

# **MINOR UPDATE**

<b>Application No:</b>	<b>DC/22/01187/FUL</b>
<b>Site:</b>	<b>Jack And Jo's Nursery Garden Middle Hedgefield Farm Stella Road Ryton Gateshead NE21 4NN</b>
<b>Proposal:</b>	<b>Retention of timber café building (retrospective) incorporating external alterations to building and removal of canopy to west elevation, raised deck to front (north) elevation and smoking shelter to east elevation. Alterations to car parking, erection of gate to control use of eastern access and new landscaping (resubmission of DC/21/00916/FUL) (additional information submitted 15.05.2023 and 16.05.2023).</b>
<b>Ward:</b>	<b>Ryton Crookhill And Stella</b>
<b>Recommendation:</b>	<b>Refuse Permission</b>
<b>Application Type</b>	<b>Full Application</b>

## **Reason for Minor Update**

### **Further representation made**

Two further letters of support have been received, 1no. of which is from an individual who has already made comments in support of the application. These raise the following points:

- There is a big car park which facilitates wheelchair access
- The facility caters for some of the many important issues in Gateshead which are recognised by the government/political parties – mental health; domestic violence and abuse sufferers; young people; and people who are lonely. Closing this would affect some of the most vulnerable members of society in Gateshead
- The planning issues should be overcome to create a sanctuary for some of the most vulnerable members of society
- The owner employs staff with disabilities and mental health issues
- It is a joy to see somebody giving back to the community and not trying to get rich on the backs of others

Officers are of the opinion that no new material planning issues have been raised within these representations and that the points raised are addressed within the main officer report.

## **Additional information received**

Following the Committee site visit on 11 May 2023 an amended site layout plan and follow up letter have been received. The letter sets out points to be taken into account in the consideration of the planning application. Officers have reviewed these points and respond as follows.

**Point 1** proposes that all traffic associated with the Nursery and Café including deliveries would be via the western access. This proposal is supported by an amended plan 'Proposed Site Plan May 2023'.

This plan supersedes 'Proposed Site Plan October 2022' which proposed the use of the eastern access for deliveries, with customers using the western access.

**Point 2** of the letter states that:

*"The applicant would be agreeable to re-siting the gate proposed to be erected to control use of the eastern access. If it was re-sited to the south / south east of its current position, space could be provided which would enable vehicles to turn and leave the eastern access in a forward gear. The applicant is additionally agreeable to discussing the means for opening / controlling the gate".*

Paragraph 5.35 of the main officer report is amended to reflect the revised proposals above and should state:

5.35 In order to respond to the Inspector's concerns this application proposes the introduction of 2m high gates to prevent all traffic associated with the nursery or café using the eastern access; all traffic is proposed to enter the site via the western access. The submitted plan show that these gates would be set back approx. 23m from the entrance with the B6317 however the follow up letter proposes that the gate could be re-sited from the position shown on the plan and offers further discussion regarding the means of opening/controlling the gate.

Officers have considered points 1 and 2.

In relation to point 1, Officers remain of the view that the intensification of the use of the westernmost access by all traffic associated with the nursery and cafe is still likely to have a detrimental impact upon the highway, as set out at paragraphs 5.39 - 5.41 of the main report.

In relation to point 2, Officers consider that the revised plan 'Proposed Site Plan May 2023' does not demonstrate or provide a proposal for the amendments described and it is therefore not possible for Officers to conclude whether suitable space could be provided to achieve the proposal described.

Having regards to the above and following consideration of the proposals paragraph 5.42 – 5.44 of the main officer report are amended as follows:

- 5.42 Turning to the easternmost access, Officers are concerned that the applicant's proposal for the erection of signage to direct all traffic to the westernmost access could result in further confusion at this substandard access. Officers consider that there is currently a proliferation of signage associated with the various uses on the wider site located at this access point and are therefore concerned that additional signage is unlikely to be obvious to highway users. Drivers slowing down as they approach the access would be required to process information, which may in itself increase the likelihood of shunts on this heavily trafficked road, which also includes on-carriageway cycle facilities. Due to road geometry and the location of the buildings, details of signage would not be clearly visible to those vehicles travelling westbound. Eastbound traffic would incur a significant detour in order to safely 'U' turn to allow access to the site via the westernmost junction. Officers consider that the likelihood of this arrangement being self-enforcing is very low when considering the ambiguity that would be created due to traffic associated with existing uses on the site continuing to be able to use this access.
- 5.43 The 2m high gate that is proposed to be introduced to prevent all access into the site would not be visible to drivers entering from the B6317 (Stella Road). Officers therefore consider that there is likely to be a high occurrence of errant vehicles turning into the site. Officers remain concerned in relation to any additional use of the easternmost access created by the lack of legibility of the access controls. The amended plan does not provide sufficient information to enable Officers to conclude that space could be provided to allow vehicles to turn and leave the eastern access in a forward gear and access the site via the westernmost access. Were this to be achievable, Officers however remain concerned that this would potentially create conflict between vehicles mistakenly entering the site and traffic associated with existing uses entering and exiting and parking within the site.
- 5.44 The submitted plans have been amended to preclude the use of the easternmost access for deliveries associated with the nursery and cafe. Further to paragraph 5.43 Officers reiterate concerns regarding the ability of delivery vehicles to enter, turn and exit the easternmost access. There are also concerns relating to the potential for conflicts between highway users because of the poor visibility at this access, including between pedestrians and vehicles emerging at the site entrance onto the B6317.

**Point 3** of the follow up letter identifies that the café is within the area subject to the Certificate of Lawfulness application reference 1026/95 in which the storage of scrap materials was approved.

**Point 4** of the letter provides a photograph and identifies *"that scrap is being stored within the site subject of Certificate of Lawfulness 1026/95"*.

Points 3 and 4 have been considered by Officers and would comment as follows:

The planning history of the site is documented at paragraph 1.21 of the main officer report.

As at paragraph 5.62 of the main officer report, the Local Planning Authority (LPA) acknowledge the planning history of the site and do not dispute that the café building is situated within an area that application 1026/95 previously approved for occasional storage of scrap materials.

The Planning Inspector's findings set out at paragraph 5.62 of the main report found *"little evidence of scrap being stored on the site with the café and polytunnels making up the majority of the appeal site. From the evidence before me, there is no certainty that this lawful use as a scrap yard would return to an extent that would compromise the openness of the Green Belt more than the café and decking proposal"*.

Notwithstanding the submission in the follow up letter, the LPA are in agreement with the Inspector that a new use has become established on a significant part of the site and consider that the submitted photograph appears to show that a very limited amount of the site is being used for the storage of scrap. As the Inspector agrees, the LPA consider that there is no evidence that the use as a scrap yard would be re-introduced in the same way, as since this time a different use is now taking place on a significant part of the site.

Therefore, the LPA considers that the previous Certificate of Lawfulness application is of little relevance as the use of the site has changed significantly. Officers therefore consider that the conclusion of paragraph 5.63 of the main report is unchanged.

**SEE MAIN AGENDA FOR OFFICERS REPORT.**