

Committee Report

Application No:	DC/22/00251/FUL
Case Officer	Amy Dunbar
Date Application Valid	1 April 2022
Applicant	Mr Huw Teasdale
Site:	Ryder Vans Fell Bank Birtley Gateshead DH3 2SP
Ward:	Birtley
Proposal:	Proposed construction of outbuilding (use class B2).
Recommendation:	GRANT
Application Type	Full Application

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

The application site exists under use class B2 (General Industrial) 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. The site is now trading under the name Ford and Slater.

1.3 The wider site covers an area of approximately 8457m² while the application site, defined by the red line boundary plan, has an area of 159m².

1.4 The site operates as a commercial vehicle workshop for the repair and servicing of commercial vehicles (a B2 Use). A small, ancillary, element of the business is for the sale of vehicle parts mainly through a delivery service however it is possible for customers to collect parts from the site.

1.5 DESCRIPTION OF APPLICATION

The application proposes to construct an ancillary outbuilding which will be used for the storage of vehicle parts.

1.6 The outbuilding would be single storey with an 'L' shaped footprint, with a floor area of 93m². It would have a shallow pitched roof, with a maximum height of 4.5 metres. The building would be located 1m from the north-eastern boundary of the site, shared with JH Coaches, on part of the site currently marked out for vehicle parking although the applicant does not propose to use this part of the site for parking. It would be windowless, with two roller shutter doors and one pedestrian door. It is proposed to be metal clad in a colour to match the existing building.

1.7 RELEVANT PLANNING HISTORY

DC/21/01094/FUL Planning permission granted for proposed external alterations to existing industrial unit (supporting information received 13.12.2021). Dated 19th January 2022.

DC/22/00216/ADV Advertisement consent granted for display of 1 x internally illuminated fascia sign with non-illuminated corner wrap, 1 x internally illuminated logo box, 1 x internally illuminated Reception sign and 1 x non illuminated directional sign (amended plans received 21.04.2022). Dated 11th May 2022.

2.0 Consultation Responses:

Coal Authority Conditions recommended.

3.0 Representations:

3.1 The Council issued neighbour notification letters to 30 properties surrounding the application site on 6th April 2022.

3.2 6 letters of objection have been received which have been summarised below:

- additional noise
- disturbance during early mornings/ late evenings
- health implications
- business would operate 24/7
- residential amenity- overbearing, loss of privacy
- overdevelopment
- highway safety issues- traffic, noise, inadequate parking, fumes
- impact on value of homes
- damage to road surface
- vandalism
- litter

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

MSGP20 Land contamination and land stability

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 construct a detached building. The building would be ancillary to the main use of the site as it is intended for the storage of vehicle parts, thereby supporting the main use of the site as a commercial vehicle repair workshop. The application does not trigger a material change of use of the site therefore it would remain in existence under use class B2 (general industrial).

5.3 The proposed building would support the needs of a new industrial business within a Main Employment Area and would assist in bringing the site back into economic use and subsequently providing employment opportunities within the local area. Overall, the principle of the development is considered to be acceptable and in accordance with Policy MSGP3 of the Local Plan for Gateshead.

5.4 VISUAL AMENITY

The application site contains an established industrial unit, it is considered that the addition of a smaller building would not appear out of character within the context of the application site and the wider Portobello Industrial Estate, nor would it be considered as an overdevelopment of this site. The application proposes to construct the building using materials and colours to match those of the main unit which is considered appropriate. The proposal is in accordance with Policies CS15 and MSGP24 of the Local Plan for Gateshead.

5.5 RESIDENTIAL AMENITY

Residential dwellings are situated close to the application site on Brightlea, The Uplands and Hill Top. The closest residential properties, to the proposed building, are on The Uplands approx. 35m away, on the opposite side of Fell Bank. 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.

5.6 The application does not propose to change the use of the site and it already operates on a 24 hour basis. A full assessment of the wider site's impact on

residential amenity has been made in the consideration of application DC/21/01094/FUL, for external alterations to the existing industrial unit, which was considered acceptable by Members at the meeting in January this year.

- 5.7 This application is for an additional building which is not expected to have any significant impact on the daily operation of the site including comings and goings and hours of use therefore it is considered that the addition of this building would not have any significant impact on the amenity of nearby residents as a result of noise disturbance.
- 5.8 Given the distances involved, it is considered that the proposed development would have no impact on neighbouring 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.
- 5.9 HIGHWAY SAFETY
The application does not propose to make any alterations to the vehicle access to the site or internal car park. All parking spaces that would be used by the new occupier of this site are located within the yard to west of the main building, the wider site would provide 32 car parking spaces and 27 HGV parking spaces which is considered to be a sufficient level of parking provision for the overall B2 use of the site.
- 5.10 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 on-site 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.
- 5.11 It is not considered that the proposed development 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.
- 5.12 LAND CONDITIONS- CONTAMINATED LAND
The application is supported by a Preliminary Risk Assessment (PRA) and the application site has been assessed and inspected as part of the Council's Contaminated Land Strategy.
- 5.13 The site has been identified as being used as agricultural land and later as open space before being developed for its current use in c.1980. Based on its historic use, it is unlikely that the site will be affected by ground contamination.
- 5.14 The Local Planning Authority is satisfied that no further site investigation works would be required prior to the commencement of the development with regard to contaminated land. The proposal therefore complies with policy CS14 and MSGP20 of the Local Plan for Gateshead.

5.15 LAND STABILITY

The Coal Authority has identified that the site is situated within a 'Development High Risk Area'. A Coal Mining Risk Assessment has been submitted to support this application.

5.16 The Coal Mining Risk Assessment concludes that possible shallow mining works could pose a significant stability risk to the proposed development and recommends that an intrusive site investigation is undertaken to inform any necessary remedial measures.

5.17 The Coal Authority concurs with the recommendation of the Coal Mining Risk Assessment therefore planning conditions have been attached to address the potential risk from coal mining legacy. Subject to compliance with the relevant planning conditions, the proposal is in accordance with policy CS14 and MSGP20 of the Local Plan for Gateshead.

5.18 OTHER MATTERS

Concerns have been raised with regards to the potential for vandalism however it is not anticipated that the proposed building, to be located inside a secure site, would increase the potential for vandalism and an application of this nature would not trigger the need to seek a response from Northumbria Police.

5.19 Concerns have also been raised regarding the sites impact on air quality however it is not considered that an application of this nature would have any significant impact on such matters.

5.20 Further objections have been put forward which concerns matters that are not considered material planning issues. These are:

- Loss of property value
- Road surface damage on Fell Bank

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 subject to the following condition(s) 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 –

9001 Revision 2 Proposed Site Plan
9002 Revision P01 Site Location Plan
1010 Revision P02 Proposed Plans
1060 Revision P03 Proposed Elevations

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

The development hereby permitted shall be constructed entirely of the materials detailed and shown on plan number '1060 Revision P02 Proposed Elevations'.

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.

4

Prior to the commencement of the development, an intrusive site investigation to establish the risks posed to the development by coal mining legacy shall be submitted to and approved in writing by the Local Planning Authority. The site investigation must be undertaken by competent persons and a written report of the findings must be produced.

The site investigation should consist of the drilling of boreholes to depths of up to 30 metres below ground level, to establish ground conditions, the depth and condition of shallow coal seams/workings and to inform any necessary remedial measures.

Where necessary, a detailed remediation scheme to ensure the safety and stability of the proposed development shall also be submitted to the Local Planning Authority for written approval.

Reason

To ensure that any risks from historical coal mining activities to the future users of the site are minimised and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors in accordance with the National Planning Policy Framework and Policies CS14 and MSGP20 of the Local Plan for Gateshead.

Reason for pre-commencement condition

To ensure the safe development of the site.

5

Unless otherwise approved in writing by the Local Planning Authority, the development hereby approved shall be constructed in full accordance with the scheme for remedial stabilisation works approved under condition 4 and carried out in accordance with authoritative UK guidance.

Reason

To ensure that any risks from historical coal mining activities to the future users of the site are minimised and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors in accordance with the National Planning Policy Framework and Policies CS14 and MSGP20 of the Local Plan for Gateshead.

6

Unless otherwise approved in writing by the Local Planning Authority, prior to the first use of the development, a signed statement or declaration prepared by a suitably competent person confirming that the site has been made safe and stable for the approved development shall be submitted to and approved in writing by the Local Planning Authority. This document shall confirm the completion of the remedial works and mitigation necessary to address the risks posed by past coal mining activity.

Reason

To ensure that any risks from historical coal mining activities to the future users of the site are minimised and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors in accordance with the National Planning Policy Framework and Policies CS14 and MSGP20 of the Local Plan for Gateshead.

7

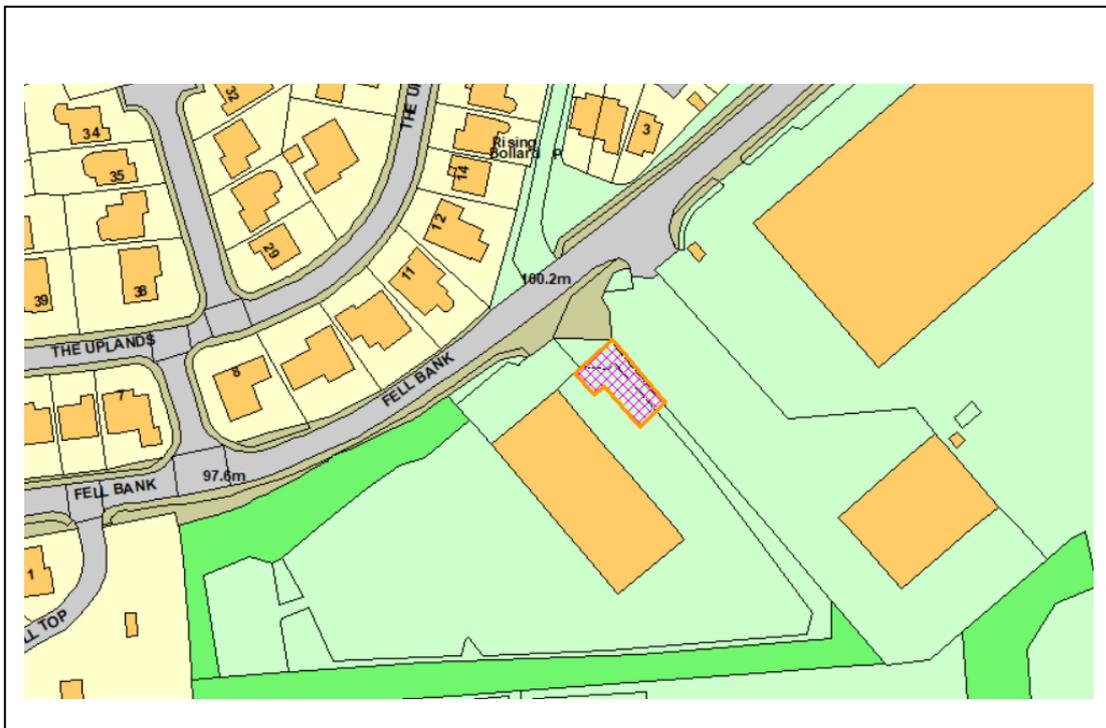
In the event that contamination is found at any time when carrying out the approved development that was not previously identified, it must be reported in writing immediately to the Local Planning Authority. An investigation and risk assessment must be undertaken and where remediation is necessary, a remediation scheme must be prepared which is subject to the approval in writing of the Local Planning Authority.

Following completion of measures identified in the approved remediation scheme a verification report must be prepared, which is subject to the approval in writing of the Local Planning Authority.

If unexpected contamination is found after development has begun, development must be halted on that part of the site affected by the unexpected contamination to the extent specified by the Local Planning Authority in writing until this condition has been complied with in relation to that contamination.

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 Policies CS14 and MSGP20 of the Local Plan for Gateshead.



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