

PLANNING AND DEVELOPMENT COMMITTEE AGENDA

Wednesday, 21 June 2017 at 6.00 pm in the Bridges Room - Civic Centre

From the Chief Executive, Sheena Ramsey

Item	Business
1	Apologies for Absence
2	Minutes The Committee is asked to approve as a correct record the minutes of the meeting held 31 May 2017 (copy previously circulated).
3	Declarations of Interest Members to declare interests in any agenda items
4	Planning Applications (Pages 3 - 10)
4i	No 1 - Land at former Wardley Colliery, Wardley Lane, Gateshead (Pages 11 - 34)
4ii	No 2 - Three Tuns Hotel, Sheriffs Highway, Gateshead (Pages 35 - 42)
4iii	No 3 - Site Of Scottish Motor Auctions Group, Shadon Way, Birtley (Pages 43 - 52)
4iv	No 4 - 3 Thomas Street, Eighton Banks, Gateshead (Pages 53 - 68)
4v	No 5 - Land at Whitehill Drive, Felling (Pages 69 - 94)
4vi	No 6 - Derwent View, Winlaton (Pages 95 - 110)
4vii	No 7 - 1 Woodgate Lane, Bill Quay, Gateshead (Pages 111 - 120)
4viii	No 8 - Ravenside Bungalow, Stocksfield (Pages 121 - 130)
5	Delegated Decisions (Pages 131 - 138)
6	Enforcement Action (Pages 139 - 150) Report of the Strategic Director, Communities and Environment
7	Planning Appeals (Pages 151 - 154) Report of the Strategic Director, Communities and Environment.

8 | **Planning Obligations** (Pages 155 - 156)

Report of the Strategic Director, Communities and Environment.



PLANNING AND DEVELOPMENT
COMMITTEE
21 June 2017

TITLE OF REPORT: Planning applications for consideration

REPORT OF: Paul Dowling, Strategic Director Communities
and Environment

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/16/00698/OUT	Former Wardley Colliery Wardley Lane	Wardley And Leam Lane
2. DC/17/00096/FUL	Three Tuns Hotel Sheriffs Highway	Low Fell
3. DC/17/00156/COU	Site Of Scottish Motor Auctions Group Shadon Way	Birtley
4. DC/17/00164/FUL	3 Thomas Street Eighton Banks	Lamesley
5. DC/17/00167/FUL	Land At Whitehill Drive Felling	Windy Nook And Whitehills
6. DC/17/00259/FUL	Derwent View Winlaton	Winlaton And High Spen
7. DC/17/00291/FUL	1 Woodgate Lane Bill Quay	Pelaw And Heworth
8. DC/17/00358/FUL	Ravenside Bungalow U8116 County Boundary To Woodhead	Chopwell And Rowlands Gill

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 15th 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 17th 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)

A1 Shops	Shops, retail warehouses, hairdressers, undertakers/funeral directors, travel and ticket agencies, post offices, pet shops, sandwich shop, showrooms, domestic hire shops.	C1 Hotels	Hotels, boarding and guest houses
A2 Financial and Professional Services	Banks, building societies, estate and employment agencies, professional and financial services.	C2 Residential Institutions	Residential schools and colleges convalescent homes/nursing homes
A3 Restaurants and Cafes	Restaurants, snack bars, cafes.	C2A Secure Residential Institutions	Secure residential accommodation including detention centres, young offenders institutions, prisons and custody centres.
A4 Drinking Establishments	Public Houses and Wine bars etc	C3 Dwellings	Dwellings, small business at home, communal housing of the elderly and handicapped
A5 Hot food Take-Aways	Hot Food Take-away shops	C4 Houses in Multiple Occupation	Small shared dwellings/houses occupied by between 3 and 6 unrelated individuals who share basic amenities such as kitchen or bathroom.
B1 Business	Offices not within A2, research and development studios, laboratories, high tech., light industry appropriate in a residential area.	D1 Non-residential Institutions	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.
B2 General Industry	General industry.	D2 Assembly & Leisure	Cinemas, music and concert halls, baths, skating rinks, gymnasiums. Other indoor and outdoor sports and leisure uses, bingo halls.
B8 Storage and Distribution	Wholesale warehouses repositories, including open air storage	Sui generis	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 (suitgeneris)	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 1A 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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Committee Report

Application No:	DC/16/00698/OUT
Case Officer	Andrew C Softley
Date Application Valid	13 July 2016
Applicant	Persimmon Homes
Site:	Former Wardley Colliery Wardley Lane Felling Gateshead NE10 8AA
Ward:	Wardley And Leam Lane
Proposal:	Outline application for no more than 155 new residential dwellings (C3 use) with associated new highways access, landscaping, infrastructure and all site remediation works. All matters reserved (additional information received).
Recommendation:	REFUSE
Application Type	Outline Application

1.0 The Application:**1.1 BACKGROUND**

The application was deferred at the Planning and Development Committee of 25th January 2017 for Members to visit the site on 9th February 2017. The application was therefore considered at the Planning and Development Committee on 15th February 2017. The decision was taken to defer the application again to allow for more detailed discussions to take place between planning officers and the applicant in an attempt to address the reasons for refusal before being re-considered at Planning and Development Committee. The applicant submitted a suite of additional information, which has been reviewed in detail by officers. The additional information submitted by the applicant is assessed over the following pages in conjunction with the information submitted originally.

1.2 DESCRIPTION OF THE SITE

The application site is made up of two adjoining parcels of land that are in separate ownership, which collectively make up the former Wardley Colliery site. The smaller of the two sites contains the remains of the former original colliery buildings that are predominantly single-storey units laid out in linear strips, save for a small number of two/three-storey tower like buildings. The buildings are in a very dilapidated, semi-ruinous state due to being neglected for the last 40 years since the colliery closed, with no lawful alternative use established during the intervening period. The larger of the two sites is the former Wardley Colliery No. 2, which is immediately adjacent to the original site and historically formed an extension to the colliery operation, including the colliery spoil heap on part of the site. However, in 1985 it began operating as a

commercial vehicle dismantling and repair yard known as JW Coats and Sons. The site is made up of extensive hardstanding that was used for the open storage of truck bodies, vehicle parts, tyres, etc. The site also contained two large two-storey detached metal clad buildings that formed the enclosed repair and dismantling part of the business. The use ceased in the early to mid-part of 2015, including the removal of all the open air stored items and the demolition of one of the two large buildings. The site has remained vacant ever since.

- 1.3 The application site lies within the Green Belt, on the north eastern side of Wardley. The smaller site is defined with Heras style fencing that was installed by the owner at the request of the Council due to the previously insecure nature and untidy appearance of the land and on-going issues with anti-social behaviour. The larger site is defined by 2m+ high metal palisade fencing along its northern and eastern boundaries and is screened along its western, and part of its southern boundary with mounding formed from the remodelling of the former colliery spoil heap that has subsequently been planted. The wider application site is bounded to its south/southwest side by the Leamside railway line, to its southeast/east side by the Bowes Railway route, to its east/northeast by Wardley Manor Country Park (restored former landfill) and to its north/northwest by an un-adopted track, which gives access to the site from Wardley Lane that runs over the Wardley railway bridge, and which continues also in a north westerly direction to the A185 Shields Road.
- 1.4 Lighter vehicles can also access the site via Manor Gardens over Wardley Bridge, but HGVs can gain access only from Wardley Lane to the north. The open land around the site generally forms part of the Wardley Manor Country Park, in accordance with an adopted Strategy for this country park (supported by UDP policy CFR25). The site itself also partly lies within the Wardley moated site, a Scheduled Ancient Monument (SAM), of a former 13th century manor house with a surrounding moat.
- 1.5 **DESCRIPTION OF THE APPLICATION**
This outline application, with all matters reserved, seeks to establish the principle for no more than 155 new residential dwellings (C3 use) with associated new highways access, landscaping, infrastructure and all site remediation works. The application site extends to 4.2 hectares but that does include the existing screening bunds that would remain and the proposed dwellings would be constructed on the flatter, developable area following the demolition of the remaining buildings and structures.
- 1.6 Although only indicative at this stage, the main access is proposed to be via Wardley Lane from the north, with the existing rough track upgraded to an adoptable standard up to where it meets Wardley Railway Bridge and the entrance to the estate positioned towards the northwestern part of the site where the current former colliery buildings are located. The smaller bridge over the Leamside Line that links to Manor Gardens would be pedestrianised to remove the issue of vehicle rat-running between Wardley and Hebburn.

1.7 An indicative layout has also been submitted showing a combination of 2 and 3 storey detached and semi-detached properties and detached garages, with red brick and slate grey roofs and a "gateway" feature at the entrance.

1.8 PLANNING HISTORY

The site has had a long planning history, but the most recent, and most relevant to this current planning application, have been the following applications:-

EIA/16/003 - Environmental Impact Assessment (EIA) Screening Option for a residential development of approximately 150 dwellings (use class C3) on land of former Wardley Colliery and breaking yard, Wardley. Deemed that an EIA is not required in this case - response issued 14.07.2016.

DC/12/00363/OUT - Outline application for residential development with access to be considered. All other detailed matters reserved. Withdrawn - 31.07.2012.

DC/10/00251/CPL - CERTIFICATE OF LAWFULNESS FOR PROPOSED USE: Use of land red-edged within site as shown on drawing NE/1141/07/Rev1 (dated May 1997, pursuant to planning permission 336/97) for waste recycling (use Class B2), to comprise the processing of recyclable waste delivered to the site by road, by means of its sorting by manual and/or mechanical means, both indoors and outdoors, into separate recyclable materials, including soil, aggregates, ferrous metals and aluminium, green waste, timber, paper, cardboard, and plastics. Further processing of some of these materials to include crushing, shredding or compacting/baling to form and end product which can be sold on for recycling. No sales (other than any ancillary to the use) to be direct to visiting members of the public. Recyclable materials to comprise not less than 90% of the incoming waste and the waste fraction arising to be exported to appropriate landfill sites. No incineration or chemical treatment of waste to take place on the site, nor waste to be disposed of on the site. All waste passing through the site to undergo processing of some sort - Granted - 05.05.2010.

DC/08/01286/FUL - Erection of three industrial buildings and extension and modification to screening mounds involving erection of 2m high retaining wall. Refused - 05.02.2009. Appeal dismissed 04.01.2010.

Earlier applications are noted below:-

BX7/40 - use of land for coal stocking -1963

322/76 - a temporary mobile plant to recover coal from Wardley Colliery - granted- 16.3.1976

501/81 - use of 1.5 acres of vacant land for vehicle dismantling and reprocessing - refused - 14.07.1981

502/81 - erection of a 5,000 sq.ft. building for use in association with vehicle dismantling and reprocessing compound - refused - 14.07.1981

834/81 - change of use of storage compound to vehicle repair and reprocessing plant - refused - 14.07.1981

1119/81 - Section 53 Determination - change of use from plant repair shops and storage compound to vehicle repair and reprocessing plant - refused - 14.10.1981

1505/81 - extension to existing motor vehicle and plant repair buildings - granted - 18.01.1982

1417/83 - Erection of a single storey building to provide workshop- refused -17.06.1985

224/84 - erection of sixteen industrial units - refused - 13.06.1984

730/85 - erection of motor repair and plant repair building - refused. Appeal allowed -21.06.1986

1169/86 - erection of fabric-covered steel arch structure for use as motor and plant repair accommodation (for temporary period of 12 months) - temporary permission granted - 12.01.1987

1257/86 - change of use of 1.9 acres of former colliery spoil heap and surrounds to form extension to adjacent vehicle dismantling compound - refused - 9.03.1987

1387/87 -retention of fabric-covered steel arch structure for use as motor and plant repair accommodation for further temporary period of 12 months (renewal of planning permission 1169/86) - granted - 5.04.1988

166/89 - retention of fabric-covered steel arch structure for use as a motor and plant repair accommodation for further temporary period of 12 months (renewal of permission 1387/87) - granted - 27.04.1989

1166/89 - erection of motor and vehicle repair building in vehicle dismantling premises - granted 6.11.1989

1349/89 - erection of 2.4m high boundary fence and repositioning of gate at end of access road (retrospective application) - granted - 2.04.1991

1197/90 - erection of single storey extension to motor vehicle repair building to provide storage, office, canteen and toilet facilities - granted - 18.10.1990

97/92 - erection of extension at western end of existing workshop to provide additional workshop area, storage and office accommodation - granted -3.03.1992

463/92 - change of use of 0.2ha of former colliery railway land to open storage/parking of motor vehicles in association with adjacent vehicle dismantling premises - granted - 9.06.1992

206/94 - erection of additional storage building (230 sq.m. floorspace) in vehicle dismantling compound- granted - 3.05.1994

549/94 - erection of additional storage building (230sq.m. floorspace) in vehicle dismantling compound (pursuant to outline permission 206/94) - granted - 19.05.1995

336/97 - change of use of former colliery land to form extension to adjacent vehicle dismantling and workshop compound (retrospective) and associated works (including screen landscaping and fencing (partly retrospective) - granted - 14.02.2000

1300/01 - installation of 10KV Electro fence security system cranked at a distance of up to 200-350mm behind existing fence line and extending at a maximum 600mm over the existing palisade pales - granted - 20.12.2001

2.0 Consultation Responses:

Coal Authority	No objections subject to conditions.
Historic England	No objections subject to conditions.
Nexus	Objects to the application.
Northumbria Water	No issues provided it is carried out in accordance with the submitted document entitled "Flood Risk Assessment and Drainage Strategy".
South Tyneside Council	Objects to the application.

3.0 Representations:

- 3.1 Ward Councillors Stewart and Linda Green have offered their support to this application.
- 3.2 One letter neither objecting nor supporting the application has been received from a local resident and raises the following points:
- Use of the bridge over the Leamside line by motor vehicles must be stopped to prevent rat-running and to promote pedestrian and bicycle use.
- 3.3 One letter of support has been received from a local resident and raises the following points:
- The development would massively improve this part of Gateshead and could also benefit the country park.

- It would remove an eyesore from a derelict piece of land to the benefit of the local environment.

4.0 Policies:

NPPF National Planning Policy Framework

NPPG National Planning Practice Guidance

CS11 Providing a range and choice of housing

CS13 Transport

CS14 Wellbeing and Health

CS15 Place Making

CS17 Flood Risk and Waste Management

CS18 Green Infrastructure/Natural Environment

CS19 - Green Belt

H4 Windfall and Small Housing Sites

H5 Housing Choice

H9 Lifetime Homes

H10 Wheelchair Housing

H15 Play Areas in Housing Developments

CFR25 Countryside Recreation

CFR28 Toddlers' Play Areas

CFR29 Juniors' Play Areas

CFR30 Teenagers' Recreation Areas

ENV3 The Built Environment - Character/Design

ENV21 Sites of Archaeological Imp - Known

ENV22 Sites of Archaeological Imp - Potential

ENV51 Wildlife Corridors

ENV54 Dev on Land Affected by Contamination

DC1C Landform, landscape and after-use

DC1D Protected Species

DC1E Planting and Screening

DC1P Contamination, derelict land, stability

DC2 Residential Amenity

MWR28 Prov of Facilities in new Developments

5.0 Assessment of the Proposal:

5.1 ASSESSMENT

The main planning issues to be considered are viability, the principle of the development, green belt, ecology, landscape, design, amenity, highway safety, flood risk/drainage, scheduled ancient monument, contaminated land and coal mining legacy.

5.2 VIABILITY

It is accepted that this site will require significant remediation in order to provide a residential development and these costs are likely to be considerable, which would impact on the value offered to the land owner. However, having assessed the issues raised in connection with revenue streams, build costs and land remediation that does not currently support the view that the site can only be reasonably delivered without any planning obligations. Furthermore, the submitted documentation does not provide any justification as to why a figure of 155 properties is required in order to make the development viable.

5.3 The additional information submitted attempted to address the concerns previously raised by officers but following detailed consideration of the additional information it is considered that the concerns raised previously in respect of viability still stand and hence the applicant has not been able to demonstrate to officers that the site can only be reasonably delivered without any planning obligations.

5.4 PRINCIPLE OF THE DEVELOPMENT

Windfall housing

Saved Unitary Development Plan (UDP) policy H4 indicates that windfall and small housing site proposals should be assessed in terms of

- (c) the location of the site in relation to jobs, shops and services, and accessibility by modes of transport other than the private car;
- (d) the capacity of the existing and potential infrastructure;
- (e) the ability to build or sustain communities;

5.5 There is relatively poor access to public transport. The bus service on Victoria Road West/Wardley Lane is further away than the 400 metre guideline by any practicable walking route (approx. 1km), and the bus stop on Manor Gardens at Rannoch Close will not be within 400 metres of any dwelling on the site

(approximately 500m to the nearest dwelling). Therefore, in practice public transport accessibility is relatively limited and would place a greater reliance on the use of private cars. This is backed up by Nexus who have objected to the application on the basis that "none of the site falls within 400m of a bus service or 800m of a Metro station". The nearest property would be approximately 1200m from Pelaw Metro Station and involve the use of an unlit and isolated path.

- 5.6 The site is relatively distant, by awkward and indirect pedestrian routes, from shops, community facilities (except Wardley Park) and the nearest Metro station at Pelaw. It is not evident that this somewhat isolated site would contribute to building or sustaining the local communities in either Wardley or Bill Quay and these are not areas which have been identified as requiring regeneration. Therefore, it is considered that the proposal is contrary to saved policy H4 of the UDP.
- 5.7 The additional information submitted amounts to an arrow drawn on a layout plan indicating that a new footpath link through the existing landscaping bund onto the public right of way (Bowes Railway path) beyond the southern boundary of the site and the offer of a financial contribution of £12,000 towards providing low level lighting along the unmade link between Manor Gardens and the bus stop at Wardley Lane. This provides little comfort that the proposed solution is a viable solution and could raise its own concerns in terms of impact upon Green Belt and ecology that have not been previously considered.
- 5.8 Firstly, the proposal is only to provide lighting for the existing link, however, since the link is unmade and in part susceptible to flooding it would remain unattractive as a pedestrian route for public transport users on a regular basis unless these other issues were also addressed.
- 5.9 Secondly, only approximately a quarter of the length of the route is owned by the Council. The remainder is either in private or unknown ownership and the status of the route and any prescriptive rights of the owners is unknown. Therefore, if the Council were to accept a financial contribution it would need to first establish the ownership of the whole route and any rights or reservations on it. The Council would then need to reach agreement with each landowner before any works could proceed. Similarly the ongoing revenue costs and future maintenance liability for the lighting would need to be agreed. Legal agreements with all of the owners would likely to be required. Therefore, at this stage it is unknown whether the proposed works are deliverable.
- 5.10 Thirdly, no information has been provided as to the basis of how the proposed contribution has been calculated therefore there is no certainty that the sum proposed would be sufficient to carry out the works and any associated legal costs even if it were deliverable.
- 5.11 Regarding the proposed physical connection of the site to the public right of way, whilst the principle of this is not a concern, the applicant has not provided any details to show that it is deliverable, i.e. consideration of land levels,

drainage, etc. and would seem to conflict with their stated aim of preserving the bund between the site and the public right of way.

5.12 Furthermore, this link would be to a bus stop only served by two bus routes and with a stated level of service of every half hour, which is a very poor level of connectivity for the Tyneside conurbation, exacerbated by the distance and indirect access to the bus stop. The two bus routes are the number 67 that terminates at The Metrocentre with a frequency of every 30 minutes and the number 69 that terminates at Winlaton with a frequency of once an hour.

5.13 Based on the comments above it is considered that the issue of being in an isolated location stands and hence the proposal is contrary to saved policy H4 of the UDP.

5.14 Housing choice

The proposal is for no more than 155 dwellings. No breakdown of numbers of bedrooms in each dwelling is given but the cubic volumes of the houses shown does include a specific mix of house types. The majority of properties indicated are three and four bedroom family houses.

5.15 CSUCP policy CS11 requires that 60% of new private dwellings constructed, over the plan period and plan area, are family houses of three or more bedrooms. In order to meet this target, a development on this scale would be expected to meet or exceed this guideline. In addition, policy H5 requires large developments (25 or more dwellings or more than 1 hectare) to offer a range of housing choices taking account of the needs of different groups, including families with children and the elderly. Policies H9 and H10, respectively, require 10% lifetime homes and 2% wheelchair homes. The site is relatively suitable for wheelchair homes because it is flat. Policy CS11 also requires 15% affordable dwellings on sites of 15 or more dwellings, subject to viability. In this case the applicant is not proposing any affordable units due to viability concerns. However, having assessed the applicant's viability submission, it is considered that the site could support planning obligations and therefore the lack of affordable housing provision is contrary to policy CS11 of the CSUCP.

5.16 Residential space standards

Policy CS11(4) 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. It is considered that this issue could be addressed at the reserved matters stage, should permission be granted.

5.17 Public open space

The neighbourhood in which the site is located is not deficient in public open space and there is no requirement for the development to provide any.

5.18 Children's play

There are no toddler play facilities within the maximum distance specified by policy CFR28 of the UDP. As the proposal is for more than 75 dwellings, equipped provision for toddler play should be made on site in accordance with policy H15 of the UDP and the Council's guidelines in SPG4.

5.19 There is one junior play facility, within the maximum distance specified by policy CFR29 located at Wardley Park, but there is still a deficit of junior play provision for the catchment population. In accordance with policy H15 provision should be made for junior play, and in accordance with SPG4 this should be on site as the proposal is for more than 110 dwellings.

5.20 There is one teenage recreation facility within the prescribed distance set out in policy CFR30 at Wardley Park. However, this is not adequate to serve the needs of the catchment population. In accordance with policy H15, if provision is not made on-site, a financial contribution should be secured towards the installation and maintenance of teenage recreation facilities to be provided off-site; and if on-site, a contribution to maintenance or acceptable alternative arrangement should be secured.

5.21 The applicant has amended the indicative site layout plan to incorporate an on-site open space/toddler play area. Based on this plan officers are satisfied that on-site provision could be accommodated and could be conditioned into an approval, should outline planning permission be granted. That said, the applicant is still not proposing any off-site contributions towards junior or teenage provision and is citing viability as the reason. However, for the reasons set out above, it is considered that the site could support such provision and therefore the proposed development is considered to be contrary to saved policies CFR29 and CFR30 of the UDP.

5.22 GREEN BELT

The site is in the Green Belt. The site is wholly or mainly previously developed land (PDL) and accommodates the remains of several derelict buildings and a substantial area previously given over to the reclamation of commercial vehicles, which remains a lawful use of the site. Nevertheless, substantial parts of the site, especially around the remaining derelict colliery building, are open. Furthermore, the definition of PDL excludes temporary buildings and structures and "land that was previously developed but where the remains of the permanent structure or fixed surface structure have blended into the landscape in the process of time".

5.23 Effect on openness

It is considered that the proposal represents a substantial intensification of development on the site and is contrary to paragraph 79 of the National Planning Policy Framework (NPPF) in that it would reduce the openness of the Green Belt. Houses on the colliery buildings site would intensify the volume and footprint of development on that site. Houses on the former scrapyards site would do likewise. The calculation of the cubic volume of the houses, as opposed to the truck bodies and parts, tyres and other associated non-permanent features is difficult to judge, not a complete reflection of reduction in

openness since more than just the houses themselves should be taken into account, and in any case the lorries have been removed and the site is currently vacant and open. Moreover the vehicles and parts were transient and not rooted to the ground like a house and thus cannot be considered as permanent. Therefore, it is not considered that the blocks shown in the submitted documents can be relied upon to say that the volume of the new development would be less than the previous use.

5.24 The submitted Green Belt Assessment claims that the proposal reduces the "footprint of the developable area" by 77%. This claim emphasises that only the physical volume of the proposed houses and garages is being considered in the applicants' calculation of the respective impact of the recent use and of the proposal. Gardens, roads and pavements, likely future additional structures such as shed and conservatories, residents' vehicles (as opposed to the scrap vehicles kept on the site until recently), street furniture and any other land uses or structures included within the proposed housing estate, which would in fact contribute to reducing openness, are not considered by the applicant to involve even a potential reduction in openness. The proposal is for a housing estate; housing estates, taken as a whole, do not provide the openness which is an essential characteristic of the Green Belt.

5.25 Whether inappropriate development

The applicant suggests that the proposal does not constitute inappropriate development, and the very special circumstances test should not be applied, because the final bullet point of NPPF paragraph 89 indicates that redevelopment of brownfield land "whether redundant or in continuing use (excluding temporary buildings), which would not have a greater impact on the openness of the Green Belt and the purpose of including land within it than the existing development" will not be inappropriate development.

It is not considered that this applies in this case because (i) the exclusion of temporary buildings indicates that they should not be taken into account when assessing whether a proposal would have no greater impact on openness than the existing use; if temporary buildings are excluded then surely the use of land for storing vehicles would also be intended to be excluded, and the intention of the NPPF is to refer to land covered by permanent buildings only; and (ii) it is considered that the proposal would have a greater impact on the openness of the Green Belt than the existing use.

5.26 Very special circumstances

Paragraph 87 of the NPPF indicates that inappropriate development in the Green Belt should only be approved in very special circumstances. Paragraph 88 indicates that substantial weight should be given to any harm to the Green Belt and that very special circumstances will only exist if any potential harm to the Green Belt is clearly outweighed by other considerations.

5.27 It is not considered there are any very special circumstances to justify the inappropriate development which the proposed development constitutes. Derelict sites and buildings and unsightly land uses do not constitute a very special circumstance precisely because they are not exceptional, and if they

were held to do so there would be an incentive for landowners to worsen the appearance of their sites.

- 5.28 It is accepted that the derelict and damaged buildings on the smaller of the two sites are unsympathetic from a visual perspective and undoubtedly removing them would lead to a visual improvement. However, for the most part they are single-storey and of low density and ultimately, in their current form, have a relatively modest impact upon the openness of the Green Belt. Replacing these structures with approximately fifty, 2 and 3 storey houses of much higher density would have a far greater impact upon the openness, which could not be outweighed by any perceived visual improvement. Furthermore, the Council has enforcement powers available to it to require landowners to demolish dangerous and untidy buildings that are posing a significant health risk. Therefore, officers do not consider that a housing scheme is the only way in which the visual impact of former colliery buildings can be addressed. This includes other regulatory controls that are entirely separate from the planning system that the Council can consider using, for example to address an identified public safety concern.
- 5.29 With regard to the larger site, the site has been completely cleared of vehicles and parts, one of the buildings has been demolished and the site is well screened from the south and west by landform and planting. Therefore, the harm it has upon openness and visual amenity is currently very small and cannot be used to justify the construction of approximately 100, 2 and 3 storey houses. Furthermore, even if this use were re-instated, its recent clearance demonstrates that it is unnecessary to construct a housing estate to deal with the visual unattractiveness of this use - or to increase the openness of the site.
- 5.30 Moreover, following the adoption of the CSUCP, Gateshead has a five-year supply of housing land and therefore no very special circumstances exist in terms of housing supply. Indeed, the proposal would potentially undermine the viability of development on sites, which have been identified as suitable and sustainable through the process of public consultation and examination leading to adoption of the Local Plan. In fact, this site was assessed as part of the Council's consideration when compiling a 5 year land supply and it was rejected as unsuitable, amongst other things, due to its Green Belt classification.
- 5.31 Overall, it is considered that no very special circumstances have been demonstrated despite the additional information submitted. The case which is alleged to amount to very special circumstances is in fact an accumulation of relatively common circumstances; the existence of contamination, dereliction, and possible public support for redevelopment, singly or in combination, apply in a number of locations locally and nationally. It is important that uncongenial industrial/commercial activity, and dereliction, are not encouraged in the Green belt as a precursor to housing development. It should also be remembered that pursuing the very special circumstances route also contradicts the applicant's position in respect of paragraph 89 of the NPPF, which underpins their Green Belt position.

- 5.32 Strategic Green Belt gap between Gateshead and Hebburn
The proposal would reduce the gap between Gateshead and Hebburn. The maintenance of the full width of strategic Green Belt gaps between towns, particularly where, as here, they are narrow, is recognised as making an important contribution to the objective of preventing the merger of neighbouring towns. In this case, policy CS19 of the CSUCP refers to the function of the Tyne and Wear Green Belt to prevent the merging of settlements and specifically refers to preventing the merger of Gateshead and Hebburn.
- 5.33 This area of land that separates Gateshead from South Tyneside was first identified as important in the Heworth/Wardley Local Plan that was adopted by the Council in November 1987. Policy HW18 of the plan identified this area as a "Green Wedge separating Bill Quay, Pelaw and Wardley from Hebburn to ensure that the existing settlements retained their separate identity, where no uses other than agriculture or open space would be permitted". This policy was in effect a precursor of Green Belt designation.
- 5.34 The "Green Wedge" was formally designated as Green Belt land with the adoption of Gateshead's first UDP in 1997. The plan designated 1500 hectares of land, described as the remaining "extensive areas of open land outside settlements and not required for development", to safeguard their open character and to promote sustainable patterns of development, including the recycling of urban land". These were in three areas, of which the Green Wedge was one of them and is described as follows in the 1997 plan: "the narrow gap between Pelaw/Wardley and Hebburn", which the plan describes as "strategically important and its designation critical and appropriate". The designation was made in conjunction with a similar action by South Tyneside Council to protect its part of the same block of land.
- 5.35 The importance of preserving the strategic gap has been carried forward subsequent adopted development plans, including the replacement UDP in 2007 and the new Core Strategy in 2015. Therefore, preserving this fragile yet very important gap is as important as ever and has been part of Council policy for the last 30 years.
- 5.36 As part of the assessment of this application South Tyneside Council were consulted as a neighbouring authority and they have formally objected to this application on the basis that it represents inappropriate development within the Green Belt without any very special circumstances and that it would encroach into the strategic gap between Gateshead and Hebburn, which is in breach of the Local Plans of both Councils.
- 5.37 Sprawl of the built-up area into the Green Belt
The applicant asserts that the proposal would have no adverse impact on the Green Belt's purpose of checking unrestricted sprawl of large-built up areas, as the site will not be deleted from the Green Belt. It is true that a grant of permission would not result in the site being deleted from the Green Belt, however, in due course it is considered likely that the status of the site as Green Belt would be reviewed, as its value would be significantly diminished as a consequence of housing development taking place. Accepting this logic could

set a dangerous precedence that would likely form the justification for housing development on any site within the Green Belt.

- 5.38 One of the five nationally-laid down purposes of Green Belts is to prevent settlements from merging. The application site at Wardley occupies part of the gap between Wardley, and hence the built-up area of Gateshead as a whole, and Hebburn.
- 5.39 At the time that the Green Belt designation was made, the land making up the whole area between Wardley and Hebburn was predominantly open, but large parts of it were in the process of restoration from previous industrial uses through planting etc. There was no identifiable boundary between the area that remains in commercial use now, and the now green land to the east of it and extending north as far as the Sunderland Metro line, and north of that line, much of the land was the former Red Barns Quarry, which was still in the process of landfill and reclamation (now reclaimed and part of the Country Park).
- 5.40 The essential characteristic of Green Belts is their openness, that is, that they are not predominantly covered by built development and there is no requirement for Green Belts to actually be green (i.e. covered in vegetation). The application site is the only part of the wider area that could be argued to be still in commercial/industrial use. However, in truth, it is considered that the smaller element of the application site that contains the former colliery buildings has no established use due to being largely vacant since the colliery closed in 1974 and the lawful use of the larger element of the application site has not operated since early 2015 and the site has been completely cleared with the exception of one building.
- 5.41 In addition, national guidance, both then and now, indicates that Green Belt boundaries should, as far as possible, follow clear, well-defined features on the ground which would be capable of enduring as defensible Green Belt boundaries in the long-term. The railway line (Leamside Line) on the southwest boundary of Wardley (adjacent to Manor Gardens) was identified as such a feature. Therefore, approving this application would result in housing extending beyond the defined boundary of Wardley and hence Gateshead as a whole into the strategic gap, undermining its security going forward.
- 5.42 Beneficial use of land in the Green Belt
The applicant asserts that the proposal would enhance the beneficial use of land in the Green Belt in accordance with NPPF paragraph 81. This is a good description of the Council's long-standing and partially-realised plan to create the Wardley Manor Country Park, which the applicant claims would be more attractive to visitors as a result of their proposal, on the basis that visitors may be discouraged by the unsightliness of the existing site and the antisocial behaviour which is stated to take place there. This is considered to be a weak argument, since there are many measures such as landscape screening and/or improved security which could have been, or could yet be, taken to hide the unsightliness and still be consistent with Green Belt policy. It is considered that paragraph 81 is clearly intended to refer to enhancing land so that it can be

used for purposes which are appropriate in the Green belt, not for housing development.

- 5.43 Strategic green infrastructure network / Wardley Manor Country Park
The site is identified (with the adjoining Wardley Manor Country Park) as part of the Strategic Green Infrastructure Network. Policy CS18 of the CSUCP indicates that the integrity, connectivity, multi-functionality and accessibility of the network will be maintained, protected and enhanced, and that improvements will be made in "Opportunity Areas", of which this is identified as one. Furthermore, it is a crucial link between the Green Belt and wider countryside with the River Tyne. Like all parts of the Strategic Green Infrastructure Network it is important both for wildlife and people and its identification as an Opportunity Area derives from the Green Infrastructure Delivery Plan. Section 3.3, item 8, page 9 of the Delivery Plan indicates that this in turn derives from the Council's Wardley Red Barns Strategy, which includes this site in the long-term commitment to create the Wardley Manor Forest Park, which is being implemented over time. The Green Infrastructure Delivery Plan states that the proposed boundary of the Forest Park remains unchanged from that in the Wardley Red Barns Strategy, and that it is intended that it will be given the status of a statutory development plan policy through the forthcoming land allocations and development management policies element of the Local Plan, Making Spaces for Growing Places.

5.44 ECOLOGY

It is considered that the proposed development would have a significant adverse impact on the value and integrity of the adjacent Wardley Manor Local Wildlife Site (LWS) and its associated features of interest, including priority habitats and species, through the direct loss of part of the LWS/priority habitat through inappropriate tree/shrub planting, and secondary impacts including increased trampling of sensitive vegetation, the disturbance of wildlife by people and dogs, an increase in soil fertility and a loss of botanical diversity associated with increased dog fouling, the increased predation of wildlife particularly by domestic cats, increased noise and light disturbance and the increased mortality of wildlife by road traffic. The proposed measures set out in section 5.3 of the Botanical Report in no way constitute adequate compensation for the destruction of priority habitat within the proposed development site, perpetrated in the run up to the submission of this planning application.

- 5.45 The construction of proposed development would result in a significant physical narrowing of the designated Wildlife Corridor. The significant increase in unmanaged recreational pressure within the adjacent Wardley Manor Local Wildlife Site, which forms a key element of the Wildlife Corridor, will also serve to further reduce its value and integrity, which are contrary to policy CS18 of the CSUCP and saved policy ENV51 of the UDP.

- 5.46 There is a lack of up to date ecological information to enable an adequate assessment of the likely impacts of the proposed development on potential ecological receptors, including bats and priority invertebrates (i.e. butterflies). The application fails to adequately assess the likely impacts of the proposed

development on the adjacent Wardley Manor Local Wildlife Site and its features of interest including priority habitats and species. The application also fails to assess the likely impacts of the development on ecological connectivity including the designated Wildlife Corridor.

- 5.47 Overall, it is considered that proposed development would have a detrimental impact upon ecology, in particular Wardley Manor LWS that could not be suitably mitigated against and the application has not been supported by the necessary ecological information. Therefore, the proposed development is considered to be contrary to the NPPF, policy CS18 of the CSUCP and saved policy ENV51 of the UDP.
- 5.48 The additional information provided by the applicant is inadequate and does not address the concerns set out previously. Therefore, it is still considered that the proposed development would have a significant and unacceptable impact on the designated Wardley Manor Local Wildlife Site, ecological connectivity (in particular the value and integrity of the designated Wildlife Corridor), and priority habitats and species, and as such is contrary to both national and local planning policy. The developer's position in respect of ecological mitigation is not considered to represent adequate mitigation/compensation, both in terms of the figure and what it is proposed to be used for given the multiple significant adverse impacts that this will inevitably have upon the area.
- 5.49 **LANDSCAPE**
The applicant states that the mound along the west/southwest boundary will remain and continue to function as a screening bund. However, the mound is not a landscape bund but a steep, high colliery waste heap that was not envisaged to function as the applicant is proposing. As such there are a range of reasons why it may not be retained unaltered, and the treatment will potentially change its appearance and size significantly, affecting the amenity and visibility of the development. The applicant is relying upon the mound staying at the scale it is as part of their justification for the development despite the strong likelihood that it is contaminated and would need to be reclaimed. The applicant suggests that this can be addressed at Reserved Matters stage and should significant amounts of the mound need to be removed they would replace it with clean earth. It is considered that this would be a very expensive exercise and is something that has not been costed by the applicant, despite their assertion that viability is critical with this development due to the extensive contamination concerns across other parts of the site.
- 5.50 Therefore, it is considered that insufficient information has been submitted to know whether the large bund can be utilised as proposed and without further information it is not possible to say that the development would not have a negative impact upon landscape quality. The applicant considers that this issue can be addressed by condition, should planning permission be granted. However, officers maintain that the issue goes to the heart of the application because the uncertainties surrounding the stability, gradient, make up and scale of the existing bund as well as the cost of reclaiming it and possible land take issues mean that it cannot be addressed by conditions. As a result, it is not

possible to say that the proposal would accord with the NPPF, policy CS18 of the CSUCP and saved policy DC1(c) of the UDP.

5.51 HIGHWAY SAFETY

Plan reference 114570/1001 Rev A "In Principle Highway Arrangement" is considered to be an acceptable approach to bringing the existing track up to adoptable standards and indicates that the applicant has sufficient land within their control to undertake the proposed highway works. It also gives initial details about how vehicular flows across Wardley Railway Bridge would be managed. This does provide some comfort as to how this development may come forward from a transport strategy perspective but, as all matters are reserved, it is still only an indicative layout. Therefore, should permission be granted, full details would need to be provided at Reserved Matters stage. The same applies to the bridge link to Manor Gardens to make it for pedestrians/cyclists only and developing a detailed travel plan for the site.

5.52 Overall, it is considered that the level of information submitted is insufficient to make a comprehensive assessment of the site but the reserved matters would provide the opportunity to address these issues and ensure that NPPF and policy CS13 of the CSUCP are complied with.

5.53 FLOOD RISK AND DRAINAGE

The submitted flood risk assessment (FRA) has assessed the risk of a range of flooding sources and has had regard to the Strategic Flood Risk Assessment in accordance with policy CS17 of the CSUCP and NPPF paragraph 103.

5.54 The FRA correctly assesses that the site is located within flood zone 1 i.e. low risk of tidal and fluvial flooding. The FRA assesses surface water flood risk, however there are pockets of the site which are at high risk of surface water flooding based upon the Environment Agency's Updated Flood Map for Surface Water is different to the surface water flood map from the Strategic Flood Risk Assessment which is referred to in the FRA. The FRA has had regard to the risk from ordinary watercourses and there does not appear to be any watercourses on the site. However the FRA has made no reference to the Environment Agency's detailed drainage network which identifies a possible watercourse to the south of the site. The FRA does not refer to the risk of groundwater flooding. Further information is required on the risk of groundwater flood risk and mitigation measures, given the outcomes from the preliminary ground investigations, which identify ground water ingress at shallow levels.

5.55 The site is located within a Critical Drainage Area within the Strategic Flood Risk Assessment and therefore it is important that the greenfield runoff rates are maintained using SuDS.

5.56 The FRA includes correspondence from Northumbrian Water who have confirmed that there are no sewer flooding incidents in the vicinity of the site.

5.57 Taking that into account it is considered that, should outline planning permission be granted, at reserved matters stage a fully detailed assessment of

groundwater flood risk and appropriate mitigation measures would be required, to ensure there are no risk to properties and the drainage scheme. This could be addressed through conditions.

5.58 Sustainable Drainage System (SuDS)

The applicant's proposed surface water drainage states in the FRA that SuDS, such as permeable surfaces and rain gardens will be integrated within the existing landscaping. It states that surface water will collect on site by a SUDS and/or piped network and discharged into the unnamed watercourse to the north of the site. The surface water flows will be attenuated on site by creating storage areas within the development. Initially, no conceptual drainage layout had been provided by the applicant and thus it was not clear from the landscape masterplan where the overland flow routes and discharge points have been accommodated, where the permeable paving and rain water gardens will be located and where the on-site surface water attenuation will be located. However, as part of the additional information submitted the applicant has addressed this point by providing a conceptual drainage layout and also indication of overland flow routes, which ties-in with the design and access statement that states there will be filter drains and detention basins. That said it is unclear whether the public open space 'the village green' will include any surface water attenuation.

5.59 Based on the additional information submitted officers are satisfied that the principle of providing a suitable SuDS scheme on site has been demonstrated and subject to appropriate conditions the proposal would accord with the NPPF and policy CS17 of the CSUCP in respect of SuDS.

5.60 CONTAMINATED LAND/COAL MINING LEGACY

The site is known to be 'contaminated' by the Council and has been assessed as being in Priority Category 2 i.e. "Site may not be suitable for present use and environmental settings. Contaminants probably or certainly present and likely to have an unacceptable impact on key targets. Action may be needed in the medium term".

5.61 The Preliminary Phase 2 site investigation undertaken by Patrick Parsons has proven the presence of contamination, including;

- gross hydrocarbon contamination in soils and perched groundwater at the site
- the presence of Asbestos Containing Materials,
- the presence of 'potentially combustible' colliery ash fill.
- The presence of elevated methane and depleted oxygen.

5.62 Further extensive site investigation will be required to determine the extent of contamination at the site and to allow the scope of the extensive required remedial actions to be considered and designed.

5.63 A large amount of 'hazardous waste' will need to be removed from site and substantial volumes of 'clean' capping soils will need to be imported. These lorry movements are likely to impact on the surrounding residential streets during these works.

- 5.64 Two of four potential mine shafts have been identified to date. Further investigation will be required to locate the 2 shafts not found to date. The shaft locations are likely to represent a sterile area for development which will also require a stand-off area for any development.
- 5.65 The report concludes that further significant reclamation works will be required at the site, including demolition, site clearance, asbestos removal, bioremediation of hydrocarbon impacted soils and earthworks to accommodate the colliery spoil materials present". "Further site investigation to delineate the extent of contamination identified within at the site will be required before a true reflection of remedial actions or a remedial specification for the site can be determined". Furthermore, it is considered that coal mining legacy potentially poses a risk to the proposed development and that further intrusive site investigation works should be undertaken prior to development in order to establish the exact situation regarding coal mining legacy issues on the site. This stance is supported by the Council and the Coal Authority and should permission be granted, it is suggested that a number of conditions be added for attention at the reserved matters stage.
- 5.66 **DESIGN AND RESIDENTIAL AMENITY**
Due to this being an outline application with all matters reserved, the level of information submitted is very limited and only indicative in any event. Nonetheless it is considered that ensuring a high quality design that responds well to its surroundings would be crucial. The indicative Design and Access Statement makes reference to creating several key features within the estate that the applicant calls "The Gateway", "The Spine", "Village Green" and "Park View", as well as referring to a possible palette of materials. If permission was granted it is suggested that they elements are conditioned to come forward in more detail at Reserved Matters stage.
- 5.67 With regards to residential amenity, again the limited information does not allow for particular comment regarding the layout within the estate and relationships between dwellings. However, should permission be granted it is expected that at Reserved Matters stage the detailed layout would take account of privacy and ensure that future residents would enjoy the appropriate levels of amenity relative to each other. In terms of wider issues, the site is close to the Metro line and is also immediately adjacent to the mothballed Leamside Line, which may be brought back into service in the future. Therefore, should permission be granted, it is considered that a comprehensive noise assessment would need to be undertaken to establish the potential noise implications for future residents and how house design and layout would need to respond.
- 5.68 **SCHEDULED ANCIENT MONUMENT**
Investigations have revealed that the survival and condition of any archaeological remains on Wardley moated site has been severely compromised as a result of 19th and 20th century development. A reassessment of the known activities on site and the most recent archaeological investigation on this site in 2014 led to the de-scheduling of part of the Wardley Moated Scheduled Ancient Monument to enable redevelopment of the salvage yard and former colliery area. However, further archaeological

work is required in the area of the colliery buildings (north-west corner) and in the south east corner where the medieval features were located during archaeological evaluation in 2014. This work can be undertaken under planning conditions, as the previous evaluations established that these archaeological assets are of local significance. The features included ditches, gullies and postholes possibly representing ancillary settlement activity beyond the medieval manorial complex. Therefore, should permission be granted, it is considered that conditions would be sufficient to allow the proposal to accord with the NPPF and saved policies ENV21 and ENV22 of the UDP.

5.69 REFUSE STORAGE AND COLLECTION

From a waste servicing perspective there are considered to be no major issues with the proposal. The layout design in terms of waste servicing is suitable with each cul-de-sac having a turning point so reversing will be minimised. It also appears from the outline layout that each plot has ample space for the storage of their wheeled bins with easy access to put them out for collection. Therefore, subject to finalising the details at reserved matters stage, it is considered that the proposal can accord with the NPPF and policy MWR28 in this regard.

5.70 COMMUNITY INFRASTRUCTURE LEVY

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 CIL chargeable development because it is housing related. The CIL charge would be calculated at Reserved Matters stage, should Outline permission be granted.

6.0 CONCLUSION

- 6.1 Taking all the relevant issues into account, it is recommended that outline planning permission be refused, as the proposal would result in an unsustainable isolated development, would fail affordable housing and play provision obligation policies, would significantly harm the Green Belt and Ecology and provide insufficient information regarding landscaping and SuDS. Furthermore, the applicant has failed to submit any supporting information that would outweigh officers concerns. Therefore, it is considered that the proposed development does not accord with 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) and that the Strategic Director of Communities and Environment be authorised to add, vary and amend the refusal reasons as necessary:

1

The application site is in an unsustainable and isolated location in respect of access to public transport, shops and facilities and therefore would place undue reliance upon the use of private cars. The development is therefore contrary to saved policy H4 of the UDP.

2

The application proposes no affordable housing provision and has been unable to demonstrate a viability justification for not providing affordable housing. The development is therefore contrary to the NPPF and policy CS11 of the CSUCP.

3

The application proposes no off-site contribution and has been unable to demonstrate a viability justification. The development is therefore contrary to the NPPF and saved policies CFR29 and CFR30 of the UDP.

4

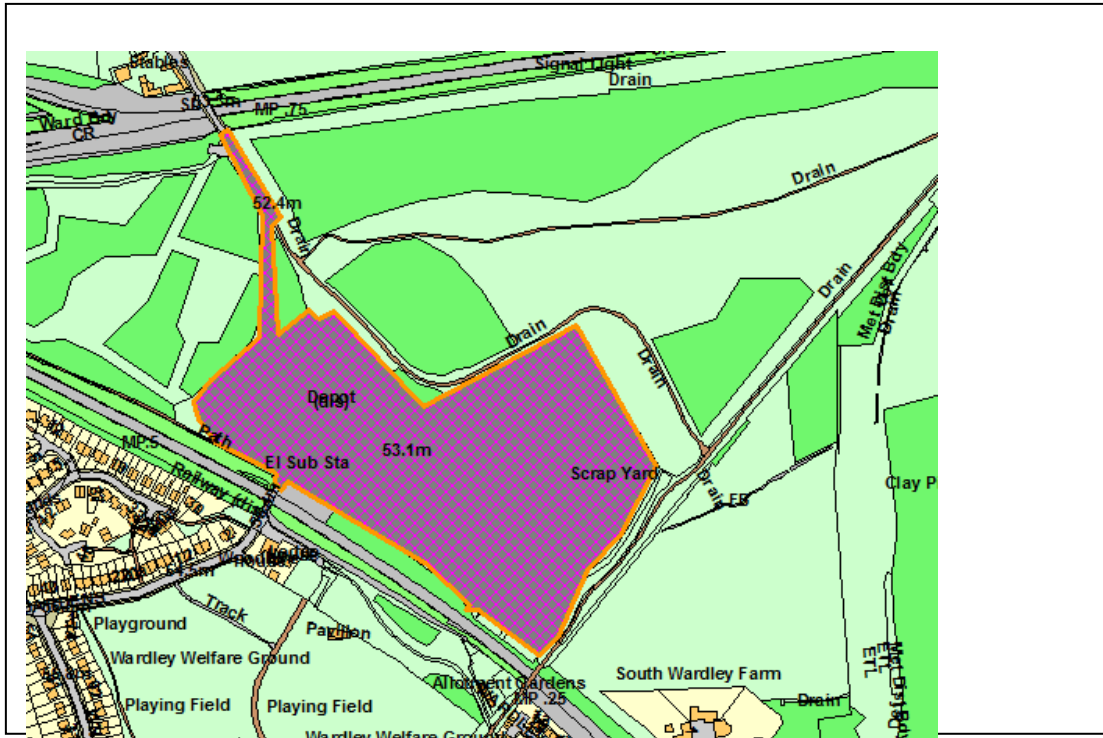
The proposal represents inappropriate development in the Green Belt that has been unable to demonstrate a very special circumstance and hence is contrary to the NPPF and policy CS19 of the CSUCP.

5

The proposed development would have a detrimental impact upon Wardley Manor Local Wildlife Site that could not be suitably mitigated against and the application has not been supported by the necessary ecological information. Therefore, the proposed development is contrary to the NPPF, policy CS18 of the CSUCP and saved policy ENV51 of the UDP.

6

Insufficient information has been submitted to know whether the large bund can be utilised as proposed and without further information it is not possible to say that the development would not have a negative impact upon landscape quality. As a result, it is not possible to say that the proposal would accord with the NPPF, policy CS18 of the CSUCP and saved policy DC1(c) of the UDP.



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MINOR UPDATE

Application No:	DC/16/00698/OUT
Site:	Former Wardley Colliery Wardley Lane Felling Gateshead NE10 8AA
Proposal:	Outline application for no more than 155 new residential dwellings (C3 use) with associated new highways access, landscaping, infrastructure and all site remediation works. All matters reserved (additional information received).
Ward:	Wardley And Leam Lane
Recommendation:	Refuse Permission
Application Type	Outline Application

Reason for Minor Update

The application has been deferred for further discussions with the applicant.

SEE MAIN AGENDA FOR OFFICERS REPORT.

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Committee Report

Application No:	DC/17/00096/FUL
Case Officer	Graham Stephenson
Date Application Valid	6 March 2017
Applicant	Trust Inns Ltd
Site:	Three Tuns Hotel Sheriffs Highway Gateshead NE9 5SD
Ward:	Low Fell
Proposal:	Installation of roller shutters to ground floor windows and construction of timber smoking shelter (retrospective).
Recommendation:	REFUSE
Application Type	Full Application

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

1.2 The application site is a Locally Listed Public House located on the corner of Kells Lane and Sheriffs Highway, in the Sheriffs Hill Conservation Area. The building itself is two-storeys in height and is constructed in brick with a slate roof. The property is characterised by heavy cornices, flat brick arch detail and stone dados. Double mock-timber framed gables feature on the prominent elevations and these frame tall, chimneys. Originally the window frames were timber but these have been replaced with uPVC. To the front (north) onto Kells Lane there is a raised patio with chairs and tables and a timber smoking shelter. The smoking shelter forms part of this application and has replaced an unsympathetic steel corrugated shelter. Roller shutters have also been installed above the windows on the ground floor. The shutter boxes sit at the top of each affected window and the guides are fixed on top of the window frames and held in place with timber trimmers. The shutters and boxes are unpainted galvanised steel, with shutters themselves solid in appearance.

1.3 To the rear there is a garden attached to the pub. Beyond the boundary of the pub there is a vets hospital to the south, Sheriffs Highway and residential properties to the west, Kells Lane and a Methodist Church to the north and builders yard and more residential properties to the east.

1.4 The character of the area in general is a mix of commercial and residential properties.

1.5 DESCRIPTION OF THE APPLICATION

1.6 The application seeks retrospective planning permission for the timber smoking shelter to the front of the public house and the installation of the roller shutters to the ground floor windows.

1.7 The following information has been submitted with the application:

Heritage Statement

1.8 PLANNING HISTORY

1.9 There is no planning history that is relevant to this application.

2.0 Consultation Responses:

Gateshead Police Solid roller shutters would provide most secure solution.

3.0 Representations:

3.1 Neighbour notifications, press and site notices were carried out in accordance with formal procedures introduced in the Town and Country Planning (Development Management Procedure) (England) Order 2015. and the Planning (Listed Building and Conservation Areas) Act 1990. One letter of objection has been received and the concerns raised have been summarised below:

*There is no need for roller shutters on the property and they are a knee jerk reaction to a recent incident.

*If increased security is required CCTV could be installed.

*IPA17 Conservation Area, Character Statements, Strategies and Policy Guidelines for Sheriff Hill advises that any protective roller shutters should take the form of open grille which should be colour coated and respect the character of the premises to which it is affixed. Externally fitted shutter boxes should be avoided where practical.

4.0 Policies:

NPPF National Planning Policy Framework

NPPG National Planning Practice Guidance

CS13 Transport

CS15 Place Making

ENV3 The Built Environment - Character/Design

ENV7 Development within Conservation Areas

ENV18 Locally Listed Buildings

5.0 Assessment of the Proposal:

5.1 The main planning issue in this case is the impact of the roller shutters and the smoking shelter on the designated and non-designated heritage asset.

5.2 IMPACT ON HERITAGE ASSETS

The National Planning Policy Framework (NPPF) states (at paragraphs six and seven) that protecting and enhancing the historic environment is an important component in the achievement of sustainable development. The appropriate conservation of heritage assets forms one of the NPPF's 'Core Planning Principles' that underpin the planning system and are outlined in paragraph 17 of the Framework.

5.3 Heritage specific policies are set out in Chapter 12 of the NPPF. The objective of these policies is to maintain and manage change to heritage assets in a way that protects and, where appropriate, enhances their significance. This national policy approach is supported by policy CS15 of the CSUCP and saved UDP policies ENV7 and ENV18 which together seek to preserve and/or enhance designated and non designated heritage assets in Gateshead.

5.4 Furthermore, The Planning (Listed Buildings and Conservation Areas) Act 1990 sets out a clear statutory duty for Local Planning Authorities (LPAs) to pay special attention to the preservation or enhancement of heritage assets. In considering proposals for development, Section 72 of the 1990 Act requires that with respect to any buildings or land in a conservation area:

"...special attention shall be paid to the desirability of preserving or enhancing the character or appearance of that area".

5.5 This statutory requirement provides a clear presumption, when considering proposals for development, which affords considerable importance and weight to the preservation or enhancement of the character or appearance of conservation areas. For the purposes of an assessment against NPPF policies, conservation areas are considered to be 'designated heritage assets' with degrees of significance that ought to be conserved and enhanced in line with the policies contained within the Framework. A Locally Listed Building is considered to be a non-designated heritage asset.

5.6 In this case the building which is locally listed is a non-designated heritage asset, however the Sheriff Hill Conservation area is a designated heritage asset. Therefore paragraphs 134 and 135 of the National Planning Policy Framework (NPPF) are particularly relevant, as well as policy CS15 of the Core Strategy and Urban Core Plan and policies ENV7 and ENV18 of the Unitary Development Plan(UDP). Pages 121 - 126 of Interim Policy Advice 17 (Conservation Area Character Statements, Strategies and Policy Guidelines) are also applicable.

- 5.7 With regards to the impact on the Locally Listed Building, policy ENV18, in conformity with the NPPF, states that alterations should preserve the special local architectural or historic interest of the building by respecting the buildings design, appearance and any features of merit and wherever possible appropriate materials should be used. New buildings within the curtilage of a locally listed building should be designed to be sympathetic to it. The NPPF advises that when weighing applications that affect non-designated heritage assets a balanced judgement will be required having regard to the scale of any harm or loss and the significance of the heritage asset.
- 5.8 On these grounds it is considered the shutter boxes, do not on their own merits have a detrimental impact on the overall significance of the heritage assets, as they are positioned above the windows and subject to appropriate treatment such as powder coating or a suitable alternative are not considered to be prominent or adversely impact on any architectural features. The issue is with the shutters themselves which are solid in appearance and when shut have a detrimental impact on the appearance of the building which due to its scale and prominence is considered to be of significance. Enclosing the ground floor windows with a solid cover fails to respect the buildings design and compromises the historic character of the building which has always featured large, unobscured windows at ground floor level.
- 5.9 It is acknowledged that the pub has suffered damage and the roller shutters have prevented windows from being broken but it is understood the damage has been caused by one individual rather than un-related instances.
- 5.10 In addition the fitting of internal shutters has been explored but this wouldn't be practical and the applicant has also been given the opportunity to amend the proposal to open grille/lattice style shutters, as recommended on page 125 of IPA17 but they have said this would not provide the security they need.
- 5.11 Discussions have taken place with the Police Architectural Liaison Officer who advised that solid shutters are the most secure solution but again taking into account that the damage appears to be attributed to one individual, this is not considered sufficient to allow development that would result in harm to the significance of the Locally Listed Building and in turn the character of the Sheriff Hill Conservation Area.
- 5.12 Consequently the shutters are considered to result in a development that has a detrimental impact on the significance of the non-designated heritage asset and although it is difficult to argue the impact on the conservation area is substantial, the less than substantial harm on this designated heritage asset, without any public benefit, is still considered to be significant.
- 5.13 The impact of the smoking shelter is considered to be less than substantial and there are public benefits. It is located in a prominent position at the front of the property but does have benefits in that it contains cigarette ends within the curtilage of the property. Alternative locations within the site were explored but the garden to the rear is where children play and therefore this location was not

considered appropriate. If members are minded to approve the application final details of the treatment and colour of the smoking shelter could be conditioned.

- 5.14 However as it currently stands, as it forms part of the application and as split decisions cannot be issued the application as a whole is recommended for refusal.
- 5.15 Therefore as submitted the application as a whole is considered to conflict with the aims and objectives of the NPPF, policy CS15 of the CSUCP and policies ENV3, ENV7 and ENV18 of the UDP.
- 5.17 HIGHWAY SAFETY
The development does not have any impact on highway safety.

6.0 CONCLUSION

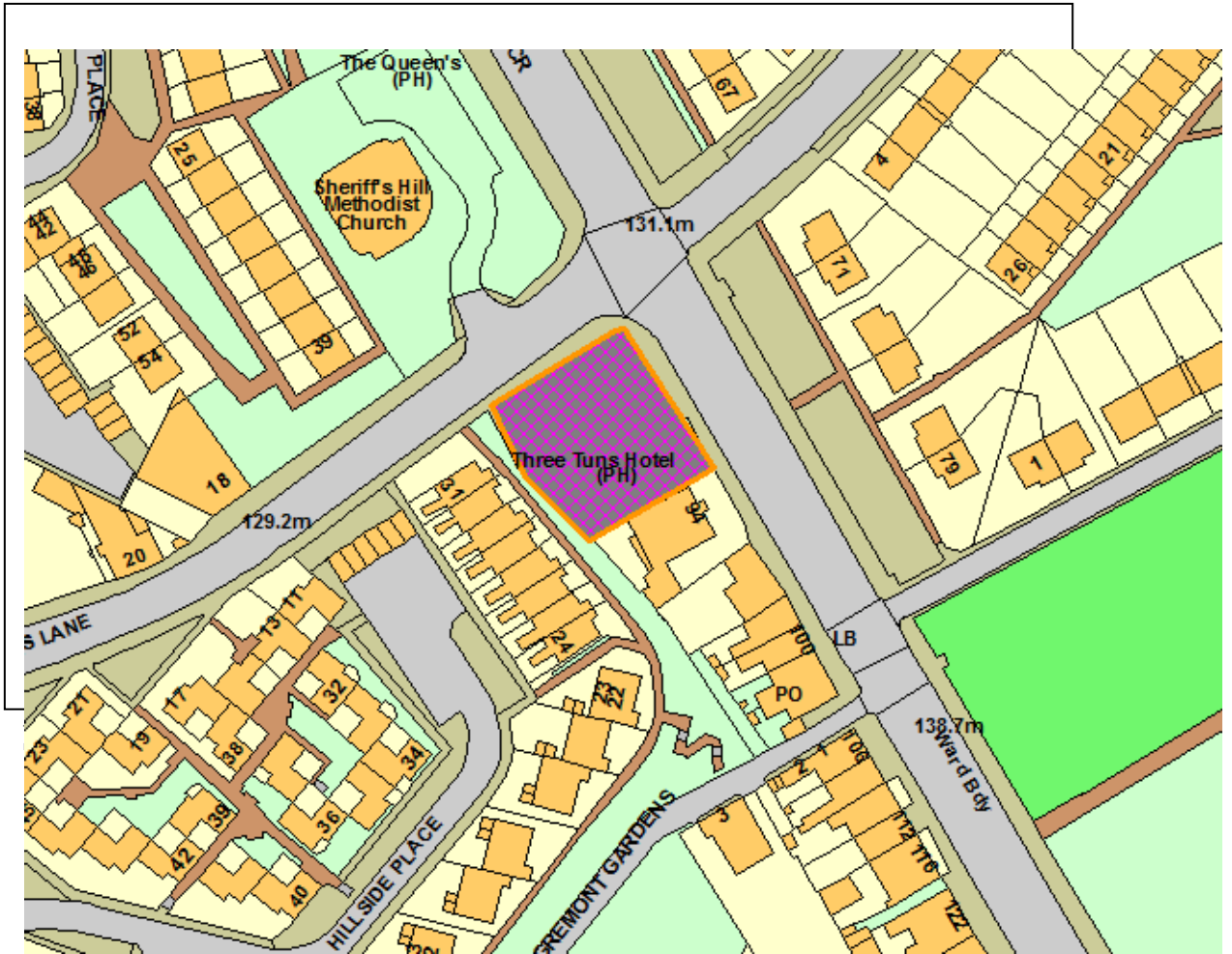
- 6.1 Taking all relevant issues into account it is recommended that planning permission is refused due to the harm caused to the significance of the designated and non-designated heritage assets, without any public benefits and the conflict with national and local planning policy.

7.0 Recommendation:

That permission be REFUSED for the following reason(s) and that the Strategic Director of Communities and Environment be authorised to add, vary and amend the refusal reasons as necessary:

1

The roller shutters as installed cause significant harm to the significance of both a designated and a non-designated heritage asset and fails to satisfy the aims and objectives of the National Planning Policy Framework, policy CS15 of the Core Strategy and policies ENV3, ENV7 and ENV18 of the Unitary Development Plan.



MINOR UPDATE

Application No:	DC/17/00096/FUL
Site:	Three Tuns Hotel Sheriffs Highway Gateshead NE9 5SD
Proposal:	Installation of roller shutters to ground floor windows and construction of timber smoking shelter (retrospective).
Ward:	Low Fell
Recommendation:	Refuse Permission
Application Type	Full Application

Reason for Minor Update

Further representations made

Letters of support have been received from Councillors Beadle and Duggan. The following comments have been made:

- The Three Tuns Hotel is an award winning local venue and a community asset and has suffered significant security problems and needs to have the level of protection afforded by roller shutters at night.
- The shutters are only visible at night or early morning and are only seen at those times.
- They do nothing to detract from the appearance of the site which is important as a landmark in Sheriff Hill.

SEE MAIN AGENDA FOR OFFICERS REPORT.

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Committee Report

Application No:	DC/17/00156/COU
Case Officer	Graham Stephenson
Date Application Valid	26 April 2017
Applicant	Wilsons Auctions
Site:	Site Of Scottish Motor Auctions Group Shadon Way Birtley DH3 2SA
Ward:	Birtley
Proposal:	Change of use from unused land to a hardstanding parking area with drive through route and enclosure by means of a new perimeter security fence
Recommendation:	GRANT RETROSPECTIVE PERMISSION
Application Type	Change of Use

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

1.2 The application site is a triangular plot of land to the south of the established motor auction site, which is located at the south eastern side of the Portobello Industrial Estate. Previously it was an area of grass with a tree belt running along the southern boundary but recently, without the benefit of planning permission, this area of land to the south has been laid with hardcore for the purpose of storing vehicles and enclosed by a 2.3 metre high paladin fence. An emergency access has also been created off Birtley Lane with some of the planting removed to accommodate this access. It should be noted that the area in land in question and subject to this application is in the ownership of the auction mart and has been included within the red line of previous planning applications. As such although up until recently it has been accessible by the public it could be considered to form part of the auction site.

1.3 The triangular piece of land is bounded by Birtley Lane to the south and Portobello Road to the east. To the north of the site is auction site and, immediately adjoining the site to the west is a residential property. The residential properties to the south are separated from the site by the trees and Birtley Lane.

1.4 DESCRIPTION OF THE APPLICATION

1.5 This application therefore seeks retrospective planning permission for a change of use from unused land to a hardstanding parking area with drive through route and enclosure by means of a new perimeter security fence.

1.6 PLANNING HISTORY

00362/90 - Advert Consent refused for the display of three-sided hoarding size 5.4m x 1.3m on supporting frame reading "COOPER'S MOTOR AUCTION" in field between A1M and Portobello Road and the display of a three-sided hoarding. 02.05.1990

00549/90 - Planning permission granted for the erection of extension to existing car auction premises to provide reception area, new canteen, office extension and additional vehicle display area, and new gatehouse and 2.6m high boundary wall. 04.10.1990

DC/03/01913/FUL - Application withdrawn for the formation of parking area for storage of vehicles on land south of existing premises including erection of 2.7m high palisade fence. 05.02.2004

DC/06/01318/FUL - Planning permission granted for the erection of single-storey extension on south and west elevations of premises. 09.10.2006

DC/07/00999/FUL - Planning permission granted for the erection of a single-storey extension on west side of premises (revised application). 30.08.2007

DC/08/01178/FUL - Planning permission granted for the erection of a new palisade fence with razor wire attached to top edge and steel gate with razor wire attached to top (overall height 2400mm) on southeast boundary of site (Retrospective) (amended 08.10.08). 10.10.2008

2.0 Consultation Responses:

Northumbria Water 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. 13 letters of objection have been received. The issues raised have been summarised below:

- * Increased noise, site already operates through the night with jet washers and vehicle movements.
- * Impact on highway safety. Transporters already unload on Portobello Road.
- * Cars are being stored on land next to the North House Caravan Park opposite the entrance to Scottish Motor Auctions, i.e. over the other side of Portobello Road which is causing difficulties for the ever increasing traffic on Portobello Road when loading and unloading transporter vehicles.
- * Floodlights have an impact on the amenity of residents.
- * Emergency access is not useable but if open to the public would encourage people to park on Birtley Lane.
- * The emergency gate has not been requested by the Fire Authority
- * The emergency gate is inaccessible to Fire tenders

- * The emergency gate is permanently blocked by parked cars.
- * The loss of green space already affected by the increasing encroachment of the industrial estate into the residential area is further exacerbated by this application.
- * The piece of land between Scottish Motor Auctions & Birtley Lane was public land & has always been a buffer between the Trading Estate & the residential area of Birtley Lane.
- * The heavy tree line provided a barrier between the land and the residential area and also reduced both light and sound pollution leaking out of the industrial estate.
- * A similar planning application was refused in 2004 because of objections from local residents (DC/03/01913/FUL).
- * Contrary to policy DC2 of the Unitary Development Plan.
- * Impact on trees.
- * The new car park is only feet away from the living room and kitchen windows of 29 Fell Close. Even with double glazing, the noise is dreadful. The noise test levels when applying for the construction of 29 Fell Close never had to take that into account.
- * Increased risk of flooding.

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

DC1J Substrata Drainage-Water Quality

DC2 Residential Amenity

ENV3 The Built Environment - Character/Design

ENV44 Wood/Tree/Hedge Protection/Enhancement

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 principle of development and the impact on visual amenity, residential amenity and highway safety.

5.2 PRINCIPLE OF DEVELOPMENT

The application site was previously grassed over and is outside the boundary of the Portobello Primary Employment Area, however it does not benefit from any protection in terms of designated public open space.

5.3 It is noted that in 2003 a similar application was withdrawn due to concerns with the proposal and the loss of a buffer between the industrial estate and residential properties. However after assessing this application it is considered that it is the tree belt which primarily provides the buffer and as this tree belt is proposed to stay, with improved screening and planting, which will be addressed later in the report, this issue could be overcome. It is also important to note that the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015, potentially allow works such as the erection of fencing around the site and the laying of hardstanding to be undertaken without requiring planning permission. Fundamentally this would have same impact on the buffer zone as the application submitted and therefore this fall back position is a material consideration which has to be taken into account.

5.4 As a consequence providing all other material planning considerations are satisfied, it is considered the principle of extending the auction site is acceptable.

5.5 VISUAL AMNENITY

As highlighted above it is acknowledged that the land as it previously was, did provide a buffer between the edge of the industrial estate and the residential properties to the south and the development has encroached onto this buffer. However as discussed it is considered the tree belt along Birtley Lane does still act as an adequate buffer and providing planting is reinstated, where the emergency access has been created, this buffer will be retained. The paladin fence is not ideal as cars can still be viewed behind it and for this reason it is recommended a timber fence is erected either instead of this paladin fence or if security is required in front of the paladin fence. Final details of the boundary fence and tree planting can be conditioned (CONDITIONS 6,7,8 AND 9).

5.6 The boundary treatment and the replacement planting would block up the emergency access but it has been confirmed that this access is not a necessity and this is addressed in more detail later in the report.

5.7 Therefore subject to the conditions recommended it is considered the impact on the visual amenity of the streetscene is not significant and would not conflict with the aims and objectives of the National Planning Policy Framework (NPPF), policy CS15 of the Core Strategy and Urban Core Plan (CSUCP) and policies ENV3 and ENV44 of the Unitary Development Plan (UDP).

5.8 RESIDENTIAL AMENITY

A number of concerns have been raised about noise from the auction site, in particular from jet washers and general vehicle movements at all times of day and night. As part of this application it would be difficult to address those concerns as they relate to the existing site, although they have been forwarded

to Environmental Health but it can be ensured that this development does not exacerbate the problem. With this in mind it is recommended that no jet washing or the valeting of cars shall take place on this part of the wider site (CONDITION 2) and that vehicles can only be moved within this part of the site between the hours of 8 am and 8 pm Monday to Friday, 9 am and 5 pm on a Saturday and 10 am and 2 pm on a Sunday (CONDITION 3). Details would be required of any lighting that is to be installed on the site (CONDITIONS 10 AND 11) and the erection of a timber fence would also act as an acoustic barrier and would stop light s from cars shining into neighbouring properties, which would also help in reducing the impact of the existing auction site on neighbouring properties.

- 5.9 With these conditions in place, although it is accepted the movement of vehicles would have some impact on the properties closest to the site, especially number 29 Fell Close it is considered the impact would not be significant or sufficient to warrant refusal. The impact would also not be significantly greater than from the existing auction site. It is also acknowledged that the stored cars are visible from 29 Fell Close and this would be a poorer outlook than the previous green space but fencing and planting will provide some screening and overall the impact would not be sufficient to warrant refusal, especially as the noise issues can be addressed through conditions.
- 5.10 As such it is considered that subject to conditions, the impact on the amenity of nearby residents is acceptable and does not conflict with the aims and objectives of the NPPF, policy CS14 of the CSUCP and policies DC2 and ENV61 of the UDP.
- 5.11 HIGHWAY SAFETY
The proposed emergency access, which is already in situ, is unacceptable as it is not fit for the purpose of carrying a fire tender due to the gradient across the embankment/verge and the absence of a suitable hardened surface. Also, the dropped kerb in front of this access is intended for the crossing of pedestrians only and will not be to the construction standards required for vehicular impact.
- 5.12 An annotation on the site layout plan indicates that the emergency route was installed at the request of the Local Fire Officer however, after contacting the Fire Service, it is understood that no formal recommendations were made during an audit of the site by the Fire Service some time ago.
- 5.13 In light of this it is recommended the emergency access is blocked up with the fence and the gap that has been created, re-planted. This will be covered under conditions 3,4,5 and 6.
- 5.14 The drive through element of the application is to allow vehicles to be driven in at one end of the site and out of the other to make moving the cars easier and simpler and to reduce the number of manoeuvres.
- 5.15 Appropriate drainage must be installed to ensure that there is no run-off onto the public highway on Birtley Lane. Drainage has been addressed later in the report.

- 5.16 It is acknowledged that a number of concerns have been raised with regards to vehicle deliveries, the storage of cars on other sites and general parking and high levels of congestion on the surrounding public roads. However it is considered these issues are not directly related to this application and in all likelihood would continue irrespective of whether this application is approved or refused.
- 5.17 Therefore these issues are being looked at separately to see what can be done and to ensure the site is not in breach of any previous planning permissions or that unlawful development is not taking place.
- 5.18 Consequently it is considered the development subject to this application does not have any adverse impact on highway safety and does not conflict with the aims and objectives of the NPPF or policy CS13 of the CSUCP. However the applicant will be advised that further consideration should be given to the operation of the wider site and how vehicles are delivered and also investigations are taking place to establish whether there is any breach of planning permission.
- 5.19 DRAINAGE
The application site is located within Flood Zone 1 on the Environment Agency Flood Map and therefore deemed to be a low flood risk area.
- 5.20 However surface water flooding and associated flow routes are identified along Birtley Lane which runs from east to west and there should be no increase in the discharge of water from the site into highway drains. In addition concerns have been raised by neighbouring residents about an increase in flood risk due to the hardstanding.
- 5.21 Therefore in accordance NPPF and policy CS17 of the Core Strategy, due consideration needs to be given to the drainage of the site. Details of the site's drainage have been requested but at the time of writing this report no information has been provided. As a result a drainage scheme is required and this can be conditioned (CONDITIONS 4 AND 5).
- 5.22 The scheme should prioritise the use of Sustainable Drainage Systems (SuDS), following the hierarchy provided below:
- I. Infiltration base SuDS;
 - II. A watercourse
 - III. A surface water sewer; and
 - IV. A combined sewer
- 5.23 With the tree belt and landscaping being retained a long the southern edge of the site it is considered an appropriate drainage system can be provided in accordance with the NPPF, policy CS17 of the CSUCP and policy DC1 of the UDP.
- 5.24 CIL

Gateshead Council is a Community Infrastructure Levy (CIL) Charging Authority. This application has been assessed against the Council's CIL charging schedule and the development is not CIL chargeable development as it is not for qualifying retail or housing related. As such no CIL charge is liable.

6.0 CONCLUSION

6.1 Taking all relevant issues into account it is recommended that planning permission is granted, subject to conditions, as the impact on visual and residential amenity as well as the impact on flooding is acceptable and in accordance with national and local planning policy.

7.0 Recommendation:

That permission be GRANTED RETROSPECTIVELY subject to the following condition(s) and that the Strategic Director of Communities and Environment be authorised to add, vary and amend the planning conditions as necessary:

1

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

Proposed Layout Plan

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

There shall be no jet washing or valeting of motor vehicles within the application site.

Reason

In the interests of residential amenity and in accordance with policy CS14 of the Core Strategy and policy DC2 of the Unitary Development Plan.

3

Vehicles shall only be moved within the site subject to this planning permission between the hours of 8 am and 8 pm, Monday to Friday, 9 am and 5 pm on a Saturday and 10 am and 2 pm on a Sunday. Outside of these times, no vehicles shall enter or egress the site or be moved within it.

Reason

In the interests of residential amenity and in accordance with policy CS14 of the Core Strategy and policy DC2 of the Unitary Development Plan.

4

Within two months of planning permission being granted a detailed scheme (including a timetable for implementation) for the provision of surface water drainage works within the application site, has been submitted to and approved in writing by the Local Planning Authority. This shall also include details of oil interceptors.

Reason

In order to prevent the increased risk of flooding by ensuring the provision of a satisfactory means of surface water disposal in accordance with the NPPF and Policy CS17 of the Core Strategy and Urban Core Plan for Gateshead and Newcastle upon Tyne.

5

The surface water drainage scheme approved under condition 4 shall be implemented in accordance with the timetable approved as part of that condition and shall be maintained as such thereafter.

Reason

In order to prevent the increased risk of flooding by ensuring the provision of a satisfactory means of surface water disposal in accordance with the NPPF and Policy CS17 of the Core Strategy and Urban Core Plan for Gateshead and Newcastle upon Tyne.

6

Notwithstanding the approved details, within two months of planning permission being granted final details of the timber fence to be erected around the site shall be submitted to and approved in writing by the Local Planning Authority. The details shall demonstrate the location, appearance and height of the fence.

Reason

In the interests of residential and visual amenity and in accordance with policies CS14 and CS15 of the Core Strategy and policies DC2 and ENV3 of the Unitary Development Plan.

7

The timber fence shall be implemented in accordance with the details approved under condition 6 within one month of the condition being discharged and shall be retained as such thereafter.

Reason

In the interests of residential and visual amenity and in accordance with policies CS14 and CS15 of the Core Strategy and policies DC2 and ENV3 of the Unitary Development Plan.

8

Within two months of planning permission being granted a replacement tree planting scheme along Birtley Lane shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall include numbers, location, size and species of the replacement trees.

Reason

To protect the character and amenity of the area in accordance with policy CS15 of the Core Strategy and policies ENV3 and ENV44 of the Unitary Development Plan.

9

The replacement tree-planting scheme approved under condition 8 shall be completed in full accordance with the approved details within the first available planting season and shall be maintained for a period of 5 years commencing on the date of practical completion. The Local Planning Authority shall be notified in writing of the date of practical completion within seven days of that date. During this period any trees or planting which die, become diseased or are removed shall be replaced in the first available planting seasons (October to March) with others of a similar size and species and any grass which fails to establish shall be re-established. The Local Planning Authority shall be notified in writing of the date of replanting within seven days of that date.

Reason

To ensure the replacement tree planting is undertaken within a reasonable time scale to protect the character and amenity of the area in accordance with policy CS15 of the Core Strategy and policies ENV3 and ENV44 of the Unitary Development Plan.

10

Prior to the installation of any lighting within the application site, final details of the location and height of any lighting columns, the design of the lights themselves, lux levels and light spillage, shall first be submitted to and approved in writing by the Local Planning Authority.

Reason

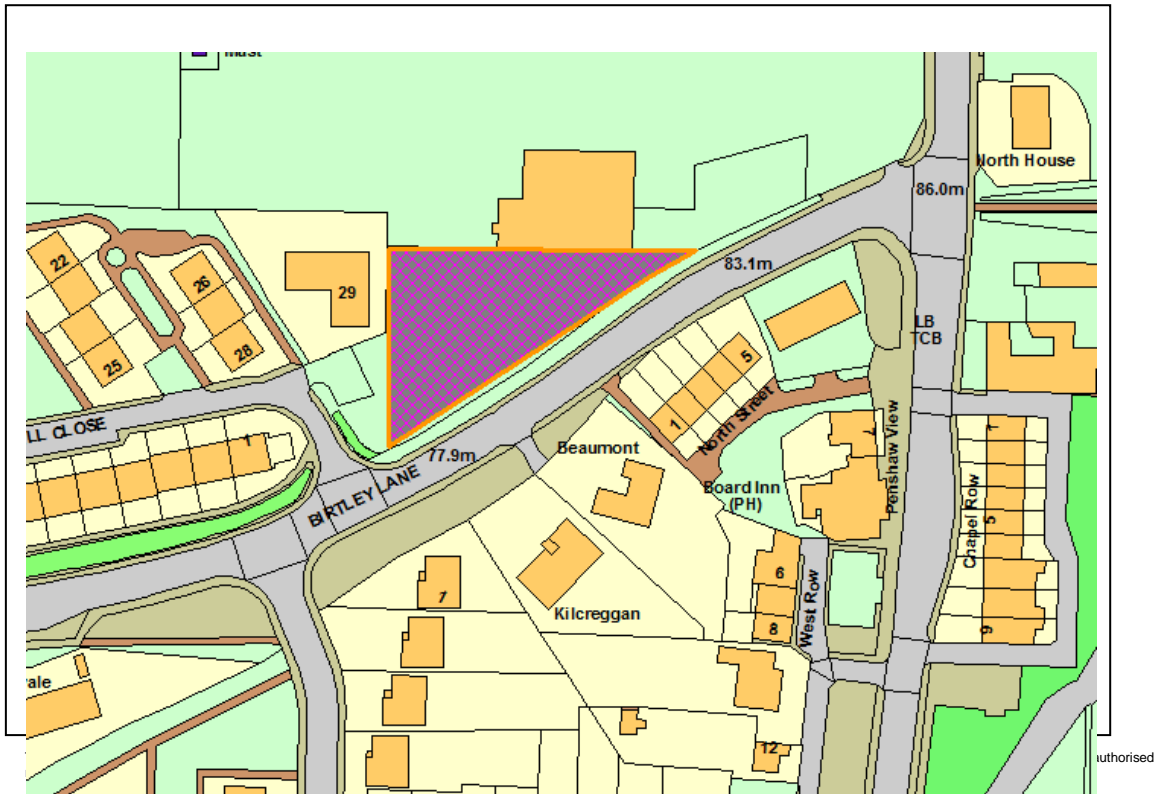
In the interests of residential and visual amenity and in accordance with policies CS14 and CS15 of the Core Strategy and policies DC2 and ENV3 of the Unitary Development Plan.

11

Any lighting within the application site, shall be implemented in accordance with the details approved under condition 10 and shall be retained as such thereafter.

Reason

In the interests of residential and visual amenity and in accordance with policies CS14 and CS15 of the Core Strategy and policies DC2 and ENV3 of the Unitary Development Plan.



Committee Report

Application No:	DC/17/00164/FUL
Case Officer	Graham Stephenson
Date Application Valid	29 March 2017
Applicant	Mr Wayne Laskey
Site:	3 Thomas Street Eighton Banks Gateshead NE9 7YA
Ward:	Lamesley
Proposal:	Demolition of commercial building and replacement by one detached dwelling (amended 18/05/17).
Recommendation:	GRANT
Application Type	Full Application

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

1.2 The application site consists of a vacant commercial building which is situated within a predominantly residential area and appears to have last been used as offices for a property management company. The property is brick built with a slate roof and occupies a large proportion of the site which is at the end of a terrace (Thomas Street). There is some informal parking to the front on an area of hardstanding, which is accessed off Thomas Street. The property is single storey but does benefit from a high pitched, steeply sloping roof which allows for floor space to be provided in the roof. There is a smaller single storey off shot to the rear. Land levels on site are predominantly flat. Immediately to the east of the building there is an area of unfenced grass. Part of this grassed area is within the application site but part is proposed to remain unfenced. To the south on the opposite side of Thomas Street there is an allotment. To the rear (north) the back lane separates the application site from the rear of the properties along Sandy Lane and to the west another lane separates the application site from the rear of properties along Prospect Terrace. All the properties in the area are stone built terrace properties, with the exception of the application site and the dwellings to the east which are flats in a small brick built terrace.

1.3 DESCRIPTION OF THE APPLICATION

1.4 The application proposes the demolition of the existing property and in its place the erection of a detached, two storey dwelling with accommodation in the roof space, served by gable dormers. The dwelling along with a detached garage to the rear, is proposed to be constructed using stone and interlocking slate. As submitted the application proposes to enclose some of the green space to the east and as originally submitted the dwelling was proposed to be within 1.3 metres of the revised boundary. However this has now been amended to 3

metres from the site boundary (4 metres from the gable end of the neighbouring property to the east).

1.5 The height of the proposed dwelling has also been reduced by 660 mm and the eaves lowered by 920 mm to bring them more in line with the eaves height of neighbouring properties and more akin to a 2 storey property (height of the proposed dwelling to the eaves is 5.5 at the front and 6 metres at the back; height to the ridge 8 metres at the front and 8.5 metres at the back). The difference is due to a slight change in land levels. Accommodation is still proposed in the roof with small windows provided at this level. A large driveway has been removed from the front with off street parking now contained to the rear. To the front there is now proposed to be a large, enclosed private garden. A 2 metre section of footpath is also proposed to the front for pedestrians using Thomas Street. A garden terrace is proposed to the rear of the property.

1.6 The following information has been submitted with the application:

Phase 1 Land Contamination Assessment.

1.7 PLANNING HISTORY

1.8 There is no recent planning history available for this site.

2.0 Representations:

2.1 Neighbour notifications were originally carried out on the 10.04.2017 in accordance with formal procedures introduced in the Town and Country Planning (Development Management Procedure) (England) Order 2015. 12 neighbouring properties were notified and 7 letters of objection were received. The objections have been summarised below although full copies are available.

* The property will be out of scale with the surrounding properties all of which are approximately 5m wide terraced houses with loft conversions within the roof profile.

* This property has a front elevation of 13.6m ,3 storey with a roof profile and appearance out of character with the surrounding streetscene of small terraced properties.

* The proposed property is too large for the extended plot size and would appear overbearing

* The proposed development would result in the inappropriate development within the Green Belt and would have a greater impact on the openness of the Green Belt than the existing single storey with no very special circumstances.

* The Council has an adequate 5 year supply of land for housing and as the existing commercial use of the site does not unduly impact on neighbouring residential properties in terms of noise or disturbance, it is difficult to see how a case for a new house can be made.

* Should the Local Planning Authority take the view that the proposed development is infill development the additional height and massing of the proposed dwelling and the harm the development would cause to visual amenity and residential amenity, detailed below, the proposed development

fails to comply with either the NPPF or local policy ENV38 requirements for infill development.

- * The siting, scale and design of the proposed dwelling are not in keeping with the prevailing character of existing buildings in the immediate area which are linear terraces of two storey dwellings under simple pitched roofs.
- * The development would have a detrimental impact on the amenity of nearby residents in terms of overlooking and loss of light.
- * The application is contrary to local plan policies UC12 (1) and (3), ENV3 and CS15 (1.i). It also fails to maintain and/or enhance the special character of Eighton Banks and is therefore contrary to policy ENV25.
- * The application is contrary to policy DC2 of the Unitary Development Plan.
- * The proposed fencing must not be allowed to encroach any further than the side of the proposed garage as this will have an affect on traffic, large vehicles i.e. bin wagons, delivery vehicles and cars already use part of the proposed parking area to negotiate the corner.
- * Any vehicle parked on the proposed driveway in front of the garage is at risk from passing traffic as the lanes are already very narrow. Any building on that rear corner of the plot should be considered very carefully indeed for this reason.
- * Inadequate local consultation.
- * Lane used as a through route to avoid speed bumps. Could it be a residents only access?

2.2 Following amendments to the plans neighbours were re-notified on the 22.05.2017. 4 further letters of objections were received with the following issues raised.

- * The proposal is still a large imposing building which would overlook the bathroom, bedroom and garden of properties along Prospect Terrace.
- * Despite the removal of 1 window to the rear of the revised property, the gardens and rooms of the properties to the rear would still be majorly overlooked.
- * 3 storeys seems excessive. Could the build be limited to 2 storeys? If not could the 3rd storey windows be removed and skylights in roof be added instead?
- * There could be bats living in the current building.
- * While the reduction in the height of the dwelling has lessened its impact compared to the original dwelling, the proposed dwelling would still have significantly greater height and mass at first floor level and a greater impact on openness than the existing building, failing the paragraph 89 test relating to development in the Green Belt.
- * The scaling down of the dwelling has improved its impact on the adjacent flats, however it would still have a greater impact on them than the existing building.
- * A BRE compliant daylight/sunlight assessment still has not been provided by the applicant and the application fails to demonstrate that the proposed dwelling would have an acceptable impact on the neighbouring properties in terms of loss of light and overshadowing.
- * The amendments have done nothing to address its inappropriate location in respect of the established pattern of the neighbouring terrace, nor its

inappropriate design relative to the simple pitched roof design which is part of the established character of housing in the immediate streetscene.

- 2.3 1 letter of support has also been received on the basis that the development is preferable to a commercial property.

3.0 Consultation Responses

Northumbria Water No Objection but should follow the drainage hierarchy.

4.0 Policies:

NPPF National Planning Policy Framework

NPPG National Planning Practice Guidance

DC1D Protected Species

DC1P Contamination, derelict land, stability

DC2 Residential Amenity

ENV3 The Built Environment - Character/Design

ENV38 Washed-Over Settlements in Green Belt

ENV46 The Durham Biodiversity Action Plan

ENV47 Wildlife Habitats

ENV54 Dev on Land Affected by Contamination

ENV61 New Noise-Generating Developments

H4 Windfall and Small Housing Sites

H5 Housing Choice

CS10 Delivering New Homes

CS11 Providing a range and choice of housing

CS13 Transport

CS14 Wellbeing and Health

CS15 Place Making

CS18 Green Infrastructure/Natural Environment

5.0 Assessment of the Proposal:

5.1 The main planning considerations in this case are considered to be the principle of development and the impact on amenity and parking.

5.2 PRINCIPLE OF DEVELOPMENT

5.3 The application site is located within the area of Green Belt that helps to prevent Gateshead merging with neighbouring urban areas and also looks to safeguard the countryside in this area from encroachment, as set out in paragraphs 79 and 80 of the NPPF and policy CS19 of the Core Strategy and Urban Core Plan (CSUCP).

5.4 Paragraph 86 of the NPPF goes on to say that villages should not be included in the Green Belt unless the settlement has a specific open character that contributes to the openness of the Green Belt. Otherwise, if the character of a settlement needs to be protected for other reasons, other means should be used, such as a conservation area for example and that the village should be excluded from the Green Belt.

5.5 In this case, the entire application site is included within the Green Belt but also the settlement boundary of Eighton Banks, which is classified as a "washed-over settlement within the green belt". Within washed over settlements such as Eighton Banks, policy ENV38 allows for infilling development that does not have an adverse effect on the character of the settlement concerned.

5.6 In addition paragraph 89 of the NPPF considers that limited infilling in villages should not be treated as inappropriate development in the Green Belt. Eighton Banks is considered to be a village for the purposes of paragraph 89.

5.7 The effect of the development on the character of the settlement will be addressed later in the report but in principle a new development in this location, in terms of impact on the Green Belt is considered to be acceptable as this part of Eighton Banks does not have a specific open character that contributes to the openness of the Green Belt.

5.8 The provision of a new family dwelling would also assist in meeting the aims and objectives of CSUCP policy CS11(1) which requires that a minimum of 60% of new private housing across the plan area is suitable and attractive for families (i.e. homes with three or more bedrooms). The proposal, which in accordance with policy H4 of the UDP is windfall housing, would also assist in meeting Gateshead Councils 5 year housing supply of which windfall housing forms part of.

5.9 On this basis the principle of development is considered acceptable subject to all other planning considerations being satisfied.

5.10 DESIGN

- 5.11 The existing building is a brick built property with a large hipped roof and fills a large proportion of the site, sitting forward of the established front building line of the properties along Thomas Street. As a result it does appear at odds with the character of the streetscene which is primarily terraced properties with pitched roofs. On this basis it is not considered necessary for any new development on the site to strictly follow the established rhythm, character or scale of the surrounding properties. Consequently the applicant has proposed a large two storey, detached, double fronted dwelling, which incorporates gable dormer features to the front and rear to provide accommodation in the roof space and would be built using traditional stone and slate.
- 5.12 However as originally submitted it was felt the proposal was out of scale with the plot. Therefore although the main reason for requesting amendments was to address concerns relating to residential amenity it is considered the amendments have made an improvement to the design. The application has been amended so it sits better within the site (width of the dwelling reduced by 1.1 metre) and a greater separation distance is provided to the properties at the end of Thomas Street (4 metres). This helps to make a distinction between the existing terraces and the new standalone, detached dwelling. The height of the proposed dwelling has been reduced by 660 mm and the eaves lowered by 920 mm to bring them more in line with the eaves height of neighbouring properties. The gable ends of the proposed development have also been simplified and have the appearance of a more standard gable which is preferable. The overall height is now also the same as the existing building and the projection beyond the front building line of the properties along Thomas Street is 1.7 metres less than the existing building.
- 5.13 Accommodation is still proposed in the roof with small windows provided at this level in the gable dormers but as amended the height, scale and design of the development is considered to be more appropriate for this location.
- 5.14 The large driveway has been removed from the front with off street parking now contained to the rear on the drive and in the garage, the design and scale of which is considered to be acceptable. To the front there is now proposed to be a large, enclosed private garden which provides a better setting for the property.
- 5.15 Therefore although objections have been raised that the proposed development is out of character with the streetscene, it is considered that as a result of the amendments, the building it is proposed to replace and the materials that are to be used (CONDITIONS 4 AND 5), the proposed development would not have a detrimental impact on the streetscene or the character of the area.
- 5.16 The development does not conflict with the aims and objectives of the NPPF or policy CS15 of the CSUCP and policy ENV3 of the UDP and as it is considered the proposed development would not have an adverse effect on the character of the area the development also satisfies policy ENV38 of the UDP.

5.17 RESIDENTIAL AMENITY

- 5.18 There are residential properties on three sides of the site although to the north and west they are separated by the back lanes and with separation distances of 35 metres (31.5 metres to the two-storey rear extension) and 23.5 metres respectively between the proposed dwelling and the neighbouring properties. There are only windows in the ground floor of the elevation facing west so overlooking of the properties on Prospect Terrace to the west would not be an issue, especially taking into account the high boundary walls of these properties. The recommended distance between windows serving habitable rooms and a blank two-storey gable is 13 metres.
- 5.19 Windows are proposed to the rear but the 30 metre plus separation distances proposed between the properties would mitigate any overlooking of habitable windows. The recommended distance between windows serving habitable rooms is 21 metres.
- 5.20 Concerns have been raised by neighbours about the increased overlooking of gardens but it is reasonable to expect in a residential area some overlooking of gardens and the separation distance to the gardens to the north would be a minimum of 17.5 metres when measured from the proposed rear elevation of the dwellinghouse and the back walls of the neighbouring properties to the rear. This again would limit the opportunity for any significant overlooking. It is also considered that overlooking from the windows serving the roof space would not be significantly greater, if any, than from second floor windows.
- 5.21 It is considered the scale of the garage, the separation distances available and the boundary treatments already in place would ensure the garage does not have any impact on these properties either.
- 5.22 Therefore it is considered the impact on the amenity of properties to the north and west is acceptable.
- 5.23 There would be a closer relationship between the proposed dwelling and the properties to the east (Nos 5 and 6 Thomas Street) than currently exists and it was concerns about the impact the development would have on these properties which lead to amendments being requested. As originally proposed the development would have projected 6.6 metres beyond the front elevation of the Thomas Street and the mass of the gable elevation was substantial. The separation distance between the two properties would have been 2.3 metres (approximately 3 metres to the closest edge of the window). The amendments have reduced the scale and height of the proposal, notably the gable elevations and the separation distance has been increased by 1.7 metres. It is considered this has significantly improved the relationship between the two properties and the impact in terms of loss of light, visual intrusion and overshadowing would now be acceptable. The window in the east facing gable elevation is proposed to be obscurely glazed and this can be conditioned (CONDITION 8). No further windows shall be installed in either the east or west facing elevation and this can be conditioned (CONDITION 9).

- 5.24 To the rear neither the dwelling itself or the garden terrace would project beyond the rear building line of the property to the east and the garage is proposed to be set off the boundary with the properties to the east by 2.8 metres and set at a lower level. A fence is also proposed along the eastern boundary which will help to screen the development from those properties. Final details of the boundary treatment can be conditioned (CONDITIONS 10 AND 11).
- 5.25 Construction hours can also be conditioned to prevent disturbance (CONDITION 3).
- 5.26 Therefore it is considered the proposed development would not result in any significant overlooking, loss of light, visual intrusion or overshadowing and as a result does not conflict with the aims and objectives of the NPPF, policy CS14 of the CSUCP or policies DC1, DC2 and ENV61 of the UDP.
- 5.27 HIGHWAY SAFETY
- 5.28 As originally submitted the scheme had a double driveway and very large double garage to the rear (equating to approximately 3 to 4 parking spaces) plus a large driveway to the front for approximately four cars. This total of seven to eight spaces was considered excessive. At the same time, the proposed 1m footway/pavement to the front of the property was too narrow and considered unacceptable.
- 5.29 To address this issue all of the driveway area to the front of the building has been removed and a 2m public footway has been provided for pedestrians. Implementation of this footway would be required before the development is first occupied and this can be conditioned (CONDITION 12).
- 5.30 Concerns have been raised about the ability of vehicles to manoeuvre around the back lanes, including bin wagons but this has not been raised as an issue by highway officers or colleagues who operate the bin wagons. Keeping the north west corner of the site open would allow for some over run if needed.
- 5.31 Secure cycle storage will be available in the garage.
- 5.32 As a result it is considered the proposed development as amended does not raise any concerns in terms of highway safety and satisfies the aims and objectives of the NPPF, as well as policy CS13 of the CSUCP.
- 5.33 CONTAMINATED LAND
- 5.34 The site was originally farmland, and remained undeveloped until the late 1930's when the current building was constructed.
- 5.35 The site has been assessed and inspected as part of the Council's Contaminated Land Strategy and is not situated on contaminated land. The risk of contamination being present as a result of historic uses is therefore considered to be low. As a result it is considered the conclusions of the phase1

land contamination assessment are acceptable and no further investigations are required. However there may be some possibility of contamination from any made ground imported for a development platform for the current development. With this in mind should any contamination be discovered a remediation strategy would be required and this can be conditioned (CONDITIONS 6 AND 7).

5.36 Therefore subject to the conditions it is considered that the risk to human health is limited and in accordance with the NPPF as well as policy CS14 of the CSUCP and policy ENV54 of the UDP.

5.37 ECOLOGY

5.38 It has been reported that bats are present in the existing building and with the age of the building and proximity to potential bat foraging areas this cannot be dismissed. Therefore the applicant is undertaking a bat survey the results of which will be presented in an update report. Please note the presence of bats is unlikely to result in the application being recommended for refusal but appropriate mitigation, in accordance with the NPPF, policy CS18 of the CSUCP and policies ENV46 and ENV47 of the UDP, may be required. This can be conditioned.

5.39 DRAINAGE

5.40 Northumbria Water have not objected to the application but have advised that the surface water drainage solution for the site follows, the drainage hierarchy. This has been included as an informative.

5.41 As a result the proposed development is not considered to conflict with the aims and objections of the NPPF, policy CS17 of the CSUCP and policy DC1 of the UDP.

5.42 CIL

5.43 Gateshead Council is 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. However the applicant has applied for relief/exemption on the grounds of it being a self-build dwelling and as such it is likely the CIL charge will be £0.

5.54 OTHER MATTERS

5.56 A neighbouring resident has objected to the level of public consultation that took place. Publicity for the application was carried out in accordance with formal procedures introduced in the Town and Country Planning (Development Management Procedure) (England) Order 2015 and in total 12 neighbouring properties were notified. By word of mouth other residents also got to know about the development and were able to submit any concerns they had. This has resulted in 7 objections being received and the application being referred to

the Planning and Development Committee. Therefore it is considered the level of public consultation was more than adequate for this application.

5.57 Concerns have also been raised about the rear lanes being used as a rat run to avoid the speed bumps on the main road and could access to the back lanes be made for residents only. This is not considered necessary to make the application acceptable but comments have been passed onto colleagues in the highway department.

5.58 For reference the area of special character referred to by one of the objectors is the residential area comprising Ravensworth Road, Jubilee Avenue and Springfield Avenue and does not relate to this area and policy UC12 relates to Urban Design within the Urban Core which is the area in and around the Quayside and the Town Centre.

6.0 CONCLUSION

6.1 Taking all relevant issues into account it is recommended that planning permission is granted, subject to conditions, as the principle of development and the impact on design, amenity and highway safety as well as other material considerations, is acceptable and in accordance with national and local planning policy.

7.0 Recommendation:

That permission be GRANTED subject to the following condition(s) and that the Strategic Director of Communities and Environment be authorised to add, vary and amend the planning conditions as necessary

1

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

4750-3-2, 4750-4-2, 4750-5-2

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

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

4

Development shall not commence above foundation level 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 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

The development shall be carried out in accordance with the materials approved under condition 4.

Reason

To safeguard the visual amenities of the area and 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.

6

Any 'undesirable' material / made ground observed during excavation of the existing ground should be screened and removed. If any areas of odorous, abnormally coloured or suspected contaminated ground, that had not previously been identified, are encountered during development works, then operations should cease, and it must be reported in writing immediately to the Local Planning Authority. An investigation and risk assessment must be undertaken, and where remediation is necessary a remediation scheme, including timescales for implementation, shall be

submitted to and approved in writing by the Local Planning Authority prior to works recommencing on site.

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

Any remediation that is required shall be completed in accordance with the strategy and timescales approved under condition 6.

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.

8

The first floor window of the dwelling hereby approved facing east shall be glazed with obscure glass at a level three or greater. The obscure glazing shall be 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.

9

Notwithstanding the provisions of the current Town and Country Planning General Permitted Development Order (or any order revoking and re-enacting that order with or without modification), no windows or openings shall be inserted in the east or west facing elevations elevation of the development hereby approved without the written approval of the Local Planning Authority having first been obtained.

Reason

To ensure the protection of privacy for neighbouring occupiers, and in the interests of residential amenity, in accordance with NPPF, Saved

Policy DC2 of the Unitary Development Plan and Policy CS14 of the Core Strategy and Urban Core Plan for Gateshead and Newcastle upon Tyne.

10

Notwithstanding the approved plans the development hereby approved shall not be first occupied until a scheme for the boundary treatment of and within the site has been submitted to and approved in writing by the Local Planning Authority. The scheme shall include details of the type, position, design, dimensions and materials of the boundary treatment.

Reason

To ensure the satisfactory appearance of the development upon completion in the interests of the visual amenity of the area and in accordance with policies DC2 and ENV3 of the Unitary Development Plan.

11

The boundary treatment shall be implemented wholly in accordance with the details approved under condition 10, prior to the development hereby approved being first occupied.

Reason

To ensure the satisfactory appearance of the development upon completion in the interests of the visual amenity of the area and in accordance with policies DC2 and ENV3 of the Unitary Development Plan.

12

No part of the development shall be first occupied until the new pedestrian footway to the south of the site as shown on plan 4750-3-2 and approved by the Councils Highway Construction Team has been implemented. The footway shall be retained in accordance with the approved scheme thereafter.

Reason

In the interests of highways safety in accordance with policy CS13 of the Core Strategy and Urban Core Plan.



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MINOR UPDATE

Application No:	DC/17/00164/FUL
Site:	3 Thomas Street Eighton Banks Gateshead NE9 7YA
Proposal:	Demolition of commercial building and replacement by one detached dwelling (amended 18/05/17).
Ward:	Lamesley
Recommendation:	Grant Permission
Application Type	Full Application

Reason for Minor Update

Condition(s) added/deleted/amended

Following the submission of a bat survey it can be confirmed that there is no evidence of bats roosting within the building. However the development should still be carried out in accordance with the submitted survey. This can be conditioned.

13

The development hereby permitted shall take place in complete accordance with the submitted bat survey by Dendra Consulting, Ref No. Lskey_ThomasSt_Bat1.1.

Reason

To ensure that a satisfactory balance is achieved between development of the site and the protection of nature conservation in accordance with Policies DC1 and ENV47 of the Unitary Development Plan and policy CS18 of the Core Strategy and Urban Core Plan Gateshead and Newcastle upon Tyne.

SEE MAIN AGENDA FOR OFFICERS REPORT.

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Committee Report

Application No:	DC/17/00167/FUL
Case Officer	David Morton
Date Application Valid	9 March 2017
Applicant	Gateshead Regeneration Partnership
Site:	Land At Whitehill Drive Felling
Ward:	Windy Nook And Whitehills
Proposal:	Proposed erection of 39 dwellings with associated works.
Recommendation:	GRANT
Application Type	Full Application

1.0 The Application:

1.1 DESCRIPTION OF THE SITE

The application site is located within the Windy Nook area of Gateshead approximately 3km to the south east of the town centre. The application site is located to the north east of Whitehill Drive; the site is currently undeveloped open land.

1.2 Land levels on site are changeable although there is a general slope up to the north within the area, the application site sits below the highway to the south resulting in a 'bund' being located to the southern boundary of the site.

1.3 The application site extends to the north east (beyond the housing allocation boundary); this portion of the application site is to allow the site's drainage to connect to the wider drainage network.

1.4 The application site is allocated in the Local Plan as a housing site and is identified as wildlife corridor. The Local Plan identifies the areas abutting the site as a Local Nature Reserve, Accessible Green Space, Open Space and Urban Green Space.

1.5 DESCRIPTION OF THE PROPOSAL

The application seeks full planning permission for the erection of 39 dwellings and associated works. The housing would be located to the south of the application site (owing to site constraints), the proposed SuDS basin and an area of open space would be located to the north of the application site. A substation would be located adjacent to the site access.

1.6 The application proposes that the development be made up of 12 two bedroom dwellings, 20 three bedroom dwellings and 7 four bedroom dwellings. The dwellings would have a contemporary architectural style with a simple palette of materials, comprising of brick and tile.

- 1.7 A single vehicular access point is proposed to be taken from Whitehill Drive to the south. Three pedestrian accesses will be created one to the north western boundary and two to the south eastern boundary linking the site to the wider area.
- 1.8 It is proposed that the development be brought forward by Gateshead Regeneration Partnership (GRP) - a joint venture initiative between Galliford Try, Gateshead Council and Home group to provide exemplary homes on sites that would previously have been very difficult in terms of constraints and viability.
- 1.9 The application is accompanied by the following documents:
- Affordable Housing Statement
 - Drainage Assessment
 - Ecological Appraisal
 - Flood Risk Assessment
 - Ground Investigation Reports
 - Planning Statement
 - Statement of Community Involvement
 - Transport Assessment
- 1.10 **PLANNING HISTORY**
The planning history of the site is summarised as follows;
- DC/04/01160/GBO; Planning permission granted for 'Development of 1.62ha of vacant land for residential purposes including an 8-bed childrens' home.' Date; 24 November 2004.
 - DC/07/00403/REM; Outline planning permission granted for 'Erection of 30 semi-detached and terraced dwellinghouses, 29 flats in 2-3 storey blocks and childrens care home (reserved matters application pursuant to DC/04/01160/GBO(amended 8.10.07 and 5.11.07).' Date; 15 November 2007.

2.0 Consultation Responses:

Northumbrian Water No objection.

3.0 Representations:

- 3.1 Neighbour notifications were carried out in accordance with the formal procedures introduced in the Town and Country Planning (Development Management Procedure) Order 2015. A total of 9 objections including a request to speak at the Planning and Development Committee Meeting from a Ward Councillor (Councillor Tom Graham) have been received and are summarised as follows;
- The development would lead to the loss of a much utilised outdoor area;
 - The proposal would result in more development within the nature park;
 - The development would lead to a loss of habitat;

- The Council and volunteers have spent a lot of time and money on the upkeep of the area;
- There is insufficient highway capacity to deal with the development and;
- There is only a single bus link within the area.

4.0 Policies:

NPPF National Planning Policy Framework

NPPG National Planning Practice Guidance

DC1D Protected Species

DC1J Substrata Drainage-Water Quality

DC1P Contamination, derelict land, stability

DC2 Residential Amenity

ENV3 The Built Environment - Character/Design

ENV44 Wood/Tree/Hedge Protection/Enhancement

ENV46 The Durham Biodiversity Action Plan

ENV47 Wildlife Habitats

ENV49 Sites of Nature Conservation Importance

ENV54 Dev on Land Affected by Contamination

H3 Sites for New Housing

H5 Housing Choice

H9 Lifetime Homes

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

CS11 Providing a range and choice of housing

CS13 Transport

CS14 Wellbeing and Health

CS15 Place Making

CS17 Flood Risk and Waste Management

CS18 Green Infrastructure/Natural Environment

GPGSPD Gateshead Placemaking Guide SPG

5.0 Assessment:

5.1 The detailed planning considerations are the principle of the proposed development, open space and play area provision, flood risk, sustainable drainage, land contamination, affordable housing, highway safety, design, visual and residential amenity and ecology.

5.2 PRINCIPLE

5.3 Allocation

The majority of the application site (excluding the area required for the drainage connection) is allocated for housing under saved UDP Policy H3. The policy offers a capacity of 36 units for the site within the supporting text; this figure is not defined as a maximum housing level within the policy. Therefore, subject to satisfying other material considerations, the principle of erecting 39 housing on the site would be acceptable.

5.4 Family Homes

CSUCP policy CS11(1) requires that a minimum of 60% of new private housing across the plan area is suitable and attractive for families (i.e. homes with three or more bedrooms). Saved UDP policy H5 also seeks to improve the choice of housing in Gateshead.

5.5 The proposed development would provide 69% family homes. Therefore, the proposal is in accordance with CSUCP policy CS11(1) and saved UDP policy H5, contributing to the requirement for the totality of development across the plan area to provide 60% family housing.

5.6 Affordable Housing

Policy CS11 requires that where there is evidence of a need for affordable housing, the Council will seek the provision of a proportion of affordable housing on all housing developments on sites of 0.5 hectares or more in size or with the potential for the development of 15 or more dwellings. The applicant has indicated that no affordable units would be provided as part of the current development.

- 5.7 In the case of the GRP redevelopment, it has been agreed that the total of affordable housing to be provided will be calculated holistically with reference to the total provided across the GRP portfolio in order to satisfy Core Strategy policy CS11. The applicant has indicated that;
"Schemes have already commenced or completed at Avon Street, Trilogy I Saltwell, Birtley Phases I & II and are proposed at Trilogy II Kelvin Grove have/will provide a total of 63no. affordable homes for Home Group."
- 5.8 Residential space standards
Policy CS11(4) requires that new residential development provides "adequate space inside and outside of the home to meet the needs of residents". It is considered based upon the submitted information that the application meets the above requirements, providing an acceptable level of internal and external space for future residents.
- 5.9 It is considered that the principle of residential development of this site is acceptable, subject to all other material planning considerations being satisfied and would be in accord with saved UDP policies H5, and H9 of the UDP, policy CS11 of the CSUCP as well as the NPPF.
- 5.10 DESIGN ISSUES
The NPPF encourages design quality and sets the scene for building a strong and competitive economy. Good design is identified specifically as being important in establishing a strong sense of place. New development should optimise the potential of a site to accommodate development, create and sustain an appropriate mix of uses and support local facilities and transport networks. The NPPF states that new development should respond to local character and history, reflecting the identity of local surroundings.
- 5.11 The CSUCP reflects the general aims of the NPPF encouraging economic growth and identifying the importance of quality of place. Policy CS15 refers specifically to Place Making and the need for new development to demonstrate high and consistent design standards in line with the Council's design guidance contained in the Gateshead Placemaking SPD.
- 5.12 The NPPF requires that development should 'make a positive contribution to local character and distinctiveness' (paragraphs 126 and 131). This is reinforced by paragraphs 58, 60, 61 and 64. These require development to respond to local character by promoting or reinforcing local distinctiveness, reflect the identity of local surroundings and materials and promote good architecture and appropriate landscaping. Development of poor design which fails to respond to opportunities for improving the character and quality of an area should be refused.
- 5.13 Overall, it is considered that the site provides a good quality design response to the constraints of the site.
- 5.14 The development looks outwards on two of its three sides demonstrating an effort to engage positively with the surrounding areas by exploiting views out of

the site and interacting positively with the valuable assets surrounding the site, including the local nature reserve and links to the wider footpath network.

- 5.15 The contemporary architectural style of the proposed dwellings is considered to be of good design quality and will achieve a positive impact on local character.
- 5.16 The design demonstrates a strong hierarchical approach to highway layout and uses a range of street types and surface materials to assist in creating a more visually rich and interesting public realm, and rightly aimed more towards pedestrian users.
- 5.17 Further, thought have been offered to the form and location of boundary treatments and a range of solutions has been offered, some incorporating soft landscaping, to deliver an intelligent and flexible approach to this important issue.
- 5.18 Final details of materials and boundary treatments (including locations) to be used across the site should be submitted to and approved in writing by the Local Planning Authority (Conditions 3, 4, 5 and 6) to ensure their acceptability in the context of the site and the wider area.
- 5.19 It is considered that the proposed development is acceptable from a design point of view and subject to the recommended conditions accords with the design aims and objectives of the NPPF, saved policy ENV3 of the Council's UDP and policy CS15 of the Council's CSUCP.
- 5.20 **RESIDENTIAL AMENITY ISSUES**
Given the distances between the existing adjacent houses and the proposed development it is considered that the development would not cause any significant harm to the living conditions of adjacent residents through loss of light, overshadowing or visual intrusion.
- 5.21 It is considered that the internal separation distances within the site strike an appropriate balance between ensuring an acceptable level of residential amenity and encouraging an appropriate design solution. On this basis, the internal layout is considered to be acceptable would not cause any significant harm to the living conditions of the future occupiers of the proposed houses in terms of loss of light, overshadowing or visual intrusion.
- 5.22 Officers consider that the construction works associated with the development could impact on the living conditions of adjacent neighbours. It is recommended that conditions be imposed that would require the submission and approval of appropriate details in regard to hours of operation, location of the site compound (including locations for site vehicles and materials) and controls over dust and noise. (Conditions 7 and 8).
- 5.23 Officers are therefore of the opinion that subject to the above conditions, the proposed development would not harm the living conditions of adjacent residential properties and the living conditions of the future occupiers of the proposed houses. It is therefore considered that the development is acceptable

from a residential amenity point of view and accords with the aims and objectives of the NPPF, saved policy DC2 of the Council's UDP and policy CS14 of the Council's CSUCP.

5.24 TRANSPORT ISSUES

5.25 Access

A new vehicle access is proposed for the north west corner of the site off Whitehill Drive. There is no objection in principle to locating the vehicle access to the housing development in this location. The visibility splays for the proposed access have been adequately shown on submitted plans and the access design is considered to be acceptable; this requires the existing bus shelter to be relocated, extension of the footpath and the relocation of existing traffic calming measures on Whitehill Drive, these works could be secured through the imposition of planning conditions (Condition 9 and 10).

5.26 In addition to the proposed vehicle access, three pedestrian accesses are proposed one to the north adjacent to an area of open space and two to the south east connecting to the existing footpaths. An extension of the footpath across the frontage of the site will take place to allow pedestrians to cross Whitehill Drive safely (Condition 9 and 10).

5.27 Layout

The layout of the scheme is considered to be acceptable in highways terms offering a legible layout. However, there is some concern with the utilisation of grassed service strips to the shared surface in terms of usability by the visually impaired. The final surface materials would need to be submitted to and approved in writing by the LPA (Conditions 11 and 12), which will address the above point.

5.28 The crossing point within the application site (adjacent to plots 11 and 12) would be likely to create conflict with driveways and requires amendment; this will be secured through the use of appropriate conditions (Conditions 13 and 14).

5.29 Further, details of the bollards to be located adjacent to plot 23 need to be provided and implemented to ensure vehicles cannot access the site via the public footpath and vice versa (Conditions 15 and 16).

5.30 Traffic Generation

The development will increase traffic movements in the area and to the site. Council officers are of the opinion that the additional traffic movements associated with development would only add small numbers to the existing highway network (including during the peak periods), this increase is considered to be acceptable.

5.31 Car Parking Provision

The Council's Transport Technical Appendices sets out the levels of car parking for new residential developments. This states that new housing development should provide a minimum of 1 space per house and a maximum

of 2 spaces per house for residents on or off street. Visitor parking should also be provided on street at a ratio of a minimum of 1 space per 4 houses and a maximum of 1 space per 3 houses. Garages are counted as 0.5 of a space in the overall car parking provision.

- 5.32 Based on these car parking guidelines a housing development of 39 houses should normally provide a minimum of 39 resident spaces and 10 on street visitor spaces giving a total of 49 car parking spaces and a maximum of 78 resident spaces and 13 on street visitor spaces giving a total of 91 car parking spaces.
- 5.33 The layout provides a total of 67 car parking spaces, comprising of 55 spaces off street resident parking spaces and 12 on street visitor car parking spaces. It is therefore considered that sufficient car parking spaces have been provided as part of this development and the concentration of visitor parking has been adequately dispersed around the application site.
- 5.34 **Cycle Parking Provision**
Cycle parking will be provided within a storage shed within the curtilage of the dwellings. The provision of the cycle storage will be secured through an appropriate planning condition (Condition 17).
- 5.35 **Bin Storage/Collection**
Each property has sufficient space within their rear gardens to store refuse bins with space to wheel the bins to the street for bin collection day. The proposed road layout within the site allows sufficient space for a bin collection lorry to collect the bins and turn around, subject to the provision of bin stores within the site, the final details of these stores and delivery could be secured through planning conditions (Conditions 18 and 19).
- 5.36 **Travel Plan Measures**
To help promote sustainable travel choices it is considered that each house should be provided with a travel welcome pack that should include bus timetables along with information on the walking and cycling options available in the area. Council officers consider that this issue can be covered by a planning condition (Condition 20).
- 5.37 It is therefore considered that subject to the above conditions the proposed development is acceptable in highways terms and would accord with the aims and objectives of the NPPF and policy CS13 of the Council's CSUCP.
- 5.38 **TREES/LANDSCAPING**
A Tree Survey and Arboricultural Impact Assessment have been submitted as part of this planning application. The report indicated that a total of seven individual trees are to be removed as part of the development proposal along with two groups of trees (the second of which is to be removed to allow a drainage connection). The report identifies that the loss of the specimens will only be negative at site level i.e. not from outside of the application site. Officers agree with this conclusion.

- 5.39 It is proposed that the remainder of the trees within the application site would be protected through the use of the protective fencing, to this end a tree protection plan has been submitted as part of the application. The installation of the protective fencing and the display of the tree protection plan on site will be secured through planning conditions (Conditions 21 and 22).
- 5.40 The loss of the trees would need to be compensated for through the provision of appropriate landscaping on the site. The applicant has provided an indicative landscape plan, however this does not adequately take account of constraints on site e.g. the high pressure water main to the boundary with Whitehill Drive. Therefore, it is considered necessary to condition that a fully detailed landscaping scheme (including a schedule of maintenance) be submitted for approval (Conditions 23, 24 and 25).
- 5.41 Subject to these tree/landscaping related planning conditions, it is considered that the proposed development is acceptable in terms of impact on the existing trees and accords with the aims and objectives of the NPPF, saved policies ENV44 of the Council's UDP and policy CS18 of the CSUCP.
- 5.42 **ECOLOGY ISSUES**
The application site is located immediately adjacent to the Windy Nook Nature Park Local Nature Reserve and Local Wildlife Site, and is situated entirely within a designated Wildlife Corridor. The application site boundary has been extended eastwards into the nature park/Local Nature Reserve where it is proposed to provide/construct a drainage connection.
- 5.43 Given the scale and ecological sensitivity of the application site an Ecological Appraisal has been submitted as part of the planning application.
- 5.44 The application site supports a number of different habitats including semi-improved acid grassland, lowland heath, inundation grassland, species poor neutral grassland, bare ground, scrub, ruderals and plantation woodland. Individually, it is considered that the habitats do not qualify as Priority Habitat in the Durham Biodiversity Action Plan (DBAP).
- 5.45 Officers disagree to some extent with some of the findings of the submitted Ecological Appraisal. It is the view of officers that the habitats, when considered collectively, qualify as the DBAP Priority Habitat Early Successional Brownfield Land. In addition to incorrectly mapping the full extent of heathland, acid grassland and inundation grassland habitats within the site, the submitted Ecological Appraisal failed to record the presence and abundance of several species of bryophyte and lichen which form an important component of such habitats and increase their relative ecological value. Such areas have the potential to support valuable invertebrate assemblages and although a butterfly survey comprising three survey visits (one each in June, August and September) resulted in no priority butterfly species being recorded, it is still considered that the 'brownfield' elements of the site are likely to be of at least local value.

- 5.46 The Ecological Appraisal rightly recognises the fact that development of the site will result in a significant impact on the connectivity provided by the designated Wildlife Corridor, and as such is will reduce ecological connectivity. The report correctly identifies the need for significant remedial action to maintain the value and function of the Wildlife Corridor through improvements (i.e. habitat creation, restoration and/or enhancement) to the area of land immediately east of the proposed development site. The report goes on to recommend that the details of such measures be agreed with the Council to ensure an appropriate treatment and acceptable outcome.
- 5.47 It is considered without appropriate mitigation, that the proposed development is likely to result in:
- direct loss of up to 0.5ha of priority habitat/habitat of high ecological value in the local context, and the direct loss of approx. 1ha of habitat of low ecological value
 - significant attenuation of the Wildlife Corridor and a reduction in ecological connectivity
 - increased disturbance of designated sites/priority habitats and the disturbance, displacement and predation of wildlife potentially including protected and priority species
- 5.48 Further discussion have taken place and an effective ecological mitigation strategy has been agreed between the applicant and officers. This includes the improvement of the area directly to the east of the application site, which is currently considered to be of low ecological value. It is considered necessary to condition the following;
- protective fencing to prevent incursion into ecologically sensitive areas (Conditions 26 and 27);
 - the submission of an ecologically sensitive lighting scheme (Conditions 28 and 29);
 - a working method statement for all works taking place within Windy Nook Nature Park Local Nature Reserve (Condition 30 and 31) and;
 - Details of ecological compensatory works (Conditions 32, 33 and 34).
- 5.49 On the basis of the above assessment and subject to conditions, the proposal is acceptable from an ecological point of view, in accordance with the aims and objectives of the NPPF, saved policies DC1(d), ENV46, ENV47 and ENV49 of the Council's UDP and policy CS18 of the Council's CSUCP.
- 5.50 FLOOD RISK/DRAINAGE
A Flood Risk Assessment (FRA) which includes a drainage strategy has been submitted as part of this planning application.
- 5.51 The application site is situated within Flood Zone 1. The Environment Agency Flood Risk from Surface Water Mapping and the Council's Strategic Flood Risk Assessment both show that a flow route passes through the application site.
- 5.52 The submitted FRA explains that the development is shown to be underlain by clay and given the contaminated nature of the site it is considered that the site

is unsuitable for the use of infiltration techniques. Surface water is therefore proposed to be discharged via a new outfall to the wider Northumbrian Water system. It is proposed that discharge rates will be restricted to below greenfield runoff. A series of detention basins are proposed at the northern end of the site in addition to permeable paving under driveways.

- 5.53 The information submitted by the applicant has shown that due to raising the levels (by up to 1.1 metres above the existing) houses within the flow route would not be at risk of flooding. Further, the water which forms the flow route i.e. from within the application site, will be absorbed within the development's drainage system.
- 5.54 It is accepted, broadly, that the proposed drainage system offers a workable solution to dealing with the drainage associated with the site. However, officers consider additional information is required and should be secured by conditions. It is considered necessary to condition the following;
- a detailed drainage scheme including detailed drainage drawings, electronic model, adoption arrangements and health and safety assessment in accordance with the Council's SuDS Guidelines (Conditions 35 and 36);
 - SuDS and landscape management plans to be agreed and implemented for lifetime of development (Conditions 37 and 38);
 - construction management plan to be agreed and implemented for lifetime of development (Conditions 39 and 40);
 - maintenance of the permeable paving of dwellings (Conditions 37 and 38) and;
 - a SuDS information and communication plan, including information pack for residents (Conditions 41 and 42).
- 5.55 Subject to these planning conditions the proposal is considered to be acceptable from a flood risk and drainage point of view and would accord with the aims and objectives of the NPPF, saved policy DC1 (j) of the Council's UDP and policy CS17 of the Council's Core Strategy and Urban Core Plan.
- 5.56 **LAND CONTAMINATION**
From old OS plans the northern part of the site / land to the north was a deep former sandstone quarry, with a shallower benched area (extracted sandstone) to the south. The quarry was later backfilled and subsequently was used as a tip for domestic waste. The land filling extended above and beyond the quarry walls, and was capped with a layer of clay to form the landscaped mounding that exists today.
- 5.57 To this end a number of contaminated land reports/investigations have been submitted in support of the application. The findings of the site investigations indicate that some elevated soil contamination has been found at the site both within the soils in the plan area of the deep quarry and also some within soils in the land to the south of the deep quarry area. Colliery ash is present in made ground and in some locations the calorific value is such that there is some (low) potential combustion risk.

- 5.58 It is considered that the contamination on site can be dealt with through the imposition of conditions requiring the submission of an appropriate remediation strategy and subsequent verification report (Conditions 43, 44 and 45).
- 5.59 Further, it is considered necessary to condition that if any previously unidentified contamination is found it should be screened, removed and disposed of appropriately (Conditions 46 and 47).
- 5.60 These planning conditions will ensure that the proposed development is acceptable from a contaminated land point of view and accord with the aims and objectives of the NPPF, saved policies DC1(p) and ENV54 of the Council's UDP and policy CS14 of the CSUCP.
- 5.61 **OPEN SPACE**
The site is located within a residential neighbourhood that is not deficient in open space provision. Further, the proposed layout includes the provision of amenity space within the application site. It is considered that this meets the requirements of saved UDP policies CFR20, CFR21, CFR22.
- 5.62 **PLAY SPACE**
Pooling restrictions were introduced by the Community Infrastructure Levy Regulations 2010 which means that no more than 5 obligations can be pooled in respect of an infrastructure type or infrastructure project, unless specific projects can be identified.
- 5.63 The Council has already exceeded the five obligation maximum in respect of all three types of play (toddler, junior and teen) and for open space in this area and therefore cannot seek any further obligations in respect of these matters. Therefore, whilst the proposal is considered to be unacceptable in terms of on-site open space and play space provision and does not accord with saved UDP policies CFR28, CFR29 and CFR30, it is also not possible to require any contribution for either play or open space provision in this case, based on the above assessment.
- 5.64 **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 housing related development. The development is located within a charging zone with a levy of £0 per square metre for this type of development.
- 5.65 **OTHER ISSUES**
It is considered that all material planning considerations raised by objectors have been considered fully within the main body of the report.

6.0 CONCLUSION

- 6.1 Taking all the relevant issues into account, including the comments made by local residents, it is considered that the proposed development is acceptable

subject to the planning conditions below and therefore accords with the aims and objectives of both national and local planning policies. It is therefore recommended that planning permission be granted.

7.0 Recommendation:

That permission be GRANTED subject to the following condition(s) and that the Strategic Director of Communities and Environment be authorised to add, vary and amend the planning conditions as necessary:

1

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

629-GRP SD-00.01 - Site Location Plan

629-GRP SD-00.02 - Site Plan Existing

629-GRP SD10.01 Rev E - Proposed Site Plan

629-GRP SD-20.01 Rev B - 2 Bed 4 Person Dwelling House

629-GRP SD-20.02 Rev B - 2 Bed 4 Person Dwelling House Corner Unit - Plots 19 & 39

629-GRP SD-20.03 Rev B - 2 Bed 4 Person Dwelling House Terraced - Plots 9-12

629-GRP SD-20.04 Rev B - 2 Bed 4 Person Dwelling House Terraced - Plots 19-22 & 36-39(h)

629-GRP SD-20.10 Rev B - 3 Bed 5 Person Dwelling House

629-GRP SD-20.20 Rev B - 3 Bed 5 Person Dwelling House 2.5 Storey

629-GRP SD-20.11 Rev B - 3 Bed 5 Person Dwelling House Semi-detached Units

629-GRP SD-20.22 Rev B - 3 Bed 5 Person Dwelling House Semi-Detached Pls. 3-8, 13/14, 17/18

629-GRP SD-20.23 Rev B - 3 Bed 5 Person Dwelling House Semi-Detached Plots 24-25

629-GRP SD-20.30 Rev B - 4 Bed 6 Person Dwelling House Plans and Sections

Proposed Substation Plans & Elevations

Proposed Substation Pre-Site Development

Location Plan Proposed Site Entrance

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

No individual external materials shall be used on site until a sample of the relevant material to be used has been submitted to and subsequently approved in writing by the Local Planning Authority.

Reason

To safeguard the visual amenities of the 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 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

No boundary treatments shall be provided on site until a fully detailed scheme for the boundary treatment of and within the site (including a timescale for implementation) has been submitted to and approved in writing by the Local Planning Authority. The scheme shall include details of the type, position, design, dimensions and materials of the boundary treatment.

Reason

To ensure the satisfactory appearance of the development upon completion in the interests of biodiversity and the visual amenity of the area and in accordance with the NPPF, saved policies DC2, ENV3 and ENV46 of the Unitary Development Plan and policies CS15 and CS18 of the Core Strategy and Urban Core Plan for Gateshead and Newcastle upon Tyne.

6

The development shall be implemented wholly in accordance with the approved boundary treatment details approved under condition 5 in accordance with the approved timescale.

Reason

To ensure ecological connectivity and the satisfactory appearance of the development upon completion in the interests of biodiversity and the visual amenity of the area and in accordance with the NPPF, saved policies DC2, ENV3 and ENV46 of the Unitary Development Plan and policies CS15 and CS18 of the Core Strategy and Urban Core Plan for Gateshead and Newcastle upon Tyne.

7

Prior to the commencement of the development hereby approved, a construction control plan including the hours of operation, location and layout of the compound area, a scheme for the control of noise and dust and vehicle access locations shall be submitted to and approved in writing by the Local Planning Authority.

Reason

In order to protect the amenities of local residents and the wider environment during construction in accordance with the NPPF, Policies DC2 of the Unitary Development Plan and Policy CS14 of the CSUCP.

8

The construction control plan approved under condition 7 shall be implemented and complied with in full during all stages of construction, until completion.

Reason

In order to protect the amenities of local residents and the wider environment during construction in accordance with the NPPF, Policies DC2 of the Unitary Development Plan and Policy CS14 of the CSUCP.

9

Prior to commencement of the development hereby approved the detailed design of the relocation of the existing bus shelter (to the north east of the site), the extension of the footpath (to link up with the relocated bus shelter), the creation of a footpath (to the southern boundary) and the relocation of existing traffic calming measures on Whitehill Drive shall be submitted for the consideration and written approval of the Local Planning Authority.

Reason

In the interest of highway safety and in accordance with the NPPF and CSUCP policy CS13.

10

The bus shelter relocation, footpath extension and traffic calming relocation details approved under condition 9 shall be implemented in full accordance with the approved details prior to first occupation of any unit hereby permitted

Reason

In the interest of highway safety and in accordance with the NPPF and CSUCP policy CS13.

11

No individual hard landscaping material shall be used on site until a detailed hard landscaping plan (including a timescale of implementation) has been submitted to and subsequently approved in writing by the Local Planning Authority.

Reason

To safeguard the visual amenities of the 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.

12

All hard landscaping shall be completed in full accordance with the details approved under Condition 11 (including timescales for implementation), and retained as such in accordance with the approved details thereafter.

Reason

To safeguard the visual amenities of the 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.

13

Prior to commencement of the development hereby approved the final details of the location of the pedestrian crossing point (adjacent to units 11 and 12) (including timetable for implementation) shall be submitted for the consideration and written approval of the Local Planning Authority.

Reason

In the interest of highway safety and in accordance with the NPPF and CSUCP policy CS13.

14

The details of the crossing location approved under condition 13 shall be implemented in full accordance with the approved details in accordance with the approved timetable.

Reason

In the interest of highway safety and in accordance with the NPPF and CSUCP policy CS13.

15

Prior to occupation of any unit hereby approved full details including type, number and location of security bollards preventing vehicle access

to the side (via the access adjacent to unit 23) shall be submitted for the consideration and written approval of the Local Planning Authority.

Reason

In the interest of highway safety and in accordance with the NPPF and CSUCP policy CS13.

16

The security bollards approved under condition 15 shall be implemented on site in full accordance with the approved details prior to first occupation of any unit hereby permitted.

Reason

In the interest of highway safety and in accordance with the NPPF and CSUCP policy CS13.

17

The cycle parking facilities associated with each individual property (shown on approved plan 629-GRP SD10.01 Rev E - Proposed Site Plan) shall implemented in full accordance with the submitted details prior to first occupation of each unit hereby permitted. Thereafter, the cycle parking shall be retained as approved for the lifetime of the development.

Reason

In order to ensure adequate provision for cyclists and in accordance with policy CS13 of the Core Strategy and Urban Core Plan.

18

Prior to the occupation of any unit hereby approved the detailed design, location and timescales for implementation of the proposed bin storage (shown on approved plan 629-GRP SD10.01 Rev E - Proposed Site Plan) shall be submitted to and approved in writing by the Local Planning Authority.

Reason

In the interest of highway safety and in accordance with the NPPF and CSUCP policy CS13.

19

The bin store details approved under condition 18 shall be implemented in full accordance with the approved details and timescale. The bin stores shall be retained as approved for the lifetime of the development.

Reason

In the interest of highway safety and in accordance with the NPPF and CSUCP policy CS13.

20

Prior to occupation of any unit hereby approved, a Travel Plan, or 'Welcome Pack' shall be provided to the occupants of each dwelling, to encourage the use of alternative modes of travel to the site other than by private vehicle. This must include local cycle maps, bus stop locations, bus timetables and maps showing pedestrian routes to local amenities.

Reason

To encourage sustainable travel to and from the development in accordance with the NPPF and CSUCP policy CS13.

21

No development shall commence on site until the tree protection measures shown at Figure 4 of the approved Arboricultural Impact Assessment (prepared by Dendra, November 2016) have been installed in the locations identified in Appendix 1 of the same Arboricultural Impact Assessment. The approved scheme shall remain in situ until completion of the development.

Reason

To ensure the satisfactory protection of trees, shrubs and hedges in accordance with the National Planning Policy Framework, policy CS18 of the CSUCP and saved policy ENV44 of the Unitary Development Plan.

22

The approved tree protection plan shall be displayed at all times outside the site office or in a location visible to all contractors and site personnel. Once implemented the tree protection scheme shall be checked daily with a record of the daily checks being kept on file in the site office. The record shall include the date, time and name of the person carrying out the checks together with any problems identified and action taken. If at any time tree protection is missing or deficient without the prior written approval of the LPA being obtained all construction operations should stop until the protection is correctly in place. Details of this should also be recorded in the tree protection record file.

Reason

To ensure the satisfactory protection of trees, shrubs and hedges in accordance with the National Planning Policy Framework, policy CS18 of the CSUCP and saved policy ENV44 of the Unitary Development Plan.

23

No unit hereby approved shall be occupied until a fully detailed scheme for the landscaping of the site (including areas identified for SuDS components) has been submitted to and approved in writing by the Local Planning Authority. The landscaping scheme shall include a fully detailed landscaping scheme (ground preparation and planting plans noting the species, plant sizes and planting densities for all new planting), proposed timings for implementation and a scheme and

maintenance of the landscaping (for a period of 5 years following planting).

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 the NPPF, saved policies DC2 and ENV3 of the Unitary Development Plan and policies CS14 and CS15 of the CSUCP.

24

The landscaping details approved under Condition 23 shall be implemented in accordance with the timings approved under Condition 17.

Reason

To ensure the satisfactory appearance of the development upon completion in the interests of the visual amenity of the area and 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.

25

The approved landscaping scheme shall be maintained in accordance with the details approved under condition 23.

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 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.

26

No development shall take place until the details and location of protective fencing and warning signs around the boundary of the site has been submitted to and approved in writing by the Local Planning Authority.

Reason

To prevent incursion into and disturbance to Windy Nook Nature Park Local Nature Reserve and Local Wildlife Site in accordance with the NPPF, saved UDP policy DC1(d), ENV47 and ENV40 and Policy CS18 of the CSUCP.

27

The fencing and warning signs approved under condition 26 shall be erected on site prior to the commencement of any works. All protective fencing and warning signs will be maintained in situ during the construction period in accordance with the approved details.

Reason

To prevent incursion into and disturbance to Windy Nook Nature Park Local Nature Reserve and Local Wildlife Site in accordance with the NPPF, saved UDP policy DC1(d), ENV47 and ENV40 and Policy CS18 of the CSUCP.

28

Prior to occupation of any unit hereby approved, a lighting design strategy shall be submitted to and approved in writing by the local planning authority. The strategy shall show how and where external lighting will be installed (through the provision of appropriate lighting contour plans and technical specifications) so that it can be clearly demonstrated that areas to be lit will not result in unacceptable disturbance to Windy Nook Nature Park Local Nature Reserve and Local Wildlife Site.

Reason

To prevent any unacceptable impact on Windy Nook Nature Park Local Nature Reserve and Local Wildlife Site in accordance with the NPPF, saved UDP policy DC1(d), ENV47 and ENV40 and Policy CS18 of the CSUCP.

29

All external lighting shall be installed in accordance with the specifications and locations approved under condition 28, and shall be maintained thereafter in accordance with the strategy.

Reason

To prevent any unacceptable impact on Windy Nook Nature Park Local Nature Reserve and Local Wildlife Site in accordance with the NPPF, saved UDP policy DC1(d), ENV47 and ENV40 and Policy CS18 of the CSUCP.

30

No development shall take place within the portion of the site within Windy Nook Nature Park Local Nature Reserve until a working method statement for all works to take place within Windy Nook Nature Park Local Nature Reserve has been submitted to and approved in writing by the local planning authority. The content of the method statement shall include the:

- a) purpose and objectives for the proposed works;
- b) detailed design(s) necessary to achieve stated objectives (including, where relevant, type and source of materials to be used);
- c) extent and location of proposed works shown on appropriate scale maps and plans;
- d) timetable for implementation, demonstrating that works are aligned with the proposed phasing of construction;
- e) disposal of any wastes arising from works.

Reason

To prevent any unacceptable impact on Windy Nook Nature Park Local Nature Reserve and protected species in accordance with the NPPF, saved UDP policy DC1(d), ENV47 and ENV40 and Policy CS18 of the CSUCP.

31

All works within Windy Nook Nature Park Local and Nature Reserve shall be carried out strictly in accordance with the working method statement approved under condition 30.

Reason

To prevent any unacceptable impact on Windy Nook Nature Park Local Nature Reserve and protected species in accordance with the NPPF, saved UDP policy DC1(d), ENV47 and ENV40 and Policy CS18 of the CSUCP.

32

No development shall commence on site until the details of the offsite habitat creation measures required to offset the direct loss of priority/notable habitats within the proposed development site, and to maintain the value and integrity of the designated Wildlife Corridor, have been submitted to and agreed in writing by the Council.

The details shall include the following:

- Purpose and conservation objectives for the proposed works
- Design and conservation objectives for the proposed works
- Extent and location/area of proposed works
- Type and source of materials to be used
- Timetable for implementation
- Persons responsible for implementing the works
- Details of initial aftercare and long-term maintenance
- Details for monitoring and remedial measures

In the interests of providing adequate ecological compensation for the harm caused as a direct result of the development in accordance with the NPPF, saved UDP policy DC1(d), ENV47 and ENV40 and Policy CS18 of the CSUCP.

33

The ecology compensation scheme approved under condition 32 shall be carried out in full in accordance with the timescale approved under condition 32.

Reason

In the interests of providing adequate ecological compensation for the harm caused as a direct result of the development in accordance with the NPPF, saved UDP policy DC1(d), ENV47 and ENV40 and Policy CS18 of the CSUCP.

34

The approved ecology compensation scheme shall be maintained in accordance with the details approved under condition 32.

Reason

In the interests of providing adequate ecological compensation for the harm caused as a direct result of the development in accordance with the NPPF, saved UDP policy DC1(d), ENV47 and ENV40 and Policy CS18 of the CSUCP.

35

No development shall take place until the final details of the drainage scheme has been submitted and approved in writing by the LPA. The scheme shall include detailed drainage drawings, electronic model and health and safety assessment in accordance with the Council's SuDS Guidelines

Reason

In order to ensure the provision of satisfactory drainage and avoid pollution of the environment in order to comply with the NPPF, saved Policy DC1(j) of the Unitary Development Plan and Policies CS14 and CS17 of the Core Strategy and Urban Core Plan for Gateshead and Newcastle upon Tyne.

36

The final drainage scheme shall be carried out in full accordance with the details approved under condition 35 (including timings for implementation).

Reason

In order to ensure the provision of satisfactory drainage and avoid pollution of the environment in order to comply with the NPPF, saved Policy DC1(j) of the Unitary Development Plan and Policies CS14 and CS17 of the Core Strategy and Urban Core Plan for Gateshead and Newcastle upon Tyne.

37

No work in relation to any proposed drainage features shall take place until a long-term management plan for the drainage scheme approved under condition 35 has been submitted to and approved in writing by the LPA.

Reason

In order to ensure the provision of satisfactory drainage and avoid pollution of the environment in order to comply with the NPPF, saved Policy DC1(j) of the Unitary Development Plan and Policies CS14 and CS17 of the Core Strategy and Urban Core Plan for Gateshead and Newcastle upon Tyne.

38

The drainage scheme approved under condition 35 shall be managed in full accordance with the management plan approved under condition 37 for the lifetime of the development.

Reason

In order to ensure the provision of satisfactory drainage and avoid pollution of the environment in order to comply with the NPPF, saved Policy DC1(j) of the Unitary Development Plan and Policies CS14 and CS17 of the Core Strategy and Urban Core Plan for Gateshead and Newcastle upon Tyne.

39

No work in relation to any proposed drainage features shall take place until a construction management plan for the drainage scheme approved under condition 35 has been submitted to and approved in writing by the LPA.

Reason

In order to ensure the provision of satisfactory drainage and avoid pollution of the environment in order to comply with the NPPF, saved Policy DC1(j) of the Unitary Development Plan and Policies CS14 and CS17 of the Core Strategy and Urban Core Plan for Gateshead and Newcastle upon Tyne.

40

The drainage scheme approved under condition 35 shall be constructed in full accordance with the construction management plan approved under condition 39.

Reason

In order to ensure the provision of satisfactory drainage and avoid pollution of the environment in order to comply with the NPPF, saved Policy DC1(j) of the Unitary Development Plan and Policies CS14 and CS17 of the Core Strategy and Urban Core Plan for Gateshead and Newcastle upon Tyne.

41

Prior to the occupation of any unit hereby approved a SuDS information and communication plan, including information pack for residents shall be submitted to and approved in writing by the LPA.

Reason

In order to ensure the provision of satisfactory drainage and avoid pollution of the environment in order to comply with the NPPF, saved Policy DC1(j) of the Unitary Development Plan and Policies CS14 and CS17 of the Core Strategy and Urban Core Plan for Gateshead and Newcastle upon Tyne.

42

Prior to occupation of any unit hereby approved, the SuDS information and communication plan approved under condition 41, shall be provided to the occupants of each dwelling.

Reason

In order to ensure the provision of satisfactory drainage and avoid pollution of the environment in order to comply with the NPPF, saved Policy DC1(j) of the Unitary Development Plan and Policies CS14 and CS17 of the Core Strategy and Urban Core Plan for Gateshead and Newcastle upon Tyne.

43

Prior to commencement of the development hereby permitted, a detailed remediation scheme (including timings of works) 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.

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.

44

The details of remediation measures approved under condition 43 shall be implemented in accordance with the timescale approved under condition 43 and shall be maintained for the life of the development.

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.

45

Following completion of the remediation measures approved under condition 43 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 any unit 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.

46

During development works, any undesirable material observed during excavation of the existing ground should be screened and removed. If any areas of odorous, abnormally coloured or suspected contaminated ground are encountered during development works, then operations should cease until the exposed material has been chemically tested. A risk assessment of the development should then be undertaken, to determine whether remedial works are necessary. The risk assessment (including a remediation strategy and timescale for implementation) shall be submitted to and approved in writing by the Local Planning Authority.

Reason

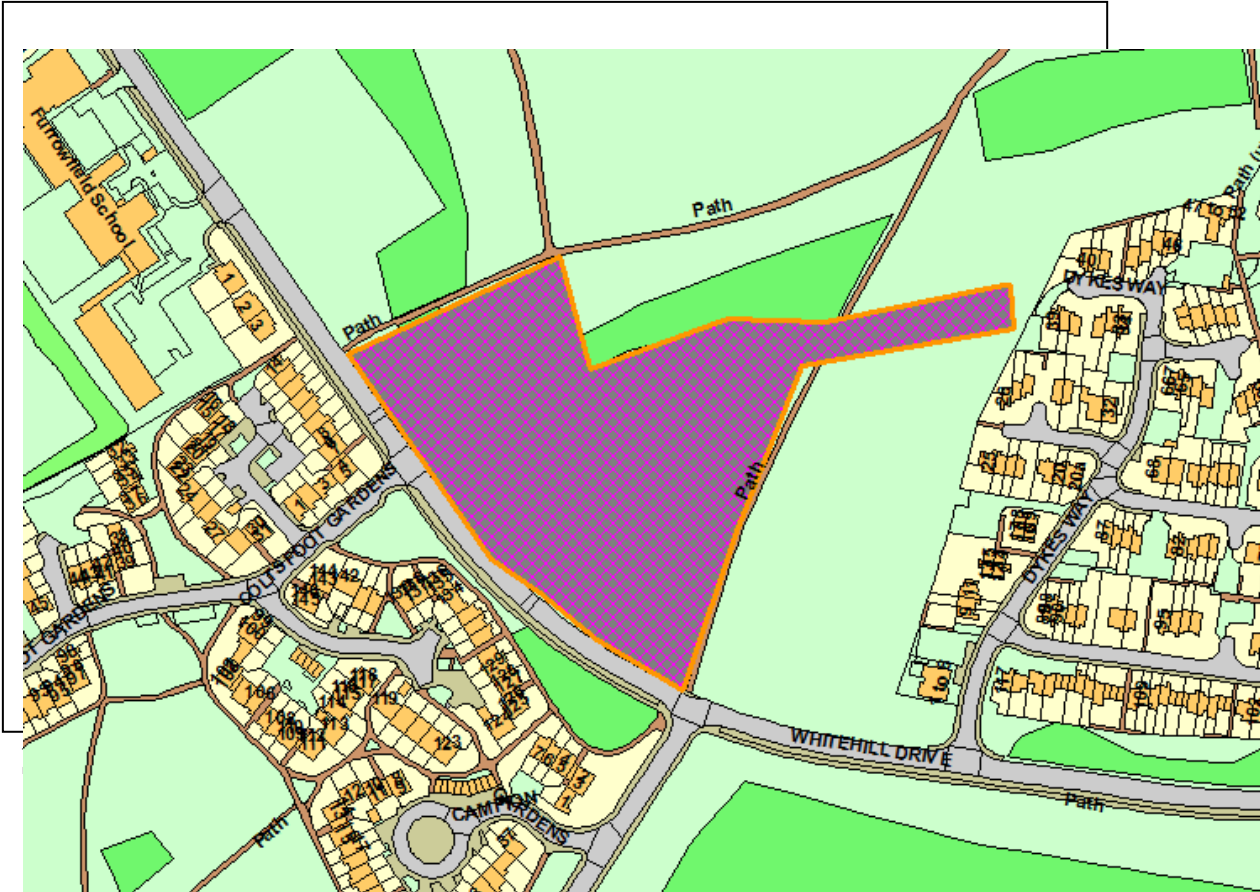
In order to ensure the safety of site operatives and to ensure that the land is suitable for its end use in accordance with the National Planning Policy Framework, policy CS14 of the Core Strategy and Urban Core Plan and saved policy DC1(p) of the Unitary Development Plan.

47

Any remediation works deemed to necessary by the LPA following testing (as part of Condition 47) shall be carried out in full within in the timescales approved under Condition 6.

Reason

In order to ensure the safety of site operatives and to ensure that the land is suitable for its 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.



Committee Report

Application No:	DC/17/00259/FUL
Case Officer	Owain Curtis
Date Application Valid	10 March 2017
Applicant	Gateshead Council
Site:	Derwent View Winlaton
Ward:	Winlaton And High Spen
Proposal:	Erection of assisted living accommodation (4 units) and associated development on former garage site (additional information received 19/05/17 and amended 10/05/17, 19/05/17 and 31/05/17).
Recommendation:	GRANT
Application Type	Full Application

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

1.2 The application site is an area of land which lies to the rear of properties on Derwent View and Gibside View in Winlaton. Previously, there were 8 garages on the site however the site has now been cleared. Access into the site is gained from Derwent View and consists of a single track in a gap between two houses. The site itself is mostly level although the properties on Gibside View are at a higher land level than the application site. Surrounding properties are semi-detached and are all of a similar style and age.

1.3 DESCRIPTION OF THE APPLICATION

1.4 The application seeks planning permission for the erection of a block of 4 flats. The flats are intended to be assisted living accommodation and would allow people with disabilities or social care needs to live independently with support staff available if needed. The original proposal was for 5 flats however during the consideration of the application this has been reduced to 4 and the scale of the proposed building has been significantly reduced.

1.5 In terms of how the accommodation would operate the applicant states that it is anticipated that support staff are likely to come and go during the day and it is likely that some tenants will have minimal support needs and may not require daily visits but have one or two weekly visits.

1.6 Physically, the building would be a total of 9m in height to the roof ridge and the eaves would be 5.2m above ground level. The building has

been designed to appear as similar as possible to the surrounding semi-detached houses with a pitched roof and side facing gables. The external materials would be red brick, render and grey roof tiles. The application also proposes the erection of a 2m high boundary fence to fully enclose the application site.

1.7 A total of 5 parking spaces would be provided for the flats and the access road would provide a passing place on the junction with Derwent View.

1.8 PLANNING HISTORY

1.9 No relevant history.

2.0 Consultation Responses:

The Coal Authority – No objection

Northumbrian Water – No objection

3.0 Representations:

3.1 This application is referred to the Planning and Development Committee for determination upon the request of ward Councillor Charlton. Councillor Charlton neither supports nor objects to the application.

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

3.3 43 neighbouring properties have been notified of the application and subsequent amendments. A total of 7 objections have been received raising the following issues:

- The proposal will cause overlooking and a loss of privacy
- Parking will become an issue as there aren't enough spaces
- There is wildlife on the site – rabbits and bats
- Noise levels will rise
- The site is too small for the building
- Residents who are affected do not want or need 5 one bedroom flats
- Loss of trees
- The development may be used for other purposes
- Noise and disruption during the construction
- The narrow road leading to the site will mean the emergency services will not be able to attend
- Residents have not been consulted

- 3.4 Following receipt of amended plans neighbours were re-consulted. No representations have been received relating to the amended scheme.

4.0 Policies:

NPPF National Planning Policy Framework
NPPG National Planning Practice Guidance
CS1 Spatial Strategy for Sustainable Growth
CS10 Delivering New Homes
CS11 Providing a range and choice of housing
CS13 Transport
CS14 Wellbeing and Health
CS15 Place Making
DC2 Residential Amenity
H4 Windfall and Small Housing Sites
ENV3 The Built Environment - Character/Design
ENV54 Dev on Land Affected by Contamination
CFR28 Toddlers' Play Areas
CFR29 Juniors' Play Areas
CFR30 Teenagers' Recreation Areas

5.0 Assessment of the Proposal:

- 5.1 The key considerations to be taken into account when assessing this planning application are: the principle of residential development on the site, the effect on the living conditions of the future occupiers and the occupiers of surrounding properties, the impact on the character and appearance of the area, whether there would be any unacceptable highway safety issues and any other relevant planning considerations.
- 5.2 PRINCIPLE OF RESIDENTIAL DEVELOPMENT
- 5.3 Paragraph 49 of the NPPF states that all “housing applications should be considered in the context of the presumption in favour of sustainable development”. Paragraph 50 goes on to state that to create sustainable, inclusive and mixed communities councils should plan for

a mix of housing based on, amongst other things, the needs of different groups in the community such as people with disabilities.

- 5.4 Policy CS11 of the Core Strategy and Urban Core Plan seeks to provide a range and choice of new housing across the borough. The proposal relates to specialist supported accommodation to satisfy an identified need and the flats would have a positive impact on the supply of housing in Gateshead. This is in accordance with the NPPF and policy CS11 of the Core Strategy.
- 5.5 Further, this site would be considered as a housing windfall site under saved policy H4 of the Gateshead Unitary Development Plan. The site is not situated in an isolated location and it is considered that the location of the proposal within an existing residential area is sustainable. The proposal therefore complies with saved policy H4.
- 5.6 Overall the principle of residential development on this site can be supported subject to all other material planning considerations being satisfied.
- 5.7 RESIDENTIAL AMENITY
- 5.8 The NPPF states that a core principle of planning is to always seek to secure high quality design and a good standard of amenity for all existing and future occupants of land and buildings.
- 5.9 Local policies CS14 of the Core Strategy and DC2 of the UDP require that development does not have any negative impacts on nearby residents and ensures a high quality of design and amenity for existing and future residents.
- 5.10 Representations have been received which raise residential amenity as a concern – particularly with regard to overlooking and loss of privacy.
- 5.11 Since the initial submission of the application the development has been amended to reduce the number of flats from 5 to 4 to reduce the impact on the occupiers of surrounding properties. As the plot is surrounded by residential properties to all sides, the site is highly constrained. The applicant's solution is to use obscure glazed windows at first floor level.
- 5.12 The northern elevation of the proposed flats would face onto the rear elevations and gardens of the properties to the north of the site on Derwent View. The five windows on the first floor of the northern elevation of the flats would serve a bedroom, bathroom and living / dining / kitchen space. The windows would be obscure glazed at eye level with one pane of clear glazing on each window below the eaves of the building – excluding the bathroom window. At the closest point, the side of the proposed building would be approximately 15.2m from

the rear of number 41 Derwent View. The separation distance for other properties would be greater at 20.5m.

- 5.13 The southern elevation of the building would face onto the rear elevations and gardens of the properties on Gibside View to the south of the application site. On this elevation there would be six windows at first floor level serving a storage cupboard, bedroom, bathroom and living / dining / kitchen space. As with the northern elevation, the windows would be obscure glazed at eye level with panes of clear glazing below the eaves of the building. At its closest point, the proposed building would be 13m from the main rear elevation of 26 Gibside View.
- 5.14 On this issue, officers are of the view that the obscure glazing on these elevations would prevent any undue loss of privacy to the residents of surrounding properties on Derwent View and Gibside View as it would prevent direct overlooking from window to window. In addition, the siting of the building means the windows on the proposed building would be at an oblique angle and offset from the surrounding properties which reduces the impact of the development further.
- 5.15 On the east elevation the first floor windows would not be obscure glazed. The windows on this elevation would serve the living / dining / kitchen space of 2 first floor flats. The nearest property to this elevation is number 31 Derwent View which has a side elevation facing into the site and a window at first floor level. Due to the angle of the proposed building and the distance from the boundary, the separation distance between the flats and 31 Derwent View would be adequate (approximately 17m at its closest and 21.5m at its furthest). Officers consider that the occupiers of number 31 Derwent View would not suffer undue loss of privacy in their home. It is also considered that because of the oblique angle between the proposed flats and number 33 Derwent View to the north east of the site, the occupiers of this property would not experience a level of overlooking which would be detrimental to their living conditions.
- 5.16 Due to the large separation distance and siting of the proposed building, it is not considered there would be any adverse impact on the privacy the residents on the western boundary of the site currently enjoy.
- 5.17 At ground floor level, officers do not consider the proposal would cause unacceptable overlooking to surrounding residential properties as the application proposes the erection of a 2m high boundary fence which would enclose the application site. The applicant has submitted a site section showing the relationship between the proposed building and number 26 Gibside View which is most likely to be affected at ground floor level owing to the land levels and previous extensions. Officers are satisfied that the proposed boundary fence would prevent any

overlooking which could have a detrimental impact on the occupiers of number 26.

- 5.18 Turning to overshadowing, the building would be sited north of Gibside View and there is an adequate separation distance between properties to the east and west of the application site to ensure no unacceptable overshadowing would occur. The properties which would be the most susceptible would be those on Derwent View to the north of the application site. Due to the distance from the boundary of the site, land levels and scale of the proposal, it is considered the proposed building would not unreasonably darken the garden areas of surrounding properties nor would it cause a material loss of light into any habitable rooms in surrounding properties.
- 5.19 Several objections have stated that the proposed building would be overbearing. It is considered that the scale of the proposal on the site and land levels would prevent the development from leading to an overbearing visual impact resulting in oppressive living conditions seen from the neighbours' gardens.
- 5.20 Overall, officers consider the proposed development would not result in material harm to the living conditions of the occupiers of surrounding residential properties on account of overlooking, overshadowing or the proposal being over dominant.
- 5.21 Turning to the living conditions of the future residents of the flats, the proposal has been designed in order to overcome privacy concerns with regard to neighbouring occupants. As a result of this, as discussed above, many of the windows on the first floor would be obscure glazed. Two flats are proposed on the first floor. Windows serving the living / dining / kitchen area would be obscure glazed at eye level on the northern and southern elevations. Whilst this is somewhat unusual in primary living accommodation, fully clear glazed windows would serve these rooms on the eastern elevation therefore it is considered the windows would afford the future occupants an acceptable outlook.
- 5.22 Obscure glazing is also proposed in the bedrooms of the two first floor flats. As with the living area, although views to the north and south will be prevented, the occupants would have an acceptable outlook to the west through clear glazed windows.
- 5.23 All windows on the ground floor, excluding bathroom windows, would be clear glazed. As the 2m high fence would prevent direct window-to-window overlooking from surrounding properties the development would be acceptable.
- 5.24 Lastly, the internal space standards and provision of outdoor amenity space are considered to be sufficient for the proposed use.

- 5.25 Overall, officers conclude that as there would be no material harm to existing and future occupiers the development accords with the NPPF, policy CS14 of the Core Strategy and DC2 of the UDP which seek to protect living conditions.
- 5.26 VISUAL AMENITY
- 5.27 Section 7 of the NPPF states that the Government attaches great importance to the design of the built environment and that good design is a key aspect of sustainable development, is indivisible from good planning, and should contribute positively to making places better for people. Local policies CS15 of the Core Strategy and ENV3 of the UDP reflect this.
- 5.28 The siting of the proposed building means it would not be a highly visible addition to the area from any public vantage point. The section plan submitted in support of the application shows the height of the building is comparable to the surrounding two-storey semi-detached properties therefore the building would not appear as an overbearing addition.
- 5.29 In terms of external appearance, the main finishing materials would be red brick with accents of render and the building would have a pitched, tiled roof.
- 5.30 Officers consider the development would respond positively to local distinctiveness and its scale, massing and design would integrate within the local area. The proposal is therefore in accordance with policy CS15 of the Core Strategy and saved policy ENV3 of the UDP.
- 5.31 HIGHWAY SAFETY AND PARKING
- 5.32 Paragraph 32 of the NPPF is clear that applications should only be refused on transport grounds where the residual cumulative impacts of development are 'severe'.
- 5.33 Several objections raise the issue of parking and state that the level of parking provision is inadequate and the narrow access road will cause safety issues and inhibit the emergency services.
- 5.34 The scheme has been amended to reduce the number of flats to 4 whilst the number of parking spaces has been increased from 3 to 5. It is considered the scheme now provides adequate parking provision for the number of flats proposed.
- 5.35 The applicant has included a tracking diagram for the largest vehicle which would enter the site which is an ambulance. This demonstrates an ambulance and cars can enter the site, turn and leave in a forward gear onto Derwent View. This arrangement is considered to be acceptable as no long-distance reversing would be required. With

regard to bin wagons, these would not enter the site itself. The refuse arrangement would be that the bins would be moved from the communal bin store on collection day to the kerb on Derwent View.

- 5.36 Access into the site is gained from the 3.3m wide road from Derwent View. In order to improve highway safety, the plans have been amended so the access road is 5.5m in width at the junction with Derwent View before reducing to 3.3m
- 5.37 It is considered the development would have no adverse impact on highway safety or on parking in the area and is therefore in accordance with the NPPF and policy CS13 of the Core Strategy.
- 5.38 CONTAMINATED LAND
- 5.39 The site has been assessed and inspected under the Council's Contaminated Land strategy and has not been classified as "contaminated land". However, the site is situated on 'potentially contaminated land' based on its previous historic uses as a garages site. Contamination may exist in any made ground imported as a development platform or from the sites usage as garages.
- 5.40 It is therefore appropriate to condition the submission of a Remediation Statement, and Remediation Verification Reports following the completion of any remediation, if necessary (conditions 7 to 9). An additional condition is also required that if unexpected contamination is found during the build, an investigation and risk assessment must be undertaken, and where remediation is necessary a remediation scheme shall be submitted.(conditions 10 and 11).
- 5.41 PLAY AND OPEN SPACE
- 5.42 Saved UDP policies CFR20, CFR28, CFR29 and CFR30 relating to the provision of play and open space are considered to apply to the current application for the creation of new residential development.
- 5.43 The overriding national policy direction is that no tariff based S106 contributions can be required where the development relates to less than ten dwellings. Therefore, 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 other material planning considerations outweigh the UDP policies.
- 5.44 COMMUNITY INFRASTRUCTURE LEVY
- 5.45 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 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.

5.46 OTHER ISSUES

- 5.47 Representations were received which state there is wildlife on the site including rabbits and bats and the proposal would result in the loss of trees. The scheme has been assessed by the council's Ecologist in terms of the impact of the development on protected species and ecology. It was concluded that "the site is considered to be of very low ecological value. Habitats within the site are limited to small areas of coarse grassland/ruderal vegetation, several small self-seeded sycamore and birch saplings and a very short length of hedge/shrub planting towards the eastern boundary/neighbouring property". The proposed development would therefore be acceptable from an ecological point of view.
- 5.48 Noise levels have also been highlighted as an issue by surrounding residents – particularly noise during the construction and noise from the future residents. To prevent the construction of the building having an unacceptable adverse impact on surrounding residents, the hours of construction are conditioned (condition 4). Regarding noise from the future occupants, there is no evidence that the occupants of the proposed flats would create more noise than a dwellinghouse therefore officers consider this to be acceptable.
- 5.49 It has also been raised as an issue that the development may be used for other purposes to that which has been applied for. The proposed flats would be use class C3 and a further planning application would be required if, in the future, the use was to be changed from living accommodation.
- 5.50 An objection states that residents who are affected do not want or need the one bedroom flats. Officers recognise the local opposition to the proposal but conclude that this does not warrant the refusal of the application as it has been found that the proposal would be acceptable in planning terms based on an assessment of the material considerations.
- 5.51 Lastly, it is alleged that residents have not been consulted on the scheme. As part of the formal planning application, residents have been consulted twice through the neighbour notification process. The council has therefore satisfied its statutory duty to advertise the planning application.

6.0 CONCLUSION

- 6.1 Taking all the material planning considerations into account including the objections raised, it is recommended that planning permission be granted. Given the relevant conditions suggested to be imposed, it is

considered the proposal accords with relevant national and local planning policies.

7.0 Recommendation:

That permission be GRANTED subject to the following condition(s) and that the Strategic Director of Communities and Environment be authorised to add, delete, vary and amend the planning conditions as necessary:

1

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.

2

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

AL(20)100 Rev A dated 17.05.2017

AL(20)101 Rev A dated 17.05.2017

AL(20)102 Rev A dated 17.05.2017

AL(90)102 Rev B dated 31.05.2017

AL(00)100 Rev A dated 19.05.2017

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.

3

The development hereby permitted shall be constructed entirely of the materials detailed and shown on plan number AL(00)100 Rev A dated 17.05.2017

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

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 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

5

Before the first occupation of the building hereby permitted, windows indicated on plan AL(20)101 Rev A annotated with "OG" shall be permanently obscure to a level of obscurity to Pilkington level 3 or above or its technical equivalent by other manufactures and shall be non-opening. The windows shall be permanently retained in that condition 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.

6

Before the first occupation of the building hereby permitted, the 2m high close-boarded perimeter fence shown on plan AL(90)102 Rev B dated 31.05.2017 shall be installed on site and shall be permanently 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.

7

Prior to commencement of the development hereby permitted, a detailed remediation scheme (based on the recommendations of the Atkins intrusive site investigation and Phase 2 Risk Assessment Report dated April 2017) 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 shall be submitted to and approved by the Local Planning Authority.

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 all soft landscape and garden 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.

8

The details of remediation measures approved under condition 7 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.

9

Prior to first occupation of the development hereby permitted and following completion of the remediation measures approved under condition 8, a verification report that demonstrates the effectiveness of the remediation carried out must 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 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.

10

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 and a timetable for implementation 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.

11

Where required, the amended remediation and monitoring measures approved under condition 10 shall be implemented in accordance with the approved details and timetable for implementation 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

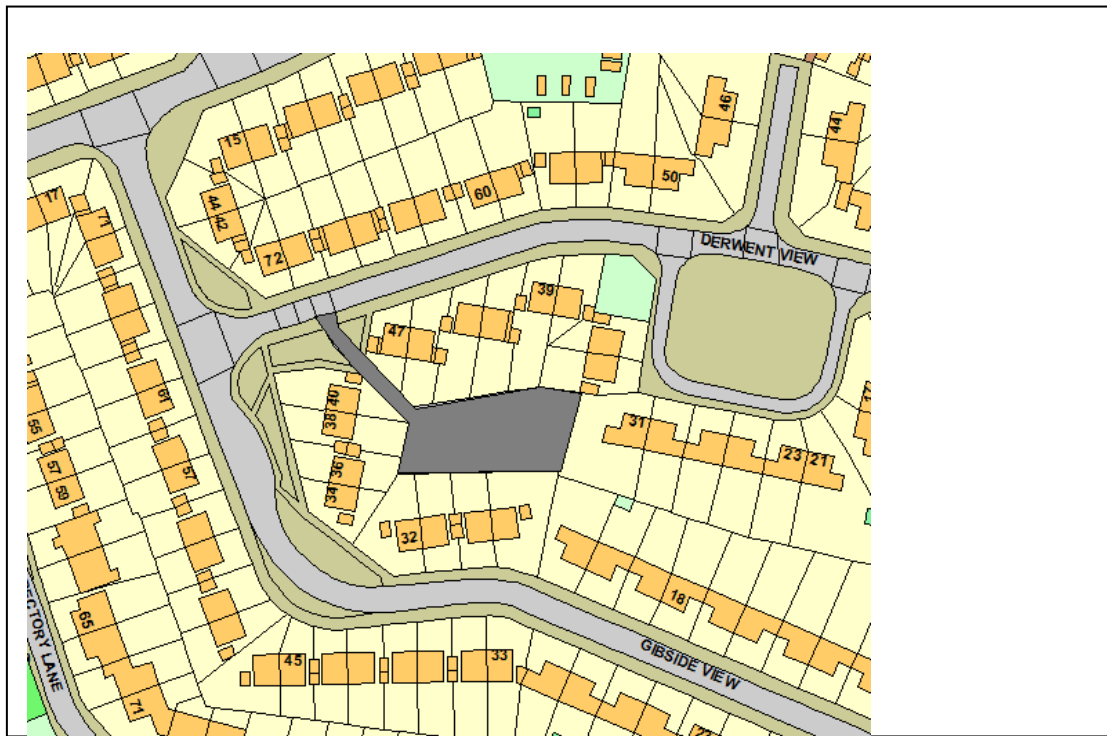
and Urban Core Plan and the National Planning Policy Framework.

12

Where additional remediation is required (under conditions 10 and 11), 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.



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MINOR UPDATE

Application No:	DC/17/00259/FUL
Site:	Derwent View Winlaton
Proposal:	Erection of assisted living accommodation (4 units) and associated development on former garage site (additional information received 19/05/17 and amended 10/05/17, 19/05/17, 31/05/17 and 12/06/07).
Ward:	Winlaton And High Spen
Recommendation:	Grant Permission
Application Type	Full Application

Reason for Minor Update**Further representations made**

Following the publication of the final agenda four objections have been received regarding the amended proposal raising the following issues:

- Overlooking and a loss of privacy.
- Impact on the existing trees.
- The vehicle access is narrow.
- There is no room for turning in the site making it a danger for young and old people.
- The development may turn from assisted living into a place for people on drugs.
- Noise from the future occupants of the flats.
- The perimeter fence would create a no man's land and could create an area for anti-social behaviour.
- Pet dogs will be disturbed and howl all day.

The proposed perimeter fence would be a 2m high closed boarded fence. The site plan shows it would be installed around the application site adjacent to any existing fences therefore there would not be an area in-between which may give rise to anti-social behaviour.

There is no evidence the occupants of the proposed development would cause pet dogs to howl and bark.

The other issues raised are assessed in the Officer's Report.

Finally, a minor amendment has been made to the site plan so the proposed 2m high fence terminates at the access road to avoid a tunnel effect for drivers when entering and existing the site. The application description has been updated to reflect this and conditions 2 and 6 are amended to refer to the updated plan number.

SEE MAIN AGENDA FOR OFFICERS REPORT.

Committee Report

Application No:	DC/17/00291/FUL
Case Officer	David Morton
Date Application Valid	20 March 2017
Applicant	Ms Moira Kilgallon
Site:	1 Woodgate Lane Bill Quay Felling NE10 0TD
Ward:	Pelaw And Heworth
Proposal:	Erection of two storey, three bedroom house (amended 05/06/17).
Recommendation:	GRANT
Application Type	Full Application

1.0 The Application:

1.1 DESCRIPTION OF SITE

The application relates to the curtilage of 1 Woodgate Lane, Bill Quay. The site area is approximately 250 m² in size, is located to the side elevation of 1 and 2 Woodgate Lane and is used for car parking and as a garden area.

1.2 The area to which the application site belongs is predominantly residential in nature; however Bill Quay Primary School is located to the east of the application site.

1.3 Land level on site are flat and there is an existing access onto Davidson Road to the north.

1.4 DESCRIPTION OF APPLICATION

The application seeks planning consent for the erection of a single dwellinghouse. The proposed dwellinghouse would have a footprint with a maximum depth of 8.99 metres and a maximum width of 7.64 metres, the dwellings would have an eaves height of 5.025 metres and a ridge height of 7.68 metres.

1.5 The proposed dwelling would be constructed in brickwork with a tiled roof. It is proposed that all windows, doors and rainwater goods will be constructed in uPVC.

1.6 The application proposes the subdivision of the garden space associated with 1 Woodgate Lane. The proposed dwelling would occupy a large proportion of the application site with the area to the south (rear) being used as garden space and the area to the north (front) largely being used to house parking area.

1.7 PLANNING HISTORY

There is no planning history associated with the application site.

2.0 Consultation Responses:

None

3.0 Representations:

- 3.1 Neighbour notifications were carried out in accordance with the formal procedures introduced in the Town and Country Planning (Development Management Procedure) Order 2015. No objection to the proposal has been received, however a request for the item to be considered by Planning and Development Committee has been received from a Ward Councillor (Councillor Ian Patterson).

4.0 Policies:

NPPG National Planning Practice Guidance

DC2 Residential Amenity

ENV3 The Built Environment - Character/Design

ENV44 Wood/Tree/Hedge Protection/Enhancement

ENV54 Dev on Land Affected by Contamination

H2 Five Year Supply Figures

H4 Windfall and Small Housing Sites

NPPF National Planning Policy Framework

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

CS10 Delivering New Homes

CS13 Transport

CS13 Transport

CS14 Wellbeing and Health

CS15 Place Making

CS18 Green Infrastructure/Natural Environment

GPGSPD Gateshead Placemaking Guide SPG

5.0 Assessment:

5.1 The main planning issues are the principle of the development, design, impact on neighbouring residents, highway safety, land conditions, play and open space provision.

5.2 PRINCIPLE OF THE DEVELOPMENT

5.3 Housing demand and policy

As the application site is not specifically allocated for housing in the UDP, proposals for housing would need to be considered in terms of windfall housing under policy H4 of the UDP. Policy H4 of the UDP gives a number of criteria that need to be assessed.

5.4 The site forms a windfall site. The NPPF states that "*... housing applications should be considered in the context of the presumption in favour of sustainable development.*"

5.5 It is considered that the site meets the saved criteria set out in policy H4 in relation to its sustainable location within an established housing area, close to local services and public transport routes, and it would help to sustain the local community. As a result the principle of developing this site for residential use is considered acceptable should all other material planning considerations be satisfied.

5.6 Housing choice

Policy CS11 of the Core Strategy and Urban Core Plan requires 60% of new private housing across the Plan area to be suitable for and attractive to families, defined as dwellings of three or more bedrooms. The application proposes the erection of a single family home and as such the development is considered appropriate in the context of the NPPF, saved policy H4 of the UDP and policies CS10 and CS11 of the CSUCP.

5.7 Residential space standards

Policy CS11(4) requires that new residential development provides "adequate space inside and outside of the home to meet the needs of residents". It is considered based upon the submitted information that the application meets the above requirements, providing an acceptable level of internal and external space for existing and proposed properties.

5.8 DESIGN

The NPPF encourages design quality and sets the scene for building a strong and competitive economy. Good design is identified specifically as being

important in establishing a strong sense of place. New development should optimise the potential of a site to accommodate development, create and sustain an appropriate mix of uses and support local facilities and transport networks. The NPPF states that new development should respond to local character and history, reflecting the identity of local surroundings.

- 5.9 The CSUCP reflects the general aims of the NPPF encouraging economic growth and identifying the importance of quality of place. Policy CS15 refers specifically to Place Making and the need for new development to demonstrate high and consistent design standards in line with the Council's design guidance contained in the Gateshead Placemaking SPD.
- 5.10 The NPPF requires that development should 'make a positive contribution to local character and distinctiveness' (paragraphs 126 and 131). This is reinforced by paragraphs 58, 60, 61 and 64. These require development to respond to local character by promoting or reinforcing local distinctiveness, reflect the identity of local surroundings and materials and promote good architecture and appropriate landscaping. Development of poor design which fails to respond to opportunities for improving the character and quality of an area should be refused.
- 5.11 The proposed development is considered to be appropriate in its context. The area to which the application relates is almost entirely residential in nature and it is considered that the dwelling has been appropriately influenced by the local vernacular e.g. with the inclusion of a two storey bay to the front elevation and the use of appropriate materials.
- 5.12 However, it is considered that the success of the scheme in design terms would be (to some extent) influenced by the choice of materials and as such it is considered appropriate to condition that the proposed materials be submitted to and approved in writing by the LPA (Conditions 3 and 4).
- 5.13 Subject to the above condition, it is considered that the design of the scheme would have a positive impact on the appearance and layout of the area. The proposal would comply with the aims and objectives of the NPPF, saved policy ENV3 of the Council's UDP and policy CS15 of the CSUCP
- 5.14 **IMPACT ON RESIDENTIAL AMENITY**
It is considered that the potential impact of the proposal is limited in amenity terms given the location of adjacent properties. There are no properties located directly to the east and south of the application site and the school is located a significant distance (50 metres) from the proposal. Therefore, no impact would occur in this regard.
- 5.15 The neighbouring properties (1 and 2 Woodgate Lane) are located within 2 metres of the gable of the proposed dwelling. While there two windows located within the side elevation of neighbouring building (one within each flat), these windows are non-habitable (a hall and landing window) and as such the impact on them is afforded limited weight.

- 5.16 It is, however, considered necessary to condition the hours of construction of the property to limit impacts on residents (Condition 5).
- 5.17 It is considered that existing and future residents would enjoy an acceptable level of amenity and as such the development would accord aims and objectives of the NPPF, saved policy DC2 of the Council's UDP and policy CS14 of the CSUCP.
- 5.18 **HIGHWAY SAFETY**
The proposed development proposes a single additional dwelling which would result in a minimal number of highway movements, these movements could be accommodated by the wider highway network. The proposal would utilise an existing site access with slight amendments to width taking place, this approach is considered to be acceptable and would not significantly change the existing arrangement. Further, given the alteration to the access is limited, as would be the increase in vehicle movements it is considered that the proposed development would not conflict with or hinder access to or from the adjacent school.
- 5.19 Further, while the proposal would result in no off-street parking for 2 Woodgate Lane this is considered to be acceptable in this instance owing to the levels of onstreet parking within the area.
- 5.20 Given the above, it is considered that the proposal would comply with the aims and objectives of the NPPF, saved policy DC4 of the Council's UDP and policy CS13 of the CSUCP.
- 5.21 **CONTAMINATED LAND**
The historical use of the land was for agricultural purposes prior to residential development on the site and that the site is not within an area identified as potentially contaminated, the Local Authority is satisfied that no further investigation is required prior to the commencement of development. It is not considered necessary to condition further investigative works beyond those that would be required under the Building Control regime. However, it is considered appropriate to condition that if any previously unidentified contamination is found it should be screened, removed and disposed of appropriately (Conditions 6 and 7).
- 5.22 It is considered that the development complies with policy CS15 of the CSUCP and saved policy ENV54 of the UDP.
- 5.23 **PLAY AND OPEN SPACE**
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.
- 5.24 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.

5.25 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 CIL chargeable development as it is retail or housing related. The development is located within a Charging Zone with a levy of £0 per square metre for this type of development.

6.0 Conclusion

6.1 Taking all the relevant issues into account it is considered that the principle of the development is acceptable.

6.2 Further, the proposal would also have no detrimental impact on surrounding properties, would not be prejudicial to highway safety and is acceptable in all other regards. Given the above, the proposal would constitute sustainable development under the NPPF of which there is a presumption in favour.

7.0 Recommendation:

That permission be GRANTED subject to the following condition(s) and that the Strategic Director of Communities and Environment be authorised to add, vary and amend the planning conditions as necessary

1

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

01 – Location Plan

02 Rev B – Site Plans

03 Rev C – Proposed Layouts

04 Rev C – Proposed Elevations

05 Rev C – Street Elevation

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

No individual external materials shall be used on site until a sample of the relevant material to be used has been submitted to and subsequently approved in writing by the Local Planning Authority.

Reason

To safeguard the visual amenities of the 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 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

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.

6

During development works, any undesirable material observed during excavation of the existing ground should be screened and removed. If any areas of odorous, abnormally coloured or suspected contaminated ground are encountered during development works, then operations should cease until the exposed material has been chemically tested. A risk assessment of the development should then be undertaken, to determine whether remedial works are necessary. The risk assessment (including a remediation strategy and timescale for implementation) shall be submitted to and approved in writing by the Local Planning Authority.

Reason

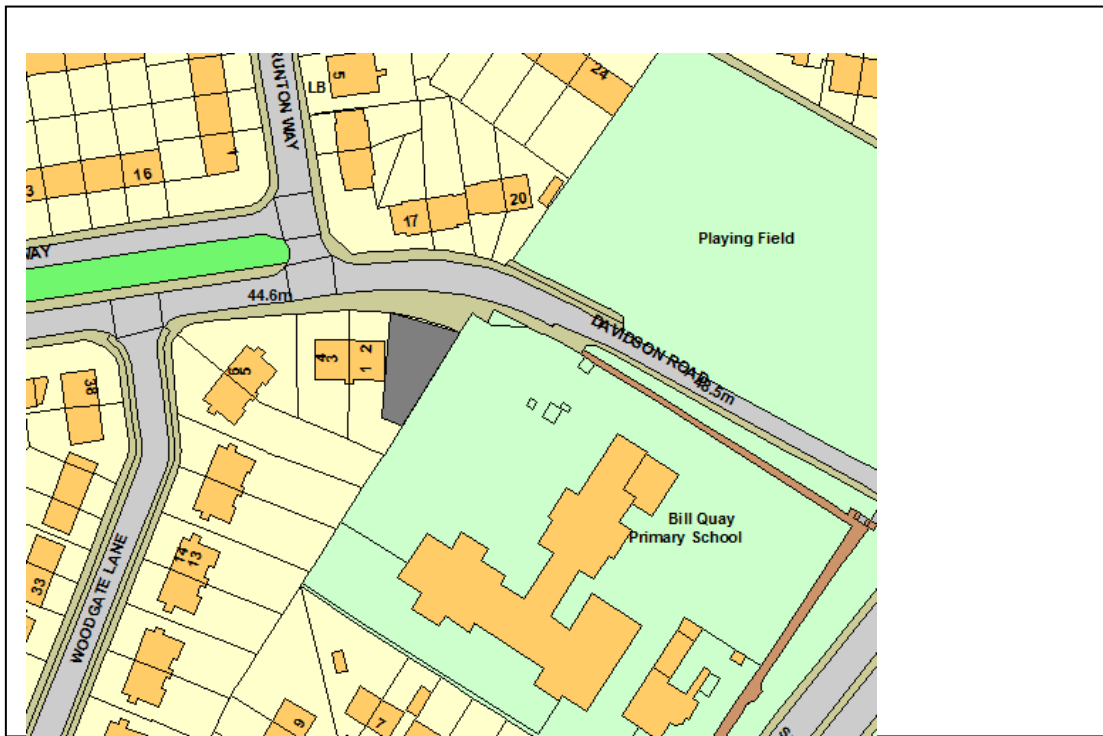
In order to ensure the safety of site operatives and to ensure that the land is suitable for its end use in accordance with the National Planning Policy Framework, policy CS14 of the Core Strategy and Urban Core Plan and saved policy DC1(p) of the Unitary Development Plan.

7

Any remediation works deemed to necessary by the LPA following testing (as part of Condition 6) shall be carried out in full within in the timescales approved under Condition 6.

Reason

In order to ensure the safety of site operatives and to ensure that the land is suitable for its 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.



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MINOR UPDATE

Application No:	DC/17/00291/FUL
Site:	1 Woodgate Lane Bill Quay Felling NE10 0TD
Proposal:	Erection of two storey, three bedroom house (amended 05/06/17).
Ward:	Pelaw And Heworth
Recommendation:	Grant Permission
Application Type	Full Application

Reason for Minor Update

Further representations made

A single letter of objection has been submitted by the Head Teacher of Bill Quay Primary School, the objection raises the following issues:

- Highway safety, specifically in regard to pupils during construction phase;
- The potential conflict between construction traffic and school access during peak times and;
- It is suggested that the development should contact the school to reach an agreement over construction traffic.

None of the issues raised in regard to construction methodology are considered to amount to a reason to refuse consent.

However, as suggested, the applicant has been advised to agree a 'working methodology' with the school. These discussions would take place outside of the planning application process.

SEE MAIN AGENDA FOR OFFICERS REPORT.

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Committee Report

Application No:	DC/17/00358/FUL
Case Officer	Joanne Munton
Date Application Valid	3 April 2017
Applicant	Mr Chris Lawrence
Site:	Ravenside Bungalow U8116 County Boundary To Woodhead Stocksfield NE43 7SX
Ward:	Chopwell And Rowlands Gill
Proposal:	Erection of general purpose agricultural barn (amended 09/05/17 and 22/05/17 and additional info received 22/05/17 and 02/06/17).
Recommendation:	GRANT
Application Type	Full Application

1.0 The Application:

1.1 This application was deferred at the meeting of the Planning and Development Committee on 31 May 2017 to allow the Committee to visit the site. Members visited the site on 15 June 2017.

1.2 DESCRIPTION OF SITE

The site is located in Ravenside, Stocksfield, close to the boundary with Northumberland County Council. The planning application relates to land east of residential dwellings Ravenside Bungalow, North House, Ravenside Farm and Stable House, all of which are in Northumberland. The land east of these properties is in the Gateshead Borough.

1.3 The site is located in the Green Belt and in a Wildlife Corridor.

1.4 The site is accessed via a lane running north east to south west between Lead Road in the north and Lead Lane to the south.

1.5 The land generally inclines from south to north.

1.6 There is an existing agricultural building south west of the application site and the residential dwellings.

1.7 DESCRIPTION OF APPLICATION

The application is for an agricultural barn, amended plans show this would be 28m long, 13m wide and 5.3m high to the ridge (3.6m to the eaves). The proposed barn would have the same floor area as the barn reported to Planning Committee on 25 January 2017, but would be 1m lower and would be located approximately 44m further south, on the southern side of the existing hedge. Additionally, whereas the previously proposed barn was orientated south west to north east, the barn proposed would be closer to a west to east orientation.

- 1.8 Supporting information submitted with the application confirms that the building would be for agricultural use, specifically, equipment storage and winter fodder/bedding storage to free up the existing barn for overwintering animals, calving and lambing.
- 1.9 The proposed building would be constructed of concrete panels and timber Yorkshire boarding, with corrugated fibre cement and clear plastic roof panels.
- 1.10 The applicant has also provided additional information in support of their application.
- 1.11 RELEVANT PLANNING HISTORY

DC/06/01629/FUL - Removal of agricultural occupancy condition on permission GD/463/77/DM - Granted 23.11.2006

DC/07/01417/DPA - DETERMINATION OF PRIOR APPROVAL: Erection of agricultural building for storage purposes - Prior Approval required and approved 01.10.2007

DC/08/00825/DPA - DETERMINATION OF PRIOR APPROVAL: Erection of agricultural building for storage purposes - Prior Approval required and approved 07.07.2008

DC/16/00995/AGR - DETERMINATION OF PRIOR APPROVAL OF AGRICULTURAL OR FORESTRY DEVELOPMENT: Erection of steel portal frame barn - Refused (not permitted development) 17.10.2016

DC/16/01180/FUL - Erection of general purpose agricultural barn (amended 15/12/16 and additional information received 13/01/17) - Refused at Planning Committee on 25.01.2017

DC/17/00165/AGR - Erection of steel portal framed agricultural building (Amended 28/02/17 and 07/03/17) - Withdrawn 03.04.2017

2.0 Consultation Responses:

Northumberland County Council No objection

3.0 Representations:

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

3.2 An objection has been received from Councillor Caffrey:

Impact on visual amenity as the area is of an open nature;
Loss of views;
Proposal out of proportion with the existing buildings;

Previous refusal by Planning Committee on 25 January 2017 due to the size and siting of the agricultural building resulting in harm to the visual amenities of the area.

3.3 Eight objections from local residents have been received:

The need for the additional barn is questioned;
Inconsiderate and unsustainable location of the proposed barn;
Recent planting would impact on nearby structures and access to septic tank;
Negative relationships with neighbours;
Loss of property value;
Obstructing access to existing septic tank;
Loss of views;
Overbearing effect;
Additional noise and disturbance;
Loss of privacy;
Unsuitable size and overdevelopment;
Increased risk of infestations of flies and vermin;
Loss of light.

3.4 Two objectors requested to speak at Planning Committee and spoke at the meeting on 31 May 2017.

3.5 One letter of support has also been received from a resident:

Financial benefits to Ravenside Bungalow the local farming community, economy and local agricultural providers;
Provide safe and appropriate storage and the ability to use the existing barn for safe storage and protection of livestock;
Improved facilities on site.

4.0 Policies:

NPPF National Planning Policy Framework

DC2 Residential Amenity

NPPG National Planning Practice Guidance

ENV3 The Built Environment - Character/Design

ENV51 Wildlife Corridors

CS13 Transport

CS14 Wellbeing and Health

CS15 Place Making

CS18 Green Infrastructure/Natural Environment

5.0 Assessment of the Proposal:

5.1 The key considerations to be taken into account when assessing this planning application are the appropriateness of the development in the Green Belt, amenity, highway safety and parking and ecology.

5.2 GREEN BELT

The site is located in the Green Belt.
Paragraph 89 of the NPPF states that:

'A local planning authority should regard the construction of new buildings as inappropriate in Green Belt. Exceptions to this are [amongst others]:
- buildings for agriculture and forestry.'

5.3 It is considered that the proposal to erect an agricultural barn falls within the above exception and therefore would not be inappropriate development within the Green Belt. As such, it is considered that the proposal would comply with the aims and requirements of policy CS19 of the CSCUP and the NPPF.

5.4 RESIDENTIAL AMENITY

The proposed building would be located east of residential neighbours at Ravenside Farm, North House and Stable House, and would be a minimum of 17.2m away from the nearest dwelling, Stable House.

5.5 Given the orientation and the proposed distance from these neighbours, it is considered that the proposal would not result in an unacceptable loss of light or privacy, or an overbearing impact.

5.6 Additionally, given the existing agricultural use of the land, it is considered that the proposed additional building would not result in an unacceptable increase in noise, vermin or smell.

5.7 The applicant has also submitted additional information to provide clarification on potential vermin/pests and smell:

- The applicant has stated that it is not in their interest to attract rats as they could potentially damage winter fodder. The use of concrete walls and floors has the potential to limit access for rodents to the barn. The applicant has stated that they intend to use appropriate means to protect winter fodder inside the barn (eg. cats/poison/mechanical traps/electronic traps/CCTV as appropriate).

- The applicant has stated that flies are present particularly where livestock are, but normally only in the summer, and that the new barn is for equipment and fodder storage, so it is not anticipated that the proposed new barn would result in an increase in fly population.

- The applicant has confirmed that slurry is a by-product of the dairy industry, and as they are beef and lamb producers create no slurry.

5.8 It is recommended that condition 4 be imposed restricting the use of the building so it could not be used for the accommodation of livestock or for the storage of slurry or sewage sludge, housing a biomass boiler or an anaerobic digestion system, storage of fuel or waste from that boiler or system, or housing a hydro-turbine.

5.9 The proposal would not conflict with the aims and requirements of saved policy DC2 of the UDP and policy CS14 of the CSUCP.

5.10 VISUAL AMENITY

There are no public rights of way within the immediate vicinity, but the site is visible from the road. This area is generally rural and agricultural in nature and it is considered that the proposed design and materials are typical of agricultural buildings. The proposed building would be a typical size for an agricultural barn and would not constitute overdevelopment on the site.

The applicant has stated that the choice of location for the proposed barn is due to the barn entrances being visible from the applicant's house for security purposes and that it would not block the view of the field for monitoring the animals. Additionally, the applicant has stated that the proposed barn would blend with other buildings on site, as opposed to being potentially more visible if it was more isolated from the existing buildings.

5.11 The proposal would respond positively to local distinctiveness and character and it would not conflict with the aims and requirements of saved policy ENV3 of the UDP and policy CS15 of the CSUCP.

5.12 HIGHWAY SAFETY AND PARKING

The proposal is for an agricultural barn that would serve the existing agricultural use and it is considered that the proposal would not result in an unacceptable increase in traffic. It is considered that the proposal would not have an unacceptable impact on the publicly adopted highway or parking in the area. Therefore it is considered that the proposal would comply with the aims and requirements of policy CS13 of the CSUCP.

5.13 ECOLOGY

The application site is agriculturally improved grassland and it is considered that the proposal would not have an unacceptable impact on the Wildlife Corridor. Therefore, it is considered that the proposal would comply with the aims and requirements of saved policy ENV51 of the UDP and policy CS18 of the CSUCP.

5.14 OTHER MATTERS

The potential financial benefits, potential impact on neighbours' right to access their septic tank, potential loss of views, impact on property values, the necessity of the proposed barn, neighbour disputes, and planting are not considered to be material planning considerations.

- 5.15 Application DC/16/01180/FUL was refused by Planning Committee on 25 January 2017 for the following reason:

'The location and scale of the proposed building would detrimentally impact on the visual amenities of the surrounding area and would therefore fail to make a positive contribution to the established character and identity of its locality. The proposal would conflict with the aims and requirements of saved policy ENV3 of the Unitary Development Plan and paragraph 56 of the National Planning Policy Framework.'

- 5.16 Whilst the above decision by Planning Committee to refuse the previous application is noted, the current application has been assessed on its own merits in the report above. It is considered that this proposal would not have an unacceptable impact on visual amenity or the other material planning considerations above.
- 5.17 Additionally, whilst alternative locations for the proposal are suggested by objectors, it is considered that the location proposed in this application is not unacceptable.
- 5.18 It is considered that all other matters have been addressed in the main body of the report.
- 5.19 **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 not CIL chargeable development as it is not for qualifying retail or housing related. As such no CIL charge is liable.

6.0 CONCLUSION

- 6.1 Taking all the relevant issues into account, it is considered that the proposed development is acceptable in terms of Green Belt, residential amenity, visual amenity, highway safety and parking, ecology, and all other matters arising, and would comply with the aims and objectives of the NPPF 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) and that the Strategic Director of Communities and Environment be authorised to add, vary and amend the planning conditions as necessary:

1

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

Ravenside Location Plan January 2017 received 09.05.2017
Ravenside Site Plan January 2017 received 09.05.2017
Elevations received 22.05.2017

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 on the application form received 03.04.2017.

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

The building shall not be used for:

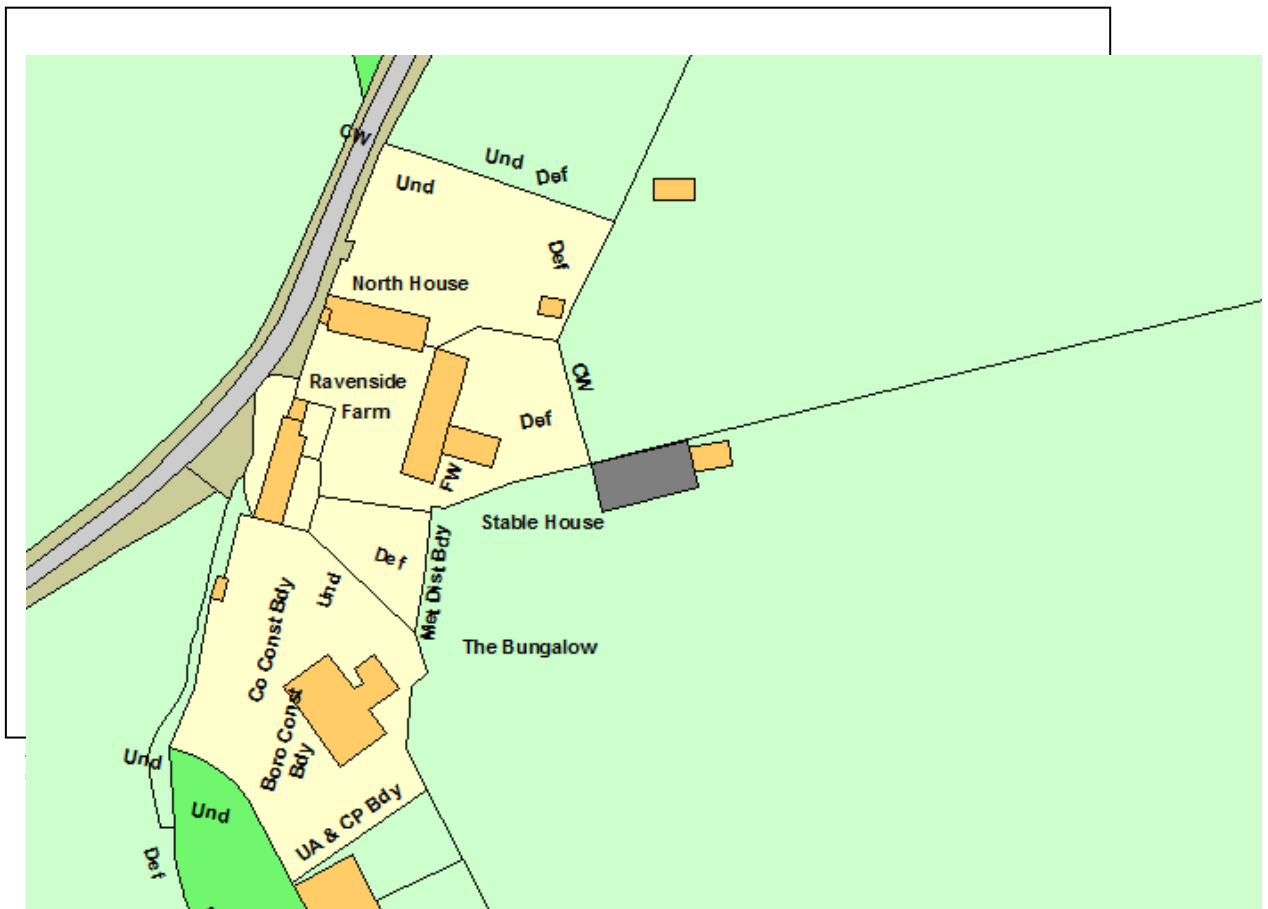
- the accommodation of livestock (except in the case where no other suitable building or structure is available to accommodate the livestock and that the need to accommodate the livestock arises from quarantine requirements, or an emergency due to another building or structure in which the livestock could otherwise be accommodated being unavailable because it has been damaged or destroyed by fire, flood or storm; or in the case of animals normally kept out of doors, they require temporary accommodation in a building or other structure because they are sick or giving birth or newly born, or to provide shelter against extreme weather conditions. In these instances, the applicant shall notify the Local Planning Authority in writing within 7 days of the new

temporary use of the building starting and the temporary use shall cease as soon as is practicably possible.);

- the storage of slurry or sewage sludge;
- housing a biomass boiler or an anaerobic digestion system;
- storage of fuel or waste from that boiler or system;
- housing a hydro-turbine.

Reason

To ensure that the building would not have an unacceptable impact on the residential amenity of nearby neighbours and in accordance with the NPPF, Saved Policy DC2 of the Unitary Development Plan and Policy CS14 of the Core Strategy and Urban Core Plan for Gateshead and Newcastle upon Tyne.



MINOR UPDATE

Application No:	DC/17/00358/FUL
Site:	Ravenside Bungalow U8116 County Boundary To Woodhead Stocksfield NE43 7SX
Proposal:	Erection of general purpose agricultural barn (amended 09/05/17 and 22/05/17 and additional info received 22/05/17 and 02/06/17).
Ward:	Chopwell And Rowlands Gill
Recommendation:	Grant Permission
Application Type	Full Application

Reason for Minor Update

Further representations made

Additional comments have been received from an objector, raising concerns regarding the proximity of the proposed building to their property increasing the risk of fire at their house.

Fire precautions are not a material planning consideration and would be addressed under separate legislation.

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: 21 June 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/17/00107/COU	Change of use from B1/B8 Use to an Indoor Fitness Suite (D2 Use) Retrospective	Units 45/46, Birtley Business Centre,	Granted;	Birtley
DC/17/00097/FUL	Creation of fire escape door on Bensham Road elevation	Bensham Grove Community Centre, 364 Bensham Road,	Granted;	Lobley Hill And Bensham
DC/17/00098/LBC	Provision of new internal fire escape stair to serve the first floor, including the creation of a fire escape door at ground floor (on the Bensham Road elevation), creation of new internal opening within the attic and replacement of single glazed dormer windows with double glazed frames.	Bensham Grove Community Centre, 364 Bensham Road,	Granted;	Lobley Hill And Bensham
DC/17/00198/COU	Change of use from residential use to a hall of residence (retrospective application).	2 Bedford Place, Gateshead,	Granted;	Bridges

DC/17/00238/HHA	Shed to front of property (retrospective)	13 Fern Gardens, Gateshead,	Granted;	Low Fell
DC/17/00177/FUL	Renewal of the heating system to six tower blocks involving the construction of a new external single storey detached plant room, the introduction of ground source heat pumps and replacement windows with double glazed units (additional information received 03/05/17, 08/05/17 and 09/05/17).	Barford Court, Acomb Court, Ripley Court, Willerby Court, Stretford And Bedale Courts,Gateshead, ,	Granted;	Chowdene
DC/17/00178/FUL	Renewal of the heating system involving conversion of a ground floor apartment into a plant room with associated alterations to elevations and the installation of external risers to house the supply pipework . Replacement of all existing glazing and frames with a new double glazed window system and replacement of timber frames to the external walkways with new PPC aluminium framed glazing (additional information received 25/04/17 and 22/05/17 and amended 23/05/17).	Regent Court, Gateshead,	Granted;	Bridges
DC/17/00228/FUL	Erection of four bedroomed detached house.	Land Adjacent Bankside Cottage, Bank Top,	Granted;	Crawcrook And Greenside

DC/17/00207/TPO	Works to Maple tree in front garden, protected by TPO 180 (amended proposal)	Ouvane , 1A Deer Park Way,	Granted;	Blaydon
DC/17/00300/HHA	Single storey rear extension	4 East Terrace, Chopwell,	Granted;	Chopwell And Rowlands Gill
DC/17/00265/LBC	Replacement of existing 'gas pipe' style railings to the east of the front elevation with mild steel vertical railings painted black.	Bensham Grove Community Centre , 364 Bensham Road,	Granted;	Lobley Hill And Bensham
DC/17/00369/HHA	Two storey and single storey rear extension (description amended 27.04.2017).	2 Lister Avenue, Ryton,	Granted;	Crawcrook And Greenside
DC/17/00293/CPL	Construction of detached garage	East Byermoor Cottage, Fellside Road,	Refused;	Whickham South And Sunnyside
DC/17/00297/ADV	Display of two non-illuminated signs, one free standing (NW boundary of site), the other, post-mounted, (SE boundary, attached to perimeter fencing)	Caedmon Community Primary School , Whitehall Road,	Temporary permission granted;	Saltwell
DC/17/00380/HHA	Detached Garage	2 Ellerton Way, Felling,	Granted;	Deckham

DC/17/00314/HHA	Single storey rear extension and new first floor front bay window	2 Oakwood Avenue, Lyndhurst,	Granted;	Chowdene
DC/17/00316/HHA	Single storey rear extension	367 Alexandra Road, Bensham,	Granted;	Saltwell
DC/17/00317/HHA	Proposed single storey side extension and ramped access to front and rear	13 Elmwood Gardens, Lobley Hill,	Granted;	Lobley Hill And Bensham
DC/17/00320/HHA	Two storey side extension	22 Shotley Gardens, Low Fell,	Granted;	Low Fell
DC/17/00341/COU	Change of use from D1 Healthy Living Centre to single dwelling C3, including an extension to provide additional bedrooms and construction of Sukkar roof to existing extension	The Bungalow , 9 Rydal Street,	Granted;	Saltwell
DC/17/00354/HHA	Two storey side extension over existing garage.	13 Chesters Park, Low Fell,	Granted;	Saltwell
DC/17/00393/FUL	Erection of warehouse/office building	JR Adams, Long Rigg,	Granted;	Whickham North
DC/17/00359/HHA	Single storey side extension.	3 Shotley Gardens, Low Fell,	Granted;	Low Fell
DC/17/00360/HHA	Proposed first floor rear extension	10 May Street, Winlaton,	Granted;	Blaydon
DC/17/00361/HHA	Dormer to the front elevation.	9 Albert Drive, Low Fell,	Granted;	Low Fell

DC/17/00434/HHA	Two storey side and single storey rear extension	34 Broadbank, Felling,	Granted;	Pelaw And Heworth
DC/17/00370/HHA	Raise height of garage roof with pitched roof over	31 Torquay Gardens, Chowdene,	Granted;	Chowdene
DC/17/00374/HHA	First floor extension above existing garage and raised platform to rear with steps down to garden (amended 30.5.2017).	60 St Andrews Drive, Chowdene,	Granted;	Low Fell
DC/17/00377/HHA	First floor rear extension (amended plan received 11.05.2017).	46 Lilley Terrace, Rowlands Gill,	Granted;	Chopwell And Rowlands Gill
DC/17/00379/HHA	Erection of two-storey rear extension	72-74 , Rectory Road,	Granted;	Lobley Hill And Bensham
DC/17/00385/TPO	Tree works at 16/17 Claremont Place	16/17 Claremont Place, Gateshead,	Granted;	Lobley Hill And Bensham
DC/17/00435/RGD P	DETERMINATION OF PRIOR APPROVAL:Change of use from office block (use class B1a) to form residential block containing 80 apartments (use class C3) (amended 15/05/17).	Chad House Tynegate Precinct, Sunderland Road,	Granted;	Bridges
DC/17/00437/HHA	Extension to front	2 Owen Terrace, Chopwell,	Granted;	Chopwell And Rowlands Gill

DC/17/00384/HHA	The installation of a modular metal mesh access ramp at the front of the property.	27 Leam Gardens, Felling,	Granted;	Wardley And Leam Lane
DC/17/00387/HHA	Single storey side and rear extension	1 Hazel Road, Teams,	Granted;	Dunston And Teams
DC/17/00433/FUL	Construction of agricultural building (resubmission).	Ashtree Lane, Rowlands Gill,	Granted;	Winlaton And High Spen
DC/17/00441/HHA	First floor extension above ground floor at rear of property.	6 Garden Terrace, Ryton,	Granted;	Crawcrook And Greenside
DC/17/00389/HHA	Proposed single-storey side extension, including improved vehicle hardstanding, ramped access to front with accessible deck area to rear.	23 Parkland Avenue, Winlaton,	Granted;	Winlaton And High Spen
DC/17/00390/HHA	Erection of single storey pitched roof extension to rear of semi-detached property	14 St Cuthberts Drive, Heworth,	Granted;	Pelaw And Heworth
DC/17/00391/HHA	Development of modular metal mesh access ramp to allow disabled access from the rear of the dwelling.	9 Wynyard Gardens, Wrekenton,	Granted;	Lamesley
DC/17/00392/HHA	Single storey front, two storey side and rear, and single storey rear extension	Lyndhurst , The Grove,	Granted;	Chopwell And Rowlands Gill

DC/17/00402/HHA	Installation of door to the front (north east) of garage	31 Klondyke Walk, Blaydon,	Granted;	Ryton Crookhill And Stella Lamesley
DC/17/00407/CPE	Use of the premises as a dwellinghouse for use by persons not employed as racehorse grooming assistants (restriction imposed by condition 10 of permission 1036/85).	Ravensworth Park Bungalow, Banesley Lane,	Granted;	
DC/17/00427/TPO	Pruning work to Beech tree in garden of 2 Moraine Crescent.	2 Moraine Crescent, Blackhall Mill,	Granted;	Chopwell And Rowlands Gill
DC/17/00429/TPO	Works to Holly tree in garden of 15 Fern Gardens.	15 Fern Gardens, Gateshead,	Granted;	Low Fell
DC/17/00416/FUL	Alterations to existing steps and landing leading from the customer car park to the premises	The Huntsman , Blaydon Bank,	Granted;	Blaydon
DC/17/00439/OHL	Erection of aerial bunched conductor wire	Land Adj Springwell Inn, Springwell Road,	Observations	High Fell
DC/17/00421/HHA	Demolition of existing kitchen extension. Construction of new single storey extension.	89 Mitchell Street, Birtley,	Granted;	Birtley
DC/17/00470/HHA	Single storey rear extension	29 Valley Drive, Gateshead,	Granted;	Deckham

DC/17/00436/HHA	Removal of existing hardstanding areas to front of property and installation of new hardstanding to provide driveway	33 Cromwell Ford Way, Ryton,	Granted;	Ryton Crookhill And Stella
DC/17/00457/HHA	Six CCTV cameras around the property (retrospective)	3 Lumley Avenue, Whickham,	Granted;	Whickham North
DC/17/00462/OHL	Replacement and relocation of existing steel masts (Nos 21, 22 and 23) with new wood poles and existing wood poles (Nos 3, 4, 5) with new wood poles.	Land To The North Of Hagg Hill, Spa Well Road,	Observations	Winlaton And High Spen
DC/17/00463/FUL	External alterations to insert windows in the north, south and west elevations of the building to allow change of use from B2 (general industrial use) to B1 (office use).	Unit 8, Halifax Court,	Granted;	Dunston And Teams
DC/17/00487/RGD P	DETERMINATION OF PRIOR APPROVAL: Change of use from office to one dwellinghouse	6 Bewick Road, Gateshead,	Granted;	Bridges



**REPORT TO PLANNING AND
DEVELOPMENT COMMITTEE
21 June 2017**

TITLE OF REPORT: Enforcement Action

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

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.

Contact: John Bradley extension 3905

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	Winlton 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	Winlton 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	<p>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'.</p>	
			Unsightly Land	21 st September	21 st September	N	N	21 st October 2015	16 th December	<p>A planning application is expected to be submitted soon.</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
				2015 3 January 2017	r 2015 4 January 2017			8 February 2017	2015 8 April 2017, 8 May 2017 and 8 June 2017	<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> <p>Work has now started on site to erect the hoarding.</p>	
4.	40 Whitemere Gardens Wardley	Wardley and Leam Lane	Unauthorised Change of Use of residential land	4 th April 2014	4 th April 2014	N	N	10 th May 2014	10 th 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>A file has been prepared and the matter is being progressed with PACE interviews with those suspected of breaching the Notice</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</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>Town and Country Planning (General Permitted 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 13th September 2016</p> <p>A planning application has been approved to retain an amended version of the windows.</p>	
6.	14 Gunn Street	Dunston Hill and Whickham East	Unightly property	8 th Aug 2014	9 th Aug 2014	N		8 th Sept 2014	7 th 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>	

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>The notice has not been complied with.</p> <p>An initial prosecution case went to Court on 15th 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 10th 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>Work been completed.</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 on site is complete on 3 of the 4 play areas and approaching	

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
										completion on the one remaining area.	
9.	Tynedale House, Main Street, Crawcrook	Crawcrook and Greenside	Unsightly Building	13 th January 2017	14 th February 2017	Y	N	20 th March 2017	15 th 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 th March 2017	16 th March 2017	Y	N	16 th March 2017	10 th 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 have significant concerns regarding highway</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
			Breach of Planning Conditions	19 th April 2017	20 th April 2017	Y	N	20 th April 2017	18 th May 2017	<p>safety. Therefore a Temporary Stop Notice was issued requiring the use to stop until the conditions are discharged.</p> <p>The conditions have still not been complied with and the Temporary Stop Notice has ceased to have effect therefor a Breach of Condition Notice has now been issued requiring the information to be submitted.</p>	
11.	Lidl, Hexham Road, Swalwell, NE16 3AF	Whickham North	Breach of Condition	4 th May 2017	5 th May 2015	Y	N	5 th May 2017	2 nd June 2017	The development of the Lidl Supermarket was subject to planning permission including a range of planning conditions. One of these conditions restricts the hours that deliveries and servicing can be carried out. Complaints have been received that this has been breached including multiple breaches on Easter Sunday. As such a notice has been issued requiring compliance with the delivery and servicing condition (no. 15)	
12.	Land to the rear of 17 Flexbury Gardens, Gateshead, NE9 7TH	Low Fell	Unightly Lane	19 May 2017	19 May 2017	N	N	23 June 2017	4 August 2017	The land which is not attached to any property has been overgrown for a long period and is unsightly. Officers have made enquiries as to the owner of the site and have now issued a	

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
										Notice requiring it to be tidied within a specific timescale.	

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TITLE OF REPORT: Planning Appeals

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

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/16/01278/HHA - 19 Queen Elizabeth Avenue, Sheriff Hill, Gateshead
Erection of dormer window at the front of the property.
This was a delegated decision refused on 27 February 2017

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

Planning Application No	Appeal Site (Ward)	Subject	Appeal Type	Appeal Status
DC/16/00914/COU	Land At Soka Wine Centre Devon House Durham Road Birtley	Change of use of part of existing car park for staff and part of existing side garden for residential flat to hand car-wash and car valet operation with new dropped-kerb exit point, erection and re-alignment of 1.8m high metal and timber fencing and 4x metal 1.5m high storage boxes	Written	Appeal In Progress
DC/17/00001/COU	3/5 Beaconsfield Avenue Gateshead NE9 5XT	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	Written	Appeal in Progress
DC/16/01278/HHA	19 Queen Elizabeth Avenue Sheriff Hill Gateshead NE9 6RE	Erection of dormer window at the front of the property.	Written	Appeal In Progress

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TITLE OF REPORT: Planning Obligations

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

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 no new payments received in respect of planning obligations.
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 21 June 2017.

Recommendations

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

Contact: Emma Lucas Ext: 3747

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