

**Committee Report**

<b>Application No:</b>	<b>DC/19/00121/FUL</b>
<b>Case Officer</b>	<b>Amy Dunbar</b>
<b>Date Application Valid</b>	<b>13 February 2019</b>
<b>Applicant</b>	<b>John F Hunt Group Ltd</b>
<b>Site:</b>	<b>Former Palmer and Harvey Ltd Shadon Way Birtley DH3 2RN</b>
<b>Ward:</b>	<b>Birtley</b>
<b>Proposal:</b>	<b>Part demolition (of part office and part lorry wash), elevational alterations and new vehicle access from Shadon Way to facilitate site reconfiguration and subdivision into 6 units (description amended 09.04.2019).</b>
<b>Recommendation:</b>	<b>GRANT</b>
<b>Application Type</b>	<b>Full Application</b>

**1.0 The Application:**

**1.1 DESCRIPTION OF SITE**

The application site is a vacant building located within the Portobello Primary Employment Area and last operated as a food and drink wholesaler under use class B8 with B1 as an ancillary use.

**1.2 DESCRIPTION OF APPLICATION**

The applicant proposes to undertake work to the building and its surrounding yard to facilitate the subdivision of the unit into 6 smaller units.

**1.3 The works include the following;**

- demolish part of the office and warehouse space located within the north east corner of the site and reinstatement with a wall and a pedestrian and vehicular door each for units 1 and 2. This will result in a loss of 432 m<sup>2</sup> of internal floorspace. The applicant does not propose to reinstate this floorspace elsewhere on the site. This demolition would create a larger yard for units 1 and 2 with access via the existing access from Shadon Way.
- A new vehicle access has also been proposed to serve the remaining 4 units. This would be located on the south-western boundary of the site exiting onto Shadon Way. The existing access (adjacent to unit 3) would be fenced off and the public footpath reinstated.
- Ground levels at the new access point would also be lowered so that the gradient of the land is less steep and safer for large vehicles to use.

- Various doors, ramps and loading bays are proposed to be removed from the southern elevation and replaced with one pedestrian and one vehicle door for each unit and the reconfiguration of windows in unit 6.
- New palisade fencing which will be 2.4 metres in height is proposed to delineate the yard area for each unit.
- Recladding of parts of all four elevations of the building with horizontal insulated cladding.

#### 1.4 PLANNING HISTORY

- DC/04/00367/FUL- Planning permission granted for 'installation of vehicle wash/screens with associated plant housing on south-west side of site, extension of existing service yard to provide HGV parking, extension of existing car park and erection of new 2.4m high security fence all to south of site'. Date 28 May 2004

#### **2.0 Consultation Responses:**

None.

#### **3.0 Representations:**

The Council issued neighbour notification letters to 9 properties surrounding the application site on 15th February 2019. A notice was displayed on site on the 27th March 2019 and an advert for the development was published in the Newcastle Journal on the 3rd April 2019.

No representations have been received.

#### **4.0 Policies:**

ENV61 New Noise-Generating Developments

NPPF National Planning Policy Framework

NPPG National Planning Practice Guidance

CS13 Transport

CS14 Wellbeing and Health

CS15 Place Making

ENV3 The Built Environment - Character/Design

DC2 Residential Amenity

## **5.0 Assessment of the Proposal:**

5.1 The key considerations to be taken into account when considering this planning application are the principle of the development, residential amenity, visual amenity and highway safety.

### **5.2 PRINCIPLE OF THE DEVELOPMENT**

The application proposes to subdivide a vacant warehouse and distribution unit, (Use Class B8 with ancillary B1 offices) into six smaller units. The proposed floor plan indicates that Units 1,2,4,5 and 6 would remain in B8 Use, with Unit 3 indicated as being in B1 (business) Use.

5.3 Schedule 2, Part 3, Class I of the Town and Country Planning (General Permitted Development) (England) Order 2015 enables a change of use from B8 to B1 (business) where the floor area falls under 500m<sup>2</sup>. Consequently, if the subdivision takes place in accordance with the submitted layout plan, due to their floor areas, both Units 3 and 4 would benefit from these permitted development rights and could change to B1 Use without first needing planning permission.

5.4 Furthermore, the act of subdividing the unit would not fall under the meaning of development and would not require planning permission.

5.5 Overall, the principle of the development is acceptable subject to all other material considerations being satisfied.

### **5.6 RESIDENTIAL AMENITY**

As the site is located within Portobello Industrial Estate, the proposed development would not have a detrimental impact on residential amenity. Residential dwellings located to the rear of the site on Portmeads Road are lower than the site and screened by a steep highway verge therefore the proposed development would not have an impact on the privacy of occupiers or result in a loss of light or overshadowing of properties.

5.7 Additionally, the proposed development would be unlikely to have a significant impact on the level of noise disturbance received by residents.

5.8 Overall, as the site is located within Portobello industrial estate and is sufficiently screened from nearby residential dwellings, the proposed development would not have a detrimental impact on residential amenity and is in accordance with policy CS14 of the CSUCP and saved policies DC2 and ENV61 of the UDP.

### **5.9 VISUAL AMENITY**

Commercial units of this nature are common place within the Portobello Primary Employment Area therefore it is considered that there will be no significant visual amenity issues associated with this application. It is likely that bringing this building back into use and the improvements proposed to each elevation would result in improvements to the overall appearance of the building subject to the requirements

of condition 3. This is in accordance with policy CS15 of the CSUCP and saved policy ENV3.

#### 5.10 TRANSPORT/HIGHWAY SAFETY

The proposed new access point on Shadon Way is considered acceptable as it would allow more commodious movement of large vehicles to and from the site.

5.11 The applicant has also proposed to provide six areas of secure cycle storage which would be located within the site, this would promote the use of sustainable transport and reduce the demand for parking along Shadon Way. Cycle storage should be installed prior to the occupation of the site as required by condition 4.

5.12 Additionally, there would be 24 car parking spaces located on site which should be instated prior to the occupation of the site as required by condition 5.

5.13 The applicant also proposes to close the existing access, as required by condition 6, and reinstate the public footpath however this should be addressed through the submission of a Section 278 Agreement.

5.14 The applicant has suggested that boundary treatment would be instated on site at some point throughout the course of the development therefore condition 7 requires details of any such boundary treatment to be submitted following its installation.

5.15 Overall, this proposal is considered acceptable from a highways perspective and is in accordance with policy CS13 of the CSUCP.

#### 5.16 COMMUNITY INFRASTRUCTURE LEVY

On the 1st January 2017 Gateshead Council became a Community Infrastructure Levy (CIL) Charging Authority. This application has been assessed against the councils CIL charging schedule and the development is not a CIL chargeable development.

### 6.0 CONCLUSION

Taking all of the relevant issues into account, it is considered that the proposed development is acceptable and accords with the relevant national and local planning policies.

It is recommended that planning permission is granted subject to conditions.

#### **Recommendation:**

That permission be GRANTED subject to the following condition(s) and that the Service Director of Development, Transport and Public Protection 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 -  
3890\_PL01, 3890\_PL04A and 3890\_PL05

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 occupation of the development details of the proposed cladding material should be submitted to and approved in writing by the Local Planning Authority.

Reason

To safeguard the visual amenities of the area and to ensure that the proposed development does not have an adverse effect upon the appearance of the existing building 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

Exterior works involving the use of cladding shall be completed using the materials approved under condition 3 and retained as such in accordance with the approved details thereafter.

Reason

To safeguard the visual amenities of the area and to ensure that the proposed development does not have an adverse effect upon the appearance of the existing building 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.

5

Cycle storage facilities shown on approved plan 3890\_PL04A, shall be installed prior to occupation of the development hereby approved and thereafter permanently retained.

Reason

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

6

The parking areas (including the marking out of spaces) shown on approved plan 3890\_PL04A shall be constructed prior to occupation of the development hereby approved and thereafter permanently retained.

Reason

To ensure that adequate facilities are provided and having regard to the requirements of Policy CS13 of the Core Strategy and Urban Core Plan.

7

Prior to occupation of the site a timetable of works detailing the closure of the existing vehicle access as shown in approved plans 3890\_PL04A shall be submitted to and approved in writing by the Local Planning Authority.

Reason

In the interests of highway safety and having regard to the requirements of Policy CS13 of the Core Strategy and Urban Core Plan.

8

The closure of the existing vehicle access shall be carried out in accordance with the details and timeframe approved under condition 7.

Reason

In the interests of highway safety and having regard to the requirements of Policy CS13 of the Core Strategy and Urban Core Plan.

9

Prior to the installation of any boundary treatment, a fully detailed scheme should be submitted and approved in writing by the Local Planning Authority. The scheme shall include details of the type, position, design, dimensions and materials of the boundary treatment.

Reason

In the interests of highway safety and visual amenity of the area and in accordance with policies ENV3 of the Unitary Development Plan and Policy CS13 and CS15 of the Core Strategy and Urban Core Plan.

10

Any boundary treatment shall be implemented wholly in accordance with details approved under condition 9.

**Reason**

In the interests of highway safety and visual amenity of the area and in accordance with policies ENV3 of the Unitary Development Plan and Policy CS13 and CS15 of the Core Strategy and Urban Core Plan.

