



Appeal Decision

Site visit made on 17 July 2025

by **S Dean MA MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 31st July 2025

Appeal Ref: APP/H4505/W/25/3365799

Maingate Kingsway North Car Park, Team Valley Trading Estate, First Avenue, Gateshead, NE11 0BE

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a refusal to grant planning permission.
 - The appeal is made by Fastned UK Ltd against the decision of Gateshead Metropolitan Borough Council.
 - The application Ref is DC/24/00576/FUL.
 - The development proposed is the “installation of 8no. Electric Vehicle (EV) charging spaces and associated ancillary works”.
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Decision

1. The appeal is allowed, and planning permission is granted for Installation of 8no. Electric Vehicle (EV) charging spaces and associated ancillary works at Maingate Kingsway North Car Park, Team Valley Trading Estate, First Avenue, Gateshead, NE11 0BE in accordance with the terms of the application, Ref DC/24/00576/FUL, subject to the conditions in the attached schedule.

Applications for costs

2. An application for costs was made by Fastned UK Ltd against Gateshead Metropolitan Borough Council. This application is the subject of a separate Decision.

Main Issues

3. The main issues are:
 - the effect of the proposal on the character and appearance of the area,
 - whether or not the proposal would provide suitable biodiversity net gain,
 - the effect of the proposal on the highway network in the area, and
 - whether or not the proposal is appropriate in terms of drainage and flood risk.

Reasons

Character and appearance

4. The proposal would result in the loss of some of the existing grassed verge on which the site lies. However, a substantial part of it would remain. Furthermore, much of the site remains open. The canopies are to the rear of the site, immediately adjacent to the existing parking area, the substations similarly to the side, and much of the additional planting is also at the site edges.

5. As such, the largely open appearance of the site, particularly that part of it immediately behind the line of trees along First Avenue, is preserved.
6. The visibility of the canopies and ancillary works is itself limited by, and somewhat reduced by, the trees along First Avenue, which it is proposed to retain, and to which there is no compelling evidence of likely long-term harm or future pressure to remove associated with the proposal. The location of the ancillary works next to the pathway is unfortunate, but not, on my observations on site, wholly unusual in the surroundings. In longer views, the overall impression of the site and surrounding area will remain largely unchanged, owing to the retention of the existing, established trees, and the already wide variety of structures at varying heights in the car park, around the nearby buildings and opposite the site.
7. The site is also backdropped by an existing large area of car parking, some relatively modern retail units and a reasonably tall, modern building. The tree coverage within the site, immediately surrounding it, and across the wider area would remain unaffected.
8. I note that whilst the Council disputes the weight that should be afforded to them, given the passage of time and the changes to the development plan, there have been previous planning permissions for development on the appeal site. In those, the majority of the built form was concentrated towards the existing parking area, away from First Avenue, consistent with the appeal proposal. To my mind, that does weigh in favour of the appeal proposal.
9. The Team Valley Trading Estate (TVTE) is included on the Council's Local List of Parks and Gardens and as such, is a non-designated heritage asset in the terms of the National Planning Policy Framework (the Framework). It was one of the first purpose built industrial estates in the country, with a generous grid pattern, wide roads and verges to give a pleasant light industrial environment. The site lies outside, but very close to the extent of the heritage asset.
10. Despite that, the site lies very obviously within, and is part of, a trading estate environment. Despite the design, character and appearance intention of the earliest parts of the estate, now on the Local List, the wider estate and the surroundings of the site exhibit very little coherence in design, material, scale, appearance, character or use. In this, I find that the site and its surroundings are wholly typical of this type of development and area.
11. In assessing the effect of a proposal on the significance of a non-designated heritage asset, the Framework requires a balanced judgement having regard to the scale of any harm or loss and the significance of the asset. Whilst the proposal would lead to change in the setting of the asset, I cannot, taking together my observations on site, the evidence of the appellant and the consultation comments of the Council, conclude that the proposal would cause unacceptable harm to the significance of it. The location of the site within a commercial and industrial area, expanded beyond the originally designed TVTE, which was itself an industrial environment, and in an area of what appears to be regular change and growth, the scale of the proposal, as well as the retention of the street trees and reinforcement of the planting on the site lead me to conclude that the proposal would not harm the significance of the TVTE as a non-designated heritage asset.

12. I note the concern of the Council over the proposed use of “Grasscrete or similar” as a permeable surface for the road within the appeal site. Whilst I accept that different surfacing options may look different, it was clear from my site visit that in the immediate vicinity of the site, and indeed, throughout the TVTE, there is no consistency in surfacing, with tarmac, concrete, block-paving and slabs being used in a wide variety of colours, textures, patterns and locations. As such, I am not concerned either by the appearance of the Grasscrete, which would be lessened in any event by the grass which grows within it, or the potential for harm from any other surfacing which may be approved in its stead.
13. In their decision, the Council has raised concerns over the effect of the proposal on the existing trees. However, this concern is neither borne out by the evidence of the appellant or that of the consultees. As such, I am satisfied that subject to the imposition of suitable conditions, the proposal would not have any unacceptable arboricultural impact.
14. The proposal then, whilst being obviously different to what surrounds it, is not however harmful as a result. Whilst parts of the open verge would be lost, the overall character of the area, of being in active, commercial, industrial and retail use, but with a somewhat unusually sylvan and verdant setting, would persist.
15. Taking all of that together, whilst the proposal would result in a change to the character and appearance of both the site and the area, it would not be a harmful one. The canopies, charging bays and other above-ground elements would all be set to the rear of the site, adjacent to the existing parking area, which is, most of the time, host to parked vehicles. The front of the site would remain largely open and, to the casual observer, who would, it is hoped, be concentrating on the road, the relatively closely spaced junctions, other vehicles and other road users, appear largely as it does at present.
16. Overall, I am satisfied that whilst the proposal would be visible, given the existing character and appearance of the site, it would not be visually obtrusive and would not cause harm to the character and appearance of the area. As such, the proposal would not conflict with policies CS15, CS18, MSGP24, MSGP25, MSGP32 or MSGP36 of Making Spaces for Growing Places - Local Plan Document for Gateshead, adopted February 2021 (the Local Plan).

Biodiversity net gain

17. The appellant has provided a Biodiversity Metric Assessment which identifies the ability to deliver a 10.34% biodiversity net gain through the proposal. The submitted evidence also includes a post-development habitat plan, showing in-principle how that gain would be delivered. The gain identified can be secured through the imposition of conditions, and the Planning Practice Guidance (the PPG) which both parties cite, gives guidance on this.
18. As a result, subject to the imposition of conditions, the proposal would provide suitable biodiversity net gain, and would not conflict with policies CS18, MSGP36 and MSGP37 of the Local Plan.

Highway network

19. The appeal proposal would lead to the loss of a number of on-street parking bays, as well as introduce two accesses onto First Avenue. There remain some methodological disagreements between the appellant and the Council over parking capacity surveys, but I am satisfied that the proposal is accompanied by sufficient information to be satisfied that the removal of the existing on-street parking for the accesses and for visibility splays on First Avenue would not cause harmful highways impacts.
20. Turning to the provision of appropriate visibility splays, again, although there is a disagreement between the appellant and the Council as to the size of splay required, it does not appear to be material to the decision, as the Council concedes that in any event, they do not object to the proposed visibility splay.
21. Given that, and the local conditions which I observed on my site visit, and which the appellant assesses in their evidence, I am satisfied with the visibility splays proposed, which would be secured by condition.
22. I note the concerns of the highway authority over the use of Grasscrete to the highway boundary. However, there is no evidence to support the Council's apparent general opposition to the use of Grasscrete, or the weaknesses they identify in the product. In any event, the appellant is satisfied with the suggestion that final surfacing be dealt with by condition, and this is an appropriate mechanism to address this concern.
23. Taking all of that together, the proposal would have an acceptable effect on the highway network in the area and would not conflict with policies CS13 or MSGP15 of the Local Plan.

Drainage and flood risk

24. The consultation response from the Council's Drainage team indicates that the proposal is acceptable subject to conditions. It clearly notes that the submission provides a strategy which is in-principle acceptable.
25. Given that, I find no evidence to support the Council maintaining its objection to the proposal on this ground. I accept that were the surfacing of the site or parts of it to be changed, then the drainage strategy may have to change in response. The suggested conditions allow a clear mechanism for this chain of approval. However, there is no compelling evidence before me to suggest that dealing with this through the discharge of conditions is not an acceptable process. Indeed, this approach is encouraged in the Framework.
26. The proposal would not therefore conflict with policies CS17 or MSGP29 of the Local Plan.

Conditions

27. The Council has suggested a number of conditions to be attached, should planning permission be granted. Having had regard to the requirements of the Framework and the PPG I have imposed standard conditions concerning commencement and compliance with the submitted plans.

28. I have amended condition 9 suggested by the Council to include details of the parking and manoeuvring areas. The modification also allows for concerns over the use of Grasscrete to be dealt with and allows for the implementation of a paved strip immediately adjacent to the highway edge. I am satisfied that no prejudice to any party arises from this approach. This modification also deals with imprecision in the originally suggested conditions, which required compliance with details which varied between the plans and the application form.
29. I am satisfied that the conditions as a whole are necessary to ensure the satisfactory appearance of the completed development, to ensure the development is appropriate for the character and appearance of the area, that the main issues are properly addressed as discussed above, and that the proposal can be properly implemented, safely and without harm to amenity.
30. The appellant has confirmed in writing that they have no objection to the terms of the pre-commencement conditions proposed by the Council. It is necessary and reasonable that the information required by these conditions be provided prior to the commencement of development, as these are matters which cannot properly or reasonably be addressed following the commencement of the development. I have removed tailpieces from conditions which included them as they are inappropriate and can bypass other statutory processes.
31. Overall, I am therefore satisfied that the conditions I have imposed meet the tests in, and requirements of both the Framework and the PPG.

Other matters

32. The proposal, providing as it does, electric vehicle charging infrastructure, benefits from substantial national policy support, particularly in the Framework. I agree with the Council that this does not mean that the development plan should therefore be set aside, or that no other considerations should be taken into account. However, I have found no development plan conflict, and that national policy support therefore weighs further in favour of the proposal.
33. I am also mindful of the guidance in the Framework around considering whether otherwise unacceptable development could be made acceptable through the use of conditions, and it is clear to me in this case, that it can be.

Conclusion

34. Taking all of the above together, I find that the proposal, subject to the imposition of conditions, would not conflict with the development plan. There are no material considerations of such weight to indicate that a decision be taken other than in accordance with it.
35. The appeal should therefore be allowed.

S Dean

INSPECTOR

Schedule of Conditions

1. The development hereby permitted shall begin not later than 3 years from the date of this decision.
2. Unless otherwise required by condition, the development shall be carried out in complete accordance with the approved plan(s) as detailed below:
 - 44066_PA_100 Location Plan
 - 44066_PA_103 Proposed Ground Level Plan
 - 44066_PA_200 Proposed Elevations
 - 44066_PA_201 Proposed Charging Units
 - 44066_PA_104 Proposed Canopy Level Plan
 - 44066_PA_105 Proposed Planting Plan and Spec
3. All external works and ancillary operations in connection with the construction of the development, including deliveries to the site, shall be carried out only between 0800 hours and 1800 hours on Mondays to Saturdays and at no time on Sundays, Bank Holidays or Public Holidays.
4. Prior to the commencement of the development hereby approved, a detailed Site Construction Management Plan shall be submitted to and approved in writing by the Local Planning Authority. The Plan shall provide for:
 - (a) The parking of vehicles of site operatives and visitors
 - (b) A Construction Traffic Management Plan which includes further details of the management and routing of vehicles arriving at and leaving the site during construction;
 - (c) Storage of plant and materials used in constructing the development;
 - (d) The erection and maintenance of security hoarding;
 - (e) Wheel washing facilities;
 - (f) Means by which mud/detritus and surface water will be prevented from entering the highway and Network Rail land throughout each phase of the construction period;
 - (g) Measures to control the emission of dust and dirt during construction;
 - (h) Measures to control noise and vibration during construction;
 - (i) A scheme for recycling/disposing of waste resulting from construction works.
5. The details approved under condition 4 shall be implemented in accordance with the approved timescales and details.
6. Prior to the installation of any boundary treatments, full details of any means of enclosure on or around the site shall be submitted to and approved in writing by the Local Planning Authority.
7. The boundary treatment details approved under condition 6 shall be implemented in accordance with the approved details before the respective dwelling hereby approved is occupied and retained as such for the lifetime of the development.
8. The approved tree protection measures as detailed in the Tree Protection Plan (ref: BA230345TPP P revC) shall be implemented and retained intact for the full duration of the development works and there shall be no access, storage, ground disturbance or contamination within the fence area without the prior written approval of the Local Planning Authority.

9. Prior to the first use of the development hereby approved, final details of the materials, surfacing and means of construction for the parking spaces, manoeuvring area and access/egress onto First Avenue shall be submitted to and approved in writing by the Local Planning Authority. This access shall achieve the required 2.4m x 43m junction visibility splays in both directions and be preserved for the lifetime of the development through the use of waiting restrictions.
10. The details approved under condition 9 shall be implemented in accordance with the approved timescales and details.
11. Prior to first use of the development hereby approved, all parking bays shall be laid out in full and charging equipment made operational. Equipment and bays shall be maintained and retained for EV charging provision in perpetuity for the lifetime of the development.
12. Prior to the installation of any external lighting, details of any external lighting shall be submitted to and approved in writing with the Local Planning Authority.
13. Any external lighting as approved under condition 12 shall be installed and operated in accordance with the details approved and be maintained and retained for the lifetime of the development.
14. Notwithstanding the submitted information, prior to the commencement of any external landscaping works, full details of the on-site soft landscaping and habitat creation, including layout, species mixes, plant sizes, densities/ratios, numbers/percentages, planting procedures methods, establishment regime, including watering and protection measures, etc. and a timetable for implementation shall be submitted to and approved in writing by the Local Planning Authority.
15. The on-site landscaping approved under condition 14 shall be implemented in accordance with the approved details (revised details/drawing to be submitted) prior to the development being brought into operation and thereafter be retained for the life of the development.
16. The approved landscaping scheme shall be maintained in accordance with British Standard 4428 (1989) Code of Practice for General Landscape Operations for a period of 5 years commencing on the date of Practical Completion and during this period any trees or planting which die, become diseased or are removed shall be replaced in the first available planting seasons (October to March) with others of a similar size and species and any grass which fails to establish shall be re-established.
17. A detailed Landscape Management, Maintenance and Monitoring Plan and a schedule for its implementation shall be submitted to and approved in writing by the Local Planning Authority prior to the development being brought into operation, the submitted details shall include but not be limited to:
 - Arrangements for identifying the need for and implementation of any remedial measures;
 - Person(s) responsible for implementation, establishment/aftercare, management and monitoring.

18. Prior to the commencement of the development hereby approved, a Biodiversity Gain Plan shall be submitted to and approved in writing by the Local Planning Authority. The biodiversity gain plan must include:
- Information about the steps taken or to be taken to minimise the adverse effect of the development on the biodiversity of the onsite habitat and any other habitat;
 - The pre-development biodiversity value of the onsite habitat;
 - The post-development biodiversity value of the onsite habitat;
 - Any registered offsite biodiversity gain allocated to the development and the biodiversity and the biodiversity value of that gain in relation to the development;
 - Any biodiversity credits purchased for the development; and
 - Any such other matters as the Secretary of State may by regulations specify.
19. The development hereby approved shall take place in accordance with the Biodiversity Net Gain Plan approved under condition 18. The terms of the approved Net Gain Plan shall be adhered to for the lifetime of the development.
20. Prior to commencement of the development hereby approved, a final detailed drainage scheme for the development shall be submitted to and approved by the Local Planning Authority in consultation with the LLFA. The drainage scheme shall include a final drainage plan, supporting drainage calculations (component and network), site specific dimensioned and annotated cross sections through all key drainage components. Rainfall across the development area shall be safely managed for intensities of 1in100year return period including 45% increase for climate change with discharge limited to the greenfield q_{bar} rate of 0.5litres/sec. Evidence of permission for use and capacity of existing drainage systems linking the site to outfall with the River Teams shall be provided allowing for downstream water levels.
21. Prior to first use of the development hereby approved, a Drainage Maintenance Plan (DMP) shall be submitted to and agreed by the Local Planning Authority. The DMP shall 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.

End of Schedule of Conditions