

Committee Report

Application No:	DC/18/00860/OUT
Applicant	Legal & General UK Property Fund
Date Application Valid	22 August 2018
Site:	Land West Of Follingsby Way Follingsby Park Gateshead
Ward:	Wardley And Leam Lane
Proposal:	Erection of business/industrial development (within Use Classes B1(c) and/or B2 and/or B8) with associated car parking and hard landscaping, with access to be considered and all other detailed matters reserved (description amended 18.09.2018)
Recommendation:	MINDED TO GRANT SUBJECT TO A SECTION 106 AGREEMENT
Application Type	Outline Application

1.0 The Application:

1.1 DESCRIPTION OF SITE

The site is a vacant plot in the existing industrial estate at Follingsby Park. The site is at the north western part of the estate, with the A194(M) to the north west beyond. The surrounding plots have been developed and are in operation.

1.2 DESCRIPTION OF APPLICATION

The application seeks outline planning permission for a business/industrial development (within Use Classes B1(c) and/or B2 and/or B8) with associated car parking, hard landscaping and access.

1.3 With this outline application, the applicant has chosen to apply for Access also. The remaining matters of Appearance, Landscaping, Layout and Scale are to be reserved for subsequent reserved matters approval.

1.4 Therefore, this application is to be considered against:

- the general principles of how the site can be developed; and
- 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.

1.5 Indicative plans have been submitted with the application documents to demonstrate how the site could be brought forward.

1.6 RELEVANT PLANNING HISTORY

1604/83 - Development of 52.3 acres of land for industrial/warehousing purposes (use class III, IV, X) - Granted 29.06.1984

728/93 - Redevelopment of 33 hectares of land including new loop road and landscaping and change of use of site to use classes B1, B2 and B8 development with ancillary and supporting uses (amended 3/8/93) - Granted 07.09.1993

1070/93 - Redevelopment of 33 hectares of land including new loop road and landscaping and change of use of site to use classes B1, B2 and B8 development with ancillary and supporting uses, with variation of conditions 3, 4, 7, 8 and 9 of planning permission 728/93 (amended 23/11/93, 1/12/93 and 6/12/93) - Granted 06.12.1993

1247/97 - Erection of six industrial/warehouse units (use class B2 and B8) with associated parking and service areas (amended 10/2/98) - Granted 26.02.1998

DC/03/00488/FUL - Development of 12 industrial units (use class B1, B2 + B8) with associated external works and car parking - Granted 02.06.2003

2.0 Consultation Responses:

Northumbrian Water

Condition recommended

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 No representations were received.

4.0 Policies:

NPPG National Planning Practice Guidance

NPPF National Planning Policy Framework

JE1 Primary Employment Areas

DC1D Protected Species

DC1P Contamination, derelict land, stability

DC2 Residential Amenity

ENV3 The Built Environment - Character/Design

ENV46 The Durham Biodiversity Action Plan

ENV47 Wildlife Habitats

ENV54 Dev on Land Affected by Contamination

CS1 Spatial Strategy for Sustainable Growth

CS3 Spatial Strategy for Neighbourhood Area

CS5 Employment-Economic Growth Priorities

CS13 Transport

CS14 Wellbeing and Health

CS15 Place Making

CS17 Flood Risk and Waste Management

CS18 Green Infrastructure/Natural Environment

MSGP Making Spaces for Growing Places

5.0 Assessment of the Proposal:

5.1 The key considerations to be taken into account when assessing this planning application are the principle of the proposal, visual amenity, residential amenity, highway safety and parking, ecology, ground conditions, and flood risk.

5.2 PRINCIPLE

Follingsby Park industrial estate is allocated as a Primary Employment Area policy JE1 in the UDP. The estate is also identified as a Key Employment Area in policies CS1 and CS3 of the CSUCP and its potential to support growth in the distribution and logistics sector is acknowledged in policy CS5 of the CSUCP.

5.3 Policy JE1 of the UDP states that general industrial (B2) and storage or distribution (B8) are acceptable uses within Primary Employment Areas. Whilst B1 uses are not included in this, as the proposal does not seek permission for B1a office use, the proposal would be compatible with NPPF policy on town centres and economic development.

5.4 Additionally weight is afforded to emerging policy MSGP2 (submission draft plan stage), which states that the continued success of Key Employment Areas will be supported by ensuring the provision and availability of a suitable range of land and premises.

5.5 With particular reference to Follingsby Park, MSGP2 requires that this should accommodate growth in the distribution and logistics sectors, and that B8

uses will be supported. Within the areas north of Follingsby Lane, proposals for B1b, B1c, and B2 uses will be supported where it can be demonstrated that they would be compatible with Follingsby Park's role as a strategically important distribution park.

- 5.6 Given the above, the status of the emerging policy, and taking into account the previous approvals on this site for a mix of B1, B2 and B8 uses, it is considered that on balance, the proposal would broadly comply with the aims and requirements of saved policy JE1 of the UDP and with the aims and requirements of emerging policy MSGP2, and the principle a flexible use within Use Classes B1(c) and/or B2 and/or B8 would be acceptable
- 5.7 **VISUAL AMENITY**
Saved policy ENV3 of the UDP requires that new development should make a positive contribution to the established character and identity of its locality; policy CS15 of the CSUCP requires that development should contribute to good place-making through the delivery of high quality and sustainable design by responding positively to local distinctiveness and character.
- 5.8 The impact of the appearance, landscaping, layout and scale of the proposed development on the character of the area would be considered at reserved matters stage.
- 5.9 However, at this stage, the LPA are satisfied that a scheme could be brought forward that would make a positive contribution to the established character of the street scene and would respond positively to local distinctiveness and character.
- 5.10 The proposal at outline stage would comply with the aims and requirements of saved policy ENV3 of the UDP, policy CS15 of the CSUCP and the NPPF.
- 5.11 **RESIDENTIAL AMENITY**
Given the site is within an existing industrial estate, and given the distances from residential properties (at least 350m), it is considered that the proposed uses and access would not have an unacceptable impact on residential amenity.
- 5.12 Therefore, the development at this outline stage would comply with the aims and requirements of saved policy DC2 of the UDP, policy CS14 of the CSUCP and the NPPF.
- 5.13 **HIGHWAY SAFETY AND PARKING**
The site is allocated within a Primary Employment Area and given the scale of the proposed development, it is considered that conditions could be imposed to make the development acceptable in terms of highway safety and parking.
- 5.14 It is recommended that conditions be imposed requiring final details of a travel plan to be submitted to the LPA for consideration and implementation of the approved details.

- 5.15 Additionally, it is recommended that conditions be imposed requiring final details of parking and layout of the site (including accessible bays, cycle parking, motorcycle parking, electric vehicle charging provision, access control, service yard layout including vehicle tracking)
- 5.16 Finally, it is recommended that details of a visibility splay associated with the site access be required by conditions to be submitted to the LPA for consideration and implemented in accordance with the approved details.
- 5.17 Subject to conditions, the proposal would comply with the aims and requirements of policy CS13 of the CSUCP and the NPPF.
- 5.18 ECOLOGY
In considering the above application in regard to ecological impact regard is offered to saved UDP Policies DC1, ENV46 and ENV47, Policy CS18 of the CSUCP and the NPPF.
- 5.19 Paragraph 175 of the NPPF states:

'if significant harm to biodiversity resulting from a development cannot be avoided (through locating on an alternative site with less harmful impacts), adequately mitigated, or, as a last resort, compensated for, then planning permission should be refused'
- 5.20 Without appropriate measures in place, it is considered that the proposed development would result in the following unacceptable impacts:
- Net-loss of Open Mosaic Habitats on Previously Developed Land
 - Direct loss of priority habitat supporting dingy skipper butterfly
 - Overall net-loss of biodiversity
- 5.21 Therefore, the site has ecological value and as it is not possible to avoid the identified harm through relocation, adequate mitigation and/or compensation should be provided. This is dependent on the outcome of discussions regarding final details and officers will offer an update to Planning and Development Committee on this point.
- 5.22 Whilst there is not full agreement with the details submitted with the application in terms of ecology, it is considered that the proposal is unlikely to have a significant adverse impact on designated sites and/or ecological connectivity.
- 5.23 It is considered that potential residual impacts on amphibians (including great crested newt and common toad) and reptiles resulting from the construction phase of the development can be reduced to an acceptable level through the imposition of conditions. Therefore, it is recommended that conditions be imposed requiring a Biodiversity Method Statement to be submitted to the LPA for consideration and implementation of the approved scheme.

- 5.24 Additionally, it is recommended that conditions be imposed requiring the submission of details relating to an ecological lighting strategy and landscaping be submitted to the LPA for consideration, and implementation of the approved scheme.
- 5.25 Whilst it is not possible at this stage to reach a final recommendation in relation to ecology, officers are satisfied that an appropriate scheme could be achieved.
- 5.26 GROUND CONDITIONS
The site is not within a Coal Authority defined high risk area, so further information on this was not required to be submitted with the application.
- 5.27 In terms of potential contamination risks on site, a Phase II Detailed Risk Assessment and site investigation report has been submitted with the application. Officers broadly agree with the recommendations of the report as to the requirement clean cover above buried asbestos in soft landscaping areas, but officers consider that the depth of this clean cover should be 1.15m.
- 5.28 It is recommended that conditions be imposed requiring provision of the above clean cover, and submission of a risk assessment and relevant remediation and verification reports, if undesirable/unexpected material is encountered on site.
- 5.29 Given the above, the proposal would comply with the aims and requirements of saved policies DC1(p) and ENV54 of the UDP and policy CS14 of the CSUCP.
- 5.30 FLOOD RISK
Drainage details have been submitted with the application, however, Northumbrian Water have commented that these details are not sufficient in terms of the management of foul and surface water from the development for them to be able to assess our capacity to treat the flows from the development.
- 5.31 Therefore, it is recommended that a condition be imposed requiring final details of the disposal of foul and surface water to be submitted to the LPA for consideration (in consultation with Northumbrian Water), and the implementation of the approved scheme.
- 5.32 Given the above, and taking into account the allocation of the site within a primary employment area and the previous approvals for industrial uses on site, it is considered that the proposal would not have an unacceptable impact on flood risk in the area, subject to conditions, and would broadly comply with the aims and requirements of policy CS17 of the CSUCP.
- 5.33 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.

6.0 CONCLUSION

- 6.1 It is considered that the development would bring about a number of benefits such as the provision of additional employment opportunities in Gateshead and the use of currently vacant land for an appropriate use.
- 6.2 Taking all other matters into account, it is considered that the proposed development is acceptable (subject to satisfactory resolution of ecology matters), the proposal (subject to planning conditions) is considered to accord with the aims and objectives of both national and local planning policies.
- 6.3 Given the above, it is recommended that outline planning permission be granted subject to planning conditions set out below.

7.0 Recommendation:

MINDED TO GRANT permission subject to:

- 1) Where required, subject to an agreement under Section 106 of the Town and Country Planning Act 1990 to deliver ecological mitigation/compensation;
- 2) That the Strategic Director of Legal and Corporate Services be authorised to conclude the agreement, where required.
- 3) That the Strategic Director of Communities and Environment be authorised to add, delete, vary and amend the planning conditions as necessary.
- 4) And that the conditions shall include;

1

Application for approval of the reserved matters (appearance, landscaping, layout and scale) shall be made to the Local Planning Authority within three years of the date of this permission.

Reason

This condition is imposed pursuant to the requirements of section 92 of the Town and Country Planning Act 1990.

2

The development to which this permission relates must be begun not later than the expiration of two years from the final approval of the reserved matters or in the case of approval on different dates, the final approval of the last such matter to be approved.

Reason

This condition is imposed pursuant to the requirements of section 92 of the Town and Country Planning Act 1990.

3

The development hereby approved shall not commence until a detailed scheme for the disposal of foul and surface water from the development has been submitted to and approved in writing by the Local Planning Authority in consultation with Northumbrian Water and the Lead Local Flood Authority.

Reason

To prevent the increased risk of flooding from any sources in accordance with policy CS17 of the Core Strategy and Urban Core Plan and the National Planning Policy Framework.

4

The details approved under Condition 3 shall be implemented before the use hereby approved is brought into operation and retained in accordance with the approved details for the lifetime of the development.

Reason

To prevent the increased risk of flooding from any sources in accordance with policy CS17 of the Core Strategy and Urban Core Plan and the National Planning Policy Framework.

5

A minimum 1.15m thick proven clean cover above buried asbestos shall be provided in all soft landscaping areas on site.

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 saved policies DC1 and ENV54 of the Unitary Development Plan, policy CS14 of the Core Strategy and Urban Core Plan and the National Planning Policy Framework.

6

Any undesirable material observed during excavation of the existing ground shall be screened and removed. 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 an amended Risk Assessment and, if required, amended 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 saved policies DC1 and ENV54 of the Unitary Development Plan, policy CS14 of the Core Strategy and Urban Core Plan and the National Planning Policy Framework.

7

The amended remediation and monitoring measures approved under condition 6 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 saved policies DC1 and ENV54 of the Unitary Development Plan, policy CS14 of the Core Strategy and Urban Core Plan and the National Planning Policy Framework.

8

Where remediation is required, following completion of the approved remediation and monitoring measures, the development hereby approved shall not be occupied 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.

Reason

To ensure there is adequate land stability in accordance with saved policies DC1 and ENV54 of the Unitary Development Plan, policy CS14 of the Core Strategy and Urban Core Plan and the National Planning Policy Framework

9

The development hereby approved shall not commence until a Biodiversity Method Statement, addressing the potential residual impacts on amphibians (including great crested newt and common toad) and reptiles resulting from the construction phase of the

development, has been submitted to and approved in writing by the local planning authority.

Reason

To ensure and appropriate construction method, in accordance with saved policies DC1, ENV46 and ENV47 of the Unitary Development Plan, policy CS18 of the Core Strategy and Urban Core Plan and the National Planning Policy Framework

10

The details approved under condition 9 shall be implemented at all times during the construction phase in full accordance with the approved details.

Reason

To ensure and appropriate construction method, in accordance with saved policies DC1, ENV46 and ENV47 of the Unitary Development Plan, policy CS18 of the Core Strategy and Urban Core Plan and the National Planning Policy Framework

11

No new external lighting shall be installed on the application site until an ecological lighting strategy has been submitted to and approved in writing by the local planning authority. The strategy shall:

- a) identify those areas/features on site that are particularly sensitive for biodiversity; and
- b) show how and where external lighting would be installed (through the provision of lighting contour plans and technical specifications).

Reason

To minimise the risk of harm and long-term adverse impacts on biodiversity in accordance with DC1, ENV46 and ENV47 of the Unitary Development Plan, policy CS18 of the Core Strategy and Urban Core Plan and the National Planning Policy Framework

12

The external lighting scheme shall be implemented in full accordance with the strategy approved under condition 11, and shall be maintained as such for the lifetime of the development.

Reason

To minimise the risk of harm and long-term adverse impacts on biodiversity in accordance with DC1, ENV46 and ENV47 of the Unitary Development Plan, policy CS18 of the Core Strategy and Urban Core Plan and the National Planning Policy Framework

13

The development hereby approved shall not commence until a fully detailed scheme for the landscaping of the site (including

establishment, aftercare, long term management, and timescales for delivery) has been submitted to and approved in writing by the Local Planning Authority.

Reason

To ensure that a well laid out planting scheme is achieved in the interests of the visual amenity and highway safety of the area and in accordance with the Policies DC1 and ENV3 of the Unitary Development Plan and Policies CS13, CS14 and CS15 of the Core Strategy and Urban Core Plan for Gateshead and Newcastle upon Tyne and the National Planning Policy Framework.

14

The landscaping scheme shall be implemented in full accordance with the details and timescales approved under condition 13.

The approved landscaping scheme shall be maintained in accordance with British Standard 4428 (1989) Code of Practice for General Landscape Operations for a period of 5 years 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 ensure that a well laid out planting scheme is achieved in the interests of the visual amenity highway safety of the area and in accordance with the Policies DC1 and ENV3 of the Unitary Development Plan and Policies CS13, CS14 and CS15 of the Core Strategy and Urban Core Plan for Gateshead and Newcastle upon Tyne and the National Planning Policy Framework

15

The development hereby approved shall not commence until details of a visibility splay associated with the site access (considering existing landscaping and including timescales for delivery) have been submitted to and approved in writing by the Local Planning Authority.

Reason

To ensure safe movements to and from the site in accordance with Policy CS13 of the Core Strategy and Urban Core Plan for Gateshead and Newcastle upon Tyne and the National Planning Policy Framework.

16

The details approved under condition 15 shall be implemented in full accordance with the approved details and timescales, and retained as such for the lifetime of the development.

Reason

To ensure safe movements to and from the site in accordance with Policy CS13 of the Core Strategy and Urban Core Plan for Gateshead and Newcastle upon Tyne and the National Planning Policy Framework.

17

The use(s) hereby approved shall not be brought into operation until a full Travel Plan has been submitted to and approved in writing by the local planning authority.

The Travel Plan shall include:

- (a) Details to employ or engage a site-wide travel plan coordinator who shall be responsible for the implementation delivery monitoring and promotion of the sustainable transport initiatives set out in the Framework Travel Plan and whose details shall be provided and continue to be provided thereafter to the Local Planning Authority
- (b) Clearly defined objectives and indicators.
- (c) Indicative targets based on trip generation figures.
- (d) Details of proposed measures to address the objectives. Focus should be given to public transport and cycling and may include:
 - Salary sacrifice cycle scheme
 - Public Transport annual ticket scheme
 - Public transport taster tickets for employee's. Or perhaps pre-loaded Pop cards
- (e) Detailed timetable for implementing measures, travel surveys and monitoring.
- (f) A summary of costs associated with the measures, monitoring and management of the Travel Plan over its lifetime together with details on how this will be funded.
- (g) Details of the governance that will be in place to ensure measures are implemented effectively.
- (h) Commitment to use the Council's preferred monitoring system

Reason

To promote sustainable travel choices in accordance with the Policy CS13 of the Core Strategy and Urban Core Plan for Gateshead and Newcastle upon Tyne and the National Planning Policy Framework.

18

The Travel Plan approved under condition 17 shall be implemented in full accordance with the approved details and timescales (including any changes made under the review process), and shall be in place for the lifetime of the development

Reason

To promote sustainable travel choices in accordance with the Policy CS13 of the Core Strategy and Urban Core Plan for Gateshead and Newcastle upon Tyne and the National Planning Policy Framework.

19

Within 18 months from the Travel Plan's first implementation, evidence of the travel plan's implementation over a minimum period of 12 months from first implementation shall be submitted to the Local Planning Authority for consideration.

Reason

To promote sustainable travel choices in accordance with the Policy CS13 of the Core Strategy and Urban Core Plan for Gateshead and Newcastle upon Tyne and the National Planning Policy Framework.

20

The development hereby approved shall not commence until final details of parking at the site (including accessible bays, cycle parking, motorcycle parking, electric vehicle charging provision, access control, service yard layout including vehicle tracking) have been submitted to and approved in writing by the local planning authority.

Reason

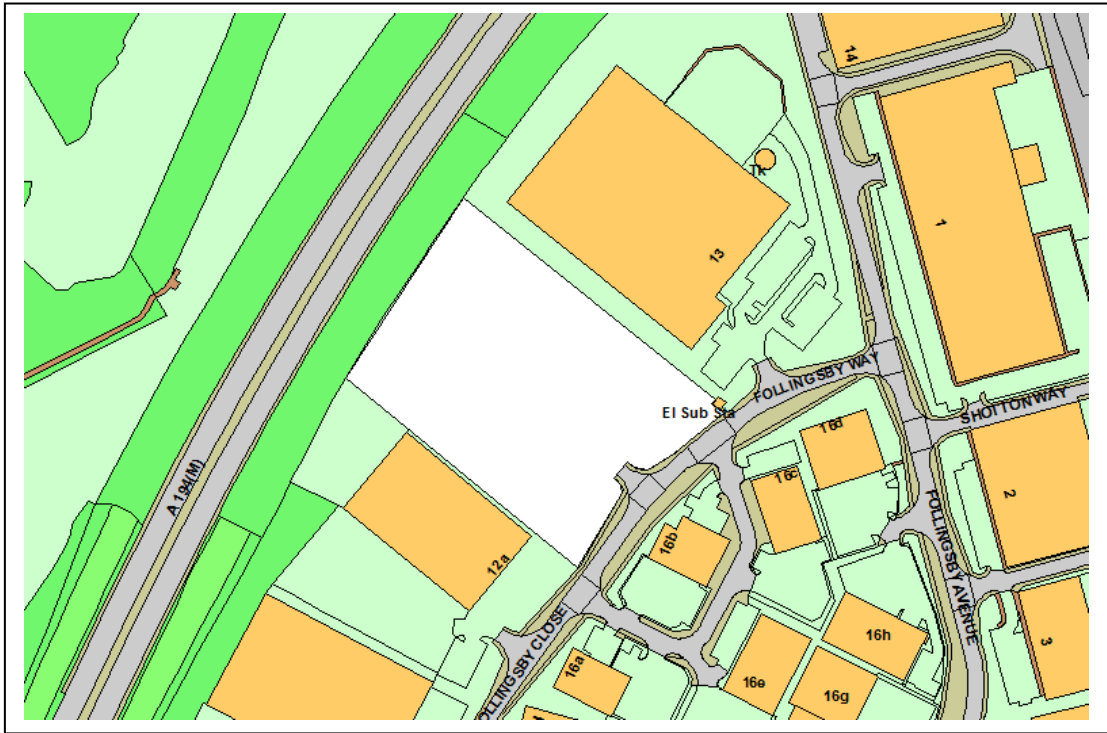
To ensure adequate parking and access at the site in accordance with Policy CS13 of the Core Strategy and Urban Core Plan for Gateshead and Newcastle upon Tyne and the National Planning Policy Framework.

21

The details approved under condition 20 shall be implemented in full accordance with the details approved before the use(s) are brought into operation and retained/maintained as such for the lifetime of the development.

Reason

To ensure adequate parking and access at the site in accordance with Policy CS13 of the Core Strategy and Urban Core Plan for Gateshead and Newcastle upon Tyne and the National Planning Policy Framework.



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