

**Committee Report**

<b>Application No:</b>	<b>DC/21/01368/FUL</b>
<b>Case Officer</b>	<b>Amy Williamson</b>
<b>Date Application Valid</b>	<b>11 January 2022</b>
<b>Applicant</b>	<b>Location 3 Properties Limited</b>
<b>Site:</b>	<b>Land To The West Of Sainsburys Supermarket Eleventh Avenue Gateshead Team Valley</b>
<b>Ward:</b>	<b>Lamesley</b>
<b>Proposal:</b>	<b>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, 1 August 2022, 31 August 2022, 8 September 2022, 15 September 2022, 30 September 2022 and 14 October 2022 and amended description 19 August 2022).</b>
<b>Recommendation:</b>	<b>REFUSE</b>
<b>Application Type</b>	<b>Full Application</b>

**1.0 The Application:****1.1 BACKGROUND**

The application was considered by the Planning and Development Committee on 31 August 2022 where it was deferred for a Members' site visit. The site visit took place on Thursday 20 October 2022. In the intervening time, amended plans relating to a visibility splay at the pedestrian crossing over the site access, have been received and following correspondence with officers further amended details regarding the visibility splay were submitted on 8 September and 15 September.

1.2 Further amended plans and information with respect to flood risk and drainage were submitted by the applicant on 30 September and 14 October.

1.3 No other details with regards the other refusal reasons have been submitted by the applicant.

**1.4 DESCRIPTION OF THE SITE**

The application site is a key gateway site into the southern end of Team Valley, prominent on Kingsway and Chowdene Bank, and is also visible from the Coal House Round about and A1 to the south.

- 1.5 The site comprises a parcel of vacant land between Sainsbury's Supermarket and Kingsway South to the southern end of Team Valley. Together with the adjacent supermarket, the site was previously occupied by the offices of the British Coal Area Headquarters, which were demolished in the mid 1980's and the site has remained vacant ever since. There is some evidence of small areas of hard standing associated with the former offices, however given the lapse in time since the demolition the site has revegetated and is now substantially overgrown with self-seeded trees, shrubs, grasses and other flora.
- 1.6 The junction radii and hard surfacing of the former vehicle access into the site off Eleventh Avenue to the north remains, with a gate enclosing the site to this side to prevent current vehicle access. The hard standing is used as a layby accommodating a snack van and associated parking area.
- 1.7 An existing pedestrian route, which also serves as a cycle path, runs along Kingsway South to the west side of the site and eastwards along both the north and south sides of the site on Eleventh Avenue and Chowdene Bank respectively. The pedestrian route and cycle path form part of the adopted highway. It is understood the Council intend to carry out works to widen the existing Kingsway cycle route as far as the Coal House Roundabout, but the proposed widening works would not extend up Chowdene Bank. The closest bus stops to the site are located on Chowdene Bank in proximity to the entrance into Sainsburys.
- 1.8 A significant belt of trees, hedging and other vegetation runs along the western and southern boundaries of the site, providing an attractive landscaping feature on the approach into Team Valley. Kingsway South extending to the site boundary is a locally listed park and garden, as such the trees make an important contribution to the character and setting of the area on this important gateway site. The Council has recently served a Tree Preservation Order (TPO) on 25 trees along the western site boundary in order to protect these visually important trees.
- 1.9 The site lies immediately off the A1 Coal House Round about, which is located to the southwest. Sainsburys supermarket and associated car park border the site immediately to the east. The premises of De La Rue are located opposite the site on the western side of Kingsway. Magnet Kitchens are located to the north of the site on the opposite side of Eleventh Avenue.
- 1.10 The River Team is located within the central reservation between the northern and southern sides of Kingsway.
- 1.11 **DESCRIPTION OF THE APPLICATION**  
Planning permission is sought for erection of a new building of 1930 sqm of internal floorspace on the site to be used as either a builder's merchant (sui generis) or for B8 (storage and distribution).
- 1.12 The application states that 15 no. full time jobs would be created by the development, however at the previous P&D Committee meeting, when he

spoke, the agent indicated this could be up to 25 jobs in time once a builders' merchants business is fully established

- 1.13 Internally the ground floor would accommodate 1402 sqm of floorspace, with a potential mezzanine deck of 528sqm above, if required by the future operator. If the preferred option for the site is a builders merchant, the Ground Floor would include an area of 508 sqm as offices and a showroom, as indicated on the proposed site plan. The building would be orientated to face east (towards Sainsburys), with the entrance into the showroom and offices to the northern part of the east elevation. An external display storage area would be located immediately to the front of the entrance into the building. A large service yard and materials storage area would be situated to the south west side of the building, this would be enclosed by a 2.4m high weld mesh security fence, including security gates at the entrance into the yard.
- 1.14 The walls of the building would be clad externally in composite cladding panels coloured silver, albatross grey and copper beech. The roof would be in goosewing grey profiled composite panels. Windows and doors would be double glazed aluminium coloured merlin grey externally. The southern side of the eastern elevation facing into the service yard would include 3 no. full height roller shutter doors. The only other fenestration would be at ground floor level around the office/showroom area. A series of roof lights would be included within the roof and it has been designed to allow for installation of solar panels, although no details of such features are included as part of the application.
- 1.15 The existing vehicle access off Eleventh Avenue would be re-used and improved to provide vehicle access into the site, including new footpath connections leading into the site and a pedestrian crossing over the site access with associated visibility splay. Within the site an access road would curve round towards the west leading into the customer car park and a separate spur would turn off southwards into the service yard and materials storage area. The customer car park would provide 23 parking spaces, including 2 accessible bays, 2 larger van parking spaces and 2 electric vehicle charging spaces. A further 5 staff parking spaces would be provided within the service yard. A covered cycle parking area accommodating 6 cycle parking spaces would be located immediately to the south of the building, bin storage would be located immediately adjacent to this. A tarmac footpath would run along the south and west sides of the building to provide access to the cycle and bin storage areas.
- 1.16 A pedestrian link in the southwest corner of the site on to the bottom of Chowdene Bank is also proposed. This would facilitate pedestrian and cycle access from this side of the site instead of requiring these users to access via the primary vehicle access to the north. The link would provide a path of approximately 1.5m in width leading directly to the proposed cycle parking area and would be accessible only to members of staff working at the premises. It would utilise an existing gap in the hedge, avoiding the need for removal of any further trees and shrubs.
- 1.17 Around 15 individual trees would be removed from the western site boundary with Kingsway and 9 groups of trees within the site would either be removed all

together or in part to accommodate the development. Replacement planting is proposed as part of landscaping proposals around the perimeter of the site.

- 1.18 A small rain garden would be provided within soft landscaping to the northern part of the site and below ground attenuation tanks would be provided beneath the customer car park and to the east of the building to attenuate surface water run-off.
- 1.19 Amended plans and additional information were submitted on 25 May 2022, 1 August 2022, 31 August 2022, 8 September 2022, 15 September 2022 and 3 October 2022 to try to address key areas of concern raised by consultees. The application originally included a B2 (general industrial) use as one of the proposed flexible uses, however correspondence was received from the agent withdrawing this use and the description was updated on 19 August to reflect this.
- 1.20 **PLANNING HISTORY**  
As set out above the site was occupied by the offices of the British Coal Area Headquarters until the mid 1980's when the buildings were demolished. The adjacent Sainsbury's supermarket (application refs. 1000/91 and 1217/93) was constructed during the 1990's.
- 1.21 Since demolition of the previous offices no planning applications have been approved for development of the current application site. Planning application DC/18/00378/OUT was submitted which sought outline consent for 3 drive-drive thru restaurants with all matters reserved except for access. This application was withdrawn by the applicant.

## **2.0 Consultation Responses:**

Coal Authority	Raise no objections, refer the applicant to their standing advice.
Health And Safety Executive	Raise no objections
National Highways	Raise no objections
Northumbria Water	Recommend a condition requiring the development to be implemented in accordance with the submitted drainage strategy, including use of specified man holes for foul and surface water drainage as specified in the strategy and restriction on the flow of surface water discharge to 5 l/s.
Tyne And Wear Fire And Rescue Service	Raise no objections but provide advice for the benefit of the applicant which has been passed on.

Northern Gas Networks                      Raise no objections to these proposals, however there may be apparatus in the area that may be at risk during construction works. Advise that the applicant liaises with them about impacts on their apparatus.

### **3.0 Representations:**

3.1 Neighbour notification and publicity of the application was carried out in accordance with formal procedures introduced in the Town and Country Planning (Development Management Procedure) Order 2015.

3.2 1 no. letter of support from Sainsbury's who own the application site has been received in response to the original public consultation, 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.

3.3 Following submission of amended plans on 8 September 2022 including a change to the red line boundary of the application site, additional neighbour notification and publicity was undertaken in accordance with the procedures of the Town and Country Planning (Development Management Procedure) Order 2015. No further representations were received.

#### **4.0 Policies:**

MSGP48 Waste Management Facilities - New Dev

NPPF National Planning Policy Framework

NPPG National Planning Practice Guidance

CS1 Spatial Strategy for Sustainable Growth

CS5 Employment-Economic Growth Priorities

CS6 Employment Land

CS13 Transport

CS14 Wellbeing and Health

CS15 Place Making

CS16 Climate Change

CS17 Flood Risk and Waste Management

CS18 Green Infrastructure/Natural Environment

MSGP1 Employment Land Supply

MSGP2 Key Employment Areas

MSGP8 Digital Infrastructure

MSGP14 Mitigating Impact on Transport Network

MSGP15 Transport Aspects of Design of Dev

MSGP17 Residential Amenity

MSGP18 Noise

MSGP19 Air Quality

MSGP20 Land Contamination/Stability

MSGP24 Design Quality

MSGP25 Conservation/Enhancement Heritage Assets

MSGP29 Flood Risk Management

MSGP30 Water Quality/River Environments

MSGP32 Maintain/Protect/Enhance Green Infrast.

MSGP36 Woodland, Trees and Hedgerows

MSGP37 Biodiversity and Geodiversity

## **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, transport, residential amenity, ecology, flooding and drainage, impact on the character of the surrounding area, ground conditions and waste management.

## **5.2 ENVIRONMENTAL IMPACT ASSESSMENT**

The development does not fall within the criteria listed in schedule 1 and 2 of the Town and Country Planning (Environmental Impact Assessment) Regulations 2017, as such an Environmental Impact Assessment is not required in relation to this application.

## **5.3 PRINCIPAL OF DEVELOPMENT**

The proposal involves development of a building with a flexible range of uses for B8 (storage and distribution) uses and a Builders Merchant (sui generis). The site is situated within Team Valley which is identified as a key employment area under policy MSGP2.

- 5.4 Policies MSGP1 and MSGP2.1 support employment uses, which would include the B8 use, in this location and it would fully accord with these policies. MSGP2.1 also supports development of other business activities that complement industrial areas in the Team Valley Key Employment Area. The proposed Builders Merchant, although not specifically listed in policy MSGP2.1 is considered to complement the wider industrial use of Team Valley and would therefore accord with this policy.
- 5.5 The application states that 15 no. full time jobs would be created, which although a benefit, is a relatively low number for a site of this size. The agent has indicated that job creation may be higher than this but this once any business is fully established but this is likely to take some time.
- 5.6 The proposed development would also comply with the wider economic aims of policies CS1, CS5 and CS6 by providing new industrial and employment uses in this location.
- 5.7 TRANSPORT**  
The proposal seeks a combined consent for B8 and/or a builder's merchant. The different uses would have different requirements for car parking, manoeuvring space and the like.
- 5.8 Trip Generation**  
A Transport Statement (TS) has been submitted in support of the application. Given the 3 different uses proposed, these are likely to generate different levels of vehicle movements. The TS uses TRICS (trip generation analysis system) data to calculate anticipated vehicle movements, however the data used for the proposed builder's merchant use is extremely old and very limited in terms of the sites analysed. As such the trips calculated may not be entirely accurate but would provide a more general indication of the level of vehicle movements that would result from the development.
- 5.9 The proposed B8 use is anticipated to generate modest vehicle movements during the morning (8am - 9am) and evening (5pm - 6pm) peaks.
- 5.10 In terms of the builder's merchant, the peak times for this use are identified in the TS as 5pm - 6pm and Saturdays 12 noon - 1pm. Between 5 - 6pm 2 way trips are estimated as 6-13, between 12 noon - 1pm on Saturdays 2 way trips are estimated as between 46-63. The higher figures include the additional mezzanine, with the lower figures discounting it. As above, these figures are based on old TRICS data.
- 5.11 Parking**  
Policy MSGP15 requires car, electric vehicle charging, motorcycle and cycle parking to be provided in accordance with the adopted Council's Car Parking Standards set out in Appendix 4 of the MSGP.
- 5.12 A car park to the northern section of the site containing a total of 23 spaces is proposed of which there would be 2 disabled spaces, 2 spaces for electric charging, 2 'van' spaces which are larger sized parking bays and a further 5

staff parking spaces within the service yard. The proposed number of spaces would comply with the Council's Non-Residential Parking Guidance for the proposed B8 use.

- 5.13 A builders merchant accessible to both trade and the public, as per the current proposal, is a sui generis use. However the Council's Non-Residential Parking Guidance includes Builder's Merchants open to the public within the retail section of the standards and requires that 1 parking space per 20sqm of floor space is provided, which would equate to 70 no. parking spaces being required for this use. This is calculated on the entire floor space of the building, whereas it is the applicant's view that this should only be calculated on the office and showroom areas, resulting in a significantly lower parking requirement.
- 5.14 In addition to the calculated figure of 70 required spaces for the builders merchant, it is considered by officers that there is good reason to include additional parking calculations based upon the outdoor product storage area which covers a very significant area. However it is acknowledged that a balance must be struck with multi-use floor areas and as such the compromise considered appropriate by officers is the omission of the external yard area from calculations, but inclusion of the overall building floor area.
- 5.15 A parking accumulation study has been submitted as part of the planning application. This seeks to justify a lower parking level based upon TRICS data for builders merchants. The TRICS data used is extremely old and very limited in terms of the sites analysed. The TRICS data is therefore not considered appropriate or reliable by officers to justify a reduced level of car parking.
- 5.16 The applicant has also provided details of the number of parking spaces in other builders merchant developments elsewhere in the country they have been involved with, these are to a lower level than the 70 spaces required by the Council's Non-Residential Parking Guidance. They state that as most customers would access the premises in a vehicle it would not be in the operator's interest to have insufficient car parking and consider the 28 spaces proposed to be appropriate to meet the needs of the development.
- 5.17 However it is considered by officers that the proposed site is in an out of town location, primarily in an industrial/commercial setting. The development is likely to be at the higher end of parking generation when viewed against other builders merchants, in part due to its out of town location which places a reliance upon car-borne trips, but also due to its unique position alongside the A1: the development will be prominent to traffic passing in very high volumes, and it has the benefit of convenient and almost direct access to the strategic road network.
- 5.18 The difference between 28 spaces (as proposed) and 70 spaces (as per the Council's Parking Guidance) is noted by officers. In order to overcome this issue and to off set the generation of additional vehicle trips associated with the development on an already congested and sensitive part of the highway network, it has been suggested by officers that a package of exceptional sustainable travel improvement/incentive measures should be provided.

- 5.19 2 no. electric vehicle charging bays and 2 no. disabled parking bays would be provided, which would accord with the Council's Parking Standards in Appendix 4 of the MSGP and the requirements of policy MSGP15. Motorcycle parking is also required to be provided by policy MSGP15 and is not shown on the proposed site plan, but details of this and its implementation could be secured by condition.
- 5.20 *Exceptional sustainable travel improvement/incentive measures*  
The trip rates for the proposed B8 use are relatively modest however it is to be noted that any use proposal will add movements to an area of the Team Valley that is extremely traffic sensitive and operates well above saturation point during peak periods. National Highways (formerly Highways England) are currently progressing a major widening and improvement scheme along the section of A1 up to, and including, the Coal House roundabout that is immediately to the south of the application site.
- 5.21 The builder's merchant will lead to a significant 46-63 movements during the busy Saturday peak lunchtime period, and it is noted that this may be a lower end estimate considering that the TRICS data that the applicant's transport consultant has used to estimate this uses limited data and is very old.
- 5.22 The application states that 6 no. covered cycle parking spaces would be provided for staff use only. This is generally in accordance with the Council's Minimum Cycle Parking Provision in Appendix 5 of the MSGP and policy MSGP15.5(e). As part of the exceptional sustainable travel improvement/incentive measures, it was recommended that high quality covered and secure cycle parking was provided and that details of this were provided prior to determination of the application to demonstrate the cycle parking would be to an appropriate standard. The applicant has provided indicative details of the proposed cycle parking, which appears to be to an acceptable standard generally in line with policy requirements, and it is considered that final details of cycle parking could be agreed by condition.
- 5.23 It was also recommended by officers that enclosed cycle lockers, staff showering and changing facilities were provided as part of the exceptional sustainable travel measures. The applicant is agreeable in principle to providing these facilities and conditions would be appropriate to agree details and secure implementation.
- 5.24 A pedestrian link of approximately 1.5m for staff use only, would be provided in the south west corner of the site on to the bottom of Chowdene Bank, connecting to the service yard and providing general pedestrian access from the southern side of the site. This would utilise an existing gap in the hedge, which may have been a previous access point to the former British Coal Area Headquarters and would minimise further impacts on existing trees and hedging. The closest bus stops to the site are situated in the vicinity of the Sainsbury's access and the new link would allow members of staff to travel to work by bus with a more direct pedestrian access to the site from the bus stops. Officers are concerned about the width of the proposed link within the site.

Bikes are generally at least 0.7m wide leaving little space for other users passing one another. However it is considered precise details of the pedestrian link, including its width and surfacing materials, could be agreed by condition. The proposed link would support more sustainable modes of travel to the site in accordance with policies MSGP15, CS13 and Part 9 of the NPPF.

- 5.25 As part of the exceptional sustainable travel improvement/incentive measures recommended by officers, widening of the existing cycleway to the south and west of the site along Kingsway and the bottom part of Chowdene Bank is considered imperative.
- 5.26 Given the nature of the proposed uses it is unlikely that anyone other than members of staff would access the site on a bicycle. However Team Valley is already heavily saturated in terms of traffic especially at peak times. The development would generate additional vehicle movements within this context. Improvement of the cycle way is likely to make cycling a more desirable and accessible travel option to both members of staff and other users of the Team Valley area who might otherwise drive, thereby offsetting the additional vehicle movements that would be generated by the proposed development.
- 5.27 Policy MSGP 15 (2) requires new development to not have an unacceptable impact on the safe operation of the transport network, or a severe residual cumulative impact on the efficient operation of the road network, or levels of congestion. Part (3) of the policy requires new development to give priority to access by sustainable travel including the improvement of existing links and the removal of barriers to sustainable means of access.
- 5.28 Policy CS13 Part 3 requires development (i) which generates significant movement to be located where the use of sustainable transport modes can be maximised, (iii) connects safely to and mitigates the effects of development existing transport networks, (vi) provides cycle parking and supporting infrastructure and (vi) provides for direct, safe, secure and continuous pedestrian and cycling links.
- 5.29 Part 9 of the NPPF promotes sustainable modes of travel. Specifically para. 104 (c) states that development proposals should identify and pursue opportunities to promote walking, cycling and public transport use. Para. 110 advises that in assessing specific applications for development it should be ensured that (a) appropriate opportunities to promote sustainable transport modes can be - or have been - taken up, given the type of development and its location, (b) safe and suitable access can be achieved for all users and (d) any significant impacts from the development on the transport network (in terms of capacity and congestion), or on highway safety, can be cost effectively mitigated to an acceptable degree. Para. 112 (a) states that applications for development should give first priority to pedestrian any cycle movements, both within the scheme and with neighbouring areas.
- 5.30 An existing cycle route runs along the south and west sides of the site and connects to other local cycle routes within Team Valley and up Chowdene Bank. The cycle route along the south and west sides of the site is shared with

pedestrians and is not sufficiently wide to meet relevant standards set out in the Department for Transport Cycle Infrastructure Design (LTN 1/20), which would require a 3m wide shared user route. The Council are scheduled to improve the cycle route along Kingsway to the west of the site in the near future. However a section of approximately 210m to the south of the site leading on to Chowdene Bank is extremely narrow, it would not currently be possible for a bike and a pedestrian to pass on this route.

- 5.31 As set out above as part of the mitigation to address the discrepancy in proposed and required car parking spaces, to off set the vehicle trips generated by the development and to generally encourage access to the site and wider locality by bike, officers consider it is necessary for the 210m cycle way to the south of the site to be widened as part of the development. The land that would be required to accommodate the widening is partly owned by the applicant and partly adopted highway, so undertaking of the widening works would be achievable.
- 5.32 The scale of the suggested cycle widening works is considered wholly reasonable by officers and appropriate when viewed against the size/scale/quantum of development. No other off-site highway works or mitigation are being sought in this instance. The existing shared cycle/pedestrian route is very narrow, in part due to the extent of private land ownership associated with the application site. If the developer does not commit to the path widening works on their land, this will significantly stymie future improvements to this cycle/pedestrian path, which is considered a key part of improving sustainable travel access (cycle and pedestrian access) not only to this site, but, importantly, also to the Team Valley industrial and employment area as a whole.
- 5.33 The applicant is not agreeable to widening the 210m length of cycleway to the south of the site. They consider the proposed uses would not generate a high level of users on foot or by bike and refer to the Council's cycle map to suggest that the site is already accessible, but this overlooks the poor level of existing facilities and the opportunity to improve this through modest widening works. Additionally they highlight there are bus stops nearby and regular bus services in the vicinity.
- 5.34 The road network around the site is known to operate beyond saturation point, the Local Highway Authority considers any new development/vehicle trips undesirable as a matter of principle due to the network congestion and as such, this makes the need to implement sustainable travel improvements all the more important.
- 5.35 It is considered by officers that without widening of the cycleway, the proposal is unacceptable as it would not mitigate the additional vehicle movements that would be generated by the development in an area saturated by existing traffic, resulting in unacceptable impacts on the efficient operation of the road network and adding to existing congestion. It would not maximise access to the site by sustainable modes of travel or provide direct, safe, secure and continuous pedestrian and cycling links or mitigate the substandard parking provision

proposed. As such the proposal would not comply with the requirements of policies MSGP15, CS13 and paras. 104, 110 and 112 of part 9 of the NPPF.

**5.36** *Travel Plan*

As the development is within the traffic sensitive area of the Team Valley Trading Estate, has a large overall footprint (particularly when accounting for the large yard area), and there is uncertainty over the end user, officers consider that a Travel Plan would be required to support sustainable travel to the site. Agreement of a travel plan and its implementation could be secured by a planning condition, in accordance with policies MSGP14, MSGP15 and CS13 and para. 113 of the part 9 of the NPPF.

**5.37** *Highway Safety*

Officers have raised concerns with the agent about potential access to the site, in association with the builders' merchant by flat bed HGVs (typically akin to a scaffolder's lorry). It is considered there is potential for the proposed builders merchant to be accessed by such vehicles with no dedicated space for parking or turning.

**5.38** In response to this concern, the agent has advised that flat bed HGVs are not expected to regularly frequent the proposed builders' merchant and they could park and collect materials within the service yard. A swept path analysis plan has also been submitted which demonstrates that a flat bed HGV driving into the site towards the proposed car park could reverse into the access road into the service yard and travel outwards in a forward gear to the Eleventh Avenue junction.

**5.39** Despite the clarification from the agent, officers remain of the view that inadequate provision has been made for flat bed HGVs accessing the proposed builders' merchant. Building contractors often use vehicles of this nature and may speculatively drive into the site to purchase products or materials without an appointment, particularly in the current climate given shortages of building materials when they are trying to source a particular item for a job. They may be unfamiliar with intended routing arrangements for flat bed HGVs within the site and even with signage this would not be an obvious and straightforward arrangement. A gated access into the service yard is shown, the agent has advised they would accept a condition requiring the gate to remain open at all times when the premises is open. However beyond this it is unclear what other arrangements would be in place to manage vehicles coming in and out of the service yard, in particular flat bed HGVs arriving speculatively. This could potentially be resolved by a management plan condition, however officers consider it would be very difficult to come up with a suitable solution to manage this issue.

**5.40** The proposed turning arrangements shown on the swept path analysis plan would mean flat bed HGVs would have to make a complicated reversing manoeuvre into the service yard access which would also be used by other vehicles, including HGVs and potentially staff cycling to work. The turning arrangements do not take into account cars that may access the site immediately behind a flat bed HGV that needs to turn around. Whilst 2 van

parking spaces are proposed in the car park, these would not be large enough to accommodate a flat bed HGV. It is considered the arrangement as proposed could result in vehicles needing to reverse out on to the public highway on Eleventh Avenue or for flat bed HGVs to park on street on Eleventh Avenue which is subject to waiting restrictions, causing a hazard for other vehicle users, pedestrians and cyclists within the site and on Eleventh Avenue with associated adverse impacts on highway safety.

- 5.41 In addition to the above, officers initially raised highway safety concerns associated with the proposed pedestrian crossing point inset from the junction on to Eleventh Avenue. This is inset the correct distance from the junction as dictated by highway design good practice. Following the submission of amended plans, including an amendment to the red line boundary of the application site, and discussions with officers, the revised plans now achieve an acceptable pedestrian sight visibility splay to the south of the crossing and no longer raises any highway safety concerns. Conditions could be used to secure the pedestrian visibility splay and ensure it does remain free of obstruction for the lifetime of the development.
- 5.42 The introduction of a yellow-hatched box or direct equivalent (to be agreed with the Local Highway Authority) would need to be secured on the section of Eleventh Avenue where the new vehicular access is proposed. This is to ensure the free movement of traffic along Eleventh Avenue and avoid any backing-up of traffic to Kingsway South. This matter could be agreed and secured by a condition.
- 5.43 The inadequate provision within the development for access by flat bed HGVs would result in adverse and unacceptable impacts upon highway safety, in conflict with policies CS13 and MSGP15 and paras. 110 (b) and (d), 111 and 112 (c) of the NPPF.

**5.44 IMPACTS ON THE CHARACTER AND APPEARANCE OF THE SURROUNDINGS**

Team Valley Trading Estate is on the local list of parks and gardens and is considered to be a non-designated heritage asset in this regard. Its significance is derived from its original 1930's layout which largely remains, landscaped and tree lined streets and art deco, brick buildings, principally St George's House around the central roundabout, which is some distance from this site. The landscaping and tree planting along Kingsway and around the avenues within the estate are a distinct feature of the area, making a positive contribution to its character and visual amenity.

- 5.45 The trees, shrubs and hedging within the application site fall immediately outside the boundary of the locally listed park and garden, which runs along Kingsway and ends to the east side of the footpath abutting this site. However, whilst not within the locally listed park and garden, the trees, shrubs and hedging on the western boundary of the site adjacent to Kingsway and the southern boundary with Chowdene Bank are immediately adjacent to it. As such they are viewed as part of the wider landscaping of the estate, particularly in this key gateway location on the southern approach into Team Valley. The

trees, shrubs and hedging along the western and southern boundaries of the application site are a distinct and attractive feature of the site and its surroundings and make a significant, positive contribution to the character and visual amenity of the area. As such a tree preservation order (TPO) has recently been served on 25 trees along the western boundary with Kingsway in order to recognise their contribution to the visual amenity of the area and afford protection to them.

- 5.46 The development proposes the loss of 15 no. individual trees along the western boundary with Kingsway, together with the loss of significant areas of trees and shrubs from groups 2, 4 and 5 to the western and southern sides of the sites. The loss of these trees and shrubs would have significant, transformational adverse impacts on the character and appearance of the site and its surroundings. This would be visible most prominently from the immediate vicinity on Kingsway but would also be noticeable from Chowdene Bank, the Coal House Roundabout and the elevated section of the A1 to the south. Views into the site would be opened up and the current landscaped edge, in particular to the west, would become much more stark and bare.
- 5.47 The proposed building is of typical industrial appearance, finished externally in cladded composite panels with a profiled sheeted roof and is of little aesthetic or architectural merit. It is of large scale and massing, measuring 55.79m in length, 26.2m in width and 8.29m to maximum ridge height. Other than use of different coloured cladded panels, windows and doors there are no architectural features to break up the massing and appearance of the building. The rear elevation of the building which is largely blank containing only 3 small windows would front onto Kingsway. Given the significant loss of trees and shrubs around the site and the siting of the building in close proximity to the western boundary with Kingsway, there would be direct, open views of the blank rear elevation from Kingsway.
- 5.48 The trees and vegetation to be removed to the southern side of the site generally appear to be more within the site, with the tree protection plan indicating hedging on the southern perimeter generally being retained. Mature trees in this area are set behind hedging, as the Arboricultural Impact Assessment has grouped these trees into groups 4 and 5 it is difficult to ascertain exactly which trees would be removed and retained within these groups and how much screening would remain to this side of the site. Irrespective of this, existing planting to the angled south west corner is typically of a lower height than adjacent sections. This enables views of the southern gable of the proposed building from the elevated A1 flyover. It would also be seen to a lesser extent from this direction on Coal House Roundabout and the lower part of Chowdene Bank, especially during the winter when trees are not in leaf.
- 5.49 It is acknowledged the site is within an existing industrial estate and is allocated for employment use in the Local Plan. Adjacent buildings are not of any particular aesthetic merit. Within this context the proposed building would generally correspond to the industrial and commercial character of adjacent buildings. However the application site is unique and distinct from adjacent

sites given the significant belt of trees and shrubs along the western and southern boundaries. Loss of the trees and shrubs as proposed would open up views into the site and allow the more subservient, blank elevations of the large scale industrial building to become highly prominent, instead of the attractive landscaped perimeter as currently exists.

- 5.50 A landscaping plan has been submitted with the application which proposes some new native species tree, hedge and shrub planting around the site. However the cleared area immediately to the west of the building adjacent to Kingsway, is intended to be planted with woodland ground flora, consisting of low height flowering plants, including primrose, bluebell and geraniums. The landscaping plan indicates some native species feathered trees would also be planted in this area, but precise details of the number, size and species of these trees are unclear from the landscape plan. In any event replacement planting in this area would take a long time to establish. Open views of the blank west elevation of the large industrial building would be maintained for a significant period of time until any new planting is established and as precise details have not been provided of the native species feathered trees in this area it cannot be ascertained whether this would provide effective screening of this blank elevation.
- 5.51 New native species tree and shrub planting is also proposed to the north, south and eastern sides of the site. This would not mitigate the large expanse of trees and shrubs intended to be removed from the west side of the site. The proposed new planting would take a long time to establish to the same extent as trees being removed, but over time would become established and augment the appearance of the northern, eastern and part of the southern site boundaries.
- 5.52 The proposed development would result in a significant loss of TPO trees, in particular from the western boundary with Kingsway. It is considered possible by officers to achieve the same scale of development on the site whilst ensuring retention of a greater proportion of these trees by moving the built development away from the western boundary. The need for the development in terms of economic benefits and job creation is acknowledged, however as this could still be achieved while retaining trees and shrubs to the western boundary, in this instance it is considered the resulting harm would not be outweighed by the need for the development. The replacement planting proposed as part of the landscaping scheme does not provide appropriate mitigation or enhancement for loss of these important TPO trees. The development has made no attempt to incorporate or retain the TPO trees and other existing vegetation into the scheme. As such the proposal is in conflict with policy MSGP36 and para. 131 of the NPPF.
- 5.53 It would be necessary to clear an area of vegetation within the new visibility splay to the south of the pedestrian crossing. The arboricultural impact assessment and landscaping plans do not provide any details about the extent of trees and vegetation that would need to be removed to accommodate this visibility splay or what the proposed treatment of the splay would be. It would need to be ensured there is nothing above 600mm in height within the splay to

provide the required visibility. Whilst some trees and vegetation will need to be removed from this area, existing trees and vegetation to the east within Sainsbury's car park is indicated as being retained. These trees and vegetation are not unduly prominent and their loss and replacement with appropriate landscaping would generally be considered acceptable. As such it is considered that conditions could be used to agree precise details of the trees and shrubs to be removed in this area and a suitable replacement treatment.

- 5.54 Overall, the proposed development would result in transformational, adverse impacts on the character and appearance of the site and its surroundings, by opening up of the western site boundary and resulting exposure of the side and rear, largely blank elevations of the industrial building onto Kingsway and to the south. This is considered to be a poor standard of design and does not respond well to local character and distinctiveness, in conflict with policies MSGP24 and CS15 and Part 12 of the NPPF.

#### **5.55 AMENITY OF THE CLOSEST RESIDENTS AND OCCUPIERS**

The closest residential properties to the site are located 375m to the south west at Lady Park and 420m to the east at the top end of Chowdene Bank. Existing industrial units and primary transport routes (the A1 and East Cost Main Line) lie on intervening land. As such it is not considered the proposals would result in any new impacts on the amenity of residents living in these areas.

- 5.56 The adjacent Sainsbury's supermarket would be sensitive to birds, rats and other pests. The applicant has advised that all bins and skips would have lids to prevent access by such species. The Environmental Health Officer has also suggested that a pest control regime may be necessary, this could be agreed by condition.
- 5.57 There is also potential for the transfer of loose materials within the external storage yard to blow across out on to adjacent roads and into Sainsbury's car park. The applicant has advised only heavy, bulky building materials would be stored in the yard and as such it is considered unlikely these would transfer into adjacent areas.
- 5.58 Having regard to the above it is not considered the proposal would result in any adverse impacts to the amenity of the closest residents or users of adjacent commercial premises, in accordance with policies CS14, MSGP17 and MSGP18 and parts 12 and 15 of the NPPF.
- 5.59 The site is not located within an Air Quality Management Area or Clean Air Zone. The levels of traffic that would be generated would not trigger the need for submission of an air quality assessment. Given the context of the site and the nature of the proposals, it is not considered the development would have any adverse impacts on air quality in accordance with policy MSGP19.

#### **5.60 ECOLOGY AND BIODIVERSITY**

The proposed development site is not located within or immediately adjacent to a designated nature conservation site or Wildlife Corridor, and no significant adverse impacts on such features are anticipated.

- 5.61 The site supports an extensive area of Open Mosaic Habitats on Previously Developed Land (a Habitat of principal importance as defined in relevant legislation and Durham Biodiversity Action Plan priority habitat), along with smaller areas of mixed scrubs, amenity tree and shrub planting (woodland) and hedgerow.
- 5.62 The site is likely to support fauna typical of urban brownfield sites of a similar size and structural complexity, including invertebrates, breeding and foraging birds, and small mammals. The site has been confirmed as supporting Dingy Skipper Butterfly (Species of principal importance as defined in relevant legislation and Durham Biodiversity Action Plan priority species).
- 5.63 Using the DEFRA Metric assessment it has been calculated that despite some proposed new tree and hedge planting which would create 1.88 habitat units on site, the development would result in an overall loss of 6.84 habitat units. The applicant has confirmed their agreement to provide contributions of £102,600 to provide off site biodiversity enhancements to mitigate the loss on site, this would include the provision of off site habitat for dingy skipper butterfly, a priority species. The off site biodiversity contributions could be secured by a s106 agreement.
- 5.64 In addition, conditions would be required to agree and secure implementation of a construction ecological management plan, landscape and ecological design strategy, landscape and ecological management plan and ecologically sensitive lighting design strategy. These conditions are required to minimise impacts to mammals, birds and invertebrates using the site during construction works, agree precise details of planting to provide habitat units on site and secure their management for at least 30 years and ensure lighting is appropriate to species using areas on and around the site.
- 5.65 Subject to a s106 agreement to secure the off site biodiversity contributions and the above conditions, it is considered that the proposal would not have a significant adverse impact on ecology and biodiversity, in accordance with policy MSGP37 and paras. 174 (d) and 180 (a) of Part 15 of the NPPF.

#### **5.66 FLOODING AND DRAINAGE**

The site is situated at the bottom of the river valley, with the River Team running beneath the central reservation of Kingsway around 15m to the west. Land rises upwards to the east of the site up Chowdene Bank towards Low Fell.

- 5.67 The development proposes a large yard area occupying the central and eastern parts of the site, which would be constructed from impermeable materials. Parking bays within the car park would be constructed in permeable materials. The drainage system proposes to attenuate surface water within the site in 2 attenuation tanks beneath the car park and to the front of the building. A small rain garden is also proposed within a landscaped area to the north of

the site adjacent to Eleventh Avenue. Surface water would finally be discharged into surface water sewers. Foul drainage would also connect into adjacent existing foul sewers.

- 5.68 The site is largely located in flood zone 1, however flood zone 2 (associated with the River Team) runs along the western boundary of the site and encroaches to a small extent into the western edge of the site. Additionally there are areas of low and a larger area of medium flood risk from surface water sources within the site. The effects of climate change over the lifetime of the development will increase the extents of such flooding. The proposed drainage system appears intended to be designed to accommodate runoff from on site sources with an allowance for climate change. Given the existing areas of low and medium surface water flooding within the site, it is inevitable there will be some flood water on site that will arise from offsite sources.
- 5.69 The management of surface water runoff generated from rainfall within the red line area would be via the proposed drainage scheme. However surface water runoff generated from rainfall outside the red line area needs to be safely accommodated on site without the building being flooded or presenting a hazard to site users. The drainage strategy is to provide capacity in the below ground system for runoff from roof and paved areas within the site and for runoff generated from areas outside the site area, having regard to allowance for the effects of climate change.
- 5.70 Two submissions providing additional information in relation to flood risk and drainage have been made since the Planning Committee on 31 August. Following review of the most recent additional drainage and flood risk information officers are satisfied that the proposed drainage strategy is suitable given the extent of the developable area, mitigating for off site run off and the effects of climate change. Conditions to agree and implement a flood response plan, final drainage plan including cross sections of key drainage components and a drainage maintenance plan are recommended.
- 5.71 Subject to the suggested conditions, the additional information demonstrates that adequate drainage could be provided to ensure the development is not at risk of flooding and would not worsen off site flooding, in accordance with policies CS16, CS17, MSGP29 and MSGP30 and Part 14 of the NPPF.

## **5.72 GROUND CONDITIONS**

The site is situated on land formerly occupied by previously demolished buildings and may be subject to contamination from its former uses. A Phase 2 Ground Investigation Report has been submitted as part of the application. This did not identify any contamination on the site, other than 3 areas containing asbestos. As such it would be necessary for a remediation strategy to be prepared and a subsequent verification report confirming remediation has been carried out in accordance with the agreed strategy. These matters could be subject to planning conditions, together with a further condition requiring the treatment any unexpected contamination found.

5.73 The site is situated within a Coalfield Development Low Risk Area and as such it is not anticipated there are any coal mining legacy features within the site that may affect its stability. The Coal Authority have been consulted and raise no objections subject to an informative referring the applicant to their standing advice.

5.74 Subject to the above conditions relating to land contamination, the development is considered to comply with the requirements of Policies CS14, MSGP20 and Part 15 of the NPPF.

#### **5.75 WASTE MANAGEMENT**

A bin storage area capable of accommodating an adequate number of bins to serve the development would be provided to the southern side of the building. The service yard would provide adequate turning and manoeuvring space for refuse collection vehicles. As such waste management facilities at the site are considered to be acceptable and would accord with policy MSGP48.

#### **5.76 COMMUNITY INFRASTRUCTURE LEVY**

On 1st January 2017 Gateshead Council became a Community Infrastructure Levy (CIL) Charging Authority. This application has been assessed against the Council's CIL charging schedule and the development is CIL chargeable development and would fall within the category of 'All Other Development'. The development is located within a charging zone with a levy of £0 per square metre for this type of development and as such there is no CIL to be paid.

### **6.0 CONCLUSION**

6.1 Planning law requires that applications for planning permission must be determined in accordance with the development plan unless material considerations indicate otherwise. The Council has an up to date development plan comprising the Core Strategy and Urban Core Plan and Making Spaces for Growing Places. Paragraph 12 of the NPPF states that where a planning application conflicts with an up-to-date development plan (including any neighbourhood plans that form part of the development plan), permission should not usually be granted.

6.2 It is acknowledged that the site is allocated for employment uses under policy MSGP2 and it is also considered the proposed builders' merchant would be complimentary to the wider employment use of the surrounding area. As such the proposed flexible uses are considered acceptable in principle in this location. However, the development would generate a relatively low number of jobs in comparison to the size of the site and scale of proposed buildings.

6.3 This is a prominent gateway site into Team Valley. The Trading Estate in general is characterised by its tree lined, landscaped setting. Within this context the trees bordering Kingsway and to the south of the site make a significant positive contribution to the character and visual amenity of the site and its surroundings, which has recently been recognised by the serving of a TPO. The proposed development would result in significant loss of these trees, with a blank, rear elevation of the large industrial building intended to front on

Kingsway. This represents a poor standard of design and would result in adverse impacts upon the character and visual amenity of the site and its surroundings, in conflict with policies MSGP24, MSGP36 and CS15 and Part 12 of the NPPF.

- 6.4 Furthermore whilst the proposals have included some measures to try and encourage travel to the site by sustainable modes, this is considered to have not gone far enough given the scale and location of the proposed development. It is considered imperative that the 210m cycle path immediately to the south of the site and adjacent to the proposed pedestrian link into the site, is widened to a 3m shared user width. Without this the development would not mitigate the additional vehicle movements it would generate in an existing heavily trafficked area, or maximise access to the site by sustainable modes of travel or provide direct, safe, secure and continuous pedestrian and cycling links. This would result in unacceptable impacts on the efficient operation of the road network and adding to existing congestion, in conflict with policies MSGP15, CS13 and paras. 104, 110 and 112 of part 9 of the NPPF.
- 6.5 Failure to provide adequate turning and access arrangements for flat bed trucks would be hazardous to all users of the site and the adjacent public highway, including HGVs, pedestrians, cyclists and other users. This would result in adverse and unacceptable impacts upon highway safety, in conflict with policies CS13 and MSGP15 and paras. 110 (b) and (d), 111 and 112 (c) of the NPPF.
- 6.6 The proposed development is considered to be acceptable in terms of ecology and biodiversity, flood risk and drainage, amenity of the closest residents and occupiers, ground conditions and waste management in accordance with relevant policies from the Local Plan and the NPPF.
- 6.7 In conclusion, the small scale economic and employment benefits of the proposals are acknowledged. However overall, the development is considered to be a poor quality of design resulting in significant adverse impacts in terms of the character and visual amenity of the site and its surroundings, insufficient measures to promote sustainable travel and mitigate new vehicle movements generate and upon highway safety and flood risk, in conflict with relevant policies from the Local Plan and NPPF.
- 6.8 In this instance the small scale economic and employment benefits are not considered to outweigh the adverse impacts arising from the poor quality of design. There are no material considerations which indicate otherwise and refusal of the application is recommended.

#### **7.0 Recommendation:**

That permission be REFUSED for the following reason(s) and that the Service Director of Climate Change, Compliance, Planning and Transport be authorised to add, vary and amend the refusal reasons as necessary

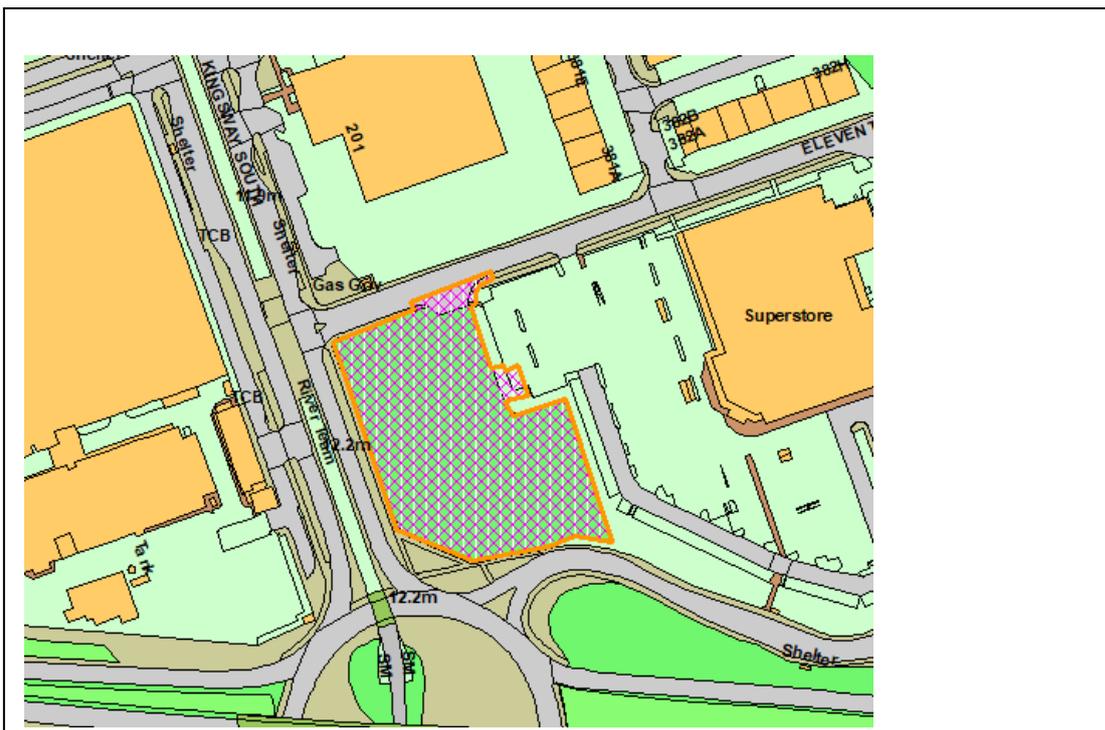
Loss of visually important trees and fronting of a blank rear elevation in a prominent roadside frontage would result in significant adverse impacts on the character, appearance and visual amenity of the site and its surroundings, in conflict with policies MSGP24, MSGP36 and CS15 and Part 12 of the NPPF.

2

The development would not mitigate the additional vehicle movements it would generate in an existing heavily trafficked area, or maximise access to the site by sustainable modes of travel or provide direct, safe, secure and continuous pedestrian and cycling links. This would result in unacceptable impacts on the efficient operation of the road network and adding to existing congestion, in conflict with policies MSGP15, CS13 and paras. 104, 110 and 112 of part 9 of the NPPF.

3

Failure to provide adequate turning and access arrangements for flat bed HGVs would be hazardous to all users of the site and public highway, resulting in adverse and unacceptable impacts upon highway safety, in conflict with policies CS13 and MSGP15 and paras. 110 (b) and (d), 111 and 112 (c) of the NPPF.



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