a busy urban highway network. The majority of incidents occurred at four separate locations, although none saw an average of more than one incident per year, the maximum was five at the Lamesley Road / Moormill Lane junction. All

incidents appear to have resulted from road user error. Only one incident throughout the entire 6.5-year period involved an HGV.

- 5.48 Within this context it is not considered additional traffic generated by the development would significantly increase the risk of PICs on the road network in proximity to the site.
- 5.49 However Council Officers consider that additional mitigation to remove vegetation within the highway verge to improve visibility at the Longshanks Lane / Lamesley Road junction is required. Currently vegetation located within the highway verge impacts on visibility splay to the left for vehicles exiting Longshanks Lane and forward visibility towards Longshanks Lane for vehicles travelling east on Lamesley Road. A condition to agree and secure implementation of adequate sight visibility splays at the Longshanks Lane / Lamesley Road junction is considered appropriate.

5.50 *Pedestrian Safety*

Local residents have expressed concern that the development could affect use of public rights of way off Longshank Lane. There are no formal public rights of way off Longshank Lane. Public bridleway LA/72a/12 runs along the north western side of the field to the west of Longshank Lane following the route of the former Pontop and Jarrow Railway. From aerial photographs it appears that desire line footpaths have been formed across the field to the west of Longshank Lane immediately opposite the end of Mary Avenue and around the north eastern edge adjacent to Lamesley Road connecting to the public right of way. It is unclear how long these informal paths have been in existence and whether they have accrued any public rights from long term use. The field is privately owned agricultural land and any public access would be at the discretion of the land owner or to be established by a formal process to register long term public access. Nevertheless, as part of the improvements to Longshanks Lane, it is intended to introduce traffic calming measures in the vicinity of the crossing point where Mary Avenue abuts Longshank Lane, which would aid pedestrians.

- 5.51 It is considered unlikely there would be any other reason for pedestrians to use Longshank Lane, with surfaced footpaths provided in the vicinity of Elm Crescent connecting to Lamesley Road and Mary Avenue, extending to provide access to the cemetery.
- 5.52 Whilst residents comments are noted in this regard, details of HGV movements along Longshank Lane have been considered and are considered acceptable. HGVs using Longshank Lane are not solely attributed to North East Concrete, with the Birtley Group also using this section of adopted road. Any individual crossing any road should do so using their own judgement of safety and at their own risk. The controlled increase in HGV use of Longshank Lane, within the context of currently unrestricted movements by the Birtley Group and the former Brenntag site, is not considered to significantly affect pedestrian crossing to access informal paths over the field to the west.

5.53 *Travel Plan and Sustainable Transport*

The applicant has provided an Interim Travel Plan (ITP) as part of the TA. A condition to secure and implement a full travel plan as part of the development is considered appropriate, to provide a long term management strategy to encourage sustainable travel.

- 5.54 The overarching aims of the ITP are the promotion of walking and cycling as part daily commutes, the use of public transport as an alternative to the private car and car sharing for staff as a means of minimising the number of car journeys.
- 5.55 The ITP names a Travel Plan Coordinator (TPC) a member of North East Concrete staff to be in place for the lifetime of operations, this is welcomed. The TPC will be allocated a budget by North East Concrete for the implementation, monitoring and review of the objectives of the travel plan, which would be increased if targets are not being met.
- 5.56 The ITP proposes a 5% target reduction in single occupancy car trips for the site over a 3 year period. This is accepted by Council Officers in principle however, as the site is existing and operational the Full Travel Plan should present staff surveys to understand the baseline staff travel behaviours. This will allow the TPC to identify a percentage reduction that is reasonable to the site. It will also allow them to target car sharing, cycling or public transport as an incentive measure depending upon results.
- 5.57 The Chartered Institution of Highways and Transportation's (CIHT's) publication 'Providing for Journeys on Foot', states the average length of a walk journey is 1km. It further suggests a preferred maximum walking distance of 2km for commuting journeys and 1.2km for other journey destinations. The local highway network in the vicinity of the proposed Mary Avenue access has good pedestrian provision which includes footways with streetlighting on all roads in the surrounding residential areas that link the site to the A167. This ensures that a number of residential areas, bus stops and local amenities would be within a reasonable walking distance of the site via the proposed Mary Avenue access.
- 5.58 Best practice identifies a distance of up to 5km for reasonably fit individuals to cycle to and from workplace destinations. On this basis the cycling catchment would extend to take in the southern suburbs of Gateshead, Springwell Village, much of Washington, all of Birtley, north Chester-le-Street, Kibblesworth, Ouston, Urpeth, Perkinsville and Pelton. There is a good network of local cycle routes in the vicinity of the site. The cycle network comprises a mixture of on-carriageway, advisory and traffic-free routes. The local network offers links to throughout the majority of the identified catchment area. The cycling infrastructure provides good links through the surrounding area and it likely to offer a viable alternative to the private car for staff of the proposed development.
- 5.59 The nearest bus stops to the site are located on Elisabeth Avenue located approximately 300m to the east of the site, served by one bus service to

Washington and Birtley. There are further bus stops located 700m east on the A167 which is a major bus corridor and served by a wider range of services to Newcastle northwards and Chester le Street to the south, passing through various settlements on route. Bus services along the A167 run at all times of the day, including evenings and weekends, meaning they would be accessible to shift workers.

- 5.60 Car sharing is also a key focus for sustainable travel at North East Concrete, particularly for in-work journeys where contractors typically travel together in works vans.
- 5.61 *Parking*
25 parking spaces would be provided in Area C at the centre of the site and a further 25 to the south and east sides of the office building. A cycle shed accommodating 20 cycle parking spaces is proposed to the east of the office building. There is an existing car park of around 15 spaces to the north of the site beyond the tarmac plant.
- 5.62 Initially 41 spaces were proposed in Area C and a further 41 adjacent to the office building, totalling 82. Council Officers considered this would undermine the aims of the travel plan and would not support sustainable travel to the site. As such amended plans have been provided with a reduced number of parking spaces, 50 in total, as detailed in a revised TA and ITP.
- 5.63 Electric vehicle charging points and accessible parking bays are intended to be provided as part of the development. Precise details of all proposed parking features have not been provided as part of the application and conditions are appropriate to agree precise details of the car park layouts, EV charging points, accessible bays and cycle parking and secure their implementation.
- 5.64 *Transport Conclusion*
The proposal would involve expansion of the North East Concrete site on to the vacant former Brenntag premises. Precise levels of vehicle movements associated with Brenntag are unknown, the TA estimates these could have been as high as 651 two way vehicle movements per 24 hours, but the accuracy of this is questionable.
- 5.65 The existing North East Concrete attracts on average 187 two way HGV movements in a 24 hour period. A current planning condition restricts this to 370 two way movements) within a 24 hour period via the Longshank Lane access, including a maximum of 20 between 8pm and 6am.
- 5.66 A new condition is sought to increase approved HGV movements to 640, with 40 of these being during the hours 22.00 - 06.00. However actual levels of HGV use is expected to be lower than this at around 374 two way HGV movements on a typical day, with the higher level specified in the condition to account for busier periods.

- 5.67 Widening of Longshank Lane to 6.75m is proposed to assist with HGV movements along it. A new access principally serving the office building is proposed on Mary Avenue.
- 5.68 An Interim Travel Plan forms part of the TA, which would be expanded on to produce a Full Travel Plan to support travel to the site by more sustainable modes of transport. Adequate levels of parking are proposed to meet the needs of the site but not conflict with the aims of the travel plan.
- 5.69 Brenntag and the adjacent premises to North East Concrete, the Birtley Group, both have unrestricted HGV access along Longshank Lane. Whilst previous actual numbers of HGV movements associated with Brenntag remain unknown, the application allows the opportunity to control vehicle numbers from the newly combined premises. The fall back position would be that a separate storage and distribution company (B8 use) could occupy the Brenntag premises with uncontrolled vehicle movements to a significant level along Longshank Lane. North East Concrete have previously provided passing places on Longshank Lane and are now intending to undertake widening works, which will assist access both from this site, the Birtley Group adjacent and any other users of the adopted highway.
- 5.70 Office staff and deliveries would use the new Mary Avenue access. These would typically be in cars and vans and to a relatively low level, at limited times of the day depending on shift patterns. Use of the new access by larger vehicles, other than for refuse collection, would be a very rare occurrence. As such it is not considered formation of this access would impact significantly on Mary Avenue, Edward and Windsor Roads or the wider road network.
- 5.71 Subject to conditions to control use of the new office building, agree details of and secure implementation of the widening of Longshank Lane, new access to Mary Avenue and precise car and cycle parking details, ensure Longshank Lane is the primary HGV access and the Full Travel Plan, the expansion of the site and increased HGV numbers are considered to be acceptable. It is not considered the development would result in any adverse highway safety impacts, in accordance with policies MSGP14, MSGP15 and CS13 of the Local Plan for Gateshead and Part 9 of the NPPF.
- 5.72 Residential Amenity**
Policy CS14 advises that the wellbeing and health of communities will be maintained and improved by, amongst other things, preventing negative impacts on residential amenity and wider public safety from noise, ground instability, ground and water contamination, vibration and air quality.
- 5.73 Policy MSGP17 requires new development to provide a high-quality environment and a good standard of amenity for existing and future occupants of land and buildings.
- 5.74 Policy MSGP18 relates to noise and states that noise-sensitive development will be assessed for its compatibility with existing land uses and activities. Noise-generating development will not be permitted if the rating level would

exceed the pre-existing background noise levels by 10dB(A) or more for existing noise-sensitive land uses and this cannot be mitigated. Where the increase in noise level would be between 5dB(A) and 10dB(A) the applicant will be expected to demonstrate that acceptable noise levels will be achieved, or can be achieved, through appropriate mitigation and a noise assessment may be required. Where the increase in noise levels would be below 5dB(A) the application will be judged on its merits.

- 5.75 Policy MSGP19 relates to air quality and states that development that has the potential to: (a) increase air pollution levels that would exceed National Air Quality Objective thresholds, or (b) lead to an increase in exposure where high levels of air pollution already exist will only be permitted where it can be demonstrated, through an air quality assessment, that acceptable air quality levels will or can be achieved. Where proposed development includes a polluting process prescribed under the Environmental Permitting Regulations 2016 (or equivalent), the applicant will be required to demonstrate through an air quality assessment that acceptable air quality levels will be achieved.
- 5.76 Policy MSGP45 advises that proposals for mineral and waste developments will be permitted in appropriate circumstances where the operator can demonstrate that noise levels at specifically identified noise-sensitive properties will not exceed:
- o Existing background levels by more than 10dB(A) subject to a maximum of 55dB LAeq,1h (free field) during normal daytime hours (07.00-19.00 hours)
 - o Existing background levels by more than 10dB(A) subject to a maximum of 55dB(A) LAeq,1h (free field) during the evening (19.00-22.00 hours)
 - o A maximum of 42dB(A) LAeq,1h (free field) at night-time (22.00-07.00)
- 5.77 Noise levels in policies MSGP18 and MSGP45 relate solely to operational noise from within the site itself and not from HGV movements associated with the development.
- 5.78 These policies are in line with the approach of parts 12 and 15 of the NPPF, which requires development to provide a high standard of amenity for new and existing residents. In particular para.185 states that planning policies and decisions should 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: (a) 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.
- 5.79 The closest residential properties to the site are those at Elm Crescent around 200m to the north east from the existing operational site and those on Birch and Rosewood Terraces to the east side of Mary Avenue, located around 18-19m from the eastern site boundary.

5.80 *Noise*

North East Concrete have been operational on the site since around 2010, with other adjacent industrial uses and the former Brenntag site pre-dating this.

- 5.81 Planning permission DC/10/00832/FUL initially granted consent for 70 dwellings on land to the east of Longshank Lane, now known as Elm Crescent, in April 2011, with the first dwellings occupied during spring 2012. Following the initial approval, this consent was subsequently varied to amend house types and minor details of the development. Noise from adjacent industrial uses and HGVs on Longshank Lane were fully considered as part of the approval for the housing development. Conditions were attached to the consent requiring a post completion noise assessment in relation to certain plots (62-69 and 44-47 inclusive) within the housing development to demonstrate compliance with an internal noise level of 30dBA LAeq and 40 dB LAmax and requiring acoustic glazing and ventilation for the same plots. These conditions were discharged and the development demonstrated compliance with the noise levels specified.
- 5.82 Planning permission DC/09/01494/FUL originally granted consent for the concrete and tarmac plants and associated development on the North East Concrete site in August 2010. Noise impacts were considered as part of this application, including potential impacts on the Elm Crescent housing development, which although not approved or constructed at this time, had been allocated for residential development in the Gateshead Strategic Housing Land Availability Assessment (SHLAA) March 2010. No specific conditions relating to noise mitigation were attached to this original approval, but conditions to control working hours attached.
- 5.83 The original approval for the concrete and tarmac plants was superseded by subsequent consents DC/10/01249/FUL and DC/11/00265/FUL, with the later being considered at the same planning committee meeting as the Elm Crescent housing development. Noise and amenity impacts were considered in determining these applications.
- 5.84 Planning permission DC/10/01249/FUL increased use of the site to a 14 hour operation with restricted night-time working. Planning permission DC/11/00265/FUL increased operational hours to 24 hours per day, with restrictions on activities that could take place during the night and increased the number of HGVs permitted to 185 in bound and 185 out bound during a 24 hour period, with a restriction on 20 HGV movements between 20.00 and 06.00 hours.
- 5.85 A Condition was also attached to prevent the tarmac and concrete plants from operating simultaneously outside the hours 06.00 to 22.00 Monday to Saturday and 06.00 to 13.00 on Sundays and Bank Holidays and to restrict use of the crusher, one of the noisier pieces of equipment used on the site, to 08.00 to 17.00 Monday to Friday, 08.00 to 13.00 on Saturday and at no time on Sundays or Bank Holidays.

- 5.86 Condition 25 of DC/11/00265/FUL required a post construction noise report to be submitted to the LPA confirming that the rating level of noise emitted from the site did not exceed the existing background noise level during any 5 minute period between 11pm and 7am Monday to Sunday. If this was not achieved a mitigation scheme was required to be provided. The locations for noise monitoring as part of the post completion assessment had been identified in the noise assessment submitted as part of the application and also included the closest dwelling in the new residential development.
- 5.87 Condition 29 of DC/11/00265/FUL required noise control measures to attenuate noise from the crusher to be agreed and implemented, requiring provision of means of enclosure, a barrier or bund.
- 5.88 Conditions 25 and 29 of DC/11/00265/FUL were subsequently discharged. A noise assessment submitted with regards condition 25 demonstrated the lowest measured background noise level was not exceeded by operation of either the tarmac or concrete plant. Details of a noise barrier in relation to the crusher were also provided to an acceptable standard.
- 5.89 The proposed development subject to this application involves addition of a new tarmac plant in the position of the existing concrete plant, together with retention of the existing tarmac plant on the northern part of the site. A replacement concrete plant, relocated from an off site location, would be situated in Area B to the south west of the site. It is intended that both tarmac plants and the concrete plant could be operational simultaneously for 24 hours per day.
- 5.90 At present North East Concrete are permitted to 370 two way HGV movements along Longshank Lane per 24 hour period, including 20 between 20.00 and 06.00 hours. The current application seeks to increase this to 640 two way HGV movements per day, including 40 between the hours of 08.00 and 06.00. Although as highlighted above it is anticipated that on a typical day two way HGV movements would be around 374 per day. The plant proposed on site would not be capable of generating an output of tarmac and concrete that would sustain the maximum number of HGV movements sought (640) on a daily basis and due to their wet characteristic it would not be possible to stockpile tarmac and concrete for future delivery. The maximum figure sought is therefore a worst case scenario which would be generated only on very infrequent occasions during busier periods and to allow headroom above the anticipated daily average. On a typical day it is expected the plant proposed would generate around 374 two way HGV movements.
- 5.91 The control of vehicle movements from the expanded use would in fact represent a benefit in terms of amenity and noise. At present a B8 storage and distribution use could operate from the former Brenntag site with no restriction on HGV movements. Controlling the amount of HGV movements as part of this application would result in a lower amount than that which could currently lawfully take place and cause a higher level of noise and disturbance to residents of Elm Crescent.

- 5.92 A noise assessment has been submitted as part of the current application to assess the impacts of the proposed expansion. This has measured existing noise levels during the day and night from a series of locations in proximity to the application site, including Elm Crescent and Mary Avenue. In establishing average noise levels for the locations, the assessment has used data gathered from the same locations in previous years and before the pandemic and also refers to data from the Department for Transport (DfT) about road noise generated from the A1 and A167. Most recent noise monitoring as part of the noise assessment took place in June 2021, while some covid restrictions were still in place and levels of activity and traffic may have been a little lower than usual. June 2021 results were considered together with pre-pandemic noise monitoring to establish average baseline noise levels in the different locations.
- 5.93 Given the proximity of the site and adjacent housing to the East Coast Main Line, A167, A1 and other unrelated industrial sites, existing background noise levels in the vicinity are to a relatively high level. Noise from the proposed development would be subsumed to some extent by these higher than average background noise levels.
- 5.94 The Noise Assessment demonstrates that during the daytime and early evening the operational development would not generate excessive levels of noise and would comply with policies MSGP18 and MSGP45 in this regard.
- 5.95 The Noise Assessment demonstrates that during the night time, operational noise levels from the tarmac and concrete plants would comply with levels specified in MSGP18 and MSGP45. However for completeness and as some monitoring to inform the Noise Assessment took place during the pandemic with potentially lower background noise levels at times, a condition requiring submission of a post completion noise assessment is considered appropriate. If this identifies any noise in excess of the levels specified in policies MSGP18 and MSGP45, an appropriate scheme of noise mitigation will need to be agreed and implemented as part of the same condition. This would ensure that operational noise from the plants complies with required levels and does not generate adverse noise to the detriment of local amenity.
- 5.96 A condition to agree details of noise enclosures and barriers for the relocated concrete and tarmac plants is also considered appropriate. These features will assist in reducing operational noise.
- 5.97 Longshank Lane is part of the adopted highway and in addition to serving the Birtley Group and North East Concrete could be used by other vehicles. As such all vehicle usage and noise cannot be solely attributed to North East Concrete. Within this context it is difficult to confirm the precise level of noise generated from North East Concrete vehicles alone, although the information below is provided in the noise assessment and it would be unreasonable to impose condition in terms of noise levels along Longshank Lane as these would not meet the necessary tests for planning conditions.
- 5.98 Noise from existing NEC HGV movements measured to the southern side of Elm Crescent at present is calculated as 53.4 dB Leq (06.00 - 20.00) and 42.4

dB Leq (20.00 - 06.00). The noise assessment estimates this would increase to 55.8 dB Leq (06.00 - 20.00) and 45.5 dB Leq (20.00 - 06.00) following the development.

- 5.99 Data from the DfT details that during the period 07.00 - 23.00 Elm Crescent is located within an area indicating average daytime sound levels of 55.0 - 59.9 bB LAeq 16 hour from traffic noise only from the A1 and other roads in the vicinity. The Noise Assessment concurs with this data and identifies that current average day time sound levels on Longshank Lane are 58dB LAeq. At night time the Noise Assessment identifies that current night time sound levels on Longshank Lane are 51dB LAeq. Within this context, it is considered by officers that the small increase in noise from HGV movements during the daytime and early evening would not be significant and would not result in an adverse impact in terms of the noise experienced by residents of Elm Crescent.
- 5.100 Acoustic glazing fitted in the closest plots to the industrial uses and Longshank Lane, when Elm Crescent was constructed, provided mitigation to ensure that based on the noise levels of planning permission DC/11/00265/FUL and two way HGV movements of 370 between 06.00-20.00 and 20 between 20.00-06.00, internal noise levels of 30dBA LAeq and 40 dB LAm_{ax} were achieved. The noise levels used in the assessment to inform this were based on a worst case scenario of around 70-75dB LAm_{ax}. The Noise Assessment submitted with the current application demonstrates that both during the day and night noise levels from HGVs on Longshank Lane would be significantly less than this and as such the mitigation fitted during construction, to the closest properties on Elm Crescent would be sufficient to mitigate additional noise from increased HGV movements.
- 5.101 Whilst HGV movements during the night would double to 40 two way movements, this equates to a very low level of around 4 per hour. This figure is based on a worst case scenario and in practice is likely to be less than this, with HGV movements primarily taking place during the daytime.
- 5.102 At present the surface of Longshank Lane is not in ideal condition with some cracks and pot holes. This is likely to contribute to worsening of noise levels. The proposal involves widening and resurfacing of Longshank Lane this would provide significant benefits in terms of improving the road surface and reducing noise and vibration from HGVs passing through.
- 5.103 Planning permission DC/11/00265/FUL approved use of a crusher on the existing site for the processing of aggregates, the application acknowledged this had potential to generate high levels of noise of around 112db LAeq when in use. The application advised it was intended to keep the crusher within a recycling shed. This consent sought to control use of the crusher by imposing conditions to control its use to day time hours and requiring a noise barrier to be constructed.
- 5.104 The applicant advises that a crusher is currently used on the site on an infrequent basis and is not used daily. The recycling shed previously approved was never constructed and as such a single crusher is used externally. A bund

was constructed adjacent to the existing site which reduces noise emissions. Use of the crusher is technically in breach of some of these previous conditions. However as it has operated as such in excess of 10 years this would now be lawful in planning terms and enforcement action could not now be taken against these breaches of conditions.

- 5.105 Whilst the crusher was not operational when surveys were carried out to inform the submitted noise assessment, noise levels from it have been taken into account in modelling to calculate anticipated noise emissions from the extended use as part of the noise assessment. As the crusher is only permitted to operate during day time hours, the assessment found that noise levels from the site overall during the day time and earlier part of the evening would be to an acceptable level and in compliance with policies MSGP18 and MSGP45. There are no proposals to increase the number of crushers used on the site. Conditions are appropriate to only allow one crusher to operate from the premises and for it to only operate from 08.00 - 17.00 Monday to Friday, 08.00 - 13.00 on Saturdays and at no time on Sundays or Bank Holidays.
- 5.106 The development of housing at Elm Crescent occurred around the same time or within a relatively short period of time after commencement of use of the tarmac and concrete plants. However there have been industrial uses by the Birtley Group and on the former Brenntag premises for many years, which have operated with no control on noise or HGV movements along Longshank Lane. Noise impacts were considered when planning permission was granted for the housing development and as part of the discharge of related conditions, acoustic glazing and ventilation was used in the closest properties to the industrial uses. Overall, subject to the above conditions, the housing development was considered acceptable in terms of residential amenity having regard to the proximity of long established industrial uses, unrestricted HGV use of Longshank Lane and the broadly simultaneous development of the North East Concrete site.
- 5.107 Similarly noise impacts on the housing development were considered as part of DC/10/01249/FUL and DC/11/00265/FUL for intensification of the use of the concrete and tarmac plants. Following the discharge of conditions, the operation of these features was not found to generate unacceptable noise impacts.
- 5.108 Para. 187 of the NPPF advises that planning policies and decisions should ensure that new development can be integrated effectively with existing businesses and community facilities. Existing businesses and facilities should not have unreasonable restrictions placed on them as a result of development permitted after they were established. Where the operation of an existing business or community facility could have a significant adverse effect on new development (including changes of use) in its vicinity, the applicant (or 'agent of change') should be required to provide suitable mitigation before the development has been completed.
- 5.109 In this instance, having regard to para. 187, the housing development is considered to be the 'agent of change' being next to long established,

unrestricted industrial uses. Suitable mitigation was achieved as part of the housing development by the provision of acoustic glazing and ventilation to the closest plots to the industrial uses.

5.110 Whilst North East Concrete commenced operations around the same time as the housing development, the Brenntag site they are expanding into is currently unrestricted in terms of noise levels and HGV movements. The company are seeking to agree an appropriate level of HGV movements for the expanded site, which has regard to movements from the current site and those anticipated to have occurred in association with Brenntag.

5.111 The fall back position, if North East Concrete decided not to operate from the former Brenntag site, would be that a storage and distribution business could operate from there without requiring planning permission and operate on an unrestricted basis, generating noise and a significantly higher number of HGV movements along Longshank Lane than what is currently proposed. This should be given significant weight in the consideration of this application and whilst it is important noise and amenity issues are properly considered and controlled as far as possible, it would be unreasonable to impose excessive restrictions on the development within this context.

5.112 Planning policies do not allow for consideration of noise impacts from HGV movements on the public highway. Following the submission of additional information from the applicant, officers consider there would be no adverse impacts in terms of noise from the operational site and HGV movements. Giving significant weight to the fall back position regarding the former Brenntag site and benefits that would be derived from controlling HGV movements, overall it is considered the proposal would not result in significant additional amenity impacts to local residents and would not conflict with the aims of policies CS14, MSGP17, MSGP18 and MSGP45 and Parts 12 and 15 of the NPPF.

5.113 *Air Quality*

The existing site is currently subject to a Part B Environmental Permit, which is regulated by Gateshead Council's Environmental Health Team. The Environmental Permit includes a series of conditions to control and minimise emissions to air, including annual particulate testing and continuous emission monitoring of the stack serving the tarmac plant and cement plant silos, fugitive emissions from ground stockpiles, bitumen storage and handling and odours. The permit also requires that all sand/gravels/aggregates are stored in bays, cement is stored in enclosed silos with filter systems and design emission limits, conveying systems are protected against wind, mixing buildings are fully enclosed, point sources (i.e. the stack on the tarmac plant) have abatement systems, particulate emission limits are imposed, there are continuous monitors and a requirement for an annual independent emissions test for the tarmac and concrete plant.

5.114 An annual inspection of the site was carried out in June 2022 by the Council's Air Quality Team. The purpose of the inspection is to check compliance with general conditions of the site permit which covers both the cement and tarmac plants (raw material/aggregate storage, material conveying, recorded

weekly/monthly equipment checks, cement silo abatement checks, etc). All of these aspects were assessed as being compliant with permitting regulations.

- 5.115 Additionally the inspection observes the undertaking of an emissions test on the stack serving the tarmac plant. This emission point has a limit for particulates that it needs to comply with. Annual monitoring is carried out by an independent contractor who is certified and registered by the Environmental Agency's MCerts scheme (which means staff need to be registered and qualified, equipment needs to be calibrated and traceable, and sampling methods must comply with the relevant British Standard). The filters from this test are sent to an accredited lab for weighing, the results of which tell us if compliance is achieved. The results are normally reported in about 6-8 weeks, given the recent nature of the inspection these results have not yet been received. The results from this exercise will also be used to calibrate the continuous particulate monitor which is on the stack to ensure it functions effectively and displays to batching staff in the control cabin. Data from this monitor is stored on a logger for inspection/analysis as and when required.
- 5.116 The environmental permit will need to be varied to allow for the proposed new tarmac plant, an informative to remind the applicant of this is appropriate.
- 5.117 An Air Quality Assessment has been submitted as part of the application. This sets out measures for preventing air quality issues associated with the use including a publicised procedure for air quality and dust complaints, regular monitoring and record keeping, siting of activities away from sensitive receptors, use of dust suppression techniques during construction and operational phases, no idling of vehicles, no fires and careful treatment of material stock piles and vehicle unloading areas. The Assessment concludes that having regard to relevant best practice criteria for air quality (EPUK/IAQM) that dust and odour emissions will be low/negligible during the operational phases for residential receptors. Council Officers responsible for dealing with the Environmental Permit agree with these conclusions. The Air Quality Assessment would be included in the list of approved plans/documents to ensure compliance with the mitigation specified.
- 5.118 It was identified by officers immediately before the planning committee on 11 May 2022 that the submitted air quality assessment noted there would not be an increase of more than 100 HGVs associated with the development, as such in line with best practice guidelines for air quality the assessment stated it was not considered necessary to undertake further air quality assessment in relation to HGV emissions. However, the application seeks to increase the number of HGVs permitted to access/egress the site from 370 to 640 two way movements, which is in excess of 100. The air quality officer was on leave at the time of the previous committee and officers were unable to confirm at the time whether further assessment in relation to air quality impacts from HGV movements was required.
- 5.119 The additional information submitted by the applicant advocates that in considering the air quality impacts the fall back position of a B8 use of the former Brenntag site with unrestricted HGV movements and the estimated 651

two way HGV movements associated with these premises when previously operational should be taken in to account in considering the overall uplift in HGV movements and whether this triggers the need for further air quality assessment.

5.120 At present NEC are permitted a total maximum number of 370 daily two way HGV movements, however on average the TA states there are 187 daily two way HGV movements. The combination of either the maximum current threshold (370) or the average daily movements (187) with the estimated daily movements previously associated with Brenntag (651) would amount to either 1021 (maximum) or 838 (average) daily two way HGV movements based on the current site circumstances, having regard to the fall back position.

5.121 A total of 640 two way HGV movements for the proposed development is sought by condition and the TA estimates that the extended site would generate on average 374 daily two way HGV movements. In either the maximum or average scenario the proposed HGV movements associated with the development would not increase by more than 100. As such it is considered by officers that the applicant's conclusion that there is no need for further consideration of air quality impacts having regard to best practice guidelines is correct.

5.122 The site is not located in a clear air zone or air quality management area. DEFRA data and local monitoring by the Council indicates that there is not currently an air quality problem within the vicinity of the site. Given the characteristics of Longshank Lane which is not heavily trafficked and not in a particularly built up area, it is considered by officers that the additional HGV movements associated with the development would not result in detrimental impacts to air quality.

5.123 Subject to the variation of the Environmental Permit, which is controlled by separate environmental legislation and compliance with the mitigation set out in the Air Quality Assessment, it is not considered the development would have an adverse impact on air quality in the local area, and would comply with the requirements of policies CS14 and MSGP19 of the Local Plan for Gateshead and Part 15 of the NPPF.

5.124 Construction Management Plan

In order to prevent unacceptable impacts to local residents during the construction phase, a condition to agree a construction management plan is considered appropriate. This will set out considerate working practices by contractors to minimise noise, dust and general disturbance, in accordance with policies CS14 and MSGP17 and Parts 12 and 15 of the NPPF.

5.125 Other Amenity Issues

Residents have expressed concerns about HGV drivers parking in laybys, urinating and dropping litter. It is understood that North East Concrete have previously reminded their own drivers not to conduct such practices. The TA indicates that the western passing place would be removed as part of the road widening works. The eastern passing place appears to be retained, but this

may change when precise details of the road widening works are agreed. An informative is considered appropriate to remind North East Concrete that drivers should be considerate to local residents when accessing the site.

5.126 A condition to agree details of external lighting, demonstrating compliance with the ILP (Institute of Lighting Professionals) guidance notes for the reduction of intrusive light is considered appropriate. This will ensure any new lighting on the site is proportionate and does not generate adverse glare outside the site.

5.127 A condition requiring all vehicles leaving the site to be sufficiently cleaned to prevent mud and dirt being transferred onto the highway is considered appropriate, in the interests of highway safety and residential amenity.

5.128 ECOLOGY

Policy MSGP32 states that development will be required to maintain and protect existing green infrastructure assets and where appropriate contribute towards the delivery of new and/or enhanced green infrastructure assets and establishes a series of criteria of how this would be achieved.

5.129 Policy MSGP37 advises that proposals for new development should avoid or minimise adverse impacts on biodiversity and geodiversity in accordance with the mitigation hierarchy set out in para. 180 of the NPPF and provide net gains in biodiversity. Where development which is likely to adversely affect biodiversity and/or geodiversity is to be approved, the Council will require planning conditions and/or obligations to secure the provision, maintenance and monitoring of appropriate mitigation, compensation and/or enhancement measures. The policy also sets out requirements for dealing with ecologically designated sites.

5.130 Policy CS18 seeks to provide a high quality and comprehensive green infrastructure network by, amongst other things, protection, enhancement and management of green infrastructure assets which including biodiversity and geodiversity assets, including designated sites, designated wildlife corridors and priority habitats and species.

5.131 Part 15 of the NPPF seeks to ensure that proposals show regard to the protection and enhancement of internationally and nationally important sites and species; contributing and enhancing the natural and local environment by ensuring there is no net loss of biodiversity.

5.132 A Preliminary Ecological Survey and Metric assessment of the impacts of the development on biodiversity have been submitted as part of the application.

5.133 There is a group of contiguous Local Wildlife Sites to the west of the East Coast Main Line, with mainly wetland and grassland habitats. These are the Birtley Sewage Works Reedbeds, the Bowes Nature Reserve, the Bowes Railway Walk, Lamesley Pastures Nature Reserve and the Birtley Union Brickworks. To the east of the East Coast Main Line, more than 600 metres to the north of the survey site, there are two ancient woodland Local Wildlife Sites, Longacre Wood and Longacre Dene.

5.134 *Protected/Priority Species*

A series of ponds which are a habitat for great crested newts are located within 250m of the site to the west side of the East Coast Main Line at the Old Union Brickworks site. The Preliminary Ecological Survey advises there is no requirement for licenced mitigation or compensation for any loss of great crested newt habitat as part of the development. It is considered unlikely newts from the adjacent ponds have migrated to the site due to the electrified railway line on intervening land and conditions on the application site are generally not conducive to great crested newt habitat. The applicant's ecologist searched some debris on the application site within the 250m radius of the ponds but did not find any great crested newts.

5.135 The existing office building intended to be demolished was surveyed by the applicant's ecologist and was identified as having some potential bat roosting features. Further surveys of this building were undertaken during the summer bat activity season and no bats were found to be present. As such demolition of the building is considered acceptable and is unlikely to have any impacts on bats.

5.136 The site contains some patches of birds-foot trefoil plants, which are the food plant of dingy skipper butterflies. The Preliminary Ecological Survey advises these were searched for adult butterflies and eggs in the appropriate season, but none were found. The preferred habitats for Grayling and Small Heath butterflies, which are also BAP species are not present on the site.

5.137 There are likely to be birds nesting in trees and shrubs on the site, and also in some of the buildings. Any necessary removal of trees and shrubs should take place outside of the bird nesting season, March to August, or, if this is not practical, an experienced ecologist should carry out a check for nesting birds before any trees or shrubs are removed.

5.138 The Preliminary Ecological Survey did not identify any other protected or priority species within the site. It is not considered that the development would result in any adverse impacts on the surrounding designated ecological sites, given the nature of the proposals, the distance to designated sites and intervening features.

5.139 A condition is appropriate requiring implementation of the development in accordance with the Avoidance, Mitigation and Compensation Strategy as set out in Section 4 of the Preliminary Ecological Survey. This will ensure there are no adverse impacts upon protected or priority species or surrounding designated ecological sites as a result of the development, in accordance with policies MSGP32, MSGP37, CS18 and Part 15 of the NPPF. Informatives relating to bats and breeding birds are also recommended for the applicant's information.

5.140 *Biodiversity*

There are large areas of mown grassland in the vicinity of the former Brenntag premises in Area C. This is mainly a sown lawn species mix, with occasional patches of other species such as White Clover *Trifolium repens*, Ribwort Plantain *Plantago lanceolata*, Daisy Bellis *perennis* and Yarrow *Achillea millefolium*.

- 5.141 In the south- eastern part of the site (Area D) there is an area of species-poor rough grassland which appears to have been unmanaged in recent years. The grassland is composed mainly of False Oat Grass *Arrhenatherum elatius*, Cock's Foot *Dactylis glomerata*, Tufted Hairgrass *Deschampsia cespitosa*, Ragwort *Jacobea vulgaris* and Rosebay Willowherb *Chamerion angustifolium*. Defra's Biodiversity Metric would count this as "modified grassland". There are several self-sown trees in corners of this grassland, including Silver Birch and Goat Willow. There are also several patches of Birds-Foot Trefoil in this habitat, on the fringes of the Poplar trees bordering Mary Avenue.
- 5.142 The rough grassland area has a belt of trees, mainly White Poplar *Populus alba* along the edge of Mary Avenue at the eastern edge of the survey site. There is also a row of Lombardy Poplars, *Populus nigra "italica"* in this area. The shrub and ground flora layers are very poor. There is a similar planted area along the Longshank Lane boundary.
- 5.143 The eastern side of the existing North East Concrete premises, where the new office, access and hardstanding are proposed, comprises an area of land with ground material from former industries. There are mixed habitats of bare ground, sparsely vegetated land, planted shrubs and wet grassland. The wet grassland includes small seasonally wet pools with Soft Rush *Juncus effusus*, Reedmace *Typha latifolia*, Common Spike Rush *Eleocharis palustris* and a small patch of Norfolk Reed *Phragmites australis*. However as this is situated on largely inert material and surrounded by heaps of waste material its value is decreased.
- 5.144 Cotoneaster which is an invasive species has also been found on the site and the Preliminary Ecological Survey recommends removal of this to prevent it from spreading.
- 5.145 The most significant loss of these areas would be the modified grassland in Area D to accommodate the new office, car park and hard standing. The mown grassland in Area C would also be affected to a lesser extent by proposals to reconfigure hard standings and car parking in this area. A strip of around 23m of the poplar trees would also need to be removed to accommodate the proposed new access off Mary Avenue.
- 5.146 The Metric Assessment indicates overall there would be a loss of 8 biodiversity units from the development. The proposal would provide 2.43 units of biodiversity on the site to offset this, but there would still be an overall net loss of around 5.57 biodiversity units.
- 5.147 The scheme intends to provide 2.43 biodiversity units on site. This would be achieved by planting of trees and ground flora within existing woodland on the

boundary with Mary Avenue and to the north of the south, erection of 45 bird boxes and 8 bat boxes, provision of SuDs features including a pond and swift boxes/bricks in the new office building. The number of biodiversity units to be achieved on site may increase marginally when precise SuDs proposals are finalised, which would be agreed by condition. Precise details of these enhancements including landscape and planting details have not been submitted as part of the application and conditions are appropriate to agree details of on site enhancements and confirm the exact number of biodiversity units that would be achieved following SuDs proposals being finalised, together with securing implementation. In order to ensure biodiversity enhancements are permanent and provide the desired outcomes to improve biodiversity, it is necessary that they are regularly monitored, maintained and reports produced to confirm that they are providing identified outcomes. As such conditions are also required to secure the monitoring, maintenance and reporting of the biodiversity enhancements for at least 30 years.

- 5.148 Other than this there is no other land available on the site to provide further enhancements and the applicant does not own any other suitable land within the Borough to provide off site enhancements to off set the net loss.
- 5.149 The Council are able to provide enhancements on its own land at a cost of £15,000 per biodiversity units, which includes acquisition of the land for enhancements, undertaking the enhancements involving planting of trees, grassland etc, provision of ponds or other habitats, monitoring and maintaining this for at least 30 years and reporting periodically on whether the desired biodiversity outcomes are being achieved. In this case the applicant has not offered to provide contributions for off site enhancements by the Council to off set the net loss.
- 5.150 As such as the development would result in a net loss to biodiversity, in conflict with policy MSGP37 and para. 174 (d) of the NPPF.
- 5.151 Supporting information has been submitted by the applicant to justify the policy conflict resulting from the net loss of biodiversity. As set out in the Transport section of this report above, the applicant intends to widen Longshank Lane as part of the development. This road is adopted highway and is not used solely by the applicant, as such other businesses and road users would benefit from these improvements which are anticipated to cost in excess of £200,000. There are other significant infrastructure costs associated with the development involved with the new plant to be purchased, new office building, remediation of industrial land and drainage.
- 5.152 Policy MSGP49 safeguards the existing mineral processing facility from redevelopment and sets out a series of measures to protect mineral processing infrastructure to both discourage its redevelopment for another use but also to protect it from the inappropriate uses being developed near to it that would prevent the site from operating for this purpose. North East Concrete have experienced a growth in recent years, which have culminated in the firm seeking to relocated its head office facilities to this site, alongside investing in new concrete and tarmac manufacturing facilities. Given the protected and

fixed nature of the existing Longshank Lane operations, as per policy MSGP49, the applicant is highly constrained in terms of potential sites that are suitable for redevelopment and are well located next to existing NEC assets. The proposal seeks to develop much of the surrounding land around the site for a use that is directly linked, and is highly compatible with, the existing mineral processes currently undertaken. This will significantly reduce the likelihood of an alternative use coming forward on the surrounding land which may prejudice existing protected operations.

- 5.153 The supporting information notes that North East Concrete have restored a number of quarries in Northumberland and County Durham in recent years. Although these are outside of Gateshead they are still within the wider region and the applicant considers these works have provided significant biodiversity net gains within the wider area. Precise details of the works carried out and the number of biodiversity units created have not been provided and this information is anecdotal.
- 5.154 Furthermore the development would result in significant expansion in the number of jobs at the site from 6 to between 70 and 90 full time jobs. Of these 30 employees would relocate to Birtley from the company's current premises at Newburn, with 34-54 new jobs being created.
- 5.155 The policy conflict in terms of the net loss of biodiversity, together with the applicant's justification will need to be considered in the planning balance as set out in the conclusion below.

5.156 FLOODING AND DRAINAGE

Policy CS16 requires that development will be sustainable, able to function effectively in a changing climate and address impacts on climate change emissions, and establishes a series of criteria of how this will be achieved including use a good standard of building fabric, passive design, and landscaping measures to minimise energy demand.

- 5.157 Policy CS17 advises that development will avoid and manage flood risk from all sources, taking into account the impact of climate change over its lifetime. Development should follow a series of criteria to avoid and manage flood risk to people and property, ensure water supply and foul and surface water infrastructure are provided with adequate capacity and not adversely affect water quality and where possible seek to improve water quality. Surface water run off should be discharged in accordance with the specified hierarchy, to SuDs, a water course, a surface water sewer or combined sewer. Policies MSGP29 and MSGP30 set out further requirements for flood risk management and water quality and river environments respectively.
- 5.158 Part 14 of the NPPF seeks to resist inappropriate development in areas at risk of flooding, directing development away from areas at highest risk (whether existing or future). Where development is necessary in such areas, the development should be made safe for its lifetime without increasing flood risk elsewhere.

- 5.159 A Flood Risk and Drainage Assessment (FRDA) and subsequent additional supporting information from the applicant's geotechnical consultant has been submitted as part of the application.
- 5.160 The Environment Agency Risk of Flooding from Surface Water (RoFSW) map indicates some parts of the site are at risk from a higher level of surface water flooding.
- 5.161 The existing site plan and a further plan showing the location of NWL assets have been submitted and indicate that there are existing positive drainage systems on site with outfalls to foul water sewers, surface water sewers and watercourse. However insufficient information has been provided to confirm whether the existing drainage system is adequate, fit for purpose or that it includes sufficient measures to mitigate pollution of runoff delivered from the site.
- 5.162 Details of how runoff is to be managed on site are required in accordance with the above policies. Plans will be required provided showing how the site is currently drained. Those areas where development works will not directly affect the existing drainage system will need to be appraised for the level of service that the existing drainage system provides and whether flooding on site will occur for 1in30year return period rainfall. The risk of flooding during 1in30year return period rainfall should be mitigated via remedial works to the system. Alternatively, the flood water could be managed on site via routing and impoundment to designated areas where it will not present a hazard.
- 5.163 The existing drainage systems to the areas of site where the development proposals will result in an increase in runoff area or where existing drainage systems will receive new or modified flows and should be assessed for capacity to manage 1in30year return period rainfall, with modifications undertaken to prevent flooding at ground level in line with DEFRA's 2015 Technical Standard S7 'The drainage system must be designed so that, unless an area is designated to hold and/or convey water as part of the design, flooding does not occur on any part of the site for a 1 in 30 year rainfall event'. Runoff from new areas created by the development proposals (estimated to be 1.4365ha in section 5.1.3 of the FRDA) should be limited to a greenfield rate of runoff. If volumetric control is provided (DEFRA standards S4 and S5), then the peak flow rate can be limited to suit the 1in1year and 1in100year greenfield rates. Otherwise, a qbar greenfield rate should be applied for all rainfall events up to 1in100yr+40% in line with the intention of DEFRA standard S6 and section 24.10 of the SuDS Manual. Overall, the response of the development site under rainfall of 1in100year+40% rainfall must be considered and it must be demonstrated that runoff under this scenario is managed on site with flooding occurring only to areas where it can be safely accommodated.
- 5.164 Further information is required in regard to the drainage proposals including consultation with Northumbrian Water, a drainage plan showing the layout, level and capacity of proposed drainage systems, calculations to substantiate the sizing of all attenuation facilities proposed and to demonstrate that discharge will be to a greenfield qbar rate, demonstration of safeguarding water

quality / mitigation pollution and details of how the drainage system will be managed and maintained.

5.165 Given the information submitted to date, there is no reason to suggest the site is not capable of providing adequate foul and surface water drainage, including appropriate mitigation of pollution and safeguarding water quality. Whilst further details are required to satisfactorily demonstrate drainage on the site can function effectively, it is considered submission of details and implementation of precise drainage details, including management and maintenance, can be secured by condition. This would ensure drainage complies with policies CS16, CS17, MSGP29 and MSGP30 of the Local Plan for Gateshead, part 14 of the NPPF and relevant best practice technical guidance.

5.166 IMPACT ON THE CHARACTER OF THE SURROUNDING AREA

Policies MSGP24 and CS15 support delivery of high quality and sustainable design as part of new developments. Policy MSGP36 of the MSGP and CS18 of the CSUCP support the retention of existing trees and hedges as part of new development and establish the criteria for considering impacts on such features as part of planning applications. These policies align with Part 12 of the NPPF which seeks to provide well designed places, which are well related to the built and natural environment.

5.167 Both the existing North East Concrete site and former Brenntag premises have previous industrial or storage and distribution uses. Their appearance reflects their industrial character and that of surrounding premises. Overall this would not significantly change, with buildings on the former Brenntag site largely being retained. An existing timber office building would be demolished but this is of no aesthetic merit and is in a deteriorating condition.

5.168 The appearance of Area A would not significantly change, replacing the existing concrete plant with a new tarmac plant of similar appearance and size. The replacement concrete plant located in Area B introduces a new tall structure of around 21m in height to this central position within the site, however this is over 231m away from Mary Avenue and over 350m from the site access on Longshank Lane. A drawing demonstrating proposed site levels and sections has been submitted, which indicates how the development would sit given the topography of the site. The new buildings and structures would be viewed within the context of the tarmac plants in Area A and existing industrial buildings on the site and adjacent premises and would relate acceptably in terms of height, scale and massing. Existing trees and hedging along Mary Avenue would provide some screening of the industrial structures.

5.169 The proposed new office building would be set into the site and is of a proportionate scale and massing to adjacent existing buildings. Whilst it would differ in appearance, the building would create a defined entrance feature for visitors to site accessing via the new Mary Avenue access. The indicated palette of materials is considered appropriate, reflecting the industrial aesthetic of the other buildings in this industrial area, and also through its materiality, the specific products manufactured on site.

- 5.170 Car parking and hard standings in area D would be screened by boundary trees and hedging along Mary Avenue. Parking has been reduced to address transport concerns and where seen would be clearly related to the new office building and wider use of the site. Parking in area C would be contained within the site and is unlikely to be visible outside it.
- 5.171 Conditions are considered appropriate to agree details of external materials for the new office building, hard surfacing for Areas C, D and around the new office building and external lighting on the site, to ensure final finishes relate acceptably to the character of the site and its surroundings.
- 5.172 Formation of the new access off Mary Avenue would result in the loss of around 23m of existing tree and hedge planting. These are primarily poplar trees. A large section of the hedge and trees would be retained and the proposed loss is considered relatively minimal within this context. Additional tree planting is proposed as wider landscaping of the site and would adequately mitigate the loss of this small section. A condition to agree a tree protection plan is considered appropriate to ensure other trees and hedging are adequately protected during construction works and there is no further loss which affects the visual amenity of the area.
- 5.173 Overall it is not considered that the proposed development would result in any adverse visual impacts upon the largely industrial character and appearance of the surrounding area, in accordance with policies MSGP24, MSGP36, CS15 and CS18 of the Local Plan for Gateshead and Part 12 of the NPPF.

5.174 GROUND CONDITIONS

Policy MSGP20 Land Contamination/Stability of the MSGP requires assessment and investigation of development sites for risks of land contamination or ground stability issues. Where significant contamination is identified that cannot be mitigated, development will not be permitted. Where necessary removal of the contamination and remediation will be required to prevent unacceptable risk or harm to human health, the environment, property or significantly pollute controlled waters.

- 5.175 Policy CS14 part 1 (iii) states that the wellbeing and health of communities will be maintained and improved by preventing negative impacts on residential amenity and wider public safety from noise, ground instability, ground and water contamination, vibration and air quality.
- 5.176 The above policies echo the approach of Paras. 183-185 of the NPPF, which advocates ensuring a site is suitable for its proposed use taking account of ground conditions and any risks arising from land instability and contamination.
- 5.177 The site is situated on land formerly occupied for the storage and distribution of chemicals and adjacent to an engineering works. The site has also contained unknown stockpiles of material identified on the 1950s ordnance survey maps and is adjacent to railway line on the western boundary. Consequently, it is possible that the development area may be affected by ground contamination.

Contamination may possibly exist from historic made ground deposits present possibly from previous industrial use, imported fill materials and material used to construct a development platform for the site and former building materials e.g. asbestos used in buildings that have now been demolished.

- 5.178 A Preliminary Geo-Environmental Assessment has been submitted as part of the application. This concludes that intrusive site investigations should be undertaken to assess the potential for presence of contamination and ground gases, in particular in the central and northern areas. The investigation would also inform foundation and engineering solutions for the development. Council officers concur that a condition is appropriate to secure will be required for a Preliminary Risk Assessment and an intrusive site investigation with a Phase II Detailed Risk Assessment. Conditions for remediation and verification reports are also considered appropriate, to be discharged if site investigations determine remediation works are necessary.
- 5.179 The site is situated within a coalfield development high risk area and the Coal Authority were a statutory consultee on the application.
- 5.180 The Coal Authority records indicate that coal seams of workable thickness outcrop within parts of the site and surrounding area that may have been historically worked at shallow depths beneath the site, which could potentially affect the safety and stability for the new tarmac plant in Area A and new access to Area C. Whilst a Coal Mining Risk Assessment was not submitted as part of the application, the Preliminary Geo-Environmental Assessment identifies that a recorded shallow coal seam (Hutton) is likely to be present beneath the site and there is a potential for instability associated with the collapse of such shallow mine workings. The Assessment recommends investigation and further assessment of the shallow mine workings in order to inform the extent of any remedial and / or mitigation measures considered necessary to ensure the safety and stability of the proposed development.
- 5.181 Conditions are recommended by the Coal Authority to secure intrusive site investigations of shallow mine workings, together with remediation and mitigation works and verification of such works, as necessary.
- 5.182 Subject to the above conditions, the development is considered to comply with the requirements of Policies CS14 and MSGP20 of the Local Plan for Gateshead.
- 5.183 WASTE MANAGEMENT**
- Policy MSGP48 of the MSGP relates to waste management facilities in new development. It requires that suitable collection and recycling facilities are provided, in terms of capacity and design, together with a layout allowing for adequate access and manoeuvrability for refuse collection vehicles.
- 5.184 The site is a large site with ample space for the storage of bins or skips and easy access for HGV waste collection vehicles to service them. As such no issues with regards waste management are anticipated and the proposal would comply with policy MSGP48. However a condition to agree precise details of

bin storage and collection is considered appropriate to ensure final proposals are acceptable.

5.185 The Environment Agency advise that for the construction of new offices and other associated infrastructure the applicant should have consideration of CL:aire Definition of Waste: Development Industry Code of Practice (DoW CoP) where applicable, which relates to the reuse of excavated materials on-site or their movement between sites. This guidance relates to separate environmental legislation and is not a material planning consideration, the comments have been forwarded to the applicant for their information.

5.186 COMMUNITY INFRASTRUCTURE LEVY

On 1st January 2017 Gateshead Council became a Community Infrastructure Levy (CIL) Charging Authority. This application has been assessed against the Council's CIL charging schedule and the development is CIL chargeable development and would fall within the category of 'All Other Development'. The development is located within a charging zone with a levy of £0 per square metre for this type of development and as such there is no CIL to be paid.

5.187 OTHER MATTERS

Northern Gas Networks originally objected to the application noting the presence of intermediate and medium pressure gas pipelines running along western side of Mary Avenue and raising concerns that the development, specifically the proposed new access, could affect their assets. Following confirmation from the agent that the new access would be constructed to an adoptable standard to ensure it can adequately bear the weight from vehicles, including HGVs, passing over and that no new tree planting would take place within a 10m buffer from the pipelines, the objection has now been withdrawn. Precise details of the new access would be agreed by condition and as part of a S278 agreement to ensure it is constructed to the required adoptable standard. The applicant is aware of the need to retain a 10m buffer from the pipelines and that no new tree planting can take place in that area. This has been indicated on drawing no. NP10190 014 Rev H (Areas C, D and E) and future landscaping drawings agreed by condition will be checked to ensure compliance.

5.188 Concern has been expressed from local residents about potential devaluation of property following the development. This is not a material planning consideration and cannot be taken into account in determination of this application.

5.189 It is noted that the relocated concrete plant in Area B has been substantially constructed. It is regrettable that this plant has been constructed without the benefit of planning permission. The applicant has been advised that this plant should not be operated until such time that planning permission has been granted. Although this aspect of the development is retrospective it should still be assessed on its planning merits and its retrospective nature is not a material planning consideration.

5.190 Local residents advise that not all properties in proximity to the site received neighbour notification letters. Requirements for publicity of planning

applications are set out in S15 of the Town and Country Planning (Development Management Procedure) (England) Order 2015. S15 Part 4 of the order requires that for major applications a site notice is displayed or notice of the application is served on adjoining owners/occupiers and the application is publicised in a local newspaper. In this instance a site notice was posted, the application advertised in the Journal Newspaper and some properties in proximity to the site notified in writing. Whilst not all properties within the vicinity of the site received written notification, those adjoining the site were notified and other forms of publicity as set out in the legislation were undertaken. As such the Council have exceeded legislative publicity requirements in this instance.

6.0 CONCLUSION

- 6.1 Planning law requires that applications for planning permission must be determined in accordance with the development plan unless material considerations indicate otherwise. The Council has an up to date development plan comprising the Core Strategy and Urban Core Plan and Making Spaces for Growing Places. Paragraph 11 of the NPPF establishes a presumption in favour of sustainable development, for decision taking this means approving development proposals that accord with an up-to-date development plan without delay (paragraph 11 c).
- 6.2 The development would not provide a net gain to biodiversity in conflict with policy MSGP37 and para. 174 (d) of the NPPF. However widening and improvement works are proposed to Longshank Lane which would benefit local amenity, other businesses and users of the adopted highway. The proposal would safeguard and expand an established mineral processing facility to the benefit of local construction and related industries. There would be a significant uplift in the number of jobs at the site rising from 6 to 70-90, which would include 34-54 newly created jobs and associated economic benefits.
- 6.3 In this instance it is considered in the round that the wider benefits of the development would outweigh the loss of biodiversity and associated policy conflict.
- 6.4 Following the provision of additional information from the applicant and affording significant weight to the fall back position relating to the Brenntag site, whilst resident's concerns are noted, it is considered that the development would not result in significant additional amenity impacts and would not conflict with the aims of relevant policies from the Local Plan or NPPF. The control of maximum HGV movements from the expanded site would be a benefit of the scheme and prevent future unrestricted HGV movements on Longshank Lane from the former Brenntag site.
- 6.5 The development is considered appropriate in terms of design and layout, transport, flooding and drainage, impacts on the character of the surrounding area, ground conditions and waste management. It is therefore concluded that the development would accord with relevant policies of the Local Plan for Gateshead and the NPPF.

6.6 The proposal has generated public interest. All of the objections and concerns raised have been taken into account and addressed within this report. On balance the concerns raised were not considered sufficient to justify refusal of this application in light of the benefits of the scheme and the ability to impose conditions to control detailed construction, design and operational matters. There are no material considerations which indicate otherwise and the application is recommended for approval.

7.0 Recommendation:

That permission be GRANTED subject to the following condition(s) and that the djService Director of Climate Change, Compliance, Planning and Transport be authorised to add, vary and amend the planning conditions as necessary

1

Unless otherwise required by condition, the development shall be carried out in complete accordance with the approved plan(s) as detailed below

Areas C, D & E (drawing no. NP10190 014 Rev H)

Proposed Office (drawing no. NP10190 110)

Site Location Plan

Proposed Site Sections (drawing no. NP10190 011 Rev D)

Proposed Site Layout (drawing no. NP10190 010 Rev K)

Proposed Finishes (drawing no. NP10190 015 Rev A)

Proposed Tarmac Plant (drawing no. NP10190 013 Rev B)

Proposed Concrete Plant (drawing no. NP10190 012 Rev A)

Transport Assessment and Travel Plan Rev A (Milestone Transport Planning Ltd, Ref: 19-223-N, 20/07/21)

Noise Assessment Report (Blue Tree Acoustics, Ref: 00133-130601, 19/07/21)

Air Quality Constraints and Opportunities Appraisal Statement (Delta Simons, Ref: 20-01560.5 Issue 1, 03/06/21)

Preliminary Ecological Survey (J L Durkin, June 2021)

Any material change to the approved plans will require a formal planning application to vary this condition and any non-material change to the plans will require the submission of details and the agreement in writing

by the Local Planning Authority prior to any non-material change being made.

Reason

In order to ensure that the development is carried out in complete accordance with the approved plans and any material and non-material alterations to the scheme are properly considered.

2

The development to which this permission relates must be commenced not later than 3 years from the date of this permission.

Reason

To comply with section 91 of the Town and Country Planning Act 1990 as amended by section 51 of the Planning and Compulsory Purchase Act 2004.

3

Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended), the office building hereby approved shall only be used for uses falling within Class E (g)(i) as defined by the Town and Country Planning (Use Classes) (Amendment) (England) Regulations 2020 and for no other purpose.

Reason

In order to protect the vitality and viability of existing centres, in accordance with policy CS6 of the Local Plan for Gateshead and Part 7 of the NPPF.

4

The office building hereby approved shall only be used for administrative activities associated with industrial and storage activities taking place within the red line boundary on the Site Location Plan. It shall not be sublet to any third parties without there being an operational connection to the approved activities taking place on the application site.

Reason

In order to protect the vitality and viability of existing centres, in accordance with policy CS6 of the Local Plan for Gateshead and Part 7 of the NPPF.

5

No development other than construction of the relocated concrete plant, ground clearance or remediation works shall commence until a scheme for the provision of foul and surface water drainage works, including

management and maintenance of drainage features and a timetable for delivery, has been submitted to and approved in writing by the Local Planning Authority.

The scheme shall be developed based on the principles set out in Flood Risk and Drainage Assessment (DAB Geotechnics Ltd, Ref: DABGeot/21006FRA/Final, 16/07/21), Supporting Information contained in letter from DAB Geotechnics Ltd to Sam Thistlethwaite, Barton Wilmore dated 03.12.21 and consultee comments from the Drainage Officer (dated 11 January 2022).

Reason

To ensure that foul and surface water is adequately disposed of using sustainable principles, in accordance with policies CS16, CS17, MSGP29 and MSGP30 of the Local Plan for Gateshead and Part 14 of the NPPF.

6

The development hereby approved shall be undertaken in complete accordance with the foul and surface water drainage details and timetable approved at condition 5 and maintained for the lifetime of the development.

Reason

To ensure that foul and surface water is adequately disposed of using sustainable principles, in accordance with policies CS16, CS17, MSGP29 and MSGP30 of the Local Plan for Gateshead and Part 14 of the NPPF.

7

No works other than construction of the relocated concrete plant, ground clearance or remediation works shall commence until a scheme for the widening of Longshank Lane from the site access to the junction with Lamesley Road, including a timetable for the delivery of these works, shall be submitted to and approved in writing by the Local Planning Authority.

Unless first agreed with the Local Planning Authority, the scheme shall include:

a consistent carriageway width of 6.75m along the main length of Longshanks Lane to the tie in points with the site access and the approach to Lamesley Road, encompassing an appropriate street lighting scheme, waiting and loading restrictions, traffic calming (minimum 1 set of features), drainage proposals, pedestrian dropped kerbs, and full consideration/mitigation of ecological impacts associated with these improvements.

Reason

To provide an acceptable standard of highway safety on Longshank Lane, in accordance with Policies MSGP14, MSGP15 and CS13 of the Local Plan for Gateshead and Part 9 of the NPPF.

8

The development hereby approved shall be undertaken in complete accordance with the widening works to Longshank Lane and timetable for delivery approved at condition 7.

Reason

To provide an acceptable standard of highway safety on Longshank Lane, in accordance with Policies MSGP14, MSGP15 and CS13 of the Local Plan for Gateshead and Part 9 of the NPPF.

9

At no time shall the number of HGV vehicles accessing and egressing the operational development hereby approved exceed 320 HGV vehicle movements inbound and 320 HGV vehicle movements outbound between 00.01 to 00.00 on any day.

Reason

In the interests of highway safety and protecting local amenity, in accordance with Policies MSGP14, MSGP15, MSGP17, MSGP18, MSGP45, CS13 and CS14 of the Local Plan for Gateshead and Part 9 of the NPPF

10

Where the use hereby approved is operational between 20.00 hours and 06.00 hours the number of HGV vehicles accessing and egressing the operational development between 20.00 and hours and 06.00 hours shall not exceed 40 HGV vehicle movements in total.

Reason

In the interests of highway safety and protecting local amenity, in accordance with Policies MSGP14, MSGP15, MSGP17, MSGP18, MSGP45, CS13 and CS14 of the Local Plan for Gateshead and Part 9 of the NPPF

11

All HGVs associated with the tarmac and concrete manufacturing process shall access and egress the site via the Longshank Lane entrance at all times, except for emergencies or circumstances outside of the applicant's control, when Longshank Lane is blocked or unpassable.

Reason

In the interests of the safe and efficient operation of the highway network and to protect the amenity of residential properties, in accordance with Policies MSGP14, MSGP15, MSGP17, MSGP18, MSGP45, CS13 and CS14 of the Local Plan for Gateshead and Part 9 of the NPPF.

12

Prior to first use of the additional tarmac plant or relocated concrete plant hereby approved, whichever is brought into use first, a Heavy Goods Vehicle (HGV) Routing Strategy shall be submitted to and approved in writing by the Local Planning Authority. The Strategy shall include a clear diagram identifying the routes used by HGVs accessing and leaving the site and monitoring procedures demonstrated.

Reason

In the interests of the safe and efficient operation of the highway network and to protect the amenity of residential properties, in accordance with Policies MSGP14, MSGP15, MSGP17, MSGP18, MSGP45, CS13 and CS14 of the Local Plan for Gateshead and Part 9 of the NPPF.

13

The HGV routing strategy and monitoring procedures approved under condition 12 shall be implemented in full accordance with the approved details prior to first use of the additional tarmac plant or relocated concrete plant hereby approved, whichever is brought into use first, and adhered to for the lifetime of the development.

The Strategy shall be implemented and monitored in accordance with the approved details. In the event of failing to meet the requirements of the Strategy, a revised Strategy shall be submitted to and approved in writing by the Local Planning Authority to address any shortfalls and, where necessary, make provision for and identify mitigation for the impacted communities. The Strategy thereafter shall be implemented and may be updated in accordance with schemes to be submitted to and approved in writing by the Local Planning Authority.

Reason

In the interests of the safe and efficient operation of the highway network and to protect the amenity of residential properties, in accordance with Policies MSGP14, MSGP15, MSGP17, MSGP18, MSGP45, CS13 and CS14 of the Local Plan for Gateshead and Part 9 of the NPPF.

14

Prior to first use of the additional tarmac plant or relocated concrete plant, whichever is brought into use first, a scheme to provide adequate sight visibility at the junction of Longshank Lane and Lamesley Road

shall be submitted to and approved in writing by the Local Planning Authority. The vegetation should be removed back to the existing fence line on the northern side of Lamesley Road for a distance of 75 m from the centre line of the junction with Longshank Lane heading in a westerly direction to the northern kerb line of Lamesley Lane, unless otherwise agreed with the Local Planning Authority.

Reason

To provide an acceptable standard of highway safety on Longshank Lane, in accordance with Policies MSGP14, MSGP15 and CS13 of the Local Plan for Gateshead and Part 9 of the NPPF.

15

The sight visibility improvements approved at condition 14, shall be implemented in full, prior to the first use of the new tarmac plant or relocated concrete plant hereby approved..

Reason

To provide an acceptable standard of highway safety on Longshank Lane, in accordance with Policies MSGP14, MSGP15 and CS13 of the Local Plan for Gateshead and Part 9 of the NPPF.

16

Prior to the commencement of any construction works to form the new office building or the new Mary Avenue access, precise details of the new Mary Avenue access, including a timetable for delivery of the new access, updated swept path analysis, amended junction radii and pedestrian crossing facilities, shall be submitted to and approved in writing by the Local Planning Authority.

Reason

To provide an acceptable standard of highway safety, in accordance with Policies MSGP14, MSGP15 and CS13 of the Local Plan for Gateshead and Part 9 of the NPPF.

17

The construction and timescale for the delivery of the new Mary Avenue access shall be undertaken in complete accordance with the details approved at condition 16. For the avoidance of doubt, unless it has been incorporated into the approved timescale for delivery of the new access, the new office building shall not be brought into use until all works relating to the new access have been completed.

Reason

To provide an acceptable standard of highway safety, in accordance with Policies MSGP14, MSGP15 and CS13 of the Local Plan for Gateshead and Part 9 of the NPPF.

18

Prior to first use of the additional tarmac plant, relocated concrete plant or office building hereby approved a Full Travel Plan, based on the principles set out in the Interim Travel Plan within the Transport Assessment (Milestone Transport Planning Ltd, Rev A, dated: 17/12/2021) shall be submitted to and approved in writing by the Local Planning Authority.

The Travel Full Plan shall include:

- a. An assessment of the site, including the transport links to the site, on site facilities, any transport issues and problems, barriers to non-car use and possible improvements to encourage walking, cycling and bus use.
- b. Appointment of a travel plan co-ordinator and identification of associated budget
- c. Clearly defined objectives, targets and indicators
- d. Details of proposed measures
- e. Detailed timetable for implementing measures
- f. Proposals for maintaining momentum and publicising success
- g. A programme of continuous review of the approved details of the Travel Plan and the implementation of any approved changes to the plan.
- h. Commitment to the use of the Council's preferred monitoring database (Modeshift)
- i. Details of any complementary or discounted travel tickets for employees

Reason

To ensure an appropriate long term management strategy to encourage sustainable travel at the site, in accordance with policies CS13, MSGP14 and MSGP15 of the Local Plan for Gateshead and Part 9 of the NPPF.

19

Within 18 months of the date of discharge of condition 18, evidence of the implementation of the Travel Plan approved under condition 18 over

a minimum period of 12 months, and any revisions, shall be submitted to the Local Planning Authority for consideration.

Reason

To ensure an appropriate long term management strategy to encourage sustainable travel at the site, in accordance with policies CS13, MSGP14 and MSGP15 of the Local Plan for Gateshead and Part 9 of the NPPF.

20

The Full Travel Plan approved under condition 18 shall be implemented on commencement of the use of the additional tarmac plant, relocated concrete plant or new office building hereby approved, whichever is implemented first. The Full Travel Plan and any revisions approved under conditions 18 and 19 shall be wholly implemented in accordance with the approved details for the lifetime of the development.

Reason

To ensure an appropriate long term management strategy to encourage sustainable travel at the site, in accordance with policies CS13, MSGP14 and MSGP15 of the Local Plan for Gateshead and Part 9 of the NPPF.

21

Notwithstanding the submitted details, prior to the construction of any new car parking or cycle parking areas on the site, precise details of the layout of car parks and cycle parking adjacent to the new office building and in Area C as depicted on the Proposed Site Layout (drawing no. NP10190 010 Rev K), including the number and specification of electric vehicle charging points, accessible parking bays, motorcycle parking, cycle parking and a timetable for delivery of the car and cycle parking, shall be submitted to and approved in writing by the Local Planning Authority.

Reason

To ensure adequate levels of parking are provided as part of the development, in the interest of highway safety to comply with Policies MSGP14, MSGP15 and CS13 of the Local Plan for Gateshead and Part 9 of the NPPF.

22

The car, motorbike and cycle parking shall be undertaken in complete accordance with the parking details and timetable for implementation, approved at condition 21. The car parking spaces depicted on the Proposed Site Layout (drawing no. NP10190 010 Rev K) shall thereafter be used solely for the parking of employee and visitor parking and not for any external storage or loading.

Reason

To ensure adequate levels of parking are provided as part of the development, in the interest of highway safety to comply with Policies MSGP14, MSGP15 and CS13 of the Local Plan for Gateshead and Part 9 of the NPPF.

23

The development hereby approved, other than the relocated concrete plant already constructed, shall not commence until a report of findings arising from further intrusive site investigations and a Phase II Detailed Risk Assessment (to assess potential contamination at the site) have been submitted to and approved in writing by the Local Planning Authority. Where required, the Assessment shall include measures and timescales for Remediation, Monitoring and Verification Reports.

Reason

To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors, in accordance with CS14 and MSGP20 of the Local Plan.

Reason for prior to commencement condition

The site investigation and assessment of the risks of the site must be undertaken before the development commences in order to ensure that an appropriate remediation scheme suitable for the sensitive end use is identified and approved prior to commencement of the development, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors, from the beginning of the works.

24

Where required, the remediation and monitoring measures approved under Condition 23 shall be implemented in accordance with the details and timescales approved and in full accordance with the approved details.

Reason

To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors, in accordance with CS14 and MSGP20 of the Local Plan.

25

If any areas of odorous, abnormally coloured or suspected contaminated ground are encountered during development works, then operations shall cease and the exposed material shall be chemically tested. The works shall not continue until a Risk Assessment and, if required, remediation and monitoring measures have been and submitted to and approved in writing by the Local Planning Authority.

Reason

To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors, in accordance with CS14 and MSGP20 of the Local Plan.

26

The remediation and monitoring measures approved under condition 25 shall be implemented in accordance with the approved details prior to any further works (other than those required for remediation) and maintained for the life of the development.

Reason

To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors, in accordance with CS14 and MSGP20 of the Local Plan.

27

Where remediation is required (under conditions 23-26) following completion of the approved remediation and monitoring measures, use of the development hereby approved shall not commence until a verification report that demonstrates the effectiveness of the remediation carried out has been submitted to and approved in writing by the Local Planning Authority. Where this is carried out in phases, use of the buildings, structures or plant within the relevant phase shall not commence until a verification report that demonstrates the effectiveness of the remediation carried out for that phase has been submitted to and approved in writing by the Local Planning Authority. The Verification report(s) shall also include cross sectional diagrams of the foundations and details of the approved gas protection measures, details of integrity testing of gas membranes and any test certificates produced.

Reason

To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors, in accordance with CS14 and MSGP20 of the Local Plan.

28

No development within Areas A and C as identified on the Proposed Site Layout - drawing no. NP10190 010 Rev K shall commence until:

- a. a scheme of intrusive site investigations has been carried out on site to establish the risks posed to the development by past coal mining activity, and;
- b. any remediation works and/or mitigation measures to address land instability arising from coal mining legacy, as may be necessary, have been implemented on site in full in order to ensure that the site is made safe and stable for the development proposed.

The intrusive site investigations and remedial works shall be carried out in accordance with authoritative UK guidance.

Reason

To ensure that the development is not subject to any unacceptable risks from coal mining legacy features and is stable and capable of accommodating the development, in accordance with Policies CS14 and MSGP20 of the Local Plan and Part 15 of the NPPF.

Reason for prior to commencement condition

The undertaking of intrusive site investigations, prior to the commencement of development, is considered to be necessary to ensure that adequate information pertaining to ground conditions and coal mining legacy is available to enable appropriate remedial and mitigatory measures to be identified and carried out before buildings works commence on site. This is in order to ensure the safety and stability of the development, in accordance with paragraphs 183 and 184 of the NPPF.

29

Prior to occupation of the development within Areas A and C as identified on the Proposed Site Layout - drawing no. NP10190 010 Rev K, a signed statement or declaration prepared by a suitable competent person confirming that the site is, or has been made, safe and stable for the approved development shall be submitted to the Local Planning Authority for approval in writing. This document shall confirm the methods and findings of the intrusive site investigations and the

completion of any remedial works and/or mitigation necessary to address the risks posed by past coal mining activity.

Reason

To ensure that the development is not subject to any unacceptable risks from coal mining legacy features and is stable and capable of accommodating the development, in accordance with Policies CS14 and MSGP20 of the Local Plan and Part 15 of the NPPF.

30

Within one month of the first use of the relocated Concrete Batching Plant and new Tarmac Plant hereby approved details of a post construction noise assessment shall be submitted for the consideration and written approval of the Local Planning Authority. The post completion noise assessment shall demonstrate that noise levels from all plant and equipment detailed in Noise Assessment (Blue Tree Acoustics, Ref: 00133-130601, 19/07/21) at points 3, 4 and 6 indicated in the Noise Assessment does not exceed 42dB(A) LAeq,1h (free field) as set out in Policy MSGP45 Part 3 or measured existing background noise levels if higher between 22.00 and 07.00. Where these levels are exceeded, operation of the equipment resulting in a breach of noise levels in Policy MSGP45 Part 3 or measured existing background noise levels if higher shall stop until a mitigation scheme has been submitted to and approved in writing by the Local Planning Authority. The assessment methodology and precise noise monitoring locations shall be discussed and agreed in advance with the Local Planning Authority prior to noise testing.

Reason

To ensure noise levels from the expanded use are not excessive and detrimental to the amenity of local residents, in accordance with Policies CS14, MSGP17, MSGP18 and MSGP45 of the Local Plan for Gateshead and Parts 12 and 15 of the NPPF.

31

The development hereby approved shall be undertaken in complete accordance with the post construction noise monitoring scheme approved at condition 30. Where mitigation is required this shall be implemented in accordance with approved details prior to the use of the related plant or equipment re-commencing.

Reason

To ensure noise levels from the expanded use are not excessive and detrimental to the amenity of local residents, in accordance with Policies CS14, MSGP17, MSGP18 and MSGP45 of the Local Plan for Gateshead and Parts 12 and 15 of the NPPF.

32

Prior to first use of the relocated Concrete Batching Plant and new Tarmac Plant, details of noise enclosures and barriers, including their acoustic specifications, location and appearance for each of these plants shall be submitted to and approved in writing by the Local Planning Authority.

Reason

To ensure noise levels from the plants are not excessive and detrimental to the amenity of local residents, in accordance with Policies CS14, MSGP17, MSGP18 and MSGP45 of the Local Plan for Gateshead and Parts 12 and 15 of the NPPF.

33

The development hereby approved shall be undertaken in complete accordance with the noise enclosure and barriers approved at condition 32. The respective noise enclosures and barriers shall be installed prior to the first use of either the relocated Concrete Batching Plant or new Tarmac Plant, as appropriate.

Reason

To ensure noise levels from the plants are not excessive and detrimental to the amenity of local residents, in accordance with Policies CS14, MSGP17, MSGP18 and MSGP45 of the Local Plan for Gateshead and Parts 12 and 15 of the NPPF.

34

No more than 1 crusher shall operate on the site at any time. The crusher shall only operate between the hours 08:00 hours to 17:00 hours Monday to Friday, 08:00 hours to 13:00 hours Saturdays, and at no time on Sundays and Bank Holidays.

Reason

To ensure noise levels from the crusher is not detrimental to the amenity of local residents, in accordance with Policies CS14, MSGP17, MSGP18 and MSGP45 of the Local Plan for Gateshead and Parts 12 and 15 of the NPPF.

35

The development hereby approved shall be implemented in complete accordance with the Avoidance, Mitigation and Compensation in Sections 4 and 5 of the Preliminary Ecological Survey (J L Durkin, June 2021), including but not limited to checking of debris for great crested newts, timing of works to avoid nesting bird season (March - August) and/or checking of buildings/vegetation for nests by an ecologist and provision of bird and bat boxes.

Reason

To provide new biodiversity features on the site and ensure there are no adverse impacts to protected and priority species, in accordance with Policies MSGP32, MSGP37 and CS18 of the Local Plan for Gateshead and Part 15 of the NPPF.

36

Prior to the commencement of any part of the development with the exception of the relocated concrete plant already constructed, an on site biodiversity and habitat creation scheme shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall include the following:

Trees, hedges and shrubs scheduled for retention

Details of soft landscaping including planting species, sizes, layout, densities, numbers, demonstrating a 10m buffer for new tree planting from the gas pipeline on Mary Avenue

Details of planting procedures or specification

The establishment regime, including watering, rabbit protection, tree stakes, guards etc

Details of the location, size and specification of any ponds or water based habitats

Locations, specifications and total number of bird and bat boxes

A revised DEFRA Metric assessment confirming the precise number of biodiversity units to be achieved following finalised landscaping proposals

A timetable for implementation of the biodiversity and habitat creation scheme

Targets for biodiversity and habitat creation

A scheme for the management and maintenance of biodiversity and habitat creation features for a minimum of 30 years, including details of a monitoring regime to ensure features are achieving desired outcomes and procedures to be implemented if features are damaged or are not meeting identified targets

Reason

To provide biodiversity and habitat creation as part of the development, in accordance with Policies MSGP32, MSGP37 (2) and CS18 of the Local Plan for Gateshead and Part 15 of the NPPF.

37

The development hereby approved shall be undertaken in complete accordance with the on site biodiversity and habitat creation scheme and timetable approved at condition 36 and maintained in accordance with the approved details thereafter for a period of at least 30 years.

Reason

To provide biodiversity and habitat creation as part of the development, in accordance with Policies MSGP32, MSGP37 and CS18 of the Local Plan for Gateshead and Part 15 of the NPPF.

38

No development, other than the relocated concrete plant which has already been constructed, shall commence until a Construction Management Plan has been submitted to and approved in writing by the Local Planning Authority.

The Construction Management Plan shall include as a minimum but not necessarily be restricted to the following:

- a. A Dust Action Plan including measures to control the emission of dust and dirt during construction.
- b. Details of methods and means of noise reduction/suppression.
- c. Where construction involves penetrative piling, details of methods for piling of foundations including measures to suppress any associated noise and vibration.
- d. Details of measures to prevent mud and other such material migrating onto the highway from all vehicles entering and leaving the site.
- e. Designation, layout and design of construction access and egress points.
- f. Details for the provision of directional signage (on and off site).
- g. Details of contractors' compounds, materials storage and other storage arrangements, including cranes and plant, equipment and related temporary infrastructure.
- h. Details of provision for all site operatives for the loading and unloading of plant, machinery and materials.

- i. Details of provision for all site operatives, including visitors and construction vehicles for parking and turning within the site during the construction period.
- j. Routing agreements for construction traffic.
- k. Details of the erection and maintenance of security hoarding including decorative displays and facilities for public viewing, where appropriate.
- l. Waste audit and scheme for waste minimisation and recycling/disposing of waste resulting from demolition and construction works.
- m. Management measures for the control of pest species as a result of demolition and/or construction works.
- n. Detail of measures for liaison with the local community and procedures to deal with any complaints received.

The management strategy shall have regard to BS 5228 "Noise and Vibration Control on Construction and Open Sites" during the planning and implementation of site activities and operations.

Reason

In order to avoid nuisance to the occupiers of adjacent properties during the construction phase of the development, in accordance with the NPPF and policies CS13, CS14, MSGP15, MSGP17 and MSGP18 of the Local Plan.

Pre-commencement reason

To ensure that construction details can be approved prior to on-site works thereby avoiding any abortive work and preventing harm to nearby sensitive receptors due to uncontrolled construction and harm to highway safety which could otherwise occur.

39

The development hereby approved shall be implemented wholly in accordance with Construction Management Plan measures approved under condition 38 at all times during construction.

Reason

In order to avoid nuisance to the occupiers of adjacent properties during the construction phase of the development, in accordance with the NPPF and policies CS13, CS14, MSGP15, MSGP17 and MSGP18 of the Local Plan.

40

In undertaking the development that is hereby approved: No external construction works, works of demolition, construction related deliveries, external running of plant and equipment shall take place other than between the hours of 0730 to 1800 on Monday to Friday and 0730 to 1400 on Saturday.

No internal works audible outside the site boundary shall take place on the site other than between the hours of 0730 to 1800 on Monday to Friday and 0800 to 1700 on Saturday.

No construction works or works of demolition whatsoever, including deliveries, external running of plant and equipment, internal works whether audible or not outside the site boundary, shall take place on Sundays, Public or Bank Holidays.

For the purposes of this condition, construction works are defined as: The carrying out of any building, civil engineering or engineering construction work involving the use of plant and machinery including hand tools.

Reason

In order to avoid nuisance to the occupiers of adjacent properties during the construction phase of the development, in accordance with the NPPF and policies CS13, CS14, MSGP15, MSGP17 and MSGP18 of the Local Plan.

41

Prior to the first use of the new office building hereby approved final details of the location, specification and routing arrangements within the site for refuse and recycling storage and collection shall be submitted to and approved in writing by the Local Planning Authority.

Reason

To ensure there is appropriate provision for refuse and recycling storage and collection on the site, in accordance with Policy MSGP48 of the Local Plan for Gateshead and the NPPF.

42

The refuse and recycling storage and collection details approved under condition 41 shall be implemented in full accordance with the approved details prior to first use of the office development and retained as such for the lifetime of the office development.

Reason

To ensure there is appropriate provision for refuse and recycling storage and collection on the site, in accordance with Policy MSGP48 of the Local Plan for Gateshead and the NPPF.

43

No development, other than the relocated concrete plant which has already been constructed, shall commence until a scheme for the protection of the existing trees, shrubs and hedges growing on or adjacent to the site has been submitted to and approved in writing by the Local Planning Authority. The scheme must include a plan clearly showing the location and specification of the protective fencing to be used.

Reason

To ensure the satisfactory protection of trees, shrubs and hedges in accordance with Policies MSGP32, MSGP36 and CS18 of the Local Plan for Gateshead and Part 15 of the NPPF.

Reason for pre-commencement condition

To minimise the risk of harm and long-term adverse impacts of the development on the trees to be retained by ensuring the trees are retained and protected before the development commences.

44

The approved tree protection measures under condition 43 must be installed prior to the commencement of the development and thereafter retained intact for the full duration of the construction works.

Protective fencing, must be retained intact for the full duration of all construction works and there shall be no access, storage, ground disturbance or contamination within the protected areas without the prior written approval of the local planning authority.

The approved tree protection plan shall be displayed at all times outside the site office or in a location visible to all contractors and site personnel. Once implemented the tree protection scheme shall be checked weekly throughout all construction works with a record of the weekly checks being kept on file in the site office. The record shall include the date, time and name of the person carrying out the checks together with any problems identified and action taken. If at any time tree protection is missing or deficient without the prior written approval of the Local Planning Authority being obtained, all construction operations within a 15m radius of the unprotected tree(s) shall cease until the protection is correctly in place. Details of this should also be recorded in the tree protection record file.

Reason

To ensure the satisfactory protection of trees, shrubs and hedges in accordance with Policies MSGP32, MSGP36 and CS18 of the Local Plan for Gateshead and Part 15 of the NPPF.

Reason for prior to commencement condition

To minimise the risk of harm and long-term adverse impacts of the development on the trees to be retained by ensuring the trees are retained and protected before the development commences.

45

Prior to the commencement of any development above foundation level to the new office building details of the make, colour and texture of all walling and roofing materials shall be submitted to and approved in writing by the Local Planning Authority.

Reason

In the interests of the appearance of the surrounding area, in accordance with Policies MSGP24 and CS15 of the Local Plan for Gateshead and Part 12 of the NPPF.

46

The external materials for the new office building approved under condition 45 shall be implemented in full accordance with the approved details.

Reason

In the interests of the appearance of the surrounding area, in accordance with Policies MSGP24 and CS15 of the Local Plan for Gateshead and Part 12 of the NPPF.

47

Prior to their installation, precise details of specification and appearance of all new hard surfacing materials in Areas C, D and around the new office building as shown on the Proposed Site Layout Plan (drawing no. NP10190 010 Rev K) shall be submitted to and approved in writing by the Local Planning Authority.

Reason

In the interests of the appearance of the surrounding area, in accordance with Policies MSGP24 and CS15 of the Local Plan for Gateshead and Part 12 of the NPPF.

48

Hard surfacing materials approved under condition 47 shall be implemented in full accordance with the approved details.

Reason

In the interests of the appearance of the surrounding area, in accordance with Policies MSGP24 and CS15 of the Local Plan for Gateshead and Part 12 of the NPPF.

49

A lighting scheme, including all new external lighting on the site, shall be submitted to and approved in writing by the Local Planning Authority prior to the installation of any external lights. The detail provided shall demonstrate adherence to the ILP (Institute of Lighting Professionals) guidance notes for the reduction of intrusive light.

Reason

To ensure lighting is appropriate to the character of the surrounding area and residential amenity and does not have an adverse impact on any protected species, in accordance with Policies MSGP17, MSGP18, MSGP24, MSGP32, MSGP37, CS14, CS15 and CS18 of the Local Plan for Gateshead and Parts 12 and 15 of the NPPF.

50

External lighting approved under condition 49 shall be implemented in full accordance with the approved details.

Reason

To ensure lighting is appropriate to the character of the surrounding area and residential amenity and does not have an adverse impact on any protected species, in accordance with Policies MSGP17, MSGP18, MSGP24, MSGP32, MSGP37, CS14, CS15 and CS18 of the Local Plan for Gateshead and Parts 12 and 15 of the NPPF.

51

There shall be no burning of waste or other materials within the site.

Reason

In the interest of residential amenity and to prevent air pollution, in accordance with the NPPF and policies CS13, CS14, MSGP15, MSGP17 and MSGP19 of the Local Plan.

52

Once the approved development is operational, all vehicles leaving the site shall be sufficiently cleaned in order to ensure that mud and dirt is not transferred onto the public highway.

Reason

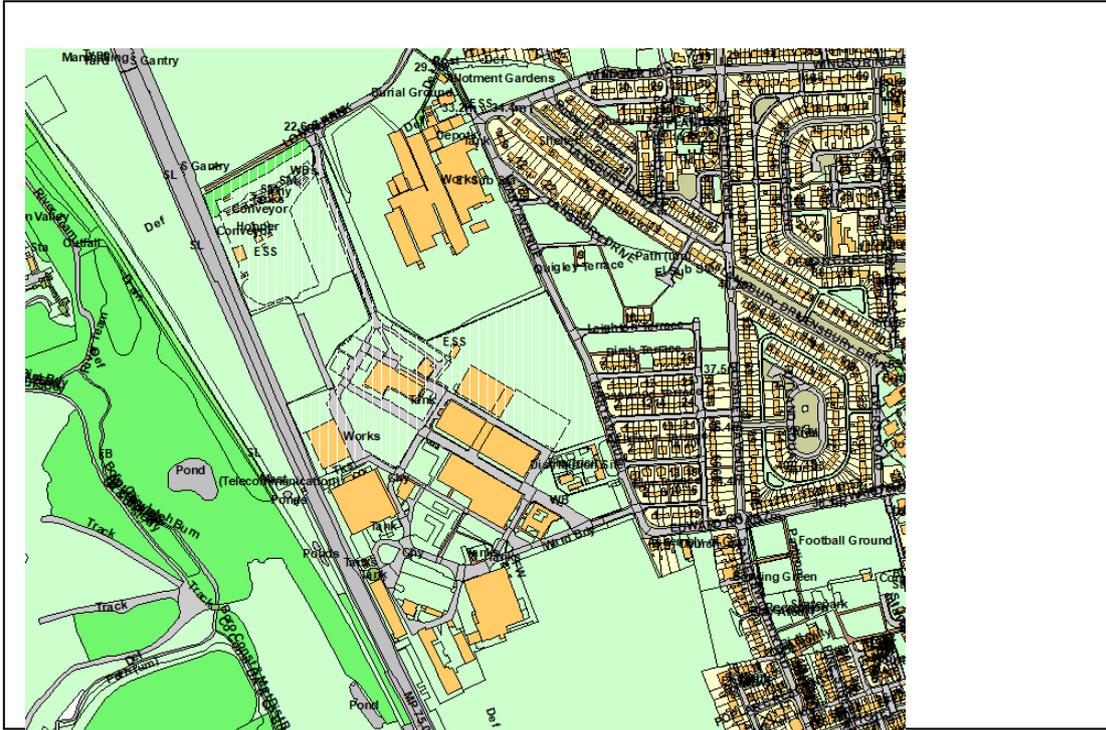
In the interests of highway safety and residential amenity, in accordance with Policies MSGP14, MSGP15, MSGP17, MSGP18, MSGP45, CS13 and CS14 of the Local Plan for Gateshead and Parts 9 and 12 of the NPPF.

53

Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended), no further fixed plant or machinery shall be brought on to the site other than in accordance with the noise assessment Noise Assessment Report (Blue Tree Acoustics, Ref: 00133-130601, 19/07/21).

Reason

In order to avoid nuisance to the occupiers of adjacent properties during the construction phase of the development, in accordance with the NPPF and policies CS13, CS14, MSGP15, MSGP17 and MSGP18 of the Local Plan.



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Committee Report

Application No:	DC/22/00275/OUT
Case Officer	Joanne Munton
Date Application Valid	12 April 2022
Applicant	Mr Joshy Mani
Site:	Site Of Former Odeon Cinema And Theatre High Street Gateshead
Ward:	Bridges
Proposal:	OUTLINE APPLICATION for erection of 109 residential apartments over 2-9 floors with shared amenity facilities, associated basement car parking and communal external and internal amenity spaces, with all matters reserved.
Recommendation:	REFUSE
Application Type	Outline Application

1.0 The Application:

1.1 DESCRIPTION OF SITE

The rectangular site is approximately 0.36 ha in area and is bounded by High Street to the east, Ann Street to the south, the former Gloucester Public House to the west and the Charles Street car park to the north. Very close to the site to the north west is the 10-storey tower block, Regent Court.

1.2 Until 2003 when it was demolished, the Odeon Cinema (formerly Regal Theatre) occupied the site. Since that time it has remained vacant. The site is currently heavily vegetated, with grass and established trees on site.

1.3 The land slopes steeply down by some 7.5m from west to east

1.4 The site is generally open, with only lightweight or non-existent boundary treatments to east, south and west. The remnants of various brick buildings and walls of varying but significant heights mark the northern boundary, but 298-304 High Street, the neighbouring property to the north has been demolished and replaced with a 'pocket park'.

1.5 The site is in the Southern Gateway Sub Area and High Street South Area within the Urban Core, and within the Exemplar Neighbourhood.

1.6 DESCRIPTION OF APPLICATION

The is application is for outline planning permission for the erection of 109 residential apartments (34 one bedroom flats and 53 two bedroom flats and 22 three bedroom flats). The development is proposed to be over 2-9 floors

with shared amenity facilities (gym/communal lounge), associated basement car parking and landscaped courtyard.

- 1.7 All matters of access, appearance, landscaping, layout and scale are proposed to be reserved and therefore not detailed or under consideration in this outline submission. For clarity, these are:

'Access' - the accessibility to and within the site, for vehicles, cycles and pedestrians in terms of the positioning and treatment of access and circulation routes and how these fit into the surrounding access network.

'Appearance' - the aspects of a building or place within the development which determine the visual impression the building or place makes, including the external built form of the development, its architecture, materials, decoration, lighting, colour and texture.

'Landscaping' - the treatment of land (other than buildings) for the purpose of enhancing or protecting the amenities of the site and the area in which it is situated and includes: (a) screening by fences, walls or other means; (b) the planting of trees, hedges, shrubs or grass; (c) the formation of banks, terraces or other earthworks; (d) the laying out or provision of gardens, courts, squares, water features, sculpture or public art; and (e) the provision of other amenity features;

'Layout' - the way in which buildings, routes and open spaces within the development are provided, situated and orientated in relation to each other and to buildings and spaces outside the development.

'Scale' - the height, width and length of each building proposed within the development in relation to its surroundings.

- 1.8 This outline application is considered against the general principles of how the site can be developed.

- 1.9 Whilst all matters are proposed to be reserved, indicative plans/drawings have been submitted showing the potential way the site could be laid out, potential access and the potential scale of development.

1.10 RELEVANT PLANNING HISTORY

1105/01 Planning permission granted in 2003 for mixed use development comprising retail (use class A1), food and drink (use class A3), residential (use class C3) and office uses (use class B1) with associated car parking and access (amended 29/10/01).

DC/08/00328/OUT - Outline application - Erection of 5-storey hotel (104 bedrooms) with casino and associated car parking and erection of 27 apartments in 3-4 storey block including formation of landscaped courtyard. Withdrawn on 30 June 2008.

DC/08/01129/OUT - Outline application - Erection of 6-storey hotel (104 bedrooms) with casino, restaurant, bar and conference facilities; erection of 1 block comprising 14 maisonettes; construction of 49-bay underground car park with public open courtyard above ground and provision of toddler play facilities (revised application). Granted 13 October 2008.

DC/11/00632/OUT - Outline application - Outline application for erection of 6-storey hotel (97 bedrooms) with bar/restaurant and retail unit at street level and erection of 5-storey care home (72 bedrooms) with associated car parking and landscaped terrace to rear (Amended by plans received 04.08.2011 and 24.08.2011). Granted 23 February 2012.

2.0 Consultation Responses:

Tyne And Wear Archaeology Officer	Conditions recommended
Northumbrian Water	No objection subject to conditions
Coal Authority	No objection, subject to conditions
Northern Powergrid	Objection due to level of noise information
Northern Gas Networks	No objection
Nexus	Conditions recommended
Northumbria Police	No objection
Tyne And Wear Fire And Rescue Service	No objection
Health And Safety Executive	No objection

3.0 Representations:

3.1 Neighbour notifications were carried out in accordance with formal procedures introduced in the Town and Country Planning (Development Management Procedure) Order 2015.

3.2 One objection has been received, raising concerns regarding:

- Development does not fit within the aspirations of a town centre location, particularly in terms of no active ground floor uses
- Unclear how the developer would contract tenants for the development
- Site should be developed as part of the wider regeneration scheme but instead does not take into account the unique location that it lies within.

4.0 Policies:

NPPG National Planning Practice Guidance
NPPF National Planning Policy Framework
CS2 Spatial Strategy for Urban Core
CS5 Employment-Economic Growth Priorities
CS9 Existing Communities
CS10 Delivering New Homes
CS11 Providing a range and choice of housing
CS13 Transport
CS14 Wellbeing and Health
CS15 Place Making
CS16 Climate Change
CS17 Flood Risk and Waste Management
CS18 Green Infrastructure/Natural Environment
SG1 Southern Gateway Sub-Area
SG2 The Exemplar Neighbourhood Key Site
UC4 Homes
UC5 Primary and Secondary Pedestrian Routes
UC6 Cycling
UC5 Primary and Secondary Pedestrian Routes
UC7 Public Transport
UC9 General Traffic
UC10 Car Parking
UC12 Urban Design
UC13 Respecting and Managing Views
UC15 Urban Green Infrastructure

UC16 Public Realm

UC17 Public Art

MSGP8 Digital Infrastructure

MSGP10 Accessible and Adaptable Dwellings

MSGP12 Housing Space Standards

MSGP14 Mitigating Impact on Transport Network

MSGP15 Transport Aspects of Design of Dev

MSGP17 Residential Amenity

MSGP18 Noise

MSGP19 Air Quality

MSGP20 Land Contamination/Stability

MSGP24 Design Quality

MSGP27 Archaeology

MSGP29 Flood Risk Management

MSGP30 Water Quality/River Environments

MSGP36 Woodland, Trees and Hedgerows

MSGP37 Biodiversity and Geodiversity

MSGP40 Provide/Enhance Open Space/Sport/Rec

ENSPD Exemplar Neighbourhood SPD

POSPD Planning Obligations SPD

5.0 Assessment of the Proposal:

5.1 The key planning considerations to be taken into account in this application are the principle of the proposal, housing policy visual and residential amenity, noise, air quality, highway safety and parking, flood risk and drainage, ecology, trees, ground conditions, archaeology, and climate change implications.

5.2 PRINCIPLE

The site is located in the Southern Gateway Sub Area within the Urban Core. Policy SG1 allocates the Exemplar Neighbourhood Key Site for mixed use development (Policy SG2), and the application site is within the Exemplar Neighbourhood boundary.

- 5.3 Policy SG2 sets out the development requirements to create a new sustainable neighbourhood at the Exemplar Neighbourhood Key Site. These include:
1. *A minimum of 1,000 homes at an average of 50 dwellings per hectare.*
 2. *Provision of small-scale ancillary uses that support the needs of the new community including small shops, cafes and community facilities along primary pedestrian routes and other main routes.*
- 5.4 Policy UC4 also specifically allocates the Exemplar Neighbourhood in the Southern Gateway Sub Area for approximately 1000 new homes predominantly for families.
- 5.5 The Exemplar Neighbourhood Key Site is a major area of change and the vision for the area is to create a new sustainable residential community. Policy CS2 of the Local Plan sets out that this site (amongst others) will be brought forward in accordance with approved masterplans to demonstrate a comprehensive and coordinated approach to site development and infrastructure provision.
- 5.6 The approved masterplan for the Exemplar Neighbourhood Key Site forms part of the Exemplar Neighbourhood Supplementary Planning Document (ENSPD) which was approved in 2013. An updated ENSPD is being prepared and consultation on the updated version ended on 13 March 2022. The Council are in the process of reviewing comments, which will inform any amendments to the document before it is consulted on a second time. As such, the updated ENSPD can be afforded some weight in the consideration of this current application.
- 5.7 Policy SG2 and both the adopted and draft updated ENSPD focus mixed use/commercial at ground floors of development on sites along the route of the City Boulevard, located further east of this application site.
- 5.8 In relation to the High Street area, the adopted ENSPD at paragraph 6.32 states that given this area's close proximity to Gateshead Centre's retail core it is anticipated that new development could include a significant proportion of commercial uses (including retail) at street level as well residential uses.
- 5.9 Further, the application site spans across the High Street South and Civic areas in the draft updated ENSPD. Section 3 of this document states that the vision for High Street South is to create a high quality residential intergenerational neighbourhood and that there is the opportunity for a small amount of ground floor commercial space that is fully integrated with its surroundings, and a mixture of terraced family housing alongside low rise apartments is envisaged in the Civic area.

- 5.10 Therefore, whilst the proposal does not include commercial uses that would be available to the public, it is considered that this would not be unacceptable in this location.
- 5.11 The density of the development would equate to 303 dwellings per hectare. Whilst this density is high, this could help to compensate for other areas of the Exemplar Neighbourhood, such as the former Freightliner site where development will be at a lower density than 50 dwellings per hectare. In addition, the site is located in the urban core with excellent access to public transport and services where higher densities can be appropriate if other planning considerations allow.
- 5.12 The latest results of the Housing Delivery Test (HDT) show that 87% of homes required are being delivered in the Borough. The proposed development would therefore have the potential to increase delivery on an allocated site for housing and is a positive factor.
- 5.13 The proposed development would help to deliver homes in the area, in accordance with policies SG2 and UC4. It is considered that the redevelopment of the site for residential use is acceptable in principle, subject to the proposal being acceptable in relation to other planning considerations below.
- 5.14 DESIGN AND VISUAL AMENITY/EXEMPLAR NEIGHBOURHOOD
Policy SG2 (2) includes a range of design and layout requirements to create a new sustainable neighbourhood across the whole Exemplar Neighbourhood site. Whilst a number of these would be considerations for reserved matters, consideration is given at outline stage as to whether the quantum/massing of development proposed in this application would be able to comply with these requirements.
- 5.15 NPPF paragraph 130 states:

Planning policies and decisions should ensure that developments:

(a) will function well and add to the overall quality of the area, not just for the short term but over the lifetime of the development;

(b) are visually attractive as a result of good architecture, layout and appropriate and effective landscaping;

(c) are sympathetic to local character and history, including the surrounding built environment and landscape setting, while not preventing or discouraging appropriate innovation or change (such as increased densities);

(d) establish or maintain a strong sense of place, using the arrangement of streets, spaces, building types and materials to create attractive, welcoming and distinctive places to live, work and visit;

(e) optimise the potential of the site to accommodate and sustain an appropriate amount and mix of development (including green and other public space) and support local facilities and transport networks; and

(f) create places that are safe, inclusive and accessible and which promote health and well-being, with a high standard of amenity for existing and future users; and where crime and disorder, and the fear of crime, do not undermine the quality of life or community cohesion and resilience.

5.16 Paragraph 134 of the NPPF states that development that is not well designed should be refused, especially where it fails to reflect local design policies and government guidance on design, taking into account any local design guidance and supplementary planning documents such as design guides and codes. Conversely, significant weight should be given to:

a) development which reflects local design policies and government guidance on design, taking into account any local design guidance and supplementary planning documents such as design guides and codes; and/or

b) outstanding or innovative designs which promote high levels of sustainability, or help raise the standard of design more generally in an area, so long as they fit in with the overall form and layout of their surroundings.

5.17 The National Design Guide sets out ten characteristics to help to nurture and sustain a sense of community, to work to positively address environmental issues affecting climate, and to contribute towards the cross-cutting themes for good design set out in the NPPF. These are:

Context - enhances the surroundings.

Identity - attractive and distinctive.

Built form - a coherent pattern of development.

Movement - accessible and easy to move around.

Nature - enhanced and optimised.

Public spaces - safe, social and inclusive.

Uses - mixed and integrated

Homes and buildings - functional, healthy and sustainable.

Resources - efficient and resilient.

Lifespan - made to last.

5.18 The following paragraphs of the National Design Guide are noted in particular:

43. Well-designed new development is integrated into its wider surroundings, physically, socially and visually. It is carefully sited and designed, and is demonstrably based on an understanding of the existing situation.

51. Well-designed places, buildings and spaces:

- have a positive and coherent identity that everyone can identify with, including residents and local communities, so contributing towards health and well-being, inclusion and cohesion;

- have a character that suits the context, its history, how we live today and how we are likely to live in the future; and
- are visually attractive, to delight their occupants and other users.

67. *Well-designed places use the right mix of building types, forms and scale of buildings and public spaces for the context and the proposed density, to create a coherent form of development that people enjoy. They also adopt strategies for parking and amenity that support the overall quality of the place.*

71. *Proposals for tall buildings (and other buildings with a significantly larger scale or bulk than their surroundings) require special consideration. This includes their location and siting; relationship to context; impact on local character, views and sight lines; composition - how they meet the ground and the sky; and environmental impacts, such as sunlight, daylight, overshadowing and wind. These need to be resolved satisfactorily in relation to the context and local character.*

91. *Well-designed places:*

- *integrate existing, and incorporate new natural features into a multifunctional network that supports quality of place, biodiversity and water management, and addresses climate change mitigation and resilience;*
- *prioritise nature so that diverse ecosystems can flourish to ensure a healthy natural environment that supports and enhances biodiversity;*
- *provide attractive open spaces in locations that are easy to access, with activities for all to enjoy, such as play, food production, recreation and sport, so as to encourage physical activity and promote health, well-being and social inclusion.*

123. *Well-designed homes and buildings:*

- *provide good quality internal and external environments for their users, promoting health and well-being;*
- *relate positively to the private, shared and public spaces around them, contributing to social interaction and inclusion; and*
- *resolve the details of operation and servicing so that they are unobtrusive and well-integrated into their neighbourhoods.*

5.19 The National Model Design Code also provides detailed guidance on the production of design codes, guides and policies to promote successful design, expanding on the ten characteristics of good design set out in the National Design Guide.

5.20 The adopted ENSPD contains various design principles relating to design quality, the type and size of properties, materials, infrastructure (including green infrastructure) and sustainability. Paragraph 5.8 of the SPD states:

All development proposals are required to:

- *Demonstrate a high level of architectural design quality across all buildings;*

- *Provide contemporary architecture that responds to the locality;*
- *Create attractive and useable green spaces that provide relief in an urban setting;*
- *Form high quality development along the edge of the proposed City Boulevard, maximising the gateway character of the site;*
- *Ensure active, animated routes with windows and activity, with active ground floor use;*
- *Define gateways with landmark buildings;*
- *Ensure all buildings be constructed using high quality, durable materials, with the design of the building being as robust as practical;*
- *Ensure buildings are designed to maximise energy efficiency and solar gain;*
- *Ensure buildings are designed to reduce maintenance and have security built into the layout and fabric of the building;*
- *Employ decentralised energy solutions wherever possible.*

5.21 Further, in terms of block developments, the ENSPD specifies the following integral criteria:

- *Continuous street frontage*
- *Coherent building line*
- *Architectural variation between buildings (including dynamic building frontages)*
- *Flexible ground floor uses*
- *External activity to be encouraged*
- *Increased building heights located towards Gateshead's centre and at the northern part of the Boulevard*
- *Feature buildings on prominent corners*
- *Central courtyards for on site parking provision, servicing and refuse and undercroft or underground facilities may be appropriate for linear blocks, avoiding undercroft parking on main elevations or main routes*

5.22 Local Plan policy UC12 states that:

To deliver higher quality locally distinctive places in terms of architecture and public realm, development will:

1. *Be designed to respect and enhance the positive characteristics and context,*
2. *Provide a co-ordinated approach that reinforces and creates linkages to its surroundings,*
3. *Provide strong urban frontages and an appropriate urban grain reinforcing continuity and enclosure at a walkable urban block scale,*
4. *Ensure active frontages along Primary and Secondary Pedestrian Routes, and*

5. Incorporate high quality, durable and sustainable materials appropriate to the character of the area and the use envisaged for the site.

- 5.23 Local Plan policy CS15 requires development to contribute to good place-making through the delivery of high quality and sustainable design and ensure connectivity, accessibility and legibility. Policies UC16 and UC17 also relate to public realm and public art requirements in the Urban Core.
- 5.24 Whilst all matters are reserved in this outline application, the submission is supported by indicative layouts and imagery, suggesting that a way to deliver 109 flats on site would be a stepped approach, increasing from 2 to 5 to 7 to 9 storeys from east to west. National guidance advises that applications for outline planning permission are to be considered as to whether the scale and nature of a proposed development would be acceptable before fully detailed proposals are put forward. Therefore, officers need to be satisfied that the scale and nature of development proposed in this application could be delivered on site in a well-designed and appropriate way.
- 5.25 Although the principle of residential development would be acceptable, and the proposed density would also not necessarily be unacceptable in principle, this is subject to other planning considerations. It is considered that the indicative scheme would represent overdevelopment of the site and that it has not been carefully sited or designed, or demonstrably based on an understanding of the existing situation.
- 5.26 Whilst the adopted ENSPD advises increased building heights should be located towards Gateshead's centre, the draft updated ENSPD clearly envisages 3/4 and 4/5 storey blocks in the location of the application site. The scheme in this application not only proposes development of up to 9 storeys, it also is considered that the scale and massing that would result from the indicative design submitted would be inappropriate, in that it would not be visually attractive (in terms of physical bulk) and would not relate positively to or integrate with the wider surroundings.
- 5.27 Additionally, the indicative scheme would also be impenetrable along its east-west axis, effectively cutting off potential permeability linking with the town centre, and, in the indicative design, would not deliver quality public realm or green space with good pedestrian connectivity. As such, the indicative design would not create a place that would provide attractive and easily accessible external space or ease of access to other open space, and would not create a coherent form of development that people would enjoy.
- 5.28 Therefore, it is considered that insufficient information has been submitted with the application to demonstrate that 109 dwellings could be provided on site as part of an appropriate design approach, and to allow officers to be satisfied that the proposed development would not have an unacceptable impact on visual amenity at outline stage. As such, it is recommended that the application be refused for this reason, in accordance with the NPPF, policies CS2, SG1, SG2, UC12, CS15, MSGP24 of the Local Plan and the Exemplar Neighbourhood SPD.

5.29 HOUSING REQUIREMENTS

5.30 Space Standards

Policy CS11 requires adequate space inside and outside of the home to meet the needs of residents. Part 2(iv) of policy SG2 requires the provision of good quality accessible external private or semi-private space. Paragraphs 5.12 and 5.21 of the adopted ENSPD also set out the need for sufficient internal and external space.

5.31 Policy MSGP12 also sets out that new homes should be built in accordance with the Nationally Described Space Standards (NDSS). This policy is applied from 1 February 2022.

5.32 Whilst this application is for outline planning permission with all matters reserved, officers would need to be confident that the proposal would be able to achieve appropriate living conditions for occupants at reserved matters stage in any event. Indicative numerical floor areas of the proposed flats have been submitted with the application, and do not raise significant concern in principle at this stage in terms of floor areas; bedroom dimensions and storage provision are not indicated on plans and these would need to be assessed at reserved matters stage.

5.33 Policy MSGP10 sets out that on housing developments of 15 or more dwellings, 25% of dwellings will be constructed to meet the Building Regulation M4(2) Category 2: Accessible and Adaptable Dwellings standard or equivalent successor standards. If this application is approved, a condition could secure this.

5.34 Range and choice of housing

Part 1 of policy CS11 of the CSUCP requires 60% of new private housing across the plan area to be suitable for and attractive to families with a minimum target of 16,000 new homes to have 3 or more bedrooms.

5.35 Part 1 of policy CS9 of the CSUCP also seeks to maintain a range of housing types and sizes throughout the plan area and paragraph 1.2 of the ENSPD sets out that the Exemplar Neighbourhood offers itself as a prime location for families as well as young professionals and older people to live in. Paragraph 2.4 of the ENSPD also builds on the vision of a family neighbourhood whilst still providing a range of city living opportunities.

5.36 The formal description of the development proposed at outline does not include the number of bedrooms for each of the 109 units, but this is clarified in the application form and design and access statement. 20% of the flats proposed would have 3 bedrooms.

5.37 It is recognised that the 60% figure is a plan-wide target not required to be met in full from every development, and in this case, a substantially lower figure, as proposed, is considered to be appropriate in relation to the nature and location of the proposed development.

5.38 Affordable housing

Policy CS11 also requires the provision of 15% affordable homes on all developments of 15 or more dwellings, subject to development viability. The NPPF requires that 25% of any Affordable Homes provision be first homes (market discounted by 30% and for eligible houseowners only).

5.39 The affordable housing statement sets out that 15% of 109 dwellings would equate to 16.35 dwellings. This has then been rounded down to 16 affordable homes to be provided. In addition, the tenure splits have also been rounded down. Instead, it should be rounded up to 17 affordable homes, as 16 homes would be below 15%.

5.40 There is also concern regarding the proposed tenure split and compliance with the preferences in the Obligations SPD. If the application was recommended to be granted, this could be included in the s106 obligation required to include the correct tenure split and first homes criteria. The provision of First Homes would still enable the preferred tenure split in the SPD to be achieved.

5.41 As above, the proposal would not provide affordable homes in line with the National policy or the requirements of CS11 and in the absence of any clear and convincing justification for this, the application is considered to be contrary to these policies and the application should be refused for this reason.

5.42 RESIDENTIAL AMENITY

Paragraph 130(f) of the NPPF requires development to create places that are safe, inclusive and accessible and which promote health and well-being, with a high standard of amenity for existing and future users; and where crime and disorder, and the fear of crime, do not undermine the quality of life or community cohesion and resilience.

5.43 Local policies CS14, MSGP17 and MSGP18 also seek to protect residential amenity and manage noise from development.

5.44 Whilst plans/drawings submitted with the application are indicative, officers at this outline stage need to be satisfied that an acceptable scheme for 109 flats on the application site could be achieved. No daylight or sunlight analysis has been submitted to indicate the likely impacts of this scale of development.

5.45 There are residential neighbours at Regent Court as little as 8m to the north/north west of the boundary of the application site. Regent Court is a 10 storey block of flats, and indicative plans show that a 9 storey element of the proposed development would be only approximately 15m away from windows of these residential neighbours (shown on submitted sections to be 13.8m).

5.46 Although indicative section drawings submitted in the Design and Access Statement showing proposed relative building heights, there remain significant concerns relating to loss of outlook and light, and an overbearing impact and

overshadowing at existing neighbouring properties. Further, in terms of overlooking, whilst the Design and Access Statement proposes that there would be no glazing to habitable rooms on the elevation of the 9 storey element facing Regent Court, it is considered that, in proposing to remove privacy concerns in one location, this arrangement would result in greater impact on residential amenity elsewhere and by other means.

- 5.47 Firstly, this arrangement would focus habitable glazing on the western elevation of the 9 storey element, overlooking land further west, including that of the existing (former) Gloucester Hotel, and with the proposed development indicatively shown to be approximately 3m from the western boundary of the site, this would result in this neighbouring site being surrounded by higher blocks to the north, east and south. This could limit the potential for long term deliverability of the neighbouring site in accordance with Exemplar Neighbourhood aspirations.
- 5.47 Secondly, the proposed blank elevation at the north western end would result in significantly limited opportunities for appropriate glazing, and therefore, natural light, in some of the affected flats indicatively shown (eg. the accessible 1 bedroom flats on levels 7 and 8). As such, it is considered that the indicative floor plans do not provide adequate comfort that the scheme could be appropriately delivered without resulting in unacceptable living conditions for future occupiers in this regard.
- 5.48 There is also potential for conflicts regarding privacy and outlook for future occupiers, given the proximity to neighbouring properties shown on the submitted indicative layouts and the arrangement between proposed flats indicatively shown (eg. The only available space for windows for flats at the inside corner of the proposed development at floors 2 to 6).
- 5.49 Although the details submitted are not a formally proposed layout or scale, it is considered that insufficient information has been submitted with the application to demonstrate that 109 dwellings could be provided on site without resulting in an unacceptable loss of outlook and light, and an overbearing impact and overshadowing at existing neighbouring properties or resulting in an unacceptable impact on privacy, outlook and light for future occupiers of the proposed dwellings, or to allow officers to be satisfied that the proposed development would not have an unacceptable impact on residential amenity at outline stage. As such, and it is recommended that the application be refused for this reason, in accordance with the NPPF and policies CS14 and MSGP17 of the Local Plan.
- 5.50 **NOISE**
Whilst noise information has been submitted with the application, this is from 2011 and considered to be out of date and not clearly relevant to the development proposed in this application. An update of the baseline noise levels at this location is required. The situation is likely to have changed in 10+ years, particularly along High Street, and there is potential for new or different noise sources that would need to be taken in to account. Traffic

volumes are expected to have increased, although through the covid pandemic noise levels may not be back to their full potential either, so some consideration would be needed to ensure it is representative of typical conditions. Further, given the application proposes development up to 9 storeys, the upper floors may well be susceptible from noise coming from the A167.

- 5.51 Additionally, Northern Powergrid have confirmed they formally object to the application, as the application proposes high density residential in very close proximity to an existing primary electricity substation, situated directly north of the proposed development site. The detail submitted does not consider the substation, which contains two large transformers with low frequency noise and cooling fans. A noise assessment would need to include this feature to identify any mitigation required.
- 5.52 In the absence of up to date relevant noise information, it is not possible to fully determine the impacts of noise on potential future occupiers. Therefore, insufficient information has been submitted with the application to allow officers to be satisfied that the proposed development would not have an unacceptable impact on residential amenity for future occupiers at outline stage in relation to noise. As such, and it is recommended that the application be refused for this reason, in accordance with the NPPF and policies CS14, MSGP17 and MSGP18 of the Local Plan.
- 5.53 AIR QUALITY
The site is within the Town Centre Air Quality Management Area (AQMA).
- 5.54 Policy CS14 states that the wellbeing and health of communities will be maintained and improved by requiring development to contribute to creating an age friendly, healthy and equitable living environment through preventing negative impacts on residential amenity and wider public safety from air quality.
- 5.55 Policy MSGP19 states:
- 1. Development that has the potential to:*
- a) increase air pollution levels that would exceed National Air Quality Objective thresholds, or*
- b) lead to an increase in exposure where high levels of air pollution already exist*
- will only be permitted where it can be demonstrated, through an air quality assessment, that acceptable air quality levels will or can be achieved.*
- 5.56 An air quality statement has been submitted with the application, dated 2011. It is considered that this detail is out of date, and more up to date information is required to allow officers to properly and fully assess the impact on existing

residents in the area (eg. through traffic generation) and the impact on new receptors in the area (ie. being located in an area of poor air quality).

5.57 In the absence of up to date relevant air quality information, it is not possible to fully determine the impacts on the living conditions of existing potential future occupiers. Therefore, insufficient information has been submitted with the application to allow officers to be satisfied that the proposed development would not have an unacceptable impact at outline stage in relation to air quality. As such, and it is recommended that the application be refused for this reason, in accordance with the NPPF and policies CS14 and MSGP19 of the Local Plan.

5.58 HIGHWAY SAFETY AND PARKING

Local Policy CS13 seeks to ensure new development would not have an unacceptable impact on existing transport networks.

5.59 Policy MSGP14 requires that where a development is likely to have a significant impact on the transport network, its acceptability will need to be demonstrated by:

1) Transport Assessment in line with the scope agreed with the Planning Authority including, but not limited to:

a. an assessment of the impact of the proposals on traffic movements and highway safety;

b. an assessment of the accessibility of the site by sustainable modes; and

c. an action plan setting out how and when issues highlighted by the accessibility and transport assessments will be addressed.

2) A travel plan for all users of the development which includes provision for the continuing development of the plan over time, and the setting and monitoring of targets for sustainable travel use.

5.60 Policy MSGP15 requires new development to:

- secure safe access to the site for all people and provide adequate servicing facilities;

- not have an unacceptable impact on the safe operation of the transport network, or a severe residual cumulative impact on the efficient operation of the road network, or levels of congestion;

- give priority to access by sustainable travel including the improvement of existing links and the removal of barriers to sustainable means of access and;

- protect, and where necessary, enhance the public right of way and cycle networks. Where it is necessary to disturb either network, suitable replacement sections of route will be required; and

- provide the level of parking necessary to secure the safe and effective operation of the development by complying with the relevant vehicle and cycle parking standards in MSGP.

- 5.61 Policy UC5 requires development to contribute towards improving pedestrian routes by providing direct routes to and through the Exemplar Neighbourhood (amongst others) and links to surrounding areas. UC9 and UC10 seek to manage traffic access in and around the Urban Core and parking in the Urban Core. Further, policy UC7 requires development proposals to allow for and contribute to the implementation of improved bus infrastructure.
- 5.62 The Transport Assessment (TA) submitted in support of this application relates to an earlier 2011 planning application on this site for a hotel and care home. The information it contains is both out of date and not relevant to the proposal in this current application.
- 5.63 The site is positioned within a traffic (and pedestrian) sensitive area surrounding Gateshead Town Centre. Significant new development has been completed since the time of the 2011 TA and there have also been changes to the local and strategic road network in the area.
- 5.64 Whilst this is an outline planning application, with all matters reserved, the traffic impact of such a large development with the number of units proposed needs to be considered at this stage, and the results used to inform the in-principle decision that the outline permission seeks to establish.
- 5.65 Nexus have commented that despite the TA being misleading and incorrect, the general principles of the proposed improvements are welcomed, and if the application was recommended to be granted, would require the developer to meet the costs of two introductory travel tickets per dwelling as part of a welcome pack for residents.
- 5.66 There are also no significant concerns relating to waste management, and at this outline stage, officers are satisfied that an acceptable arrangement could be achieved.
- 5.67 However, in the absence of up to date relevant highways information, particularly a TA including an indication of parking provision and likely traffic movements associated with the proposed development, it is not possible to fully determine the impacts of the development on highway safety and parking. Therefore, insufficient information has been submitted with the application to allow officers to be satisfied that the proposed development would not have an unacceptable impact on highway safety and parking at outline stage. As such, it is recommended that the application be refused for this reason, in accordance with the NPPF and policies CS13, UC5, UC9, UC10, MSGP14 and MSGP15 of the Local Plan.
- 5.68 FLOOD RISK AND DRAINAGE
NPPF paragraph 167 seeks to ensure that development would not result in flood risk being increased elsewhere.
- 5.69 Local Policy CS17 requires development to avoid and manage flood risk from all sources, taking into account the impact of climate change over its lifetime.

Policies MSGP29 and MSGP30 seek to address flood risk and water quality, respectively.

- 5.70 Northumbrian Water have confirmed no objection to the proposal in terms of their assets and recommend a condition if the application was to be granted.
- 5.71 A Flood Risk Assessment dated 2021 has been submitted in support of the application. The assessment considers the current day risk of flooding from various sources and confirms that the site, whilst previously developed, can now be considered as greenfield for the purposes of flood risk.
- 5.72 Whilst the 'areas susceptible to groundwater flooding' map included in the SFRA shows the site to be in a 1km grid square that has 'no risk' of groundwater emergence, the dataset does not show the likelihood of groundwater flooding occurring. As underground accommodation (car parking) is proposed, the potential for groundwater affecting the proposed building would need to be considered further.
- 5.73 Further, the flood risk assessment does not elaborate whether the risk of flooding from each of the sources considered will change over the lifetime of the development due, for example, to the predicted effects of climate change.
- 5.74 A drainage strategy has also been submitted with the application. This includes information relating to the hierarchy of surface water drainage options that have been considered, with draining to ground and watercourse deemed as not appropriate. The response of a Pre-Planning Enquiry from Northumbrian Water has also been provided to demonstrate that the sewer infrastructure would accommodate a peak flow rate of 5l/s surface water discharge from the development.
- 5.75 Despite calculating greenfield runoff rates, it is proposed that discharge from the development is limited to the 5l/s capacity that NWL has advised, but no justification has been provided for this strategy.
- 5.76 The proposal is to drain all runoff from the site down to basement level and then pump it up for discharge to main sewer. It is proposed that the extent of surface water runoff needing to be pumped is minimised and ideally all surface water drainage should be drained by gravity.
- 5.77 Where pumping is unavoidable, a robust assessment of the system would need to be undertaken, in particular to determine the risk and consequences of failure and to allow the formulation of a contingency plan. Details of how surface water runoff would be managed in the event of pump failure would also need to be provided.
- 5.78 In terms of water quality, the drainage strategy plan has coloured hatching to show both rainwater garden features and permeable paved area. Further elaboration on these elements and demonstration of their efficacy is required.

- 5.79 Two additional reports were received from the agent on 23 June 2022. One of these provides the details of a trial pit and attempted soakage test, in fill material at the site and the other document provides a printout to size attenuation based on a 5l/s discharge rate, which does not reflect a greenfield limiting rate. Neither report is considered to be relevant to the assessment of the impacts of this development. Consequently, it is considered that insufficient information has been provided to demonstrate that an acceptable scheme could be delivered in terms of flood risk/drainage, and to allow officers to be satisfied that the proposed development would not have an unacceptable impact on flood risk at outline stage. As such, it is recommended that the application be refused for this reason, in accordance with the NPPF and policies CS17, MSGP29 and MSGP30 of the Local Plan.
- 5.80 **ECOLOGY**
Local Plan policy MSGP36 states that where the Council considers that trees or woodland may be affected by a development proposal, it will require an appropriate tree survey and ecological survey to be submitted with the planning application.
- 5.81 Policy MSGP37 requires that where appropriate, development proposals must demonstrate how they will avoid/minimise adverse impacts on biodiversity and geodiversity in accordance with the mitigation hierarchy, and provide net gains in biodiversity.
- 5.82 Policy UC15 highlights the significance of green infrastructure in the urban core and requires development to protect and enhance the Urban Green Infrastructure Network, address gaps and improve linkages to the Strategic Green Infrastructure Network at areas including the Exemplar Neighbourhood site.
- 5.83 The site comprises a mosaic of habitats which qualify as Open Mosaic Habitats on Previously Developed Land (s41 NERC Act Habitat of principal importance and Durham Biodiversity Action Plan priority habitat). Habitats / features within the site have been assessed as providing potential opportunities for roosting, commuting and foraging bats, foraging and nesting birds, priority butterfly species (i.e. dingy skipper, grayling and wall) and small mammals, including hedgehog (s41 NERC Act Species of principal importance and Durham Biodiversity Action Plan priority species). The proposed development would result in the comprehensive loss of the existing habitats / features on site and their associated fauna.
- 5.84 Whilst a preliminary ecological appraisal has been submitted with the application, this itself recommends further survey work be carried out, but the application is not supported by any further ecological survey, assessment, mitigation and enhancement report, or information relating to biodiversity net gain.
- 5.85 In the absence of appropriate avoidance, mitigation, compensation and enhancement measures, the proposal would result in a significant net loss of biodiversity and residual adverse impacts on priority habitats and species.

- 5.86 In the absence of an appropriate level of ecological information it is not possible to fully determine the impacts of the development on biodiversity and ecological connectivity. Therefore, insufficient information has been submitted with the application to allow officers to be satisfied that the proposed development would not have an unacceptable impact on ecology at outline stage. As such, it is recommended that the application be refused for this reason, in accordance with the NPPF and policies CS18, UC15, MSGP36 and MSGP37 of the Local Plan.
- 5.87 TREES
Local policy MSGP36 states that where the Council considers that trees or woodland may be affected by a development proposal, it will require an appropriate tree survey and ecological survey to be submitted with the planning application.
- 5.88 Given the proposed number of units and the size of the application site, it is understood that the proposal is likely to clear the site of all/most existing trees. Whilst landscaping (eg. Replacement trees/planting) is identified as a reserved matter rather than being under consideration at this outline stage, an Arboricultural Survey is required to clearly understand the extent and value of the loss of amenity as a result of the proposal.
- 5.89 In the absence of an appropriate level of arboricultural information, it is not possible to fully determine the impacts of the development on trees and impact on amenity at this stage. Therefore, insufficient information has been submitted with the application to allow officers to be satisfied that the proposed development would not have an unacceptable impact on trees at outline stage. As such, it is recommended that the application be refused for this reason, in accordance with the NPPF and policies CS18, UC15 and MSGP36 of the Local Plan.
- 5.90 GROUND CONDITIONS
The site is within a Coal Authority defined high risk area and a coal mining risk assessment has been submitted with the application. The Coal Authority agree with the recommendations of the report, and if the application was to be granted, conditions could be imposed requiring the submission of a report of further site investigations relating to coal mining legacy, the implementation of any necessary remediation, and submission a verification report demonstrating the effectiveness of the remediation.
- 5.91 The site is also located on potentially contaminated land based on its historic use. Officers agree with the recommendations of the submitted Phase 1 report and if the application were to be granted, conditions could be imposed requiring the submission of a report of further site investigations and Phase 2 risk assessment (including gas monitoring), the implementation of any necessary remediation, and submission a verification report demonstrating the effectiveness of the remediation.

- 5.92 Subject to conditions, the proposal in outline would be acceptable in terms of ground conditions and would comply with the aims and requirements of the NPPF and policies CS14 and MSGP20 of the Local Plan.
- 5.93 **OPEN SPACE AND PLAY**
Although the accessibility standards of policy MSGP40 are met (given the location of nearby areas of public open space), there is a quantitative deficiency of open space within the Bridges ward. In accordance with MSGP40, based on the assumed residents there is a requirement for 0.34ha of open space provision to be provided (subject to viability).
- 5.94 Within the submitted Design and Access Statement it indicates that private outdoor spaces will be provided in the form of terraces including roof terraces, balconies and a landscaped courtyard. This indicates that the amenity space proposed to be provided on site would be private, and therefore would be accessible only by the residents. However, MSGP40 requires the provision of public open space to meet the policy requirements.
- 5.95 MSGP40 states that for new major housing developments, open space will be expected to be provided on-site, unless it can be demonstrated that it would not be feasible to do so. Where it would not be feasible for the requirements to be met in full through on-site provision, consideration may be given to the potential for off-site contributions towards new open space in locations which can be accessed by the proposed development site. If it can also be demonstrated that it would not be feasible to provide new open space in a location that is accessible from the proposed development site, consideration may be given for off-site contributions towards the enhancement of existing areas of open space which would increase their recreational and/or amenity value.
- 5.96 The supporting text of this policy states that due to the densely developed character of some parts of Gateshead, there are some locations where offsite contributions may not allow the delivery of an appropriate quantity of new open space on sites that can be accessed from the proposed development site. In such circumstances, policy MSGP40 allows for contributions to be secured that would allow improvements to existing areas of open space. The accessibility is considered in line with the standards in MSGP when determining whether an open space site can be considered to be accessible from the proposed development site. These standards are that the open space can be accessed within 500m (straight-line distance) of all homes.
- 5.97 Given that the application site itself is 0.36ha, this could not be provided on site in full. The application site is in a densely developed part of the urban core but within 500m of the development site there is other land in the Exemplar Neighbour Key Site that the ENSPD has aspirations to include as public open space. However, the ENSPD masterplan is indicative and at this stage in the progress of the overall Key Site, the council are not in a position to identify a specific site for the creation of new open space, so this would currently be unfeasible. The applicant also has not proposed any site(s) for potential off-site provision.

- 5.98 In terms of the potential for enhancement of existing facilities, the council maintain a list of play areas that could be enhanced if funding is provided. However, this application site is not within 500m of any of the identified areas. As such, whilst the proposal would not contribute to the delivery or enhancement of open space in the area, and would not comply with the requirements of MSGP40 in terms of open space, having assessed the proposal against the hierarchy set out in policy MSGP40, it is considered that it would not be appropriate to require the provision of and/or contributions towards open space at this time in relation to this application.
- 5.99 There is a deficiency of play space within Bridges ward. MSGP40 requires the provision of play facilities to the equivalent of 0.07 ha per 1,000 residents therefore there is a requirement for approximately 118sqm when calculated using the play space standard. The proposal should provide an area of dedicated (albeit potentially unequipped) play space to meet the requirements of MSGP40. If the application was granted, conditions could be imposed, requiring final details of an appropriate play space at reserved matters stage, and implementation of the approved scheme.
- 5.100 In terms of site-specific local policy, SG2 requires [amongst others]:
- iv. Provision of good quality accessible external private or semi private space,*
 - v. Creation of the Exemplar Neighbourhood Urban Green Infrastructure Corridor, meeting the following criteria: minimum corridor width of 10m, encompassing a footpath with a minimum width of 3m, an avenue of trees and at least 2 usable multifunctional open green spaces,*
 - vi. Creation of the Primary Pedestrian Route, integrated with the green infrastructure corridor, and creating the pedestrian and cycle bridge over the rail line and a pedestrian and cycle crossing at Park Lane,*
 - vii. Provision of a series of connected green and/or public spaces, forming part of the key pedestrian and cycle routes that connect to locations outside the neighbourhood,*
- 5.101 Whilst the outline application does not include any details of reserved matters, reference is made to a landscaped courtyard in the proposal description, and this is shown on indicative plans. Additionally, the application site is in the north western corner of the Exemplar Neighbourhood Key site and shown on the indicative masterplan as being in an area with harder landscaping, reflecting the immediate surroundings of the built up High Street.
- 5.102 Subject to conditions/obligations and the final design at reserved matters stage, the proposal could comply with the play requirements of MSGP40, and whilst the proposal would not contribute to the delivery or enhancement of open space in the area, and would not comply with the requirements of MSGP40 in terms of open space, having assessed the proposal against the hierarchy set out in policy MSGP40, it is considered that it would not be

appropriate to require the provision of and/or contributions towards open space at this time in relation to this application.

5.103 ARCHAEOLOGY

An archaeological desk based assessment was carried out for the site in 2008 and this has been submitted by the applicant. The report concluded that although the site lies beyond the thirteenth century historic core of medieval Gateshead, due to its position on the western side of the High Street, the main thoroughfare into the town, it is possible that features associated with medieval industrial activity could be located on the site. The site is also located adjacent to the Roman road which approached the Tyne (HER 276) and the Roman bridgehead settlement (HER 5633).

5.104 The desk based assessment recommends that archaeological evaluation trenches should be excavated across the site in order to establish the presence or otherwise of archaeological remains, and officers agree with this recommendation. The western end of the site is the area with the least 19th and 20th century disturbance and therefore has the most potential for surviving archaeological remains, but it is considered that other areas of the site should also be evaluated. If archaeological remains are present then further work may be required to determine their significance.

5.105 As such, if the application were to be granted, conditions could be imposed requiring archaeological fieldwork and reporting.

5.106 Subject to conditions, the proposal in outline would be acceptable in terms of archaeology and would comply with the aims and requirements of the NPPF and policies CS15 and MSGP27 of the Local Plan.

5.107 CLIMATE CHANGE

Policy CS16 of the Local Plan states:

Development will be sustainable, able to function effectively in a changing climate and address impacts on climate change emissions. Development will be required to:

- 1. Use a good standard of building fabric, passive design, and landscaping measures to minimise energy demand,*
- 2. Be flexible from the outset to allow adaptation to alternative uses,*
- 3. Deliver a good level of sustainability required by relevant government schemes/guidance,*
- 4. Minimise its contributions and provide resilience to the ongoing and predicted impacts of climate change,*
- 5. Reduce its whole-life CO2 equivalent emissions impact, and*
- 6. Optimise the use of local renewable or low carbon energy in accordance with the following hierarchy:*

- i. Connection to an existing, or make provision for future connection, to a committed wider decentralised energy scheme within a specified timeframe,*
- ii. Development of a decentralised energy scheme for the whole or significant portion of a development from the outset, including joint schemes with significant adjacent external energy loads,*
- iii. Incorporation of other renewable energy solutions,*
- iv. Incorporation of other low carbon energy solutions in accordance with current government guidelines.*

- 5.108 It should also be noted that Gateshead Council declared a climate emergency in 2019 and has pledged to be carbon neutral by 2030 and work with partners and agencies to assist in the whole of Gateshead being carbon-neutral in the same timeframe, development needs to contribute to carbon reduction targets.
- 5.109 The Exemplar Neighbourhood SPD also refers to development connecting into the open access fibre optic broadband network (paragraph 9.13), ensuring new buildings are suitable for connection to the district energy centre (paragraph 9.26) and designing for zero carbon (paragraphs 9.27 to 9.32).
- 5.110 With regard to the hierarchy in policy CS16 part 6, Gateshead District Energy Scheme is located at the nearby Gateshead Energy Centre and is an operating, decentralised energy scheme, providing lower carbon heat from gas-fired combined heat and power plants.
- 5.111 It is considered that a connection to this network would be highly likely to be technically feasible. The network has been designed with considerable spare capacity, sufficient to supply a development of this size, and the proposal site is directly adjacent the route of the district heating and private-wire network, which is routed down Ann Street, within less than 10 metres from the proposed boundary of the application site.
- 5.112 The submitted Design and Access Statement states that the incorporation of low carbon energy generation and the utilisation of existing green energy sources including the district heating network (delivered by Gateshead Council) will be investigated as the scheme develops. If the application were to be granted, investigation into connecting to the Gateshead District Energy Scheme and a scheme for connection (and where relevant, justification for not) could be required to be submitted and implemented by conditions.
- 5.113 Subject to conditions, the proposal would comply with the aims and requirements of policy CS16 of the Local Plan.
- 5.114 **DIGITAL INFRASTRUCTURE**
MSGP8 states that 'The necessary physical infrastructure to enable access to information and digital communication networks will be integrated into all appropriate new developments.' The supporting text clarifies that all proposals for new dwellings and new business premises will be required to demonstrate that engagement has taken place with more than one digital infrastructure

provider to explore how digital communication networks can be integrated into the development. The requirements of this policy will be satisfied by the submission of a statement (required either at application stage or through a planning condition) explaining the outcome of this engagement. As such, if the application were to be granted, a relevant condition could be imposed to satisfy this requirement.

5.115 TARGETED RECRUITMENT AND TRAINING

A major priority for the Authority is the creation of employment and training opportunities and especially apprenticeships for local residents and as such the council seeks to work with developers to bring forward opportunities in construction, landscaping and ancillary trades.

5.116 Local Plan policy CS5 states that:

Gateshead and Newcastle will continue to develop a diverse economy with accessible employment and deliver significant increases in the number of businesses and jobs. This will be achieved by [amongst others] Attracting and supporting a skilled labour force and improving skills and access for local people to job opportunities including through targeted recruitment and training.

5.117 Based on the number of units proposed it is considered that 3 apprenticeships would be appropriate for this proposed development (subject to viability). The apprenticeships could be through the developer or their supply chain, contractors, delivery partners or ancillary activities across the length of the build. Any such opportunities would be made available to target groups within the Borough.

5.118 Apprentice opportunities created would need to be monitored by the council in order to ensure that the targets are met and outcomes recorded, there would be an understanding that developers would work with the Council and fully contribute to that activity.

5.119 The Planning Obligations SPD clarifies that targeted recruitment and training requirements would be delivered by developers through a Training and Employment Management Plan for both the construction and end user phases of the development where appropriate. Alternatively, where a developer has an existing training and recruitment programme, this could be used for the benefit of local residents. Where the developer is unable to deliver on site training or employment an equivalent financial contribution will be required. The Training and Employment Management Plan would normally be secured through a planning condition. A financial contribution would be secured through a planning obligation.

5.120 As such, if the application was recommended to be granted this would be subject to requirements for targeted recruitment and training.

5.121 COMMUNITY INFRASTRUCTURE LEVY (CIL)

On 1st January 2017 Gateshead Council became a Community Infrastructure Levy (CIL) Charging Authority. This application has been assessed against the Council's CIL charging schedule and the development is CIL chargeable development as it is housing related.

5.122 The development is located within Charging Zone C, with a levy of £0 per square metre for this type of development. Therefore, this proposal would not be charged.

6.0 CONCLUSION

The proposal would allow for the principle of the delivery of housing in the central area of the borough in the Exemplar Neighbourhood Key Site. However, it is considered that the proposal would not provide affordable homes in line with the policy requirements of CS11 and does not provide any clear and convincing justification for this, and insufficient information has been submitted with the application to demonstrate that 109 units could be achieved on site in an acceptable way, and to allow officers at outline stage to be satisfied that the proposed development would not have an unacceptable impact on the following matters:

- Visual amenity
- Residential amenity for existing neighbours and future occupiers
- Noise
- Air Quality
- Highway safety and parking
- Flood risk and drainage
- Ecology
- Trees

6.1 Therefore, it is recommended that the application be refused for the reasons set out below.

6.2 In terms of planning balance, in the absence of a five-year supply of housing land, paragraph 11 of the NPPF is relevant. Where relevant policies are out of date (on account of the lack of housing land supply) that means granting planning permission unless the application of policies in the NPPF that protect assets of particular importance provides a clear reason for refusing to grant permission, or where the adverse impacts of doing so would clearly and demonstrably outweigh the benefits when assessed against the policies of the NPPF as a whole.

6.3 Whilst this proposal in outline would contribute to increasing housing supply in the borough, in the absence of sufficient information to be able to properly assess its impact and the lack of affordable homes proposed to be provided without any clear and convincing justification, the policies of the NPPF indicate that outline permission should not be granted in this case.

7.0 Recommendation:

That permission be REFUSED for the following reason(s) and that the Service Director of Climate Change, Compliance, Planning and Transport be authorised to add, vary and amend the refusal reasons as necessary:

1

The proposal would not provide sufficient level of affordable homes in line with the policy requirements of CS11 and in the absence of any clear and convincing justification, it is contrary to the NPPF and policy CS11 of the Local Plan.

2

Insufficient information has been submitted with the application to demonstrate that 109 dwellings could be provided on site as part of an appropriate design approach, or that the proposed development would not have an unacceptable impact on visual amenity. As such, it is contrary to the aims and requirements of the NPPF, the National Design Guide, policies CS2, SG1, SG2, UC12, CS15, MSGP24 of the Local Plan and the Exemplar Neighbourhood SPD.

3

Insufficient information has been submitted with the application to demonstrate that 109 dwellings could be provided on site without resulting in an unacceptable loss of outlook and light, and an overbearing impact and overshadowing at existing neighbouring properties or resulting in an unacceptable impact on privacy, outlook and light for future occupiers of the proposed dwellings, or that the proposed development would not have an unacceptable impact on residential amenity, contrary to the NPPF, policies CS14 and MSGP17 of the Local Plan and the Exemplar Neighbourhood SPD.

4

Insufficient information has been submitted with the application to demonstrate that 109 dwellings could be provided on site without resulting in an unacceptable level of living conditions for future occupiers in relation to noise. Therefore, it is considered to be contrary to the aims and requirements of the NPPF, policies CS14, MSGP17 and MSGP18 of the Local Plan and the Exemplar Neighbourhood SPD.

5

Insufficient information has been submitted with the application to allow the Local Planning Authority to be satisfied that the proposed development would not have an unacceptable impact in relation to air quality. Therefore, it is considered to be contrary to the aims and requirements of the NPPF, policies CS14 and MSGP19 of the Local Plan and the Exemplar Neighbourhood SPD.

6

Insufficient information has been submitted with the application to allow the Local Planning Authority to be satisfied that the proposed development would not have an unacceptable impact on highway safety and parking, contrary to the NPPF, policies CS13, UC5, UC7, UC9, UC10, MSGP14 and MSGP15 of the Local Plan and the Exemplar Neighbourhood SPD.

7

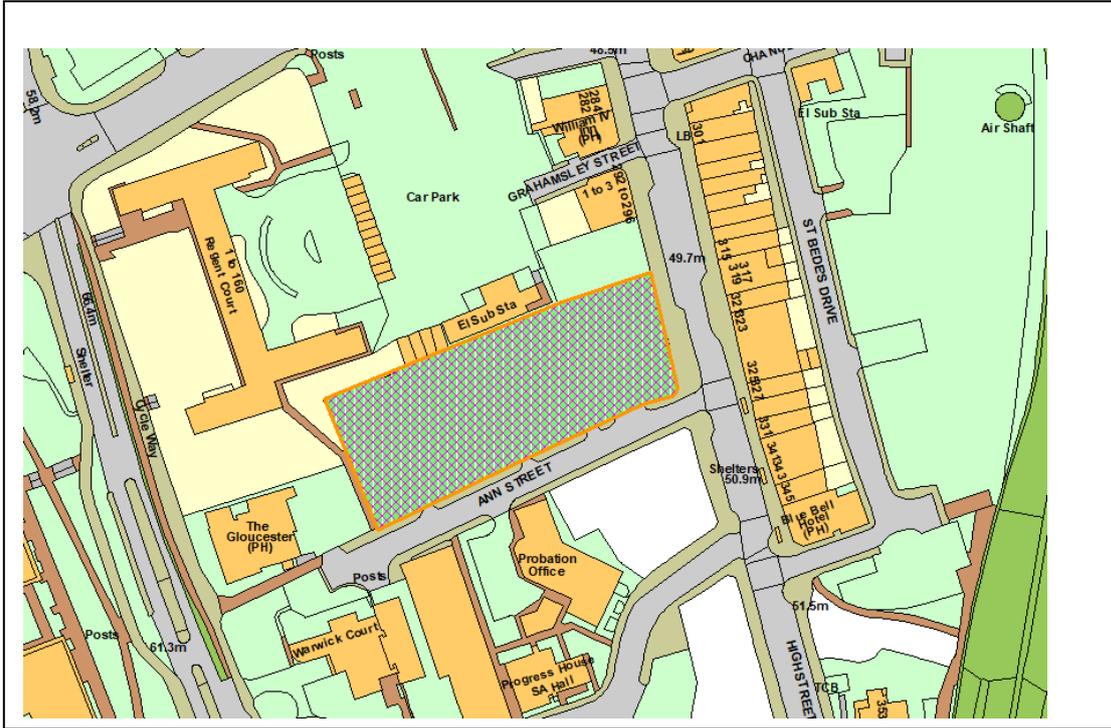
Insufficient information has been provided to demonstrate that an acceptable scheme could be delivered in terms of flood risk/drainage, and to allow officers to be satisfied that the proposed development would not have an unacceptable impact on flood risk at outline stage, contrary to the NPPF, policies CS17, MSGP29 and MSGP30 of the Local Plan and the Exemplar Neighbourhood SPD.

8

Insufficient information has been submitted with the application to allow the Local Planning Authority to adequately determine the impacts of the development on biodiversity and ecological connectivity and to be satisfied that the proposed development would not have an unacceptable impact on ecology at outline stage, contrary to the NPPF, policies CS18, UC15, MSGP36 and MSGP37 of the Local Plan and the Exemplar Neighbourhood SPD.

9

Insufficient information has been submitted with the application to allow the Local Planning Authority to determine the impacts of the development on trees within the application site, contrary to the aims and requirements of the NPPF, policies CS18, UC15 and MSGP36 of the Local Plan and the Exemplar Neighbourhood SPD.



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TITLE OF REPORT: Enforcement Team Activity

REPORT OF: Anneliese Hutchinson, Service Director – Climate Change, Compliance, Planning and Transport

Purpose of the Report

1. To advise the Committee of the activity of the Enforcement Team since the last Committee meeting.

Background

2. The Enforcement team deal with proactive and reactive investigations in relation to Planning, Highway and Waste related matters.

Recommendations

3. It is recommended that the Committee note the report.

Within the date range commencing 26.05.22 and ending 22.06.22 the enforcement team has received 125 new service requests. The enforcement team currently has 588 cases under investigation.

Type of complaint	New complaints received	Cases allocated to officer	Cases resolved	Pending prosecutions
PLANNING	42	35	32	0
HIGHWAYS	17	11	17	0
ABANDONED VEHICLES	47	40 active cases remain	41	0
WASTE	19	19	7	1
TOTALS	125	115	97	1

COURT HEARINGS

Gateshead Council v OM Properties Investment Co Ltd. Appeal against Notice pursuant to Section 78 Building Act 1984. South Tyneside Magistrates. Tuesday 21st June 2022 at 10.30.

This was an appeal hearing relating to a Building Act Notice served on the owners of the former Kwik Save building in Felling.

The appeal did go through, although there was uncertainty from the magistrates regarding whether the appellant had the right to bring the appeal as he is not a director of the company. However, the appellant stated there was a legal document confirming he had permission to deal with all legal affairs of the company which was produced in 1998. The hearing stepped down for a few hours for him to find this document. Instead, he sent in a letter from the director of the company confirming this but stating this original 1998 document was with their accountant. The Magistrates asked the appellant to swear on oath. Magistrates were told Gateshead Council did not accept the evidence but allowed the appeal.

A trial has been set for the 23rd of August 2022 and there was a direction set that the company must send us the 1998 document by the 20th of July.



**REPORT TO PLANNING AND
DEVELOPMENT COMMITTEE**
13th July 2022

TITLE OF REPORT: Enforcement Action

REPORT OF: Anneliese Hutchinson, Service Director – Climate
Change, Compliance, Planning and Transport

Purpose of the Report

1. To advise the Committee of the progress of enforcement action previously authorised by the Committee.

Background

2. The properties, which are the subject of enforcement action and their current status, are set out in Appendix 2.

Recommendations

3. It is recommended that the Committee note the report.

1. FINANCIAL IMPLICATIONS

Nil.

2. RISK MANAGEMENT IMPLICATIONS

Nil.

3. HUMAN RESOURCES IMPLICATIONS

Nil.

4. EQUALITY AND DIVERSITY IMPLICATIONS

Nil

5. CRIME AND DISORDER IMPLICATIONS

Nil.

6. SUSTAINABILITY IMPLICATIONS

Nil.

7. HUMAN RIGHTS IMPLICATIONS

The Human Rights Act states a person is entitled to the peaceful enjoyment of his possessions. However, this does not impair the right of the state to enforce such laws, as it deems necessary to control the use of property and land in accordance with the general interest.

8. WARD IMPLICATIONS

Birtley, Bridges, Blaydon, Pelaw & Heworth, Chowdene, Crawcrook & Greenside, Ryton, Crookhill and Stella, Chopwell and Rowlands Gill, Wardley & Leam Lane, Windy Nook And Whitehills, Winlaton and High Spen, Whickham North, Whickham South and Sunnyside, Lobley Hill and Bensham. Lamesley, Dunston Hill and Whickham East and Low Fell.

9. BACKGROUND INFORMATION

Nil.

APPENDIX 2

Item Number	Site	Ward	Alleged Breach of Planning Control	Date Approval given for Enforcement Action	Date Served	Date Notice comes into Force	End of Compliance Period	Current Status
1.	Land adjacent Ricklees Farm, Spen Lane, High Spen, Gateshead	Winlaton and High Spen	Change of use from agricultural to mixed use for keeping of horses, breaking, dismantling of vehicles, storage and burning of waste and the storage of caravans and vehicle bodies.	25 March 2013	25 March 2013	29 April 2013	29 June 2013	Complaints have been received over a considerable period regarding the inappropriate use of an area of green belt adjacent to B6315. During investigation it was established that the land was being used for a range of inappropriate uses. Despite attempts to negotiate with the landowner to reach a satisfactory conclusion no sustained improvement was secured. Therefore, an enforcement notice has been issued requiring the removal of the inappropriate material from the site together with the cessation of the unauthorised use. No appeal has been received and the notice has taken effect.
2.	Land adjacent Ricklees Farm, Spen Lane, High Spen, Gateshead	Winlaton and High Spen	Erection of a breeze block building	25 March 2013	25 March 2013	29 April 2013	29 June 2013	Complaints have been received over a considerable period regarding the inappropriate use of an area of green belt adjacent to B6315. During investigations, it was established that a building had been erected without consent. The building is considered to be unacceptable and therefore the council have issued an enforcement notice requiring the removal of the unauthorised building. No appeal has been received and the notice has taken effect. The new owner of the site has been contacted and works are well underway to tidy the site with the demolition of the breeze block structure taking place in the near future. A site visit has been arranged for the week commencing the 29 th October to look at the costs of carrying out work in default.
3.	Land at Woodhouse Lane, Swalwell (Known as South West Farm Site One) Known as South West Farm Site Two)	Swalwell Swalwell	Without planning permission the change of use of the land from agriculture to a mixed use for agriculture, storage of vehicles, agricultural equipment and scrap metal and vehicle dismantling and repair Without planning permission the change of use of the land from agriculture and reception, composting and transfer of green	11 January 2016 11 January 2016	12 January 2016 12 January 2016	15 February 2016 15 February 2016	14 March and 4 July 2016 14 March and 4 July 2016	Notices were issued in September 2015 in respect of an unauthorised scrap being stored. Due to the scale of the breach of planning control an additional Notice was required in relation to the potential Environmental Impact of the Development. As such the original Notices (which were all being appealed) were withdrawn and further Notices have now been issued including those in respect of the requirement to carry out an Environmental Impact Assessment and provide an Environmental Statement with an subsequent appeals. The Notices requires firstly, the cessation of the unauthorised use and secondly, the removal from the land of the scrap. Both defendants pleaded guilty at New castle Crown Court and both received a fine of £750. Each defendant was ordered to pay costs of £422.50 and a victim surcharge of £75. The site has to be cleared in 6 months. The site has recently been revisited and it is likely further action will be required.

Item Number	Site	Ward	Alleged Breach of Planning Control	Date Approval given for Enforcement Action	Date Served	Date Notice comes into Force	End of Compliance Period	Current Status
	(Known as South West Farm Site Three)	Swalwell	waste to a mixed use for agriculture and the storage of vehicles, agricultural equipment and parts, repair and restoration of vehicles and machinery and the reception, composting and transfer of green waste. Without planning permission the change of use of the land from agriculture to a mixed use for agriculture and the storage of vehicles, agricultural equipment and scrap metal and vehicle dismantling and repair	11 January 2016	12 January 2016	15 February 2016	14 March and 4 July 2016 29 th Sep 2018	<p>A site visit was undertaken in October where it was evident that the land has not been cleared and additional scrap had been brought on to the site. A further prosecution file is currently with the Council's legal department.</p> <p>A court date has been issued for the 26th April 2019 at Gateshead Magistrates Court.</p> <p>The court date has been re issued for the 10th June 2019. In the interim officers are actively pursuing quotes to clear the land, to ascertain whether this is financially viable.</p> <p>The Court date has been adjourned until 24th June at 10am, discussions are to take place with the landowner prior to the court date to progress with the clearance of the land.</p> <p>A site visit was undertaken on the 29th June, two of the areas of land have been significantly cleared, efforts are being made by the owners to clear the third piece of land prior to the court date.</p> <p>The trial date has been arranged for the 24th September 2019</p> <p>On the 20th January Mr J Tate and Mr M Tate pleaded guilty to failing to comply with the enforcement notices. The Magistrates fined both Tate's £500.00 each with cost of £300.00 each and a victim surcharge of £50.00 each. A total of £850.00 each.</p> <p>Update requested by Councillor Ord at planning committee 16 February 2022 as problem recurring</p> <p>Update 23.06.2022 Allocated to enforcement officer and investigations ongoing. The Environment Agency have been approached for additional support with this investigation and currently awaiting confirmation of a joint visit.</p> <p>In addition, a site visit has also been made to Dunston West Farm (the same landowner) and similar concerns about the state of the site. Development work was due to commence and ongoing monitoring of the site will continue by the enforcement officer.</p>
4.	Blaydon Quarry , Lead Road, Gateshead	Crawcrook and Greenside	Breach of Planning Conditions	27th March 2018	28th March 2018	28th March 2018	28th April 2018	<p>Complaints have been received that the site has been open outside the approved hours, following further investigation this has been confirmed, therefore a notice has been served in relation to breach of condition 51 to ensure no HGV'S enter or leave the site before 06.30 or after 18.00 hours on Monday to Friday nor after 13.00 hours on Saturdays and no times on Sunday and Bank and Public holidays.</p> <p>A site visit was undertaken on the 20th June in conjunction with the Environment Agency, to monitor the hours of operation. At the time of the visit no tipping was taking place, however activity on site will continue to be monitored.</p>

Item Number	Site	Ward	Alleged Breach of Planning Control	Date Approval given for Enforcement Action	Date Served	Date Notice comes into Force	End of Compliance Period	Current Status
5.	Blaydon Quarry Lead Road, Gateshead	Craw crook and Greenside	Breach of Planning Conditions	22 nd May 2019	24 th May 2019	28 th June 2019	28 th December 2019	<p>Blaydon Quarry is in breach of several planning conditions. A Notice has been served in relation to condition 23 to require installation of a drainage system. The Council has designed an acceptable scheme to be installed in the interests of surface water drainage and to enable the safe and successful restoration of the site.</p> <p>A site visit was undertaken on the 4th June, where drainage works had commenced. Officers are working closely with the Operator of the quarry to ensure compliance.</p> <p>A discharge of condition application has been submitted in relation to condition 23 for the Council to assess.</p> <p>An appeal has been submitted in relation to the enforcement notice.</p>
6.	Blaydon Quarry Lead Road, Gateshead	Craw crook and Greenside	Breach of Planning Conditions	22 nd May 2019	24 th May 2019	28 th June 2019	28 th October 2019	<p>Blaydon Quarry is in breach of several planning conditions. A Notice has been served in relation to condition 24 to require installation of the previously approved drainage system on the southern boundary, in the interests of surface water drainage and to enable the safe and successful restoration of the site.</p> <p>A discharge of condition application has been submitted in relation to condition 24 for the Council to assess.</p> <p>An appeal has been submitted in relation to the enforcement notice.</p> <p>Wardell Armstrong on behalf of the Operator has withdrawn the Enforcement Appeal.</p>
7.	81 Dunston Road, Gateshead NE11 9EH	Dunston and Teams	Untidy Land	25 th July 2019	25 th July 2019	22 nd August 2019	03 rd October 2019	<p>Complaints have been received regarding the condition of the property which is considered to have a detrimental impact on the visual amenity of the area. A Notice has been issued pursuant to section 215 of the Town and Country Planning Act requiring the hedge be cut, all boarding removed from windows and the windows and frames made good. It also required that all the guttering and down pipes be re attached to the building.</p> <p>Estimates have been received for the council to do the works in default if the Notice is not complied with by the 1st May.</p> <p>Given the current Covid19 situation, the works in default have been delayed and an extension given to the homeowner.</p> <p>Update 27.4.2022 Property has since been sold. New owner has submitted a planning application DC/22/00244/HHA. Some work started on the</p>

Item Number	Site	Ward	Alleged Breach of Planning Control	Date Approval given for Enforcement Action	Date Served	Date Notice comes into Force	End of Compliance Period	Current Status
								<p>property which has resulted in building waste which has been left in the rear yard for several weeks now. Community Protection Warning has been issued, requiring removal of waste.</p> <p>Update 26.5.2022 Owners have been in contact and given assurances the waste will be cleared. Estimate this will be next week.</p> <p>Update 23.06.2022 waste in rear of property has been removed following Community protection warning and Community protection notice.</p> <p>The longstanding issue remains the external condition. Boarded up windows, damage to the roof of the front bay window, guttering etc.</p> <p>Planning application DC/22/00244/HHA - Proposed Part Two/Part Single Storey Rear Extension, Rear Dormer Window and Insertion of Roof Lights to the Front Roof Slope has been validated so it is anticipated that works to the property will commence soon after approval.</p> <p>Complaints had also been made about the condition of the hedge at the front of the property. This has been cut back but has the disadvantage of exposing the condition of the front of the property.</p>
8.	High Spen Excelsior Social Club Ramsay Street Rowlands Gill NE39 2EL	Winlaton and High Spen	Untidy Land	10 th February 2020	10 th February 2020	13 th March 2020	13 th April 2020	<p>Complaints have been received regarding the condition of the building and land. A Notice has been issued pursuant to section 215 of the Town and Country Planning Act requiring the building to be demolished and all rubbish and debris removed from the site.</p> <p>The notice has been withdrawn. Officers are currently working with the owners to compile a schedule of repairs and dates for completion.</p> <p>A revised notice was re-served on the 4th August. The notice was not appealed. The site owners have until the 1st November to demolish the building and clear the land. Notice not complied with. A Demolition method statement is being prepared by construction services. Demolition isn't straight forward due to structural integrity of building and presence of asbestos containing materials. 02 March 2022 NEDL have disconnected the electrical supply to the building.</p> <p>Update 25.5.2022 from Simon Whitehead, Construction Services Manager: As with a lot of the major demolition projects, progress in the scheme development has been slowed down by significant public utility complexities, further compounded in terms of access by the presence of asbestos containing materials.</p> <p>The updates with the key items on the project are as follows;</p> <p>Northern Powergrid (NPG); The order has been placed (and paid) for the disconnection.</p> <p>NPG initially agreed to make the initial visit via a Sub-Contractor, however once we informed them of the presence of visible damaged asbestos</p>

Item Number	Site	Ward	Alleged Breach of Planning Control	Date Approval given for Enforcement Action	Date Served	Date Notice comes into Force	End of Compliance Period	Current Status
								<p>containing material debris, the Sub-Contractor declined the visit and passed the work back to NPG. We have since been in contact with NPG a number of times, we have received returned written comms that this job is allocated and booked in, but with no date given. We will, of course, continue to pursue NPG for dates.</p> <p>BT (Openreach); BT have a cluster of live cables attached to the building, but which are not serving the building, but piggy-backed onto Excelsior as a point of support / change in direction for their apparatus, using Excelsior as a mid-span point of support between cables further down the road in both directions.</p> <p>We will be meeting BT on site at a time to be determined by BT, to discuss disconnections and diversions of cables that serve the surrounding buildings. Once this meeting takes place, we will be in receipt of a BT quotation and in a place to raise an order for their works. We continue to pursue BT for dates.</p> <p>Gas / Water; The gas and water main supplies to Excelsior are already disconnected and made safe. We have correspondence from Northern Gas Networks advising such.</p> <p>Party Wall notices; As you will be aware there is some surrounding allotment land that abuts the boundary with Excelsior, we have tried to establish land ownership and written to those we think are owners with Party Wall notices. We are awaiting returns to this communication. We will be following up with additional comms in due course.</p> <p>We are frustrated, as we always are on complex demolition projects, that the expedience of the scheme development is always hindered by outside influences that we have no control over.</p> <p>Rest assured the design and specification work is ongoing in the background and will be ready to go to the Quantity Surveying department for tender activities as soon as all external bodies have completed works / signed notices / fulfilled their duties back to us.</p>
9.	Dynamix Albany Road Gateshead	Bridges	Unauthorised change of use	13 th October 2020	13 th October 2020	17 th November 2020	18 th May 2021	<p>Complaints have been received regarding the change of use from a vacant warehouse to a mixed use comprising skate park, residential planning unit and storage of building and scrap materials therefore, an Enforcement Notice has been issued requiring the unauthorised use of the land to cease and all materials and vehicles be removed from the land</p> <p>The occupier of the site has appealed the notice to the planning inspectorate</p> <p>The Appeal has been determined and the Notice has been upheld.</p>

Item Number	Site	Ward	Alleged Breach of Planning Control	Date Approval given for Enforcement Action	Date Served	Date Notice comes into Force	End of Compliance Period	Current Status
10.	Dynamix Albany Road Gateshead	Bridges	Untidy Land	27 th August 2021	27 th August 2021	27 th September 2021	27 th December 2021	Complaints have been received regarding the condition of the land. A Notice has been issued pursuant to section 215 of the Town and Country Planning Act requiring all waste be removed from the land, the mounds of rubble be removed to ground level and all the graffiti cleaned from the building.



**REPORT TO PLANNING AND
DEVELOPMENT COMMITTEE
13 July 2022**

TITLE OF REPORT: Planning Appeals

REPORT OF: Anneliese Hutchinson, Service Director, Climate Change,
Compliance, Planning and Transport

Purpose of the Report

1. To advise the Committee of new appeals received and to report the decisions of the Secretary of State received during the report period.

New Appeals

2. There have been **no** new appeals lodged since the last committee.

Appeal Decisions

3. There has been **one** new appeal decision received since the last Committee:

DC/21/01173/HHA - 47 Cedar Crescent, Low Fell, Gateshead
Proposed flat roof rear dormer and 2 rooflights to front elevation
This was a delegated decision refused on 19 January 2022
Appeal dismissed 27 May 2022

Appeal Costs

4. There have been **no** appeal cost decisions.

Outstanding Appeals

5. Details of outstanding appeals can be found in **Appendix 3**.

Recommendation

6. It is recommended that the Committee note the report

Contact: Emma Lucas Ext: 3747

APPENDIX 1**FINANCIAL IMPLICATIONS**

Nil

RISK MANAGEMENT IMPLICATIONS

Nil

HUMAN RESOURCES IMPLICATIONS

Nil

EQUALITY AND DIVERSITY IMPLICATIONS

Nil

CRIME AND DISORDER IMPLICATIONS

Nil

SUSTAINABILITY IMPLICATIONS

Nil

HUMAN RIGHTS IMPLICATIONS

The subject matter of the report touches upon two human rights issues:

The right of an individual to a fair trial; and
The right to peaceful enjoyment of property

As far as the first issue is concerned the planning appeal regime is outside of the Council's control being administered by the First Secretary of State. The Committee will have addressed the second issue as part of the development control process.

WARD IMPLICATIONS

Various wards have decisions affecting them in Appendix 2.

BACKGROUND INFORMATION

Start letters and decision letters from the Planning Inspectorate

APPENDIX 3

OUTSTANDING APPEALS

Planning Application No	Appeal Site (Ward)	Subject	Appeal Type	Appeal Status
DC/20/00093/COU	Blaydon Butchers 15 Clavering Road Blaydon NE21 5HH	Change of use from cafe (Use Class A3) to a mixed use of cafe and hot food takeaway (mixed uses A3/A5)	Written	Appeal in Progress
DC/21/00510/FUL	West Byermoor Farm Fellside Road Whickham NE16 6BE	New vehicular access including access road to farm.	Written	Appeal in Progress
DC/21/00525/CPL	Hillcrest Stannerford Road Ryton	CERTIFICATE OF LAWFULNESS FOR PROPOSED USE OR DEVELOPMENT: Erection of two single-storey buildings within curtilage of existing dwelling to be used as games room and garden store.	Written	Appeal in progress
DC/21/00559/FUL	25 Cornmoor Road Newcastle upon Tyne	Erection of dwellinghouse with detached double garage in rear garden of existing dwellinghouse.	Written	Appeal in progress
DC/21/00879/FUL	Site West Of Worley Avenue / South Of Earls Drive Earls Drive (Opposite Numbers 42-62) Low Fell	Erection of two dwellinghouses (Use Class C3) with associated accesses, with surrounding gardens, and curtilage areas across remaining parts of site with felling of 5 trees (description amended 05/01/22, amended plans received 05/01/22 and additional information received 06/01/22 and 12/01/2022).	Written	Appeal in progress
DC/21/00916/FUL	Jack And Jo's Nursery Garden	Erection of timber building to provide cafe with	Written	Appeal in Progress

	Middle Hedgefield Farm Stella Road Ryton	associated raised deck and creation of additional parking (retrospective) (revised description 30.11.2021) (amended plans 21.02.2022)		
DC/21/01150/HHA	29 Hartside Crescent Winlaton Blaydon	Two storey side extension.	Written	Appeal in Progress
DC/21/01173/HHA	47 Cedar Crescent Low Fell	Proposed flat roof rear dormer and 2 rooflights to front elevation	Written	Appeal dismissed
DC/21/01363/ADV	Saji's Restaurant 569 Sunderland Road Gateshead NE10 0AR	Installation of new digital poster advertisement to side elevation of building (Description amended)	Written	Appeal in Progress

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REPORT TO PLANNING AND DEVELOPMENT COMMITTEE

13 July 2022

TITLE OF REPORT: Planning Obligations

REPORT OF: Anneliese Hutchinson, Service Director, Development, Transport and Public Protection

Purpose of the Report

1. To advise the Committee of the completion of Planning Obligations which have previously been authorised.

Background

2. To comply with the report of the District Auditor "Probity in Planning" it was agreed that a progress report should be put before the Committee to enable the provision of planning obligations to be monitored more closely.
3. Since the last Committee there have been **no** new planning obligations.
4. Since the last Committee there have been **no** new payments received in respect of planning obligations.
5. Details of all the planning obligations with outstanding covenants on behalf of developers and those currently being monitored, can be found at Appendix 2 on the Planning Obligations report on the online papers for Planning and Development Committee for 6 July 2022.

Recommendations

6. It is recommended that the Committee note the report.

Contact: Emma Lucas Ext: 3747

1. FINANCIAL IMPLICATIONS

Some Section 106 Agreements require a financial payment when a certain trigger is reached and there is a duty on the Council to utilise the financial payments for the purposes stated and within the timescale stated in the agreement.

2. RISK MANAGEMENT IMPLICATIONS

Nil

3. HUMAN RESOURCES IMPLICATIONS

Nil

4. EQUALITY AND DIVERSITY IMPLICATIONS

Nil

5. CRIME AND DISORDER IMPLICATIONS

Nil

6. SUSTAINABILITY IMPLICATIONS

Nil

7. HUMAN RIGHTS IMPLICATIONS

Nil

8. WARD IMPLICATIONS

Monitoring: Various wards

9. BACKGROUND INFORMATION

The completed Planning Obligations