

Committee Report

Application No:	DC/23/00349/FUL
Case Officer:	Mark O’Sullivan
Date Application Valid:	24 April 2023
Applicant:	Location 3 Properties Limited
Site:	Land to the West of Sainsburys Supermarket, Eleventh Avenue, Team Valley, Gateshead
Ward:	Lamesley
Proposal:	Construction of builders’ merchant with associated yard, car parking and landscaping (revised application) (additional information received).
Recommendation:	GRANT SUBJECT TO A SECTION 106 AGREEMENT
Application Type:	Full application

1.0 The Application**1.1 BACKGROUND**

Members are reminded of the October 2022 Planning Committee refusal of a Storage and Distribution (B8 Use) or Builders' Merchant (Sui Generis), with associated hardstanding, parking and landscaping on land west of Sainsburys Supermarket, Team Valley (planning ref: DC/21/01368/FUL). The application was refused on 3 grounds:

1. 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.

1.2 Post determination, a revised site layout plan was received by the Local Planning Authority seeking to address the 3 refusal reasons through a pre-application enquiry (LPA ref: 22/0272/MJE). As part of this process a site meeting was held in December 2022 between the applicant, agent and

officers from the Council. The LPA issued a formal response to the enquiry on 21 December 2022 highlighting positive progress had been made but further consideration would still be required to satisfying all refusal reasons. The agent subsequently confirmed a resubmission would follow in due course.

- 1.3 A formal appeal was also lodged by the applicant against the October 2022 refusal (PINS ref: APP/H4505/W/23/3315217). This appeal was dismissed by the Planning Inspectorate on 08 June 2023 under the written representations procedure, with the Inspectorate conclusions covered within the main body of this report.
- 1.4 **DESCRIPTION OF THE SITE**

The application site comprises a parcel of vacant land (some 0.82Ha) located between Sainsbury's Supermarket and car park (to the east), and Kingsway South (to the west), to the southern end of the Team Valley Trading Estate. This is a gateway site into Team Valley from the A1 Coal House intersection to the south, prominent from this major road, as well as Kingsway and Chowdene Bank to the west and south respectively. 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. The River Team is located within the central reservation of Kingsway.
- 1.5 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, with the site having remained vacant ever since. There remains some evidence of small areas of hard standing associated with the former offices, however given the lapse in time since demolition, the site has revegetated and is now substantially overgrown with self-seeded trees, shrubs, grasses and other flora. A significant belt of trees, hedging and other vegetation runs along the western and southern boundaries of the site.
- 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.
- 1.7 An existing pedestrian and cycle path runs along Kingsway South to the west 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 along the southern site boundary. The closest bus stops to the site are located on Chowdene Bank in proximity to the entrance into Sainsburys.
- 1.8 **DESCRIPTION OF THE APPLICATION**

Planning permission is sought for erection of a Builders Merchant trade unit including ancillary showroom and offices (floor area some 1930m² including 528m² mezzanine deck) falling within the 'Sui Generis use' classification. The

maximum dimensions of the building would measure 55.79m in length, 26.2m in width, and 8.3m in ridge height.

- 1.9 The building would be finished with external clad composite panels coloured merlin and goosewing grey and silver. The pitched roof would comprise goosewing grey profiled composite panels and include 16no. roof lights. An area of potential PV panels is identified either side of the main ridge albeit details of these panels are to be confirmed by the applicant at a later date should they choose to pursue this option. Windows and doors would be double glazed aluminium coloured merlin grey externally. The southern side of the eastern elevation would include 3 no. full height roller shutter doors. The only other fenestration would be at ground floor level around the office/showroom area to the north, east and west elevations.
- 1.10 The proposed building would be orientated to face east (towards Sainsburys) and be located close to the western boundary of the site behind the existing tree belt fronting Kingsway South (to be retained). Adjacent to the unit (to the east), extending along the eastern site boundary with Sainsburys car park would be a large outdoor service and storage yard and service turning area. This yard would extend to the south of the proposed building.
- 1.11 Access to this yard would be taken from the north via the main site access from Eleventh Avenue. This access would include footway connections into the site and also serve a customer parking area to the north of the trade unit building. Customer access into the showroom and offices would be taken from the northern and eastern elevations where adjacent to the customer car parking area, with an external display storage area located immediately adjacent to the eastern entrance. Access to the main body of the trade unit would also be taken from the main service yard to the east.
- 1.12 Beyond the southern boundary of the site is an existing pedestrian/cycle footway which extends the length of the site along Chowdene Bank. Proposals include plans to extend the width of this path north into the site boundary, resulting in a 3m wide foot/cycle way width. A pedestrian link in the south west corner of the site on to the bottom of Chowdene Bank is also proposed. The link would provide a path of approximately 1.5m in width leading directly to the proposed cycle parking area to the south of the building and would be accessible only to members of staff working at the premises, facilitating pedestrian and cycle access from this side of the site instead of requiring users to access via the primary vehicle access to the north. It would utilise an existing gap in the hedge, avoiding the need for removal of any further trees and shrubs.
- 1.13 In terms of site landscaping, existing boundary vegetation would be retained, with a small rain garden provided within soft landscaping to the north of the site. To the south and east, new areas of meadow grass and soft landscaping would be provided.
- 1.14 All site signage would be subject to a separate advertisement consent application.

1.15 PLANNING HISTORY

The site was formerly 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. Since demolition of the previous offices no planning applications have been approved for development of this site. Planning application ref: DC/18/00378/OUT sought outline consent for 3 drive-thru restaurants with all matters reserved except for access. This application was withdrawn by the applicant in August 2018.

- 1.16 The most recent application concerned the construction of a building for use as Storage and Distribution (B8 Use) or a Builders' Merchant (Sui Generis), with associated hardstanding, parking and landscaping (planning ref: DC/21/01368/FUL). This application was refused by members of the planning committee in October 2022 and the subsequent appeal dismissed in June 2023.

2.0 Consultation Responses

Health and Safety Executive	Raise no objections.
National Highways	Raise no objections.
Northern Gas Networks	Raise no objections.
Northumbria Police	Raise no objections but informal advice offered relating to enhanced CCTV around the site, intruder alarms and secure fencing.
Northumbria Water	No comments received.
The Coal Authority	Raise no objections.
Tyne and Wear Fire and Rescue	Raise no objections.

3.0 Representations

- 3.1 A site notice to publicise works was posted adjacent to the site and all immediately adjoining properties notified in writing. Neighbour notifications were carried out in accordance with formal procedures introduced in the Town and Country Planning (Development Management Procedure) Order 2015.
- 3.2 1no. letter of support has been received from a resident of Low Fell.

4.0 Policies

NPPF National Planning Policy Framework

NPPG National Planning Practice Guidance

CS1 Spatial strategy for sustainable growth

CS5 Employment and economic growth priorities

CS6 Employment land

CS13 Transport

CS14 Wellbeing and Health

CS15 Place Making

CS16 Climate change

CS17 Flood risk and water management

CS18 Green infrastructure and natural environment

MSGP1 Employment land supply

MSGP2 Key employment areas

MSGP14 Mitigating the impacts of development on the transport network

MSGP15 Transport aspects of design of new development

MSGP17 Residential amenity

MSGP18 Noise

MSGP19 Air quality

MSGP20 Land contamination and land instability

MSGP24 Design quality

MSGP25 Conservation and enhancement of heritage assets

MSGP29 Flood risk management

MSGP30 Water quality and river environments

MSGP32 Maintaining, protecting and enhancing green infrastructure

MSGP36 Woodland, trees and hedgerow

MSGP37 Biodiversity and geodiversity

MSGP48 Waste management facilities in new development

5.0 Assessment of the Proposal

5.1 The resubmitted application seeks to address the 3no. reasons for refusal in respect of planning ref: DC/21/01368/FUL. Having regard to the relevant development plan policies, relevant guidance and all other material planning considerations, including representations received, it is considered that the main planning issues relate to the principle of the development, transport, impacts on the character and appearance of the surroundings, amenity impacts, ecology and biodiversity, flooding and drainage, 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 PRINCIPLE OF DEVELOPMENT

The application proposes the development of a building for use as a builders merchant (Sui Generis) with associated materials storage yard, car parking and landscaping. The site comprises vacant land within the Team Valley employment area, covered under Policy MSGP2. Policies MSGP1 and MSGP2.1 support employment uses within the Team Valley Trading Estate where they fall into the B1, B2 and B8 use classifications. Although the proposed use would fall outside of this classification, MSGP2.1 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.

5.4 The application states that 25no. full time jobs would be created by the development. Although the previously refused submission did specify a lower figure of 15no. jobs, it has been explained by the applicant that the lower figure represents the baseline number which could potentially rise to 25no. in time as the business establishes and matures. It is however noted that staff would work on a shift basis throughout the week, and it is unlikely that more than 10-15no. staff would be present on site at any one point in time. The proposed development would therefore comply with the wider economic aims of policies CS1, CS5 and CS6 by providing new commercial use and promoting economic development and job creation.

5.5 TRANSPORT

The resubmission seeks to address the two transport related reasons for refusal in respect of DC/21/01368/FUL (reasons 2 and 3). The site layout plan has been amended and new information submitted to support the applicant's case.

5.6 *Refusal reason 2*

In respect of condition 2, the Inspector concluded that there was nothing before him to suggest that the traffic generated by the proposed development would have an unacceptable impact on highway safety or that the residual cumulative impact on the road network would be severe. Furthermore, that a reasonable assessment of the parking needs on the basis of the showroom and office area only would be met by 25no. spaces without causing cause harm to highway safety with respect to parking matters.

5.7 With respect current proposals, a total of 33no. on-site car parking spaces are proposed, inclusive of 2no. van parking bays in the service yard. Additionally, 2no. HGV parking/loading/unloading bays are shown in the yard adjacent to a materials storage area. This represents an increase in provision from the previously refused scheme and exceeds that deemed to be acceptable by the Inspector. In this respect, officers are satisfied by the applicants' proposals in respect parking standards.

5.8 In addition, submitted plans detail a section of the cycle route that bounds the southern boundary of the site for a length of approximately 50m to be widened. Widening works would extend north into the application site but would not extend as far eastwards as the Sainsbury's roundabout as originally requested by Officers. Although this reduces the extent of the sustainable travel works to below the minimum level identified by officers during the original planning application/refusal decision, the Inspectors decision is again noted. Here it was confirmed that the proposed development would not in itself lead to a significant increase in the number of people using the cycle path, and therefore the widening of it would not be necessary to make the development acceptable in planning terms, nor would it be fairly or reasonably related in scale and kind to the development. Notwithstanding this, the applicant has shown willingness to improve existing provision in some of the most challenging areas in respect of embankment formation, path widening, and replacement landscaping, promoting sustainable transport choices in accordance with Policy CS13. Together with the other off-set measures and improvements made to the development proposal which include on-site cycle changing and showering facilities for staff (as detailed on plans), and EV parking provision (to be controlled by conditions 21-22), the proposed cycle path improvement works are welcomed by Officers.

5.9 *Refusal reason 3*

During post-refusal discussions with the developer, the internal yard, access and parking arrangements were clarified. Discussions centred around how, subject to control measures, customer HGV movements could be accommodated within the yard area providing the applicant submitted new and detailed information including:

1. HGV turning areas to be clearly identified and marked-out on site in perpetuity/for the lifetime of the development.
2. The yard gates must be open at all times during operational hours.

3. HGV parking bays must be identified within the yard and marked out as such in perpetuity.
 4. Areas for stock and retail display must be clearly defined and positioned clear of turning and parking areas within the yard.
 5. Signage must be placed in advance of the yard access gates indicating customer HGV access only to the yard (with customer cars directed to the main car park).
- 5.10 The majority of the above points are addressed as part of this new application and/or will be conditioned by way of a planning-enforceable conditions. Regarding points 1, 3 and 4, submitted plans detail designated material storage areas within the yard, including the siting of storage racks around the yard perimeter, a service turning area and designated van parking. A dedicated/separate customer HGV turning and parking facility is still not proposed, however, the applicant has clarified arrangements for the operation of the main service yard so as to allow for unhindered customer HGV access, turning and parking. This arrangement will need to be secured by planning condition for the lifetime of the development to ensure that adequate turning space is always retained for both customer and operational HGV's (conditions 17-20).
- 5.11 Regarding point 2, it is confirmed by the applicant that yard access gates would remain open during all operational hours, and again this detail can be controlled by condition (condition 14).
- 5.12 Regarding point 5, clear signage (directing customer HGVs towards the main yard) is not shown on the submitted drawings, although the developer has previously alluded via email discussions to the provision of some form of signage. In view of the concerns previously raised by Officers in relation to customer HGV access, and also by members of the Planning and Development Committee in relation to HGV/customer safety and activity within the service yard, it is recommended that signage details also be controlled by condition. Discharge of this condition could reasonably be requested prior to operation, rather than pre-commencement (conditions 19-20).
- 5.13 *Conclusion*
The revised site layout has seen substantial revisions including accompanying information which seek to address the relevant refusal reasons of the 2022 planning submission. The applicant has proactively sought to address concerns raised relating to internal site movements and sought to focus on improving access to the site by sustainable modes of travel which would help to offset the traffic impacts of the development in an area known to be traffic sensitive. Officers acknowledge the Planning Inspector's conclusions regarding the absolute need for improved cycleway provision and on-site parking provisions. The end result strikes a balance between policy requirements and end user needs and, overall, is considered to be a good

development. Subject to conditions, proposals would satisfy the policy requirements of CS13 and MSGP14 and MSGP15, and also satisfactory overcome previous refusal reasons 2 and 3 of planning ref: DC/21/01368/FUL.

5.14 IMPACTS ON THE CHARACTER AND APPEARANCE OF THE SURROUNDINGS

Previous refusal reason 1 concerning the loss of visually important trees and resulting impact of a blank rear elevation along a prominent roadside frontage was a key factor in the Inspector's decision to dismiss the recent appeal. The Inspector concluded that the harm caused by the originally proposed development to the character and appearance of the area would be significant. Consequently, the proposal would fail to accord with the NPPF and Policies CS15, MSGP24 and MSGP36.

- 5.15 The Team Valley Trading Estate is identified 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.
- 5.16 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 to the west and ends to the east side of the footpath abutting the western site boundary. However, whilst not within the locally listed park and garden, the trees, shrubs and hedging on the western and southern site boundaries are viewed as part of the wider landscaping of the estate, particularly in this key gateway location on the southern approach into Team Valley. Officers therefore consider the trees, shrubs and hedging along the western and southern boundaries of the application site to create 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.
- 5.17 To this extent, the Council previously made a Tree Preservation Order on 25no. trees within the site which were threatened by the originally refused scheme. Although this order has since lapsed, the Planning Inspector in his decision, acknowledged the significance of these trees concluding that they make a valuable contribution to the character and appearance of the area and that their likely life expectancies would not be so short so as to justify their removal to facilitate the proposed development. Furthermore, that the loss of these trees and resulting rear elevation of the proposed building so close to the adjacent highway would place a large mass of mostly unbroken wall very close to the western site boundary. Due to its bulk and positioning, the proposed building would be a visually dominant feature within the street scene. The impact that would arise on the character and appearance of the area from the proposed development would be significant and harmful in two respects; firstly, due to the loss of the trees which make such a positive visual

contribution to the area and, secondly, due to the design and massing of a new building that would be in such close proximity to Kingsway South.

- 5.18 Outside of the appeal process, positive informal discussions have taken place between officers and the applicant to ensure that these trees are retained where possible through re-positioning of the development. A revised proposal has been submitted alongside a detailed landscape strategy that would allow most of the trees to be retained around the site perimeter to maintain the existing character and visual amenity of the area whilst introducing new native trees, hedges, and shrubs to help enhance the existing character and appearance of the site.
- 5.19 Previously the loss of 15no. individual trees along the western boundary with Kingsway, together with the loss of significant areas of trees and shrubs to the western and southern sides of the sites would have opened up the site resulting in significant and transformational adverse impacts on the character and appearance of the site and its surroundings. With the main building now sited behind this retained landscape buffer, officers consider that the applicant has satisfactorily addressed the earlier arboricultural issues which influenced refusal reason 1 and subsequent Planning Inspector considerations. Subject to the implementation of the submitted Landscape Strategy, Tree Protection Plan and Arboricultural Method Statement Recommendations, such treatment would positively address previous concerns regarding the perceived adverse impact on Kingsway South by protecting the strong 'green' character of this important and prominent route.
- 5.20 The Council has also decided that it is no longer expedient to re-make the TPO, as there is a commitment from the developer to retain tree cover in this important location.
- 5.21 With regards design, the proposed building remains of typical industrial appearance, finished externally in cladded composite panels with a profiled sheet roof. It is of large scale and massing, measuring 55.79m in length, 26.2m in width, and 8.29m to maximum ridge height (7.13m to eaves). 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 (western) elevation of the building which is largely blank containing only 3no. small windows would face onto Kingsway South.
- 5.22 Officers accept that this building is located within an industrial setting, where land is allocated for employment use in the Local Plan. Adjacent buildings are not of any particular aesthetic merit and within this context the proposed building would generally correspond to the industrial and commercial character of adjacent buildings.
- 5.23 *Conclusion*
The applicant has sought to address refusal reason 1. The key difference between the current submission and its predecessor are that the revised siting of the building sees the retention of important boundary screening which would make the physical appearance of the building less prominent than

previously proposed. The retention of this boundary treatment would ensure the development remains well screened, whilst ensuring the large, blank elevations of the structure are less prominent from key vantage points.

- 5.24 The only outstanding issue not resolved from previous concerns the visibility of the roofscape from the A1 (which is elevated at the nearby Coal House intersection), and the previously suggested idea for a green roof. However, given the additional structural measures required to support a green roof on a building of this type and size, officers appreciate this is not a feasible solution in this instance. Additionally, the greater amount of planting now proposed together with the retention of almost all of the existing vegetation on the site, will reduce the visual impact of this roof from the A1 to point where such a design is no longer considered a necessity.
- 5.25 Officers are able to support this latest design. The current proposals would be seen to respond well to local character and distinctiveness, satisfying policies MSGP24, MSGP32 and MSGP36, CS15 and Part 12 of the NPPF.

5.26 AMENITY OF THE CLOSEST RESIDENTS AND OCCUPIERS

The closest residential properties to the site are located some 375m to the southwest at Lady Park and 420m to the east at the top end of Chowdene Bank. Existing industrial units and primary transportation routes (the A1 and East Cost Main Line) lie on intervening land. Given the nature of the proposals and surrounding land uses, whilst being located on an established industrial estate, it is not considered the proposals would result in a significant and detrimental impact on the amenity of residents living in these areas above the existing environmental conditions.

- 5.27 Development of the site would be subject to a Construction Management Plan (CMP), with details to be controlled by condition in the interests of amenity (conditions 4-5).
- 5.28 Regarding waste management, a bin storage area capable of accommodating 2no. 1100L secured storage bins within a partially enclosed area would be provided to the southern side of the building. Submitted plans also confirm additional storage space within the service yard for skips if required, whilst providing for easy access, manoeuvring and turning of refuse collection vehicles. As such waste management facilities at the site are considered to be acceptable and would accord with policy MSGP48.
- 5.29 Given the nature of the end use and creation of an external storage area, concerns may also be raised over the potential for the transfer of loose materials from this yard to blow across adjacent roads and into Sainsbury's car park. The applicant has advised that only heavy, bulky building materials would be stored in the yard and as such it is considered unlikely that there would be transfer of material into adjacent areas.
- 5.30 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 premises, in accordance with policies CS14, MSGP17 and MSGP18

and parts 12 and 15 of the NPPF. Meanwhile, the site is not located within an Air Quality Management Area or Clean Air Zone and 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.

5.31 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. As previously considered, 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.

5.32 The application is submitted alongside up to date Biodiversity Net Gain calculations. Using the DEFRA Metric assessment, it has been calculated that despite some proposed new planting, and the retention/enhancement of onsite habitats, the development would result in a residual net loss of -6.77 habitat units. In order to be policy compliant, a 1% Biodiversity Net Gain is to be sought. Maintaining a consistent approach to the previous submission, officers consider that such loss can be mitigated through securing a payment of £102,858 to provide off-site biodiversity enhancements. This would include the provision of off-site habitat for dingy skipper butterfly, a priority species. The applicant has agreed to this amount, to be secured by a s106 agreement.

5.33 In addition, conditions would be required to agree and secure implementation of a Construction Ecological Management Plan (CEMP), landscape and ecological design strategy, landscape and ecological management plan and ecologically sensitive lighting design strategy (conditions 41-48). 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.

5.34 Subject to the above, including a s106 agreement to secure the necessary off-site biodiversity contributions, officers consider the proposals would not have a significant adverse impact on ecology and biodiversity, in accordance with policy MSGP37 and paragraphs 174(d) and 180(a) of Part 15 of the NPPF.

5.35 FLOODING AND DRAINAGE

The application site comprises previously developed scrubland. In addition to the physical structure, the development proposes a large hard surfaced 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 also be constructed in permeable materials.

- 5.36 The site is situated at the bottom of the river valley, with the River Team running beneath the central reservation of Kingsway approximately 15m to the west. Land rises upwards from the east of the site up Chowdene Bank towards Low Fell. The site is wholly located in flood zone 1, with extents of flood zones 2 and 3 located adjacent to the site (associated with the river Team which runs along the western boundary 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 may increase the extents of such flooding.
- 5.37 The flood risk and drainage information accompanying the application (Flood Risk Statement and Drainage Strategy, Jasper Kerr, JK-6534, rev 6, Mar 2023) is an update to that submitted in support of previous application ref: DC/21/01368/FUL. The report confirms that flood risk will not increase as a result of development and that the proposed development is appropriate and sustainable in the terms as set out in NPPF.
- 5.38 Meanwhile, a suitable drainage strategy for the proposed development has been identified. The site is currently served by public sewers for both surface water and wastewater, however only a short section of surface water sewer is utilised prior to outfall to the nearby River Teams. Water quality is addressed by the provision of SuDS paving, the proposed raingarden to the north of the site and proposed defender units. Wastewater utilises existing infrastructure from prior development and no restriction is necessary to utilise public sewer infrastructure.
- 5.39 The principles of the accompanying report are therefore accepted subject to suggested conditions 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 27-36). The updated drainage 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.

5.40 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 (September 2021) has been submitted as part of the application confirming no 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 (conditions 37-40).
- 5.41 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.

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

5.43 COMMUNITY INFRASTRUCTURE LEVY

On 1 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 and it is also considered the proposed builders' merchant would be complimentary to the wider employment use of the surrounding area, promoting job creation and investment to the Team Valley Trading Estate.
- 6.3 The applicant has sought to address the 3no. previous reasons for refusal and officers acknowledge the Planning Inspector's considerations in dismissing the subsequent planning appeal. When appropriately controlled by condition, current proposals would now result in a good development offering notable benefits to sustainable travel, ecology, highway safety and visual impact. In light of a notable lack of objections, and with particular consideration given to the principle of the development in this location, impact on surrounding character and uses, transport impacts, ecology and biodiversity, flood risk and drainage, ground conditions and waste, proposals would satisfy the provisions of the NPPF, and all relevant local plan policies. It is therefore recommended that planning permission be granted subject to a S106 Agreement being signed and the following conditions below.

7.0 Recommendation

GRANT SUBJECT TO A SECTION 106 AGREEMENT

- 1) The agreement shall include the following obligations:

The applicant must make a financial contribution £102,858 in full to the Council. This contribution will be used on land designated by the Council to create and/or improve and habitats. The contribution also covers management of the delivered habitat units for a minimum of 30 years.

2) That the Service Director of Legal and Corporate Services be authorised to conclude the agreement.

3) That the Service Director of Climate Change, Compliance, Planning and Transport be authorised to add, delete, vary and amend the planning conditions as necessary.

4) And that the conditions shall include;

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Unless otherwise required by condition, the development shall be carried out in complete accordance with the approved plan(s) as detailed below:

PL(0)101 (Location Plan)
PL(0)103 (Proposed site plan)
PL(0)104 (External works details)
PL(0)105 (Proposed ground floor plan)
PL(0)106 (Proposed first floor plan)
PL(0)107(Proposed roof plan)
PL(0)108 (Typical section A-A)
PL(0)109 (Proposed elevations – Sheet 1)
PL(0)110 (Proposed elevations – Sheet 2)
PL(0)111 (Existing and proposed site section 1-1)
PL(0)112 (Existing and proposed site section 2-2)
1356_100 rev E (Landscape strategy)

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

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

No development hereby approved shall take place until a Construction Management Plan (CMP) has been submitted to and approved in writing by the Local Planning Authority. The Plan shall provide for:

- (a) Hours of site operation
- (b) The parking of vehicles of site operatives and visitors
- (c) A Construction Traffic Management Plan which includes further details of the management of vehicles arriving at and leaving the site during construction;
- (d) Storage of plant and materials used in constructing the development
- (e) The erection and maintenance of security hoarding
- (f) Wheel washing facilities
- (g) Measures to control the emission of dust and dirt during construction
- (h) Measures to control noise and vibration during construction
- (i) A waste management plan for recycling/disposing of waste resulting from construction works.

Reason

In order to avoid nuisance to adjacent uses during the construction phase of the development, and to ensure safe works near to a busy highway network in accordance with the NPPF and policies CS13, CS14, MSGP15 and MSGP18 of the Gateshead Local Plan.

Pre-commencement reason

To ensure that construction details can be approved prior to on-site works thereby avoiding any abortive work and preventing harm to nearby sensitive receptors due to uncontrolled construction and harm to highway safety which could otherwise occur.

4

The development hereby approved shall be implemented wholly in accordance with the CMP measures approved under condition 3 at all times during construction.

Reason

In order to avoid nuisance to adjacent uses during the construction phase of the development, and to ensure safe works near to a busy highway network in accordance with the NPPF and policies CS13, CS14, MSGP15 and MSGP18 of the Gateshead Local Plan.

5

All works and ancillary operations in connection with site preparation works and the construction of the new development, including deliveries to the site shall be carried out only between 0700 hours and 1900 hours Monday to Friday, between 0800 hours and 1700 hours Saturday and at no time on Sundays or Bank Holidays unless otherwise approved in writing by the Local Planning Authority.

Reason

To safeguard the amenities of adjacent uses in accordance with the NPPF and policies CS13, CS14, MSGP15 and MSGP18 of the Gateshead Local Plan.

6

The development hereby permitted shall be constructed entirely of the materials detailed in the submitted application as confirmed on the following approved plans:

PL(0)107(Proposed roof plan)

PL(0)109 (Proposed elevations – Sheet 1)

PL(0)110 (Proposed elevations – Sheet 2)

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 Gateshead Local Plan.

7

Unless otherwise approved in writing by the Local Planning Authority, the development hereby approved shall be implemented in full accordance with the submitted Arboricultural Impact Assessment Report (AIA) and Arboricultural Method Statement (AMS), Land adjacent to Eleventh Avenue, Team Valley, 16 March 2023 as confirmed under condition 1 of this approval, at all times during construction and until final completion of the development.

Reason

To ensure the development would not have an unacceptable impact on trees, in accordance with policies CS18 and MSGP36 of the Gateshead Local Plan.

8

Prior to the opening of the development to the public, a Travel Plan (conforming to National Specification for Workplace Travel Plans) comprising immediate, continuing or long-term measures to promote and encourage alternatives to single occupancy car use shall be submitted to and approved in writing by the Local Planning Authority. The submitted details shall include mechanisms for monitoring and review over the lifetime of the development and timescales for implementation. The approved travel plan shall thereafter be implemented, monitored and reviewed in accordance with the approved details.

Reason

To reduce reliance on the private motor car and to encourage sustainable travel in accordance with the NPPF and policy CS13 of the Gateshead Local Plan.

9

Evidence of the implementation of the approved Travel Plan over a minimum period of 12 months shall be submitted to and approved in writing by the Local Planning Authority. At all times thereafter, the Travel Plan shall be implemented in accordance with the approved details, or any changes made under the review process.

Reason

To reduce reliance on the private motor car and to encourage sustainable travel in accordance with the NPPF and policy CS13 of the Gateshead Local Plan.

10

Prior to opening the development to the public, the pedestrian visibility splay at the Eleventh Avenue site access and the 3m wide gated link into the site that physically joins the footpath on Chowdene Bank, shall be laid out in accordance with approved plan ref PL(01)103 and retained for the lifetime of the development. At no time shall this visibility splay be obstructed nor shall the footpath link to Chowdene Bank be unavailable for staff use.

Reason

In the interests of highway safety in accordance with the NPPF and policies CS13 and MSGP15 of the Gateshead Local Plan.

11

Prior to the opening of the development to the public, details of a yellow-hatched box junction (or direct equivalent) at the Eleventh Avenue site access shall be submitted to and approved in writing by the Local Planning Authority.

Reason

To ensure the free movement of traffic along Eleventh Avenue and avoid the backing up of vehicles to Kingsway South, in the interests of highway safety in accordance with the NPPF and policies CS13 and MSGP15 of the Gateshead Local Plan.

12

Prior to the opening of the development to the public, the yellow hatched box junction approved under condition 11 shall be implemented in accordance with the approved details and maintained for the lifetime of the development.

Reason

To ensure the free movement of traffic along Eleventh Avenue and avoid the backing up of vehicles to Kingsway South, in the interests of highway safety in accordance with the NPPF and policies CS13 and MSGP15 of the Gateshead Local Plan.

13

The vehicular access gates into the service yard as shown on approved plans shall remain open during all trading hours of the premises.

Reason

In the interests of highway safety in accordance with the NPPF and policies CS13 and MSGP15 of the Gateshead Local Plan.

14

Prior to the opening of the development to the public, all on-site vehicular parking including customer, cycle/motorcycle, HGV and van parking shall be laid out and made available in accordance with the approved details shown on approved plan ref: PL(0)103, and maintained thereafter for the lifetime of the development.

Reason

In the interests of highway and public safety in accordance with the NPPF and policies CS13, MSGP14 and MSGP15 of the Gateshead Local Plan.

15

The on-site showering and changing facilities for staff, detailed on the approved drawings shall be made available prior to the opening of the development to the public and thereafter retained for use for the lifetime of the development.

Reason

To promote and support sustainable travel to the site in accordance with Policies MSGP15, CS13 of the Gateshead Local Plan, and Part 9 of the NPPF.

16

The service yard access and service turning area as shown hatched on approved plan ref: PL(0)103 (Proposed site plan) shall remain free of stock/storage or other obstructions at all times.

Reason

In the interests of safe and efficient operation of the site in accordance with the NPPF and policies CS13, MSGP14 and MSGP15 of the Gateshead Local Plan.

17

Prior to the opening of the development to the public, final details of signage directing customer HGVs to the service yard shall be submitted to and approved in writing by the Local Planning Authority. Signage must be placed in advance of the yard access gates indicating customer HGV access only to the yard (with customer cars directed to the main car park).

Reason

In the interests of highway safety in accordance with the NPPF and policies CS13 and MSGP15 of the Gateshead Local Plan.

18

The signage approved under condition 17 shall be implemented in accordance with the approved details prior to the opening of the development to the public and thereafter maintained for the lifetime of the development.

Reason

In the interests of highway safety in accordance with the NPPF and policies CS13 and MSGP15 of the Gateshead Local Plan.

19

Prior to the opening of the development to the public, details of on-site EV parking provision and associated charging infrastructure shall be submitted to and approved in writing by the Local Planning Authority.

Reason

In accordance with the NPPF and policies CS13 and MSGP15 of the Local Plan for Gateshead.

20

Details approved under condition 19 shall be implemented in full accordance with approved documentation prior to the opening of the development to the public and thereafter maintained for the lifetime of the development.

Reason

In accordance with the NPPF and policies CS13 and MSGP15 of the Local Plan for Gateshead.

21

Prior to the opening of the development to the public, the proposed vehicular highway access arrangement to Eleventh Avenue shall be constructed and implemented in accordance with the approved plans.

Reason

To promote and support safe access to the site in accordance with Policies CS13 and MSGP15 of the Gateshead Local Plan, and Part 9 of the NPPF.

22

Prior to the commencement of any works in relation to the widening of the footpath along the boundary with Chowdene Bank, as shown on approved plan ref PL(0)103, the specification of works, timetable and materials to be used shall be submitted to and approved in writing by the Local Planning Authority.

Reason

To promote and support sustainable travel and safe access to the site in accordance with Policies CS13 and MSGP15 of the Gateshead Local Plan, and Part 9 of the NPPF.

23

The works approved under condition 22 shall be implemented in accordance with the approved details.

Reason

To promote and support sustainable travel and safe access to the site in accordance with Policies CS13 and MSGP15 of the Gateshead Local Plan, and Part 9 of the NPPF.

24

Prior the opening of the development to the public, the proposed bin storage as shown on plan refs: PL(0)103 and PL(0)104 shall be made available in accordance with the approved details and maintained thereafter for the lifetime of the development.

Reason

To ensure adequate provision is made for the storage of waste and in the interests of visual amenity in accordance with the NPPF and policies CS14 and MSGP15 of the Gateshead Local Plan.

25

Prior to the opening of the development to the public, flood resilience details shall be submitted to, and approved in writing by the Local Planning Authority, together with a flood response plan in consideration of a flood horizon of 600mm above finished floor level.

Reason

To demonstrate that the proposed development will be appropriately flood resilient for its lifetime in accordance with policy CS17 of the Gateshead Local Plan and the NPPF.

26

The flood resilience measures, and flood response plan approved under condition 25 shall be implemented in full and thereafter retained and maintained throughout the lifetime of the development.

Reason

To demonstrate that the proposed development will be appropriately flood resilient for its lifetime in accordance with policy CS17 of the Gateshead Local Plan and the NPPF.

27

Prior to commencement of the development hereby approved, a final detailed drainage scheme following the principles set out in the submitted "Flood Risk Statement and Drainage Strategy" shall be submitted to and approved in writing by the Local Planning Authority. The drainage scheme shall include but not be limited to a final drainage plan and supporting drainage calculations (in pdf and MDX format), full construction details and specifications with site specific cross sections through all key drainage components (attenuation tank, flow control, downstream defender, permeable paving and raingarden). The effect of a submerged outfall shall be included in the drainage design.

Reason

To demonstrate that the final detailed drainage design follows the philosophy of the approved drainage strategy and best practice guidance in accordance with policy CS17 of the Gateshead Local Plan and the NPPF.

Pre-commencement reason

To demonstrate that the proposed development will be appropriately flood resilient for its lifetime before construction works start.

28

The drainage details approved under condition 27 shall be implemented in full and thereafter retained and maintained throughout the lifetime of the development.

Reason

To demonstrate that the final detailed drainage design follows the philosophy of the approved drainage strategy and best practice guidance in accordance with policy CS17 of the Gateshead Local Plan and the NPPF.

29

Prior to first occupation of the development hereby approved, a Drainage Maintenance Plan (DMP) shall be submitted to and approved in writing by the Local Planning Authority. The DMP should include a site plan identifying ownership and responsibility for all drainage components together with a maintenance schedule and inspection checklist. The DMP should identify any drainage components that may require replacement within the lifetime of development and a strategy for their renewal.

Reason

To ensure that the drainage scheme operates at its full potential throughout the development's lifetime in accordance with policy CS17 of the Gateshead Local Plan and the NPPF.

30

The DMP details approved under condition 29 shall be implemented in full and thereafter retained and maintained throughout the lifetime of the development.

Reason

To demonstrate that the final detailed drainage design follows the philosophy of the approved drainage strategy and best practice guidance in accordance with policy CS17 of the Gateshead Local Plan and the NPPF.

31

Prior to commencement of development a Drainage Construction Management Plan (DCMP) detailing how surface water runoff will be safely managed on site during all phases of construction is to be submitted for approval prior to commencement. The DCMP shall confirm the construction sequence for the proposed drainage system and all necessary measures

needed to protect drainage assets during construction. The DCMP shall include the method of construction for foul water drainage pipes and chamber shown to be located in a tree root protection area.

Reason

To ensure surface water is managed appropriately during the construction phase of the development, so as not to increase the flood risk to adjacent land/properties or to adversely affect the permanent drainage system for the development.

Pre-commencement reason

To demonstrate that the proposed development will be appropriately flood resilient for its lifetime before construction works start.

32

The DCMP approved under condition 31 shall be implemented in full throughout the construction phase of the development.

Reason

To ensure surface water is managed appropriately during the construction phase of the development, so as not to increase the flood risk to adjacent land/properties or to adversely affect the permanent drainage system for the development.

33

Prior to commencement of the development hereby approved, the final surface water discharge rate shall be submitted to and approved in writing by the Local Planning Authority.

Reason

As required by the Water Authority and to prevent the increased risk of flooding from any sources in accordance with the NPPF.

Pre-commencement reason

To demonstrate that the proposed development will be appropriately flood resilient for its lifetime before construction works start.

34

The Surface Water Discharge Rate approved under condition 33 shall be adhered to for the lifetime of the development.

Reason

As required by the Water Authority and to prevent the increased risk of flooding from any sources in accordance with the NPPF.

35

Prior to the commencement of the development hereby approved, a remediation strategy to address the risk of asbestos, and a Asbestos Management Plan shall be submitted to and approved in writing by the Local Planning Authority. Information to be submitted shall include a timetable for

implementation of any remedial measures, detailing the safety measures and controls to be implemented during the construction phase. The developer / main contractor should make an allowance for asbestos awareness training and reference should be made to the 2016 CL:AIRE guidance 'Control of Asbestos Regulations 2012; Interpretation for managing and working with asbestos in soil and construction and demolition. These precautions should include suitable PPE (typically dust masks, disposal overalls, etc.), the dampening down of the made ground during any excavations to prevent windblown particles / fibres from becoming airborne (especially during dry periods), and any excavations left open for long periods of time being suitably covered to prevent windblown particles / fibres escaping from open excavations, so as to provide protection for workers and adjacent site users.

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 the NPPF and Policies CS14 and MSGP20 of the Gateshead Local plan.

Pre-commencement reason

To demonstrate that the proposed development will be appropriately mitigated against contaminated ground and asbestos before construction works start.

36

The remediation measures approved under condition 35 shall be implemented wholly in accordance with the approved remediation and validated by a suitably qualified Geo-Environmental engineer, and in accordance with the approved timetable and maintained for the life of the development. The Local Planning Authority must be given two weeks written notification of commencement of the remediation scheme works.

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 the NPPF and Policies CS14 and MSGP20 of the Gateshead Local Plan.

37

Following completion of the remediation measures approved under conditions 35-36, if required, a verification report that demonstrates the effectiveness of the remediation carried out must be submitted for the written approval of the Local Planning Authority prior to the opening of the development to the public. The report must demonstrate that the necessary remediation works have been carried out satisfactorily and remediation targets have been achieved. The Post Remediation Verification Report should provide a summary of remedial works carried out together with relevant documentary evidence and

post remediation test results. The verification report should provide confirmation that all measures outlined in the approved remediation statement have been successfully completed, including where appropriate, validation testing.

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 the NPPF and Policies CS14 and MSGP20 of the Gateshead Local Plan.

38

Any undesirable material observed during excavation of the existing ground shall be screened and removed. If any areas of odorous, abnormally coloured or suspected contaminated ground are encountered during development works, then operations shall cease, and the exposed material shall be chemically tested. The works shall not continue until a Risk Assessment and, if required, remediation and monitoring measures have been and submitted to and approved in writing by the Local Planning Authority. Following completion of measures identified in the approved remediation scheme, a verification report shall be submitted to and approved in writing by the Local Planning Authority.

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 off-site receptors, in accordance with the NPPF and Policies CS14 and MSGP20 of the Gateshead Local Plan.

39

No development shall take place (including ground works, vegetation/site clearance) until a Construction Environmental Management Plan (CEMP: Biodiversity) has been submitted to and approved in writing by the Local Planning Authority. The CEMP (Biodiversity) shall include the following:

- (a) Risk assessment of potentially damaging construction activities.
- (b) Identification of "biodiversity protection zones" e.g., tree protection zones.
- (c) Practical measures (both physical measures and sensitive working practices) to avoid or reduce impacts during construction (may be provided as a set of method statements e.g., measures to protect wildlife from becoming trapped in any excavations/pipes during construction, retained trees to be

protected in accordance with British Standard BS 5873 2012.
Trees in Relation to Construction;

- (d) The location and timing of sensitive works to avoid harm to biodiversity features. e.g., no vegetation clearance to be undertaken between March and September (inclusive) unless immediately preceded by a nesting bird check undertaken by a suitably qualified ecologist.
- (e) Responsible persons and lines of communication.
- (f) The role and responsibilities on site of an ecological clerk of works (ECoW) or similarly competent person.
- (g) Use of protective fences, exclusion barriers and warning signs where required.

Reason

To avoid/minimise adverse impacts on biodiversity in accordance with the NPPF and Policies CS18, MSGP36 and MSGP37 of the Gateshead Local Plan.

Pre-commencement reason

To ensure an appropriate management plan is in place before construction works start.

40

The details approved under condition 39 shall be implemented at all times during construction.

Reason

To avoid/minimise adverse impacts on biodiversity in accordance with the NPPF and Policies CS18, MSGP36 and MSGP37 of the Gateshead Local Plan.

41

No development shall take place (including ground works, vegetation/site clearance) until full details of the landscaping/habitats to be retained/enhanced and created on site (as detailed in the Landscape Strategy Plan, ref 1356_100 Rev E), along with a timetable for implementation shall be submitted to and approved in writing by the Local Planning Authority.

Reason

To ensure the development achieves an acceptable balance between the built development, green infrastructure (incl. biodiversity), visual and public amenity in accordance with the NPPF and Policies CS18, MSGP36 and MSGP37 of the Gateshead Local Plan.

Pre-commencement reason

To ensure an appropriate management plan is in place before construction works start.

42

The details approved under condition 41 shall be implemented in the first available planting season following the commencement of site works. Any trees or plants which within a period of 5 years from the substantial completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species.

Reason

To ensure the development achieves an acceptable balance between the built development, green infrastructure (incl. biodiversity), visual and public amenity in accordance with the NPPF and policies CS18, MSGP36 and MSGP37 of the Gateshead Local Plan.

43

No development shall take place (including ground works, vegetation/site clearance) until a Landscape and Ecological Management Plan for the areas of soft landscaping/ecological habitat to be maintained for a period of no less than 30 years following completion of the development where such areas contribute to the on-site post enhancement biodiversity value of the site identified in the updated BNG metric has been submitted to and approved in writing by the Local Planning Authority.

Reason

To ensure the areas of landscaping/ecological habitat are appropriately maintained so that they are visually acceptable and provide the approved number of onsite post enhancement biodiversity units for a minimum period of 30 years in accordance with the NPPF and Policies CS18, MSGP36 and MSGP37 of the Gateshead Local Plan.

Pre-commencement reason

To ensure an appropriate management plan is in place before construction works start.

44

The landscaping and ecological areas approved under condition 43 shall be maintained in accordance with the approved details for a minimum 30 years.

Reason

To ensure the areas of landscaping/ecological habitat are appropriately maintained so that they are visually acceptable and provide the approved number of onsite post enhancement biodiversity units for a minimum period of 30 years in accordance with the NPPF and Policies CS18, MSGP36 and MSGP37 of the Gateshead Local Plan.

45

Prior to the installation of any new external lighting associated with the development, a lighting design strategy, lighting contour plan(s) and full specifications, shall be submitted to and approved in writing by the Local Planning Authority.

Reason

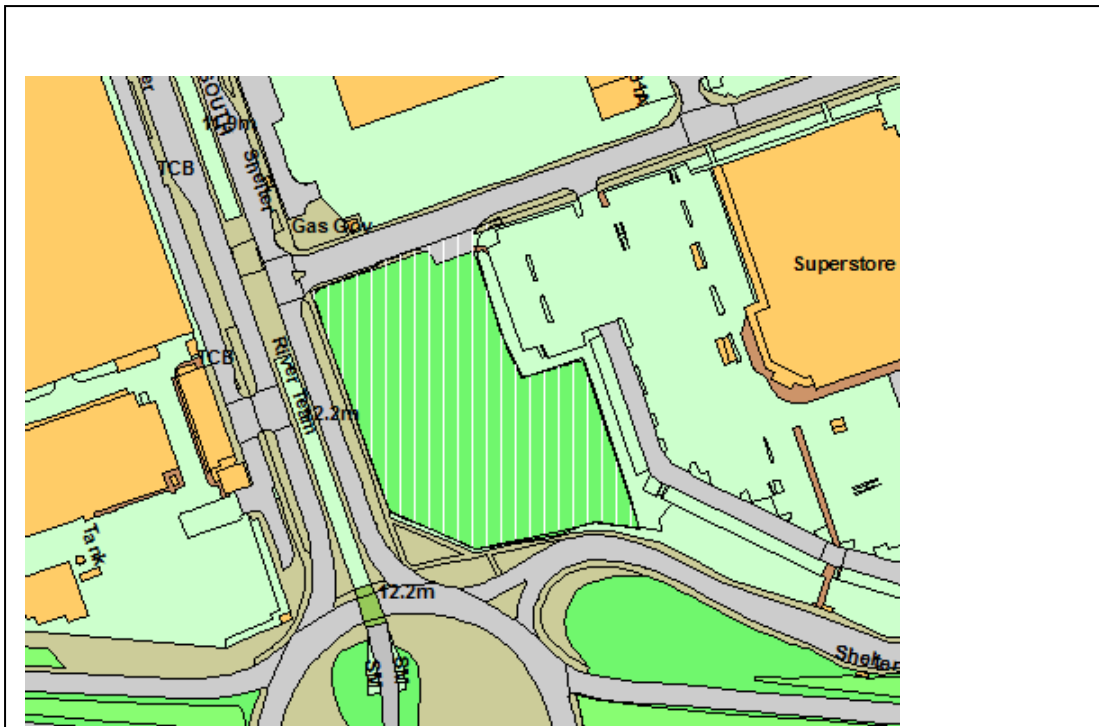
To ensure the development achieves an acceptable balance between the development and maintaining the ecological value and function of retained/new habitats on site in accordance with the NPPF and policies CS18, MSGP36 and MSGP37 of the Gateshead Local Plan.

46

The lighting design strategy approved under condition 45 shall be implemented and maintained in accordance with the approved details. Under no circumstances should any other external lighting be installed without prior consent from the Local Planning Authority.

Reason

To ensure the development achieves an acceptable balance between the development and maintaining the ecological value and function of retained/new habitats on site in accordance with the NPPF and policies CS18, MSGP36 and MSGP37 of the Gateshead Local Plan.



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