

**Committee Report**

<b>Application No:</b>	<b>DC/21/01094/FUL</b>
<b>Case Officer</b>	<b>Amy Dunbar</b>
<b>Date Application Valid</b>	<b>9 September 2021</b>
<b>Applicant</b>	<b>Mr Strevens</b>
<b>Site:</b>	<b>Ryder Vans Fell Bank Chester Le Street DH3 2SP</b>
<b>Ward:</b>	<b>Birtley</b>
<b>Proposal:</b>	<b>Proposed external alterations to existing industrial unit (supporting information received 13.12.2021).</b>
<b>Recommendation:</b>	<b>GRANT RETROSPECTIVE PERMISSION</b>
<b>Application Type</b>	<b>Full Application</b>

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

The application site exists under use class B2 and forms part of Portobello Industrial Estate which is an allocated Main Employment Area.

1.2 The site was formerly occupied by Ryder Truck Rental Ltd operating as a commercial vehicle workshop and truck rental depot.

1.3 The site covers an area of approximately 8457m<sup>2</sup>. The existing industrial unit covers a footprint of approximately 987m<sup>2</sup> and has a maximum height of 6.6 metres, the unit features five roller shutter door access points on both the east and west elevation to allow trucks to enter and leave the workshop. The remainder of the building was occupied by office space and staff welfare facilities.

**1.4 DESCRIPTION OF APPLICATION**

The application proposes to carry out external alterations to the existing industrial building. The footprint of the building would remain unaltered however the overall height of the unit would increase from 6.6 metres to 7.6 metres in order to accommodate taller vehicles in the workshop.

1.5 The existing roller shutter doors would be removed and replaced with bay doors with light panels, the corrugated metal shell of the building would also be removed and replaced with grey cladding panels.

1.6 Minor amendments would be made to the fenestration on the north, east and west elevation and internally, the mezzanine level would be increased in size from 86.4m<sup>2</sup> to 101.3m<sup>2</sup> to accommodate a vehicle parts warehouse.

1.7 The site would operate as a commercial vehicle workshop for the repair and servicing of commercial vehicles. A small element of the business would be for

the sale of vehicle parts mainly through a delivery service however it is possible for customers to collect parts from the site. A vehicle rental service would not operate on site unlike the previous occupants.

## 1.8 RELEVANT PLANNING HISTORY

There is no relevant planning history.

## 2.0 Consultation Responses:

None.

## 3.0 Representations:

3.1 The Council issued neighbour notification letters to 17 properties surrounding the application site on 3<sup>rd</sup> November 2021.

3.2 41 letters of objection have been received including a letter of objection from Councillor Weatherley and a petition containing 40 signatures. These have been summarised below:

- additional noise
- disturbance during early mornings/ late evenings
- health implications
- business would operate 24/7
- residential amenity- quality of life, privacy, overbearing
- overdevelopment
- out of character with street scene
- HGV's will create highway safety issues- traffic, noise, parking, fumes
- impact on value of homes
- Damage to road surface, grass verges, property, water supply
- impact on climate change- air pollution
- building work commenced prior to issue of planning decision
- not enough residents notified/ no site notices displayed
- no 'environmental impact study'
- vandalism
- impact on wildlife

## 4.0 Policies:

NPPF National Planning Policy Framework

NPPG National Planning Practice Guidance

MSGP3 Other Employment Areas

MSGP15 Transport Aspects of Design of Dev

MSGP17 Residential Amenity

MSGP24 Design Quality

CS13 Transport

CS14 Wellbeing and Health

CS15 Place Making

## **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, visual amenity, residential amenity, and highway safety.

### **5.2 PRINCIPLE OF DEVELOPMENT**

The application proposes to operate a commercial vehicle workshop with a small proportion of the business being for the sale of vehicle parts. This retail element is considered to be ancillary to the main use of the site and would not constitute a material change of use. Overall, the application does not propose to change the use of the site therefore it would remain in existence under use class B2 (general industrial).

5.3 The proposed external alterations to the unit would accommodate the needs of a new industrial business within a Main Employment Area. These alterations would assist in bringing a currently vacant site back into economic use and providing employment opportunities within the local area.

5.4 The proposed alterations to the existing industrial unit would accommodate the needs of a new business existing under use class B2 and would ensure that a currently vacant site would be occupied therefore the principle of the development is considered to be acceptable and in accordance with Policy MSGP3 of the Local Plan for Gateshead.

### **5.5 VISUAL AMENITY**

The application site contains an established industrial unit, it is considered that the proposed external alterations to this unit would not appear out of character within the context of the application site and the wider Portobello Industrial Estate nor would these alterations be considered as an overdevelopment of this site. The incorporation of grey cladding, grey windows and bay doors with light panels are considered to be an acceptable choice of materials. The proposal is in accordance with Policies CS15 and MSGP24 of the Local Plan for Gateshead.

### **5.6 RESIDENTIAL AMENITY**

Residential dwellings are situated close to the application site on Brightlea, The Uplands and Hill Top. Objections have been submitted with regard to the potential for the development to harm the amenity of nearby residents as a result of increased noise disturbance, including during early mornings and late evenings, as a result of the site being occupied by a business attracting HGVs and other commercial vehicles.

- 5.7 The application proposes that the site would operate 24 hours per day, 7 days per week. The bulk of the site's activity would take place between 7am and 7pm with vehicles arriving for repair works on an appointment basis. However, the site would also offer an emergency repair service therefore a 24/7 operation is required.
- 5.8 As previously mentioned, the application does not propose to change the use of the site therefore significant weight has been given to the prospect that this site could be reoccupied under B2 use without the need to seek planning permission where no external alterations are proposed. Furthermore, it is noted that the planning history for this site demonstrates that it has not been previously subjected to any restrictions on operational hours or hours in which vehicles can enter and leave the site. Significant weight has also been given to this as part of this planning assessment.
- 5.9 Given that this application is for external alterations only and that this is a long-established industrial site with no restrictions on the hours of operation, it is not considered reasonable to condition opening hours as part of any grant of planning permission.
- 5.10 As previously mentioned, the site would operate on an appointment basis through a booking system therefore noise disturbance created by commercial vehicles waiting to enter the site should be minimal and the bulk operational hours (7am-7pm) are considered to be reasonable working hours for an established industrial site. Overall, the site would be occupied by a very similar vehicle repair service to that which previously occupied the site, minus a truck rental service, therefore it is not anticipated that the level of noise disturbance created would significantly differ.
- 5.11 Concerns have also been raised with regard to increased light pollution, it is not considered that the level of light pollution created by the proposed alterations would have any significant impact on the amenity of residents given the spacing and boundary screening between the site and nearby dwellings.
- 5.12 It is considered that the proposed development would provide an acceptable standard of amenity for neighbouring and proposed occupiers, having regard to light, outlook and privacy. Therefore, it is considered that the proposal is in accordance with the NPPF and policies CS14 and MSGP17 of the Local Plan for Gateshead.
- 5.13 **HIGHWAY SAFETY**  
The application does not propose to make any alterations to the vehicle access to the site or internal car park therefore the existing vehicle access would continue to be utilised and onsite parking would be available for the storage of commercial vehicles awaiting collection following repair. Furthermore, the premise would no longer offer a vehicle rental service so it is anticipated that there would be sufficient onsite parking available as opposed to space being occupied by rental vehicles.

- 5.14 Objections have been raised with regard to parking, congestion and highway safety on Fell Bank. As previously mentioned, it is not anticipated that vehicles associated with the application site will need to be parked on this road given the large amount of onsite parking available. It is noted that Fell Bank is an unrestricted road therefore any concerns regarding parking, particularly from other industrial sites along Fell Bank, are outside of the control of Development Management.
- 5.15 It is not considered that the external alterations to the application site would have an unacceptable impact on highway capacity, highway safety or parking provision. It is therefore considered that the proposal complies with the NPPF and policies CS13 and MSGP15 of the Local Plan for Gateshead.
- 5.16 OTHER MATTERS  
It is acknowledged that the applicant commenced development works prior to the determination of this application. The applicant was made aware that this practise is most inadvisable and entirely at their own risk.
- 5.17 With regard to neighbour publicity, neighbour notifications were issued in accordance with the Gateshead Councils policy on notifying the public. In this case, 17 properties were notified including all properties adjoining and adjacent to the boundary of the application site.
- 5.18 Given the nature of the proposed development, it is not necessary for an Environmental Impact Assessment or an Ecological Survey to be submitted to support this application.
- 5.19 Concerns have been raised with regards to the potential for vandalism however it is not anticipated that a secure site at this location would be vulnerable to vandalism and an application of this nature would not trigger the need to seek a response from Northumbria Police.
- 5.20 Concerns have been raised regarding the applications impact on climate change and air quality, again it is not considered that an application for external alterations to an existing building would have any significant impact on such matters.
- 5.21 Further objections have been put forward which concerns matters that are not considered material planning issues. These are:
- Loss of property value
  - Loss of an open view
  - Road surface damage on Fell Bank
  - Fear of damage to private property or infrastructure
- These matters have not been considered as part of this assessment.

## **6.0 CONCLUSION**

6.1 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.

**7.0 Recommendation:**

That permission be GRANTED RETROSPECTIVELY subject to the following conditions and that the Service Director of Climate Change, Compliance, Planning and Transport 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 -

1000 Rev P02

1010 Rev P02

1110 Rev P02

1150 Rev P02

1160 Rev P02

29310 Rev P02 Design and Access Statement

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

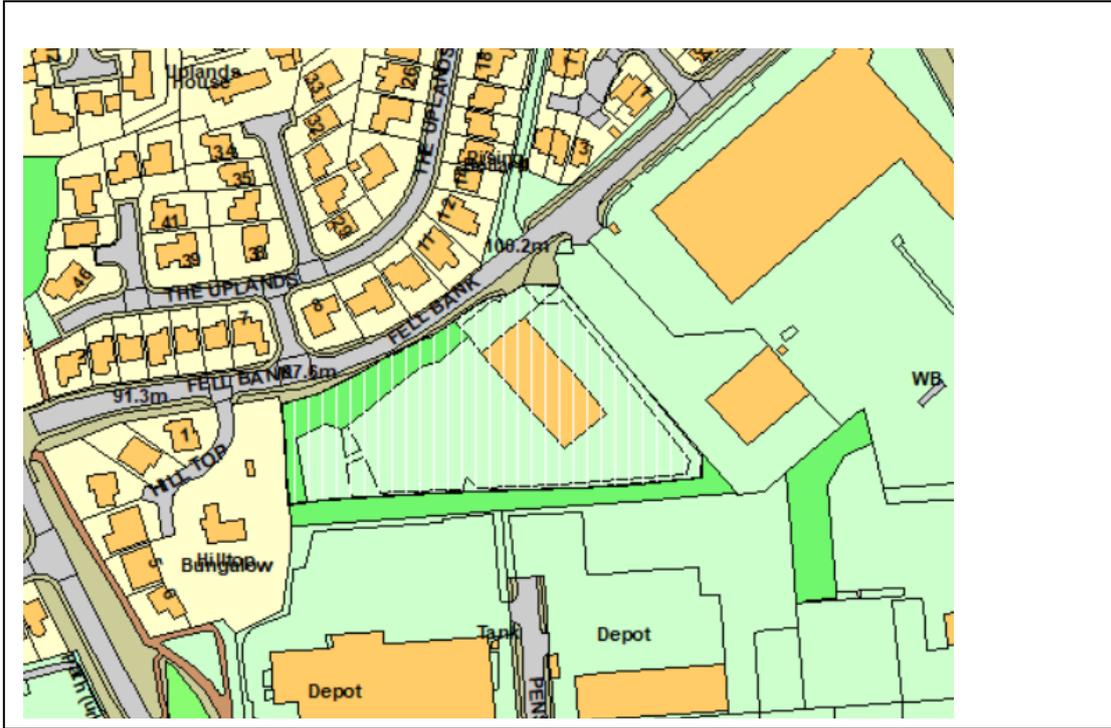
In order to ensure that the development is carried out in complete accordance with the approved plans and any material and non-material alterations to the scheme are properly considered.

2

The development hereby permitted shall be constructed entirely of the materials detailed in the application form.

Reason

To ensure that the external appearance of the development is of an appropriate design and quality in accordance with the NPPF and Policies CS15 and MSGP24 of the Local Plan for Gateshead.



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