

**Committee Report**

<b>Application No:</b>	<b>DC/19/00476/FUL</b>
<b>Case Officer</b>	<b>Rebecca Adams</b>
<b>Date Application Valid</b>	<b>15 May 2019</b>
<b>Applicant</b>	<b>Mr Miran Mehmet</b>
<b>Site:</b>	<b>Land East Of Kwik Fit Euro Exhaust Centre Sunderland Road Gateshead NE10 0NR</b>
<b>Ward:</b>	<b>Felling</b>
<b>Proposal:</b>	<b>Erection of industrial workshop/storage building (Use Classes B1(c) and/or B8) comprising 1 unit and car sales area (sui generis) (amended description) (amended 18/11/19 and 13/12/19)</b>
<b>Recommendation:</b>	<b>GRANT</b>
<b>Application Type</b>	<b>Full Application</b>

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

The application site is a linear grassed area containing a small number of trees to the north west of the junction of Stoneygate Lane and Sunderland Road, Felling.

- 1.2 The site measures approximately 80m east to west and 15m north to south (approx. 0.12 hectares in area). The area is open to the pavement along the east and southern sides; to the northern boundary is the Metro line bordered by metal palisade fencing; and to the west is the Kwik Fit garage and car park and a petrol garage. Land levels within the site are predominantly flat however fall towards the northern boundary beyond which the rail embankment falls away steeply to the north.
- 1.3 The area within which the application site is located comprises a mixture of uses including residential properties and small-scale commercial uses.
- 1.4 The eastern side of the site is bordered by Stoneygate Lane, which crosses the Metro line and runs north towards Felling bypass. Beyond this to the east along the northern side of Sunderland Road are located an MOT centre, car valeting garage and car sales area with residential properties beyond, with further residential properties and the former Duke of Cumberland Public House opposite.
- 1.5 To the south of the site lies Sunderland Road and the signalised junction with Stoneygate Lane. Beyond this to the south and south west lie residential properties at Holly House, Stoneygate View and Rochester Terrace which are positioned approximately 23 metres from the site; this distance increases to around 35 metres as the road curves to travel south west along Holly Hill

close to which are a small commercial unit and car wash. The road junction with Holly Hill and minor access road which provides rear access to properties along Rochester Terrace (opposite the site) are also located to the south/south west of the site.

#### 1.6 DESCRIPTION OF THE APPLICATION

The application seeks planning permission for the erection of an industrial workshop/storage building (B1(c) or B8 use class) together with a car sales display area and office and parking areas, alongside the creation of a new vehicular access and exit from Sunderland Road.

1.7 The application has been amended during its course in respect of the size of the workshop/storage building and alteration of this from 2no. separate units to 1no. single unit, site access arrangements and overall site layout.

1.8 The industrial workshop/storage building would be positioned to the western side of the site and would measure 13.5m x 9.9m to ridge and eaves heights of 7.1m and 6.4m respectively. The building would be formed from brickwork with profiled metal cladding above and would be served by doors in the east elevation.

1.9 No specific details as to the use of the building have been provided. The use classes for which planning permission is sought are B1(c), which The Town and Country Planning (Use Classes) Order 1987 (as amended) defines as *"Use for any industrial process which can be carried out in any residential area without detriment to the amenity of that area by reason of noise, vibration, smell, fumes, smoke, soot, ash, dust or grit"* and B8, which is defined as *"Use for storage or as a distribution centre"*.

1.10 The car sales area would occupy the eastern side of the site and would be bordered by 2.4m high galvanised steel fencing. This area would be accessed via gates from inside the site and would contain 13no. vehicular display spaces. The plans submitted indicate the location of a car sales office however no details of this have been provided. The plans additionally include new external lighting within the site.

1.11 The site would be served by 11no. vehicular parking spaces (including 1no. disabled parking space) for employees and visitors and would also include a 5.5m wide delivery area to the front of the workshop building and cycle parking area.

1.12 The development would necessitate the removal of two Silver Birch trees within the site.

1.13 The following documents were submitted with the application:

- Flood Risk Assessment
- Tree Survey
- Highway Statement

#### 1.14 RELEVANT PLANNING HISTORY

The relevant planning history associated with the application site is as follows:

205/89 - Erection of single-storey building to provide car wash centre and provision of associated vacuum bays (amended 10/3/89). This application was refused planning permission on 28.04.1989 on the grounds of inappropriate development that by virtue of nature, design and prominent siting would be harmful to the visual amenity of the area and unacceptable noise impacts resulting from the proposed opening hours and proposed level of activity within the site.

206/89 - Display of four internally illuminated fascia signs 20m x 1.4m on sides and 6.5m x 1.4m on end elevations all reading "IMO" "CAR WASH" and two internally illuminated goalpost signs 1.6m x 4.3m (inc 0.5m high flashing arrow) on forecourt to east and west of proposed car wash building (amended 15/03/89). This application was refused advertisement consent on 27.04.1989.

#### 2.0 Consultation responses

Nexus	No objections subject to compliance with conditions
Network Rail	No observations
Environment Agency	No response received

#### 3.0 Representations

- 3.1 Neighbour notifications were carried out in accordance with the formal procedures introduced in the Town and Country Planning (Development Management Procedure) Order 2015, in addition to the display of notices at the site.
- 3.2 One representation has been received from Councillor Dick which supports the concerns raised in individual letters of objection and the petition received and raises concerns in respect of the loss of amenity space that would result from the development and the increase in traffic and congestion, and potential impacts upon the stability of the adjacent Metro embankment and increase in flood risk.
- 3.3 One petition has been received with 16 signatories in objection to the application. The petition states 'Against the erection of industrial workshops/storage building and car sales area' 'Site location - Land east of Kwik Fit Euro Exhaust Centre, Sunderland Road, Gateshead, NE10 0NR'.
- 3.4 Nine individual letters of objection have been received and are summarised below:
  - The development would be out of character with the street scene

- New industrial development would have a detrimental effect on an already-deteriorating area
- The scheme would represent overdevelopment
- The modern and industrial design of the proposed building is not in keeping with the stone terrace opposite the site
- Low quality design
- The development would result in the loss of an area of green space
- Highway safety concerns, including as a result of the new access and egress
- Increase in traffic
- Additional traffic congestion
- Inadequate car parking
- Additional car parking, if required, could not be accommodated outside of the site
- The new access and egress could cause highway safety issues near a busy road close to traffic lights
- Impacts upon residential amenity
- Increase in noise
- Disturbance in early mornings/late evenings
- Loss of natural light
- Loss of privacy
- Overbearing/oppressive impact
- Health concerns
- Impacts upon wellbeing of occupiers of neighbouring residential properties
- Safety concerns for nearby residents
- Impact upon ecology
- Loss of trees and impact upon remaining trees
- Drainage and flooding concerns
- Increased air pollution
- The development does not fit with Gateshead Council's vision and strategic policies as set out within the Core Strategy
- The site is outside of the Felling Industrial Estate Primary Employment Area
- There are existing vacancies within the industrial estate that should be utilised
- The development should take place on brownfield land
- Proliferation of business/industrial development within the locality
- No need for the development
- The development would be better suited to the industrial estate to north of railway line
- The development would attract potential vandals and thieves

#### **4.0 Policies**

NPPF National Planning Policy Framework

NPPG National Planning Practice Guidance

CS13 Transport

CS14 Wellbeing and Health

CS15 Place Making

CS17 Flood Risk and Waste Management

CS18 Green Infrastructure/Natural Environment

DC1D Protected Species

DC1J Substrata Drainage-Water Quality

DC1M Recycling

DC2 Residential Amenity

ENV3 The Built Environment - Character/Design

ENV44 Wood/Tree/Hedge Protection/Enhancement

ENV47 Wildlife Habitats

ENV61 New noise-generating developments

CFR20 Local Open Space

CFR23 Protecting and Improving Existing Open Space

MSGP Making Spaces for Growing Places (submission draft)

## **5.0 Assessment**

5.1 The key planning considerations in the assessment of this application are the principle of the development, the acceptability of the loss of open space, visual amenity, residential amenity, highway safety, rail/public safety, trees and biodiversity, drainage and flood risk, CIL, and any further matters.

5.2 **PRINCIPLE OF THE DEVELOPMENT**  
The application site is not allocated for a particular use in the Development Plan for Gateshead; the application is therefore to be considered on its merits.

5.3 **LOSS OF OPEN SPACE**  
The application site comprises an area of approximately 0.12 hectares of publicly accessible vacant land and has a linear form, running east to west along the northern side of Sunderland Road for approximately 80 metres with a depth of approximately 15 metres.

5.4 The National Planning Policy Framework (NPPF) defines open space as:

*“All open space of public value, including not just land, but also areas of water (such as rivers, canals, lakes and reservoirs) which offer important opportunities for sport and recreation and can act as a visual amenity.”*

- 5.5 It is considered that the application site would constitute open space of public value as defined by the NPPF through its role as a visual amenity in providing an area of soft landscaping with trees within built-up surroundings.
- 5.6 Owing to the size of the site, the absence of footpaths or formal Public Rights of Way across this and its setting adjacent to Sunderland Road, it is considered that this does not offer members of the public with opportunities to widely use the area for sport and recreation, with regular users likely to be dog walkers using the site transiently rather than as a destination. This is consistent with comments raised in letters of objection from the Felling Ward Councillor and nearby residents who predominantly raise opposition to the scheme in respect of the loss of the site as a visual amenity, with further reference to the regular use of the site by dog walkers.
- 5.7 As the site represents an area of public value that would meet with the NPPF definition of open space, national and local planning policies relating to the loss of open space are applicable in the assessment of this application.
- 5.8 Paragraph 96 and 97 of the NPPF relate to open spaces. Paragraph 96 explains that access to a network of high quality open spaces and opportunities for sport and physical activity is important for the health and well-being of communities. Paragraph 97 states that existing open spaces should not be built on unless an assessment has been undertaken which clearly shows the open space is surplus to requirements, or the loss resulting from the proposed development would be replaced by equivalent or better provision in terms of quantity and quality in a suitable location or the development is for alternative sports and recreational provision, the benefits of which clearly outweigh the loss of the current or former use.
- 5.9 Saved policy CFR23 of the Council's UDP relates to the protection and improvement of existing open space. This policy states that the loss of public open space without replacement will not be permitted unless provision would still meet the relevant standard or standards under saved UDP policies CFR20, CFR21 and CFR22 and there is no identified deficiency in outdoor sports facilities or accessible natural green space or the site in question would be incapable of meeting it. Where the relevant standards are exceeded, the loss of open space is then only permitted exceptionally subject to assessment of the open space in question in respect of its quality in terms of *"recreational value, accessibility, visual quality and biodiversity"*.
- 5.10 Saved UDP policy CFR23 also states that where the standards in policies CFR20, CFR21 and CFR22 are not met or would be infringed, the loss must be made good by the creation of an alternative site of at least equal size, quality and recreational value serving the same residential area or neighbourhood.

- 5.11 Policy CS18 of the Council's CSUCP relates to Green Infrastructure and the Natural Environment. This policy states that a high quality and comprehensive framework of interconnected green infrastructure that offers ease of movement and an appealing natural environment for people and wildlife will be achieved by a number of objectives including under item 5 by protecting and enhancing open spaces, sport and recreational facilities in accordance with agreed standards in line with National Policy.
- 5.12 The application site falls within Felling North neighbourhood area which is identified as being deficient in open space provision against the three hectares per 1,000 residents standards set out in saved UDP policy CFR20, with a deficiency of 0.67 hectares.
- 5.13 Although the site is not identified on the Council's records of open space and was not included within its quantitative assessment of open space within the Borough, had the site been included within this assessment, the neighbourhood area would still have been deficient in open space against policy CFR20 when considering the deficit of 0.67 hectares and site size of 0.12 hectares.
- 5.14 The application site is small in size and offers limited opportunities for wider use for sport and recreation activities and is also not allocated as a protected open space by the Council. The site does however constitute open space as defined by the NPPF and is valued locally as a visual amenity and is located within a neighbourhood which is deficient in open space. The application does not propose any replacement open space provision to mitigate the development and is not accompanied by an assessment which shows that the open space is surplus to requirements. The development is therefore contrary to NPPF paragraphs 95 and 96, Core Strategy policy CS18 and saved UDP policy CFR23.
- 5.15 Policy MSGP40 of the emerging Making Spaces for Growing Spaces DPD (MSGP) continues to protect open spaces to ensure they continue to meet quantitative and qualitative needs and to optimise the multifunctional benefits they can provide. The loss of open space would only be considered acceptable under MSGP40 if the site could be demonstrated to be surplus to requirements, or if the loss would be replaced by equivalent or better provision in a suitable location, with guidance provided as to how 'surplus to requirements' is to be assessed. The approach taken by MSGP is based upon a 2018 open space assessment, which uses wards rather than neighbourhood areas; the assessment considers Felling ward to not be deficient in open space against the proposed quantitative standard and the site is also within 250m of other similar areas of open space. The current status of MSGP is that it has been subject to examination in Autumn 2019 and weight should therefore be afforded accordingly.
- 5.16 VISUAL AMENITY  
It is considered that the proposed scheme would not result in significant harm to the character, appearance or visual amenity of the area and would be in

keeping with the character and scale of non-residential uses within the locality, notably those along the northern side of Sunderland Road, with the proposed industrial building being of similar appearance to that within the Kwik Fit site directly to the west of the site.

- 5.17 Details of the location of the proposed car sales office have been provided which is acceptable in principle however as no further details as to its final appearance have been submitted it is recommended that conditions (Conditions 16 and 17) are imposed requiring their submission. A further condition is recommended to prevent external storage associated with the proposed industrial/workshop building (Condition 18) in the interests of the visual amenities of the area.
- 5.18 Subject to the inclusion of the conditions recommended above the development is considered to be acceptable in respect of impact upon visual amenity, in accordance with saved UDP policies ENV3 and DC2, CSUCP policies CS14 and CS15 and the NPPF.
- 5.19 **RESIDENTIAL AMENITY**  
The closest residential properties to the site are Holly House, Stoneygate View and Rochester Terrace which are located approximately 23 metres to the south, increasingly to around 35 metres. These properties are generally positioned at a higher level than the site as a result of land levels which rise to the north.
- 5.20 Having regard for the location of the application site together with its distance from neighbouring properties, its overall scale and the proposed uses, it is considered that the proposed scheme would not cause any significant harm upon the living conditions of nearby residents through a loss of light, overshadowing or overbearing impact, loss of privacy or overlooking.
- 5.21 Officers consider that the construction works associated with the development could impact upon the living conditions of nearby residents. It is therefore recommended that construction control conditions be imposed that would require the submission and approval of appropriate details including hours of operation, location of compound (including locations for site vehicles and materials) and controls over dust and noise (Conditions 4 and 5).
- 5.22 The application does not include any opening hours for the proposed industrial unit and it is therefore recommended that a condition (Condition 21) be attached to restrict the hours of operation for this in order to ensure that this would not result in undue disturbance to neighbouring properties.
- 5.23 It is not considered necessary to restrict the hours of operation of the car sales display area given the scale and nature of its use which would not give rise to disturbance to neighbouring properties.
- 5.24 The application proposes the installation of external lighting poles within the site details of which have not been submitted. The submission of these details would therefore be secured by condition (Conditions 24 and 25) in order to



ensure that these do not give rise to an unacceptable impact upon the amenity of neighbouring properties.

- 5.25 Subject to the inclusion of the recommended conditions above it is considered that the scheme is acceptable in respect of residential amenity, in accordance with saved UDP policy DC2, CSUCP policy CS14 and the NPPF.

5.26 HIGHWAY SAFETY

Paragraph 108 of the NPPF states that:

*“In assessing sites that may be allocated for development in plans, or specific applications for development, it should be ensured that:*

- a) appropriate opportunities to promote sustainable transport modes can be - or have been - taken up, given the type of development and its location;*
- b) safe and suitable access to the site can be achieved for all users; and*
- c) any significant impacts from the development on the transport network (in terms of capacity and congestion), or on highway safety, can be cost effectively mitigated to an acceptable degree”.*

- 5.27 Paragraph 109 continues by stating:

*“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”.*

- 5.28 CSUCP policy CS13 seeks to ensure that development *"connects safely to and mitigates the effects of development on the existing transport networks"*.

- 5.29 The section of Sunderland Road directly to the south of the site contains a signalised junction with Stoneygate Lane which is to the east of the site. Close to the position of the proposed ingress point, the eastbound lane divides into two lanes to allow vehicles in the nearside lane to turn left into Stoneygate Lane, and those in the offside lane to continue east along Sunderland Road. The site is additionally positioned opposite the entrance to a minor access road to properties along Rochester Terrace, with junctions to Holly Hill to the south and south west and the entrance to the existing Kwik Fit site directly to the west.

5.30 Access

The application proposes the creation of a new ingress and egress to the site from Sunderland Road as shown on the proposed site plan that would be designed to allow left-in and left-out traffic only which Officers considered to be acceptable in respect of highway safety.

The frontage of the site along Sunderland Road is currently restricted by double yellow lines which prevent waiting at any time. Alterations would be

required to these existing restrictions in order to deliver the new site access and egress and to restrict parking and loading across the site frontage associated with the proposed development. The proposed access arrangements are therefore considered to be acceptable subject to a condition (Condition 3) requiring the delivery of a scheme to restrict parking and loading at the site.

**5.31 Parking**

The site would be served by 11no. vehicular parking spaces for customers and employees, a delivery area and cycle parking and would provide 13no. display spaces within the car sales area.

- 5.32** Gateshead Council vehicular parking standards specify that 1no. space should be provided per 50sqm of B1(c) use floor space and that 1no. space should be provided per 200msqm of B8 use floor space. Based on the floor area of the proposed building which is approximately 130sqm Officers are satisfied that sufficient car parking would be provided within the site to serve the proposed industrial unit together with the car sales area. It is recommended that the delivery of the parking area prior to the first use of the site is secured by condition (Condition 20).

**5.33 Deliveries/site management**

The application includes details of vehicular tracking which demonstrate that a car and transit van type vehicle could manoeuvre within the site; the application does not include details of larger vehicle tracking and the Highway Statement identifies that heavy good vehicles would not be utilised in the delivery of cars.

- 5.34** Due to the small size of the car sales area the application proposes that new cars would be collected by two employees together in one car and that one employee would then drive the new car back to the site with trade plates. The Highway Statement further details that, should a car within the sales area not near the entrance gate be required to be taken from within the area, those cars preventing its removal could be temporarily moved to surplus car parking spaces within the site.

- 5.35** The above site management measures are considered by Officers to be acceptable in principle however planning conditions (Conditions 12-15) are recommended requiring the submission of a management strategy for the delivery of vehicles for sale and the management of the site where cars are required to be brought in and out of the sales area and a management plan for deliveries to the site in order to ensure safe vehicular movements associated with the development in the interests of highway safety.

**5.36 Cycle parking provision**

The proposed site plan indicates the provision of cycle parking within the car park however does not give specific details of this. It is therefore recommended that further details of the specification and location of the proposed cycle parking are submitted to the Local Planning Authority for

consideration prior to first use of the development in order to ensure its acceptability, which can be secured by condition (Conditions 26 and 27).

5.37 Waste storage/collection

The application does not provide details of waste storage and collection for the proposed industrial unit. It is therefore recommended that further details of waste storage for the development be submitted to the Local Planning Authority for consideration prior to first use of the building in order to ensure its acceptability, which can be secured by condition (Conditions 22 and 23).

5.38 Subject to the inclusion of the above conditions the proposal would comply with the aims and requirements of policy CS13 of the CSUCP and the NPPF.

5.39 RAIL/PUBLIC SAFETY

The application site is located directly south of the Metro rail line. Nexus have raised no objections to the revised scheme subject to a number of conditions in respect of matters including a drainage scheme for the site, secure barrier fencing and external lighting. It is recommended that conditions be attached in respect of those matters which can be addressed through this planning application and that informatives are included in respect of matters which the applicant would be required to address directly Nexus.

5.40 Subject to the recommended conditions the proposed scheme would be acceptable in respect of the safety of existing transport networks, in accordance with CSUCP policies CS13 and CS14 and the NPPF.

5.41 TREES AND BIODIVERSITY

The application site contains 5no. trees, with a further 1no. Sycamore tree positioned north of the boundary fence, which collectively contribute to the visual amenity of the area.

5.42 An Arboricultural Impact Assessment and Method Statement have been submitted which propose the removal of 2no. Silver Birch trees (T1 and T2) to the eastern side of the site. The proposed removal of these trees is acceptable on balance, as whilst they provide a reasonable level of amenity to the site the Impact Assessment reports these individual trees to be low quality specimens and it is considered that these would not warrant protection under a Tree Preservation Order (TPO).

5.43 The 3no. remaining Sycamore trees within the site and single tree outside of the site are proposed to be retained and the Impact Assessment/Method Statement provide proposed details of protection measures for these. Officers consider that these trees could be retained subject to conditions (Conditions 6 and 7) requiring the submission of a Tree Protection Plan and site-specific Method Statement in order to address the impact of construction works within the tree root protection areas.

5.44 It would be desirable to condition the implementation of a landscaping scheme to mitigate the loss of trees on the site however given the proposed layout and constraints of the site it is considered that this would be unreasonable.

- 5.45 Subject to the conditions cited above it is considered that the proposal does not conflict with the NPPF, CSUCP policy CS18 and saved UDP policy ENV44.
- 5.46 Objections to the scheme have raised concerns in respect of impacts upon biodiversity. The development would result in the loss of a grassed area and two trees however the site is considered to be of low biodiversity value. It is considered that the scheme would not result in any significant loss of wildlife habitat and therefore would not lead to any significant impact upon protected species and/or wildlife within the immediate area. The application is therefore not in conflict with the NPPF, CSUCP policy CS18 and saved UDP policies DC1(d) and ENV47.
- 5.47 **DRAINAGE AND FLOOD RISK**  
The application site comprises an area of 0.12 hectares and is located in Flood Zone 1. There is therefore no statutory requirement for a Flood Risk Assessment or Surface Water Drainage Assessment to be submitted to accompany this application.
- 5.48 The proposed development would introduce buildings and hard surfacing across a currently grassed site and proposes the drainage of surface water via soakaway within direct proximity to the rail line. No information has been submitted in respect of detailed drainage measures in addition to which Nexus have requested conditions in respect of surface water drainage to satisfy requirements relating to drainage raised within their response. Conditions are therefore recommended requiring the submission and subsequent implementation of details of the drainage system (Conditions 8 and 9).
- 5.49 Subject to the conditions cited above it is considered that the proposal does not conflict with the NPPF, CSUCP policy CS17 and saved UDP policy DC1(j).
- 5.50 **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 is located in Commercial Zone C in which use Class B ('All other development') carries a levy of £0.
- 5.51 **ANY FURTHER MATTERS**  
Issues raised in respect of potential anti-social behaviour and safety concerns resulting from the development are not material planning considerations.
- 5.52 A number of objections have stated that there is no need for the development, that there are a number of similar uses within the locality and that the development should be situated in a more preferable alternative location. These matters are not material planning considerations and the application is to be considered on its individual merits.

- 5.53 All other matters raised in representations have been addressed within the body of the report.

## **6.0 CONCLUSION**

- 6.1 It is considered that the proposed development, subject to the inclusion of the recommended conditions, would be acceptable in principle within this location and in respect of visual and residential amenity, highway and public/rail safety, trees and biodiversity and drainage and flood risk.
- 6.2 Whilst the loss of open space within a neighbourhood area which is deficient in open space without replacement or an assessment which shows that the open space is surplus to requirements would be contrary to local and national planning policy, in this instance it is considered that the loss of open space without replacement alone would be insufficient grounds on which to recommend the refusal of planning permission for the application when all other material planning considerations would be satisfied subject to the recommended conditions set out within the report.
- 6.3 Given the above, it is therefore recommended that planning permission be granted subject to planning conditions set out below.

## **7.0 Recommendation**

That permission be GRANTED subject to the following condition(s) and that the Strategic Director of Communities and Environment be authorised to add, vary and amend the planning conditions as necessary:

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

Location plan (Drawing No C-00)  
Proposed Site Plan and Roof Plan (Drawing No C-03 N)  
Proposed Floor Plans (Drawing No C-04 B)  
Proposed Elevations (Drawing No C-05 A)

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 the commencement of the development hereby permitted a scheme to restrict the parking and loading of vehicles along the frontage of the site along Sunderland Road shall be delivered.

**Reason**

In the interests of highway safety to ensure safe movements to and from the site in accordance with the policy CS13 of the Council's Core Strategy and Urban Core Plan and the NPPF.

**Reason for pre-commencement**

To ensure that parking and loading restrictions can be delivered at the site.

4. Prior to the commencement of the development hereby permitted a Construction Management Strategy including the hours of construction, vehicle access locations, location and layout of compound area(s) and a scheme for the control of noise and dust shall be submitted to and approved in writing by the Local Planning Authority in consultation with Nexus.

**Reason**

In order to avoid nuisance to the occupiers of adjacent properties and in the interests of public safety in accordance with the policy CS14 of the Council's Core Strategy and Urban Core Plan, saved policies DC2 and ENV61 of the Unitary Development Plan and the NPPF

**Reason for pre-commencement**

The Construction Management Strategy must be submitted and approved in writing before the development commences in order to ensure that an appropriate scheme can be implemented prior to works starting on site which may have a detrimental impact upon the amenity of local residents and public safety.

5. The Construction Management Strategy approved under condition 4 shall be adhered to throughout the construction period.

**Reason**

In order to avoid nuisance to the occupiers of adjacent properties and in the interests of public safety in accordance with the policy CS14 of the Council's Core Strategy and Urban Core Plan, saved policies DC2 and ENV61 of the Unitary Development Plan and the NPPF.

6. Prior to the commencement of the development hereby permitted, a scheme for the protection of existing trees that are to be retained, which for the avoidance of doubt are trees T3, T4, T5 and T(0)6 as shown on 'Dwg No. 0009009/P1', shall be submitted to and approved in writing by the Local Planning Authority.

The scheme shall include an Arboricultural Method Statement to address the construction within the root protection areas and a Tree Protection Plan clearly showing the trees to be retained and the location and specification of the protective fencing to be used.

Reason

To ensure the satisfactory protection of trees in accordance with policy CS18 of the Council's Core Strategy and Urban Core Plan, saved policy ENV44 of the Unitary Development Plan and the NPPF.

Reason for pre-commencement

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.

7. The tree protection measures approved under condition 6 shall be implemented prior to the commencement of the construction of the development and thereafter retained for the full duration of the construction of the development.

There shall be no access, storage, ground disturbance or contamination within any protective fenced area without the prior written approval of the Local Planning Authority.

Reason

To ensure the satisfactory protection of trees in accordance with policy CS18 of the Council's Core Strategy and Urban Core Plan, saved policy ENV44 of the Unitary Development Plan and the NPPF.

Reason for pre-commencement

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.

8. Prior to the commencement of the development hereby permitted a detailed scheme for the disposal of foul and surface water from the development shall be submitted to and approved in writing by the Local Planning Authority in consultation with Northumbrian Water, Nexus and the Lead Local Flood Authority where required.

The drainage strategy shall include details of drainage for the site including a management and maintenance plan for the drainage system where necessary.

The drainage measures to be installed shall ensure that the surface water discharge rate is no greater than the existing greenfield runoff rate which shall be demonstrated by existing and proposed runoff volumes via supporting calculations.

Reason

To ensure there is adequate infrastructure, to prevent the increased risk of flooding from any sources, and to ensure that the development does not have an adverse impact upon rail safety in accordance with policy CS17 of the Core Strategy and Urban Core Plan and the NPPF.

Reason for pre-commencement

To ensure that it has been demonstrated that the drainage scheme will prevent the increased risk of flooding prior to construction of the development and to ensure that the site layout can accommodate the proposed drainage measures prior to the commencement of the construction of the development.

9. The drainage strategy approved under condition 8 shall be implemented prior to first use of the development hereby approved and shall be retained/maintained in accordance with the approved details for the lifetime of the development.

Reason

To ensure there is adequate infrastructure, to prevent the increased risk of flooding from any sources, and to ensure that the development does not have an adverse impact upon rail safety in accordance with policy CS17 of the Core Strategy and Urban Core Plan and the NPPF.

10. Prior to first bringing the development hereby approved into use details of the containment barrier to be installed as indicated on 'Proposed Site Plan and Roof Plan (Drawing No C-03 N)' including final location and specification of the barrier shall be submitted to and approved in writing by the Local Planning Authority in consultation with Nexus.

Reason

In the interests of public safety, in accordance with the policies CS13 and CS14 of the Core Strategy and Urban Core Plan and the NPPF.

11. The containment barrier approved under condition 10 shall be installed in accordance with the approved details prior to first bringing the development into use and shall be retained as such for the lifetime of the development.

Reason

In the interests of public safety, in accordance with the policies CS13 and CS14 of the Core Strategy and Urban Core Plan and the NPPF.

12. No vehicles shall be brought onto the site for sale in connection with the car sales display area hereby approved until details of a management plan for the delivery of vehicles for sale and how the site will be managed during the moving of cars in and out of the sales area has been submitted to and approved in writing by the Local Planning Authority.

Reason



To ensure safe movements associated with the development, in accordance with policy CS13 of the Core Strategy and Urban Core Plan and NPPF.

13. The vehicular sales management strategy approved under condition 12 shall be implemented in full accordance with the approved details and shall be maintained as such for the lifetime of the development.

Reason

To ensure safe movements associated with the development, in accordance with policy CS13 of the Core Strategy and Urban Core Plan and NPPF.

14. No deliveries associated with the development hereby approved shall take place until details of a management plan which shall include but not be limited to the type of delivery vehicles and frequency of deliveries have been submitted to and approved in writing by the Local Planning Authority.

Reason

To ensure safe movements associated with the development, in accordance with policy CS13 of the Core Strategy and Urban Core Plan and NPPF.

15. The delivery strategy approved under condition 14 shall be implemented in full accordance with the approved details and shall be maintained as such for the lifetime of the development.

Reason

To ensure safe movements associated with the development, in accordance with policy CS13 of the Core Strategy and Urban Core Plan and NPPF.

16. Prior to the construction of the car sales office building as shown on 'Proposed Site Plan and Roof Plan (Drawing No C-03 N)' full details of the building shall be submitted to and approved in writing by the Local Planning Authority.

Reason

To safeguard the visual amenities of the area in accordance with saved policies DC2 and ENV3 of the Unitary Development Plan, policies CS14 and CS15 of the Core Strategy and Urban Core Plan for Gateshead and Newcastle upon Tyne and the NPPF.

17. The car sales office approved under condition 16 shall be implemented in accordance with the approved details and shall be retained as such unless otherwise agreed in writing by the Local Planning Authority.

Reason

To safeguard the visual amenities of the area in accordance with saved policies DC2 and ENV3 of the Unitary Development Plan, policies CS14

and CS15 of the Core Strategy and Urban Core Plan for Gateshead and Newcastle upon Tyne and the NPPF.

18. No display or storage of goods, materials or equipment associated with the industrial workshop/storage building hereby approved shall take place other than within the approved building.

Reason

In the interests of the amenities of the area in accordance with saved policies DC2 and ENV3 of the Unitary Development Plan, policies CS14 and CS15 of the Core Strategy and Urban Core Plan for Gateshead and Newcastle upon Tyne and the NPPF.

19. Prior to first use of the car park as shown on 'Proposed Site Plan and Roof Plan (Drawing No C-03 N)' the site ingress and egress hereby approved shall be implemented in full.

Reason

In the interests of highway safety in accordance with policy CS13 of the Core Strategy and Urban Core Plan for Gateshead and Newcastle upon Tyne and the NPPF.

20. Prior to first use of the car sales area and industrial workshop/storage building hereby approved the car park as shown on 'Proposed Site Plan and Roof Plan (Drawing No C-03 N)' shall be implemented in full.

Reason

In the interests of highway safety in accordance with policy CS13 of the Core Strategy and Urban Core Plan for Gateshead and Newcastle upon Tyne and the NPPF.

21. The operation of the industrial workshop/storage building hereby approved including deliveries associated within the building shall be limited to between 0800-2200 Monday to Friday, between 0900-1800 on Saturdays and between 0900-1600 on Sundays and Public Holidays.

Reason

To ensure that no disturbance is caused to neighbouring properties as a result of unreasonable trading hours at the premises in accordance with saved policy DC2 of the Unitary Development Plan, policy CS14 of the Core Strategy and Urban Core Plan and the NPPF.

22. The industrial workshop/storage building hereby approved shall not be brought into first use until final details of refuse storage for the building have been submitted to and approved in writing by the Local Planning Authority.

Reason

To ensure adequate arrangements for refuse storage and collection at the site in accordance with saved policy DC1(m) of the Unitary Development Plan and the NPPF.

23. The industrial workshop/storage building hereby approved shall not be occupied until the details approved under condition 22 have been implemented in full accordance with the approved details. The approved implemented scheme shall be retained as such for the lifetime of the development.

Reason

To ensure adequate arrangements for refuse storage and collection at the site in accordance with saved policy DC1(m) of the Unitary Development Plan and the NPPF.

24. Prior to the provision of any external lighting within the site details of the lighting to be installed shall be submitted to and approved in writing by the Local Planning Authority in consultation with Nexus. The details shall include the design and specification, height, location and level of illumination of the external lights to be installed

Reason

To ensure that the development does not have an adverse impact upon residential amenity or public safety, in accordance with policies CS13 and CS14 of the Core Strategy and Urban Core Plan, saved policy DC2 of the Unitary Development Plan and the NPPF.

25. The external lighting details approved under condition 24 shall be implemented in accordance with the approved details and shall be retained as such unless otherwise agreed in writing by the Local Planning Authority.

Reason

To ensure that the development does not have an adverse impact upon residential amenity or public safety, in accordance with policies CS13 and CS14 of the Core Strategy and Urban Core Plan, saved policy DC2 of the Unitary Development Plan and the NPPF.

26. Notwithstanding the information already submitted, the development hereby approved shall not be brought into first use until details for the provision of secure and weatherproof cycle parking facilities for the development have been submitted to and approved in writing by the Local Planning Authority.

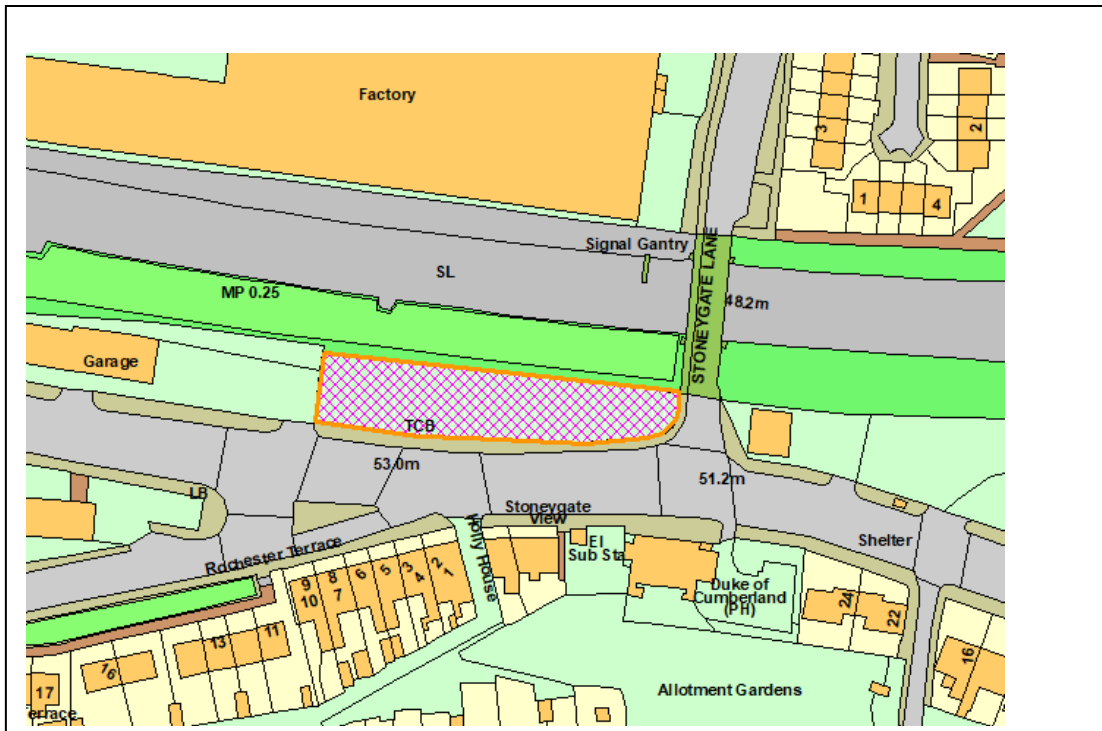
Reason

To ensure adequate provision for cyclists in accordance policy CS13 of the Core Strategy and Urban Core Plan, the Gateshead Cycling Strategy and the NPPF.

27. The cycle parking provision approved under condition 26 shall be provided in accordance with the approved details prior to first use of the development hereby permitted shall be retained as such for the lifetime of the development.

**Reason**

To ensure adequate provision for cyclists in accordance policy CS13 of the Core Strategy and Urban Core Plan, the Gateshead Cycling Strategy and the NPPF.



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