

Committee Report

Application No:	DC/22/01038/FUL
Case Officer	Mark O'Sullivan
Date Application Valid	08 November 2022
Applicant	Mr Stephen Whale Toward
Site:	Site 18 - 19, Whinfield Way, Highfield, Rowlands Gill, Gateshead, NE39 1EH
Ward:	Chopwell And Rowlands Gill
Proposal:	Change of use of land to storage and distribution (Use Class B8), erection of perimeter fence and gates and erection of storage containers and container office including solar panels to roof (amended description 14.11.2022) (additional/amended plans 14.11.2022, 29.12.2022, 24.07.23, 26.07.23, 20.10.23 and 03/11/23)
Recommendation:	GRANT
Application Type	Change of Use

1.0 The Application**1.1 DESCRIPTION OF SITE**

The application relates to an area of vacant hardstand and scrubland (some 0.25Ha) known as Plots 18-19 Whinfield Way, located on the Whinfield Industrial Estate and Local Employment Area (an allocated employment site under MSGP1.23).

1.2 The site is presently Council owned, albeit an agreement to lease the land to the applicant has been made, subject to first securing planning permission.

1.3 The site is generally level and finished with an unbound surface. To the north is a large industrial unit forming plot 20 Whinfield Way. There is an established tree belt and scrubland wrapping around the east of the site from north to south.

1.4 Public footpath (Blaydon no.088) is located within the trees to the east of the site, with residential properties on Orchard Road and Orchard Avenue beyond where land levels drop with distance from the site.

1.5 Beyond landscaping to the south is a telecoms mast and the Thomas Armstrong (Concrete Blocks) Ltd site, extends to the west of the site beyond Whinfield Way. Site access is gained from Whinfield Way to the southwestern corner of the plot.

1.6 DESCRIPTION OF APPLICATION

Planning permission is sought for the change of use of the land to accommodate a storage and distribution facility falling within the B8 use classification.

- 1.7 Specifically the applicant confirms the site would be used for the storage and distribution of TRAD DECK decking equipment. TRAD DECK is described as a fall prevention work platform for traditional build, timber frame and construction projects, offering the same load capacity as a general purpose scaffold.
- 1.8 For clarity, materials to be stored on the site would not comprise what may be considered as traditional scaffolding poles and associated equipment.
- 1.9 All equipment would be stored within 5no. secure storage containers sited along the western boundary of the site (each measuring 6.1m length x 2.4m width x 2.6m height). These containers would either be blue or green in colour, although once a colour has been decided by the applicant, all containers would be the same. Equipment to be stored would comprise platforms and support legs (of 1.5m or 1.8m height) and associated clamps/brackets. Decking boards can be stacked in piles not in excess of 6ft (no more than 25no. boards), with legs to be stored on stillages.
- 1.10 The applicant further confirms that there would be no external storage of materials, with it noted that more often than not, the site will be empty given materials will be on site. However in-between jobs, when materials are present on site, they will be stored within the containers for security purposes.
- 1.11 10no. parking spaces (each 2.5m x 5.5m) would be provided to the north of these 5no. containers along the western site boundary. To the east of these spaces (adjacent to the northern site boundary) would be 2no. additional containers (of the same scale), providing on-site office accommodation. Solar panels would be installed onto the roof of these 2no. containers. To the east of these 2no. containers would be a secure and weatherproof cycle store.
- 1.12 Proposals would also see the installation of a 2.4m high galvanised steel palisade fence enclosing the perimeter of the site, consistent with the identified red line site boundaries, which would not encroach into the adjacent landscape buffer. A 7m wide inward opening access gate (also 2.4m high) would be located to the southwestern corner of the site in the location of the existing site access.
- 1.13 No excavation of the wider site is proposed, other than for the installation of the perimeter gate and fencing, with no re-surfacing works proposed.

- 1.14 Drainage would be via the natural ground (as is currently the case) with no new water supply proposed.
- 1.15 In supporting information the applicant confirms job creation resulting from the development, with an estimated 2/3 new roles in the first 12 months of operation.

1.16 RELEVANT PLANNING HISTORY

DC/07/01824/FUL - Erection of two-storey industrial unit (use class B8) with office accommodation and associated car parking (revised application) (amended 07/01/2008). Planning permission granted 07.03.2008.

DC/07/00558/FUL - Erection of light industrial unit with associated office accommodation (Site 19) (resubmission of DC/06/01723 revised site boundary). Withdrawn 05.12.2007.

DC/06/01723/FUL - Erection of industrial unit for storage and distribution purposes (use class B8) with associated office accommodation (revised application). Planning permission refused 20.12.2006

DC/06/01494/FUL - Erection of industrial unit with associated office accommodation. Withdrawn 30.10.2006.

1282/98 - Erection of 2m high security fencing in connection with storage of concrete blocks. Temporary permission granted 05.01.1999

961/95 - Erection of fencing around perimeter of site (amended 28/11/95). Planning permission granted 01.12.1995.

1516/89 - Erection of factory unit for production of softwood timber and roof trusses. Planning permission refused 01.02.1990.

2.0 Consultation Responses

The Villa Residents Association - No response received.

3.0 Representations

- 3.1 Neighbour notifications were carried out in accordance with formal procedures introduced in the Town and Country Planning (Development Management Procedure) Order 2015.
- 3.2 A letter of objection has been received from Councillor Bradford, which is summarised as follows:
- Whilst increased employment opportunities are welcomed, resulting disturbance caused by the use should be minimised

given the proximity to nearby residential properties in a Conservation Area;

- Proposed development would be out of character with the Conservation Area;
- Additional noise and possibility for disturbance during early mornings and late evenings with a lack of clarity over proposed 24hr working;
- Traffic/highways impacts resulting from an increase in traffic using the site including concerns over vehicles ignoring speed bumps on the estate road;
- Lack of clarity over the type of materials to be stored on site which would then be distributed by commercial vehicles and resulting noise;
- Lack of clarity over the status of land between the site and Orchard Road to the east, which provides access to the woods and has previously been used to enable a fire engine to access an incident on Orchard Road;

3.3 In addition, 20no. letters of objection have been received (on behalf of 17no. households) with a summary of the key points raised as follows:

Design/Visual Amenity/Heritage impacts

- The proposed development would be out of character with the adjacent woodland, landscape and surrounding area, presenting an overbearing development form;
- Development would be out of character with the Conservation Area;
- The proposed perimeter fence would be ugly;
- Overdevelopment of the site in an area already subject to noise, traffic and the sight of telephone masts. The wider area cannot support this additional development, especially given almost every other unit on the estate is already occupied;

Arboricultural impact

- Loss of existing woodland/grassland. These trees were planted as a noise barrier to the adjacent residential area;
- Why can't the development just cover the existing hardstand area?

- Will the developer be required to mitigate for the loss of trees?

Amenity concerns

- Loss of a site which currently provides a natural barrier between the blockworks factory and housing;
- Previous development was refused on this site due to proximity to neighbouring properties;
- Impacts of the development on nearby residential properties in terms of additional noise, dust and fumes over and above that already resulting from adjacent industrial site uses. Concern over resulting health issues;
- Concerns over proposed hours of operation (24hour) which could result in disturbance during early mornings/late evenings. This is unfair when other nearby businesses cannot work 24hrs due to local residents;
- Increased litter from site use;
- Concerns over noise during construction works;
- If containers are stacked, people will be able to stand on top and look into nearby properties;
- Loss of privacy to neighbouring properties;
- Loss of natural light resulting from the development;

Traffic/highways/access concerns

- The application will increase existing traffic and congestion issues in the area;
- Increasing traffic will be a hazard to pedestrians using the road, including those accessing local schools;
- Inadequate on-site car parking;
- Increase in pollution from increased vehicle usage;
- Issues with HGVs speeding in the area, which will make the surrounding area unsafe;
- Queries regarding frequency of vehicles associated with the use;

- The site has been unused for many years but has found its own use for parking lorries, access by emergency services and water company to nearby land, access to the telephone mast and by users of the adjacent woods, public footpath through the Strother Hills Woods, beehive ovens and Land of Oak and Iron;
- The erection of boundary fencing will reduce the usable width of the adjacent footpath, which is well used;

Ecology

- Loss of habitat for birds, animals and insects;

Other matters

- It is understood that the adjacent Armstrong Works are to close in 2 years. If so, what will then happen to this site?
- Storage of steel sheets on the site will impact radio and telecommunications signals to the adjacent residential estate;
- How can the Council lease land prior to an application being submitted?
- Procedural failings relating to lack of public consultation and the fact the majority of affected residents have not been consulted;
- Development would increase potential to attract vandals;
- The proposal needs more discussion, and the scope of development needs to be better understood;
- The Council should be cleaning up and improving the area for wildlife and local people, including planting of trees;
- Proposals would only support a different site use in the future which would be difficult to reverse once planning permission has been granted;
- This is a false proposal. The site is going to be used as a car recycling facility which would have impact on local amenity, the environment and drainage;
- Loss of view from adjacent residential property;
- Devaluation of property;

4.0 Policies

NPPF	National Planning Policy Framework
NPPG	National Planning Practice Guidance
CS6	Employment Land
CS13	Transport
CS14	Wellbeing and Health
CS15	Place Making
CS18	Green infrastructure/natural environment
MSGP1	Employment Land Supply
MSGP3	Other Employment Areas
MSGP15	Transport aspects of design of new development
MSGP17	Residential Amenity
MSGP18	Noise
MSGP20	Land contamination and land instability
MSGP24	Design Quality
MSGP25	Conservation and enhancement of heritage assets
MSGP36	Woodland, Trees and Hedgerows

5.0 Assessment of the Proposal

- 5.1 The key considerations to be taken into account when assessing this planning application are the principle of the development, design/visual amenity/heritage impacts, residential amenity, transport, ecology, arboricultural impact and ground conditions.
- 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 **THE PRINCIPLE OF THE DEVELOPMENT**
The application site falls within a wider employment land designation under Local Plan policy MSGP1.23. This designation supports former B1 b/c (now Use Class E), B2 or B8 uses. The site also falls within the Whinfield Local Employment Area as allocated by Local Plan policy

MSGP3.10, where the above uses are supported. The application proposes that the site be used for a B8 storage and distribution use. As such, the proposed use as a storage and distribution facility for materials used in relation to safety decking equipment as specified by the applicant is considered acceptable in accordance with the NPPF and policies CS6, MSGP1 and MSGP3 of the Local Plan for Gateshead.

5.4 DESIGN/VISUAL AMENITY/HERITAGE IMPACTS

The application seeks the change of use of the site together with limited operational development comprising the siting of 7no. containers and installation of 2.4m high perimeter fencing and vehicular access gates. Submitted plans also indicate the installation of cycle storage facilities.

5.5 Although local objection cites concern over the impact of the development on the character of the area, officers show regard for the context of the site on an allocated employment site within an established industrial setting which extends to the north, south and west. Officers consider that the proposed development would be commensurate with the overall scale, character and appearance of its immediate surroundings and would be acceptable in terms of design and impact upon visual amenity. The site is not located within a Conservation Area, rather an industrial setting, with the existing and established woodland to the east of the site providing a natural buffer and clear demarcation between the wider employment area and more sensitive residential uses beyond.

5.6 The nearest Conservation Area (Rowlands Gill) is located some 20m to the east beyond the tree belt which falls outside of the application site and would not be affected by the proposed development or site use. There is a notable difference between the character of the application site and its immediate setting, and land to the east within the Conservation Area boundary. Given the nature of the development proposed, it is not considered that the proposed use of the site would result in harm to the character or setting of the nearby Conservation Area beyond the trees which would remain unaffected.

5.7 Meanwhile the site would be enclosed by new 2.4m high perimeter fencing (galvanised steel palisade design) which would not appear incongruous within the wider industrial setting, particularly noting the design of existing security fencing around the adjacent industrial premises to the immediate west.

5.8 Given the current vacant status of the site, its existing hardstand appearance and the nature of the works proposed, it is not considered that proposals would amount to overdevelopment of the site or the wider employment area, or indeed amount to an overbearing development form. Storage containers would not be double stacked in height, minimising their overall massing (a detail controlled by

condition), with all materials to be stored within the containers. There would be no external storage of materials other than in instances where they await loading into containers, and officers are advised by the applicant that in these instances, all 'support legs' will be stored horizontally within stillages, and platforms piled in stacks no more than 6ft in height (or 25no. platforms high). Again, such storage control will ensure no storage at height minimising visual impact.

- 5.9 No objections are raised over the installation of solar panels onto the roof of the office containers, promoting sustainable energy use at the site.
- 5.10 The proposed development therefore accords with the NPPF and policies CS15 and MSGP24 of the Local Plan for Gateshead. Furthermore, given the separation distance to the Conservation Area and the character of the existing site which would remain well screened from the Conservation Area and its setting, there would be no perceived harm, satisfying Local Plan Policies CS15, MSGP24 and MSGP25.
- 5.11 **RESIDENTIAL AMENITY**
Paragraph 130 of the NPPF requires that planning policies and decisions should ensure that development will achieve a high standard of amenity for existing and future users. This is reflected in Gateshead local plan policy CS14 which requires that the wellbeing and health of communities will be maintained and improved by preventing negative impacts on residential amenity.
- 5.12 The application site is located in close proximity to existing industrial type uses (of much larger scale) to the immediate north, south and west, with residential properties in excess of 45m to the east of the site on Orchard Road, Orchard Avenue and Low West Avenue. Those nearest properties are presented gable on towards the site. The application site is located within a designated employment area and despite its presently vacant status, the purpose of the site is not to act as a buffer between the estate and residential properties to the east, with the adjacent woodland more akin to performing this function.
- 5.13 Given the scale and nature of the operational development proposed, the presence of intervening woodland, and distance from residential properties, officers consider that the development would not create any unacceptable loss of light, overshadowing, overbearing impact, loss of privacy or overlooking issues. As explained, containers would not be stacked on top of each other (a detail which can be controlled by condition), ensuring they remain at ground level, avoiding any potential loss of light/overshadowing and privacy issues. There would be no outdoor storage of materials and the existing woodland would remain unaffected, thereby remaining taller in height than the development proposed.

- 5.14 Furthermore, the very nature of the proposals would not give rise to significant site construction activity, with the perceived impact on nearby sensitive uses arising from site construction considered to be minimal.
- 5.15 In terms of site activity, local concerns are raised over the perceived impacts of the development in terms of additional noise, dust and fumes over and above that already resulting from adjacent industrial site uses. Again, the proposed site use must be carefully considered. Specifically, the fact that this is a relatively small site which would accommodate a number of storage containers used to store equipment which would be taken off site for use for extensive periods of time. By its very nature, there would be little activity at the site other than the loading and unloading of equipment on an infrequent basis.
- 5.16 The applicant has detailed the types of material to be stored within the containers and officers consider this would be less noisy when loading and unloading. A condition is imposed restricting the use of the site to ensure that should the nature of the materials to be stored change, that a Noise Impact Assessment would be required to be submitted to the LPA.
- 5.17 In the interests of protecting nearby residential amenities, the applicant has also met with the Council's EHO to discuss the hours of the operation of the site. A further condition is imposed to ensure the site is not operational, including deliveries and any loading and unloading of materials, prior to 0800am Monday - Saturday (with no site activity on Sundays). This condition would not prevent site owners or staff from entering the site prior to this time e.g., accessing the office or preparing to start work. The applicant is agreeable to such control which is also consistent with adjacent site uses.
- 5.18 Day to day, the largest vehicle expected at the site would be a long wheel based transit van, with infrequent visits from a 7.5 tonne container lorry (only required when delivering new/replacement containers to the site). There may be up to 8no. members of staff on site at any one time, although normally there would only be 2no. members of staff on site in the office during operational hours. Overall, it is anticipated that there would be 8-10 vehicle trips in and out of the site each day. There would be no other site activity aside of the movement of vehicles attending the site to pick up/drop off the equipment or activity within the proposed site office area.
- 5.19 Subject to the above, whilst acknowledging the nature of adjacent industrial uses and activities, it is not considered that such activity would be so significant so as to detrimentally impact nearby residential properties in terms of noise impacts, with the limited use of the site unlikely to give rise to significant fumes or dust impacts. It is also deemed necessary to request a noise management plan which sets out expected site management procedures which avoids unnecessary

noise emissions from idling engines and unnecessary site noise. Subject to the above considerations, the proposal would not result in significant harm to adjacent sensitive receptors, satisfying the provisions of policies CS14, MSGP17 and MSGP18 of the Gateshead Local Plan.

5.20 TRANSPORT

Paragraph 111 of the NPPF states development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.

5.21 The application site would be accessed via an inward opening gated arrangement positioned into the southwest corner of the perimeter fencing enclosing the site from Whinfield Way adjacent. The submitted site plan details 10no. parking spaces to be located along the western boundary of the site (2.5m x 5.5m), and the siting of a secure and weatherproof cycle store adjacent to the 2no. office containers. Based upon the expected on-site staff numbers (up to 8no. members of staff on site at any one time, including 2no. members of staff on site in the office during operational hours), it is considered that 10no. spaces off-street would accommodate this demand and avoid pressure to park on the adjacent estate roads.

5.22 Tracking details have been submitted for the types of vehicles expected to use the site. The submitted tracking details for a transit van (the most common vehicle type to access the site) are considered acceptable. With regards larger vehicles, the tracking details provided aren't ideal, particularly in terms of the lack of two-way traffic at the site access for larger vehicles, and their ability to manoeuvre within the site. For the purposes of setting up and decommissioning the site and the expected low frequency of such larger vehicles accessing the site, no highways objections are raised. However, it is considered necessary to limit the scale of vehicles accessing the site on a normal operational day by condition in the interests of highway safety. Without such a condition, the site remains open to the possibility of continuous use by HGV's and other large vehicles which would be unacceptable in terms of highway safety.

5.23 A number of objections have been received from local residents and the local member over the highway safety impacts of the proposals. It is demonstrated that the site can support the types of vehicles associated with its intended use without increasing pressure to park or manoeuvre on the adjacent highway. Further it is accepted that the adjacent carriageway is located within a designated employment area, serving adjacent industrial uses. There is no reason to assume that the use of this site for the purposes specified would give rise to pedestrian safety concerns for those using the estate roads to access nearby schools or see an unacceptable increase in pollution given the low level of vehicle movements associated with the proposed site activity.

- 5.24 Furthermore, the installation of security fencing around the site would not impact the width of the adjacent footpath, and the fact the site may be currently used for parking in relation to the adjacent woodland and neighbouring uses is immaterial to the current application.
- 5.25 Finally, issues relating to speeding of vehicles through the estate cannot be attributed to the current proposals given the proposed use is still to be implemented.
- 5.26 No transport objections are raised, and proposals would satisfy the provisions of the NPPF and policies CS13 and MSGP15 of the Gateshead Local Plan. It is considered that the proposal would not have any direct impact on the adopted highway, nor would it adversely impact upon highway safety.
- 5.27 **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. The application is supported by an updated Ecological Impact Assessment (EclA) and BNG small sites metric. A survey of the site for dingy skipper butterfly (S41 NERC Species of principal importance) has also been undertaken. The results of the survey confirm the likely absence of the species within the site and officers are further satisfied that any potential residual adverse impacts on statutorily protected and priority species (e.g. breeding birds, hedgehog and foraging / commuting bats) and retained habitats immediately outwith the red line boundary of the site can be reduced to an acceptable level through the implementation of appropriate avoidance/mitigation measures, secured via suitably worded planning condition(s).
- 5.28 Local Plan policy MSGP37 and Para. 174 (d) of the NPPF require that new development provides a net gain to biodiversity. The Government's emerging Environment Bill proposes to set a requirement for all new developments to achieve a 10% biodiversity net gain (BNG) using Defra's Biodiversity Metric calculator tool to inform off-site requirements, however as this is currently a draft Bill only and not currently an Act of Parliament, these requirements cannot be enforced at this time and only a net gain is required to be delivered in accordance with the above policies.
- 5.29 =In order to be policy compliant, it is concluded that the development must provide a suitable biodiversity offset. Should this result in the creation and/or enhancement of suitable habitat on land outside the red line boundary, 0.0657 habitat units must be delivered, equating to a payment of £985.50, to provide for off-site biodiversity enhancement. Given the site is Council owned, it is considered reasonable to condition any approval to secure a scheme of ecological mitigation which may consider on-site mitigation, off-site mitigation, or at the very

least a payment (as above). The applicant has agreed to the specified payment should no other means of mitigation be demonstrated as suitable. Conditions to agree management, annual maintenance and monitoring of the BNG and ensure its retention for at least 30 years are also appropriate to ensure long term benefits are delivered. This will ensure an appropriate level of biodiversity net gain is delivered in the long term as part of the development.

- 5.30 Subject to the above, 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.

5.31 ARBORICULTURAL IMPACT

A number of objections have been received citing concern over the loss of trees within the landscaped belt to the immediate east of the site. This natural buffer presently serves as an important separation between the employment/industrial area to the west, and the adjacent residential area to the east. As detailed on submitted plans, no works would encroach into this woodland with the red line site boundary set away from the landscaped edge of the site. Any works outside of the red line site boundary are not permitted. Furthermore, no trees are proposed to be removed or affected by the development, with the only groundworks proposed being the drilling of holes for the installation of the palisade fencing, which would be set far enough away from the tree belt. With no resulting harm to existing landscaping surrounding the site, proposals would satisfy the provisions of policies CS18 and MSGP36 of the Gateshead Local Plan.

5.32 GROUND CONDITIONS

The application site has been assessed as being situated on potentially contaminated land given its siting to the south of a former coke works and the fact it has historically been part of an alloy works and chemical works. It is therefore possible that the site may be affected by ground contamination from historic industrial uses and imported materials. The application does not propose any breaking of ground other than drilling of holes for the installation of the proposed fence posts, and therefore a Preliminary Risk Assessment (PRA) and Phase II site investigations are not required. Notwithstanding this, Contaminated Land officers request the submission of a method statement and risk assessment (RAMS) from the appointed fencing contractor to ensure that any soil arisings generated from the fencing works be placed directly into a skip and removed from the site by a regulated Waste Operator. Subject to the above, proposals would satisfy the provisions of Policies CS14, MSGP20 and Part 15 of the NPPF.

5.33 OTHER MATTERS

A number of objections received relate to the impacts from existing adjacent industrial uses on nearby residential properties and not

necessarily the proposed development/use. Such matters cannot be considered in the context of the current application.

- 5.34 Likewise, the potential closure of the nearby Armstrong Works and unclear future of this adjacent site, the desire for the Council to make improvements in the area, loss of view and devaluation of property are not material considerations and cannot be taken into account in the determination of this current application. Furthermore, little weight can be given to current or indeed historic site uses, particularly given the current status of the land as an allocated employment site within an industrial area.
- 5.35 There is no evidence to suggest that the proposed development would attract vandalism, or that the development will impact radio and telecommunications signals to nearby dwellings, particularly given the nature of the proposals. Furthermore, that any litter associated with the site use would unlikely blow beyond the site boundaries given the newly installed perimeter fencing.
- 5.36 Matters pertaining to the lease of the site or whether the Council should be instead cleaning up the site and improving the area for wildlife and local people are separate to the planning application process.
- 5.37 Suggestions that the site may eventually be turned into something else, set a precedent to a different site use, or become a car recycling facility are not material to the consideration of this application. The application is determined as submitted, with proposals clear in that they relate to the siting of 7no. containers in relation to a Class B8 storage and distribution use. Any other future use would likely be subject to separate planning consent and necessary local advertisement. There is no suggestion that future development is proposed, and each application must be considered on its own merits.
- 5.38 Officers are satisfied that sufficient information has been submitted to enable the application to be determined in its current form, with the application having been advertised appropriately in accordance with formal procedures introduced in the Town and Country Planning (Development Management Procedure) Order 2015, as is evident by the level of comments received.
- 5.39 It is considered that all other material planning considerations have been addressed within the main body of the officer's report.
- 5.40 **COMMUNITY INFRASTRUCTURE LEVY (CIL)**
On 01 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 not CIL chargeable development as it is not for qualifying retail or housing related.

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. Taking all the relevant issues into account, it is considered that the proposed development is acceptable in principle and subject to relevant conditions, in terms of design/visual amenity/heritage impacts, residential amenity, transport, ecology, arboricultural impact and ground conditions would comply with the aims and objectives of the NPPF, and relevant planning policies. It is recommended that planning permission be granted, subject to the following conditions.

7.0 Recommendation

GRANT permission subject to the following condition(s) and that the Service Director of Climate Change, Compliance, Planning and Transport be authorised to add, vary and amend the planning conditions as necessary:

1.

The development shall be carried out in complete accordance with the approved plan(s) as detailed below:

- THD22-123 01 revP3 Location Plan
- THD22-123 03 revP7 Proposed Block Plan
- 087S22G1M Container spec
- JAM78S30 585-610/GR Solar Panel Specification
- PALI-KIT-0004 - 2.4m high palisade dig in fencing kit triple pointed w pale revA, sheet 1 of 6
- 2.4m w palisade pales actual height 2350mm revA, sheet 2 of 6
- Rails for w palisade fencing 2.75m wide revA, Sheet 3 of 6
- PALI-BAY-0004 - 2.4m high dig in palisade post - AL 3125mm revA, sheet 4 of 6
- Palisade fencing 90v corner post detail revA, sheet 5 of 6
- Palisade fencing end post detail revA, sheet 6 of 6
- PALI-KIT-1566 - 2.4m x 7.0m wide triple pointed double leaf dig in palisade gate kit revA sheet 1 of 6
- PALI-KIT-1566 - 2.4m X 7.0m wide triple pointed double leaf dig in palisade gate kit revA, sheet 2 of 6
- PALI-POS-0024 -2.4m high dig in palisade hinge gate post 150x150 box section revA, sheet 3 of 6
- PALI-KIT-2566 - 2.4m X 7.0m wide triple pointed double leaf bolt down palisade gate kit revA, sheet 4 of 6
- PALI-KIT-2566 - 2.4m X 7.0m wide triple pointed double leaf bolt down palisade gate kit revA, sheet 5 of 6
- PALI-POS-1024-2.4m high bolt down palisade hinge gate post 150x150 box section revA, sheet 6 of 6

Any material change to the approved plans will require a formal planning application to vary this condition and any non-material change to the plans will require the submission of details and the agreement in writing by the Local Planning Authority prior to any non-material change being made.

Reason

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

2.

The development to which this permission relates must be commenced not later than 3 years from the date of this permission.

Reason

To comply with section 91 of the Town and Country Planning Act 1990 as amended by section 51 of the Planning and Compulsory Purchase Act 2004.

3.

There shall be no stacking of storage containers on the site at any time.

Reason

In the interests of visual and residential amenity in accordance with policies CS15, MSGP17 and MSGP24 on the Gateshead Local Plan.

4.

Site activity and deliveries to and from the site shall be restricted to the following hours only:

- 0800 – 1800 Mondays to Fridays;
- 0800 – 1200 Saturdays;
- No times on Sundays or bank holidays

This condition does not prevent staff from entering the site outside of these hours or using the site office.

Reason

To protect residential amenity in accordance with Policy MSGP17 of the Gateshead Local Plan.

5.

Prior to the commencement of use of the development hereby approved, a Construction and Noise Management Plan shall be submitted to and approved in writing by the Local Planning Authority.

Reason

To protect residential amenity in accordance with Policy MSGP17 of the Gateshead Local Plan.

6.

All future site operations shall strictly adhere to the approved Construction and Noise Management Plan approved under condition 5 at all times.

Reason

To protect residential amenity in accordance with Policy MSGP17 of the Gateshead Local Plan.

7.

A method statement and risk assessment (RAMS) shall be produced by the appointed fencing contractor and submitted for the written approval of the LPA prior to the installation of the proposed perimeter fencing.

Reason

To minimise the potential harm arising from ground contamination from historic industrial uses and imported materials in accordance with policies CS14 and MSGP20 of the Gateshead Local Plan.

8.

The approved perimeter fencing shall be installed in strict accordance with the details approved under condition 7.

Reason

To minimise the potential harm arising from ground contamination from historic industrial uses and imported materials in accordance with policies CS14 and MSGP20 of the Gateshead Local Plan.

9.

Any soil arisings generated from excavations for fence post installation, shall be placed directly into a closable skip and disposed of offsite to landfill by a registered Waste Operator.

Reason

To minimise the potential harm arising from ground contamination from historic industrial uses and imported materials in accordance with policies CS14 and MSGP20 of the Gateshead Local Plan

10.

Should any obvious contaminated soils, (e.g., asbestos, hydrocarbon contaminated, or discoloured soils), be encountered during fence post installation works, then works shall cease immediately, the LPA informed, and updated RAMS produced for the written approval of the LPA.

Reason

To minimise the potential harm arising from ground contamination from historic industrial uses and imported materials in accordance with policies CS14 and MSGP20 of the Gateshead Local Plan

11.

No vegetation clearance works shall be undertaken unless outside the bird nesting season (March to August inclusive). Where this is not possible, a nesting bird checking survey must be undertaken immediately prior (i.e., no more than 48hrs.) to the undertaking of any such works to confirm the presence/absence of nesting birds. Where the presence of nesting birds is confirmed, the nest(s) must remain intact and undisturbed through the provision of a suitably sized buffer/exclusion zone. All survey work and, where required, the establishment of a suitably sized buffer/exclusion zone must be undertaken/determined by a suitably qualified and experienced ecologist in accordance with the appropriate good practice guidelines and industry standards.

Reason

To avoid/minimise adverse impacts on nesting birds in accordance with NPPF and policies CS18 and MSGP37 of the Gateshead Local Plan.

12.

No development, other than the approved vegetation clearance works, shall be undertaken prior to the installation of protective fencing preventing encroachment (including temporary) into areas of existing habitat to be retained within and immediately outwith the red line boundary of the site.

Reason

To avoid/mitigate adverse impacts on retained habitats in accordance with NPPF and policies CS18 and MSGP37 of the Gateshead Local Plan.

13.

Notwithstanding the submitted information, no development shall be undertaken on site until details of the boundary treatments, including any internal fencing required to protect areas of retained/created habitat, have been submitted to and approved in writing by the LPA. The submitted details shall including the following:

- Suitably scaled plan showing the precise position of such features;
- Detailed specification showing dimensions, materials and construction method including the disposal of any arisings;
- Timetable for implementation;

Reason

To avoid adverse impacts on retained/created habitats in accordance with NPPF and policies CS18 and MSGP37 of the Gateshead Local Plan.

14.

The boundary treatments, including internal fencing, shall be installed in accordance with the details/timetable approved under condition 13 and thereafter be maintained for the life of the development.

Reason

To avoid adverse impacts on retained/created habitats in accordance with NPPF and policies CS18 and MSGP37 of the Gateshead Local Plan.

15.

Notwithstanding the approved plans, prior to the commencement of development, details of a biodiversity net gain compensation scheme, including the mechanism(s) for delivery of on and off site measures, which delivers a biodiversity net gain, as demonstrated through application of the Defra metric 3.1, to be delivered on suitable land, and including timescales for delivery, shall be submitted to and approved in writing by the Local Planning Authority.

Reason

To ensure the development achieves measurable biodiversity net gain and improves the local and natural environment in accordance with policies CS18, MSGP36 and MSGP37 of the Local Plan for Gateshead and Part 15 of the NPPF.

16.

The biodiversity net gain compensation scheme approved under condition 15 shall be implemented in full accordance with the approved measures and timescales and maintained thereafter for a minimum of 30 years.

Reason

To ensure the development achieves measurable biodiversity net gain and improves the local and natural environment in accordance with policies CS18, MSGP36 and MSGP37 of the Local Plan for Gateshead and Part 15 of the NPPF.

17.

The development hereby approved shall not be brought into operation until a concise 30-year management plan detailing the maintenance measures to be undertaken in relation to the retained/created habitats on site shall be submitted to and approved in writing by the LPA. The submitted management plan shall include the following:

- Suitably scaled plan identifying onsite retained/created habitats;
- Brief description of retained/created habitats including their conservation value;
- Aims and objectives of management plan;
- List/description of maintenance operations, including timings;
- Maintenance programme capable of being rolled forward every 5 yrs;

- Arrangements for identifying, agreeing and implementing changes to the management plan, including any requirement for remedial measures;
- Persons responsible for ensuring delivery;

Reason

To ensure the value/function of the retained/created habitats on site is adequately maintained in accordance with NPPF and policies CS18 and MSGP37 of the Gateshead Local Plan.

18.

The habitat management plan approved under condition 17 shall be implemented in full for a minimum 30 years.

Reason

To ensure the value/function of the retained/created habitats on site is adequately maintained in accordance with NPPF and policies CS18 and MSGP37 of the Gateshead Local Plan.

19.

Prior to the installation of any security lighting on or around the site, lighting details, positioning and specifications shall be submitted to and approved in writing by the Local Planning Authority.

Reason

To protect residential amenity in accordance with Policy MSGP17 of the Gateshead Local Plan.

20.

Security lighting approved under condition 17 shall be installed only in full accordance with the approved details.

Reason

To protect residential amenity in accordance with Policy MSGP17 of the Gateshead Local Plan.

21.

Once operational, no vehicles larger than transit vans shall access the site at any time.

Reason

In the interests of highway safety given the lack of two-way traffic at the site access for larger vehicles, and their ability to manoeuvre within the site safely in accordance with policies CS13 and MSGP15 of the Gateshead Local Plan

22.

There shall be no outdoor storage of materials at any time.

Reason

In the interests of visual and residential amenity in accordance with policies CS15, MSGP17 and MSGP24 on the Gateshead Local Plan.

23.

The approval hereby granted relates solely to the purposes applied for (B8 use class) and for the storage and distribution of materials as specified in the application for the lifetime of the development, unless a Noise Impact Assessment is otherwise submitted to and approved in writing by the LPA.

Reason

To protect residential amenity in accordance with Policy MSGP17 of the Gateshead Local Plan.



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