

MINOR UPDATE

Application No:	DC/21/01368/FUL
Site:	Land To The West Of Sainsburys Supermarket Eleventh Avenue Gateshead Team Valley
Proposal:	Construction of a building for flexible employment-based development for B8 (Storage and Distribution) or as a Builders' Merchant (Sui Generis), with associated hardstanding, parking and landscaping (amended/additional information received 25 May 2022 and 1 August 2022 and amended description 19 August 2022).
Ward:	Lamesley
Recommendation:	Refuse Permission
Application Type	Full Application

Reason for Minor Update**Amended Plans**

Amended plans were submitted by the applicant on Thursday 25 August seeking to change the red line boundary of the application site to the southern side of proposed pedestrian crossing over the vehicle access. This change is intended to bring the pedestrian visibility splay to this side of the crossing within the applicants control, meaning vegetation could potentially be cut back and attempt to improve sight visibility to users of the crossing.

Given the very late submission of the amended plans there has been insufficient time to consult with the transport officers ahead of the Planning Committee meeting on these revised details, which would usually take up to 21 days. As such officers are unable to comment on whether the visibility splay proposed is adequate and would address the highway safety concerns with respect to this issue in refusal reason 2.

As officers have not had the opportunity to adequately assess the amended plans given their late submission 3 working days before Planning Committee, these have not been added to the planning application file or referred to in the application description.

Late Representations Received

A late representation with respect to the planning application has been received on 26 August 2022 from Sainsbury's who own the application site, raising the following points:

- They have owned the site since 2004, it was retained in case additional car parking for the adjacent supermarket was required. However have sought to find an alternative use since 2017 when they considered the land was no longer needed.
- Previous proposals have been put forward on the site but were withdrawn following advice from the Council that the land should be reserved for employment uses.
- It is noted a Tree Preservation Order (TPO) has been served on all category A and B trees identified in the Tree Quality Assessment submitted in support of the planning application. A letter of objection to the TPO has been submitted by Ground Control, an arboriculturalist acting on behalf of Sainsbury's, which considers the TPO is unfounded, unnecessary and inaccurate.
- Sainsbury's have marketed the site for employment uses and are disappointed the policy compliant application is being recommended for refusal.
- They do not recognise the description of the site in the committee report, which suggests it is an essential part of the setting of a heritage park and garden. Team Valley Trading Estate is a busy employment and retail focussed trading estate. Owing only to light touch maintenance, the site has become overgrown with scrub vegetation and self-seeded trees, but that does not elevate it beyond its true status as a brownfield development site sitting between Kingsway South and our supermarket car park.
- Whilst some of those employed at the builders' merchant might arrive by bicycle, and should be encouraged to do so, no customers are likely to cycle to a builder's merchant. Each week, more than 26,000 customers visit the adjacent Sainsbury's store by car, bicycle and on foot. Complaints have not been received from colleagues or customers that they are unable to access the store easily or safely. As such Sainsbury's cannot accept that such a small additional number of people using the footpath and cycle network to work at a builders' merchant could justify a request from officers to upgrade a 210m stretch of cycleway, or justify the refusal of the application without it.
- When Sainsbury's agree disposal of their sites with potential purchasers, they thoroughly review proposals to ensure that they have a realistic chance of achieving planning permission within a reasonable timescale so that the sale can complete. Of all the schemes they have reviewed over recent years, they considered that the current proposals should have been a low risk in planning terms because of the policy compliant nature of the scheme and, in their view, the good quality design.
- As a significant investor in the local economy, Sainsbury's want to see Gateshead Council promoting development, delivering jobs and supporting communities. The officer's report stands in stark contrast to that and we hope that Members will not follow the officer's recommendation when the application is considered at committee on 31st August.

As mentioned above a further letter has been received from Ground Control (arboriculturalist acting on behalf of Sainsburys) making separate representation with regards the TPO that has recently been served on the trees along the western boundary with Kingsway. They object to the TPO on the following grounds:

- The Order has not been made in accordance with best practice.
- The Order's First Schedule is unenforceable, duplicating one tree as two different species.
- Trees do not merit protection as they have low estimated remaining contributions, based on an assessment of their age, condition and historical management.
- Tree Preservation Orders should not be used to obstruct development.

These comments relate to the separate legal process relating to the serving of a TPO and will be taken into account as part of that process.

Further representation on the TPO will be provided by Ground Control following a site inspection.

SEE MAIN AGENDA FOR OFFICERS REPORT.