

# **PLANNING AND DEVELOPMENT COMMITTEE AGENDA**

**Wednesday, 29 March 2017 at 6.00 pm in the Bridges Room - Civic Centre**

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From the Chief Executive, Sheena Ramsey

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Item	Business
<b>1</b>	<b>Apologies for Absence</b>
<b>2</b>	<b>Minutes</b>  The Committee is asked to approve as a correct record the minutes of the meeting held on Wednesday 8 March 2017 (copy previously circulated).
<b>3</b>	<b>Declarations of Interest</b>  Members to declare interests in any agenda items
<b>4</b>	<b>Planning Applications (Pages 3 - 10)</b>
4i	<b>No.1 - Block 2, Half Moon Lane, Gateshead (Pages 11 - 42)</b>
4ii	<b>No.2 - Land to the South of Cushy Cow Lane, Ryton (Pages 43 - 70)</b>
4iii	<b>No. 3 - Trinity Square, Gateshead (Pages 71 - 80)</b>
4iv	<b>No. 4 - Trinity Square, Gateshead (Pages 81 - 90)</b>
4v	<b>No. 5 - Land at Ellison Terrace, Greenside (Pages 91 - 102)</b>
4vi	<b>No. 6 - Former Bling Bling Car Wash, Durham Road, Birtley (Pages 103 - 114)</b>
4vii	<b>No. 7 - Land South of Westminster Street, Gateshead (Pages 115 - 126)</b>
	<b>Delegated Decisions (Pages 127 - 136)</b>
<b>5</b>	<b>Enforcement Action (Pages 137 - 146)</b>  Report of Strategic Director - Communities and Environment

Continues...

**6      |      Planning Appeals (Pages 147 - 150)**

Report of the Strategic Director, Communities and Environment

**7      |      Planning Obligations (Pages 151 - 152)**

Report of the Strategic Director, Communities and Environment

Contact: Neil Porteous - Email: [neilporteous@gateshead.gov.uk](mailto:neilporteous@gateshead.gov.uk), Tel: 0191 433 2149

Date: Wednesday, 29 March 2017(Update)



**TITLE OF REPORT:** Planning applications for consideration

**REPORT OF:** Paul Dowling, Strategic Director Communities  
and Environment

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### **Purpose of the Report**

1. The Committee is requested to consider the attached schedule of miscellaneous planning applications, which are presented as follows:-

#### **PART ONE:**

Planning Applications  
Applications for Express Consent under the Advertisement  
Regulations  
Proposals for the Council's own development  
Proposals for the development of land vested in the Council  
Proposals upon which the Council's observations are sought  
Any other items of planning control

#### **PART TWO: FOR INFORMATION ONLY**

Applications determined in accordance with the powers  
delegated under Part 3, Schedule 2 (delegations to managers),  
of the Council Constitution.

### **Recommendations**

2. Recommendations are specified in the schedule.

The Human Rights Implications of the recommendations have been considered. Unless specified there are no implications that outweigh the material planning considerations.

## Contents

Application Number	Site Location	Ward
1. DC/16/00136/FUL	Block 2 Half Moon Lane	Bridges
2. DC/16/00320/FUL	Land To The South Of Cushy Cow Lane Ryton	Ryton Crookhill And Stella
3. DC/16/01121/NMA	Trinity Square Gateshead	Bridges
4. DC/16/01125/NMA	Trinity Square Gateshead	Bridges
5. DC/16/01182/FUL	Land At Ellison Terrace Greenside	Crawcrook And Greenside
6. DC/16/01319/FUL	Former Bling Bling Car Wash Durham Road	Birtley
7. DC/17/00074/FUL	Land South Of Westminster Street	Saltwell

## **DEVELOPMENT PLAN**

Section 38(6) of the Planning & Compulsory Purchase Act 2004 specifies that: 'If regard is to be had to the Development Plan for the purpose of any determination to be made under the Planning Acts the determination must be made in accordance with the Plan unless material considerations indicate otherwise.' In the case of Gateshead the development plan is currently the Core Strategy and Urban Core Plan 2010 – 2030 and the saved policies of the Unitary Development Plan for Gateshead (2007), where they are in conformity with the National Planning Policy Framework.

## **NATIONAL PLANNING POLICY FRAMEWORK (NPPF)**

The NPPF was published on 27 March 2012 by Communities and Local Government (CLG). The National Planning Policy Framework is a material planning consideration, the previous Planning Policy Statements (PPS's), Guidance notes (PPG's) and some Circulars are revoked. Some of the guidance notes that supported the PPS's and PPG's are still extant.

## **REGIONAL SPATIAL STRATEGY (RSS)**

The RSS was revoked on 15<sup>th</sup> April 2013 and is no longer part of the development plan.

## **LOCAL PLAN (Formerly known as Local Development Framework)**

The Council has adopted the Planning for the Future Core Strategy and Urban Core Plan for Gateshead and Newcastle Upon Tyne 2010-2030 (CSUCP) jointly with Newcastle City Council. This sets all the Strategic Planning Policies for Gateshead and Newcastle and more detailed policies for the urban core of Gateshead and Newcastle.

In accordance with Planning and Compulsory Purchase Act 2004 (as amended) the CSUCP now forms part of the statutory development plan for Gateshead. The CSUCP also supersedes and deletes some of the saved policies in the Unitary Development Plan (UDP). These are set out in Appendix 1 of the CSUCP.

The Unitary Development Plan for Gateshead was adopted on 17<sup>th</sup> July 2007 and the remaining saved policies together with the CSUCP represent a current up to date development plan. In the report for each application, specific reference will be made to those policies and proposals which are particularly relevant to the application site and proposed development. Where the saved UDP policies are in general conformity with the NPPF due weight should be given to them. The closer the consistency with the NPPF the greater the weight can be given.

The Gateshead Place Making Supplementary Planning Document and the Householder Alterations and Extensions Supplementary Planning Document, are now adopted and have weight in decision making, supplementing and providing detail to the development plan policies.

The Council is currently working on new draft detailed policies and land allocations for the new Local Plan. The Development Plan Document will be called Making Spaces for Growing Places (MSGP).

## **UPDATES**

The agenda is formed and printed approximately a week prior to the Planning and Development Committee meeting. Information, correspondence and representations can sometimes be received in the intervening period. In such cases a written update report will be circulated to Members at the beginning of the meeting and on occasion there may be further verbal updates to Members from officers, so that Members are aware of all material planning considerations when making their decision on applications.

## **SPEAKING AT COMMITTEE**

Gateshead Council seeks to be inclusive in its decision making process and therefore allows applicants, agents and interested parties to make verbal representation to Members at Committee in accordance with the Council's agreed speaking rights protocol where persons have indicated their intention to speak in writing, in advance of the meeting, and subsequently confirmed their intention to speak to the Development Information Officer.

For further details of speaking rights at committee contact the Development Information Officer on (0191) 4333150 or please view the leaflet 'Having Your Say' available from the second floor reception at the Civic Centre. You can also view this information on the Planning pages of the Council website under 'Having your Say'

### **SITE PLANS**

The site plans included in each report are for illustrative purposes only. Scale plans are available to view from the file. Key plans and photographs of the site and surroundings are also displayed at committee for information purposes as are other images where necessary including consultation response plans.

### **PUBLICITY/CONSULTATIONS**

The reports identify the responses to site notices, press notices, consultations and/or neighbour notifications which have been undertaken. The reports include a précis of the comments received, full copies of letters are available to view from the application file. In all cases the consultations and publicity have been carried out in accordance with the Town and Country Planning (Development Management Procedure) Order 2010.

### **SITE VISITS**

On occasion the Committee will defer making a decision until they have viewed the application site themselves as a group. Normally these visits take place on the Thursday morning prior to the following Wednesday committee meeting. The visits are fact finding visits only and no debate or decision making will take place on the visit and no representations will be heard at these visits and therefore the Local Planning Authority no longer invite applicants or third parties to attend unless for the sole purpose of arranging access to land and or/ buildings.

### **LOCAL GOVERNMENT ACT 1972 – ACCESS TO INFORMATION (AS AMENDED)**

The background papers material to the reports included on this agenda are:

- The application and supporting reports and information;
- Responses from consultees;
- Representations received;
- Correspondence between the applicant and/or their agent and the Local Planning Authority;
- Correspondence between objectors and the Local Planning Authority;
- Minutes of relevant meetings between interested parties and the Local Planning Authority;
- Reports and advice by specialist consultants employed by the Local Planning Authority;
- Other relevant reports.

Please note that not all of the reports will include background papers in every category and that the background papers will exclude any documents containing exempt or confidential information as defined by the Act.

These papers are held on the relevant application file and are available for inspection during normal office hours at the Communities and Environment reception, Civic Centre, Regent Street, Gateshead NE8 1HH.

### Generalised Guide to Use Classes Order 1987 (as amended)

<b>A1 Shops</b>	Shops, retail warehouses, hairdressers, undertakers/funeral directors, travel and ticket agencies, post offices, pet shops, sandwich shop, showrooms, domestic hire shops.	<b>C1 Hotels</b>	Hotels, boarding and guest houses
<b>A2 Financial and Professional Services</b>	Banks, building societies, estate and employment agencies, professional and financial services.	<b>C2 Residential Institutions</b>	Residential schools and colleges convalescent homes/nursing homes
<b>A3 Restaurants and Cafes</b>	Restaurants, snack bars, cafes.	<b>C2A Secure Residential Institutions</b>	Secure residential accommodation including detention centres, young offenders institutions, prisons and custody centres.
<b>A4 Drinking Establishments</b>	Public Houses and Wine bars etc	<b>C3 Dwellinghouses</b>	Dwellings, small business at home, communal housing of the elderly and handicapped
<b>A5 Hot food Take-Aways</b>	Hot Food Take-away shops	<b>C4 Houses in Multiple Occupation</b>	Small shared dwellinghouses occupied by between 3 and 6 unrelated individuals who share basic amenities such as kitchen or bathroom.
<b>B1 Business</b>	Offices not within A2, research and development studios, laboratories, high tech., light industry appropriate in a residential area.	<b>D1 Non-residential Institutions</b>	Places of worship, church halls, clinics, health centres, crèches, day nurseries, consulting rooms, museums, public halls, libraries, art galleries, exhibition halls, non-residential education and training centres.
<b>B2 General Industry</b>	General industry.	<b>D2 Assembly &amp; Leisure</b>	Cinemas, music and concert halls, baths, skating rinks, gymnasiums. Other indoor and outdoor sports and leisure uses, bingo halls.
<b>B8 Storage and Distribution</b>	Wholesale warehouses, repositories, including open air storage	<b>Sui generis</b>	Any use not included within any of the above use classes, such as theatres, nightclubs, taxi businesses, motor vehicle sales, betting shops.

In many cases involving similar types of use, a change of use of a building or land does not need planning permission. Planning permission is not needed when both the present and proposed uses fall within the same 'class', or if the Town and Country Planning (Use Classes) Order 1987 says that a change of class is permitted to another specified class.

**Changes allowed without planning permission**

From	To
A2 (professional and financial services) when premises have a display window at ground level	A1 (shop)
A3 (restaurants and cafes)	A1 or A2
A4 (drinking establishments)	A1 or A2 or A3
A5 (hot food takeaways)	A1 or A2 or A3
B1 (business) (permission limited to change of use relating to not more than 500 square metres of floor space)	B8 (storage and distribution)
B2 (general industrial)	B1 (business)
B2 (general industrial) (permission limited to change of use relating to not more than 500 square metres of floor space)	B8 (storage and distribution)
B8 (storage and distribution) (permission limited to change of use relating to not more than 500 square metres of floor space)	B1 (business)
C3 (dwellinghouses)	C4 (houses in multiple occupation)
C4 (houses in multiple occupation)	C3 (dwellinghouses)
Casinos (sui generis)	D2 (assembly and leisure)

**Additional change of use permitted development rights applying from 30 May 2013**

Buildings in use class:	Can change to:
Agricultural buildings under 500 square metres	(A1, A2, A3, B1, B8, C1 and D2).
Agricultural buildings between 150 square metres and 500 square metres	(A1, A2, A3, B1, B8, C1 and D2) but prior approval (covering flooding, highways and transport impacts, and noise) is required
B1, C1, C2, C2A and D2 use classes	State-funded school, subject to prior approval covering highways and transport impacts and noise
B1(a) office use	C3 residential use, subject to prior approval covering flooding, highways and transport issues and contamination.
A1, A2, A3, A4, A5, B1, D1 and D2 uses	change use to A1, A2, A3 and B1 uses for a single period of up to two years

**Additional change of use permitted development rights applying in England from 6 April 2014**

These new permitted development rights will not apply in sites of special scientific interest, safety hazard areas or military explosives storage areas; nor do they apply to scheduled monuments. With the exception of new Class CA the rights will also not apply to listed buildings.



- **retail to residential** - new class IA allows change of use and some associated physical works from a small shop or provider of professional/financial services (A1 and A2 uses) to residential use (C3). This involves a 'prior approval' process and the local planning authority can consider impacts of the proposed change. Up to 150 square metres of retail space will be able to change to residential use. This new right does not apply to land protected by article 1(5) of the General Permitted Development Order.\*
- **agricultural to residential** - new class MB allows change of use and some associated physical works from buildings used for agricultural purposes to residential use (C3). This involves a 'prior approval' process and the local planning authority can consider impacts of the proposed change. Up to 450 square metres of retail space will be able to change to up to three dwellings. This new right does not apply to land protected by article 1(5) of the General Permitted Development Order.\*
- **commercial to childcare nurseries** - change of use from offices (B1), hotels (C1), residential (C2 and C2A), non-residential institutions (D1), and leisure and assembly (D2) to nurseries providing childcare. This involves a 'prior approval' process and the local planning authority can consider impacts of the proposed change.
- **agricultural to new schools and nurseries** - new class MA allows change of use from buildings used for agricultural purposes to a state funded school or nursery providing childcare. This involves a 'prior approval' process and the local planning authority can consider impacts of the proposed change.

#### Explanation of Abbreviated Terms used in Reports

EVA	Economic Viability Assessment	UDP	Unitary Development Plan
DPD	Development Plan Document	SPD	Supplementary Planning Document
EIA	Environmental Impact Assessment	NPPF	National Planning Policy Framework
TA	Transport Assessment	RIA	Retail Impact Assessment
SHLAA	Strategic Housing Land Availability Assessment	SHMA	Strategic Housing Market Assessment
CSUCP	Core Strategy and Urban Core Plan		

On 6 March 2014 the Department for Communities and Local Government (DCLG) launched a planning practice guidance web-based resource. This was accompanied by the cancellation of previous planning practice guidance documents. Now planning practice guidance is now available entirely online in a usable and accessible way with links between the National Planning Policy Framework and relevant planning practice guidance, as well as between different categories of guidance. The guidance can be accessed through this link <http://planningguidance.planningportal.gov.uk/>

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## REPORT NO 1

### Committee Report

<b>Application No:</b>	<b>DC/16/00136/FUL</b>
<b>Case Officer</b>	<b>Lois Lovely</b>
<b>Date Application Valid</b>	<b>15 February 2016</b>
<b>Applicant</b>	<b>Bellway Homes (NE)</b>
<b>Site:</b>	<b>Block 2 Half Moon Lane Gateshead NE8 2AA</b>
<b>Ward:</b>	<b>Bridges</b>
<b>Proposal:</b>	<b>VARIATION OF CONDITION 1 (approved plans) of 103/01 to enable alteration of facades, increase of flat numbers from 40 to 58, amendments to parking layout and bin store area (additional information received 16/02/17 and amended plans received 13/02/17).</b>
<b>Recommendation:</b>	<b>DEFER</b>
<b>Application Type</b>	<b>Full Application</b>

### 1.0 The Application:

#### 1.1 DESCRIPTION OF THE SITE

The application site lies within the Bridges Conservation Area and the overall Ochre Yards development. This application, to vary the approved plans, focuses on the former boiler shop, known as Block 2 that is situated on the northern boundary.

1.2 Ochre Yards is bounded on three sides by railway lines and on the north side, facing the Tyne, by High Level Road and Rabbit Banks Road that runs down to the river from the site entrance; it is 5 to 11 metres below site level when it passes alongside Block 2.

1.3 On the south side, Block 2 fronts a new access road within the new Ochre Yards development and faces two new blocks 6 and 7. On the east side a small open area of open space about 13 metres wide separates Block 2 from Block 4 that is approved as a viewing point of the river and to be landscaped. This has been completed in part and will be finished once Block 2 is completed.

1.4 30 metres to the west of Block 2 the Metro line emerges from a tunnel under the site and crosses the River Tyne on the Queen Elizabeth II Metro Bridge.

1.5 Block 2 is a Grade II listed former boiler shop at the former Gateshead (Railway) Works, which occupied the whole of the site, known as Greenesfield. Block 2 is located on the northern edge of the site overlooking the Tyne. The existing building is a large two storey Victorian industrial building.

- 1.6 The annex building is not highlighted on the Listing map, although it is regarded as curtilage listed and therefore must be treated as part of the listed building.
- 1.7 The main (shop) floor is at site ground level and the vaulted basement, seven metres below, is at Rabbit Banks Road level. An annex building, without a basement, is attached to the east end of the main block and forms part of this application.
- 1.8 The basement floor level of Block 2 meets the road level of Rabbit Banks Road at one point, which was originally an entrance into the building. However, access onto the road is not now feasible for either pedestrians, because there is no footpath, nor vehicles, because the road is now a designated bus route and visibility lines are poor.
- 1.9 In 1997 the Greenesfield site was allocated for mixed use development, with the majority of the site allocated for residential and the remainder at the eastern end allocated for commercial uses (branded as The Point). In 2002, following extensive consultation with Gateshead Council and English Heritage (now Historic England), Bellway Homes (NE) were granted planning permission to develop over 600 apartments on the residential part of the site (ref 103/01)
- 1.10 Bellway's proposals were for nine new build apartment blocks and the conversion of two existing buildings; the locally listed former Tinsmiths Shop (Block 1) and the listed former Boiler Shop (Block 2). Block 2 was to be converted into 40 apartments.
- 1.11 The associated Listed Building consent (ref 104/01) for Block 2 has expired without being implemented. Thus a fresh Listed Building Consent is required as well as this application to vary to the existing planning permission, to increase the number of residential units from 40 to 58. The Applicant has stated that the current market conditions for the site have necessitated a review of the approved scheme which is now regarded as not viable because of the large size of the approved apartments and the limited number of them, i.e. there is a maximum price that can be achieved for apartments in this location and this will not meet the development costs. The original scheme had 24 x 1 bed apartments and 16 x 2 bed apartments (40 apartments total).
- 1.12 Construction started on Blocks 1 and 3 in 2003 and has continued steadily since this time. Work started on the final new build, Block 10, in 2016 leaving the conversion of Block 2 as the final work needed to complete the site.
- 1.13 **DESCRIPTION OF THE APPLICATION**  
This is a section 73 application that seeks to vary the plans approved under ref 103/01, in so far as they relate to Block 2.
- 1.14 The proposal is to provide an additional 18 apartments, resulting in a total of 58 apartments, by converting the existing building and the construction of a four storey tower in Corten steel, to be built in the annex building envelope providing four storeys with an undercroft parking area.

- 1.15 The original approved scheme was to simply reroof the annex continuing the ridge line of the main building. The amended scheme proposes to construct a new building within the shell to compliment and contrast with the existing building. The difference in height is that of an additional storey, 5m. The separation distance to Tranquil House remains the same at 13.5m.
- 1.16 The main building has been re-designed to provide a double height space to the central entrance. There are three entrances to the main building which have new external lobbies on the south elevation. The main building would contain 42 units, and the annex 16 units (58 apartments in total).
- 1.17 The increase in apartment numbers from the approved scheme to the current proposal has been achieved by locating apartments on both sides of the building apart from at basement level. An upper mezzanine level bedroom is set back and overlooks the main living area, similar to the conversion of Block 1.
- 1.18 The proposed upper floor proposes new window openings to be formed in the existing walls.
- 1.19 The depth of the existing building means that a substantial space is left between the north and south apartments. A top lit atrium court is proposed for this area to help to retain a sense of the scale of the original interior. The approved scheme had dual aspect apartments on the river facing elevation and to the south elevation a top lit atrium that housed a garden courtyard.
- 1.20 As with the approved scheme, the size of the existing windows determines the minimum width for the apartments to avoid walls within the window opening that would impact on the appearance of the windows/ overall building.
- 1.21 The details of the proposal are as follows:
- On the north side of the existing building this development would result in  
Lower Ground Floor (LGF) 9 x 1 bed mezzanine units and 1 x 2 bed mezzanine units  
Ground Floor (GF) 10 x 2 bed mezzanine units  
First Floor (FF) 10 x 2 bed mezzanine units
- On the south side of the existing building this development would result in  
LGF No units  
GF 6 x 2 bed units  
FF 6 x 1 bed units
- 1.22 A total of 42 units would be in the main building.
- 1.23 The new build element to the east, the Annex, requires the demolition of a small lean to element of the existing east wall but the main body of the east gable wall is retained. It is still proposed to remove the south wall in accordance with the previously approved scheme.

- 1.24 The proposed tower is four storeys in height and proposed in Corten steel. The annex accommodates the remaining 16 units providing four x 1 bed and 12 x 2 bed units, an overall total of 58:
- GF mezzanine Unit 1 x 1 bed
  - GF mezzanine units 2, 3, 4 x 2 bed
  - FF Unit 5 x 1 bed
  - FF Units 6, 7, 8, x 2 bed
  - FF mezzanine unit 9 x 1 bed
  - FF mezzanine units 10, 11, 12 x 2 bed
  - Roof unit 13 x 1 bed
  - Roof units 14, 15 16 x 2 bed
- 1.25 Units 2, 3, 6, 7, 10, 11, 14 and 15 are located at the eastern end of the annex. Features of this end elevation are two vertical, four storey screened bay windows to provide an oriel window to each unit, orientated towards the north (river view).
- 1.26 Unit 4 has a terrace on the north façade and Unit 12 has a Juliet balcony.
- 1.27 The proposed new build element of the scheme is located on the area previously approved as a car park to the east of Block 2. The approved car parking to the south west of Block 2 is proposed to be retained, although the bays have been rearranged to accommodate construction of a substation. All apartments would have a parking bay and three visitor bays are provided. In total there are 61 car parking spaces for the 58 flats.
- 1.28 The undercroft also provides long stay cycle spaces, by way of 16 cycle stands on the GF and a bin store and the lift. In the main building there is cycle parking in two groups of 19 cycle stands and four stands on LGF. A total of 58 cycle parking spaces are proposed.
- 1.29 A level access main entrance is proposed at the western end, near the main car park, with two further level-access entrances/ fire escapes toward the east via three secured doors on the south elevation. Within the building all apartments can be reached from the atrium courtyard. A lift is proposed at each end of the main block which will serve all floors. In addition there are three fire escape stairs and two staircases.
- 1.30 Access to the car parking in the undercroft is from the southern elevation to the extreme west of the annex building.
- 1.31 The site layout of Ochre Yards provides overlooking to all public spaces. In the vicinity of Block 2 the public spaces including car parks are overlooked by Blocks 4, 5, 6 and 7 as well as Block 2 itself.
- 1.32 The proposal is to repair existing masonry walls, the roof and windows of the main building. On the north façade new acoustically uprated slim line, grey powder coated aluminium windows are proposed to be installed in existing openings. On the south façade it is proposed to remove brick piers and

chimneys and reinstate the original door and window openings, this includes extending window openings down to ground level to match the door openings and form a consistent arcade.

- 1.33 A pumping station is proposed in the south east corner of the main building on LGF. Within the atrium courtyard, obscurely glazed oriel windows to bedrooms are proposed on the GF and FF. The FF northern elevation has an external terrace for apartments.
- 1.34 **PLANNING HISTORY**  
Greenesfield was NE Railways principle works in the 19th century but following its decline in the 20th century the site was allocated for mixed use development in the UDP and in 2002 Bellway Homes (NE) were granted detailed planning permission to develop a large part of the site, renamed Ochre Yards, for over 600 apartments.
- 1.35 Planning permission ref 103/01 for Demolition and conversion of redundant and existing buildings, erection of new buildings with associated access roads, parking and open space to provide accommodation for residential use (class C3), hotel use (class C1), office use (class B1), leisure use (class D2) and food and drink use (class A3), was granted 16/04/2002 for the development of the former Greenesfield railway works site in the form of new built blocks of apartments, with the conversion of two of the historic buildings into apartments. These proposals included the conversion of Block 2 for 40 apartments and included the opening up of the roof on the south side to provide a walled garden on part of the main floor. Listed Building Consent was also granted for the works as they related to Block 2 (ref 104/01).
- 1.36 There have been a series of planning applications for the various blocks on Ochre Yards over recent years. Most relevant, in terms of the current proposal for Block 2 are:

DC/16/00137/LBC LISTED BUILDING CONSENT: Conversion of former boiler shop to 58 apartments with associated parking and external bin stores (additional information received 15/03/16, 30/09/16, 3/10/16, 12/12/16 and 13/02/17 and amended plans received 03/10/16, 12/12/16, 16/12/16 and 13/02/17). Current

DC/12/01197/FUL: Variation of Condition 1 of approval 103/01 to allow modification of block 8 together with minor amendments to face and footprint (amended 02/01/13).

DC/09/00753/FUL - Variation of condition 1 of permission 103/01 DM to allow additional 10 units in Block 7 by revising internal layout and external elevations - Granted 22.09.2009.

DC/08/00297/FUL - Erection of 4 - 6 storey block of flats with associated car parking (to include an additional 10 units with associated parking) - Withdrawn 4.09.2008.

1.37 The following documents have been submitted in support of the application:

Design and Access Statement (DAS)  
Heritage Asset Statement  
Archaeological Report  
Condition Survey  
Noise Impact  
Bat Survey  
Transport Statement  
Travel Plan

## **2.0 Consultation Responses:**

Newcastle Upon Tyne City Council      No observations

Historic Environment      Historic England raise concerns regarding the level of information provided with the application to ensure that the proposal complies with the requirements of the NPPF. A further response in relation to the amended plans is awaited.

## **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) (England) Order 2015. A site notice was posted on 23rd December 2016 and a further notice in the press was published on 22nd March 2017 due to the receipt of an amended scheme.

3.2 Seven letters of representation have been received from residents of Ochre Yards. Two from the same resident

3.3 The concerns raised relate to:

- overdevelopment,
- insufficient car parking,
- highway safety,
- harmful impact on heritage assets,
- increased noise
- loss of views towards Newcastle and consequential devaluation;
- loss of light;
- loss of privacy and overlooking
- the increase in flats will make the road less safe for children.
- proper restoration work to the boundary wall behind Ochre Yards 4 (Tranquil House) not yet done
- the proposed structure is unattractive and not in keeping with the historic nature of the existing site, or the surrounding buildings or landscape



#### **4.0 Policies:**

NPPF National Planning Policy Framework

NPPG National Planning Practice Guidance

CS13 Transport

CS14 Wellbeing and Health

CS15 Place Making

CS17 Flood Risk and Waste Management

CS18 Green Infrastructure/Natural Environment

CS2 Spatial Strategy for Urban Core

UC13 Respecting and Managing Views

UC14 Heritage

DC2 Residential Amenity

ENV3 The Built Environment - Character/Design

ENV7 Development within Conservation Areas

ENV9 Setting of Conservation Areas

ENV11 Listed Buildings

ENV12 Demolition of Listed Buildings

ENV21 Sites of Archaeological Imp - Known

ENV22 Sites of Archaeological Imp - Potential

ENV23 Building Recording

ENV4 Urban Design Principles for Central Ghd

ENV46 The Durham Biodiversity Action Plan

ENV54 Dev on Land Affected by Contamination

IPA11 Levels of car parking in new development

IPA17 Conservation Area Character Statements

CS10 Delivering New Homes

CS11 Providing a range and choice of housing

## **5.0 Assessment of the Proposal:**

- 5.1 The principle of conversion of the building to residential use is already established by the previous listed building consent and planning permission. The main planning issues are the impact of the amendments on heritage assets, archaeology, ecology residential amenity, car parking and highway safety.
- 5.2 NPPF paragraph 128 requires the applicant to set out the significance of the heritage asset. Paragraph 132 states that, when considering the impact of a proposed development on the significance of the heritage asset great weight should be given to its conservation. Any harm or loss should require clear and convincing justification. Paragraph 137 requires works to heritage assets to better reveal or enhance their significance.
- 5.3 Core strategy policy CS15 (Place Making) and Urban Core policies UC13 (views) and UC14 (heritage) are relevant. The site also falls with the Urban Core sub-area Gateshead Quays and Baltic (Policy QB1). Supporting paragraph 17.60 states that the Quays and Baltic sub-area has a strong and layered historic legacy ... characterised by the legacy of the rail development ... reinforced by the large former railway engineering sheds at Greenesfield.
- 5.4 Core strategy CS15 states, 'Development will contribute to good place-making through the delivery of high quality and sustainable design, and the conservation and enhancement of the historic environment. ...respond positively to local distinctiveness and character...respect and enhance significant views and the setting of heritage assets...respond to local design and conservation guidance... Taking a proactive approach to sustaining the historic environment in a manner appropriate to the significance of the relevant heritage asset and requiring development to support and safeguard the historic environment... Positively responding to those heritage assets which are at risk, and not leaving heritage assets at risk, or vulnerable to risk...'
- 5.5 Saved UDP policies ENV7 (development in conservation areas), ENV9 (setting of conservation areas including views into/out of), and ENV11 (listed buildings), are reflected in CSUCP Policy CS15.
- 5.6 Part of the evidence base for the CS (policy UC13 regarding strategic views) was The Tyne Gorge Study, produced in 2003. This recognises the significance of the River Tyne, the development of the banks of the Tyne, and the views within that context.
- The former Boiler Shop is identified as key landmark within the Tyne Gorge and its immediate setting. As a result of its position on the lip of the Gorge and its connection to the important railway history of Gateshead it is highly visible from both the railway and the Metro bridges.

- The Boiler Shop and annex are dominant in the surprise view of the Gorge which opens up as you approach the High Level Bridge from the north
- Section 4D is primarily concerned with the Greenesfield Railway works - the former Boiler Shop is an important good quality early railway building, which assumes an even greater significance in the context of the previous removal of much of the railway architecture of northern Gateshead.

## 5.7 HERITAGE ASSETS

The application relates to a Grade II Listed building within the Bridges Conservation Area. These are both designated heritage assets. A separate application for Listed Building Consent has been received and is due to be determined under delegated powers.

- 5.8 The site's industrial history began in the 1830s with the opening of a station and engine shed on the former Greene's Field Meadows. In the 1850s the North Eastern Railway built its HQ and locomotive works here and by the end of the century it was the largest employer in the town with 16,000 men employed.
- 5.9 The Boiler Shop was an extension of the Engine Shed, Smiths Shop and Tank Shop, all designed by Thomas Prosser and all since demolished. Hence the southern façade wall of the Block 2 is actually the northern facade wall of the original Tank Shop.
- 5.10 The main shop floor measures about 80 metres long plus 25 metres in the annex and by up to 22.5 metres wide and was for the construction of locomotive boilers. In the basement 6.5 metre wide brick vaults and 1.5 metre arched piers were required to support the huge loads of the boiler shop floor. The basement was used as a smiths shop and old images show a line of nine chimneys at roof level on the north wall serving the smiths' hearths. The chimneys have since been removed but the internal flues remain, located between windows on the inside face of the external wall.
- 5.11 The northern and western sides of Block 2 are certainly the most architecturally and historically important. The huge window openings reflect the industrial past and are appropriate to the scale of the cliff-side setting, as is the slight batter to the walls. The west gable, facing directly up river, towers above Rabbit Banks Road.
- 5.12 The former Boiler Shop is grade II listed and included on the Council's Register of Buildings at Risk. It has been subject to acts of vandalism and arson. The Buildings at Risk survey (2007) concluded that the building is in a poor condition requiring attention to the roof covering, rainwater goods, repointing, repairs to windows, re-glazing and repairs to doors.
- 5.13 Conversion of the building will ensure that the condition of the building remains good in the long term. Therefore the public benefits of this proposal are clear.
- 5.14 The former Boiler Shop has strong evidential value and contributes significantly to the ability to understand and interpret the history of the Greenesfield site. It is a record of that past activity and its significance is recognised in the character

appraisal for the conservation area. This evidential value underpins its historical significance as an illustrative example of the past use of the Greenesfield site, of that period of industrial development and innovation, and of the legacy it has left Gateshead.

- 5.15 Aesthetically, the building reflects the prevalent industrial design of the mid-late 1800s, and is a representation of the how the wider Greenesfield site appeared at its peak in 1880-90 and therefore has greater value as a result.
- 5.16 Communal value may be derived in this instance from the strong links to railway development, the influence of which is seen across the Bridges Conservation Area and through Newcastle. The use of the site was significant in the development of rail, and its early use. The value of this site in that period of history should not be forgotten and can still be interpreted through the character of the place.
- 5.17 The heritage statement/DAS shows clearly that the annex is contemporary with the Boiler Shop. The annex is considered to be a curtilage listed building as the Courts have held that for a structure or building within the curtilage of a listed building to be part of a listed building it must be ancillary to the principal building, that is it must have served the purposes of the principal building at the date of listing, or at a recent time before the date of listing, in a necessary or reasonably useful way and must not be historically an independent building. The annex is regarded as being part of the listed building and not listed in its own right. Its significance is therefore determined by its contribution to the significance of the listed building.
- 5.18 The building is located in Bridges Conservation area and overlooks the Locally Listed Gateshead Sculpture Park (a non designated heritage asset). Its prominent position within the Tyne Gorge puts the building's setting within the context of the River Tyne and the bridges which cross it including the grade I High Level Bridge and grade II King Edward Bridge.
- 5.19 The conservation area character appraisal (2013) identifies this site as being within the Greenesfield zone, an area which despite the demolitions has retained historic integrity and sense of place. Those buildings which do remain are crucial to the area's significance. Despite the isolation of this site, this zone links closely with the rest of the conservation area through the historical aspects of the sites and their former uses, all of which add to the understanding of the area.
- 5.20 The townscape is highly valued in terms of its location and importance in Gateshead's history and the remaining buildings add to its significance. The area is of high visual interest due to the visually dramatic railway works buildings which are prominent when approaching Newcastle on the metro or train, and the views of the bridges themselves.
- 5.21 Finding a new use for this building is fundamental to its future; however, conversion of working buildings into domestic accommodation, although a common solution, can be difficult to achieve without eroding their character.

This is because their design so often reflects their function and this legibility is integral to understanding their significance.

- 5.22 The degree of harm and whether this is outweighed by the benefit of bringing the building back into use is dependent on the details of the scheme.
- 5.23 The acceptability of the conversion of the main building to residential use has been established and will mean the building remaining in good condition is guaranteed thus the public benefits are clear. The key consideration of this application is whether the alterations are harmful to the significance of the building. Whilst these are to be comprehensively dealt with by way of the assessment of the accompanying Listed Building Application, they are also described below.
- 5.24 Refurbishment of the building is proposed to include the repair of existing masonry walls and the replacement of windows where necessary. On the north façade of the main block new windows are fitted in the existing openings. On the south face, where considerable crude alteration work has occurred, it is proposed to remove the brick piers/ chimneys and reinstate the original door and window openings; this includes extending window openings to ground level to match the door openings and form a consistent 'arcade'.
- 5.25 The most significant insertion is the introduction of high level windows to the two principal facades to light the new upper level apartments of the main block to avoid further 'hole-in-the-wall' openings which could clash with and detract from the existing distinctive window openings. Instead, a continuous horizontal band of glazing is proposed at eaves level, with deep and regularly spaced mullions, to act as a kind of closed cornice or frieze that will contrast with the solidity of the stone walling below and the large 'holes' of the existing windows; this is particularly evident on the north façade.
- 5.26 The main entrances are emphasised with a Corten steel finish canopy projection above the doors. In addition the doors and glazing are set well back in reveal and lightly framed to give the impression of a clear opening.
- 5.27 The strip windows would be broken at regular intervals by downpipes and would be omitted altogether over the main entrance doors on the south façade to emphasise the way in.
- 5.28 The downpipes on the north façade, which are set in reveal, are a significant element of the elevation and will be refurbished or replaced as required. The new downpipes to the south façade will be similarly strategically placed.
- 5.29 There is a need to provide dwellings whose thermal and technical performance meet current building regulations and properties that are capable of obtaining a warranty. Therefore it is proposed the existing solid stone wall to the south elevation is to be visually retained within the apartments that will offset other thermal efficiencies elsewhere within the building.

- 5.30 Within the basement dwellings, it is proposed that the brick arches and features within the larger open plan areas of the apartments be exposed and where brickwork has deteriorated beyond reuse, it is proposed to insulate and overclad as previously approved. Communal areas within the basement are to retain the exposed brickwork arches and walls.
- 5.31 Other Communal areas and entrance areas are proposed to retain exposed brick and stone and new stairwells are to be of exposed brickwork to contrast with the new simple white contemporary walls to the apartments facing the communal circulation spaces.
- 5.32 Following a full window condition survey, the Applicant proposes to prepare proposals for the repair, modification or renewal of the windows, should existing windows need replacing then a timber frame slim line double glazing system would be proposed. As evidence is required to demonstrate that the existing windows are beyond repair a condition is recommended to be attached to the current application for listed building consent (DC/16/00137/LBC) to secure the condition survey.
- 5.33 The scheme proposes to remove the brick chimneys on the south elevation. However it should be noted that the previously approved scheme also proposed removal of the chimneys following a condition survey that demonstrated the chimneys are structurally unstable and should be removed. This has enabled the three entrance features to be clearly identified and exposes more layers of original stonework in keeping with the original character and design of the building. A condition to secure these details is to be attached to the listed building consent (DC/16/00137/LBC).
- 5.34 Prior to construction a full contamination assessment should be undertaken for the building (CONDITION 2).
- 5.35 The scheme proposes to clean, repair and repoint the elevations. There is no detail provided. A condition survey, repair specification and method statement to support repairs is required. A condition to secure these details is to be attached to the listed building consent (DC/16/00137/LBC).
- 5.36 Long slender conservation rooflights openings are proposed to sit flush in the roof so as not to detract from, and are sympathetic to, the fundamental character, the special interest or the significance, of the building based in the industrial legacy this building dates from, and represents. Infill panes where the structure is present would be solid. A condition to secure these details is to be attached to the listed building consent (DC/16/00137/LBC).
- 5.37 As described the most significant intervention proposed to the main building is the strip windows to the upper floors of the north and south walls, giving the appearance of a frieze separate and above the wall leaving the existing arrangement of the wall and windows unaffected. This is particularly so on the north elevation where the building can be seen from a distance and the existing form will be unchanged.

- 5.38 The new build annex is a contemporary intervention to be constructed within the existing listed walls with a monopitch roof. The existing window openings to the north elevation are utilised, the lower windows being to the undercroft and Corten steel infills are proposed to allow natural ventilation. Juliet balconies are proposed to the upper three floors of the corner flats and a terrace is proposed running the length of the annex's northern elevation.
- 5.39 It is proposed to use a Corten steel cladding system to reflect the industrial heritage of the building. Windows and balcony doors are proposed to be grey powder coated aluminium frames considered to be in keeping with the other modern materials.
- 5.40 A small area of listed wall on the east elevation is to be demolished (this requires consultation with Historic England) and replaced with a buttress wall. The details of this wall are required and a condition is recommended to secure these details (CONDITIONS 23 and 24).
- 5.41 The statutory requirement to have special regard to the desirability of preserving a listed building, its setting and any features of special interest (s.16, Planning (Listed Building and Conservation Areas) Act 1990) must be taken into account in consideration of the proposal. This special statutory status means that any harm to the asset should be given considerable importance and weight when balanced against any other material considerations.
- 5.42 This desirability to preserve is also embedded in the NPPF, which states that enough information be required to assess the significance of a heritage asset and the impact of the proposal on it when determining an application so that any conflict between the proposal and the asset's conservation can be avoided or minimised (paragraphs 128 and 129). This application provides enough information to fully assess the impact of the proposal on the significance of the building and the Conservation Area.
- 5.43 The NPPF goes on to state that great weight should be given to an asset's conservation and clear and convincing justification for any harm (paragraph 132).
- 5.44 Having stood vacant for many years, and having already been on the Buildings at Risk Register for 10 years, the need to find a new use for the building and stem its further deterioration is clear and, as with the previous application, its conversion to residential is accepted in principle. Government policy acknowledges the desirability of sustaining historic buildings by finding viable uses for them, but that use needs to be consistent with their conservation (NPPF, paragraph 131).
- 5.45 It is accepted that, due to the conflict between the inherent characteristics of an industrial building and the needs of modern residential housing, some less than substantial harm is likely if residential conversion is to take place. The proposed demolition of a part of the existing listed wall on the eastern elevation of the Annex is not considered to result in substantial harm, in terms of paragraph 132 of the NPPF or result in the 'substantial demolition' that is

referred to in saved UDP policy ENV12 as it would not impact on the significance of the listed building.

- 5.46 Where the development proposed would lead to less than substantial harm, as in this case, this harm then needs to be weighed against the public benefits of the proposal (paragraph 134). Finding an optimum viable use for the building, that is included on the Council's Buildings at Risk register, as is proposed, is a clear and compelling public benefit that would outweigh the less than significant harm arising from the development and consequently can be considered to be acceptable. The development would also make a contribution to the provision of housing in the Borough and this also weighs positively in the balancing assessment undertaken. Similarly the development is considered to preserve or enhance the conservation area's special architectural or historic character or appearance.
- 5.47 Given the above and subject to the recommended conditions, both on this application and those expected to be imposed on the associated LBC, it is considered that the proposal meets the requirements of paragraphs 128, 129, 131, 132 and 134 of the NPPF, CSUCP policies CS14 and CS15 and saved UDP policies ENV7, ENV11 and ENV12 .
- 5.48 **ARCHAEOLOGY**  
The proposed undercroft parking area and annex tower would be built at existing or slightly above existing ground level and so it is unlikely to have archaeological implications. Whilst it may be unlikely, it is still possible and any proposals should be raised with the Tyne and Wear County Archaeologist, who may suggest a watching brief and a condition is recommended to secure this (CONDITION 27).
- 5.49 Archaeological Building Recording would be required prior to commencement of development. A condition to secure these details is to be attached to the listed building consent (DC/16/00137/LBC) in order to comply with Saved UDP policies ENV21 and ENV22 and CSUCP policy CS15.
- 5.50 **ECOLOGY**  
As the building was assessed as having a high potential risk for a bat presence during the May- September breeding season, three bat surveys were undertaken, one of which was a dawn return survey.
- 5.51 The survey reports have been assessed by the Council's Ecology Officer as being acceptable. A small non-breeding bat roost has been identified on the western gable of the building, along with a small number of key foraging areas and commuting routes. The works need to be undertaken in accordance with a Method Statement to avoid damage to a roost.
- 5.52 A Bat Mitigation Strategy and Method Statement has been submitted, however it is not wholly acceptable, as some information is missing from the document. Conditions are therefore recommended to secure a revised Mitigation Strategy and Method Statement and that the development is then carried out in



accordance with the approved Mitigation Strategy and Method Statement (CONDITIONS 17 and 33).

- 5.53 Subject to these conditions it is considered that the development is in accordance with CSUCP policy CS18, and saved UDP policies DC1 and ENV46.
- 5.54 **RESIDENTIAL AMENITY**  
The existing Block 2 building was always going to be developed for flats as part of the original planning permission. The difference between the approved scheme and the scheme as proposed needs to be considered in terms of whether there is any additional harm or impact on residential amenity.
- 5.55 The Agent has provided sun path studies for both the approved scheme and the proposed scheme. These demonstrate that the proposed scheme will have no worse impact on the adjacent flats in Tranquil House in terms of loss of sunlight and daylight than the approved scheme. In fact there is a slight improvement with the proposed scheme.
- 5.56 The existing outlook of residents of Tranquil House is onto a landscaped area beyond which is Block 2 at a distance of 13.5m.
- 5.57 The approved scheme if implemented would have created a gable end at a height of 14m at a distance of 13.5m from the west elevation of Tranquil House.
- 5.58 The proposed scheme will create the appearance of a flat roof at a height of 19m at a distance of 13.5m from Tranquil House.
- 5.59 Sun and daylight path analysis has been undertaken that demonstrates the additional height does not cause any greater loss of daylight or sunlight than the approved scheme. The outlook from the western elevation flats of Tranquil House would be of the proposed windows on the eastern elevation of the proposed flats in the Annex. They are oriel windows, arranged so that they are facing the river obliquely to prevent any opportunity of overlooking of Tranquil House, although a separation distance of 13.5m in this tight urban grain would be acceptable in any event and was accepted in principle through the previous approval.
- 5.60 The new build tower is four storeys in height in Corten steel, a material entirely appropriate to the industrial significance of the building. An objection has been received in relation to the proposed structure being unattractive and not in keeping with the historic nature of the existing site, or the surrounding buildings or landscape. Assessment of the proposed annex is discussed elsewhere in this report.
- 5.61 A condition is proposed to restrict the hours of construction to protect residential amenities (CONDITION 19).
- 5.62 The original planning application was supported by a Noise Impact Assessment and high performance acoustic and thermal timber windows were approved.

High performance acoustic and thermal timber windows are still proposed. The use of these high performance windows is considered to be appropriate. The required acoustic performance of the windows is derived from data contained in Section 7 (Noise) of the Environmental Statement by WSP Environmental Ltd submitted with the original planning application for the Ochre Yard development. They will provide sound attenuation to protect residents against exposure to external noise from road and rail traffic and will meet current British Standards for all habitable rooms (CONDITION 15).

- 5.63 Given the above, it is considered that the harm to the residential amenities of existing residents is no worse than the approved scheme and the external noise for occupiers of this development, can be mitigated through use of the previously approved glazing. The development is therefore in accordance with Saved UDP policy DC2 and Policy CS14 of the CSUCP.
- 5.64 **HIGHWAYS**  
There is a general lack of visitor parking on Ochre Yards and this has been exacerbated by the illegal allocation of parking bays on the public highway which is the subject to separate action by the Enforcement team.
- 5.65 The original planning permission had a total of just over 600 residential units however through a series of amendments to a number of the blocks this has increased to 680 units.
- 5.66 Whilst the surveys in the TS indicate spare capacity within the various off-street parking areas (courtyards and undercrofts) across Ochre Yards those parking spaces are allocated to individual dwellings and as such are unavailable for any residents with more than one car or their visitors.
- 5.67 The areas of the estate that are adopted have a mixture of double yellow and single yellow lines. The single yellow lines restrictions operate between 9am-11am Mondays-Fridays to deter commuters whilst minimising the impact on residents.
- 5.68 It is the parts of the estate that are not yet adopted and that have no parking restrictions which have a lack of enforcement by the Applicant.
- 5.69 In order to manage the car parking on the highway, when these areas become adopted, the existing restrictions or some variant will be required. A condition is recommended to secure this (CONDITION 30). The costs of the necessary legal orders and traffic signs will need to be met at the cost of the Applicant.
- 5.70 Furthermore a car parking management plan is required to maximise the use of the available car parking and this can be secured by condition (CONDITIONS 11 and 12).
- 5.71 This proposals includes 61 car parking bays. Each flat would have an allocated parking space and there would be a further three visitor parking bays. As a result, the number of car parking spaces proposed as part of this scheme does

not reduce the ratio of car parking as approved for the original number of spaces to flats over the whole site i.e. 1 for 1.

- 5.72 It is considered that the need for the comprehensive review of the allocated car parking spaces should not prevent a recommendation to grant planning permission at this time for reuse of this Grade II Listed, Building at Risk. The public benefit of retaining the significance of this heritage asset outweighs the need to have all of the car parking addressed before planning permission could be granted.
- 5.73 A condition is recommended to secure the final grouped location of the visitor parking bays and the surface treatment of the bays that make them distinct from private bays (CONDITIONS 28 and 29).
- 5.74 The undercroft also provides long stay cycle spaces, by way of 16 cycle stands on the GF. In the main building there is cycle parking in two groups of 19 cycle stands and four stands on the LGF.
- 5.75 This amount of provision meets the minimum cycle parking guidelines in the approved document Gateshead Cycling Strategy (March 2015) for flats (new build and conversions) however the style of stand does not therefore a condition is recommended to secure the details (CONDITION 31 and 32).
- 5.76 A Travel Plan has been submitted as part of this application, although as drafted it is not wholly acceptable. Measures should be put in place to encourage the use of more sustainable travel such as the introduction of a Car Club. This can be secured, along with a revised Travel Plan by condition (CONDITIONS 13 and 14).
- 5.77 Given the above, the proposals subject to the recommended conditions, are considered to be acceptable and in accordance with policy CS13 of the CSUCP.
- 5.78 **COMMUNITY INFRASTRUCTURE LEVY**  
On 1st January 2017 Gateshead Council became a Community Infrastructure Levy (CIL) Charging Authority. This application has been assessed against the Council's CIL charging schedule and the development is CIL chargeable development as it is for residential related development. The development is located outwith a charging zone thus there is no levy for this type of development.
- 5.79 **CONDITIONS**  
This application seeks to vary condition 1 of planning permission 103/01, and so it would result in a new grant of planning permission for the whole development, therefore the existing conditions attached to planning permission 103/01 need to be considered to determine whether they are still necessary and/or need to be reworded. Some of the previous conditions have been discharged already and as they have already been implemented it will not be necessary to reattach these. Other conditions will need to remain as worded and reattached to the new grant of planning permission.

## 5.80 OTHER MATTERS

In addition to the planning considerations referred to above, objectors have referred to the proposal blocking the view of the riverside thus reducing the value of the property, however, loss of view and devaluation are not material planning considerations.

## 6.0 CONCLUSION

- 6.1 Taking all of the above into consideration, the proposal is considered not to be harmful to the significance of the heritage asset. The less than substantial harm caused to designated heritage assets would be clearly and convincingly justified and outweighed by the significant public benefit of securing an optimum viable use for this Grade II listed Building at Risk. Subject to conditions there would be no significant harm to ecology, archaeology, residential amenity or highway safety in accordance with the NPPF, Saved UDP policies DC2, ENV3, ENV7, ENV9, ENV11, ENV12, ENV21, ENV22, ENV23, ENV46, ENV54, policies UC13, UC14, CS10, CS11, CS13, CS14, CS15, CS18 of the CSUPC and the NPPF.

## 7.0 Recommendation:

Authorise Group Director Of Communities and Enterprise to deal with at the end of the publicity period after consultation with the Chair and/or Vice-Chair with a view to GRANT permission subject to the following condition(s):

1

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

Design and Access Statement

2602-D-00-002 Rev E Proposed Site Layout

2602-D-00-011-Rev G South Elevation Existing and Proposed

2602-D-00-012 Rev H North Elevation existing and proposed

2602-D-00-013 Rev J Proposed Building Section and North Elevation  
Detail

2602-D-00-014 Rev D LGF Flat types

2602-D-00-015 Rev C GF Flat Types

2602-D-00-016 rev C FF Flat Types

2602-D-00-019 Rev F Lower Ground Floor Plan as Proposed

2602-D-00-020 Rev G Ground Floor Plan as Proposed

2602-D-00-021 Rev G First Floor Plan as Proposed

2602-D-00-SK01 Rev C Roof Plan as Proposed

2602-D-00-SK02 Atrium Elevation North Wall as Proposed

2602-D-00-SK03 Bin Store as Proposed

2602-D-00-SK04 North Elevation Context as Proposed

2602-D-90-001 Rev P1 Site Layout for Parking Provision

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

No development approved by this planning permission shall be commenced until an intrusive site investigation is undertaken, and a Phase 2 Risk Assessment report of the findings submitted to the Local Authority for written approval.

The site investigation will consist of a series of boreholes / trial pits, insitu testing, soil sampling and chemical laboratory testing of samples to assess potential contamination issues, particularly relating to proposed new planting areas, and to inform foundation design.

The site investigation and Phase 2 Risk Assessment report shall identify potential contamination, and possible areas which may require remedial works in order to make the site suitable for its proposed end use to ensure that no contamination is present that poses a risk to the environment, future users of the site and construction workers. Reference should be made to CLR 11 - Model Procedures for the Management of Land Contamination and BS 10175:2011 - Investigation of Potentially Contaminated Sites - Code of Practice.

The Risk Assessment should confirm possible pollutant linkages and should provide, where applicable, recommendations with regard to an appropriate remediation scheme, which will ensure safe redevelopment.

Ground gas monitoring shall be undertaken at the site and a Gas Risk assessment report produced and submitted to the Local Authority with, where relevant, recommendations for ground gas mitigation measures.

#### Reason

In order to ensure the land is suitable for its sensitive end use in accordance with the National Planning Policy Framework, policy CS14 of the Core Strategy and Urban Core Plan and saved policy DC1(p) of the Unitary Development Plan.

#### 3

Prior to commencement of the development hereby permitted, where required, a detailed remediation scheme to bring the site to a condition suitable for the intended use by removing unacceptable risks to human health, buildings and other property and the natural and historical

environment must be prepared, and submitted for the written approval of the Local Planning Authority. The scheme must include all works to be undertaken, proposed remediation objectives and remediation criteria, timetable of works and site management procedures. The scheme must ensure that the site will not qualify as contaminated land under Part 2A of the Environmental Protection Act 1990 in relation to the intended use of the land after remediation.

NB The Local Authority requires that a minimum of 1.15m of 'proven' uncontaminated 'clean cover' is provided in any proposed soft landscape areas.

#### Reason

To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors in accordance with the National Planning Policy Framework, policy CS14 of the Core Strategy and Urban Core Plan and saved policy DC1(p) of the Unitary Development Plan.

4

The details of remediation measures approved under condition 3 shall be implemented prior to commencement of the development hereby permitted and maintained for the life of the development.

The Local Planning Authority must be given two weeks written notification of commencement of the remediation scheme works.

#### Reason

To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors in accordance with the National Planning Policy Framework, policy CS14 of the Core Strategy and Urban Core Plan and saved policy DC1(p) of the Unitary Development Plan.

5

Following completion of the remediation measures approved under condition 4 a verification report that demonstrates the effectiveness of the remediation carried out must be submitted for the written approval of the Local Planning Authority prior to first occupation of the development hereby permitted.

#### Reason

To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to

controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors in accordance with the National Planning Policy Framework, policy CS14 of the Core Strategy and Urban Core Plan and saved policy DC1(p) of the Unitary Development Plan.

6

In the event that contamination is found at any time when carrying out the approved development that was not previously identified, it must be reported in writing immediately to the Local Planning Authority. Development must be halted on that part of the site affected by the unexpected contamination. Where required by the Local Authority an investigation and risk assessment must be undertaken, and where remediation is necessary a remediation scheme shall be submitted to and approved in writing by the Local Planning Authority.

Following completion of measures identified in the approved remediation scheme a verification report shall be submitted to and approved in writing by the Local Planning Authority.

Reason

To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors in accordance with Policies DC1, and ENV54 of the Unitary Development Plan and policy CS14 of the Core Strategy and Urban Core Plan and saved policy DC1(p) of the Unitary Development Plan.

7

No development shall commence on site until a fully detailed scheme for the landscaping of the site has been submitted to and approved in writing by the Local Planning Authority. The landscaping scheme shall include details and proposed timing of hard landscaping, all existing trees and hedges to be retained, ground preparation and planting plans noting the species, plant sizes and planting densities for all new planting. The landscaping scheme shall be implemented in accordance with the approved details within the first available planting season following the approval of details.

Reason

To ensure that a well laid out planting scheme is achieved in the interests of the visual amenity of the area and in accordance with Policies DC1 and ENV3 of the Unitary Development Plan.

8

The landscaping scheme as approved under condition 7 shall be completed in full accordance with the approved plans during the first

planting season (October to March) following commencement of the development unless otherwise approved in writing by the Local Planning Authority.

The date of Practical Completion of the landscaping scheme shall be supplied in writing to the Local Planning Authority within 7 days of that date.

Reason

To ensure that the approved landscaping scheme is completed within a reasonable time scale in the interests of the visual amenity of the area and in accordance with Policies DC1 and ENV3 of the Unitary Development Plan.

9

Prior to occupation of the development hereby permitted a scheme for the maintenance of the landscaping scheme approved under condition 7 shall be submitted; the scheme to be in accordance with British Standard 4428 (1989) Code of Practice for General Landscape Operations for the consideration and written approval of the Local Planning Authority.

Reason

To ensure that the landscaping scheme becomes well established and is satisfactorily maintained in the interests of the visual amenity of the area and in accordance Policies DC1 and ENV3 of the Unitary Development Plan

10

The landscape maintenance plan approved under condition 9 shall be implemented for a minimum period of 5 years in accordance with the approved details.

Reason

To ensure that the landscape of the development becomes well established and is satisfactorily managed and maintained in the long term in the interests of the visual amenity of the area and in accordance with Policies DC1 and ENV3 of the Unitary Development Plan.

11

Prior to first occupation of the development hereby permitted a Car Parking Management Scheme to include measures to maximise the use of the available car parking across the site, shall be submitted for the consideration and written approval of the Local Planning Authority.

Reason

In the interests of highway safety and in order to comply with policy CS13 of the CSUCP.

12



The Car Parking Management Scheme approved under condition 11 shall be implemented in full accordance with the timeframe set out in the scheme in perpetuity

Reason

In the interests of highway safety and in order to comply with policy CS13 of the CSUCP.

13

No building(s) hereby approved shall be occupied until the submission of a Travel Plan in respect of occupier(s) (and successive occupier(s)) of any building(s) has been submitted to and approved in writing by the Local Planning Authority.

Each Travel Plan shall detail the delivery mechanism for its implementation in order to provide for the following measures:

- 1) Reduction in car usage and increased use of public transport, walking and cycling;
- 2) Minimal operational requirements for car parking in accordance with Council Policy CS13;
- 3) Reduced traffic speeds within the site and improved road safety and personal security for pedestrians and cyclists;
- 4) More environmentally friendly delivery and freight movements;
- 5) A programme of continuous review of the approved details of the Travel Plan and the implementation of any approved changes to the plan.

Reason

In order to accord with CSUCP policy CS13.

14

Within 12 months of first occupation of the relevant building(s) hereby approved evidence of the implementation of the Travel Plan over a minimum period of 12 months approved under condition 13 shall be submitted to and approved in writing by the Local Planning Authority prior to formally discharging the condition. At all times thereafter, the Travel Plan shall be implemented in accordance with the approved details or any changes made under the review process.

Reason

In order to accord with CSUCP policy CS13.

15

Prior to first occupation of the relevant flat(s) the flats shall be designed, converted or constructed in accordance with a scheme of sound attenuation to be submitted for the consideration and written approval of the Local Planning Authority.

Reason

To protect residents against exposure to external noise from road and rail traffic and to ensure the dwellings are adequately soundproofed in the interests of residential amenity and in accordance with Saved UDP policy DC2 and CSUCP policy CS14.

16

The sound attenuation scheme approved under condition 15 shall be implemented in full accordance with the approved details and retained thereafter for the life of the development.

Reason

To protect residents against exposure to external noise from road and rail traffic and to ensure the dwellings are adequately soundproofed in the interests of residential amenity and in accordance with Saved UDP policy DC2 and CSUCP policy CS14.

17

No works shall be carried out on site unless prior to the written approval of the Local Planning Authority to a revised Bat Mitigation Strategy and Method Statement. The submitted Bat Mitigation Strategy & Method Statement dated March 2017 shall be revised to include confirmation of the following:

- a) Project Ecologist to provide the project manager/principal contractor/scaffolding contractor/roofing contractor with a Tool Box Talk prior to the commencement of works on site
- b) A copy of the Bat Mitigation Strategy and Method Statement (including a copy of the project Ecologist's contact details) to be retained on site at all times for reference purposes
- c) Statement requiring that in the event of a bat(s)/evidence of bats being discovered at any stage during the development, all works in that area must cease immediately and the project Ecologist be contacted for urgent advice

Reason

To avoid harm to protected species (bats and breeding birds) and their habitats in accordance with CSUCP policy CS18 and saved UDP policies DC1 & ENV46.

18

No development shall take place, including any works of demolition or remediation, until a Construction Method Statement has been submitted to, and approved in writing by, the Local Planning Authority. The approved Statement shall be adhered to throughout the demolition and construction period. The Statement shall provide for:

- i. the parking of vehicles of site operatives and visitors
- ii. loading and unloading of plant and materials
- iii. storage of plant and materials used in constructing the development

- iv. the erection and maintenance of security hoarding including decorative displays and facilities for public viewing where appropriate
- v. wheel washing facilities
- vi. measures to control the emission of dust and dirt during construction
- vii. a scheme for the recycling/disposing of waste arising from demolition and construction works.

Reason

In order to avoid nuisance to the occupiers of adjacent properties in accordance with Saved Policies DC1 and DC2 of the Unitary Development Plan and policies CS13 and CS14 of the CSUCP.

19

Unless otherwise approved in writing by the Local Planning Authority, all demolition, 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 1700 hours on Mondays to Saturdays and at no time on Sundays, Bank Holidays or Public Holidays.

Reason

To safeguard the amenities of nearby residents and in accordance with the NPPF, saved Policies DC1, DC2 and ENV61 of the Unitary Development Plan and Policy CS14 of the Core Strategy and Urban Core Plan for Gateshead and Newcastle upon Tyne

20

No equipment or machinery shall be installed on or attached to the exterior of the premises without the prior written approval of the Local Planning Authority

Reason

To ensure that no undue disturbance is caused to the residential amenities of the occupiers of nearby properties and to accord with Saved UDP policy DC2 and CSUCP policy CS14.

21

No mechanical ventilation and extraction scheme shall be installed until a scheme of odour suppression and noise levels, has been submitted to and approved in writing by the Local Planning Authority. The scheme shall include details of the proposed flue, all proposed cooking processes, a plan of the proposed ventilation system and odour abatement measures including the location and details of the filters, fans and flues and the manufacturers recommendations concerning frequency and type of maintenance and noise levels. The cooking equipment to be installed and used in the premises shall be restricted to any equipment that is considered as having light grease/smoke loading in 'Guidance on the Control of Odour and Noise from Commercial

Kitchen Exhaust Systems', DEFRA, January 2005 (as amended March 2011) or any superseding document thereof only.

Reason

In the interests of the amenity of the occupiers of neighbouring premises, in accordance with the NPPF, policy CS14 of the CSUCP and saved policies DC1(h) and DC2 of the UDP.

22

The equipment approved under condition 21 shall be installed in accordance with the approved details prior to the preparation of hot food in connection with the use hereby approved commencing and shall thereafter be operated at all times when cooking is taking place and maintained in accordance with the manufacturer's instructions. A written record of any maintenance shall be retained on site and be made available for inspection by the Local Planning Authority.

Reason

In order to avoid odour nuisance to the occupiers of adjacent properties and unacceptable visual impact in accordance with the NPPF, Saved UDP policies DC2 and ENV61, Policy CS14 of the Core Strategy and Urban Core Plan for Gateshead and Newcastle upon Tyne.

23

Prior to commencement of the development hereby permitted, details of the buttress wall to the east elevation shall be submitted for the consideration and written approval of the Local Planning Authority.

Reason

In the interest of protecting the appearance of the heritage assets and in order to accord with the NPPF and CSUCP policy CS15.

24

The details of the buttress wall to the east elevation approved under condition 23 shall be implemented in full accordance with the approved details prior to first occupation of the development hereby permitted.

Reason

In the interest of protecting the appearance of the heritage assets and in order to accord with the NPPF and CSUCP policy CS15.

25

Deliveries to the commercial buildings shall not take place before 8am or after 6pm unless otherwise approved in writing by the Local Planning Authority

Reason

To ensure that no disturbance is caused to neighbouring properties as a result of unreasonable delivery hours and in order to accord with Saved UDP policies DC2 and ENV61 and CSUCP policy CS14.

26

The opening hours of the bar(s) shall be restricted to between 8.30am to 11.30pm only or as may otherwise approved in writing with the Local Planning Authority

Reason

To ensure that no disturbance is caused to neighbouring properties as a result of unreasonable trading hours and in order to accord with Saved UDP policies DC2 and ENV61 and CSUCP policy CS14.

27

No development shall take place until the developer has appointed an archaeologist to undertake a programme of observations of demolition and construction work to record items of interest and finds in accordance with a specification provided by the County Archaeologist. The watching brief report shall be submitted for written approval by the Local Planning Authority within one month of the completion of the excavation work, unless alternative arrangements have been submitted to and given prior written approval by the Local Planning Authority.

Reason

The site is located within an area identified as being of potential archaeological importance. The observation is required to ensure that any archaeological remains on the site can be recorded and, if necessary, emergency salvage undertaken in accordance with Saved Policies ENV21 and ENV22 of the Gateshead Unitary Development Plan and CSUCP Policy CS15.

28

Prior to first occupation of the development hereby permitted, full details of the location of grouped visitor parking bays and the surface treatment materials for these bays shall be submitted for the consideration and written approval of the Local Planning Authority

Reason

In the interests of a satisfactory highway layout and in accordance with CSUCP policy CS13.

29

The visitor parking bay details approved under condition 28 shall be implemented in full accordance with the approved details prior to the first occupation of the development hereby permitted.

Reason

In the interests of encouraging sustainable development and in order to accord with CSUCP policy CS13

30

Prior to the first occupation of Block 2, final details of the measures necessary, include waiting restrictions, in order to manage car parking on the public highway within the whole site shall be submitted for the written approval of the Local Planning Authority.

**Reason**

In the interests of highway safety, in accordance with the NPPF and Policy CS13 of the Core Strategy and Urban Core Plan for Gateshead and Newcastle upon Tyne.

**31**

Prior to first occupation of the development hereby permitted, details to include the style and layout of 58 secure cycle parking spaces shall be provided for the consideration and written approval of the Local Planning Authority.

**Reason**

In the interests of encouraging sustainable development and in order to accord with CSUCP policy CS13

**32**

The cycle parking details approved under condition 31 shall be installed in full accordance with the approved details prior to the first occupation of the development hereby permitted

**Reason**

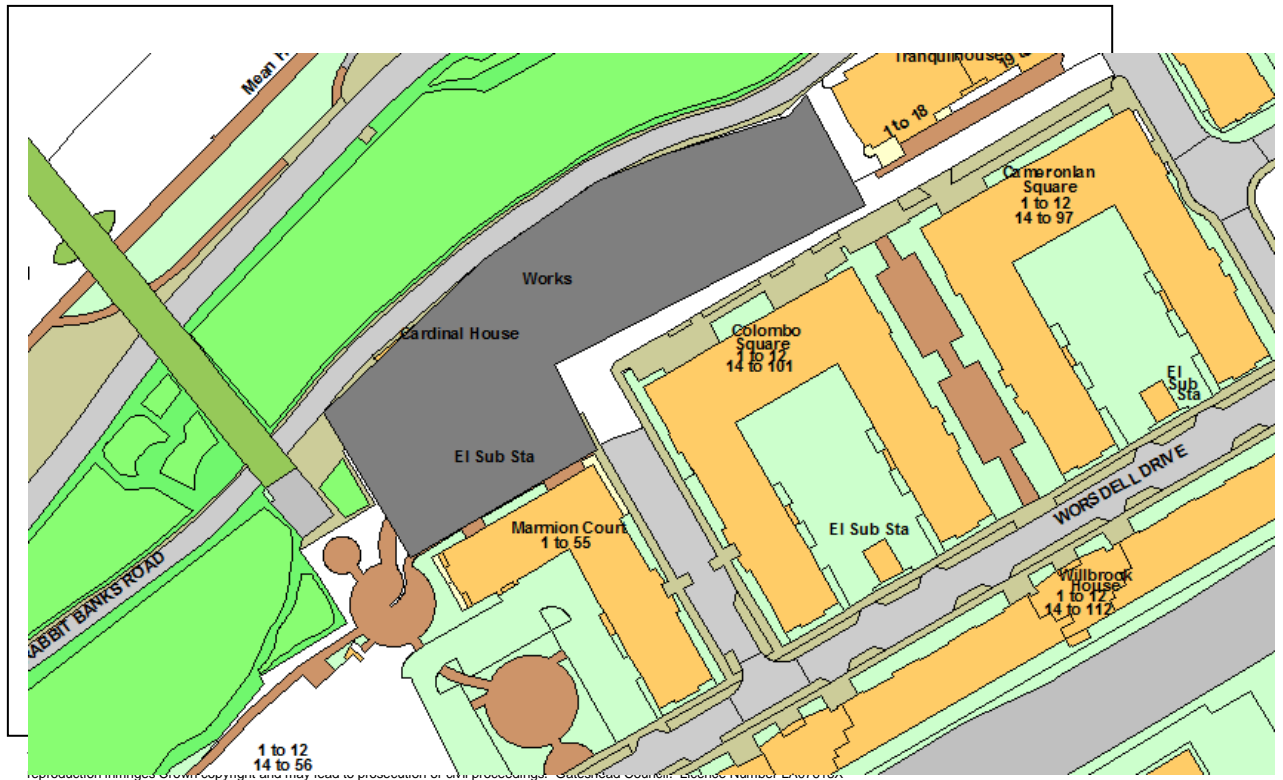
In the interests of encouraging sustainable development and in order to accord with CSUCP policy CS13

**33**

No works shall be carried out on site unless they are in strict accordance with the revised Bat Mitigation Strategy and Method Statement approved under condition 17.

**Reason**

To avoid harm to protected species (bats and breeding birds) and their habitats in accordance with CSUCP policy CS18 and saved UDP policies DC1 & ENV46.



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**MINOR UPDATE**

<b>Application No:</b>	<b>DC/16/00136/FUL</b>
<b>Site:</b>	<b>Block 2 Half Moon Lane Gateshead NE8 2AA</b>
<b>Proposal:</b>	<b>VARIATION OF CONDITION 1 (approved plans) of 103/01 to enable alteration of facades, increase of flat numbers from 40 to 58, amendments to parking layout and bin store area (additional information received 16/02/17 and 15/03/17 and amended plans/documents received 13/02/17, 15/03/17 and 23/03/17).</b>
<b>Ward:</b>	<b>Bridges</b>
<b>Recommendation:</b>	<b>Authorise Group Director</b>
<b>Application Type</b>	<b>Full Application</b>

**Reason for Minor Update**

Further consultation response received, further representation received, correction of car parking numbers, amendments to conditions and additional condition recommended:

**CONSULTATIONS**

The anticipated, further consultation response from Historic England (HE) has been received. Whilst it is acknowledged that the amended plans have made improvements to the scheme, HE maintains their two main concerns regarding the development.

The first is that the proposal amounts to overdevelopment i.e. that the number of units necessitates various alterations and interventions that have a harmful impact on the significance of the building. HE reminds the Council that this harm requires clear justification and weighing against the public benefits of the proposal (paragraph 134, NPPF). This is covered in the main agenda report; the applicant has reiterated that the scale of development is based in part on ensuring the viability of the restoration costs but also creating a design solution that reacts to and compliments the existing building. Officers are satisfied that the quantum of development is justified and that the harm arising from the development is outweighed by its public benefits.

The second issue raised as a concern by HE is in relation to the proposed approach to Conservation Methodology and Practice i.e. having established that the quantum of development is acceptable, HE consider that less harmful solutions could be achieved within the parameters of the current proposal. As referred to in the main agenda report, a number of issues are to be properly covered by the determination of the sister application for Listed Building Consent, rather than through this application. Various aspects of the scheme

have been discussed with Officers and are considered to be acceptable or can be made so through conditions, either as recommended in the main agenda report, or on the LBC.

#### **REPRESENTATIONS**

A further objection has been received from a neighbour. Their objection is that an increase in the number of flats will exacerbate existing problems regarding a lack of car parking.

#### **HIGHWAYS**

A revised Transport Statement has been received. This corrects the figures given in paragraphs 1.27 and 5.71 of the main report, in that 66 car parking spaces are proposed in three areas, 20 (8 visitor) spaces in front of the main block, 34 in a discrete parking area to the south west of the main block (2 disabled) and 12 to the undercroft of the annex.

#### **CONDITIONS**

In condition 1 (approved plans) there is an omission in one of the plan reference numbers, it should read 2602-D-00-SK04 Rev P1.

It is recommended that conditions numbered 11, 28 and 31 are all amended to make clear that the trigger for the relevant details to be submitted for written approval by the Local Planning Authority is to be prior to the occupation of Block 2, as opposed to the occupation of any other part of the wider Ochre Yards development. An additional condition (number 34) is proposed as follows:

The details of the measures to manage car parking on the public highway approved under condition 30 shall be implemented prior to occupation of the Block 2 and maintained for the life of the development.

#### **Reason**

To ensure highway safety is protected in accordance with the NPPF and Policy CS13 of the Core Strategy and Urban Core Plan for Gateshead and Newcastle upon Tyne.

**SEE MAIN AGENDA FOR OFFICERS REPORT.**

## REPORT NO 2

### Committee Report

<b>Application No:</b>	<b>DC/16/00320/FUL</b>
<b>Case Officer</b>	<b>David Morton</b>
<b>Date Application Valid</b>	<b>15 April 2016</b>
<b>Applicant</b>	<b>Bellway Homes Ltd (North East)</b>
<b>Site:</b>	<b>Land To The South Of Cushy Cow Lane Ryton Tyne &amp; Wear</b>
<b>Ward:</b>	<b>Ryton Crookhill And Stella</b>
<b>Proposal:</b>	<b>Full planning application for 350 dwellings including associated access, infrastructure and open space.</b>
<b>Recommendation:</b>	<b>REFUSE</b>
<b>Application Type</b>	<b>Full Application</b>

### 1.0 The Application:

#### 1.1 DESCRIPTION OF SITE

Ryton is located within the west of the borough of Gateshead, approximately 12km from both Gateshead centre and Newcastle city centre.

1.2 The application site lies to the south of Ryton village, extends across approximately 16.7 hectares and is currently used for agricultural purposes. The site has a prominent position over Ryton owing to its high level with long range views over the village centre and surrounding fields.

1.3 The application site is currently divided into four connected crop fields, intersected with mature and recently planted hedgerows with two of these hedgerows marking public rights of way. A number of public rights of way cross the site on a north-south axis, linking Ryton to open land to the south.

1.4 The site is surrounded by existing residential development to the north, and the A695 to the south. Open rural space continues to the south of the A695. The topography of the site slopes down to the north-west.

1.5 The site was formerly located within the Green Belt but now forms part of a housing allocation under the adopted Core Strategy and Urban Core Plan (CSUCP) for up to 550 homes (policy GV6).

#### 1.6 DESCRIPTION OF APPLICATION

The planning application seeks full planning permission for the development of 350 dwellings including associated access, infrastructure and landscaping on land to the south of Cushy Cow Lane, Ryton.

1.7 The application proposes that the primary access point into the site would be taken from Cushy Cow Lane with a secondary access point also taken via Cushy Cow Lane (further to the west).

- 1.8 The dwellings would be two storeys in height. The development proposes that 174 of the dwellings would be detached, 149 semi-detached and 27 terraced; 172 dwellings would have four bedrooms, 130 would have three bedrooms and 48 would have two bedrooms.
- 1.9 In terms of pedestrian access, as well as the main entrances to the site on Cushy Cow Lane, there would be a further nine pedestrian access points into the site - two accesses would be taken from the south, one from the east and the remainder taken from the north.
- 1.10 The main areas of open space would be located in the southern and central areas of the site. The main SuDS areas would be located to the east and west of the application site.
- 1.11 The applicant held two public consultation drop-in events prior to the submission of the application.
- 1.12 The following information has been submitted with the application:
- Affordable Housing Statement
  - Arboricultural Impact Assessment
  - Archaeological Desk Based Assessment
  - Archaeological Geophysical Survey
  - Design and access statement
  - Draft S106 heads of terms
  - Flood Risk Assessment
  - Foul sewerage, surface water drainage & utilities assessment
  - Ground investigation survey, including coal mining risk assessment
  - Noise impact assessment
  - Statement of Community Involvement
  - Sustainability Statement
  - Transport Statement
  - Travel Plan
- 1.13 **PLANNING HISTORY**  
There are no historic planning applications of relevance to the current application. However the Site forms part of the larger housing allocation (Ryton Village Growth Site) which was designated (policy GV6) upon the adoption of the Core Strategy and Urban Plan for Gateshead and Newcastle upon Tyne.

## **2.0 Consultation Responses:**

Coal Authority	No objection subject to appropriate conditions.
Highways England	No objection.
Natural England	Natural England's standing advice applies.

Tyne And Wear Archaeology Officer	No objection.
Tyne And Wear Fire And Rescue Service	No objection.
Nexus	No objection.

### **3.0 Representations:**

- 3.1 In excess of 3500 properties in the surrounding area have been consulted about the application.
- 3.2 In addition, a number of site notices were erected on the site and in its vicinity on 15 April 2016.
- 3.3 An objection has been received from a Ward Councillor for the area - Councillor Liz Twist. The issues raised are summarised below:
- Failure to submit a masterplan and phasing proposal for the whole of the Ryton Village Growth site;
  - The application does not comply with the requirements of policy GV6 - Ryton;
  - The application would have an adverse impact on residents in Stargate and on Cushycow Lane in regard traffic (both construction and residents), impact on health and education facilities;
  - The loss/stopping up of existing well used footpaths.
- 3.4 Four letters of objection have been received from parties with interest in the GV6 housing allocation. These letters are summarised as follows:
- ;
- Policy GV6 states that the development of Ryton for 550 homes must take place in accordance with an approved masterplan;
  - The submitted masterplan only cover part of the GV6 allocation;
  - A masterplan covering all of the allocation has not been agreed at this point;
  - Without a said masterplan the phasing plan requirement of policy GV6 cannot be delivered;
  - The application covers the central and eastern parts of the application but 350 homes is 64% of the 550 homes proposed, this is contrary to the inspectors recommendations and;
  - The development has failed to demonstrate how the infrastructure and strategic infrastructure required for the site will be delivered on a phased basis.
- 3.5 In addition, 66 letters of objection have been received. The issues raised by members of the public are set out below:

#### **Policy issues**

- The development has not been submitted alongside a masterplan for the whole GV6 allocation.

- It is confirmed by all other landowners that a masterplan has not been agreed by all parties.
- The area does not need more houses.
- There is no commitment to building the through road across the site.
- There is no phasing plan.
- The development represents a departure from policy GV6 of the CSUCP.

#### Transport issues

- The development would lead to an impact on already busy roads.
- The development would be inappropriate for cyclists.
- There is insufficient capacity on the A695 for the houses proposed.
- It would appear that the Stargate Lane widening plan wouldn't provide both parking and two-way access.
- There are further junctions where traffic assessments are required.
- The development does not allow for an adequate level of parking within the development.
- The development would result in traffic running using Western Way or Hexham Old Road as a result of the through road not being constructed.
- The development would result in an additional 350-700 cars on the highway.
- It is possible that highway works proposed may not take place when required and this should be secured through condition if approved.
- The development does not allow for adequate access/egress into/out of the site.

#### Green Belt issues

- The area to be developed is Green Belt which is in place to prevent urban sprawl.

#### Local infrastructure issues

- The services within the area e.g. shops, doctors, dentists and schools cannot accommodate the additional requirements.
- The proposed development would lead to an impact on BT infrastructure.
- The development does not adequately deal with footpaths and rights of way across the site.

#### Flooding and drainage issues

- The proposed SUDs pond could overflow.
- Who manages the SUDs prior to adoption?
- The proposal would lead to flooding on Grange Lane.

#### Residential amenity issues

- The additional traffic using Cushy Cow Lane would cause a significant impact on amenity.

#### Consultation issues

- The notification does not include all rights of way to be diverted/stopped up.

#### Other issues

- The proposed development demonstrates a poor understanding of public realm and the layout is inappropriate.
- There are more appropriate sites across Gateshead for the erection of houses.
- The area has already had 10 years of disruption owing to landfill within the area.
- The developer should plant trees and greenery around the site while the development is undertaken.
- The proposal represents an over-development of the site.
- The development would result in mental health issues for residents.
- There is no assurance that the developer will carry out the work (if approved).
- The proposal would set a precedent.
- The LPA should send members of the public a list of proposed planning conditions.
- The LPA must assure the public that the development will be enforced, if approved.
- The development should target first time buyers and not social tenure.
- The development does not need an equipped play area, a more natural play space would be better.
- The public open space should be constructed early and should not be left to planning condition.
- The development should be reviewed by Design North East.
- A landscape audit must take place following the completion of the development.
- The development would result in a significant amount of mud and debris on the highway; this would need to be dealt with.
- The LPA have not managed landfill companies within the area which has resulted in air pollution.
- The removal of hedging would have an impact on birds.

1 letter of support has been received to the application. The issues raised are as follows:

- Site is ideally situated for infill development.

#### **4.0 Policies:**

NPPF National Planning Policy Framework  
NPPG National Planning Practice Guidance  
CS1 Spatial Strategy for Sustainable Growth  
CS4 Spatial Strategy - Rural/Village Area  
CS5 Employment-Economic Growth Priorities  
CS10 Delivering New Homes  
CS11 Providing a range and choice of housing  
CS13 Transport  
CS14 Wellbeing and Health  
CS15 Place Making  
CS16 Climate Change  
CS17 Flood Risk and Waste Management  
CS18 Green Infrastructure/Natural Environment  
GV6 Ryton  
DEL1 Infrastructure/Developer Contributions  
DC1C Landform, landscape and after-use  
T1 Transport req for New Developments  
ENV3 The Built Environment - Character/Design  
ENV21 Sites of Archaeological Imp - Known  
ENV22 Sites of Archaeological Imp - Potential  
ENV44 Wood/Tree/Hedge Protection/Enhancement  
ENV46 The Durham Biodiversity Action Plan  
ENV47 Wildlife Habitats  
ENV49 Sites of Nature Conservation Importance  
ENV51 Wildlife Corridors



ENV52 Creation of New Wildlife Habitats

ENV54 Dev on Land Affected by Contamination

H5 Housing Choice

H9 Lifetime Homes

H10 Wheelchair Housing

H12 Housing Density

H13 Local Open Space in Housing Developments

H15 Play Areas in Housing Developments

CFR20 Local Open Space

CFR28 Toddlers' Play Areas

CFR29 Juniors' Play Areas

CFR30 Teenagers' Recreation Areas

GPGSPD Gateshead Placemaking Guide SPG

## **5.0 Assessment:**

### **5.1 PRINCIPLE OF DEVELOPMENT AND MASTERPLAN**

Policy CS1 of the CSUCP sets out the spatial strategy for sustainable growth. Given population and economic growth there is a need to plan for 30,000 homes within Gateshead and Newcastle up to 2030. To plan for this growth has meant allocating land for new housing development in villages including Ryton.

5.2 Policy CS10 sets out a gross provision of 11,000 new homes in Gateshead to contribute to the 30,000 total up to 2030.

5.3 The application site forms part of a wider site allocated in the CSUCP, under policies CS4 and GV6 for up to 550 homes. No part of the site is located in the Green Belt.

5.4 Policy GV6 also requires that development of the whole designated site takes place in accordance with an approved masterplan and phasing plan. This follows on from policy CS4 which requires the approved masterplans to; demonstrate a comprehensive, phased and coordinated approach to site development, setting out how necessary infrastructure, and the strategic infrastructure identified for the site in the Infrastructure Delivery Plan will be delivered on a phased basis; and approved development phasing plans setting out build rates and triggers for infrastructure, and demonstrating how each phase of the development is sustainable and deliverable.

- 5.5 Within the applicants Planning Statement (paragraph 5.7 - 5.8), they state;  
*"The allocation for Ryton involves a number of different land ownerships however this application relates only the land within the allocation which is in the control of the applicant. Mindful of the GV6 requirement for 'development to take place in accordance with an approved masterplan and phasing plan', the applicant has prepared a masterplan and delivery framework for the whole allocation. This outlines how the applicant's proposal addresses the policy aims and how development of the applicant's site can be achieved without prejudice to the future delivery of the wider masterplan or future planning applications in respect of the other land ownerships.*
- The masterplan has been prepared in conjunction with Taylor Wimpey, who control the majority of the remaining land within the allocation."*
- 5.6 A masterplan document has subsequently been prepared and submitted in support of the planning application. The masterplan document includes land outside of the application site. As such there is no mechanism for the LPA to approve the masterplan. Further, it has been indicated (through objection to the proposal) that this masterplan has not been agreed between all landowners with an interest in the allocation.
- 5.7 On the basis of the above, it is considered that the applicant has failed to provide a deliverable masterplan (i.e. with all landowner buy-in) and has failed to demonstrate how the *'... proposal addresses the policy aims and how development of the applicant's site can be achieved without prejudice to the future delivery of the wider masterplan or future planning applications in respect of the other land ownerships'* as suggested by the submitted Planning Statement.
- 5.8 The supporting text to Policy CS4 (paragraph 8.10) is very clear as to what is required, stating;  
*"... Given the potential impact that the new development will have on the existing villages in terms of their infrastructure, facilities and services it is important that it is masterplanned. Village Growth Area sites, as a defined in Section 5 of the Plan are required to be masterplanned together where they adjoin each other regardless of ownership. Phasing plans will be required which set out the triggers for the provision of necessary infrastructure and legal agreements will need to be put in place to secure delivery. Masterplans will be prepared by the landowner/developer(s) in consultation with each Council and must be approved as part of the planning application process. The masterplanning and the development requirements of these sites are set out in policies in the Sub Areas and Ste Specific policies in Section 5 of the Plan."*
- 5.9 To date, no appropriate phasing plan has been submitted in support of the application and the applicant has not demonstrated how the masterplan or the delivery of infrastructure could be secured through the current application. Officers consider that the application as submitted fails to demonstrate a phased and coordinated approach to development in line with policies CS4 and

GV6 of the CSUCP as it does not comply with the fundamental requirement to provide (for approval) a masterplan and phasing plan which sets out the triggers for the provision of necessary infrastructure. There is no mechanism by which legal agreements will be able to be put in place to secure delivery across the GV6 allocation. The application is therefore contrary to Policies CS4 and GV6.

5.10 AFFORDABLE HOUSING

Policy CS11 of the CSUCP requires the provision of 15% affordable homes on all developments of 15 or more dwellings subject to development viability.

- 5.11 The application proposes 15% affordable homes (53 units). Of these homes, 34 are to be allocated for affordable rent and 19 for intermediate tenure. Officers consider that this allocation is acceptable and subject to a Section 106 Agreement to ensure that these properties are kept affordable in perpetuity, it is considered that the application would be in accordance with policy CS11 of the CSUCP.

5.12 OTHER HOUSING POLICIES

5.13 Housing type and density

The proposed development includes 302 houses (out of a total of 350) which incorporate 3 or more bedrooms. In addition all dwellings include private garden areas. It is therefore considered that the development would meet the requirements of policies CS11 and GV2 of the CSUCP in providing a majority of family housing and would make an important contribution to the aim of a minimum of 16,000 new homes having 3 or more bedrooms. In addition, the type of housing would vary between detached, semi-detached and terraced and would be suitable for a wide range of groups in accordance with saved policy H5 of the UDP.

- 5.14 The density of the development would equate to approximately 25.3 houses per hectare. Whilst this would be slightly below the 30-50 dwellings per hectare target within saved policy H12 of the UDP, this policy also sets out that densities below 30 dwellings per hectare may be permitted where higher densities would have an unacceptably detrimental impact on the amenity and character of an area. In this case it is considered that the density of the development would assimilate well with the adjoining neighbourhoods and that a higher density development would be harmful to the character of the area. However, the application site cannot be considered in isolation and must be considered within the context of the wider GV6 allocation and the maximum housing numbers set out in policy GV6 of the CSUCP.

- 5.15 The Inspector within their report on the CSUCP stated that;

*"... there may be benefit from a slightly higher number houses on the western part of the site and slightly fewer in the central and eastern parts than is shown in the development framework. Ultimately this is a matter for the masterplanning of the site."*

- 5.16 Based on the proposed housing numbers, it would appear that the western part of the application site would in fact be developed to a lower density than central

and eastern areas (owing to the 550 dwelling cap set out in policy GV6). Given no masterplan document has been submitted in support of the application it hasn't been demonstrated that the density of development proposed is appropriate in the context of the wider GV6 allocation i.e. it has not been identified that the application site is capable of accommodating the level of development proposed while still achieving all requirements of policy GV6.

5.17 House size

Policy CS11 of the CSUCP requires that new residential development provides adequate space inside and outside of the home to meet the needs of residents. A Ministerial Statement made in March 2015 sets out that the optional new national housing technical standards should only be required through any new Local Plan policies if they address a clearly evidenced need, and where their impact on viability has been considered, in accordance with the NPPF and NPPG. Decision takers should only require compliance with the new national technical standards where there is a relevant current Local Plan policy. It is considered that all houses would have generous garden sizes in order to provide satisfactory outdoor private amenity space. In regard to internal space size, it is considered that the house types would provide good levels of internal space.

5.18 The development would provide good levels of internal and external space in accordance with policy CS11.

5.19 Wheelchair and lifetime homes

Policy CS11 of the CSUCP sets out the need to encourage provision of lifetime homes and wheelchair accessible homes. This differs from saved policies H9 and H10 of the UDP which require the provision of a minimum 10% dwellings constructed to Lifetime Homes standards and a minimum of 2% of dwellings to be built, or be capable of adaption without structural alteration to Wheelchair Housing Standards.

5.20 The NPPG sets out that where a local planning authority adopts a policy to provide enhanced accessibility or adaptability they should do so only by reference to Requirement M4(2) and/or M4(3) of the optional requirements in the Building Regulations. They should clearly state in their Local Plan what proportion of new dwellings should comply with the requirements.

5.21 Local plan policies should also take into account site specific factors such as vulnerability to flooding, site topography, and other circumstances which may make a specific site less suitable for M4(2) and M4(3) compliant dwellings, particularly where step free access cannot be achieved or is not viable. Where step-free access is not viable, neither of the Optional Requirements in Part M should be applied.

5.22 In regard to wheelchair and lifetime homes, officers consider that there are a number of proposed units which would potentially meet the requirements of lifetime and wheelchair homes with an element of internal adaption and subject to a condition requiring the final details and implementation could be imposed in this regard, the application would be in accordance with policy CS11 of the CSUCP and saved policies H9 and H10 of the UDP.

5.23 TREES AND HEDGEROWS

Tree cover within the site is minimal with all tree cover being located around the periphery of the site within hedgerows or small groups at the edges of fields.

5.24 An arboricultural assessment was submitted with the application. The assessment sets out that two groups of trees would be removed and two other groups will be partially removed, further the application shows several new access roads bisecting the field boundary hedges, and the loss of a section of hedgerow to allow access.

5.25 The report sets out that the trees set out above are of low and/or moderate value and that the loss of these trees not have a significant impact on the wider landscape of the area and that compensatory tree planting would be undertaken across the site that will provide new tree cover that is better integrated into the new layout. Officers agree with the submitted arboricultural assessment in regard to the loss of trees.

5.26 The hedgerow sections that are to be removed have been assessed as having a low amenity value owing to their sparse and disjointed nature. The development will allow for significant positive management of the remaining hedgerow to the benefit of the site and the wider area. Therefore whilst there would be a short term negative impact, in the medium to long term there would be a positive impact.

5.27 The replacement hedge planting and "gapping up" can be secured by planning conditions. Further planning conditions are also required to secure the hedgerow protection measures for the duration of construction works. Subject to these conditions, the proposed development would not have an adverse impact on amenity in relation to hedgerows.

5.28 The proposed development would provide numerous opportunities for increased tree planting on the site within areas of open space. A landscaping strategy has been submitted with the application and shows the approximate location of tree planting and species. Subject to a condition for a final version of the strategy, and the tree protection measures outlined in the report to be adopted for the duration of construction works it is considered that in terms of trees, the proposed development would have a positive impact.

5.29 Given the above, it is considered that the application would be in accordance with policy CS18 of the CSUCP and saved policy ENV44 of the UDP.

5.30 IMPACT ON THE LANDSCAPE

The site predominantly comprises a plateau area which is slightly elevated above the adjacent residential estates in Ryton immediately to the north. The land falls away gently from the A695 corridor to the north, although the landform is more undulating to the west of the site where the slope steepens towards a low point in the north-west. From the site the built form of Ryton restricts views of the Tyne Valley in the north to the upper extents only. In recognition of the site's landscape value, an initial landscape assessment was carried out to support the allocation of the site for residential development. This assessment

considered that the development of the site for housing would not have an unacceptable impact on the surrounding landscape.

- 5.31 In support of the application a landscape and visual appraisal has been produced. The assessment assesses the impact of the proposed development in addition to assessing the cumulative impacts of '*... forthcoming residential applications in the nearby area.*' This cumulative impact takes into account (amongst others) the land on which Taylor Wimpy retain an option i.e. most of the remaining GV6 allocation. The assessment is based on the assumption *that "... the development proposed would be similar to that illustrated within the Ryton Development Framework, Gateshead Borough Council."*
- 5.32 In conclusion, the report states that;  
*"The most noticeable change to the character of the site will result from the introduction of proposed residential units which will introduce new elements to the site itself."*
- 5.33 This conclusion is reflective of The Inspector's view in assessing the CSUCP in which he stated;  
*"The development would adversely affect the local landscape by building on higher ground on the edge of the settlement..."*
- 5.34 However, elaborating on the above the Inspector went on to state that '*... through substantial buffer planting along the southern edge of the site would lessen the impact [of the development on the landscape].*'
- 5.35 These views/requirements are reflected within policy GV6 of the CSUCP which requires;  
*"Mitigation of the impact of the development on landscape, biodiversity and ecology connectivity including the provision of a substantial landscape/ecological buffer along the southern and western boundaries of the site..."*
- 5.36 The proposed development and submitted landscape assessment fails to make reference to the substantial landscape buffer, which is required by the GV6(1) policy. The development proposes additional woodland, woodland edge and hedgerow tree planting to the southern boundary of the site to '*reinforce the existing vegetation on southern edge of development*'. However, this planting is all within the land owned by the applicant.
- 5.37 However, the retention and positive management of this landscape buffer, which falls outwith the application site, cannot be secured through the current planning application as the area falls outside of the applicant's control. Therefore, any reliance on this area for landscape screening (as required by the policy) is inappropriate and misguided.
- 5.38 Given the above, it is considered that the proposed development has been laid out so to try and assimilate well to its landscape. However this is based upon the reliance of an area of landscaping to the south of the site which falls outside of the control of the applicant. As such, it cannot be concluded that the development does not result in an unacceptable impact given the development

does provide 'a substantial landscape/ecological buffer' along the southern and western boundaries of the site and as such cannot be considered to comply with the requirements of Policy GV6 of the CSUCP.

**5.39 OPEN SPACE AND LANDSCAPING WITHIN THE SITE**

In regard to open space and landscaping within the site as discussed above, a large area of open space and landscaping along with SuDS features would be created in the northern and eastern parts of the site. This would have a number of benefits including providing attractive green space for residents and being suitable for recreation. In addition, there are a number of other green spaces provided within the site. Whilst these areas would have limited recreational value given their size, they would still provide attractive landscaped areas.

5.40 The site is located in a neighbourhood that is deficient in open space and therefore there would be a requirement to provide open space on site. The development proposes a total of approximately 2.89 ha of open space and as stated above, this would be located in different areas within the site. The level of open space reaches the levels set out in saved policies H13 and CFR20 of the UDP (2.88 ha). In addition, the quality of open space on the site would provide excellent access to green space and recreation in accordance with policy CS14 of the CSUCP.

5.41 Therefore, given the compliance with saved policies H13 and CFR20 of the UDP, it is considered that an acceptable provision of open space would be made on site in terms of its quantity, quality and location.

**5.42 DRAINAGE AND FLOOD RISK**

A flood risk and drainage assessment has been submitted with the application. In accordance with policy CS17 of the CSUCP, the assessment has covered all sources of flooding and has had regard to the Council's Strategic Flood Risk Assessment (SFRA).

5.43 The development has had regard to the sequential approach by locating the SuDS attenuation features (basins/ponds) at the low points of the site. The layout also accommodates the modified overland flows through a series of swales reflecting Policy GV6:11/13 of the Core Strategy.

5.44 However, in the absence of a masterplan and conceptual drainage assessment for the whole GV6 allocation it is not possible to fully assess how the external overland flows, particularly from the west of the application site which would impact on the proposal and whether the flow paths have been sufficiently accommodated in the layout to comply with Policy GV6. The topographic surveys, catchments and falls diagram have only been submitted for the application site and not the whole GV6 allocation.

**5.45 FLOOD RISK**

The flood risk assessment (FRA) has assessed flood risk from all sources of flooding (fluvial/tidal, groundwater, sewer, overland flow and artificial sources). The FRA concluded that the site is at low risk of flooding from all sources except from overland flows which was considered to be medium/high risk.

- 5.46 The FRA considers a range of mitigation measures which will be considered at the detail design stage to reduce the flood risk to low risk.
- 5.47 DRAINAGE  
A sustainable drainage system has been incorporated in the development in the form of ponds/detention basins, swales, water gardens, underground storage and potentially an infiltration basin.
- 5.48 Policy GV6(11) requires '*A positive response to the potential to manage flood risk in the Grange Drive, Constable Close/Turner Close and Woodside Road areas by incorporating overland flows from A695 and integrating additional SuDS storage*'. The drainage strategy has regard to Policy GV6(11) as it will improve the flood management of the surrounding area as the overland flows currently pass freely across arable fields towards Grange Drive (which is outwith the site) and the drainage strategy will divert overland flows into SuDS to ensure betterment for Grange Drive.
- 5.49 Based on the above, it is considered that subject to conditions based upon flood risk and drainage and a planning obligation pertaining to management, the drainage scheme proposed is acceptable. However, the information submitted fails to take account of the requirements of Policy GV6; to fully assess how the external overland flows, particularly from the west of the application site would impact on the proposal and whether the flow paths have been sufficiently accommodated in the layout. This issue is born out of the fact that the application has not been adequately master-planned as required by policies CS4 and GV6 of the CSUCP and the proposal does not therefore comply with these policies.
- 5.50 IMPACT ON BIODIVERSITY  
The proposed development site is located within 1km of several designated Local Wildlife Sites (LWS) including Stargate Ponds & Bewes Hill LWS (C. 450m), Path Head Quarry (c. 400m), Crookhill Pasture LWS (c. 550m) and The Folly LWS (c. 900m). Sections of the adjacent A695 Blaydon to Crawcrook By-Pass are currently being considered as a candidate for LWS.
- 5.56 The proposed development site is dominated by four large arable fields separated and bound by hedgerows. Within and adjacent to the site are smaller areas of mixed plantation woodland, scrub, semi-improved grassland and wetland.
- 5.57 The application is supported by a number of ecological studies. Overall the site is considered to be of low ecological value, being dominated by arable land. However, these studies do not give appropriate consideration to the value of site for particular species/species groups, for example, farmland birds.
- 5.58 The survey work undertaken by the applicant has confirmed that the site supports the following species: bats, badger, amphibians, breeding and non-breeding birds. Habitats within and immediately adjacent to the site are also considered to provide potential opportunities for brown hare and hedgehog (UKBAP & DBAP priority species).



5.59 Predicted impacts associated with the proposed development include:

- Loss, fragmentation and disturbance of arable, hedgerow (UK & DBAP priority habitat), scrub and grassland habitats as a result of site clearance and construction works.
- Damage to retained/newly created habitats/features during the site clearance and construction phases of the development, including the potential spread of an invasive species listed on Schedule 9 of the Wildlife & Countryside Act 1981 (i.e. cotoneaster sp.).
- The risk of harm to protected/priority species (e.g. badger, breeding birds, common toad and hedgehog) during the site clearance and constructions phases of the development.
- Loss, fragmentation and disturbance of habitats/features which support protected/priority species including badger, breeding and non-breeding birds, bats and terrestrial amphibians including common toad resulting from the site clearance and construction works.
- Disturbance of retained/newly created habitats/features post occupation through increased noise, light and recreational pressure resulting in the disturbance, displacement and loss of protected/priority species. Increased access/recreational pressure also has the potential to adversely impact on nearby designated sites (e.g. Stargate Ponds and Bewes Hills LWS).
- Increased mortality of protected/priority species resulting from increased vehicle movements post occupation of the development.
- Increased predation of wildlife (particularly birds) by pet (principally cats).

5.60 A range of broad mitigation and compensatory measures have been proposed to minimise/reduce the above impacts to an ecologically acceptable level. These include:

- The retention (where possible) of existing hedgerows and woodland and the protection of such features during the construction phase of the development.
- The enhancement of retained hedgerows through 'gapping up' and the establishment of new hedgerows along those boundaries where they are currently absent.
- The undertaking of site/vegetation clearance and constructions works in accordance with an ecological method statement(s) to avoid/minimise the risk of harm to individual species including badger, birds, bats, small mammals (e.g. hedgehog) and amphibians (terrestrial).
- The removal of invasive species (i.e. cotoneaster) in accordance with a method statement to avoid its spread.
- The creation of new/additional wetland habitat in the form of SuDS features (i.e. swales, detention basins and attenuation ponds) and associated terrestrial habitats to benefit a range of species including amphibians.

- The avoidance of intrusive light spill into areas of retained/newly created habitat through the sensitive design/siting of lighting within the scheme.
- The provision of potential nesting/roosting features for certain bird and bat species within the fabric of a percentage of the new buildings to be constructed on site.
- The use of locally native tree and shrub planting as part of the landscaping proposals to including nectar-rich and berry bearing species beneficial to wildlife.
- The sensitive management of retained/newly created habitats within the site to maintain and enhance their biodiversity value.

- 5.61 In spite of the above listed mitigation measures, it is considered by officers that the development will result in a residual impact on biodiversity, and in particular farmland birds (i.e. skylark, yellowhammer, linnet, tree sparrow, kestrel, etc.).
- 5.62 In response to this there is a reference in the mitigation section of the Ecological Impact Assessment report to a *"Financial contribution to designated sites in the local area, secured through a s.106 agreement, to fund management and maintenance."* In the Breeding Bird Survey there is statement which reads *"The creation of or contribution towards the creation of offsite habitats of value to a range of wildlife including farmland birds."*
- 5.63 However, the submission does not provide any detail in relation to the provision of off-site ecological mitigation/compensatory works in terms of location, form, value, long-term management and delivery mechanism. Furthermore the mitigation hierarchy enshrined in the NPPF and set out in BS 42020:2013 Biodiversity - Code of practice for planning and development requires that opportunities to provide onsite mitigation and compensation (including the creation of replacement/new habitats) be sought/exhausted before considering offsite measures. The identified landscape/ecological buffer along the southern and western boundaries of the site referred to in policy GV6 provides considerable opportunity to address, at least in part, the impacts of the proposed development on biodiversity, including farmland birds. No measures have been proposed in relation to the identified landscape/ecological buffer, therefore the application has failed to comply with both the policy as set out in the CSUCP and the mitigation hierarchy enshrined in the NPPF.
- 5.64 The application is also deficient in that the ecological information submitted, particularly in terms of breeding birds, only relates to that part of the site which is the subject of the current planning application, and not the entire allocation. As such it is not possible to determine the ecological value of the allocation as whole and/or determine what if any cumulative impacts are likely to occur as part of a piecemeal approach to the development of the site. Furthermore this thwarts any possibility of applying a holistic approach to the provision of ecological mitigation, compensation and enhancement measures.
- 5.65 Much of the mitigation measures referred to in the various ecological reports have not been carried through a mitigation scheme. Whilst some of these

appear to have been realised on the proposed Landscape Strategy drawing 916\_01, this is not universally the case.

- 5.66 In summary the application is likely to have a significant adverse impact on biodiversity including protected species, priority habitats and species, and ecological connectivity, for which adequate, detailed mitigation/compensation has not been provided. The information submitted in support of the application is also considered to be inadequate.
- 5.67 As a result the application fails to comply with the principles of the NPPF and the following local planning policies GV6, CS18, DC1(d), ENV44, ENV46, ENV47 and ENV49.
- 5.68 **DESIGN AND LAYOUT**  
Planning policy at a National and Local Level place a great emphasis on design. At a national level the NPPF advises (paragraph 56) that, *"Good design is a key aspect of sustainable development, is indivisible from good planning."* Paragraph 64 of the NPPF advises 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."*
- 5.69 Access into the site would be provided via two new junctions off Cushy Cow Lane. From this point, the primary internal road would generally run east to west, with secondary and tertiary streets feeding off this.
- 5.70 Officers are of the view that the scheme's design is inappropriate; the main issues are a result of the scheme looking to achieve a certain quota of development, rather than delivering a fit-for-purpose design solution that; (a) responds positively to the opportunities and challenges presented by the site; (b) that seeks to deliver a comprehensive scheme for the entire GV6 site; and (c) that meets all the policy requirements fully. This approach has resulted in poor urban grain. The proposed layout inherently leads to poor pedestrian permeability and an illegible environment. It has also resulted in a traditional 30mph design speed layout, which in turn has required 'bolt-on' traffic calming measures to meet the 20mph requirement. The Government's 'Manual for Streets' (MfS) specifically requires that designers should aim to create streets that control vehicle speeds naturally rather than having to rely on unsympathetic traffic-calming measures.
- 5.71 The purpose of MfS was to completely refocus the "place function" for residential areas - MfS specifically states that in terms of user priority in residential environments pedestrians come top; followed by cyclists; public transport users; service/emergency vehicles; and lastly, all other traffic. Officers are of the view that this proposed scheme's layout addresses the user priority's just mentioned in reverse order. The urban structure described above is considered to be of poor design that is "dispersed and car-dependant", and is exemplified as such in MfS.
- 5.72 In addition to these fundamental design issues there are also numerous other more detail design issues which give concern to officers. Briefly these issues are as follows:

- Poor response in terms of orientation and elevational design of key dwellings and plots (e.g. corner turners and design features of properties that act as way-finders/vista terminators etc.);
  - Inappropriate boundary treatment types and a lack of associated landscaping (particularly on unavoidable side/rear garden boundaries that front onto public realm - and the proposed use of 900mm high post & rail timber fencing);
  - Remote location of some garages and;
  - General lack of recreational open space and pedestrian routes (e.g. - to allow for 'play-on-the-way' / 'trim-trails' / dog walking etc. – all which ties in with issues of poor pedestrian permeability).
- 5.73 In addition to the above, the development does little to demonstrate how the proposed would integrate with the wider GV6 allocation. This is born out in the fact the highways associated with the development do not extend fully to the boundaries of the application site.
- 5.74 Given the above, it is considered that the design and layout of the development is inappropriate to its context and would fail to comply with the NPPF, policies GV6 and CS15 of the CSUCP and saved policy ENV3 of the UDP.
- 5.75 TRANSPORT AND HIGHWAYS
- 5.76 General  
As previously stated, the application is considered to be non-compliant with policy GV6 of the CSUCP in that a masterplan and phasing plan for the whole of GV6 has not been provided. This causes issues in highway terms as the layout cannot be viewed in context and is artificially constrained, further it is considered that the proposed has the potential to prejudice the layout of the whole site.
- 5.77 The southeast corner of GV6 is landlocked (given the highway does not extend to the site boundary) and as such a 'ransom strip' has been created. The submitted document *Land at Cushy Cow Lane, Ryton, Gateshead Transport Assessment* dated April 2016 ("the TA") states at paragraph 8.2 that "it is envisaged that there would be 45 homes proposed" in this part of GV6. However it is unclear how this would be achieved and whether a more efficient or suitable layout could be achieved by designing the site as a whole.
- 5.78 Whilst the detailed layout indicates the position of the required link road up to the site boundary there are no details to show that it is achievable and the impact on the layout on the remainder of the site.
- 5.79 Further, there is no delivery mechanism for securing the link road or indication as to when it would be provided, again weighing against the proposal in regard to its non-compliance with policies CS4 and GV6 of the CSUCP.
- 5.80 The proposed partial development of the site would also raise issues during construction. Paragraph 7.30 of the TA refers to discussions with the Council regarding a temporary site access directly onto the A695 to avoid the need for

lorries using Cushy Cow Lane/Stargate. Concerns regarding this approach have been expressed to the developer and at this stage no formal agreement on such an approach has been secured between the developer and the Council either as Planning or Highway Authority.

#### 5.81 Access

The two proposed accesses onto Cushy Cow Lane do not meet the Council's junction spacing standards. They are approximately 85m apart rather than 90m and the eastern access is approximately 25m from the junction opposite (Croft Close) rather than 40m. In this instance, it is considered that the proximity of the two accesses Cushy Cow Lane would not lead to a significant impact on highway safety.

#### 5.82 Layout

It is considered broadly that the internal layout is acceptable in highway terms, however the site needs to be designed as a self-enforcing 20mph zone although a number of features are proposed more would be required to make the development acceptable, this could be secured via a planning condition.

#### 5.83 Transport Assessment

It is considered that the TA submitted in support of the application is deficient/flawed for the following reasons:

- The TA does not consider the whole of GV6 in context but as two adjacent sites with no interaction between them which is considered as a flawed approach.
- Paragraph 1.7 of the TA states that the "main purposes of this TA are to review the accessibility of the site" however only part of the GV6 site is considered.
- Some of the walking distances to schools and other facilities in section 4 and Figure 6 of the TA have been underestimated.
- Whilst Figure 7 identifies a number of barriers to a number of walking routes, i.e. lack of drop crossings, no improvements are proposed beyond the immediate vicinity of the Cushy Cow frontage.
- The TA states at a number of paragraphs that the methodology, extent, timing of surveys, and other factors has been agreed with officers however no details are provided and there has been no formal Scoping Report agreed prior to the TA being undertaken.
- No assessment or adjustment has been carried out on the traffic surveys undertaken on 7th July 2015 however according to webtag guidance this is not considered a neutral month.
- The TA states at paragraph 7.4 that a "WYG representative attended site in AM Peak on Friday 24th May to observe existing operating conditions at the assessed junctions" however it is assumed this was actually Friday 22nd May 2015. If this is correct then according to webtag guidance this is also not considered a neutral period being the Friday before a Bank Holiday.
- Furthermore it is unclear how a single representative could simultaneously observe a number of disparate junctions unless it was for only part of the AM peak.

- The use of 2015 as a base year would need to be updated to reflect a more realistic commencement date for the development.
- Whilst the methodology for traffic distribution using the National Travel Survey (NTS) data is acceptable the NTS that was used was not the “most recently published” as stated in paragraph 5.3 of the TA. 2014 data would have been available at the time of writing the TA having been published in September 2015.
- Section 5 of the TA states that trip generation provides “a robust assessment” as it is based on 385 homes rather than 350 homes however as previously mentioned a further 45 homes are envisaged via the landlocked south eastern corner of the site.
- Section 8 of the TA entitled “Cumulative Impact” only addresses the western section of GV6, in part, and no other committed development.
- Paragraph 8.2 of TA states that “broadly the same methodology” was used for this element of the analysis however no details are provided.
- The proposed highway improvement on Stargate Lane is not considered feasible due to a plethora of street furniture on the eastern side of the road.

5.84 On this basis, it is considered insufficient information has been submitted in support of the application to allow an assessment to be made of the development wider highway impact. It therefore, cannot be concluded that the development would comply with the proposal would therefore be in accordance with policies GV6 and CS13 of the CSUCP or the NPPF.

#### 5.85 Interim Travel Plan

It is considered that interim travel plan is not sufficient to have a lasting influence on mode choice and as such further measures would be required, this could be conditioned.

#### 5.86 RESIDENTIAL AMENITY

The relevant considerations are the impact on residential amenity in terms of existing nearby properties and also for future residents of the proposed development.

#### 5.87 Impact on existing nearby properties

There are a number of existing residential properties that would be potentially affected by the development. These are properties located on Conway Close, Turner Close, Constable Close and to a lesser extent Grange View, Grange Drive and Cushy Cow Lane.

5.88 In regard to existing properties on Conway Close, whilst it is acknowledged that the outlook from these properties would change, officers have considered the impact on these properties carefully and it is considered that the separation distances existing and proposed houses from the proposed houses from rear windows to rear windows (minimum of 27 metres) and rear windows to gable ends (minimum 15 metres) would be acceptable and would not result in an unacceptable visual impact or loss of privacy to existing properties on Conway Close.

- 5.89 In regard to existing properties on Turner Close, officers have carefully considered the varied orientation of these properties with some of them located at a slightly oblique angle to the site. Again, whilst the outlook from these properties would change, it is considered that due to the separation distances to the proposed properties (minimum of 18.5 metres window to window) and the oblique angle would be sufficient to prevent any unacceptable visual impact or loss of privacy.
- 5.90 In regard to the properties located on Constable Gardens, officers have carefully considered the separation distances afforded (minimum of 21 metres window to window and 15.5 metres rear to gable) would be acceptable and would not result in an unacceptable visual impact or loss of privacy to existing properties on Constable Gardens.
- 5.91 With regard to Grange View, Grange Drive and Cushy Cow Lane it is considered that the separation distances and the intervening land use i.e. highway, is sufficient to ensure that existing residents would not be impacted upon by the development to an unacceptable degree.
- 5.92 Given the above, it is acknowledged that the development would alter the outlook of existing properties as it would introduce housing on land which has been open and undeveloped. However, it is considered that the layout of the development is such that it would not lead to an unacceptable visual impact or an unacceptable reduction in privacy to existing properties.
- 5.93 It is also acknowledged that the construction of the development would have a potential impact on nearby properties in terms of noise, disturbance and dust. Whilst these impacts cannot be avoided, it is considered that through the imposition of a planning condition for final construction control measures these impacts can be minimised to ensure no unacceptable impact on residential amenity.
- 5.94 It is therefore considered that the application would be in accordance with policy CS14 of the CSUCP and saved policy DC2 of the UDP.
- 5.95 Living conditions for future residents  
It is considered that the proposed layout of the development is adequate to ensure that the interface distances between proposed dwellings would ensure no unacceptable impact would occur.
- 5.96 Further, the proposed development would be located close to existing highway infrastructure and Stargate Industrial Estate to the south east of the application site, to this end a noise impact assessment has been submitted in support of the application. This noise impact assessment concludes that no unacceptable impact on future occupiers would occur as a result on ongoing activity (subject to appropriate mitigation measures, which could be conditioned). On this basis, it is considered that living conditions for future residents would be acceptable and the proposal would not conflict with policy CS14 of the CSUCP and saved policies ENV61 and DC2 of the UDP.

5.97 ARCHAEOLOGY

An archaeological assessment has been submitted with the application. The assessment concludes that the site is very unlikely to contain archaeological remains, and so will not require further archaeological work. Officers and the Tyne and Wear Archaeologist agree with these findings and therefore it is considered that the proposed development would not have a detrimental impact on any archaeological interests. The application would therefore not conflict with policy CS15 of the CSUCP and saved policies ENV21 and ENV22 of the UDP.

5.98 GROUND CONDITIONS AND COAL MINING

The findings of an intrusive site investigation, including boreholes and trial pits have been submitted with the application. The submitted report suggests that further investigation works are required. This requirement can be secured by planning condition. It is therefore considered that the proposed development would not cause unacceptable risk in terms of ground contamination to existing and future residents. The application would not conflict with policy CS14 of the CSUCP and saved policies ENV54 and DC1 of the UDP.

5.99 The Coal Authority have also been consulted on the application and recommend that a planning condition is imposed in line with the recommendations of the report for further intrusive site investigations to be undertaken prior to development in relation to the potential mine workings. Officers agree with this and subject to a planning condition the proposed development would not cause unacceptable risk from a ground stability perspective to existing and future residents. The application would not conflict with policy CS14 of the CSUCP and saved policies ENV54 and DC1 of the UDP.

5.100 CHILDRENS PLAY

The plans submitted with the application identify locations for play provision suitable for all age groups - toddler to teen in the northern part of the site and the north east corner of the site. It is considered that these locations are suitable given that they would be well overlooked with dwellings fronting on to them. The areas would also be highly accessible from all areas of the development.

5.101 Given the above, the proposed development would be in accordance with policies CS14 and GV2 of the CSUCP and saved policies H15, CFR28, CFR29 and CFR30 of the UDP.

5.102 ENERGY EFFICIENCY

The applicant is proposing that all dwellings would adopt a "fabric first" approach to energy efficiency. This will allow the development to meet the relevant requirements under the Building Regulations.

5.103 The phasing out of Code for Sustainable Homes (CSH) and the removal of zero carbon homes policy which would make it difficult to require energy efficiency standards above the level required for compliance under the building regulations.



- 5.104 In addition, the use of SuDS within the development would ensure that it was resilient to climate change. Whilst the development does not propose any specific renewable energy measures, it is considered that the potential energy efficiency measures would still contribute to carbon minimisation and therefore the application should not be refused on this ground.
- 5.105 Taking the above into consideration, whilst the proposed development would not fully meet the requirements in saved policies DC1 and MWR35 of the UDP, it would still be in accordance with the more up to date policy CS16 of the CSUCP as it still proposes measures to achieve a high level of energy efficiency but these would be secured through the building regulations and the use of SuDS would further ensure that the development was resilient to climate change.
- 5.106 Given the above, it is considered that the development would still deliver a high level of energy efficiency, carbon minimisation and resilience to climate change and is considered to be acceptable on this basis.
- 5.107 **EDUCATION CONTRIBUTIONS**  
Policy GV6 of the CSUCP requires that development contributes to local primary school provision. Policy DEL1 requires new development to be made acceptable through the provision of necessary infrastructure.
- 5.108 In this case, the applicant is proposing a contribution towards local primary schools, through an appropriate CIL payment.
- 5.109 Subject to this, the proposal would be in accordance with policies GV2 and DEL1 of the CSUCP.
- 5.110 **OTHER MATTERS**  
In regard to the representations received relating to insufficient GP and dental places and facilities in the area, the site was allocated for housing following an Examination in Public (EIP). No concerns were raised from the NHS Clinical Care Commissioning Group to this allocation. It is not considered that this issue would justify a refusal of planning permission.
- 5.111 In regard to concerns that the site is in close proximity to a proposed landfill site and that there are alternative brownfield sites, these matters were considered at the Examination in Public and ultimately it was considered that the site was suitable for residential development and allocated in the CSUCP.
- 5.112 It is considered that all the other issues raised from the representations have been covered elsewhere in the report.

## **6.0 CONCLUSION**

- 6.1 The site is allocated in the CSUCP for residential development and therefore the principle of the development is clearly acceptable in principle. This said, the proposals are in direct conflict with CS4 (2)(i and ii) that specifies that allocated growth areas should be carried out in accordance with approved masterplans and delivery plans. Further, they conflict with policy GV6.

- 6.2 Section 38(6) of the Planning and Compulsory Purchase Act 2004 sets out that decisions under the planning acts must be taken in accordance with the development plan unless there are material considerations that indicate otherwise. In this case, it is considered that no material considerations exist that would weigh sufficiently in favour of the development plan so as to allow the approval of consent.
- 6.3 Officers also have several concerns regarding the design of the proposed development and its impact on the character and appearance of the area. In regard to these issues, the proposed development would clearly be contrary the NPPF, policy CS15 of the CSUCP and saved policy ENV3 of the UDP.
- 6.4 Further, the development has failed to make adequate compensation for the directly loss of priority habitat. In regard to these issues, the proposed development would clearly be contrary to policies GV6, CS18, DC1(d), ENV44, ENV46, ENV47 and ENV49.
- 6.5 Given the above, it is recommended that planning permission be refused for the following reasons.

## **7.0 Recommendation:**

That permission be REFUSED for the following reason(s):

1

The submitted masterplan document fails to demonstrate how the wider development across the (GV6) allocation will be secured; the application as submitted fails to demonstrate a phased and coordinated approach to development in line with policies CS4 and GV6 of the CSUCP as it does not comply with the fundamental requirement to provide (for approval) a deliverable masterplan and phasing plan.

2

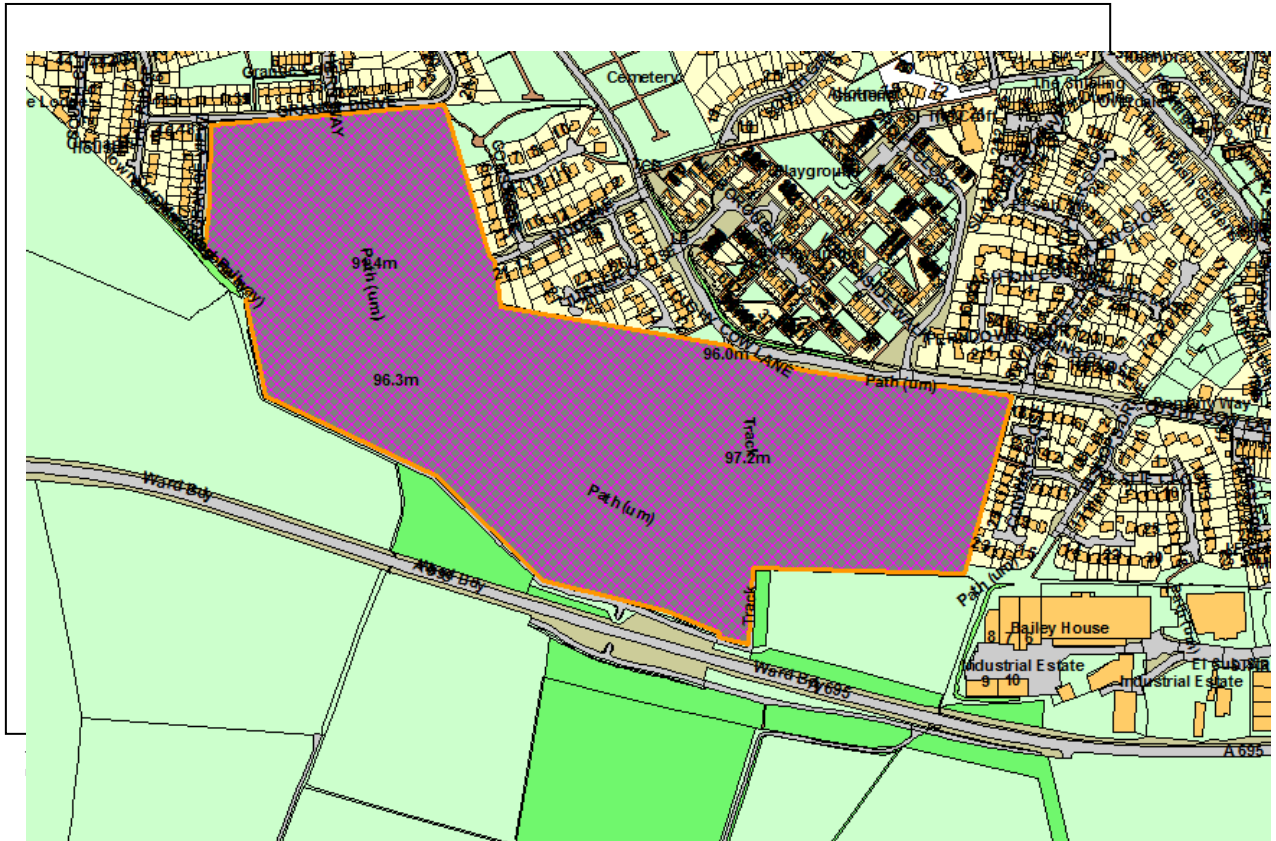
The proposed development due to its form and layout would fail to take opportunities to improve the quality of the area in which it would be located. The proposal would therefore be of poor design which would be harmful to the character and appearance of the area and would be contrary to the NPPF, policies GV6 and CS15 of the CSUCP and saved policy ENV3 of the UDP.

3

The development has failed to provide for adequate or appropriate compensation for the direct loss of habitat as required by location and national policy. The development is considered to conflict directly with the requirements of the NPPF, UDP policies DC1, ENV46 and ENV47 and Policy CS18 of the CSUCP.

4

Insufficient information has been submitted to allow the Council to consider whether the proposal is acceptable from a highway perspective, in accordance with the aims and objectives of the NPPF and Policies CS13, CS4 and GV6 of the Council's CSUCP.



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**MINOR UPDATE**

<b>Application No:</b>	<b>DC/16/00320/FUL</b>
<b>Site:</b>	<b>Land To The South Of Cushy Cow Lane Ryton Tyne &amp; Wear</b>
<b>Proposal:</b>	<b>Full planning application for 350 dwellings including associated access, infrastructure and open space.</b>
<b>Ward:</b>	<b>Ryton Crookhill And Stella</b>
<b>Recommendation:</b>	<b>Refuse Permission</b>
<b>Application Type</b>	<b>Full Application</b>

**Reason for Minor Update****Amended recommendation wording**

Following the publication of the main Agenda, the Applicant has submitted additional information (in the form of a letter) to the LPA. The letter is signed by both developers (Bellway and Taylor Wimpy).

The letter indicates that both companies are now committed to a 'joint masterplan' and issues which had previously prevented the production of such a document have been resolved e.g. completion of technical work.

The letter submitted to the LPA indicates that a joint masterplan will be submitted to the LPA no later than 01 May 2017.

Officers are of the view that the commitment offered by both developers should be afforded weight in the assessment of the application. On this basis, the application should be deferred to allow further consideration to be given to the content of the letter.

**SEE MAIN AGENDA FOR OFFICERS REPORT.**

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## REPORT NO 3

**Committee Report**

<b>Application No:</b>	<b>DC/16/01121/NMA</b>
<b>Case Officer</b>	<b>Tracy Long</b>
<b>Date Application Valid</b>	<b>17 October 2016</b>
<b>Applicant</b>	<b>Spenhill Developments Ltd</b>
<b>Site:</b>	<b>Trinity Square Gateshead Tyne And Wear NE8 1BU</b>
<b>Ward:</b>	<b>Bridges</b>
<b>Proposal:</b>	<b>Proposed non-material amendment of application DC/12/00999/FUL to allow amendment of Car Park Management Plan to allow installation of new charging terminals to replace existing Parkeon system.</b>
<b>Recommendation:</b>	<b>REFUSE</b>
<b>Application Type</b>	<b>Non Material Amendment</b>

**1.0 The Application:****1.1 DESCRIPTION OF APPLICATION SITE**

The application site is the Trinity Square development in Gateshead Town Centre. Trinity Square is a mixed use development with retail including a Tesco store, offices, leisure and student accommodation. Planning permission was granted for the Trinity Square development in February 2011. The first element of the scheme the Tesco store and Trinity Square car park opened in May 2013. The majority of the scheme has now been let and is occupied except for the office block on West Street and some ground floor commercial units along High Street and West Street. The Trinity Square development is bounded by Lambton Street/Nelson Street to the north, High Street to the east, Jackson Street to the south and West Street to the west.

**1.2 DESCRIPTION OF APPLICATION**

1.3 This is a Non Material Amendment (NMA) application. The application proposes an amendment of planning application DC/12/00999/FUL (which relates to the main Trinity Square development) to allow changes to the approved car park management plan.

**1.4 BACKGROUND INFORMATION**

1.5 When the planning permission was granted for the Trinity Square development this was subject to a number of planning conditions and a section 106 agreement. Some of these planning conditions required a car park management plan (CPMP) including the car park charging regime for the car park areas to be submitted to and approved in writing by the Local Planning Authority, prior to any part of the development being occupied.

- 1.6 It was therefore expected as required by these planning conditions that car park charging would be introduced in the Trinity Square car park when the first part of the development (the Tesco Store) opened in May 2013.
- 1.7 Car park payment machines were installed and operational in the car park when the Tesco store opened in May 2013. However Spenhill advised that the payment machines were complicated to use and proposed that alternative machines should be installed. Although the Council considered that the original machines were perfectly adequate and that customers would soon learn how to use them, the Council nevertheless agreed with Spenhill to delay the re-introduction of car park charging at Trinity Square for a short period while different payment machines were being trialled.
- 1.8 The trigger for the introduction of car park charging at the Trinity Square car parks is in the car park management plan approved under the car park management plan conditions ( in this instance planning condition 95 of planning permission DC/12/00999/FUL).
- 1.9 The approved CPMP (revision 18 dated 20 Dec 2013) requires that a car park charging regime and associated payment machines be implemented for the Trinity Square car park by 28 March 2014, unless an alternative date is agreed in writing beforehand by the Council.
- 1.10 The Council did not agree to an alternative date however despite the above currently there is still no car park charging regime operating in the Trinity Square car park, so the car parking is currently free. The original car park payment machines remain in situ.
- 1.11 Planning condition 95 of planning permission DC/12/00999/FUL reads :
- “No part of the development shall be occupied until details of a car park management plan for the sub basement car park has been submitted to and approved in writing by the Local Planning Authority. The plan shall demonstrate how the car parking spaces allocated to this development within the sub basement car park will be managed, including the management arrangements for student drop off / pick up at the start and end of academic terms, the charging regime and hours of operation. At all times thereafter, the use of the sub basement car park shall be in accordance with the approved management plan.
- Reason  
In the interests of effective use of the car parks in accordance with Policies in the NPPF and Policy DC4 of the Unitary Development Plan.”
- 1.12 The applicant has stated that the wording of this condition does not allow for the Car Park Management Plan to be reviewed and updated.
- 1.13 Council officers never intended for the CPMP to be fixed in perpetuity and it was designed to be flexible with the ability to be varied to reflect and respond to any



changes in circumstances. At the end of the approved CPMP there is a section which specifically relates to variation arrangements and states that the CPMP should be reviewed and if necessary adjusted to reflect and respond to any changes in circumstances.

1.14 The applicant has therefore submitted this non material amendment application as a mechanism to amend the approved Car Park Management Plan (revision 18 dated 20/12/2013) associated with planning permission DC/12/000999/FUL.

1.15 The applicant has explained in their covering letter that the revised car park management plan (revision 19 dated 17 October 2016) will allow the installation of new charging terminals to replace the existing Parkeon system.

1.16 The revised Car Park Management Plan submitted as part of this NMA application (revision 19 dated 17 October 2016) states that :

" The car park machines will be replaced with an appropriate replacement pay machine. The chosen machines being capable of fulfilling the requirements of the CPMP and planning conditions. The replacement machines will be in place and the charging regime operation as soon as possible and in line with the Implementation Plan in Appendix 7."

1.17 Appendix 7 in the approved CPMP (revision 18 dated 20 December 2013) provided details of the Parkeon ANPR car park system. This has been replaced in the submitted CPMP (revision 19 dated 17 October 2016) with an implementation Plan.

1.18 This non material amendment application has been submitted with the following information :

- Application Form
- Covering Letter
- Revised Car Park Management Plan (Revision 19 dated 17/10/16)

1.19 RELEVANT PLANNING HISTORY

1.20 Original Hybrid Planning Permission : DC/10/00712/FUL  
Full planning application for mixed use development comprising retail (A1), financial and professional (A2), restaurants and cafes (A3), drinking establishments (A4), hot food take aways (A5), shopmobility unit (sui generis), supermarket (A1), offices (B1), student accommodation and ancillary facilities (C1), car parking and access, public square, landscaping and associated works with outline application for a range of uses to include A1/A2/A3/A4/B1/D1 (Residential Institutions)/ C1 (Hotels).

1.21 This hybrid planning application was granted planning permission in February 2011, subject to 97 planning conditions and a section 106 agreement. The section 106 agreement relates to a number of transport measures and highway

improvements as well as the provision of local employment opportunities. The development is now built and the town centre car park, Tesco store and retail units opened in May 2013. The student accommodation was occupied in September 2014.

- 1.22 The outline element of this hybrid planning application has now been replaced by a full planning permission for a cinema development see planning permission DC/12/00356/FUL below.
- 1.23 PCT Planning Permission : DC/11/00929/FUL  
Erection of Primary Care Trust unit with associated car parking and access works. This planning application replaces four retail units along West Street which were granted permission under the original planning permission (DC/10/00712/FUL) with a Primary Care Trust unit. This planning application was granted planning permission in November 2011, subject to 26 planning conditions and a section 106 agreement. The section 106 agreement ties this standalone PCT planning permission to the wider Trinity Square planning permission to avoid any conflict between the two planning permissions. The PCT building opened in April 2013.
- 1.24 Cinema Planning Permission : DC/12/00356/FUL  
Proposed Cinema. This planning application replaces the outline block which had a range of possible uses, which was granted permission under the original hybrid planning permission (DC/10/00712/FUL). This planning application was granted planning permission in May 2012 subject to 18 planning conditions and a section 106 agreement. The section 106 agreement ties this standalone cinema planning permission to the wider Trinity Square planning permission to avoid any conflict between the two planning permissions. The cinema building opened at the end of 2013.
- 1.25 DC/12/00999/FUL  
Section 73 planning application to remove planning condition 42 (cycle works on Swinburne Street) and planning condition 59 (bus lane through Bensham Road roundabout) from the original hybrid planning application (ref : DC/10/00712/FUL). This planning application was granted planning permission in February 2013, subject to a number of planning conditions and a section 106 agreement. The section 106 agreement is a deed of variation to ensure that the new planning permission resulting from this section 73 planning application is bound by the obligations contained in the original section 106 agreement as varied.
- 1.26 DC/14/00339/FUL, DC/14/00340/FUL, DC/14/00341/FUL  
Three section 73 planning applications which proposed to vary the approved car park management plans by deferring the introduction of car park charging at Trinity Square based on vacancy levels. These three applications were considered by Planning Committee on 17 February 2017 where Members resolved to refuse planning permission as insufficient evidence had been submitted to demonstrate a viability reason why car park charges should not be introduced.

#### 1.27 Other Applications

There are a number of other applications relating to the Trinity Square development including a number of Non Material Amendment (NMA) applications to change the wording of some planning conditions, applications to make changes to the design of the scheme, as well as a number of advertisement applications for proposed signage. However these other applications are not considered to be relevant to the consideration of this current NMA application.

- 1.28 A separate non material amendment application (ref : DC/16/01125/NMA) has also been submitted which proposes amendments to planning permission DC/12/00356/FUL (which is the cinema element of the Trinity Square development) to allow changes to the approved car park management plan. This NMA application is on the same agenda and is being considered at the same time as this current NMA application.

### 2.0 Consultation Responses:

None

### 3.0 Representations:

- 3.1 No neighbour notification letters were sent out by Council for this application as it is a non material amendment application. The applicant is not the sole owner of the site. The agent therefore notified the parties who have a legal interest in the site about this application on 17 October 2016. No representations have been received.

### 4.0 Policies:

UC10 Car Parking

NPPG National Planning Practice Guidance

NPPF National Planning Policy Framework

CS13 Transport

### 5.0 Assessment of the Proposal:

- 5.1 From 1 October 2009 a new provision under Section 96A of the Town and Country Planning Act came into force allowing a Local Planning Authority (LPA), on application, to make a change to any planning permission if it is satisfied that the amendment proposed is non material.
- 5.2 There is no statutory definition of "non material". This is because it is dependent on the context of the overall scheme, as what may be non material in one context may be material in another. The Local Planning Authority (LPA) must be satisfied that the amendment sought is non material in order to grant a non material application.

- 5.3 The key test as to the acceptability of an application for a non material change is whether the change is material to any development plan policy.
- 5.4 If the answer is 'no', three further tests will be applied:
1. Is the proposed change significant in terms of its scale (magnitude, degree etc.) in relation to the original approval?
  2. Would the proposed change result in a detrimental impact either visually or in terms of amenity?
  3. Would the interests of any third party or body who participated in or were informed of the original decision be disadvantaged in any way?
- 5.5 When making a decision on a NMA application LPA's must have regard to the effect of the change, together with any previous changes. The LPA must also take into account any representations made by anyone notified.
- 5.6 Council officers consider that the proposed amendment to the approved car park management plan is a material amendment, as it would alter the nature of the car park charging regime, which would be contrary to policies CS13 and UC10 of the Council's Core Strategy and Urban Core Plan which seek to introduce car park charging to promote short stay or long stay parking. In addition Council officers are of the opinion that the proposed amendment would conflict with the provision of the existing planning condition and approved car park management plan.
- 5.7 The proposed car park management plan (revision 19) does not include a specific date by which car park charging will be introduced. The submitted CPMP therefore does not provide or include any certainty of when the car park charging would be re-introduced, so it is not clear, precise or enforceable.
- 5.8 Council officers also consider that a non material amendment application is not the correct legal mechanism to review and approve a revised car park management plan. The decision of a NMA application only relates to the non material amendments sought. It is not a reissue of the original planning permission, which still stands. The approval of a NMA application is read together with the original planning permission. So this could result in the approval of two car park management plans - revision 18 and revision 19, with no certainty which CPMP would be implemented.
- 5.9 It is therefore recommended that this NMA application be refused as the proposed changes in the revised Car Park Management Plan (revision 19) are considered to be material.
- 5.10 Should the applicant wish to update the approved car park management plan to allow a revised date for the car park charging regime to be re-introduced Council officers consider that a more appropriate mechanism would be to firstly submit a non material amendment application to vary the wording of the condition so it allows the approved car park management plan to be reviewed and updated. If such a non material amendment is approved then a revised CPMP could then be submitted for consideration under this condition.

## 6.0 CONCLUSION

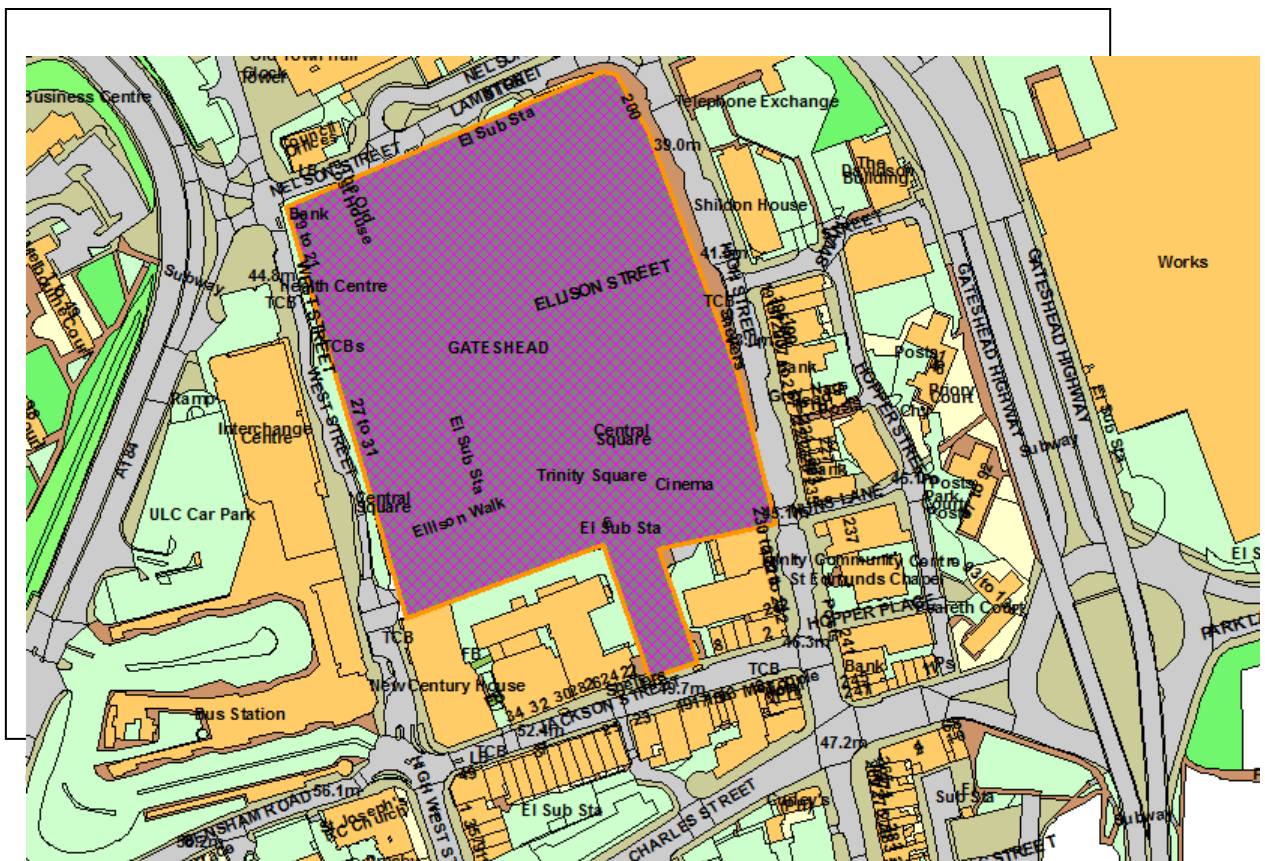
- 6.1 The key question for the determination of this current non material amendment application is whether the proposed amendment to the approved CPMP is material or not.
- 6.2 It is recommended that this NMA application is refused as Council officers consider that the proposed amendments to the approved CPMP are material.

### Recommendation:

That this application be REFUSED for the following reason(s):

1

The non material application is refused as the proposed amendment to the approved car park management plan would result in a material change.



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**MINOR UPDATE**

<b>Application No:</b>	<b>DC/16/01121/NMA</b>
<b>Site:</b>	<b>Trinity Square Gateshead Tyne And Wear NE8 1BU</b>
<b>Proposal:</b>	<b>Proposed non-material amendment of application DC/12/00999/FUL to allow amendment of Car Park Management Plan to allow installation of new charging terminals to replace existing Parkeon system.</b>
<b>Ward:</b>	<b>Bridges</b>
<b>Recommendation:</b>	<b>Refuse Permission</b>
<b>Application Type</b>	<b>Non Material Amendment</b>

**Reason for Minor Update**

Application has been withdrawn in accordance with the e-mail from the agent dated 27 March 2017.

**SEE MAIN AGENDA FOR OFFICERS REPORT.**

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**REPORT NO 4****Committee Report**

<b>Application No:</b>	<b>DC/16/01125/NMA</b>
<b>Case Officer</b>	<b>Tracy Long</b>
<b>Date Application Valid</b>	<b>17 October 2016</b>
<b>Applicant</b>	<b>SpenHill Developments Limited</b>
<b>Site:</b>	<b>Trinity Square Gateshead Tyne And Wear NE8 1BU</b>
<b>Ward:</b>	<b>Bridges</b>
<b>Proposal:</b>	<b>Proposed non-material amendment of application DC/12/00356/FUL to allow amendment of Car Park Management Plan to allow installation of new charging terminals to replace existing Parkeon system.</b>
<b>Recommendation:</b>	<b>REFUSE</b>
<b>Application Type</b>	<b>Non Material Amendment</b>

**1.0 The Application:****1.1 DESCRIPTION OF APPLICATION SITE**

The application site is the Trinity Square development in Gateshead Town Centre. Trinity Square is a mixed use development with retail including a Tesco store, offices, leisure and student accommodation. Planning permission was granted for the Trinity Square development in February 2011. The first element of the scheme the Tesco store and Trinity Square car park opened in May 2013. The majority of the scheme has now been let and is occupied except for the office block on West Street and some ground floor commercial units along High Street and West Street. The Trinity Square development is bounded by Lambton Street/Nelson Street to the north, High Street to the east, Jackson Street to the south and West Street to the west.

**1.2 DESCRIPTION OF APPLICATION**

1.3 This is a Non Material Amendment (NMA) application. The application proposes an amendment of planning application DC/12/00356/FUL (which relates to the Cinema element of the Trinity Square development) to allow changes to the approved car park management plan.

**1.4 BACKGROUND INFORMATION**

1.5 When the planning permission was granted for the Trinity Square development this was subject to a number of planning conditions and a section 106 agreement. Some of these planning conditions required a car park management plan (CPMP) including the car park charging regime for the car park areas to be submitted to and approved in writing by the Local Planning Authority, prior to any part of the development being occupied.

- 1.6 It was therefore expected as required by these planning conditions that car park charging would be introduced in the Trinity Square car park when the first part of the development (the Tesco Store) opened in May 2013.
- 1.7 Car park payment machines were installed and operational in the car park when the Tesco store opened in May 2013. However Spenhill advised that the payment machines were complicated to use and proposed that alternative machines should be installed. Although the Council considered that the original machines were perfectly adequate and that customers would soon learn how to use them, the Council nevertheless agreed with Spenhill to delay the re-introduction of car park charging at Trinity Square for a short period while different payment machines were being trialled.
- 1.8 The trigger for the introduction of car park charging at the Trinity Square car parks is in the car park management plan approved under the car park management plan conditions ( in this instance planning condition 6 of planning permission DC/12/00356/FUL).
- 1.9 The approved CPMP (revision 18 dated 20 Dec 2013) requires that a car park charging regime and associated payment machines be implemented for the Trinity Square car park by 28 March 2014, unless an alternative date is agreed in writing beforehand by the Council.
- 1.10 The Council did not agree to an alternative date however despite the above currently there is still no car park charging regime operating in the Trinity Square car park, so the car parking is currently free. The original car park payment machines remain in situ.
- 1.11 Planning condition 6 of planning permission DC/12/00356/FUL reads :
- "No part of the development hereby approved shall be occupied until details of a car park management plan for the Trinity Square basement car park has been submitted to and approved in writing by the Local Planning Authority. The plan shall demonstrate how the car parking spaces within the basement car park will be managed, including the charging regime and hours of operation. At all times thereafter, the use of the basement car park shall be in accordance with the approved management plan.
- Reason  
In the interests of effective use of the car parks, in accordance with Policy DC4 of the Unitary Development Plan."
- 1.12 The applicant has stated that the wording of this condition does not allow for the Car Park Management Plan to be reviewed and updated.
- 1.13 Council officers never intended for the CPMP to be fixed in perpetuity and it was designed to be flexible with the ability to be varied to reflect and respond to any changes in circumstances. At the end of the approved CPMP there is a section which specifically relates to variation arrangements and states that the CPMP

should be reviewed and if necessary adjusted to reflect and respond to any changes in circumstances.

- 1.14 The applicant has therefore submitted this non material amendment application as a mechanism to amend the approved Car Park Management Plan (revision 18 dated 20/12/2013) associated with planning permission DC/12/000365/FUL.
- 1.15 The applicant has explained in their covering letter that the revised car park management plan (revision 19 dated 17 October 2016) will allow the installation of new charging terminals to replace the existing Parkeon system.
- 1.16 The revised Car Park Management Plan submitted as part of this NMA application (revision 19 dated 17 October 2016) states that :
- " The car park machines will be replaced with an appropriate replacement pay machine. The chosen machines being capable of fulfilling the requirements of the CPMP and planning conditions. The replacement machines will be in place and the charging regime operation as soon as possible and in line with the Implementation Plan in Appendix 7."
- 1.17 Appendix 7 in the approved CPMP (revision 18 dated 20 December 2013) provided details of the Parkeon ANPR car park system. This has been replaced in the submitted CPMP (revision 19 dated 17 October 2016) with an implementation Plan.
- 1.18 This non material amendment application has been submitted with the following information :
- Application Form
  - Covering Letter
  - Revised Car Park Management Plan (Revision 19 dated 17/10/16)
- 1.19 RELEVANT PLANNING HISTORY
- 1.20 Original Hybrid Planning Permission : DC/10/00712/FUL  
Full planning application for mixed use development comprising retail (A1), financial and professional (A2), restaurants and cafes (A3), drinking establishments (A4), hot food take aways (A5), shopmobility unit (sui generis), supermarket (A1), offices (B1), student accommodation and ancillary facilities (C1), car parking and access, public square, landscaping and associated works with outline application for a range of uses to include A1/A2/A3/A4/B1/D1 (Residential Institutions)/ C1 (Hotels).
- 1.21 This hybrid planning application was granted planning permission in February 2011, subject to 97 planning conditions and a section 106 agreement. The section 106 agreement relates to a number of transport measures and highway improvements as well as the provision of local employment opportunities. The development is now built and the town centre car park, Tesco store and retail

units opened in May 2013. The student accommodation was occupied in September 2014.

- 1.22 The outline element of this hybrid planning application has now been replaced by a full planning permission for a cinema development see planning permission DC/12/00356/FUL below.
- 1.23 PCT Planning Permission : DC/11/00929/FUL  
Erection of Primary Care Trust unit with associated car parking and access works. This planning application replaces four retail units along West Street which were granted permission under the original planning permission (DC/10/00712/FUL) with a Primary Care Trust unit. This planning application was granted planning permission in November 2011, subject to 26 planning conditions and a section 106 agreement. The section 106 agreement ties this standalone PCT planning permission to the wider Trinity Square planning permission to avoid any conflict between the two planning permissions. The PCT building opened in April 2013.
- 1.24 Cinema Planning Permission : DC/12/00356/FUL  
Proposed Cinema. This planning application replaces the outline block which had a range of possible uses, which was granted permission under the original hybrid planning permission (DC/10/00712/FUL). This planning application was granted planning permission in May 2012 subject to 18 planning conditions and a section 106 agreement. The section 106 agreement ties this standalone cinema planning permission to the wider Trinity Square planning permission to avoid any conflict between the two planning permissions. The cinema building opened at the end of 2013.
- 1.25 DC/12/00999/FUL  
Section 73 planning application to remove planning condition 42 (cycle works on Swinburne Street) and planning condition 59 (bus lane through Bensham Road roundabout) from the original hybrid planning application (ref : DC/10/00712/FUL). This planning application was granted planning permission in February 2013, subject to a number of planning conditions and a section 106 agreement. The section 106 agreement is a deed of variation to ensure that the new planning permission resulting from this section 73 planning application is bound by the obligations contained in the original section 106 agreement as varied.
- 1.26 DC/14/00339/FUL, DC/14/00340/FUL, DC/14/00341/FUL  
Three section 73 planning applications which proposed to vary the approved car park management plans by deferring the introduction of car park charging at Trinity Square based on vacancy levels. These three applications were considered by Planning Committee on 17 February 2017 where Members resolved to refuse planning permission as insufficient evidence had been submitted to demonstrate a viability reason why car park charges should not be introduced.

### 1.27 Other Applications

There are a number of other applications relating to the Trinity Square development including a number of Non Material Amendment (NMA) applications to change the wording of some planning conditions, applications to make changes to the design of the scheme, as well as a number of advertisement applications for proposed signage. However these other applications are not considered to be relevant to the consideration of this current NMA application.

- 1.28 A separate non material amendment application (ref : DC/16/01121/NMA) has also been submitted which proposes amendments to planning permission DC/12/00999/FUL (which is the main Trinity Square planning permission) to allow changes to the approved car park management plan. This NMA application is on the same agenda and is being considered at the same time as this current NMA application.

## 2.0 Consultation Responses:

None

## 3.0 Representations:

- 3.1 No neighbour notification letters were sent out by Council for this application as it is a non material amendment application. The applicant is not the sole owner of the site. The agent therefore notified the parties who have a legal interest in the site about this application on 17 October 2016. No representations have been received.

## 4.0 Policies:

UC10 Car Parking

NPPF National Planning Policy Framework

NPPG National Planning Practice Guidance

CS13 Transport

## 5.0 Assessment of the Proposal:

- 5.1 From 1 October 2009 a new provision under Section 96A of the Town and Country Planning Act came into force allowing a Local Planning Authority (LPA), on application, to make a change to any planning permission if it is satisfied that the amendment proposed is non material.
- 5.2 There is no statutory definition of "non material". This is because it is dependent on the context of the overall scheme, as what may be non material in one context may be material in another. The Local Planning Authority (LPA) must be satisfied that the amendment sought is non material in order to grant a non material application.

- 5.3 The key test as to the acceptability of an application for a non material change is whether the change is material to any development plan policy.
- 5.4 If the answer is 'no', three further tests will be applied:
1. Is the proposed change significant in terms of its scale (magnitude, degree etc.) in relation to the original approval?
  2. Would the proposed change result in a detrimental impact either visually or in terms of amenity?
  3. Would the interests of any third party or body who participated in or were informed of the original decision be disadvantaged in any way?
- 5.5 When making a decision on a NMA application LPA's must have regard to the effect of the change, together with any previous changes. The LPA must also take into account any representations made by anyone notified.
- 5.6 Council officers consider that the proposed amendment to the approved car park management plan is a material amendment, as it would alter the nature of the car park charging regime, which would be contrary to policies CS13 and UC10 of the Council's Core Strategy and Urban Core Plan which seek to introduce car park charging to promote short stay or long stay parking. In addition Council officers are of the opinion that the proposed amendment would conflict with the provision of the existing planning condition and approved car park management plan.
- 5.7 The proposed car park management plan (revision 19) does not include a specific date by which car park charging will be introduced. The submitted CPMP therefore does not provide or include any certainty of when the car park charging would be re-introduced, so it is not clear, precise or enforceable.
- 5.8 Council officers also consider that a non material amendment application is not the correct legal mechanism to review and approve a revised car park management plan. The decision of a NMA application only relates to the non material amendments sought. It is not a reissue of the original planning permission, which still stands. The approval of a NMA application is read together with the original planning permission. So this could result in the approval of two car park management plans - revision 18 and revision 19, with no certainty which CPMP would be implemented.
- 5.9 It is therefore recommended that this NMA application be refused as the proposed changes in the revised Car Park Management Plan (revision 19) are considered to be material.
- 5.10 Should the applicant wish to update the approved car park management plan to allow a revised date for the car park charging regime to be re-introduced Council officers consider that a more appropriate mechanism would be to firstly submit a non material amendment application to vary the wording of the condition so it allows the approved car park management plan to be reviewed

and updated. If such a non material amendment is approved then a revised CPMP could then be submitted for consideration under this condition.

## 6.0 CONCLUSION

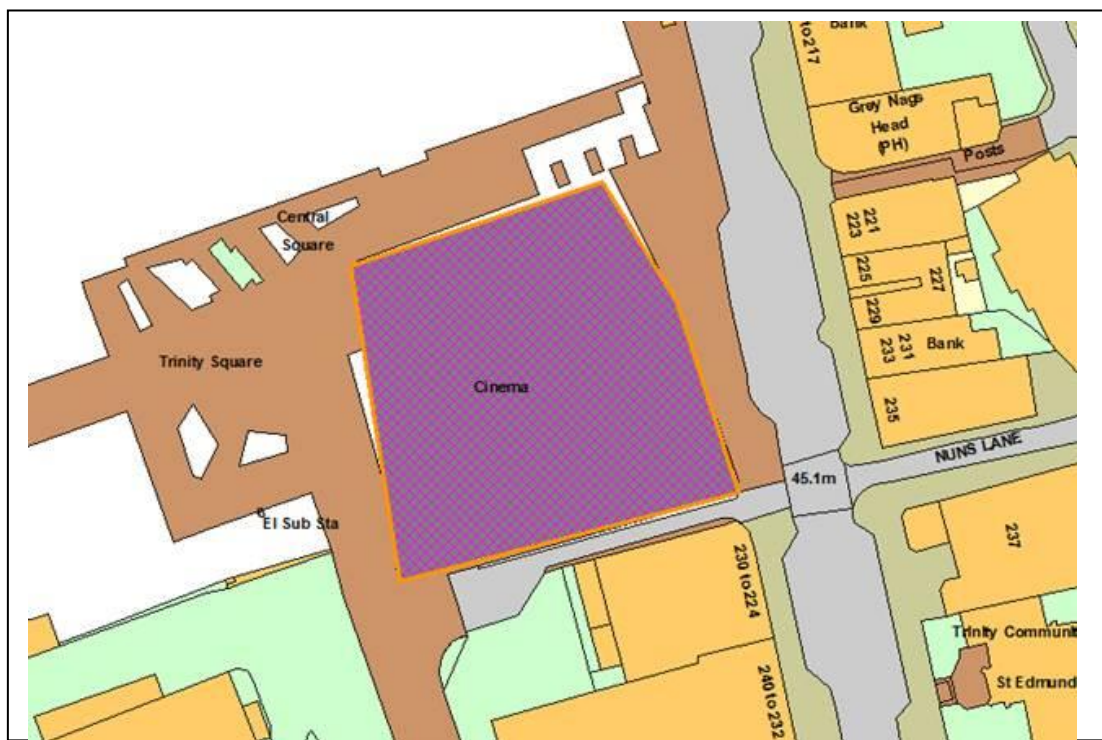
- 6.1 The key question for the determination of this current non material amendment application is whether the proposed amendment to the approved CPMP is material or not.
- 6.2 It is recommended that this NMA application is refused as Council officers consider that the proposed amendments to the approved CPMP are material.

### Recommendation:

That this application be REFUSED for the following reason(s):

1

The non material application is refused as the proposed amendment to the approved car park management plan would result in a material change.



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**MINOR UPDATE**

<b>Application No:</b>	<b>DC/16/01125/NMA</b>
<b>Site:</b>	<b>Trinity Square Gateshead Tyne And Wear NE8 1BU</b>
<b>Proposal:</b>	<b>Proposed non-material amendment of application DC/12/00356/FUL to allow amendment of Car Park Management Plan to allow installation of new charging terminals to replace existing Parkeon system.</b>
<b>Ward:</b>	<b>Bridges</b>
<b>Recommendation:</b>	<b>Refuse Permission</b>
<b>Application Type</b>	<b>Non Material Amendment</b>

**Reason for Minor Update**

Application has been withdrawn in accordance with the e-mail from the agent dated 27 March 2017.

**SEE MAIN AGENDA FOR OFFICERS REPORT.**

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## REPORT NO 5

### Committee Report

<b>Application No:</b>	<b>DC/16/01182/FUL</b>
<b>Case Officer</b>	<b>Joanne Munton</b>
<b>Date Application Valid</b>	<b>21 November 2016</b>
<b>Applicant</b>	<b>ISM Properties Ltd</b>
<b>Site:</b>	<b>Land At Ellison Terrace Greenside Ryton NE40 4BL</b>
<b>Ward:</b>	<b>Crawcrook And Greenside</b>
<b>Proposal:</b>	<b>Construction of three houses with parking area (amended 16/02/17 and 08/03/17 and description amended 14.03.2017).</b>
<b>Recommendation:</b>	<b>GRANT</b>
<b>Application Type</b>	<b>Full Application</b>

### 1.0 The Application:

#### 1.1 DESCRIPTION OF THE SITE

The site is located between allotment gardens and Rockwood Hill Road to the north, and between Ivy House and the western end of Ellison Terrace. It directly faces two pairs of 1930s semi-detached houses on the northern side of Rockwood Hill Road in Greenside. These are constructed of red brick and have slate roofs, and sit at a higher level to the application site. Ellison Terrace is also built of red brick and stone. Ivy House is an older property, of stone and slate, and stone boundary walls form a distinctive feature of both the application site and the adjoining area.

- 1.2 The site is wider at the eastern end, stepping in further west to accommodate a garage to the south, which is not part of the application site. The site had previously contained a stone building/barn, which has now been cleared. There is an existing garage building on site.

- 1.3 Access is currently via a gate (wide enough for vehicles) at the western end of the site on Rockwood Hill Road, where there is a dropped kerb.

#### 1.4 DESCRIPTION OF THE APPLICATION

The submitted site layout indicates the removal of existing buildings on the site and the construction of three dwellings in terrace form, 2.5 storeys high with rooms in the roof. Plans show dormers to the rear and rooflights to the front to allow more useable space in the roof void.

- 1.5 Each dwelling would have three bedrooms, a separate study, kitchen and dining/family room, and a separate living room. Additionally, there would be garden areas to the rear (south) of the site and an area to the south east of the site for cycle and bin storage. Plans show the scheme to provide one parking

space per dwelling and parking provision would be at the western end of the site, and the vehicle access is proposed to be relocated further east.

- 1.6 The dwellings are proposed to be constructed of red brick (Furness 'Weathered Red'), natural slate and with stone cills and heads on principal (north) elevation and both gables.

1.7 RELEVANT PLANNING HISTORY

- 1.8 DC/14/00186/OUT - Erection of detached dwellinghouse with associated garage (outline with all matters reserved apart from access) (additional info received 28/04/14) - Granted 11.08.2014

DC/10/01193/OUT- Extension of time for implementation of planning permission DC/06/01788/OUT for the erection of detached dwellinghouse with associated garage (use class C3) - Granted 14.01.2011

DC/06/01788/OUT - Erection of detached dwellinghouse with associated garage (use class C3) - Granted 14.01.08

**2.0 Consultation Responses:**

Coal Authority                      Condition recommended

Northumbrian Water              Advice provided

**3.0 Representations:**

Neighbour notifications were carried out in accordance with formal procedures introduced in the Town and Country Planning (Development Management Procedure) Order 2015.

Objections were received from Councillor Graham and Councillor Haran and the Councillors also requested that the application be reported to Planning Committee:

- The proposal is too large for the site;
- Impact on traffic movement due to existing on street parking.

Four objections were received from residents:

- Loss of privacy;
- Impact on parking;
- Overdevelopment of the site;
- Insufficient parking provision;
- Impact on off-street parking provision;
- Proposed materials inappropriate;
- Impact on bats and/or barn owls;
- Inappropriate height of proposed dwellings;

- Retained access to boundary fence at Ivy House.

#### **4.0 Policies:**

NPPG National Planning Practice Guidance

NPPF National Planning Policy Framework

H4 Windfall and Small Housing Sites

H5 Housing Choice

CFR20 Local Open Space

CFR28 Toddlers' Play Areas

CFR29 Juniors' Play Areas

CFR30 Teenagers' Recreation Areas

DC1D Protected Species

DC1P Contamination, derelict land, stability

DC2 Residential Amenity

ENV3 The Built Environment - Character/Design

ENV46 The Durham Biodiversity Action Plan

ENV47 Wildlife Habitats

ENV54 Dev on Land Affected by Contamination

CS10 Delivering New Homes

CS13 Transport

CS14 Wellbeing and Health

CS15 Place Making

CS18 Green Infrastructure/Natural Environment

GPGSPD Gateshead Placemaking Guide SPG

## **5.0 Assessment of the Proposal:**

- 5.1 The considerations to be taken into account when assessing this planning application are the principle of the proposal, visual amenity, residential amenity, highway safety and parking, ecology, ground conditions, open space/play and any other matters.

### **5.2 PRINCIPLE**

Paragraph 14 of the NPPF states that:

'At the heart of the NPPF is a presumption in favour of sustainable development. For decision making this means:

- approving development proposals that accord with the development plan without delay, and

- where the development plan is absent, silent or relevant policies are out-of-date, granting permission unless:

- any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework as a whole; or

- specific policies in this Framework indicate development should be restricted.'

- 5.3 Policy CS10 of the CSUCP states that 11,000 new homes (excluding purpose built student accommodation) will be built in Gateshead over the period April 2010 to March 2030.
- 5.4 The site would be considered as a housing windfall site under policy H4 of the UDP. This area is not isolated and it is considered that the location of the proposal is sustainable. It therefore complies with policy H4.
- 5.5 Saved policy H5 of the UDP requires a range of housing choice and policy CS11(1) of the CSUCP requires that 60% of new private housing across the plan area is suitable for and attractive to families, with a minimum target of 16,000 new homes to have three or more bedrooms. The scheme proposes three dwellings each with three bedrooms so this requirement is satisfied.
- 5.6 Policy CS11(4) of the CSUCP requires that new residential development provides "adequate space inside and outside of the home to meet the needs of residents." With regard to this requirement, it should be noted that in March 2015 DCLG published nationally described space standards for new housing. The Council would expect that proposals for new residential development will, as a minimum, seek to achieve nationally described space standards. However, currently the Council cannot insist that these standards are met. More specific policy regarding this issue is expected to be contained within the emerging 'Making Spaces for Growing Places' document. However, notwithstanding this policy position, it is considered that the proposal provides appropriate space internally and externally.
- 5.7 Therefore, it is considered that the principle of the development is acceptable and the proposal does not conflict with saved policies H4 and H5 of the UDP, policies CS10 and CS11 of the CSUCP and the NPPF.

## 5.8 VISUAL AMENITY

The site is widely visible from the public domain and is within an area of important character as identified by the Gateshead Placemaking SPD. It is considered the proposed design approach is appropriate in the context of the street scene, as the dwellings would reflect the existing terrace further east. The proposed materials are considered to be of appropriate quality and would respect the character of the area.

5.9 It is recognised that Ivy House to the west is, and the building/barn previously on site was, constructed of stone. However, it is considered that the proposed form of the scheme would be read as a continuation of the brick built terrace further east along Rockwood Hill Road. Therefore, it is considered that, the proposed materials would be appropriate and would respond positively to the local distinctiveness and character.

5.10 Additionally it is considered that the stone cills and heads, and windows in the gable ends would bring architectural interest to the scheme that would also make a positive contribution to the established character and identity of the locality.

5.11 In terms of layout, it is considered that the proposed shared space for cycle and bin storage would maximise the garden areas to the rear and would be an appropriate way to make use of the space available. It is considered that whilst the site is limited, the proposal would provide sufficient space for the dwellings, gardens and parking. Therefore it is considered that the proposal would not constitute overdevelopment of the site.

5.12 It is considered that the height of the proposed new dwellings is appropriate. The proposed dwellings would be 10.1m high, whereas dwellings on Ellison Terrace (19.9m away to the east) are shown on plans to be 8.8m high at the westernmost point/highest ground level and Ivy House (13.4m to the west) is 8.1m high. Whilst it is recognised that the proposed dwellings would be higher than the nearest built form to the east and west, it is considered that the distances away from the existing buildings and the sloping site would lessen the appearance of the difference.

5.13 Therefore, it is considered that the proposal would comply with the aims and requirements of saved policy ENV3 of the UDP, policy CS15 of the CSUCP and the Gateshead Placemaking SPD.

## 5.14 RESIDENTIAL AMENITY

Residential neighbours to the site are 13 Ellison Terrace to the east (which would be 19m away from the proposed dwellings), Ivy House to the west (at least 11.4m from the proposed dwellings) and semi detached properties Ryedale, Thurcroft, Oak Dale and Hollycroft on the opposite (north) side of Rockwood Hill Road. Of these, Oak Dale and Hollycroft would be opposite the proposed parking area, and Ryedale and Thurcroft would be opposite proposed dwellings 1 and 2. Dwelling 2 would be at least 13.6m away from

Ryedale, and dwelling 1 would be 12.1m away from the ground floor and 14m away from the first floor of Thurcroft.

- 5.15 The ground floor windows on the principal elevations of the proposed dwellings would serve studies, which are not considered to be habitable rooms. The two first floor windows on the principal elevations would serve the living room. Given the distance and the road between the dwellings, it is considered that the proposal would not result in an unacceptable loss of privacy or light at residential properties on the opposite side of Rockwood Hill Road.
- 5.16 The windows in the gable elevations would serve a WC on the ground floor and stairwells on the first and second floors. Plans show the WC window to be obscurely glazed and it is recommended that a condition be imposed requiring this to be an acceptable level of obscurity. The stairwell windows are shown on plans to be non-opening. Given the above, and as these windows would not serve habitable rooms, it is considered that they would not result in an unacceptable loss of privacy.
- 5.17 Furthermore, given the distance between the gable elevations of proposed dwelling 1 and 13 Ellison Terrace, it is considered that the proposal would not have an unacceptable impact on the residential amenity of neighbours at this property.
- 5.18 It is recommended that a condition be imposed restricting construction hours to ensure that the development would not cause an unacceptable level of disturbance.
- 5.19 it is considered that the proposal would not have an unacceptable impact on the residential amenity of neighbours and would comply with the aims and requirements of saved policy DC2 of the UDP and policy CS14 of the CSUCP.
- 5.20 **HIGHWAY SAFETY AND PARKING**  
The proposal plans show three parking spaces provided at the western end of the site. The provision of one space per dwelling and visitor parking to be on-street is considered to be adequate. It is also considered that the design and location of the parking bays are appropriate.
- 5.21 Additionally, plans show that the existing boundary wall on the front would be reduced to no more than 1m high, which would provide sufficient visibility within the control of the application site.
- 5.22 It is considered that the proposal would not have an unacceptable impact on highway safety. It is considered that the proposal would comply with the aims and requirements of policy CS13 of the CSUCP.
- 5.23 **ECOLOGY**  
It is understood that there is bat activity in this area and that the site supports several breeding house sparrows (which are a priority species). Proposal plans show the incorporation of potential bat roost features and nesting provision for house sparrow, which are considered to be appropriate.



- 5.24 Therefore, it is considered that the proposal would comply with the aims and requirements of saved policies ENV46 and ENV47 of the UDP and policy CS18 of the CSUCP.
- 5.25 **GROUND CONDITIONS**  
The land has been assessed as being potentially contaminated. An adequate Preliminary Risk Assessment has not been provided with the application. In this instance, as potentially contaminated made ground may be on site it is recommended that conditions be imposed requiring site investigations and Phase 2 Risk Assessment be undertaken and remediation implemented where required.
- 5.26 Additionally, the application site falls within the Coal Authority defined development high risk area. A Coal Mining Risk Assessment has been submitted and the Coal Authority agree with the recommendations of the report. Therefore, it is recommended that conditions be imposed requiring site investigations to be undertaken and the submission of a report of those investigations (including the results of any gas monitoring) to the LPA for consideration and the implementation of remediation measures where required.
- 5.27 Therefore, it is considered that the proposal would not pose an unacceptable risk in terms of land contamination or stability and would comply with the aims and requirements of saved policies DC1(p) and ENV54 of the UDP and policy CS14 of the CSUCP.
- 5.28 **OPEN SPACE/PLAY**  
The NPPG (Paragraph: 031 Reference ID: 23b-031-20160519) is clear that tariff style contributions should not be sought from developments of 10-units or less, and which have a maximum combined gross floorspace of no more than 1000sqm.
- 5.29 While it cannot be concluded that the proposed development would comply with saved Policies CFR20, CFR28, CFR29 and CFR30 of the UDP it is considered that it is not possible to require any contribution for either play or open space provision in this case, based on the above assessment.
- 5.30 **COMMUNITY INFRASTRUCTURE LEVY (CIL)**  
On 1st January 2017 Gateshead Council became a Community Infrastructure Levy (CIL) Charging Authority. This application has been assessed against the Council's CIL charging schedule and the development is CIL chargeable development as it is retail or housing related. The development is located within Charging Zone C, with a levy of £0 per square metre for this type of development. Therefore, this proposal would not be charged.
- 5.31 **OTHER MATTERS**  
Plans show the retention of the boundary treatment with Ivy House. In any event, ownership and/or access to boundary treatment is not a planning matter.

- 5.32 Additionally, the current situation regarding potential inconsiderate parking by existing residents is not a matter that can be addressed in considering this planning application.
- 5.33 It is considered that all other matters are addressed in the main body of the report.

## **6.0 CONCLUSION**

- 6.1 Taking all the relevant issues into account, it is considered that the proposed development is acceptable in principle and in terms of visual and residential amenity, highway safety and parking, ecology, ground conditions, and open space/play, and would comply with the aims and objectives of the NPPF, the Gateshead Placemaking SPD and the relevant policies of the UDP and the CSUCP.
- 6.2 It is recommended that planning permission be granted, subject to the below conditions.

## **7.0 Recommendation:**

That permission be GRANTED subject to the following condition(s):

1

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

15034OS  
15034 P-10 B  
15034 P-11  
15034 P-12 C

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

The development hereby permitted shall be constructed entirely of the materials detailed and shown on plan number 15034 P-12 C, except for bricks, which shall be Furness Weathered Red, and roof tiles, which shall be natural slate, unless otherwise approved in writing by the Local Planning Authority.

Reason

To ensure that the external appearance of the development is of an appropriate design and quality in accordance with the NPPF, Saved Policies DC2 and ENV3 of the Unitary Development Plan and Policies CS14 and CS15 of the Core Strategy and Urban Core Plan for Gateshead and Newcastle upon Tyne.

4

All windows serving bathrooms, en-suites and WCs shall be glazed with obscure glass at a level three or greater (in accordance with the levels set by Pilkington). The obscure glazing at dwellings 1 and 3 shall be installed prior to occupation of the respective dwellings hereby approved and retained thereafter.

Reason

To ensure the protection of privacy for neighbouring occupiers in the interests of residential amenity, in accordance with NPPF, Saved Policies DC2 and ENV3 of the Unitary Development Plan and Policies CS14 and CS15 of the Core Strategy and Urban Core Plan for Gateshead and Newcastle upon Tyne.

5

The development hereby approved shall not commence until a report of findings arising from further intrusive site investigations and a Phase II Detailed Risk Assessment have been submitted to and approved in writing by the Local Planning Authority. Where required, the Assessment shall include measures and timescales for Remediation, Monitoring and Verification Reports.

Reason

To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors, in accordance with saved policies DC1 and ENV54 of the Unitary Development Plan, policy CS14 of the Core Strategy and Urban Core Plan and the National Planning Policy Framework.

6

Where required, the remediation and monitoring measures approved under Condition 5 shall be implemented in accordance with the timescales approved and in full accordance with the approved details.

**Reason**

To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors, in accordance with saved policies DC1 and ENV54 of the Unitary Development Plan, policy CS14 of the Core Strategy and Urban Core Plan and the National Planning Policy Framework.

**7**

Any undesirable material observed during excavation of the existing ground shall be screened and removed. If any areas of odorous, abnormally coloured or suspected contaminated ground are encountered during development works, then operations shall cease and the exposed material shall be chemically tested.

The works shall not continue until an amended Risk Assessment and, if required, amended remediation and monitoring measures have been and submitted to and approved in writing by the Local Planning Authority.

**Reason**

To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors, in accordance with saved policies DC1 and ENV54 of the Unitary Development Plan, policy CS14 of the Core Strategy and Urban Core Plan and the National Planning Policy Framework.

**8**

The amended remediation and monitoring measures approved under condition 7 shall be implemented in accordance with the approved details prior to any further works (other than those required for remediation) and maintained for the life of the development.

The Local Planning Authority must be given two weeks written notification of commencement of the remediation scheme works.

**Reason**

To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to

workers, neighbours and other offsite receptors, in accordance with saved policies DC1 and ENV54 of the Unitary Development Plan, policy CS14 of the Core Strategy and Urban Core Plan and the National Planning Policy Framework.

9

The development hereby approved shall not commence until a report of intrusive site investigations in relation to coal mining legacy including the results of any gas monitoring and where required, measures and timescales for remediation, monitoring, and verification reports.

Reason

To ensure there is adequate land stability in accordance with saved policies DC1 and ENV54 of the Unitary Development Plan, policy CS14 of the Core Strategy and Urban Core Plan and the National Planning Policy Framework.

10

The remediation and monitoring measures approved under condition 9 shall be implemented in full accordance with the approved timescales and the approved details.

Reason

To ensure there is adequate land stability in accordance with saved policies DC1 and ENV54 of the Unitary Development Plan, policy CS14 of the Core Strategy and Urban Core Plan and the National Planning Policy Framework.

11

Where remediation is required (under conditions 5-10), following completion of the approved remediation and monitoring measures, the development hereby approved shall not be occupied until a verification report that demonstrates the effectiveness of the remediation carried out has been submitted to and approved in writing by the Local Planning Authority.

Reason

To ensure there is adequate land stability in accordance with saved policies DC1 and ENV54 of the Unitary Development Plan, policy CS14 of the Core Strategy and Urban Core Plan and the National Planning Policy Framework.

12

Unless otherwise approved in writing by the Local Planning Authority, 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 1700 hours on Mondays to Saturdays and at no time on Sundays, Bank Holidays or Public Holidays.

Reason

To safeguard the amenities of nearby residents and in accordance with the NPPF, saved Policies DC1, DC2 and ENV61 of the Unitary Development Plan and Policy CS14 of the Core Strategy and Urban Core Plan for Gateshead and Newcastle upon Tyne

13

The development hereby approved shall not commence until a detailed scheme for the disposal of foul and surface water from the development hereby approved has been submitted to and approved in writing by the Local Planning Authority in consultation with Northumbrian Water and the Lead Local Flood Authority.

Reason

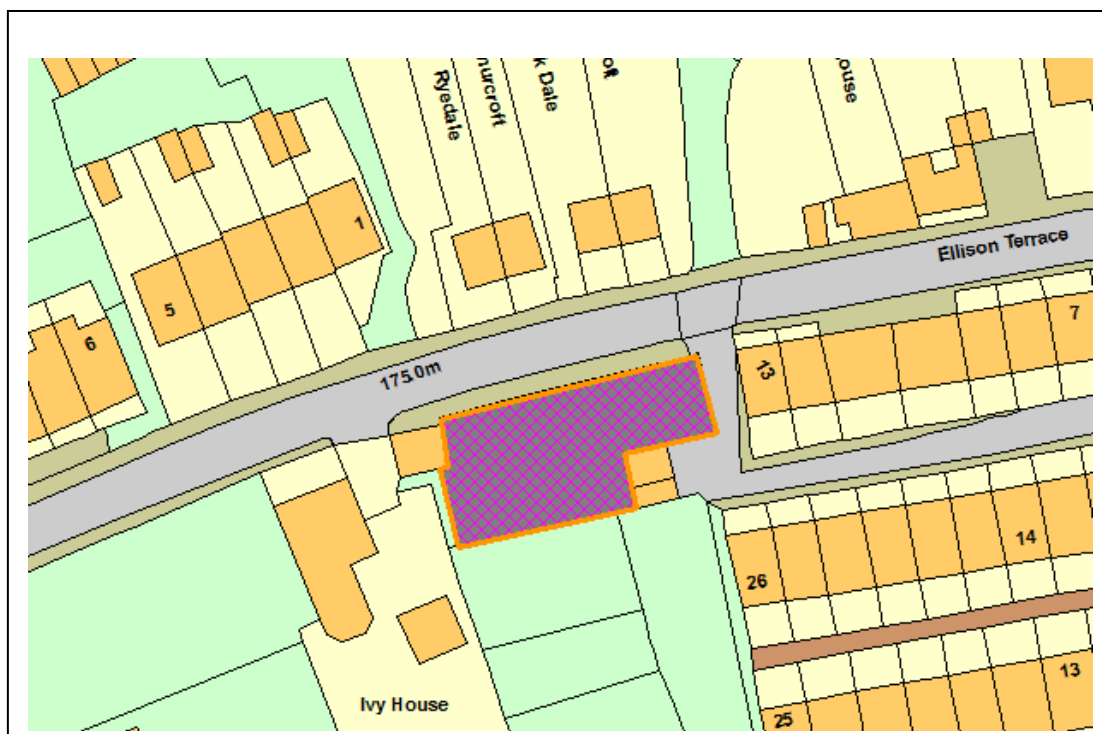
To prevent the increased risk of flooding from any sources in accordance with policy CS17 of the Core Strategy and Urban Core Plan and the National Planning Policy Framework

14

The details approved under Condition 13 shall be implemented before the new dwelling is occupied and retained in accordance with the approved details for the lifetime of the development.

Reason

To prevent the increased risk of flooding from any sources in accordance with policy CS17 of the Core Strategy and Urban Core Plan and the National Planning Policy Framework.



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## REPORT NO 6

**Committee Report**

<b>Application No:</b>	<b>DC/16/01319/FUL</b>
<b>Case Officer</b>	<b>Andrew C Softley</b>
<b>Date Application Valid</b>	<b>13 December 2016</b>
<b>Applicant</b>	<b>Mr S Hakim</b>
<b>Site:</b>	<b>Former Bling Bling Car Wash Durham Road Birtley Birtley DH3 1LS</b>
<b>Ward:</b>	<b>Birtley</b>
<b>Proposal:</b>	<b>Erection of building to provide a shop and car valeting area on ground floor with storage above; Use of forecourt for parking and as a car wash</b>
<b>Recommendation:</b>	<b>REFUSE</b>
<b>Application Type</b>	<b>Full Application</b>

**1.0 The Application:****1.1 DESCRIPTION OF THE SITE**

The application site is the former ATS garage site on Durham Road, Birtley. The site is currently vacant following the demolition of the former garage buildings and is defined by 2m high hoardings. Prior to demolition, the site was most recently used unlawfully as 'Bling Bling Car Wash'. The site fronts onto Durham Road with the rear of the site looking onto the gable elevation of 2 Mitchell Street. Land levels drop from east to west towards Mitchell Street. The site is bounded by Durham Road to the east, 1 Esk Terrace and St Joseph's Roman Catholic Infant School to the north, 2 Mitchell Street to the west and Lion House to the south. The character of the streetscene is made up of a range of differing uses, including residential and commercial.

**1.2 DESCRIPTION OF THE APPLICATION**

This application proposes the erection of a building to house a car valeting area (sui generis) with ancillary retail and customer waiting area on the ground floor; storage at first floor and use of the forecourt for parking and as a car wash. The building would have a footprint of 21m by 9m, an eaves height of 3.6m-4m and a ridge height of 7.4m above ground level. The building would effectively be a storey and half in form, as the first-floor storage space is set within the roof space, with two dormer windows to the front elevation and roof light windows to the rear. The roof is also hipped and would include a centrally located gable feature that helps to provide the headroom for the staircase. The building is proposed close to the western edge of the site 1.4m from the boundary with 2 Mitchell Street.

- 1.3 To the east of the building, between the front elevation and Durham Road, is the forecourt to allow access to the car valeting area, the car hand wash area with canopy above and the parking area, which is along the southern boundary.

The site would be defined by a low level brick wall with higher pillars (800mm and 1000mm respectively) in between and a one way system would operate, with entry only from Mitchell Street and exit only onto Esk Terrace. The northern boundary towards Esk Terrace would also feature a 2.5m high timber acoustic fence and alongside Bay 1 within the site there would be a 2.5m high brickwork baffle wall. The eastern boundary with Durham Road is also intended to be planted with shrubs and plants.

- 1.4 The primary function of the proposal as a business is to provide car washing/valeting service, with a waiting area/shop that would be ancillary to the primary function.
- 1.5 The new application is a resubmission of the previously refused application reference DC/15/00571/FUL, with the first-floor changed from two flats to storage space, the addition of a 2.5m high acoustic fence along the northern boundary, a 2.5m high brickwork baffle wall within the site and a small reconfiguration of the layout of the forecourt.

1.6 **RELEVANT PLANNING HISTORY**

DC/15/00571/FUL: Planning permission refused for the erection of building to provide car valeting area on ground floor and ancillary customer waiting area/shop; two flats on first floor for employees and use of forecourt for parking and as a hand car wash (amended 12/11/15). Application was refused 26.01.2016. Subsequent appeal was dismissed on the 28.06.2016.

DC/10/00814/REM: Reserved Matters Application pursuant to DC/08/01971/OUT for layout, appearance, scale, means of access and landscaping (amended 11.11.2010). Application was granted. 15.11.2010.

DC/08/01971/OUT: Outline planning permission granted for the redevelopment of the former garage premises to provide a single-storey retail unit, associated car parking and repositioning of the existing canopy over the new petrol pumps. 30.07.2009.

DC/06/01090/COU: Planning application withdrawn for the change of use of the former garage to a hand car wash and valeting centre including the erection of a kiosk. 18.07.2006.

05/00002/ENF: Appeal against the serving of the enforcement notice stated below was dismissed by the Planning Inspectorate. 20.07.2005.

DC/04/01585/COU: Retrospective planning application refused for the change of use from a tyre garage to a car wash and valeting service. An enforcement notice was subsequently served. 11.11.2004.

**2.0 Consultation Responses:**

Environment Agency                      No objections.

Northumbria Water                      No objections.



### **3.0 Representations:**

3.1 Ward Councillor Neil Weatherley has objected to the application.

3.2 Six letters of objection have been received from five neighbouring occupiers and raise the following concerns:

- The previous development caused serious safety issues with parked cars, etc. and this new proposal raises similar worries.
- There is nowhere to park for cars waiting to go through.
- The footpath is very busy and can become dangerous for pedestrians when cars are parked on the footpath.
- Mitchell Street is used to access the neighbouring streets beyond and is narrow. This proposal could cause serious safety issues for people using the existing road.
- The previous car wash created undue noise and resulted in dirty water running down the neighbouring streets.
- The rear of the new building would create residential amenity issues to the properties beyond.
- Birtley already has 4 car washes.

3.3 A letter has been received from the local school that is in support of the retail aspect but is concerned about the car valeting and car washing elements. Specifically:

3.4 The redevelopment of the site for retail would significantly improve the appearance and environment of the local area and also improve safety.

3.5 However, the proposal to allow traffic to turn both ways onto Esk Terrace from the site will cause conflict and potential hazards to school children, staff, parents and other visitors accessing the school from Esk Terrace. The issue is exacerbated because the road narrows significantly at the school entrance and at the rear of residential properties on Mitchell Street. Road safety has improved significantly since the former filling station closed. When the site operated as a car wash previously there were significant problems and complaints with regard to poor drainage both on the site and within the surrounding area.

### **4.0 Policies:**

NPPF National Planning Policy Framework

NPPG National Planning Practice Guidance

CS7 Retail and Centres

CS13 Transport

CS14 Wellbeing and Health

CS15 Place Making

CS17 Flood Risk and Waste Management

DC1C Landform, landscape and after-use

DC1H Pollution

DC1P Contamination, derelict land, stability

DC2 Residential Amenity

ENV3 The Built Environment - Character/Design

ENV61 New Noise-Generating Developments

## **5.0 Assessment of the Proposal:**

### **5.1 ASSESSMENT**

The main planning issues are considered to be the principle of the proposed development, design, residential amenity, contamination/coal mining, surface water/flooding, highway safety and refuse.

### **5.2 PRINCIPLE**

The proposed use primarily comprises a car wash/valeting business, with an ancillary waiting area/shop for customers at ground floor and storage at first floor level. The application site is not allocated for a particular use in the Local Plan for Gateshead nor are there specific policies relating to the type of use proposed. The application is therefore to be considered on its merits and against the National Planning Policy Framework (NPPF), the Core Strategy and Urban Core Plan (CSUCP) and the saved policies of the Unitary Development Plan (UDP).

### **5.3 COMMUNITY INFRASTRUCTURE LEVY (CIL)**

On 1st January 2017 Gateshead Council became a 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. As such no CIL charge is liable.

### **5.4 DESIGN**

The design and appearance of the building and the application site as a whole (with the exception of the 2.5m high acoustic fencing and the brickwork baffle wall) is considered to be acceptable and appropriate to its surroundings, which is mixed in terms of uses, styles and types of buildings. The proposed building would be subservient to the neighbouring buildings and the specified red brick and roof tiles are considered to be reasonable and not out of keeping with the area. The existing boundary wall is also built from the same brick (Ashington Red Multi) and so a consistent theme is welcomed.

5.5 The acoustic fencing/baffle wall would, however, appear overdominant and visually intrusive when viewed from the public domain. As a result, rather than appearing complementary, it would in fact be incongruous and out of character with the host property and its surroundings. Therefore, it is considered that the prominent location and appearance of the proposal would not make a positive contribution to the established character and identity of its locality and would result in an alien feature that would harm the amenity of the area. Therefore, it is considered that the acoustic fencing/baffle wall would harm visual amenity and hence, is contrary to the NPPF, policy CS15 of the CSUCP and saved policy ENV3 of the Unitary Development Plan (UDP).

## 5.6 RESIDENTIAL AMENITY

### Noise

The NPPF states that planning decisions should "avoid noise from giving rise to significant adverse impacts on health and quality of life as a result of new development" and that decisions should "mitigate and reduce to a minimum other adverse impacts on health and quality of life arising from noise from new development, including through the use of conditions."

5.7 It gives guidance to local authorities on the use of their planning powers to minimise the adverse impact of noise and outlines the considerations to be taken into account in determining planning applications both for noise-sensitive developments and for those activities which will generate noise.

5.8 As a reflection of the national planning policies and specific guidance of noise generating development, UDP policy ENV61 (new noise-generating development) states that new noise generating development will not be permitted if it causes an unacceptable increase in noise levels.

5.9 It is considered that the proposed use has the potential to produce noise both from the comings and goings associated with the application site as well as the use itself (namely the use of jet washes and vacuum cleaners). In this case, the nearest existing noise sensitive receptors (NSR) beyond the site boundary are located approximately 20m to the north of the car washing element of the application site. There is the intervening land use of the road serving Esk Terrace in between and the properties in question front onto Durham Road, which is busy arterial route that provides a significant level of background noise. There is also a public house (Lion House) close by, which would also generate noise into evening hours. In terms of car valeting, the nearest existing sensitive receptor beyond the site boundary is to the west on Mitchell Street.

5.10 The previous refused application, of which the subsequent appeal was also dismissed, determined that the potentially intensive use of the site, in terms of comings and goings and the type of equipment required to operate the business, namely jet washers and vacuum cleaners together with the close proximity of residential properties, meant that the proposal would cause undue disturbance and negative impacts from noise on the residential amenity of the existing nearby properties. The closest of which, 2 Mitchell Street, would be

only 2 metres from the rear wall of the proposed building. Concern was also raised at the lack of information submitted to demonstrate that these concerns could be mitigated against. To address this the applicant has commissioned a noise assessment ref. - (NIA/6939/16/6868/V2/Birtley), which forms part of this revised planning application.

- 5.11 The noise assessment uses a BS4142 'Methods for rating and assessing industrial and commercial sound' methodology to assess the noise level of the proposed car wash against the existing background noise levels. This purpose is to assess the impact of the proposals on the existing noise sensitive receptors. The assessment breaks down the noise levels in to two sources, the noise from the vacuum cleaners in the garage area and the noise from the pressure washers in the external area. The report has been assessed by officers and it raises a number of concerns, which are set out in the following paragraphs.
- 5.12 Internal car valeting - the assumptions from the internal noise levels seem reasonable, and the calculated noise levels from this element appear satisfactory. However the noise levels are based around the garage shutter door being closed during the use of vacuum cleaners. As such to ensure noise levels are maintained in accordance with the noise assessment, the applicant would require to ensure the garage shutter doors are closed during any internal valeting. The assessment acknowledges this is an assumption and this may or may not be restrictive or realistic. This assumption would be very hard to enforce and thus it is not considered that it could be controlled through a condition, as it would not meet the tests set out in paragraph 206 of the NPPF.
- 5.13 External Pressure Washing 'jet wash bays' - There are a number of concerns around the calculation/prediction of this element, particularly in terms of the resultant noise level at the noise sensitive receptor (Esk Terrace), which are set out below:
- The source height is likely to be higher than 1m, especially when you consider that differing types/sizes of vehicles could be washed at once.
  - The acoustic barrier effectiveness is likely to be significantly limited as it is not continuous in nature (to allow cars to exit on to Esk Street) and consequently there will be noise over and around the proposed barrier. As such it seems excessive to assume that the screening attenuation can achieve a 15dB screening reduction to NSR1 on Esk Street. This position also applies for the property on Mitchell Street.
  - The receptor height seems low, for a first floor building height for NSR1 on Esk Street. Officers would expect it to be higher than 2m and along the lines of the 1st floor height taken for NSR2.
  - The source levels for the barrier calculation on appendix 3 are unclear as the measured jet wash levels on table 5 are significantly higher.
  - The author of the report uses a 3dB character correction for being audible at source, though officers consider it is most likely the noise from the operation will be clearly discernible and should represent a 6dB penalty taking in to account the concerns above.

5.14 Finally, the operating hours are not detailed to understand the full extent of the operation on a daily/weekly basis. Also, whilst not as sensitive a location there has been no consideration of the office accommodation at Lion House on the first floor which looks directly on to the proposed car wash and to a lesser extent the school offices/entrance. However, it is worth noting that the removal of the flats proposed at first-floor of the previous application means that the only consideration now is regarding the residential amenity of neighbouring residents.

5.15 In conclusion, it is considered that the principal concern raised previously, namely that the potentially intensive use of the site, in terms of comings and goings and the type of equipment required to operate the business, namely jet washers and vacuum cleaners together with the close proximity of residential properties, means that the proposal would cause undue disturbance and negative impacts from noise on the residential amenity of the existing nearby properties remains valid and this new application would harm residential amenity. Therefore, the proposal would be contrary to the NPPF, policy CS14 of the CSUCP and saved policies DC2 and ENV61 of the UDP.

#### 5.16 Acoustic fencing/baffle wall

It is considered that the introduction of these features would result in a visual intrusion and have a potentially overbearing impact upon the enjoyment of neighbouring residents. Therefore, they would harm residential amenity and hence would be contrary to the NPPF, policy CS14 of the CSUCP and saved policies DC2 and ENV61 of the UDP.

#### 5.17 Physical Building

The scale, mass, height and location of the proposed building are such that it should not create any significant loss of light, visual intrusion, overshadowing or overlooking to neighbouring occupiers. This is because the building would be subservient to the neighbouring houses and the position of windows has been considered to prevent loss of privacy. In particular, the only windows to the rear elevation facing 2 Mitchell Street are roof light windows, and the two rear doors are set against the gable elevation of 2 Mitchell Street also. The separation distances to other residential properties are considered acceptable. However, this is not sufficient to outweigh the serious concerns raised above.

#### 5.18 LAND CONTAMINATION/COAL MINING

The application site has previously been identified as contaminated based on its former use as a car repair and MOT garage. Furthermore, the subsequent fire, which resulted in the former garage having to be demolished, also created additional contamination concerns. As part of a previous outline planning permission ref. DC/08/01971/OUT a suite of conditions were attached requiring a Phase II Detailed Risk Assessment, Remediation Strategy and Validation of the site to bring the site up to a standard appropriate for redevelopment. In this case the majority of the site would be redeveloped for low risk commercial use and all the external areas are proposed to be hard surfaced to serve as the car wash and parking areas.

- 5.19 The discharge of condition submissions, for DC/08/01971/OUT, in respect of the Phase II Assessment and the Remediation Strategy were assessed by the Council's Reclamation Team and fundamentally were considered to be acceptable, save for two issues that required further attention. They related to the two petrol storage tanks underneath the forecourt and what ground gas protection measures would be included to safeguard the building.
- 5.20 With regard to the petrol storage tanks, there was initially concern raised about leaving empty tanks in the ground and consideration was given to removing them. However, the applicant confirmed that the tanks had previously been filled with concrete and thus the reclamation officer was comfortable that they no longer posed a concern and did not need to be removed. Furthermore, the fact the hardstanding to serve the car parking/car washing area would be located above the tanks would form a solid cap across the site.
- 5.21 In terms of choosing appropriate ground gas protection measures for the building, the site investigations highlighted that carbon dioxide and methane gases above the minimum thresholds had been encountered and therefore the site is considered to fall within "Characteristic Situation 2"; which for a building of this type the relevant British Standard BS8485:2007 states that gas protection measures should be either a Ground Bearing Slab or a Suspended Floor Slab. Ground gas protection forms part of the Building Regulations process and hence would be comprehensively addressed in order for approval to be issued and would not therefore need to be covered by a planning condition.
- 5.22 On the basis of the above, the reclamation officer was satisfied that the information submitted for the Phase II Assessment and the Remediation Strategy conditions attached to DC/08/01971/OUT was acceptable and could be discharged. However, following the remediation of the site the applicant is required to submit a Validation Report to confirm that the site has been cleaned in accordance with the approved strategy and this has yet to be submitted. As a result, should permission be granted it would be recommended that a Validation Report condition be imposed to ensure that the site can now be considered as clean prior to the commencement of any development.
- 5.23 In terms of the historic coal mining legacy, the application site falls within a defined low risk area. Therefore, the Coal Authority has prepared standing advice for development in such areas and asks that should planning permission be granted that their standing advice is attached as an informative.
- 5.24 Overall, should members be minded to approve this application, and subject to the condition cited above, the proposal would accord with the NPPF, policy CS14 of the CSUCP and policy DC1 (p) of the UDP in respect of land contamination/coal mining legacy.
- 5.25 DRAINAGE/SURFACE WATER  
It is considered that providing sufficient drainage to deal with the surface water produced by the proposed car washing business is important, to ensure that

local flooding does not take place. This is especially important given the historical, unlawful use of the site as a car wash, which did cause surface water issues to the surrounding area.

- 5.26 Furthermore, in terms of car wash liquid waste, this is classed as trade effluent. Before discharging it to a sewer the operator is required to get a trade effluent consent or enter into a trade effluent agreement with the water and Sewerage Company or authority. This is separate from the remit of planning and the onus is placed very much upon the applicant.
- 5.27 With regard to ground water, The Environmental Permitting Regulations (as amended) make it an offence to cause or knowingly permit a groundwater activity unless authorised by an Environmental Permit, which are issued by the Environment Agency. A groundwater activity includes any discharge that will result in the input of pollutants to groundwater.
- 5.28 In this case the applicant is proposing to install a drainage channel to the west of the car washing area, which is at a lower gradient, would be engineered to draw water in and therefore water would naturally flow towards the channel. Furthermore, the applicant is proposing to install a "Wash-down Silt Separator", which is an appropriate and recognised filtration system that is designed to remove oil and other contaminants from surface water before allowing the water to pass into the main sewerage network. The submitted site plan identifies the assumed location of the main sewer, where the drainage channel would be installed and the type of filtration system proposed. The principle of this proposal is considered to be acceptable and no objection has been raised by Northumbrian Water Ltd.
- 5.29 As a result, should members be minded to approve this application, and subject to conditioning the final details of the proposed surface water drainage, the proposed development should be able to manage water adequately to prevent flooding and pollution issues. Therefore, subject to the conditions, it is considered that the proposed development would accord with the NPPF, policy CS17 of the CSUCP and saved policy DC1(h) in that regard.
- 5.30 It is also worth noting that the historical use of the site as a car wash was unlawful and operated purely within the constraints of the site layout and buildings as was. Therefore, the drainage was wholly inadequate and resulted in significant harm being caused. However, the site is now cleared and this is a bespoke scheme where the development can be designed to work in unison with the site and the surrounding area. This includes installing the appropriate and necessary drainage.
- 5.31 **HIGHWAY SAFETY**  
The proposed development is ostensibly considered to be safe from a highway safety perspective, as was established during the appeal decision, notwithstanding the fact the appeal was dismissed. This new application is essentially a resubmission of the previously approved scheme with the residential flats removed and the addition of sound deadening fencing/etc. The omission of the flats reduces the level of demand the site would encounter but

the addition of the acoustic fencing at the northern end of the site would impact upon visibility. However, it is considered that should consent be granted this issue could be addressed via condition, albeit this would be at odds with the aim of reducing noise. Notwithstanding that, it is considered that highway safety can be safeguarded and thus the proposal would accord with the aims and objectives of the NPPF and policy CS13 in that regard.

## **6.0 CONCLUSION**

- 6.1 Taking all the relevant issues into account, it is recommended that planning permission be refused, as the proposal would result in increased noise and activity to the detriment of residential amenity and the applicant has failed to submit sufficient supporting information that would outweigh officers concerns. Furthermore, the physical measures intended to act as noise mitigation are themselves visually obtrusive and would harm residential amenity also, which means they are unacceptable. Therefore, it is considered that the proposed development does not accord with the relevant national and local planning policies and the recommendation is made taking into account all material planning considerations including the information submitted by the applicant and third parties.

## **7.0 Recommendation:**

That permission be REFUSED for the following reason(s):

1

The car valeting and hand car washing activities wall would cause undue disturbance and negative impacts from noise on the residential amenity of the existing nearby properties and the proposed acoustic measures would not sufficiently mitigate the harm caused. The development is therefore contrary to the National Planning Policy Framework, policy CS14 of the Core Strategy and Urban Core Plan and saved policy DC2 of the Unitary Development Plan.

2

The acoustic fencing/baffle wall would appear overdominant and visually intrusive when viewed from the public domain. As a result, rather than appearing complementary, it would in fact be incongruous and out of character with the host property and its surroundings. It would also form a visual intrusion and have a potentially overbearing impact upon the enjoyment of neighbouring residents. Therefore, it is considered that the acoustic fencing/baffle wall would harm visual and residential amenity and hence, is contrary to the National Planning Policy Framework, policies CS14 and CS15 of the Core Strategy and Urban Core Plan and saved policies ENV3 and DC2 of the Unitary Development Plan.





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**REPORT NO 7**

**Committee Report**

<b>Application No:</b>	<b>DC/17/00074/FUL</b>
<b>Case Officer</b>	<b>Graham Stephenson</b>
<b>Date Application Valid</b>	<b>2 February 2017</b>
<b>Applicant</b>	<b>Gateshead Regeneration Partnership</b>
<b>Site:</b>	<b>Land South Of Westminster Street Gateshead</b>
<b>Ward:</b>	<b>Saltwell</b>
<b>Proposal:</b>	<b>Erection of electricity substation and associated parking (revised application) (amended and additional information received 14/03/17).</b>
<b>Recommendation:</b>	<b>GRANT</b>
<b>Application Type</b>	<b>Full Application</b>

**1.0 The Application:**

**1.1 DESCRIPTION OF THE APPLICATION SITE**

The application relates to a part of Phase 2, one of the three individual sites referred to by the Gateshead Regeneration Partnership as Saltwell Road West (Phase 1), Kelvin Grove (Phase 2) and Hyde Park (Phase 3) that were referred to in the hybrid planning application DC/14/00906/FUL that has been implemented by the demolitions on the 3 phases and construction of houses on Phase 1. The reserved matters application for Phase 2 has been submitted (DC/17/00172/REM) and is under consideration.

1.2 The proposed siting of the sub-station is to the rear of the properties on Rawling Road, separated by a rear lane.

**1.3 DESCRIPTION OF THE APPLICATION**

This application is a resubmission of an application that was previously refused planning permission (DC/16/01032/FUL). This application was refused for the following reason:

1.4 The construction of the electricity substation would result in a visually prominent and incongruous structure, that would be out of keeping with the surrounding area as it currently exists; furthermore in the absence of information relating to the potential future development of the land surrounding the site, including the timescale for development, the Local Planning Authority is unable to fully assess the visual impact of the substation in the longer term. Consequently, the proposed electricity substation is considered to be harmful to the visual amenity of the surrounding area, contrary to policy ENV3 of the Unitary Development Plan, policy CS15 of the Core Strategy Urban Core Plan for Gateshead and Newcastle upon Tyne and the NPPF.

- 1.5 The proposal is to erect an electricity substation (2.95m x 4.05m and 2.4m to eaves level) from red brick. The substation is proposed to have a grey concrete tiled roof with a shallow pitched and central ridge. Black GRP double doors would face onto the rear lane. The substation is proposed to be set back from the edge of the rear lane by 6.0m. Two parking spaces were proposed to the front, perpendicular to the rear lane. However the plans have now been amended to provide a bay where a vehicle accessing the sub-station could pull off the highway. This is proposed to be a temporary bay with a permanent solution considered in more detail as part of the reserved matters application. The siting of the sub-station itself has also been amended, so it is not located on the old back lane of Kelvin Grove and Dunsmuir Grove, which is still adopted highway that has not yet been stopped up. This revised siting means the sub-station is now proposed to be approximately 1 metre further to the north. The dimensions on the site plan indicate a two metre gap to the rear and to both sides of the substation for maintenance access. The substation would be open onto Rawling Road's rear lane. Although no boundary fence is proposed, the applicant has stated that the substation is proposed to be surrounded on three sides by garden fences. The reserved matters application confirms this.
- 1.6 The differences between the refused application and the current application is that further details have been provided with regards to the surrounding development and an application for that development (DC/17/00172/REM) has been submitted. This is to demonstrate how the sub-station would sit within the streetscene once the site is fully developed. Additional information has also been provided with regards to the location of the cables.
- 1.7 The substation is necessary to export the electricity generated by the photovoltaic roof panels on Phase 1 of the Saltwell Bensham Gateshead Regeneration Partnership development. The electricity generated is to be exported to the grid for use within the network. Existing substations are not designed to cope with the additional electricity being fed back into the network and therefore need to be upgraded or new substations constructed to accommodate this.
- 1.8 In addition, as construction of Phase 1 continues the applicant has stated that the existing infrastructure will not cope with the amount of electricity generated hence a new substation is required to accommodate the scheme as approved for Phase 1 and those proposed to be built at Kelvin Grove and Hyde Park (Phases 2 and 3).
- 1.9 The location for the substation has been considered by NEDL and the applicant who consider this to be the best location to ensure the substation is efficient and can serve existing properties in the area and future phases of the Gateshead Regeneration Partnership scheme.
- 1.10 The substation must be provided with vehicular access for maintenance and is therefore proposed to be located adjacent to the adopted highway.
- 1.11 PLANNING HISTORY

DC/13/00424/OUT Retrospective demolition of 115 dwellings, 3 retail units, and 14 garages with temporary site restoration in Phase 1 (known as Saltwell Road West) and proposed phase demolition of a further 291 dwellings and 4 commercial premises with temporary site restoration across Phases 2 (known as Kelvin Grove) and 3 (known as Hyde Park); with a hybrid application for redevelopment of all three phases of housing, with associated car parking and landscaping, consisting of 103 dwelling houses in phase 1 (Saltwell Road West) and outline consent (with all matters reserved) for residential development across Phases 2 (Kelvin Grove) and 3 (Hyde Park). Planning Permission Granted on 24th September 2013.

DC/14/00906/FUL Hybrid application for redevelopment of three phases for housing, with associated car parking and landscaping, consisting of detailed consent for 99 dwellinghouses, site compound and temporary sales cabin in Phase 1 (Saltwell Road West - land bounded by Trevethick St, Macadam St, East Coast Rail Line, Saltwell Rd and rear of nos 162-220 (inc) Saltwell Rd) and outline consent (with all matters reserved) for residential development across Phase 2 (Kelvin Grove - land bounded by Westminster St, Kelvin Gr, rear of 167-201 (inc) Rawling Rd, rear of Stirling House PH and rear of 170-194, Church of Christ Rawling Rd and to the side 68-70 Dunsmuir Grove) and Phase 3 (Hyde Park - land bounded by Hyde Park Street, Rectory Rd, rear of nos 128-150 Dunsmuir Gr, rear of sub-station and Brighton Road) (additional info received 13/10/14, 29/10/14, 31/10/14, 03/11/14 and 06/11/14 and amended 29/10/14, 03/11/14, 04/11/14 and 17/11/14). Granted 24th November 2014

DC/15/00732/NMA Proposed non-material amendment of application DC/14/00906/FUL to allow relocation of Block 1 by 450mm to the south, replacement of perforated brickwork to house types T02 and T02A with contrast brick headers, updating of site roof layout to a modify location and number of bird boxes and addition of bat boxes and adjustment to roof form. Withdrawn 17.08.2015

DC/15/01082/NMA NON MATERIAL AMENDMENT: of Condition 1 (approved plans) of application DC/14/00906/FUL to allow relocation of Block 1 by 450mm to the south, replacement of perforated brickwork to house types T02 and T02A with contrasting brick headers, updating of site roof layout to a modify location and number of bird boxes and addition of bat boxes and adjustment to roof form (amended 17/03/16 and 22/03/16), and to amend condition 7 ( verification report), condition 14 (offsite highway works) and condition 17 (sample panels of materials prior to construction above damp proof course). GRANT 31.03.2016

DC/16/00214/FUL Erection of electric substation and fenced enclosure. Withdrawn 05.05.2016

DC/16/01032/FUL - Erection of electricity substation. Refused 22.11.2016

DC/17/00172/REM - Reserved matters application submitted and being considered for all reserved matters (Access, Appearance, Landscaping, Layout

& Scale) for phase 2 of the development, consisting of 52 dwellinghouses, with associated car parking and landscaping.

## **2.0 Consultation Responses:**

Northumbria Police

No Objections

## **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) (England) Order 2015 on the 02.02.2017. This included all the properties on Rawling Road which back onto the application site.

Two letters of objection and an 8 name petition have been received. The concerns relate to:

- Anti social behaviour- haven for vandals and hooligans, especially at the rear of the proposed building which is enclosed and an open invitation for drugs and alcohol abuse not to mention fly tipping.
- Wooden fence (fire hazard)
- The security is withdrawn on completion of development
- It is stated on the planning proposal that the building will be lit by streetlights. Does this include the erection of street lighting in the back lane? or do they intend to erect security lights? If so what impact will these additional lights have on the resident's invasion privacy? Light shining in through windows all night?
- The substation would be a standalone structure that could be there on its own for months
- Insufficient neighbours notified
- Disruption of access to homes
- An alternative location would be better
- No information as to where the cables will run
- Potential of disruption and damage to existing services/amenities
- Potential for constant humming from the substation
- What are the present Electro Magnetic Field?
- Will the proposed change again?
- When will the substation be erected?
- When will the development of the houses be built?
- Detrimental impact on residential access if or when maintenance is required

- 3.2 Further notifications were carried out on the 13.03.2017 in relation to the amended plans. Any additional representations will be provided in an update report.

## **4.0 Policies:**

NPPF National Planning Policy Framework

NPPG National Planning Practice Guidance

CS13 Transport

CS14 Wellbeing and Health

CS15 Place Making

DC2 Residential Amenity

ENV3 The Built Environment - Character/Design

ENV27 Greening the Urban Area

ENV61 New Noise-Generating Developments

## **5.0 Assessment of the Proposal:**

- 5.1 The main planning issues in this case are considered to be the impact on visual and residential amenity and highway safety.

### **5.2 EIA SCREENING**

The planning application (DC/13/00424/OUT) for the regeneration of this site was accompanied by an Environmental Statement as the development was considered to be a Schedule 2 development under The Town and Country Planning (Environmental Impact Assessment) Regulations 2011. The subsequent variation of that permission (DC/14/00906/FUL) was accompanied by an updated Environmental Statement.

- 5.3 Under Part 3, Article 8 of the 2011 Regulations where a subsequent application is made where environmental information was previously provided and where it appears to the Local Planning Authority (LPA) that the environmental information already before them is adequate to assess the environmental effects of the development, the LPA shall take that information into consideration in its decision for subsequent consent.

- 5.4 Thus it is not considered that an updated Environmental Statement is required as the LPA has environmental information adequate to assess the environmental effects of the development and this environmental information has been taken into consideration.

### **5.5 VISUAL AMENITY**

Based on the information that has now been submitted, in terms of how the sub-station would sit in the context of the wider development, it is considered the impact on the visual amenity of the area is acceptable. It is accepted that there may be a period where the substation is the only structure on the site but this would only be until the rest of the site is developed. It is not possible to give exact time scales but it is understood the intention, subject to the determination

of the reserved matters application (DC/17/00172/REM) is for development to commence on the new houses by the end of this year.

- 5.6 Red brick and concrete tiles are considered to be acceptable materials and the final approval can be conditioned (CONDITIONS 3 AND 4).
- 5.7 Information with regards to service/cable runs has been provided as there had been concern that they may restrict opportunities for soft landscaping. The information indicates the cables will run along the southern end of the site and will not have any impact on the development as a whole.
- 5.8 Therefore it is considered on its own merits and in the context of the future development that is proposed, the development would not have a detrimental impact on the visual amenity of the streetscene. As a result it is considered the development does not conflict with the aims and objectives of the NPPF, policy CS15 of the Core Strategy and Urban Core Plan (CSUCP) or policy ENV3 of the Unitary Development Plan.
- 5.9 **RESIDENTIAL AMENITY**  
The main concerns raised with regards to residential amenity is anti-social behaviour and crime. Initially the substation would not be enclosed and the advice from the Police Architectural Liaison Officer is that this is the sensible option. It is acknowledged that once the surrounding development is completed there will be fencing on three sides of the sub-station. However by that time natural surveillance will be provided by the houses and lighting in the area will likely be improved by additional street lighting that is required for the new houses.
- 5.10 Security patrols for the phase 1 development will also be extended to include the sub-station.
- 5.11 Given the above, it is considered the concerns of objectors relating to anti-social behaviour are not sufficient to justify refusal.
- 5.12 Concern has been raised by the objectors that the operation of the substation will cause noise disturbance and they refer to the potential for it to generate a humming noise. Advice from Environmental Health is that typically there is no problem with noise from substations
- 5.13 In addition, there should be no unacceptable noise levels generated either during the construction or operation of the substation, construction hours can be conditioned (CONDITION 7) and it is therefore in accordance with Saved UDP policy DC2 and CSUCP policy CS14.
- 5.14 **HIGHWAYS**  
Officers have advised that a single parking bay is created for a service and maintenance vehicle, that is parallel to the rear lane as this would overcome the issues of the below standard reversing distance across the back lane. As part of this application a parallel parking bay is now proposed, which subject to tracking details (CONDITIONS 5 and 6) is considered acceptable as an interim



measure. However a more long term solution will be considered as part of the reserved matters application.

- 5.15 Given the above and subject to the recommended conditions, it is considered the proposal as submitted does not result in harm to highway safety and is therefore in accord with CSUCP policy CS13.

5.16 **OTHER MATTERS**

With regards to the issue of an electromagnetic field certificate, this is not a requirement for the planning application.

- 5.17 Should planning permission be granted the applicant would have 3 years to implement the permission but due to the need for the substation it is understood the intention is to implement the permission immediately.

## **6.0 CONCLUSION**

- 6.1 Taking all of the relevant issues into account, the proposal accords with policies CS13, CS14 and CS15 of the CSUCP and saved policies DC2 and ENV3 of the UDP. It is therefore recommended that planning permission be granted.

## **7.0 Recommendation:**

That permission be GRANTED subject to the following condition(s):

1

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

Proposed site plan, Plans and elevations and Proposed Cable Route

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

Development shall not commence until samples of all materials, colours and finishes to be used on all external surfaces have been made available for inspection on site and are subsequently approved in writing by the Local Planning Authority.

Reason

To safeguard the visual amenities of the area and to ensure that the proposed development does not have an adverse effect upon the appearance of the surrounding area in accordance with the NPPF, Saved Policies DC2 and ENV3 of the Unitary Development Plan and Policies CS14 and CS15 of the Core Strategy and Urban Core Plan for Gateshead and Newcastle upon Tyne.

4

The development shall be completed using the materials approved under Condition 3, and retained as such in accordance with the approved details thereafter.

Reason

To safeguard the visual amenities of the area and to ensure that the proposed development does not have an adverse effect upon the appearance of the surrounding area in accordance with the NPPF, Saved Policies DC2 and ENV3 of the Unitary Development Plan and Policies CS14 and CS15 of the Core Strategy and Urban Core Plan for Gateshead and Newcastle upon Tyne.

5

Prior to substation being brought into use, vehicle tracking details demonstrating the safe use of the parking bay parallel to the rear lane, shall be submitted for the consideration and written approval of the Local Planning Authority. Any amendments required to the parking bay shall be submitted prior to the parking bay being brought into use.

Reason

In the interests of highway safety and in order to accord with policy CS13 of the CSUCP.

6

The parallel parking bay shall be implemented in accordance with the details approved under condition 5 prior to the substation being brought into use.

Reason

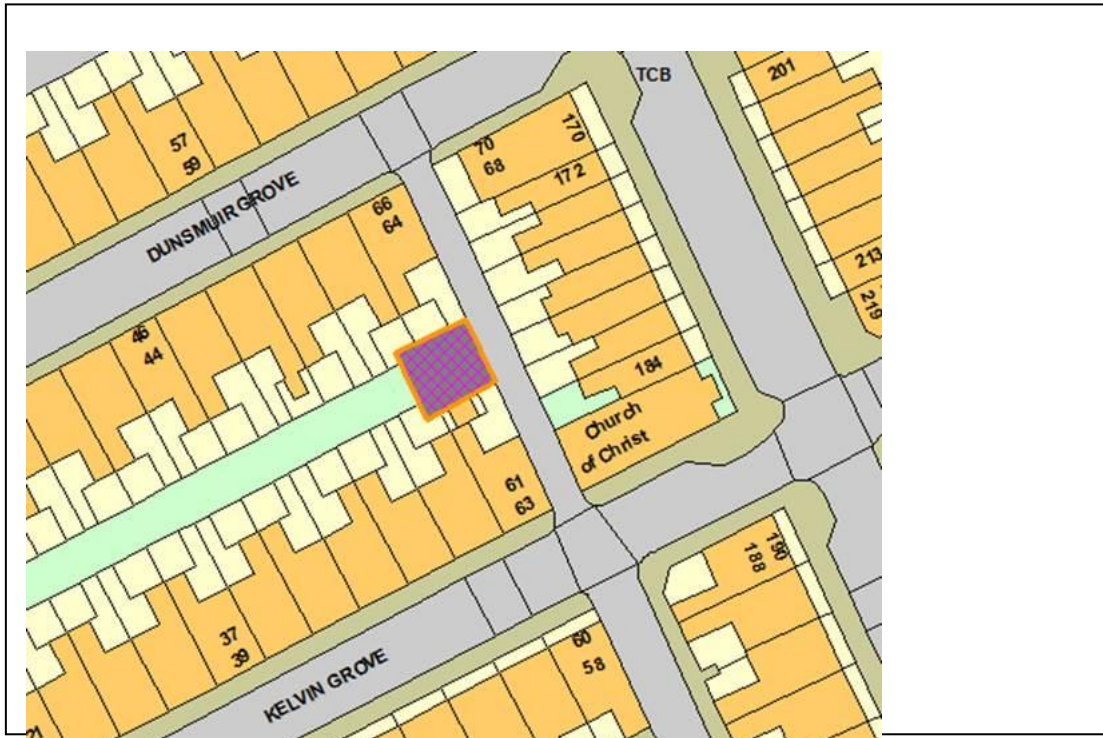
In the interests of highway safety and in order to accord with policy CS13 of the CSUCP.

7

Unless otherwise approved in writing by the Local Planning Authority, 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 1700 hours on Mondays to Saturdays and at no time on Sundays, Bank Holidays or Public Holidays.

### Reason

To safeguard the amenities of nearby residents and in accordance with the NPPF, saved Policies DC2 and ENV61 of the Unitary Development Plan and Policy CS14 of the Core Strategy and Urban Core Plan for Gateshead and Newcastle upon Tyne



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**MINOR UPDATE**

<b>Application No:</b>	<b>DC/17/00074/FUL</b>
<b>Site:</b>	<b>Land South Of Westminster Street Gateshead</b>
<b>Proposal:</b>	<b>Erection of electricity substation and associated parking (revised application) (amended and additional information received 14/03/17).</b>
<b>Ward:</b>	<b>Saltwell</b>
<b>Recommendation:</b>	<b>Grant Permission</b>
<b>Application Type</b>	<b>Full Application</b>

**Reason for Minor Update**

**Further representations made**

One further letter of objection has been received as a result of the amended plans, again raising concerns with regards to anti-social behaviour. This issue has been addressed in the main officers report but it has also been confirmed that the applicant proposes to install a security light to the rear of the sub-station which should assist with preventing any anti-social behaviour.

**SEE MAIN AGENDA FOR OFFICERS REPORT.**

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## REPORT OF THE STRATEGIC DIRECTOR COMMUNITIES AND ENVIRONMENT

### TO THE PLANNING AND DEVELOPMENT COMMITTEE ON 29 MARCH 2017:

PART TWO: THE FOLLOWING APPLICATIONS, DETERMINED SINCE THE LAST COMMITTEE MEETING IN ACCORDANCE WITH THE POWERS DELEGATED UNDER PART 3, SCHEDULE 2 (DELEGATIONS TO MANAGERS) OF THE COUNCIL CONSTITUTION, ARE LISTED FOR INFORMATION ONLY.

Application ref.	Nature of proposed development	Location of proposed development	Decision	Ward
DC/17/00083/HHA	14 Solar panels on roof facing west.	2 Carlton Terrace, Gateshead,	Granted;	Low Fell
DC/17/00123/HHA	Erection of porch	West House, Bank Top,	Granted;	Crawcrook And Greenside
DC/16/00709/FUL	Erection of boat shed and changing facility with 2.4m high pallisade fence on northern boundary of site	Site For Derwenthaugh Marina Phase II, Derwenthaugh Road,	Granted;	Blaydon
DC/16/00974/FUL	Provision of base for Transformer in proprietary container and two containerised Battery Units, with associated stepped access and platforms (amended 16/01/17).	Transport And Cleansing Depot , Park Road,	Granted;	Bridges
DC/16/01159/HHA	Two storey side extension.	15 Ambleside Gardens, Sheriff Hill,	Refused;	Low Fell
DC/16/01176/HHA	Demolition of outhouses, single storey extensions to the rear and velux windows to front and rear (as amended 18.01.2017, 16.02.2017)	4 Ashfield Terrace , Hexham Old Road,	Granted;	Ryton Crookhill And Stella

DC/16/01237/TPO	Works to one Willow tree, one Japanese Cherry tree, 1 Ash tree and one Oak tree in garden of 8 High Horse Close.	Hylow, 8 High Horse Close,	Granted;	Winlaton And High Spen
DC/16/01244/FUL	Erection of ventilation stack (9.8m high) at south side of building.	Tor Coatings Ltd , Portobello Road,	Granted;	Birtley
DC/16/01263/ADV	Display of one fascia sign, one projecting sign (both advertising 'Costa' and externally illuminated)(as amended 06.01.17)	482 Durham Road, Gateshead,	Temporary permission granted;	Low Fell
DC/17/00011/HHA	Engineering works to level rear garden, erection of fence and dwarf wall (retrospective)	90 Oakfield Road, Whickham,	Granted;	Whickham North
DC/16/01278/HHA	Erection of dormer window at the front of the property.	19 Queen Elizabeth Avenue, Sheriff Hill,	Refused;	High Fell
DC/16/01317/FUL	Demolition of existing double garage and construction of new two storey dwelling (with integral garage) also construction of new single garage (amended 19/01/17).	2 Parkgate Lane, Winlaton,	Granted;	Winlaton And High Spen



DC/16/01320/FUL	Erection of steel framed structure for the purposes of storing small boats (canoes/kayaks), additional gated entrance to existing palisade fence with associated hardstanding/kerb from road.	T S Northumbria Sea Cadet Corps, Derwenthaugh Marina,	Granted;	Blaydon
DC/16/01313/HHA	Single storey rear extension (as amended 14.02.2017)	Rudyard, Strathmore Road,	Granted;	Chopwell And Rowlands Gill
DC/17/00009/OHL	Diversion of existing overhead line.	Dunston Hill Hospital, Whickham Highway,	Observations	Dunston Hill And Whickham East
DC/16/01330/HHA	Extension to single storey garage, rear single storey extension to kitchen and erection of single storey green house, single storey garden room extension, associated landscaping works, replacement windows and new boundary treatment on north and east boundaries (description amended 02.02.2017 and plans received 06.03.2017 and 07.03.2017).	Red Cottage , Brackendene Drive,	Granted;	Low Fell

DC/16/01332/FUL	Subdivision of existing retail unit (Use Class A1) resulting in the creation of one residential unit (Use Class C3) and one retail unit (Use Class A1), including external alterations consisting of rear infill extension and dormer window within rear roof space and single storey rear/side extension.	6 - 8 Main Street, Ryton,	Granted;	Crawcrook And Greenside
DC/16/01333/HHA	Erection of single storey pitched roof extension to rear of bungalow, single storey pitched roof side extension, pitched roof to replace flat roof on detached garage and existing side extension, installation of bow windows to front	Beech Trees, 3 Moraine Crescent,	Granted;	Chopwell And Rowlands Gill
DC/16/01334/HHA	Proposed refurbishment of existing dwelling (metal clad chapel element of the former Clara Vale Methodist Church, extant planning approval DC/15/00062/FUL). Proposed widening of gate.	Clara Vale Methodist Church Adjacent , Edington Cottages,	Granted;	Crawcrook And Greenside
DC/16/01353/FUL	Demolition of a detached double garage and the construction of a two storey, three bed dwelling (resubmission) (Amended 30/01/17 and 20/02/17).	44 Fell Bank, Birtley,	Granted;	Birtley

DC/17/00024/COU	Change of use from open land to private residential garden land with 1.8m high timber fence boundary enclosure (partially retrospective) (amended 20/02/17 and 22/02/17).	Land Adj 165 Kepier Chare, Ryton,	Granted;	Crawcrook And Greenside
DC/17/00001/COU	Change of use of ground floor from residential to Use Class A1 (as expansion of existing adjoining shop); relocation of dwelling entrance to rear; and residential loft conversion with hip to gable extension and new velux windows	3/5 Beaconsfield Avenue, Gateshead,	Refused;	Low Fell
DC/17/00003/FUL	Siting of a single storey Portakabin Titan building to be used as an office, for a three year period.	Palintest House , Kingsway North,	Temporary permission granted;	Lobley Hill And Bensham
DC/17/00012/HHA	Proposed two storey side extension with dormer window to rear	52 Ropery Road, Teams,	Granted;	
DC/17/00016/FUL	Erection of single-storey rear extension to provide new roof lantern for the Jewish 'Sukkah' festival.	30 Denmark Street, Bensham,	Granted;	Bridges

DC/17/00019/HHA	Erection of pitched roof over garage to replace flat roof and replacement of garage door with bay window (as amended 28.02.2017)	1 Maple Grove, Gateshead,	Granted;	Saltwell
DC/17/00020/HHA	Velux window to front and rear (as amended 08.03.2017)	20 Killowen Street, Low Fell,	Granted;	Low Fell
DC/17/00027/HHA	Single storey rear extension	Hargel House , Smailes Lane,	Granted;	Chopwell And Rowlands Gill
DC/17/00028/HHA	Proposed garage conversion and single storey front extension	8 Coniston Avenue, Whickham,	Granted;	Dunston Hill And Whickham East
DC/17/00029/HHA	Two storey side and single storey rear extension	64 Wardley Drive, Wardley,	Granted;	Wardley And Leam Lane
DC/17/00030/FUL	Single storey extension at side of existing dental surgery to provide additional facilities for the dental surgery.	Kells Lane Indental Practice, 265 Kells Lane,	Granted;	Chowdene
DC/17/00032/HHA	Two windows in north elevation	Rose Cottage , Castle Hill House,	Granted;	Crawcrook And Greenside
DC/17/00033/HHA	Proposed garage conversion	3 Woolerton Drive, Windy Nook,	Granted;	Windy Nook And Whitehills

DC/17/00034/FUL	Renewal of temporary planning approval DC/11/01378/FUL to allow the retention of a double classroom to north of main school building.	St Mary's Roman Catholic Primary School, Duckpool Lane,	Temporary permission granted;	Dunston Hill And Whickham East
DC/17/00035/FUL	Installation of metal sheeting clad facade on south elevation	Karting North East Indoor Ltd , Forge Road,	Granted;	Dunston And Teams
DC/17/00037/ADV	Display of various illuminated and non-illuminated fascia, wall mounted, free-standing and pylon signs and three flags mounted on (8m high) flagpoles, advertising Evans Halshaw and Hyundai (retrospective)	Evans Halshaw , Shearlegs Road,	Temporary permission granted;	Bridges
DC/17/00038/HHA	Single storey rear extension	18 Rowland Burn Way, Rowlands Gill,	Granted;	Chopwell And Rowlands Gill
DC/17/00065/TPO	Works to trees in grounds of Chowdean Lodge.	Chowdean Lodge, The Lodges Road,	Granted;	Low Fell
DC/17/00070/COU	Change of use from public house (A4) to mixed use sandwich shop and café (Sui Generis) (Description amended 08.02.2017).	Unit 3, Ship Inn,	Granted;	Pelaw And Heworth
DC/17/00041/COU	Change of use of the ground floor from offices to a coffee shop and vegetarian cafe (A3 use)	14 Regent Terrace, Gateshead,	Granted;	Bridges

DC/17/00042/LBC	Creation of opening in ground floor internal wall to facilitate use of ground floor to coffee shop and cafe	14 Regent Terrace, Gateshead,	Granted;	Bridges
DC/17/00060/TPO	Works to 1 Pear tree in grounds of 158 Durham Road.	GATESHEAD JEWISH ACADEMY, 158 Durham Road,	Granted;	Saltwell
DC/17/00072/TDPA	Installation of a new 12.5m streetworks column with ancillary works including three antennae and two equipment cabinets	Land Opposite The Highwayman, Whickham Highway,	Granted;	Dunston Hill And Whickham East
DC/17/00049/ADV	Display of three externally illuminated fascia signs on front and side elevations	1-2 The Square, Whickham,	Temporary permission granted;	Whickham North
DC/17/00050/FUL	Installation of external compressors (air conditioning and cold room) and air intake grille for ventilation system.	1-2 The Square, Whickham,	Granted;	Whickham North
DC/17/00051/HHA	Erection of garden pod	11 Thornhill Close, Dunston,	Granted;	Dunston And Teams
DC/17/00089/TPO	Works to 1 Oak tree in front garden of Woodlea, 110 Shibdon Road.	Woodlea, 110 Shibdon Road,	Granted;	Blaydon
DC/17/00113/HHA	Porch to front	11 Elmtree Drive, Ryton,	Granted;	Crawcrook And Greenside

DC/17/00054/LBC	Replacement of existing casements on the front elevation with new Georgian style double-glazed sash windows.	125 Kells Lane, Gateshead,	Granted;	Low Fell
DC/17/00116/HHA	Erection of single storey rear extension, raised terrace and porch to front of detached bungalow (being a re-submission of DC/16/00357/HHA granted on 11.08.2016)	Thornkea, 29 Axwell Park Road,	Granted;	Blaydon
DC/17/00056/COU	Change of use from retail (Use Class A1) to restaurant/cafe (Use Class A3) and/or retail (Use Class A1)	Metrocentre, 7 Redpath Way,	Granted;	Whickham North
DC/17/00061/HHA	Erection of single storey pitched roof extension to rear of terraced property	3 Egton Terrace, Birtley,	Granted;	Birtley
DC/17/00069/FUL	Replacement and upgrade of existing public telephone kiosk with kiosk combining public telephone service and ATM service (retrospective).	Outside 4 High Street, Wrekenton,	Granted;	High Fell
DC/17/00154/HHA	Single storey extension to front to provide bay window and porch, bifold doors to the rear	44 Festival Park Drive, Gateshead,	Granted;	Lobley Hill And Bensham

DC/17/00103/RGD P	DETERMINATION OF PRIOR APPROVAL: Change of use from office (use class B1(a)) to 88 residential apartments (use class C3).	Chad House, Tynegate Precinct,	Refused;	Bridges
DC/17/00111/HHA	Single storey rear extension	Willow House, 7A Millfield Road,	Granted;	Dunston Hill And Whickham East
DC/17/00120/HHA	Single storey rear extension	2 The Foxhills, Fellside Park,	Granted;	Whickham South And Sunniside
DC/17/00140/HHA	Installation of a modular metal mesh access ramp to allow disabled access from front door of property to public footpath	17 West Acres, Hole In The Wall Estate,	Granted;	Blaydon
DC/17/00157/RGD P	DETERMINATION OF PRIOR APPROVAL: Change of use from office (use class B1(a)) to 80 residential apartments (use class C3).	Chad House, Tynegate Precinct,	Refused;	Bridges





**REPORT TO PLANNING AND  
DEVELOPMENT COMMITTEE**  
**29 March 2017**

**TITLE OF REPORT:**       **Enforcement Action**

**REPORT OF:**               **Paul Dowling, Strategic Director, Communities and  
Environment**

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**Purpose of the Report**

1.       To advise the Committee of the progress of enforcement action previously authorised by the Committee.

**Background**

2.       The properties, which are the subject of enforcement action and their current status, are set out in Appendix 2.

**Recommendations**

3.       It is recommended that the Committee note the report.

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Contact: John Bradley extension 3905

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**1. FINANCIAL IMPLICATIONS**

Nil.

**2. RISK MANAGEMENT IMPLICATIONS**

Nil.

**3. HUMAN RESOURCES IMPLICATIONS**

Nil.

**4. EQUALITY AND DIVERSITY IMPLICATIONS**

Nil

**5. CRIME AND DISORDER IMPLICATIONS**

Nil.

**6. SUSTAINABILITY IMPLICATIONS**

Nil.

**7. HUMAN RIGHTS IMPLICATIONS**

The Human Rights Act states a person is entitled to the peaceful enjoyment of his possessions. However this does not impair the right of the state to enforce such laws, as it deems necessary to control the use of property and land in accordance with the general interest.

**8. WARD IMPLICATIONS**

Bridges, Blaydon, Pelaw & Heworth, Crawcrook & Greenside, Ryton, Crookhill and Stella, Chopwell and Rowlands Gill, Wardley & Leam Lane, Winlaton and High Spen, Whickham North, Whickham South and Sunnyside, Lobley Hill and Bensham. Lamesley, Dunston Hill and Whickham East and Low Fell.

**9. BACKGROUND INFORMATION**

Nil.

## APPENDIX 2

Item Number	Site	Ward	Alleged Breach of Planning Control	Date Approval given for Enforcement Action	Date Served	Plan App Rec'd Y/N	Appeal Rec'd Y/N	Date Notice comes into Force	End of Compliance Period	Current Status	Compliance Y/N
1.	Land adjacent Ricklees Farm, Spen Lane, High Spen, Gateshead	Winlaton and High Spen	Change of use from agricultural to mixed use for keeping of horses, breaking, dismantling of vehicles, storage and burning of waste and the storage of caravans and vehicle bodies.	25 March 2013	25 March 2013	N	N	29 April 2013	29 June 2013	Complaints have been received over a considerable period regarding the inappropriate use of an area of green belt adjacent to B6315. During investigation it was established that the land was being used for a range of inappropriate uses. Despite attempts to negotiate with the land owner to reach a satisfactory conclusion no sustained improvement was secured. Therefore an enforcement notice has been issued requiring the removal of the inappropriate material from the site together with the cessation of the unauthorised use. No appeal has been received and the notice has taken effect. A visit to obtain quotes is being arranged in order to look at the costs of carrying out work in default.	
2.	Land adjacent Ricklees Farm, Spen Lane, High Spen, Gateshead	Winlaton and High Spen	Erection of a breeze block building	25 March 2013	25 March 2013	N	N	29 April 2013	29 June 2013	Complaints have been received over a considerable period regarding the inappropriate use of an area of green belt adjacent to B6315. During the course of investigations it was established that a building had been erected without	

Item Number	Site	Ward	Alleged Breach of Planning Control	Date Approval given for Enforcement Action	Date Served	Plan App Rec'd Y/N	Appeal Rec'd Y/N	Date Notice comes into Force	End of Compliance Period	Current Status	Compliance Y/N
										<p>consent.</p> <p>The building is considered to be unacceptable and therefore the council have issued an enforcement notice requiring the removal of the unauthorised building. No appeal has been received and the notice has taken effect.</p> <p>The new owner of the site has been contacted and works are well underway to tidy the site with the demolition of the breeze block structure taking place in the near future</p>	
3.	Land at Litchfield Lane, Winlaton Gateshead	Winlaton and High Spen	Unsightly Land	25 September 2013	25 September 2013	N	N	31 October 2013	31 December 2013	Complaints have been received regarding the condition of the land which has planning permission for a residential development that has not yet commenced. Despite attempts to resolve the matter amicably a notice has now been issued requiring a scheme of remedial works within a specified timescale. The majority of the steps required by notice were complied with following the issue of Summons'.	
			Unsightly Land	21 <sup>st</sup> September	21 <sup>st</sup> September	N	N	21 <sup>st</sup> October 2015	16 <sup>th</sup> December	A planning application is expected to be submitted soon.	

Item Number	Site	Ward	Alleged Breach of Planning Control	Date Approval given for Enforcement Action	Date Served	Plan App Rec'd Y/N	Appeal Rec'd Y/N	Date Notice comes into Force	End of Compliance Period	Current Status	Compliance Y/N
				2015	r 2015				2015	<p>However, a further Section 215 notice has been served requiring a hoarding to be erected around the site.</p> <p>Planning permission has now been granted for the site and discussions regarding the compliance with the notice are ongoing.</p> <p>A further notice has now been issued requiring the site to be tidied and a hoarding erected.</p>	
4.	40 Whitemere Gardens Wardley	Wardley and Leam Lane	Unauthorised Change of Use of residential land	4 <sup>th</sup> April 2014	4 <sup>th</sup> April 2014	N	N	10 <sup>th</sup> May 2014	10 <sup>th</sup> July 2014	<p>The notice has been served as the land in question is being used as a mixed use of dwelling house and vehicle repair and servicing, storage of vehicles and vehicle repair parts and equipment and vehicle recovery.</p> <p><b>A file has been prepared and the matter is being progressed with PACE interviews with those suspected of breaching the Notice</b></p>	
5.	21 Saltwell View	Saltwell	Unauthorised alteration to property	16 July 2014	16 July 2014	N		20 August 2014	13 September 2016	<p>The unauthorised installation of UPVC windows without consent, -fronting the highway in an area subject to a Direction under Article 4 of the Town and Country Planning (General Permitted</p>	

Item Number	Site	Ward	Alleged Breach of Planning Control	Date Approval given for Enforcement Action	Date Served	Plan App Rec'd Y/N	Appeal Rec'd Y/N	Date Notice comes into Force	End of Compliance Period	Current Status	Compliance Y/N
										<p>Development) Order 1995. Contrary to contrary to Policy ENV7 of the Unitary Development Plan.</p> <p>Enforcement Notice has been served which requires the replacement of the windows with white painted timber sliding sash windows identical to the windows which were in place when the Article 4 Direction was applied</p> <p>Decision issued, notice upheld as varied. Notice to be complied with by the 13<sup>th</sup> September 2016</p> <p>A planning application has been received to retain an amended version of the windows.</p>	
6.	14 Gunn Street	Dunston Hill and Whickham East	Unightly property	8 <sup>th</sup> Aug 2014	9 <sup>th</sup> Aug 2014	N		8 <sup>th</sup> Sept 2014	7 <sup>th</sup> Nov 2014	<p>Complaints have been received regarding an unsightly property. Despite attempts to resolve the matter amicably no substantive improvement was made in the condition of the property. A notice has been served requiring the owner to carry out works to remedy the condition.</p> <p>The notice has not been complied with.</p>	

Item Number	Site	Ward	Alleged Breach of Planning Control	Date Approval given for Enforcement Action	Date Served	Plan App Rec'd Y/N	Appeal Rec'd Y/N	Date Notice comes into Force	End of Compliance Period	Current Status	Compliance Y/N
										<p>An initial prosecution case went to Court on 15<sup>th</sup> January 2015. The District Judge granted an absolute discharge and advised the Council would need to take further action in 3 months in the event of further non-compliance.</p> <p>In the absence of compliance a second Court date has been was for the 10<sup>th</sup> September when the Owner received a £200 fine with £200 costs and £25 victim surcharge.</p> <p>The notice has still not been complied with.</p> <p><b>A date to start on site is awaited now the quotes and schedule of works have been agreed.</b></p>	
7.	Land at Woodhouse Lane, Swalwell (Known as South West Farm Site One)	Swalwell	Without planning permission the change of use of the land from agriculture to a mixed use for agriculture, storage of vehicles, agricultural equipment and scrap metal and vehicle dismantling and repair	11 January 2016	12 January 2016	N	N	15 February 2016	14 March and 4 July 2016	Notices were issued in September 2015 in respect of an unauthorised scrap being stored. Due to the scale of the breach of planning control an additional Notice was required in relation to the potential Environmental Impact of the Development.	
	(Known as South West Farm Site Two)	Swalwell	Without planning permission the change of use of the land from agriculture and reception, composting and transfer of green waste to a mixed use for agriculture and the	11 January 2016	12 January 2016	N	N	15 February 2016	14 March and 4 July 2016	As such the original Notices (which were all being appealed) were withdrawn and further Notices have now been issued including those in	

Item Number	Site	Ward	Alleged Breach of Planning Control	Date Approval given for Enforcement Action	Date Served	Plan App Rec'd Y/N	Appeal Rec'd Y/N	Date Notice comes into Force	End of Compliance Period	Current Status	Compliance Y/N
	(Known as South West Farm Site Three)	Swalwell	storage of vehicles, agricultural equipment and parts, repair and restoration of vehicles and machinery and the reception, composting and transfer of green waste.  Without planning permission the change of use of the land from agriculture to a mixed use for agriculture and the storage of vehicles, agricultural equipment and scrap metal and vehicle dismantling and repair	11 January 2016	12 January 2016	N	N	15 February 2016	14 March and 4 July 2016	respect of the requirement to carry out an Environmental Impact Assessment and provide an Environmental Statement with an subsequent appeals.  The Notices requires firstly, the cessation of the unauthorised use and secondly, the removal from the land of the scrap.  The site is to be visited following the expiration of the compliance period the visit is to be carried out imminently in conjunction with the Environment Agency.  The associated legal action is to be heard at Newcastle Crown Court in May 2017	
8.	Site of former Stella South Power Station, Stella Riverside	Ryton, Crookhill and Stella	Failure to comply with a condition attached to the planning permission in relation to play areas	18 January 2016	18 January 2016	Y	N	18 January 2016	14 March 2016 (stage 1)  9 May 2016 (stage 2)	Complaints have been received that a condition attached to the planning application for the site has not been complied with in respect of the provision of play equipment. Despite protracted negotiation the work to comply with the condition had not commenced on site. As such a notice was served requiring compliance within a specified timescale.  Work is well underway on site to comply with the notice following the notice of intended	



Item Number	Site	Ward	Alleged Breach of Planning Control	Date Approval given for Enforcement Action	Date Served	Plan App Rec'd Y/N	Appeal Rec'd Y/N	Date Notice comes into Force	End of Compliance Period	Current Status	Compliance Y/N
										prosecution.	
9.	Tynedale House, Main Street, Crawcrook	Crawcrook and Greenside	Unsightly Building	13 <sup>th</sup> January 2017	14 <sup>th</sup> February 2017	Y	N	20 <sup>th</sup> March 2017	15 <sup>th</sup> May 2017	<p>Complaints have been received regarding the appearance of the front elevation of the property which is a former butchers shop.</p> <p>Whilst the site is noted to be under renovation the works have not substantially progress and the matter has become protracted.</p> <p>Therefore the Notice has been issued to ensure the façade is brought up to an acceptable standard within a specified period.</p>	
10.	Site of Station House, Green Lane, Gateshead	Pelaw and Heworth	Breach of Planning Condition	16 <sup>th</sup> March 2017	16 <sup>th</sup> March 2017	Y	N	16 <sup>th</sup> March 2017	10 <sup>th</sup> April 2017	<p>Complaints have been received regarding the use of the site which has planning permission to change to a scaffolding yard. The permission was granted subjected to a number of conditions many of which related to highway safety and which required discharge prior to the new use being commenced.</p> <p>The use has commenced without the conditions being discharged. Adjacent to the site a new supermarket is under construction as a result Officers</p>	

Item Number	Site	Ward	Alleged Breach of Planning Control	Date Approval given for Enforcement Action	Date Served	Plan App Rec'd Y/N	Appeal Rec'd Y/N	Date Notice comes into Force	End of Compliance Period	Current Status	Compliance Y/N
										have significant concerns regarding highway safety. Therefore a Temporary Stop Notice has been issued requiring the use to stop until the conditions are discharged.	



**PLANNING AND DEVELOPMENT  
COMMITTEE  
29 March 2017**

**TITLE OF REPORT:** Planning Appeals

**REPORT OF:** Paul Dowling, Strategic Director, Communities and Environment

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## **Purpose of the Report**

1. To advise the Committee of new appeals received and to report the decisions of the Secretary of State received during the report period.

## **New Appeals**

2. There has been **one** new appeal lodged since the last committee:

DC/15/00804/FUL - Land At Portobello Road, Birtley  
Erection of 60 x two-storey dwellings with associated works (additional information received 22/09/15, 25/09/15, 26/11/15, 02/12/15, 07/12/15, 15/12/15, and 15/04/16 and 08/03/16 and amended 26/11/15, 02/12/15, 18/02/16, 22/02/16, 06/04/16, 07/04/16 and 18/04/16).

This was a committee decision refused on 25 April 2016

## **Appeal Decisions**

3. There have been no new appeal decisions received since the last Committee.

## **Appeal Costs**

4. There have been no appeal cost decisions.

## **Outstanding Appeals**

5. Details of outstanding appeals can be found in **Appendix 2**.

## **Recommendation**

6. It is recommended that the Committee note the report

**Contact: Emma Lucas    Ext: 3747**

**FINANCIAL IMPLICATIONS**

Nil

**RISK MANAGEMENT IMPLICATIONS**

Nil

**HUMAN RESOURCES IMPLICATIONS**

Nil

**EQUALITY AND DIVERSITY IMPLICATIONS**

Nil

**CRIME AND DISORDER IMPLICATIONS**

Nil

**SUSTAINABILITY IMPLICATIONS**

Nil

**HUMAN RIGHTS IMPLICATIONS**

The subject matter of the report touches upon two human rights issues:

The right of an individual to a fair trial; and  
The right to peaceful enjoyment of property

As far as the first issue is concerned the planning appeal regime is outside of the Council's control being administered by the First Secretary of State. The Committee will have addressed the second issue as part of the development control process.

**WARD IMPLICATIONS**

Various wards have decisions affecting them in Appendix 2

**BACKGROUND INFORMATION**

Start letters and decision letters from the Planning Inspectorate

## APPENDIX 2

### OUTSTANDING APPEALS

<b>Planning Application No</b>	<b>Appeal Site (Ward)</b>	<b>Subject</b>	<b>Appeal Type</b>	<b>Appeal Status</b>
DC/16/00615/FUL	Rockwood Hill Road Greenside Ryton NE40 4BL	Erection of a two storey detached dwellinghouse.	Written	Appeal In Progress
DC/15/00804/FUL	Land At Portobello Road Birtley	Erection of 60 x two-storey dwellings with associated works (additional information received 22/09/15, 25/09/15, 26/11/15, 02/12/15, 07/12/15, 15/12/15, and 15/04/16 and 08/03/16 and amended 26/11/15, 02/12/15, 18/02/16, 22/02/16, 06/04/16, 07/04/16 and 18/04/16).	Hearing	Appeal In Progress

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## REPORT TO PLANNING AND DEVELOPMENT COMMITTEE

29 March 2017

**TITLE OF REPORT:** Planning Obligations

**REPORT OF:** Paul Dowling, Strategic Director, Communities and Environment

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### Purpose of the Report

1. To advise the Committee of the completion of Planning Obligations which have previously been authorised.

### Background

2. To comply with the report of the District Auditor "Probity in Planning" it was agreed that a progress report should be put before the Committee to enable the provision of planning obligations to be monitored more closely.
3. Since the last Committee meeting there have been no new planning obligations.
4. Since the last Committee there have been two new payments received in respect of planning obligations:

DC/11/00872/FUL – £3472.27 (paid in instalments) - final payment received in respect of off-site junior play, off-site open space contribution, off-site teen play and toddler play  
Railway Cottage, Whickham

Variation of condition 1 of DC/07/01935/FUL to allow amendment to design and position of proposed dwellinghouse, including provision of garage.

DC/13/00717/FUL - £1156.42 (paid in instalments) – final payment received in respect of off-site teenage play and off-site toddler play  
36A Cornmoor Road, Whickham  
Revised full application for permission for the erection of a single unrestricted dwelling-house.

5. Details of all the planning obligations with outstanding covenants on behalf of developers and those currently being monitored, can be found at Appendix 2 on the Planning Obligations report on the online papers for Planning and Development Committee for 29 March 2017.

### Recommendations

6. It is recommended that the Committee note the report.

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Contact: Emma Lucas Ext: 3747

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**1. FINANCIAL IMPLICATIONS**

Some Section 106 Agreements require a financial payment when a certain trigger is reached and there is a duty on the Council to utilise the financial payments for the purposes stated and within the timescale stated in the agreement.

**2. RISK MANAGEMENT IMPLICATIONS**

Nil

**3. HUMAN RESOURCES IMPLICATIONS**

Nil

**4. EQUALITY AND DIVERSITY IMPLICATIONS**

Nil

**5. CRIME AND DISORDER IMPLICATIONS**

Nil

**6. SUSTAINABILITY IMPLICATIONS**

Nil

**7. HUMAN RIGHTS IMPLICATIONS**

Nil

**8. WARD IMPLICATIONS**

Monitoring: Various wards

**9. BACKGROUND INFORMATION**

The completed Planning Obligations