

Application No: 19/00739/FUL Author: Maxine Ingram
Date valid: 31 May 2019 ☎: 0191 643 6322
Target decision date: 30 August 2019 Ward: Killingworth

Application type: full planning application

Location: Unit 41, Bellingham Drive, North Tyne Industrial Estate, Benton, NEWCASTLE UPON TYNE

Proposal: Change of use from D1 (Training facility) to Gymnastics facility and activity centre with gym (D2) and ancillary cafe (A3). Extension to internal mezzanine floor

Applicant: Mr Craig Heap, C/O Cobalt 3.1 North Tyneside NE27 0QJ

Agent: Curtis PDC, Ms Samantha Curtis Cobalt 3.1 North Tyneside NE27 0QJ

RECOMMENDATION: Application Permitted

INFORMATION

1.0 Summary Of Key Issues & Conclusions

1.0 The main issues for Members to consider in this case are:

- The principle of the development;
- The impact on amenity;
- The impact on character and appearance;
- The impact on highway safety;
- Other issues.

1.1 Planning law requires that applications for planning permission must be determined in accordance with the development plan, unless material considerations indicate otherwise. Members need to consider whether this application accords with the development plan and also take into account any other material considerations in reaching their decision.

2.0 Description of the Site

2.1 The site to which this application relates is a vacant unit (Unit 41) located within North Tyne Industrial Estate. The site is accessed from Bellingham Drive. An area of parking is located to the south of the building. The site is enclosed by palisade fencing. To the north it is bound by the Metro track and Blyth and Tyne Railway, beyond which lie existing residential properties. To the east, south and west of the site are existing commercial/industrial units.

2.2 The site is designated as employment land within the Local Plan.

3.0 Description of the Proposed Development

3.1 Planning permission is sought for a change of use from D1 (Training facility) to Gymnastics facility and activity centre with gym (D2) and an ancillary cafe (A3). An extension to the existing internal mezzanine floor is also proposed.

3.2 The proposed floor area will be split into the following spaces, as shown on the submitted floor plans (in order of floor area):

- Gymnastics hall
- Changing facilities, reception and staff room
- Gym/fitness suite
- Cafe (ancillary to the main use of the building).

4.0 Relevant Planning History

4.1 None

5.0 Development Plan

5.1 Local Plan (2017)

6.0 Government Policy

6.1 National Planning Policy Framework (NPPF) (February 2019)

6.2 National Planning Practice Guidance (NPPG) (As Amended)

6.3 Planning applications must be determined in accordance with the development plan unless material considerations indicate otherwise. The NPPF is a material consideration in the determination of all applications. It requires Local Planning Authorities (LPAs) to apply a presumption in favour of sustainable development in determining development proposals. Due weight should still be attached to Development Plan policies according to the degree to which any policy is consistent with the NPPF.

PLANNING OFFICERS REPORT

7.0 Detailed Planning Considerations

7.1 The main issues for Members to consider in this case are:

- The principle of the development;
- The impact on amenity;
- The impact on character and appearance;
- The impact on highway safety;
- Other issues.

7.2 Consultations responses and representations received as a result of the publicity given to this application are set out in the appendix to this report.

8.0 Principle of the development

8.1 The Local Plan (LP) was adopted in July 2017 to guide development in the period up to 2032. The council acknowledges that the policies contained within the LP predate the publication of the revised NPPF however, it is clear from paragraph 213 of the NPPF that: “However, existing policies should not be considered out-of-date simply because they were adopted or made prior to the publication of this Framework. Due weight should be given to them, according to their degree of consistency with this Framework (the closer the policies in the plan to the policies in the Framework, the greater the weight that may be given).” The council considers that, as the plan is very recent, the local plan policies set out in this report are consistent with the NPPF and can be afforded significant weight.

8.2 The NPPF makes it clear that the purpose of the planning system is to contribute to the achievement of sustainable development. Achieving sustainable development means that the planning system has three overarching objectives: an economic objective; a social objective; and an environmental objective. Planning policies and decisions should play an active role in guiding development towards sustainable solutions, but in doing so should take local circumstances into account, to reflect the character, needs and opportunities of each area.

8.3 The NPPF paragraph 11 makes it clear that plans and decisions should apply a presumption in favour of sustainable development. However, the presumption in favour of sustainable development does not change the statutory status of the development plan as the starting point for decision making. The NPPF paragraph 12 states “Where a planning application conflicts with an up-to-date development plan permission should not normally be granted. Local Planning Authorities (LPA’s) may take decisions that depart from an up-to-date development plan, but only if material considerations in a particular case indicate that the plan should not be followed”. LP Policy DM1.3 reflects these aims of the NPPF.

8.4 Paragraph 86 of the NPPF states that ‘LPA’s should apply a sequential test to planning applications for main town centre uses which are neither in an existing centre nor in accordance with an up-to-date plan. Main town centre uses should be located in town centres, then in edge of centre locations; and only if suitable sites are not available (or expected to become available within a reasonable period) should out of centre sites be considered.

8.5 Paragraph 87 of the NPPF states ‘When considering edge of centre and out of centre proposals, preference should be given to accessible sites which are well connected to the town centre. Applicants and LPA’s should demonstrate flexibility on issues such as format and scale, so that opportunities to utilise suitable town centre or edge of centre sites are fully explored.’

8.6 Paragraph 90 of the NPPF states ‘Where an application fails to satisfy the sequential test or is likely to have significant adverse impact on one or more of the considerations in paragraph 89, it should be refused.’

8.7 Paragraph 120 of the NPPF advises that planning policies and decisions need to reflect the changes in the demand for land. Where the LPA considers there to be no reasonable prospect of an application coming forward for the use

allocated in a plan: in the interim, prior to updating the plan, applications for alternative uses on the land should be supported, where the proposed use would contribute to meeting an unmet need for development in the area.

8.8 The National Planning Practice Guidance (NPPG) provides advice on how the sequential test should be applied to development proposals. The NPPG states that it is for the applicant to demonstrate compliance with the sequential test and sets out the key considerations that be taken into account in determining whether a proposal complies with the sequential test:

-With due regard to the requirement to demonstrate flexibility, has the suitability of more central sites to accommodate the proposal been considered? Where the proposal would be located in an edge of centre or out of centre location, preference should be given to accessible sites that are well connected to the town centre. Any associated reasoning should be set out clearly.

-Is there scope for flexibility in the format and/or scale of the proposal? It is not necessary to demonstrate that a potential town centre or edge of centre site can accommodate precisely the scale and form of a development being proposed, but rather to consider what contribution more central sites are able to make individually to accommodate the proposal.

-If there are no sequentially preferable locations, the sequential test is passed.

8.9 Paragraph 91 of the NPPF promotes health and safe communities. Amongst other matters this includes enabling and supporting healthy lifestyles, especially where this would address identified local health and well-being needs.

8.10 LP Policy S1.2 'Spatial Strategy for Health and Well-Being' supports the well-being and health of communities. Amongst other matters this includes promoting and facilitating active and healthy lifestyles.

8.11 The Employment Land Review (ELR) (2015) included an assessment of 1,591 hectares (ha) of land for employment potential, including 955ha of currently allocated or existing land. North Tyne Industrial Estate has a total of 0.31ha of reserved employment land.

8.12 LP Policy DM2.3 'Development Affecting Employment Land and Buildings' states "The Council will support proposals on employment land, as shown on the Policies Map, for new or additional development for uses within use classes B1, B2 or B8 or that which is deemed ancillary.

Proposals on identified employment land or other buildings in use-class B1, B2 or B8, for uses that could conflict with the development and regeneration of sites for economic development, will be permitted where these proposals would not:

- a. Result in the unacceptable loss of operating businesses and jobs; and,
- b. Result in an excessive reduction in the supply of land for development for employment uses, taking into account the overall amount, range, and choice available for the remainder of the plan period; and,
- c. Have an adverse impact upon the amenity and operation of neighbouring properties and businesses."

8.13 Policy DM2.3 seeks to enable flexibility in the use and development of employment land whilst ensuring that developments support the overall growth and prosperity of North Tyneside.

8.14 To achieve this flexibility Policy DM2.3 seeks to ensure that applications for development on employment land are considered on the basis of their impact on the economic prosperity of North Tyneside, rather than whether the use proposed falls within use classes B1, B2 and B8 are retained, but also that full use can be made of the economic potential of land in highly sustainable and accessible locations across North Tyneside.

8.15 The site is designated as an employment site within the Local Plan. Therefore, the site is not within a defined town centre boundary and is out-of-centre. Therefore, a sequential assessment is necessary to see whether there are any sites which are available in existing centres. If there are none, then there is a need to look at edge of centres before finally considering out of centre sites.

8.16 LP Policy DM3.4 'Assessment of Town Centre Uses' set out the requirements for proposals for retail development and whether a sequential test or impact assessment should be submitted. Proposals for main town centre uses on sites not within town centres will be permitted where there are no sequentially preferable sites in centre, then on the edge of centre. Policy DM3.4 also gives preference for existing out of centre development sites which were previously occupied by appropriate main town centre uses that are readily accessible to metro stations or other transport connections prior to other out of centre locations.

8.17 Policy DM3.4 advises that sequential assessments should consider the suitability, availability and viability and have particular regard to the nature of need that is to be addressed.

8.18 Policy DM3.6 sets out guidance on local facilities, including proposals that meet the day to day needs of employees on employment sites.

8.19 Seven letters of support have been received, and a representation from Sport England. These comments are set out in full in paragraphs 2.1 and 3.8-3.11 of the appendix to this report.

8.20 The application site is located at North Tyne Industrial Estate which is designated as an employment site under Policy S2.2 (E016) of the LP. The applicant has advised that the current use of the unit, albeit it vacant, is D1 (training facility). The applicant has advised that the proposed D2 use has specific requirements to enable its clientele to operate in a safe environment. In light of these requirements opportunities to accommodate such uses in existing town centres are considered to be limited and the only suitable premises tend to be located within buildings on established industrial estates. On this basis, it is evident that a flexible approach needs to be adopted when assessing this application in accordance with the advice in NPPF.

8.21 The applicant has submitted a Sequential Assessment. This assessment has considered the following centres:

- Killingworth;
- Wallsend;
- Northumberland Park; and
- Forest Hall.

8.22 Within their sequential assessment they have provided a list of available premises within the above identified centres. The premises have been considered in terms of their availability, scale and format of the buildings. This assessment concluded that there are no suitable and available alternatives. It also advises that given the size required for the proposed use, it is also unlikely that any suitable units will become available within the sequentially preferred centres within the near future.

8.23 Given the scale of the development and the fact that there are no reasonable prospects of the proposal being able to be delivered within a town centre, it is not considered that it would have a harmful impact on the vitality and viability of existing town centres.

8.24 Taking into consideration the current use of the building (D1), which is not an employment use, it is not considered that the proposed use (D2) would result in a significant loss of current employment land. Also, the Council's Employment Land Review (ELR) (2015) concludes that there is 1, 591 hectares (ha) of land for employment potential, including 955ha of currently allocated or existing land. North Tyneside Industrial Estate has a total of 0.31ha of reserved employment land. The ELR concludes that within the administrative area of North Tyneside there is sufficient identified employment land to meet forecast demands. When assessing the scale of the proposed development and the total available employment floor space across the borough, it is not considered that the loss of this industrial floor space to a D2 use is significant. A condition is recommended to restrict the use of the building to the purposes applied for.

8.25 Any future applications for uses outside the employment designation on this industrial estate would need to be assessed on their own merits.

8.26 Members need to determine whether the principle of the proposed development is acceptable in terms of its impact on employment land provision within the borough and its impact on town centres and local centres. Based on the criteria set out under DM2.3 (a and b), it is the view of officers that this development would not result in an unacceptable loss of an operating business or jobs as both aspects are being provided by this proposal. The development would not result in an excessive reduction of B1, B2 and B8 uses taking into account the overall amount, range, and choice of employment land for the remainder of the plan period, or significantly impact on the vitality and viability of existing town centres. On balance, it is the view of officers that the principle of the proposed development is considered to be acceptable, subject to all other material considerations set out below being addressed.

9.0 Impact on amenity

9.1 Paragraph 180 of the NPPF states that planning decisions should ensure that new development is appropriate for its location taking into account the likely effects (including cumulative effects) of pollution on health, living conditions and

the natural environment, as well as the potential sensitivity of the site or the wider area to impacts that could arise from the development. In doing so, they should amongst other matters; mitigate and reduce to a minimum potential adverse impacts resulting from new development – and avoid noise giving rise to significant adverse impacts on health and quality of life.

9.2 LP Policy S1.4 “General Development Principles” states “ Proposals for development will be considered favourably where it can be demonstrated that they would accord with the strategic, development management or area specific policies of this Plan.” Amongst other matters this includes: to be acceptable in terms of their impact upon local amenity for new or existing residents and businesses, adjoining premises and land uses; and be accommodated by, and make best use of, existing facilities and infrastructure, particularly in encouraging accessibility and walking, cycling and public transport, whilst making appropriate provision for new or additional infrastructure requirements”.

9.3 LP Policy ‘DM5.9 Pollution’ states “Development proposals that may cause pollution either individually or cumulatively of water, air or soil through noise, smell, smoke, fumes, gases, steam, dust, vibration, light, and other pollutants will be required to incorporate measures to prevent or reduce their pollution so as not to cause nuisance or unacceptable impacts on the environment, to people and to biodiversity.

Development proposed where pollution levels are unacceptable will not be permitted unless it is possible for mitigation measures to be introduced to secure a satisfactory living or working environment.

Development that may be sensitive (such as housing, schools and hospitals) to existing or potentially polluting sources will not be sited in proximity to such sources. Potentially polluting development will not be sited near to sensitive areas unless satisfactory mitigation measures can be demonstrated.”

9.4 The Manager for Environmental Health (Pollution) has been consulted. She has raised concerns regarding potential noise and odours arising from the proposed change of use. She has reviewed the submitted noise assessment which determines that noise from the internal gym activities is unlikely to give rise to noise levels that would disturb the amenity of the nearest residential properties of Mead Court.

9.5 The NPPF, paragraph 54 states “Local Planning Authorities should consider whether otherwise unacceptable development could be made acceptable through the use of conditions or planning obligations.” Paragraph 55 states “Planning conditions should be kept to a minimum and only imposed where they are necessary, relevant to planning and to the development to be permitted, enforceable, precise and reasonable in all other respects.” The NPPF paragraph 180 aims to "avoid noise from giving rise to significant adverse impacts on health and quality of life". Members are advised that it is clear from the environmental health comments set out in paragraphs 1.6-1.12 of the appendix to this report that appropriate mitigation to reduce the impacts arising from noise and odour can be secured by conditions.

9.6 Members need to determine whether the proposed development is acceptable in terms of its impact on residential amenity. It is officer advice that the proposed development is acceptable in terms of its impact on the amenity of existing and future occupants of neighbouring and nearby properties, subject to the imposition of the suggested conditions. As such, it is officer advice that the proposed development does accord with the advice in paragraph 180 of the NPPF and LP policies DM5.19, DM2.3 (c) and DM6.1.

10.0 Impact on character and appearance

10.1 Paragraph 124 of the NPPF encourages good design stating that “this is a key aspect of sustainable development, creates better places in which to live and work and helps make development acceptable to communities. Paragraph 130 of the NPPF makes it clear that “Permission should be refused for development of poor design that fails to take the opportunities available for improving the character and quality of an area and the way it functions, taking into account any local design standards or style guides in plans or supplementary planning documents”.

10.2 LP Policy DM6.1 ‘Design of Development’ makes it clear that applications will only be permitted where they demonstrate high and consistent design standards. Amongst other matters proposed developments are responsive to their location, including topography, wildlife habitats, site orientation and existing buildings; ensuring a positive relationship to neighbouring buildings and spaces; ensuring sufficient parking is well integrated into the layout; and a good standard of amenity for existing and future residents.

10.3 LDD11 ‘Design Quality’ SPD applies to all planning applications that involve building works.

10.4 A new fire exit door is proposed to the west elevation. An existing door to the north elevation would be removed. No further external alterations are proposed. Therefore, the proposed development would not have a significant impact on the visual amenity of the surrounding area than that experienced at present.

10.5 Members need to consider whether the impact on the character and appearance of the immediate surrounding area is acceptable. It is officer advice that, the proposed development would not result in a significant visual impact on the character or appearance of the immediate surrounding area. As such, the proposed development accords with national and local planning policies.

11.0 Impact on highway safety

11.1 The NPPF paragraph 109 makes it clear that development should only be prevented or refused on highway grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.

11.2 The NPPF paragraph 110 states, amongst other matters, that applications for development should give priority first to pedestrian and cycle movements both within the scheme and with neighbouring areas and address the needs of people with disabilities and reduced mobility in relation to all modes of transport.

11.3 LP Policy DM7.4 'New Development and Transport' makes it clear that the Council will ensure that the transport requirements of new development, commensurate to the scale and type of development, are taken into account and seek to promote sustainable travel to minimise environmental impacts and support residents health and well-being.

11.4 The Council's maximum parking standards are set out in the Transport and Highways SPD (LDD12).

11.5 A Transport Statement (TS) and Framework Travel Plan (TP) have been submitted as part of the application. The applicant has demonstrated that the proposed use is unlikely to have a severe impact on the local highway network and that the car park should have sufficient capacity to meet the needs of the development.

11.6 The Highways Network Manager has been consulted. He has considered the submitted TS and TP. Based on this submitted information, he has recommended conditional approval.

11.7 Nexus has been consulted. They have raised no objection to the proposed development.

11.8 Members need to determine whether the proposed development is acceptable in terms of its impact on the highway network and existing parking provision. It is officer advice that it is. The proposed development accords with both national and local planning policies.

12.0 Other Issues

12.1 Contaminated Land

12.2 NPPF paragraph 178 states "Planning policies and decisions should ensure that: a) a site is suitable for its proposed use taking account of ground conditions and any risks arising from land instability and contamination. This include risks arising from natural hazards of former activities such as mining, and any proposals for mitigation including land remediation (as well as potential impacts on the natural environment arising from the remediation); b) after remediation, as a minimum, land should not be capable of being determined as contaminated land under Part IIA of the Environmental Protection Act 1990; and c) adequate site investigation information, prepared by a competent person, is available to inform these assessments"

12.3 NPPF paragraph 179 states "Where a site is affected by contamination or land stability issues, responsibility for securing a safe development rests with the developer and/or landowner".

12.4 LP Policy DM5.18 "Contaminated and Unstable Land" states: "Where the future users or occupiers of a development would be affected by contamination or stability issues, or where contamination may present a risk to the water environment, proposals must be accompanied by a report which:

- a. Shows that investigations have been carried out to assess the nature and extent of contamination or stability issues and the possible effect it may have on

the development and its future users, biodiversity, the natural and built environment; and

b. Sets out detailed measures to allow the development to go ahead safely and without adverse affect, including, as appropriate:

- i. Removing the contamination;
- ii. Treating the contamination;
- iii. Protecting and/or separating the development from the effects of the contamination;
- iv. Validation of mitigation measures; and
- v. Addressing land stability issues.

Where measures are needed to allow the development to go ahead safely and without adverse affect, these will be required as a condition of any planning permission”

12.5 The Contaminated Land Officer has been consulted. She has raised no objection to the proposed development.

12.6 The Coal Authority has been consulted. They have raised no objection to the proposed development.

12.7 Members need to consider whether the proposed development is acceptable in terms of its impact on ground conditions. It is officer advice that it is.

12.8 Flooding

12.9 The NPPF paragraph 163 makes it clear that “When determining planning applications, LPA’s should ensure that flood risk is not increased elsewhere and only consider development appropriate in areas at risk of flooding where informed by a site specific flood risk assessment (FRA) following the sequential test.”

12.10 LP Policy “DM5.12 Development and Flood Risk” states that all major developments will be required to demonstrate that flood risk does not increase as a result of the development proposed, and that options have been taken to reduce overall flood risk from all sources, taking into account the impact of climate change over its lifetime.

12.11 The submitted application form confirms that surface water would connect to the existing mains. As the proposed development, relates to a change of use only, it is not considered that the proposed development would increase the risk of surface water flooding over and above that experienced at present.

12.12 Members need to determine whether the proposed development is acceptable in terms of flood risk. It is officer advice that it is and it would accord with both national and local planning policies.

12.13 Aviation Safety

Deliveries and collections to the premises shall only take place during these hours.

Reason: To safeguard the occupiers of adjacent properties from undue noise or other associated disturbance having regard to policy DM5.19 of the North Tyneside Local Plan (2017).

5. The noise rating level from the combined plant and equipment installed at the site must not exceed the existing background noise level of 43 dB LA90 T for daytime and 35 dB LAeqT for night time at nearest façade of residential properties on Mead Court as detailed in noise report reference CDPC/NT/001. Following the installation of any plant and equipment acoustic testing shall be undertaken to verify compliance with this condition within one month of its installation shall be submitted to and approved in writing by the Local Planning Authority prior to the plant and equipment being brought into permanent use. Thereafter, the plant and equipment shall be installed in accordance with these details and maintained in working order.

Reason: In the interests of protecting the amenity of neighbouring properties from any undue noise or disturbance having regard to policy DM5.19 of the North Tyneside Local Plan (2017).

6. Doors to be kept closed at all times when any fitness equipment is operational or fitness classes are taking place, except for access and egress, or in the case of an emergency.

Reason: In the interests of protecting the amenity of neighbouring properties from any undue noise or disturbance having regard to policy DM5.19 of the North Tyneside Local Plan (2017).

7. The cooking appliances to be installed within the café area, identified on Drawing L01 Proposed Rev P1, shall be restricted to domestic appliances only such as sandwich toasters, kettles and griddle/Panini maker shall be permitted for use at the premises at any time for the provision of hot and cold foods and the provision of hot and cold beverages. There shall be no shallow frying, deep fat frying or baking of foods permitted at the premises at any time.

Reason: In the interests of protecting the amenity of neighbouring properties from cooking odours having regard to policy DM5.19 of the North Tyneside Local Plan (2017).

8. Noise No Tannoys Externally Audible NOI002 *

9. The scheme for parking and manoeuvring indicated on the approved plans shall be laid out prior to the initial occupation of the development hereby permitted and these areas shall not thereafter be used for any other purpose.

Reason: To enable vehicles to draw off, park and turn clear of the highway to minimise danger, obstruction and inconvenience to users of the adjoining highway having regard to policy DM6.1 of the North Tyneside Council Local Plan (2017).

10. Notwithstanding Condition 1, prior to the building being brought into use details of facilities to be provided for the storage of refuse and recycling shall be

submitted to and approved in writing by the Local Planning Authority. The facilities which should also include the provision of wheeled for all waste types shall be provided in accordance with the approved details, prior to building being brought into use and thereafter permanently retained.

Reason: In order to safeguard the amenities of the area having regard to policies DM6.1 of North Tyneside Local Plan (2017).

11. Notwithstanding the details submitted, prior to the building being brought into use a car park management scheme shall be submitted to and approved by in writing the Local Planning Authority. This scheme shall be implemented in accordance with the approved details and retained thereafter.

Reason: In the interests of highway safety having regard to policy DM6.1 of the North Tyneside Local Plan (2017).

12. Notwithstanding the provisions of the Town and Country Planning (Use Classes) Order 1987 (or any Order revoking or re-enacting that Order), the building and associated land of the development hereby approved shall only be used only for the purpose of gymnastics with ancillary cafe (not exceeding the area identified on Drawing L01 Proposed) and it shall not be used for any other purpose.

Reason: To enable the Local Planning Authority to retain control over the use in a designated employment site having regard to Policy DM2.3 of the North Tyneside Local Plan (2017).

13. Notwithstanding the details submitted, prior to the building being brought into use a scheme for the provision of secure undercover cycle parking shall be submitted to and approved by in writing the Local Planning Authority. This scheme shall be implemented in accordance with the approved details prior to the occupation of the building and retained thereafter.

Reason: In the interests of highway safety having regard to policy DM6.1 of the North Tyneside Local Plan (2017).

Statement under Article 35 of the Town & Country (Development Management Procedure) (England) Order 2015):

The proposal complies with the development plan and would improve the economic, social and environmental conditions of the area. It therefore comprises sustainable development and the Local Planning Authority worked proactively and positively to issue the decision without delay. The Local Planning Authority has therefore implemented the requirements in Paragraph 38 of the National Planning Policy Framework.

Informatives

Building Regulations Required (I03)

Do Not Obstruct Highway Build Materials (I13)

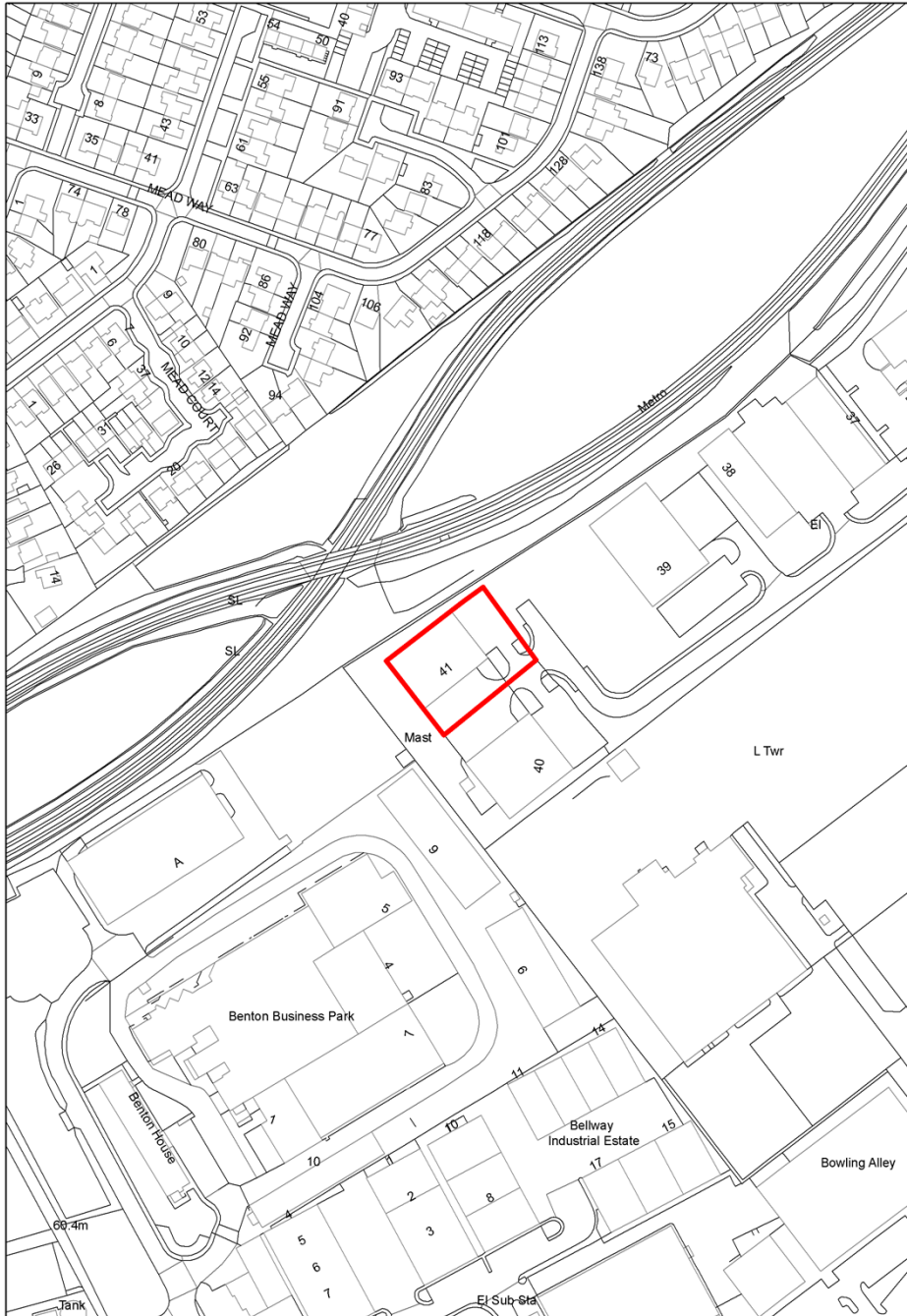
Take Care Proximity to Party Boundary (I21)

Advice All Works Within Applicants Land (I29)

Coal Mining Standing Advice (FUL,OUT) (I44)

Highway Inspection before dvlpt (I46)

Consent to Display Advertisement Reqd (I04)



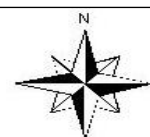
Application reference: 19/00739/FUL

Location: Unit 41, Bellingham Drive, North Tyne Industrial Estate, Benton
Proposal: Change of use from D1 (Training facility) to Gymnastics facility
and activity centre with gym (D2) and ancillary cafe (A3). Extension to
internal mezzanine floor

Not to scale

Date: 25.07.2019

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**Appendix 1 – 19/00739/FUL
Item 5**

Consultations/representations

1.0 Internal Consultees

1.1 Highways Network Manager

1.2 A Transport Statement (TS) and Framework Travel Plan (TP) have been submitted as part of the application. The applicant has demonstrated that the proposed use is unlikely to have a severe impact on the local highway network and that the car park should have sufficient capacity to meet the needs of the development. Conditional approval is recommended.

1.3 Recommendation - Conditional Approval

1.4 Conditions:

PAR04 - Veh: Parking, Garaging before Occ

REF01 - Refuse Storage: Detail, Provide Before Occ

Notwithstanding the details submitted, no part of the development shall be occupied until a scheme to manage parking has been submitted to and approved by in writing the Local Planning Authority. This scheme shall be implemented in accordance with the approved details and retained thereafter.

Reason: In the interests of highway safety.

No development shall commence until a scheme for the provision of secure undercover cycle parking shall be submitted to and approved by in writing the Local Planning Authority. Thereafter, this scheme shall be implemented in accordance with the approved details before the development is occupied.

Reason: In the interests of highway safety.

1.5 Informatives:

I13 - Don't obstruct Highway, Build Materials

I46 - Highway Inspection before dv/pt

1.6 Environmental Health

1.7 I have concerns with regard to potential noise and odours arising from the change of use. I have reviewed the noise assessment for the operation that has determined that noise from the internal gym activities is unlikely to give rise to noise levels to result in noise disturbance for neighbouring sensitive receptors at Mead Court.

1.8 Concerns with regard to noise from other sources of noise can be addressed through the provision of conditions to control new plant and equipment and controlling the type of cooking provided at the proposed cafe.

1.9 For any new external plant installed:

The noise rating level from the combined plant and equipment installed at the site must not exceed the existing background noise level of 43 dB LA90 T for daytime and 35 dB LAeqT for night time at nearest façade of residential properties on

Mead Court as detailed in noise report reference CDPC/NT/001. It will be necessary following installation of the plant and equipment that acoustic testing is undertaken to verify compliance with this condition within one month of its installation and submitted for written approval to the local planning authority prior to the operation of the plant and thereafter maintain in working order.

1.10 Standard conditions:

Doors to be kept closed at all times when any fitness equipment is operational or fitness classes are taking place, except for access and egress, or in the case of an emergency.

NOI02

Deliveries and collections must not be permitted to the premises between 23:00 and 07:00 hours.

HOU03 to those on the application

HOU04

1.11 It is noted that there is no proposed external kitchen extraction to be installed. I would have concerns if intensive cooking of foods was proposed. The plans indicate that the cafe area is likely to be operated as a coffee shop and therefore I would have no objection to this ancillary use if the following condition was attached.

1.12 Non-standard condition: Cooking of foods

Only domestic appliances such as sandwich toasters, kettles and griddle/Panini maker shall be permitted for use at the premises at any time for the provision of hot and cold foods and the provision of hot and cold beverages. There shall be no shallow frying, deep fat frying or baking of foods permitted at the premises at any time.

1.13 Contaminated Land Officer

1.14 No objection.

2.0 Representations

2.1 Seven letters of support have been received. The comments are set out below:

-Active Northumberland have worked on a number of successful projects with the applicant because our purpose and values align, that is to get more people active and to provide great experiences, including people who are most in need of support. In Northumberland access to gymnastics is limited, all our Gymnastic Clubs have waiting lists, as I believe is the case nationally, therefore whatever we can do to support young people to get involved in gymnastics and other activities that will be offered at this centre for parents and guardians is something that we are very keen to support.

-I believe that this venture has lots of support already, for example, to be awarded £100, 000.00, from Sport England demonstrates the high level of commitment and careful planning executed by the applicant. If permitted, this venture will make a huge impact, not just within the community of North Tyneside but surrounding areas including Northumberland.

- There continues to be a growing demand for gymnastics in Newcastle upon Tyne and the surrounding areas; our service witnesses this first hand through our engagement with schools. Despite the growing demand there is a distinct lack of high quality facilities that can support the delivery of gymnastics.
- The proposed facility will lend itself to establishing and nurturing school club links, which will address the current physical inactivity agenda. It will also promote habit changing and lifelong participation in line with the Chief Medical Officers recommendations that all children and young people should achieve 60 active minutes a day.
- We welcome the potential of this new facility as this will encourage community participation, competitive opportunities and feasibly engage adults who may have participated in gymnastics as a young person.
- Gymnastics amongst our school is extremely popular across the borough however community exit routes are limited owing to a lack of appropriate facilities within the locality. This makes it difficult for young people to transition from school-based activity to local sports clubs.
- There is a clear need for the development of a local facility to help meet this demand, providing appropriate and high-quality participation opportunities.
- Development of such a facility would complement the work of both our own School Sport Partnership and no doubt that of colleagues within the county. It would enable tangible links to be established with existing school programmes such as coaching, competition and the wider School Games initiative.
- There are high levels of inactivity in North Tyneside and the surrounding local authority areas. More than 1 in 4 of the adult population in Tyne and Wear are classified as inactive because they do less than 30 minutes of moderate intensity physical activity per week. This development includes collaborating with the North Tyneside Public Health Team to deliver a range of exercise interventions targeting groups with specific needs, including: young people in care, children's homes, young carers, 50+ age group, weight management group for young people.
- This development will enable more people to participate in gymnastics and also provide opportunities for people of all ages and abilities to become physically active.
- We are aware that many gymnastics facilities of this type are located in converted industrial units which offer enough space to be able to deliver quality gymnastics. A unit of this size will provide enough space to have a safe, full equipment layout and will also allow the club to develop in the future.
- The club has a thorough understanding of the demand for gymnastics in the local area and vast experience of delivering a range of gymnastic programmes. The club has consulted with a range of partners to ensure the proposed facility will be a success and provide an additional high quality gymnastics venue.
- Gymnastics in Northumberland is a very popular activity, with clear demand for access to local clubs, particularly by young females. In the south east of our county (which neighbours North Tyneside) some of the existing clubs have waiting lists of over 300 young people. The proposed development in Benton will increase the opportunities and provision of gymnastics activity and help increase physical activity levels in the surrounding areas.
- The development will engage a large number of people from underrepresented groups to participate in high quality and meaningful activity which encourages behaviour changes and ultimately getting people more active. Activities other

than gymnastics will also be delivered on site which provides an inclusive, affordable and high quality offer to the local community.

-We recommend that you approve this application and deliver a legacy for not only the residents of North Tyneside but residents of Northumberland which borders your county.

-This project aims to translate both the Government and Sport England strategies into delivery including increasing participation, encouraging non-active people to take up physical activity and support development of volunteering and workforce development.

-The club will be registered with British Gymnastics and offer activities to the community for all ages including those from specific target groups.

-The club will develop partnerships within the local community including schools, other sports clubs, the business community, other non-profit organisations, funding partners (for example Sport England), and most importantly, the local community to provide opportunities to participate in physical activity. Establishing a dedicated gymnastics venue also provides scope to develop employment and career opportunities particularly for young people.

3.0 External Consultees

3.1 The Coal Authority

3.2 The application site does not fall within the defined Development High Risk Area and is located instead within the defined Development Low Risk Area. This means that there is no requirement under the risk-based approach that has been agreed with the LPA for a Coal Mining Risk Assessment to be submitted or for The Coal Authority to be consulted.

3.3 In accordance with the agreed approach to assessing coal mining risks as part of the development management process, if this proposal is granted planning permission, it will be necessary to include The Coal Authority's Standing Advice within the Decision Notice as an informative note to the applicant in the interests of public health and safety.

3.4 Nexus

3.5 No objection.

3.6 Newcastle International Airport Limited (NIAL)

3.7 I have reviewed in conjunction with our Aerodrome Safeguarding Technical Advisor and can confirm that we have no objection to this application.

3.8 Sport England

3.9 I am writing in support of the planning application submitted by Craig Heap of Tumble Gymnastics. It is around change of use of an industrial unit to a Gymnastics and wider physical activity facility. Sport England are fully supportive of this project in terms of its ability to get people in the area active. The project has undertaken significant community consultation that has identified the need and value of the project.

3.10 Sport England have currently identified a capital investment of up to £100,000 in support of the project and have also provided development grants to assist the applicant in the development of their governance structure, business planning and capital project. It is a project that has been identified as having an

ability to assist Sport England in the delivery of its national strategy with a key aim of getting more people, more active, more often.

3.11 Sport England are working directly with Tumble Gymnastics in developing the project and are keen to see it delivered. The change of use request is crucial to the deliverability of the project to serve the identified needs of young people and their parents / guardians in the area.