

Committee Report

Application No:	DC/18/00508/FUL
Case Officer	Owain Curtis
Date Application Valid	1 August 2018
Applicant	MH Southern and Co Ltd
Site:	MH Southern and Co Ltd Green Lane Sawmills Felling NE10 0JS
Ward:	Felling
Proposal:	Extension of sawmill yard including demolition of existing buildings and erection of new buildings (as amended 09.11.2018 and 15.11.2018).
Recommendation:	Grant subject to a section 106 planning obligation
Application Type	Full Application

1.0 The Application:**1.1 DESCRIPTION OF THE SITE**

The application site is an existing sawmill yard on Green Lane within the Felling Industrial Estate which has operated since the 1970s. The site is bounded to the north and south by other industrial premises and to the west by the Gateshead International Stadium (GIS) / Gateshead College sports complex. Green Lane is contiguous with the eastern boundary of the site. The main sawmill site has a single point of access for pedestrians and vehicles and a number of unallocated, informal parking spaces within the site curtilage. The sawmill yard is enclosed by palisade security railings.

1.2 DESCRIPTION OF THE APPLICATION

Principally, the application proposes the demolition of four existing buildings and erection of two replacement buildings within the existing sawmill site. The new buildings would comprise of a production building and a new wood treatment building. The application also seeks permission for the expansion of the site along the western boundary and erection of a third building for timber storage. The proposal also includes the expansion of the sawmill site to the south and use of an existing industrial unit as a site office and storage.

1.3 Various minor works are also proposed including the formation of formalised parking spaces, the replacement and erection of the boundary railings and alterations to the site access.

1.4 The applicant states the expanded sawmill would bring approximately 40 jobs from South Tyneside to Gateshead.

1.5 PLANNING HISTORY

ENV27 Greening the Urban Area

ENV54 Dev on Land Affected by Contamination

ENV61 New Noise-Generating Developments

CFR17 Retention of Outdoor Sports Facilities

5.0 Assessment of the Proposal:

5.1 The main issues to be taken into account when assessing this planning application are:

- i. the principle of development;
- ii. visual amenity;
- iii. highway safety and parking;
- iv. ground conditions and contamination;
- v. drainage;
- vi. residential amenity; and
- vii. impact on ecology and biodiversity.

5.2 PRINCIPLE OF DEVELOPMENT

The application site is located within the Felling Primary Employment Area as defined by policies CS6 and JE1 of the Local Plan. In order to protect and maximise employment uses and development opportunities in Primary Employment Areas development of, and changes of use to general industrial and storage and distribution uses are considered acceptable. As such, the development would accord with the relevant Local Plan policies.

5.3 The proposed extension of the sawmill yard would result in the change of use of a triangular area of land, approximately 0.4ha in area, from an outdoor sports facility as identified in the UDP. Policy CFR17 seeks to protect existing sports facilities unless *'the facilities are severely under-used and there is no reasonable expectation that investment, management or other changed circumstances could increase their use to a reasonable level'* or *'the loss is wholly made good by the creation of alternative provision in the same area of the borough'*.

5.4 The area of land in question is not freely accessible by the public due to fencing restricting access from Tyne Main Road and does not accommodate a sports pitch, court or any ancillary buildings in connection with the Gateshead International Stadium / Gateshead College sports complex. In addition, the topography of the land renders the site unsuitable for the accommodation of these facilities.

5.5 Officers consider the development would have no impact on the existing or future operations of the sports complex site and the Council's sports and leisure service "GO Gateshead", the operator of the site, does not wish to raise an objection to the application. Further, Sport England were formally consulted on the proposal and it too considers the development would be

acceptable. As a result, officers are of the view that the development would meet the requirements of saved policy CFR17 of the UDP as the site does not currently accommodate any sports pitches or facilities and would be compatible with the sports facilities protection policies in the Local Plan.

- 5.6 In light of the above it is considered the principle of the development is acceptable subject to all other material planning considerations being satisfied.
- 5.7 **VISUAL AMENITY**
Section 12 of the revised NPPF states that good design is a key aspect of sustainable development, creates better places in which to live and work and helps make development acceptable to communities. Local policies CS15 of the CSUCP and ENV3 of the UDP reflect this.
- 5.8 The scale, siting and visual appearance of the proposed buildings is considered by officers to be acceptable given the industrial nature of the site and surrounding area. With regard to the existing industrial building to the south, no elevational changes are proposed.
- 5.9 The western extension of the sawmill yard would be located at the lowest land level within the Gateshead Stadium / Gateshead College site and would not appear as a conspicuous intrusion into the site. The proposed boundary treatment would be a security fence which would be painted dark green to reduce its visual prominence.
- 5.10 The proposal would therefore accord with the revised NPPF, policy CS15 of the CSUCP and saved policy ENV3 of the UDP.
- 5.11 **HIGHWAY SAFETY AND PARKING**
Paragraph 109 of the revised NPPF states that 'development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe'. The applicant has submitted a Transport Assessment and Travel Plan in support of the application.
- 5.12 The expansion of the sawmill site would see staff numbers increase from 39 to 79 and would result in 4 additional deliveries to the site per day. It is expected that the number of customers visiting would remain the same. Technical data from a highway consultant shows there would be a net increase of 25 vehicle trips within the peak hours and officers concur with the findings of the consultant which shows the impact of the development on traffic will be extremely low.
- 5.13 The existing accesses into the site are substandard and the application proposal includes a scheme to improve highway safety. Two existing accesses would be closed, and two accesses would be improved so a full visibility splay onto Green Lane is provided. Full details of the proposed works can be conditioned and the requirement that the works are completed prior to the first use of the proposed buildings (conditions 8 and 9).

5.14 A finalised Travel Plan and details of motorcycle and cycle parking are also required and can be conditioned (conditions 11 – 16).

5.15 GROUND CONDITIONS AND CONTAMINATION

The site has been assessed and inspected as part of the Council's Contaminated Land Strategy. The applicant has undertaken intrusive ground investigations which reveal that remediation works are not necessary. It is conditioned that if any undesirable contaminated material is found during the works that operations should cease, and a risk assessment conducted with appropriate remediation measures if necessary (condition 6). With this condition imposed it is considered the development would accord with the NPPF and saved policy ENV54 of the UDP.

5.16 DRAINAGE AND FLOOD RISK

Paragraph 165 of the revised NPPF states that major developments should incorporate SuDS unless there is clear evidence that this would be inappropriate.

5.17 The application proposal is a major development by virtue of the red line area therefore NPPF paragraph 165 applies and SuDS should be provided. The existing sawmill yard is entirely formed of hardstanding so there would be no change in the existing runoff rate as a result of the development within the sawmill yard. The area of land subject to the change of use is approximately 0.4ha in area. Officers concur with the applicant that it is unable to accommodate any SuDS features, due to its limited size, without further expansion into the Gateshead College site which is not a possibility. Taking these site-specific factors into account officers consider that in this instance it would be inappropriate to require the applicant to provide SuDS therefore there would be no conflict with the NPPF in this regard.

5.18 The applicant has submitted an alternative drainage strategy which provides an attenuation tank designed to meet the discharge rate from a 1 in 30 year storm and flow control to manage the surface water flows from the additional impermeable area of the new the new storage yard. The drainage strategy would meet the discharge rate agreed with Northumbrian Water.

5.19 Officers consider this drainage strategy to be acceptable and its implementation can be secured by condition (condition 4).

5.20 RESIDENTIAL AMENITY

Paragraph 117 of the revised NPPF states that planning policies and decisions should, amongst other things, ensure safe and healthy living conditions. Paragraph 180 goes on to state that decisions should ensure that new development is appropriate for its location taking into account the likely effects on health and living conditions. Local policies CS14 of the Core Strategy and DC2 of the UDP require that development does not have any negative impacts on nearby residents and ensures a high quality amenity for existing and future residents.

- 5.21 The nearest residential properties to the sawmill site are the 'Ensign House' apartments which share a common boundary with the application site. The existing industrial building which would be incorporated into the application site would be used as an office and for storage. The existing building is within use class B2. Officers consider that an office and storage use would better lend itself to a building with immediate residential neighbours therefore the development reduces the potential for noise and disturbance to the occupiers of 'Ensign House'. In addition, it is not considered that any of the manufacturing and treatment processes elsewhere on the site would harm residential amenity.
- 5.22 The development would therefore not conflict with the NPPF or policy CS14 of the CSUCP and saved policy DC2 of the UDP.
- 5.23 **IMPACT ON ECOLOGY AND BIODIVERSITY**
Paragraph 170 of the revised NPPF highlights that "decisions should contribute to and enhance the natural and local environment by protecting and enhancing valued landscapes, sites of biodiversity or geological value and soils (in a manner commensurate with their statutory status or identified quality in the development plan)".
- 5.24 Policy CS18 of the Core Strategy states that green infrastructure assets, including biodiversity and geodiversity assets and designated sites shall be protected enhanced and managed. Saved policy DC1(d) states that planning permission will be granted for new development where it does not have an adverse impact on statutorily protected species. Saved policy ENV47 of the UDP goes on to state that wherever possible, all types of wildlife habitats will be protected and enhanced.
- 5.25 The application site is within 130m of the Friars Goose Local Wildlife Site and some 350m north of the River Tyne Local Wildlife Site. Survey work commissioned by the Council identified the triangular area of land immediately west of the existing timber yard and included within the red line boundary of the proposed development site as supporting semi-improved neutral grassland which qualifies as Lowland Meadows and Pasture. It is therefore designated as Priority Habitat in the Durham Biodiversity Action Plan.
- 5.26 The applicant has submitted a draft Unilateral Undertaking in respect of the provision of offsite ecological compensation at Felling Shore – some 500m from the application site. The Unilateral Undertaking satisfies the three tests that need to be met, namely the necessity to make the development acceptable in planning terms; to be directly related to the development; and, to be fairly and reasonably related in scale and kind to it. It therefore satisfies paragraph 56 of the revised NPPF and Regulation 122 of the Community Infrastructure Levy Regulations 2010. As a result, officers consider there would be no net loss of biodiversity as a result of the development.
- 5.27 **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 not CIL chargeable development as it is not for qualifying housing or retail development. Therefore, this proposal would not be charged.

6.0 CONCLUSION

- 6.1 Taking all the material planning considerations into account it is recommended that planning permission be GRANTED subject to the conditions outlined below.
- 6.2 A planning obligation is necessary to secure the requirements of policy CS18 of the CSUCP and saved policies DC1(d) and ENV47 of the UDP for the provision of off-site ecological compensation at Felling Shore. The applicant has submitted a draft Unilateral Undertaking under section 106 of the Town and Country Planning Act 1990 to satisfy this obligation.

7.0 Recommendation:

GRANT SUBJECT TO A UNILATERAL UNDERTAKING UNDER SECTION 106 OF THE TOWN AND COUNTRY PLANNING ACT 1990

- 1) The planning obligation shall include the payment of £18,100 for off-site ecology compensation at Felling Shore.
- 2) That the Strategic Director of Legal and Corporate Services be authorised to conclude the obligation.
- 3) That the Service Director of Development, Transport and Public Protection be authorised to add, delete, vary and amend the planning conditions as necessary.
- 4) That the conditions shall be as follows:

1

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.

2

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

1813101b dated Nov 2018

MHS-02_500 Rev B dated 21.05.2018

MHS-02_1250 Rev B dated 21.05.2018

N18353-900 Rev P3 dated 17.12.2018

G [2] received 17.05.2018

G[7] received 17.05.2018

G[8] received 17.05.2018

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.

3

The development hereby permitted shall be constructed entirely of the materials detailed and shown on:

G [2] received 17.05.2018

G[7] received 17.05.2018

Application form signed and dated 02.05.2018

Reason

To ensure that the external appearance of the development is of an appropriate design and quality in accordance with the NPPF, Saved Policies DC2 and ENV3 of the Unitary Development Plan and Policies CS14 and CS15 of the Core Strategy and Urban Core Plan for Gateshead and Newcastle upon Tyne.

4

Prior to the first use of the buildings hereby approved, drainage works shall be completed in accordance with drawing number N18353-900 Rev P3 dated 17.12.2018

Reason

In order to ensure the provision of satisfactory drainage and avoid pollution of the environment to comply with the NPPF and policy CS17 of the Core Strategy and Urban Core Plan.

5

The proposed new boundary fence along the western boundary of the site shall be green in colour and hereafter retained as such.

Reason

In the interest of visual amenity in accordance with policy CS15 of the Core Strategy and Urban Core Plan.

6

Any unexpected contamination that is found during the course of construction of the approved development shall be reported immediately to the Local Planning Authority. Development on the part of the site affected shall be suspended and a risk assessment carried out and submitted to and approved in writing by the Local Planning Authority. Where unacceptable risks are found, remediation and verification schemes (including timescales) shall be submitted to and approved in writing by the Local Planning Authority. These approved schemes shall be carried out in accordance with the approved details and timescales before the development is resumed or continued in the affected part of the site and a verification report shall be submitted to and approved in writing by the Local Planning Authority prior to the first use of the approved buildings.

Reason

To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised in accordance with policy CS14 of the Core Strategy and Urban Core Plan and saved policies DC1(p) and ENV54 of the Unitary Development Plan.

7

All works and ancillary operations in connection with the construction of the development and demolition of existing structures or buildings, including the use of any equipment or deliveries to the site, shall be carried out only between 0800 hours and 1700 hours on Mondays to Fridays and between 0800 hours and 1300 hours on Saturdays and at no time on Sundays, Bank Holidays or Public Holidays.

Reason

To safeguard the amenities of nearby residents and in accordance with Policies DC1, DC2 and ENV61 of the Unitary Development Plan.

8

Prior to the first use of the buildings hereby approved, full details of the two site accesses to be improved shall be submitted to and approved in writing by the Local Planning Authority. The details shall include kerbed radii.

Reason

In the interests of highway safety in accordance with the NPPF and policy CS13 of the Core Strategy and Urban Core Plan.

9

The accesses shall be constructed in accordance with the details approved under condition 8 prior to the first use of the buildings hereby approved and shall thereafter be retained.

Reason

In the interests of highway safety in accordance with the NPPF and policy CS13 of the Core Strategy and Urban Core Plan.

10

Prior to the first use of the buildings hereby approved, the redundant site access (shown on plan 1813101b dated Nov 2018) shall be permanently closed to vehicles and the existing gated vehicle access into the car park of Units 5 - 7 Ensign House shall be permanently closed.

Reason

In the interests of highway safety in accordance with the NPPF and policy CS13 of the Core Strategy and Urban Core Plan.

11

Prior to the first use of the buildings hereby approved, details of the provision of 2 motorcycle parking spaces shall be submitted to and approved in writing by the Local Planning Authority. The details shall include the location of the motorcycle parking and provision for secure fixing.

Reason

In order to ensure adequate provision for motorcyclists in compliance with policy CS13 of the Core Strategy and Urban Core Plan.

12

The motorcycle parking spaces approved under condition 11 shall be implemented prior to the first use of the buildings hereby approved.

Reason

In order to ensure adequate provision for motorcyclists in compliance with policy CS13 of the Core Strategy and Urban Core Plan.

13

Prior to the first use of the buildings hereby approved, details of the provision of 8 cycle parking spaces shall be submitted to and approved in writing by the Local Planning Authority. The spaces shall be secure and weatherproof.

Reason

In order to ensure adequate provision for cyclists and in compliance with policy CS13 of the Core Strategy and Urban Core Plan.

14

The cycle parking spaces approved under condition 13 shall be implemented prior to the first use of the buildings hereby approved.

Reason

In order to ensure adequate provision for cyclists and in compliance with policy CS13 of the Core Strategy and Urban Core Plan.

15

Notwithstanding the 'Interim Travel Plan Green Lane Felling' dated 12.11.2018, within 3 months of the development being brought into use, a finalised Travel Plan shall be submitted to and approved in writing by the Local Planning Authority. The Travel Plan shall include immediate, continuing and long-term measures to promote and encourage alternative modes of transport to the single-occupancy car.

Reason

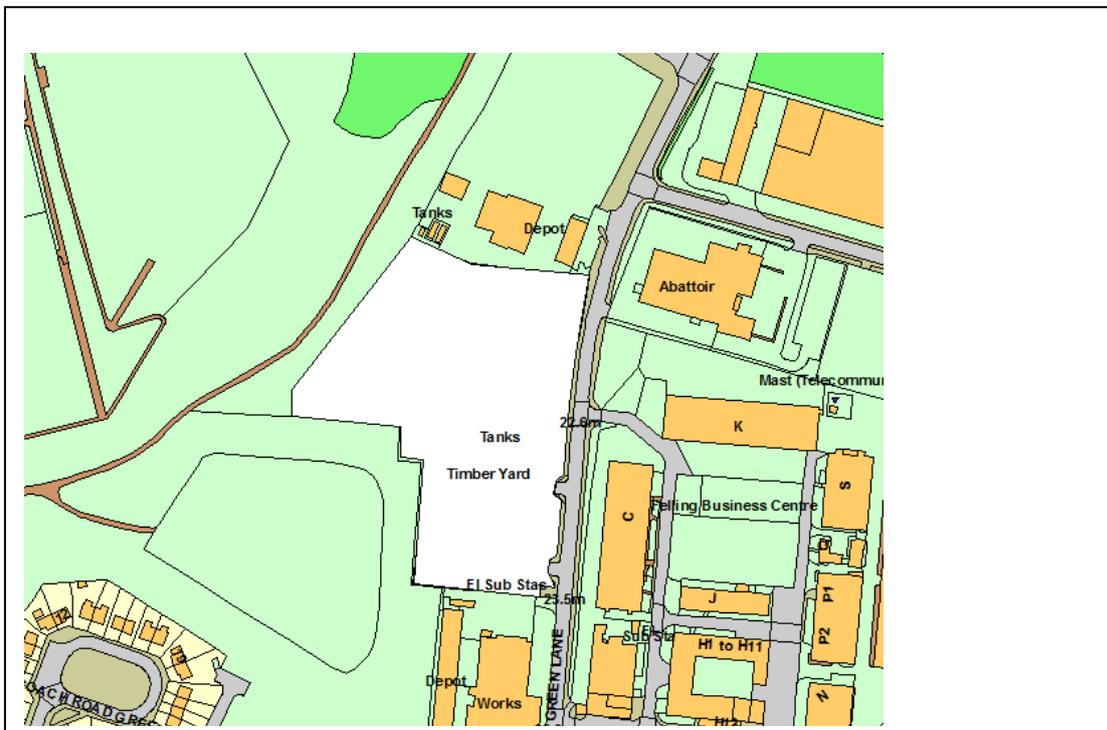
To promote sustainable travel objectives in accordance with the NPPF and policy CS13 of the Core Strategy and Urban Core Plan.

16

The finalised Travel Plan approved under condition 15 shall be implemented in accordance with the timetable contained therein and shall continue to be implemented as long as any part of the development is in use.

Reason

To promote sustainable travel objectives in accordance with the NPPF and policy CS13 of the Core Strategy and Urban Core Plan.



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