

PLANNING AND DEVELOPMENT COMMITTEE AGENDA

Wednesday, 12 July 2017 at 10.00 am 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 on 21 June 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 - Site of Scottish Motor Auctions Group, Shadon Way, Birtley (Pages 11 - 24)
4ii	No.2 - 8, Thirlmere, Birtley (Pages 25 - 36)
4iii	No.3 - Former Lloyds Bank, Lane Head, Ryton (Pages 37 - 42)
4iv	No.4 - Land at Ellison Terrace, Greenside (Pages 43 - 56)
5	Delegated Decisions (Pages 57 - 68)
6	Enforcement Action (Pages 69 - 80) Report of the Strategic Director, Communities and Environment
7	Planning Appeals (Pages 81 - 90) Report of Strategic Director, Communities and Environment
8	Planning Obligations (Pages 91 - 94) Report of the Strategic Director, Communities and Environment

Contact: Helen Conway - Email: HelenConway@gateshead.gov.uk, Tel: 0191 433 3045,
Date: Tuesday, 4 July 2017

This page is intentionally left blank



PLANNING AND DEVELOPMENT
COMMITTEE
12 July 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/17/00156/COU	Site Of Scottish Motor Auctions Group Shadon Way	Birtley
2. DC/17/00428/FUL	8 Thirlmere Birtley	Birtley
3. DC/17/00481/COU	Former Lloyds Bank Lane Head	Ryton Crookhill And Stella
4. DC/17/00563/FUL	Land At Ellison Terrace Greenside	Crawcrook And Greenside

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, gothic 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, small business at home, communal housing of the elderly and handicapped
A5 Hot food Take-Aways	Hot food Take-away shops	C4 Dwellinghouses in Multiple Occupation	Small shared dwellinghouses 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)
B8 (general industrial) (permission limited to change of use relating to not more than 500 square metres of floor space)	B8 (storage and distribution)
B8 (storage and distribution) (permission limited to change of use relating to not more than 500 square metres of floor space)	B1 (business)
C3 (dwellinghouses)	C4 (houses in multiple occupation)
C4 (houses in multiple occupation)	C3 (dwellinghouses)
Casinos (sui generis)	D2 (assembly and leisure)

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



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

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

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

- **retail** to residential - new class IA allows change of use and some associated physical works from a small shop or provider of professional/financial services (A1 and A2 uses) to residential use (C3). This involves a 'prior approval' process and the local planning authority can consider impacts of the proposed change. Up to 150 square metres of retail space will be able to change to residential use. This new right does not apply to land protected by article 1(5) of the General Permitted Development Order.*
- **agricultural** to residential - new class MB allows change of use and some associated physical works from buildings used for agricultural purposes to residential use (C3). This involves a 'prior approval' process and the local planning authority can consider impacts of the proposed change. Up to 450 square metres of retail space will be able to change to up to three dwellings. This new right does not apply to land protected by article 1(5) of the General Permitted Development Order.*
- **commercial** to childcare nurseries - change of use from offices (B1), hotels (C1), residential (C2 and C2A), non-residential institutions (D11), 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
C50CP	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/>

This page is intentionally left blank

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 This application was deferred at the meeting of the Planning and Development Committee on 21 June 2017 to allow the Committee to visit the site. Members visited the site on 6 July 2017.

1.2 DESCRIPTION OF THE APPLICATION SITE

1.3 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.

1.4 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.

1.5 DESCRIPTION OF THE APPLICATION

1.6 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.

1.7 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

489/01 - Planning permission refused for the laying out of car park on the land at southern end of the site and formation of vehicular access onto Birtley Lane. 21.06.2001

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 from neighbouring residents. Councillor Paul Foy has also objected to the application. 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. It has also come to light that an application was also refused in 2001 for the use of the land for car parking and a new access off Birtley Lane.
- 5.4 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.
- 5.5 As a consequence providing all other material planning considerations are satisfied, it is considered the principle of extending the auction site is acceptable.
- 5.6 **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).

- 5.7 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.
- 5.8 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).
- 5.9 **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.
- 5.10 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.
- 5.11 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.
- 5.12 **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.

- 5.13 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.
- 5.14 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.
- 5.15 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.
- 5.16 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.
- 5.17 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.
- 5.18 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.
- 5.19 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.
- 5.20 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.
- 5.21 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.
- 5.22 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).

5.23 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

5.24 With the tree belt and landscaping being retained along 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.

5.25 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.

This page is intentionally left blank

MINOR UPDATE

Application No:	DC/17/00156/COU
Site:	Site Of Scottish Motor Auctions Group Shadon Way Birtley DH3 2SA
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
Ward:	Birtley
Recommendation:	Grant Retrospective Permission
Application Type	Change of Use

Reason for Minor Update**Further representations made**

A further letter of objection has been received from the occupier of Kattica, 29 Fell Close.

The additional issues that have been raised, along with the officers response have been summarised below:

- **A wood fence would hide the car park and help the noise levels but if changed to wood, we would lose all daylight in both rooms.**

A timber fence is considered to be a more appropriate form of screening for this development and final details of the boundary treatment are recommended to be conditioned. It should also be noted that a 2 metre high fence could be erected a long the common boundary the site shares with Kattica, without requiring planning permission.

The planning history for the site has been updated in the officers report to include the application refused in 2001 (489/01), paragraphs 1.7, 5.3 and 5.4. However the objector also refers to an approved planning permission for two bungalows on the site which changed the use of the land to residential.

In response to this, if a permission is not implemented, a change of use has not taken place and therefore the land is not protected as residential land.

It is considered that all the other points that have been raised in the additional representation have been addressed in the officer's report.

SEE MAIN AGENDA FOR OFFICERS REPORT.

Committee Report

Application No:	DC/17/00428/FUL
Case Officer	Lois Lovely
Date Application Valid	4 April 2017
Applicant	Miss K Bruce
Site:	8 Thirlmere Birtley Chester Le Street DH3 2JY
Ward:	Birtley
Proposal:	Change of use of the premises incorporating the use of the garage as dog grooming salon, use of the premises for dog boarding thereby creating a mixed use of dog grooming, dog boarding and residential (Sui Generis) (retrospective)
Recommendation:	REFUSE
Application Type	Full Application

1.0 The Application:

1.1 DESCRIPTION OF THE SITE

No. 8 Thirlmere is a two storey brick built 1970's semi detached dwelling with attached single storey flat roofed garage with an up and over door.

1.2 The property has a modestly sized front garden with a concrete single drive providing off street parking. The front garden is partly given over to gravel with stepping stones leading to the front door, so that it is possible to walk to the door without having to push past a car parked on the drive.

1.3 The drive of No.9 (the unattached neighbour) is separated from the drive of the application site by a strip of gravel / pebbles approximately 900mm wide. At the end of the drives and this gravelled strip, there is a 1.62m wide shared path that runs in-between the garages of the two houses which provides access to the garden gates to the rear of the application property and No.9 Thirlmere.

1.4 The property has a large rear garden at two levels. The area nearest to the rear of the house has been paved and a balustrade and gate separates it from the lower level of the garden, half of which is grassed the other half being paved, there are also three sheds/ kennels located on the rear boundary. Similarly large residential rear gardens bound the site to the north, south and west.

1.5 DESCRIPTION OF THE PROPOSAL

This is an application to change the use of the property to include dog boarding, dog grooming and the residential use. Previously, a six month temporary permission for the use of the garage as a dog grooming salon was granted for the hours between 9:30 and 17:30 four days per week (DC/16/01029/COU). This temporary permission expired on the 14th May 2017. The Applicant is now

applying for dog grooming hours between 9:30 to 18:00 Monday to Saturday, Sundays 10:00 until 17:00 including Bank Holidays other than Christmas and New Year, again within the garage only. The dog boarding would take place on a 24 hour basis inside the house.

- 1.6 Initially the applicant submitted a renewal of the temporary permission for dog grooming in the garage, however, officers advised that what was being applied for did not reflect the operations on the site and advised the applicant to change the description to that now being considered. Thus this application is retrospective.
- 1.7 The current proposal is therefore for the change of use of the premises incorporating the use of the garage as dog grooming salon, use of the premises for dog boarding thereby creating a mixed use of dog grooming, dog boarding and residential (Sui Generis) for the extended hours of 09:30 to 18:00 Monday to Saturday and 10:00 to 17:00 on Sundays including Bank Holidays except for Christmas Day and New Years' Day.
- 1.8 There are two elements to the business, stated as being the dog grooming element and the dog boarding element.
- 1.9 The dog grooming element, when the applicant has no other dogs in her care, is indicated as taking place 5 days per week (although those days vary) and an average day is described as a total of five appointment slots per day with half an hour between each one, are proposed between 09:30 to 17:30, the first at 09:30 and the last between 16:30 and 17:30, followed by cleaning the grooming salon.
- 1.10 The dog grooming element, when the applicant has other dogs in her care i.e. dog boarding, is indicated as 5 days per week (although those days vary) and an average day is described as a total of three appointment slots per day with half an hour between each one, these are proposed between 09:30 to 17:30, the first at 09:30 and the last at 16:00, followed by cleaning after the grooming appointments.
- 1.11 Dog grooming activities would be housed in the garage that bounds the shared access between No.9 Thirlmere and the application property.
- 1.12 Although no dogs were present for dog grooming at the time of the officer site visit, the interior of the building was equipped with various pieces of equipment and furniture relating to the grooming of dogs. The garage has an up and over door to the front, a top opening window on the shared access elevation and a door into the kitchen. The kitchen has an external door into the rear garden.
- 1.13 The dog boarding element is described as a maximum of two dogs in accordance with the dog boarding licence already issued to the applicant by the Council. However the applicant goes on to state that in addition to the two dogs that can be boarded, there may also be the applicant's own dog(s) or family dog(s) or a friend's dog(s) on the premises. The applicant states that the

maximum number of dogs allowed by her insurance is six dogs in her care at any one time.

- 1.14 The dogs that are boarded have full run of the house and either sleep downstairs at the owners request or upstairs in bed with the applicant.
- 1.15 Boarding dogs are bathed by the applicant before she will allow them in her bed and the applicant indicated during discussion that this would occur after all of her grooming appointments i.e. after 17:30, however, in the method statement submitted the applicant has stated that this would occur only during grooming hours of 09:30 to 17:30.
- 1.16 Boarding dogs have the full run of the garden. The applicant states that during grooming times boarded dogs are in the house with the back door open for exercise and ventilation. The kitchen door (between the garage and the kitchen) also kept open so that the applicant can hear the dogs. The applicant also states that she can supervise the dogs with the doors open, although if the dogs were anywhere in the house other than in the kitchen, they would not be visible to the applicant whilst grooming.
- 1.17 The applicant has stated there is a large dividing gate to segregate boarding dogs from the grooming area. This was not in place at the time of the officer site visit.
- 1.18 The applicant states that should any dogs in her care cause noise that may cause neighbours to complain that she immediately brings the dogs inside and closes the door. Further dogs are only mixed for play sessions under supervision.
- 1.19 When the boarding dogs are walked the applicant uses the gate to the rear garden to access the shared access path to exit the property.
- 1.20 The owners of boarding dogs drop off and collect their dog(s) at the front door between 09.30 and 17.30 hours. The applicant has stated that if this is not possible then she will deliver the dog(s) to their home, or offer another date for collection. During implementation of the temporary permission for the dog grooming element owners of dogs have been dropping their dogs off at the rear gate via the shared access path.
- 1.21 **PLANNING HISTORY**
DC/16/01029/COU Change of use from garage to a dog grooming salon (retrospective) Granted Temporary Permission on 14 November 2016 for a six month period that expired 14 May 2017

2.0 Consultation Responses:

None

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.
- 3.2 Nine letters of representation have been received from neighbours. One letter is in support of the proposal as the neighbour considers local businesses should be encouraged.
- 3.3 Eight of the letters, four from two residents, object to the development due to:
- the dog grooming salon commenced without permission;
 - temporary permission granted with restrictions which have been disregarded by working over the hours and public holidays and as the number of dogs at the premises at any one time has been in excess of what was allowed;
 - Noise and disturbance as the meet and greet takes place at the rear gate so neighbours can hear clients and dogs arriving, ringing the doorbell installed on back gate and discussions regarding style time for collection. This can repeated 4 to 5 times a day. Noise is also generated from the dryer, water running, dogs that bark, cry, whinge and yap;
 - Increased traffic;
 - Insufficient parking resulting in clients frequently parking on the pavement;
 - The dog boarding business should not be allowed as this is 24-7 operation;
 - dogs are allowed to roam in the garden during grooming appointments and while awaiting collection, owners sometimes also stay during grooming appointments, resulting in overlooking, loss of privacy resulting in an unwillingness to use objector's own garden;
 - doggy play days advertised on the applicants facebook page;
 - Difficulty using shared access path – as this is used by strangers and they may meet an aggressive dog. Security concerns due to increased activity around garden access gate;
 - The business is inappropriate in a residential area.

4.0 Policies:

NPPF National Planning Policy Framework

NPPG National Planning Practice Guidance

DC2 Residential Amenity

ENV3 The Built Environment - Character/Design

ENV61 New Noise-Generating Developments

CS13 Transport

CS14 Wellbeing and Health

CS15 Place Making

5.0 Assessment of the Proposal:

The main planning considerations of this proposal are the principle of the mixed use, the impact of noise and disturbance upon residential amenity, access and parking.

5.1 PRINCIPLE

Following a complaint from a neighbour that a business was operating from a dwelling a planning application was invited by enforcement officers and this was received in September 2016 (DC/16/01029/COU).

5.2 A temporary planning permission DC/16/01029/COU was granted dated 14th November 2016 for a 6 month period so that the principle of the business operating from a dwelling in a residential area could be tested as a trial run. This permission expired on the 14th May 2017.

5.3 During the 6 months period of the applicant operating her business under the temporary permission DC/16/01029/COU, the applicant has been in breach of condition 3 that states:

"The opening hours of the premises shall be restricted to between 9.30 and 17.30 Monday to Saturday and between 9.30 and 16.00 on Sundays and at no time on Public Holidays or as may be otherwise approved in writing by the Local Planning Authority.

Reason

To ensure that no disturbance is caused to neighbouring properties as a result of unreasonable operating hours at the premises and to accord with Saved UDP policy DC2 and CSUCP policy CS14."

5.4 The applicant had taken bookings and groomed dogs on both the 16th April 2017 (Easter Sunday) and 27th December 2017, both of which were Public Holidays.

5.5 This current application DC/17/00428/FUL received on the 4th April 2017 initially proposed the renewal of that temporary permission on a permanent basis but with extended operating hours. However, at the time the original application was invited by enforcement officers, they were unaware of the dog boarding licence. This came to light subsequently during the consultation process for the dog grooming use of the garage. Officers were of the opinion that the whole business operation should be considered as a mixed use of the site so that all of the material considerations could be taken into account and the applicant agreed to a change of the description to reflect the mixed use.

5.6 The dog grooming use of the garage of this domestic dwelling, falls under the definition of 'economic development' in the National Planning Policy Framework (NPPF), but it is not a 'main town centre use' (as per the Glossary).

The NPPF states that the Government is committed to securing economic growth in order to create jobs and prosperity and is also committed to ensuring that the planning system does everything it can to support sustainable economic growth with significant weight being given to the need to support economic growth through the planning system (paragraphs 18 and 19).

5.7 As this is not a main town centre use, it is not subject to the sequential approach to location that would otherwise be expected.

5.8 This change of use could therefore be seen as an important first step in helping new business creation.

5.9 Given the above, the principle of the proposal could be considered to be acceptable and in accordance with the NPPF subject to all material considerations.

5.10 RESIDENTIAL AMENITY

In relation to residential amenity impacts, it is considered that there are four elements to consider:

- 1 the number of dogs at the property
- 2 the noise arising from both of the business uses;
- 3 the extended hours of operation proposed; and
- 4 the effect on access to the neighbours' property.

5.11 Number of Dogs

Taking the dog grooming element of the business first, even if all five dogs with grooming appointments (the number indicated by the Applicant in the submitted method statement) were present on site all day, it is not considered that the numbers of dogs present on the site for grooming would give rise to unacceptable levels of noise or disturbance beyond that which could potentially be expected from dogs housed at a residential property.

5.12 However, when the dog boarding element is considered in addition to the dog grooming, the number of dogs may exceed five when taking into account the applicant's own/ friend's dogs. Thus as described by the applicant, it is considered the numbers of dogs on site at any one time could go beyond what would be expected from a residential property. In addition, objections have been received from neighbours that state that the current level of activity is resulting in a range of detrimental impacts on their residential amenity including, noise, disturbance and loss of privacy, as well as inconvenience and security concerns.

5.13 In a recent appeal in South Tyneside that was allowed subject to conditions, the Inspector's decision, in similar circumstances for dog grooming set the maximum number of dogs that was acceptable at a property at a maximum of five.

5.14 Taking this recent case law into account, if the number of dogs is restricted to a maximum of five, the number of dogs in itself is not a concern, as this could be

that which could potentially be expected from dogs housed at a residential property.

5.15 Noise from Business Uses

The applicant has stated that the rear door of the house and the garage / kitchen door and the window to the shared access path are all open during grooming for ventilation. The noise generated by water running to wet and rinse dogs during bathing, and the dryer to dry off the dogs once trimmed, may not exceed a British Standard acceptable noise level, however, the neighbours have become sensitised to these noises as they occur almost every day between the hours of 09:30 and 17:30 hours. This far exceeds the noise and disturbance that would be generated in washing and grooming of five dogs housed in a residential property.

5.16 In addition, the wheelie bins of No.9 Thirlmere are stored on the shared access path and the rear gate is used to access them. Neighbours have complained that some of the dogs that are being groomed bark when they use the bins, and this is more noticeable because the window of the garage is open for ventilation, as stated by the applicant in the method statement.

5.17 The operation of the business, as outlined by the Applicant, where the rear door of the house is open so that boarding dogs have a free run of the garden and house whilst the Applicant is in the garage behind a secure gate grooming other dogs, is not considered to provide adequate supervision of the boarding dogs in terms of controlling noise. It is inevitable that if the boarding dogs are barking in the garden, whether in response to the neighbours using the shared access path or for some other reason, there will be a delay in the Applicant coming out into the garden to control the barking dogs, as the dog being groomed will first need to be secured, the secure gate opened and then the Applicant would be able to deal with the barking dogs. It is considered that this will result in unacceptable noise and disturbance to neighbouring properties. A further noise concern in relation to the dog boarding is that the applicant has stated that she washes the boarding dogs and this occurs after the dog grooming appointments, although the Applicant has stated that this would occur within the hours that have been applied for as part of this application.

5.18 Hours of Operation sought

The application seeks permission for the dog grooming element to operate between the hours of 09:30 to 18:00 Monday to Saturday and 10:00 to 17:00 on Sundays including Bank Holidays except for Christmas Day and New Years' Day.

5.19 These hours represent an extension of the hours restricted by condition, as originally applied for, on the temporary permission DC/16/01029/COU. The hours now applied for are considered would have a harmful impact upon the neighbours' enjoyment of their property. If planning permission were to be forthcoming, the hours for proposed appointment times for the dog grooming operation could be controlled by imposition of a condition limiting the operation of the dog grooming business to hours. The case law referred to above has been used as a guide and the condition the inspector imposed in that case,

restricted the dog grooming business to between 09:00 and 16:30 on Mondays to Fridays, and at no time on Saturdays, Sundays or Bank Holidays. These hours, if planning permission were to be forthcoming, would be considered to be acceptable in terms of residential amenities, both reasonable and enforceable.

5.20 Access to business and neighbouring property

In terms of the comings and goings associated with the business use, it is considered that use of the shared access path for dog grooming delivery and collection, and the applicant taking boarding dogs out for walks, via this route, is unacceptable, as the neighbours who share the path cannot use it without first checking whether they will come face to face with dogs in this enclosed space between the garages. Dogs in this situation would be likely to be anxious, entering a path where the only escape is behind them, and to a property where they are to be groomed/ or boarded. This may result in aggressive behaviour. Use of the shared access path for the purposes of the dog grooming and for walking of boarding dogs is considered to have an unacceptable harmful impact upon residential amenity.

5.21 However, it is considered that the comings and goings associated with the business uses would not amount to a level that would cause harm or disturbance to occupiers of adjacent residential properties if they were restricted to the front door of the application property, and if they were during hours considered to be reasonable.

5.22 The applicant has subsequently stated that all dogs would use the front door to address this concern. It is considered that this would be extremely difficult to enforce and also unreasonable to impose as a condition as it would restrict the domestic arrangements of the applicant.

5.23 In conclusion of the assessment of the residential amenity impacts, it is considered that the occupants of No. 9 Thirlmere are entitled to be able to enjoy their property. At the moment with the dog grooming and the dog boarding they are not able to enjoy their property, due to the noise and disturbance and due to the constraints imposed on their use of the shared access path.

5.24 Given the above the proposal is considered to have a harmful impact on the residential amenities of the neighbouring properties contrary to the NPPF, Saved UDP policy DC2 and CSUCP policy CS14.

5.25 ACCESS AND PARKING

There is a good level of on-street parking available along this street, due mainly to there being no properties to the opposite side of the road (eastern side of Thirlmere). Any parking generated by the proposal should be easily accommodated on-street and there are no highway safety problems foreseen.

5.26 Given the above the proposal is considered to be acceptable in highway terms and in accordance with CSUCP policy CS13.

5.27 OTHER MATTERS

The plans as submitted relate only to the dog grooming operation in the garage.

- 5.28 Concerns have been expressed by a neighbour that the deeds of the property's record that occupants are unable to run a business from them. This is not a planning consideration. The Local Planning Authority does not benefit from the covenant. It is a civil matter to be taken up with the beneficiary of the covenant by the resident.
- 5.29 Another neighbour has concern that the use will affect Property Value. Again this is not a planning consideration.
- 5.30 As a consequence of the applicant operating her business from a residential property the relationship with the neighbours at No.9 Thirlmere has completely broken down. The neighbours have erected a CCTV camera on the front elevation pointing towards the drive and the rear elevation of the property onto the shared access path for the neighbours own safety and peace of mind.
- 5.31 The officer offered the Council mediation services to the applicant in an attempt to redress the break down with her neighbours; details were provided to the Mediation officer, however, the service has not yet been accessed.

6.0 CONCLUSION

- 6.1 The principle of a small business operating from a dwelling is in accordance with the NPPF.
- 6.2 The proposal does not generate any highway concerns and the proposal would be in accordance with CSUCP policy CS13.
- 6.3 The presence of up to five dogs on site at the same time all day, would not give rise to unacceptable levels of noise or disturbance from the dogs beyond that which could potentially be expected from dogs housed at a residential property. However, the noise generated by the comings and goings, washing and drying of the dogs every day, all day, in association with the dog grooming activities and dog boarding does result in noise and disturbance that is harmful to the residential amenities of the neighbouring properties.
- 6.4 Controlling use of the shared access path by the dog grooming customers is considered to be both unenforceable and unreasonable and therefore fails to meet the tests for the use of planning conditions. Therefore use of the shared access path is considered to be harmful to the neighbours' enjoyment of their property and is therefore contrary to CSUCP policy CS14 and Saved UDP policy DC2.
- 6.5 With regard to the case law referred to earlier, even if the dog boarding was omitted from the application, it is not considered that this would ensure that the resulting proposal for the dog grooming only would not have an unacceptable impact on the living conditions of occupiers of nearby properties.

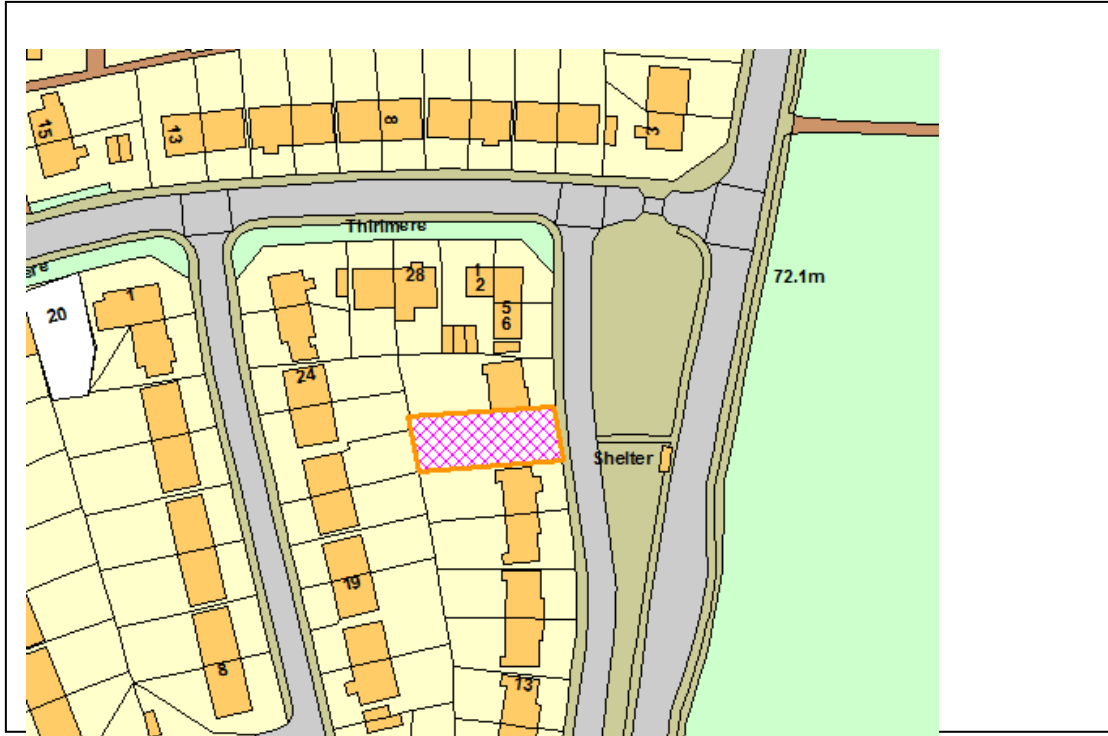
- 6.6 Residents have raised concerns regarding noise and disturbance in relation to early morning comings and goings arising from dogs being dropped off at the premises, and late in the evening collections of boarding dogs. Appropriate control over the hours of operation by imposition of a condition would be reasonable so as to avoid unacceptable harm to living conditions, if planning permission were to be forthcoming.
- 6.7 However, the proposed mixed use of the dwelling in this residential area overall is considered to have an unacceptable, adverse and harmful impact upon the living conditions of occupiers of nearby properties, with particular regard to noise and disturbance in conflict with CSUCP policy CS14 and Saved UDP policy DC2.
- 6.8 Despite the emphasis in the NPPF towards economic development and in the light of evidence of harm to residential amenity, it is recommended that on this occasion planning permission be refused.

7.0 Recommendation:

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

1

The noise and disturbance, lack of privacy and overlooking and security concerns arising from the business uses, coupled with extended hours of operation, to include later in the evening and public holidays, are such that the impact upon residential amenity of neighbours is unacceptably detrimental. The development is thus contrary to the NPPF, policy CS14 of the CSUCP and saved policy DC2 of the UDP.



This map is based upon Ordnance Survey material with the permission of the Ordnance Survey or that of the Controller of Her Majesty's Stationery Office © Crown Copyright. Unauthorised reproduction infringes Crown copyright and may lead to prosecution or civil proceedings. Gateshead Council. Licence Number LA07618X

This page is intentionally left blank

Committee Report

Application No:	DC/17/00481/COU
Case Officer	Joanne Munton
Date Application Valid	15 May 2017
Applicant	Done Brothers (Cash Betting) Ltd
Site:	Former Lloyds Bank Lane Head Ryton Central Ryton NE40 3NA
Ward:	Ryton Crookhill And Stella
Proposal:	Change of use of vacant ground floor (previously a bank/A2) to Betting Shop (Sui Generis) also raising of roof and construction of new shopfront (amended 31/05/17).
Recommendation:	GRANT
Application Type	Change of Use

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

The application site is a single storey unit within the district retail centre of Ryton. The unit forms part of a group of units at Lane Head and faces north onto Main Road.

1.2 The unit was formerly Lloyds Bank, between Sainsbury's Local to the west and Coffee Johnny's to the east, and is currently vacant.

1.3 DESCRIPTION OF APPLICATION

The application proposes the change of use of the unit from a bank (Use Class A2) to a betting shop (Sui Generis).

1.4 The proposal is also for the raising of the roof by 0.57m so the height of the unit would match that of attached neighbours to the west (Sainsbury's) and for a new shop front.

1.5 Submitted plans show a new sign for the unit. This is not being considered as part of the application.

1.6 RELEVANT PLANNING HISTORY

None

2.0 Consultation Responses:

None

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 Haran on the following grounds:
- prominent location of the betting shop particularly due to its location very close to the school;
 - negative social impact.
- 3.3 Three objections have been received from local residents:
- Increased parking demand and 'drop in' nature of the proposed use would impact on highway safety;
 - Over-proliferation of betting shops;
 - Impact on visual amenity and out of character with area.

4.0 Policies:

NPPG National Planning Practice Guidance

NPPF National Planning Policy Framework

DC2 Residential Amenity

ENV3 The Built Environment - Character/Design

RCL5 District and Local Centres

CS7 Retail and Centres

CS13 Transport

CS14 Wellbeing and Health

CS15 Place Making

5.0 Assessment of the Proposal:

- 5.1 The key considerations to be taken into account when assessing this planning application are the principle of the proposal, visual amenity, residential amenity and highway safety and parking.
- 5.2 **PRINCIPLE**
The site is within the district retail centre as defined by saved policy RCL5 of the UDP and policy CS7 of the CSUCP. These policies seek to maintain and enhance the vitality and viability of each centre.

- 5.3 Ryton district centre is considered to be a high performing centre. The proposal would not result in the loss of retail units or retail frontage within the centre, as the most recent use of the unit was a bank. Additionally, the occupation of a currently vacant unit is supported.
- 5.4 There is an existing betting shop at 4-5 Lane Head, facing east. This is currently occupied by the same company as that proposed for the former Lloyds Bank site and the applicant has confirmed that they intend to vacate the existing unit and relocate to the new unit. It is understood that the former Lloyds Bank unit is preferable for the applicant due to size and position on the street.
- 5.5 The relocation of this particular bookmakers would not automatically result in the ceasing of the use as a betting shop at 4-5 Lane Head. Therefore, approval of this application would result in two betting shops within the district centre. This means that 4-5 Lane Head could be used as a betting shop in the future by another company, or the existing company may choose to remain in the unit.
- 5.6 There is currently no national or local planning guidance that specifically restricts the number of betting shops in an area. Approval of this application would result in only the second betting shop in the well performing district centre with a total of twenty four units. It is considered that the proposal would not result in a proliferation of betting shops in this centre. It is considered that a condition or agreement with the applicant to vacate 4-5 Lane Head and/or to cease the existing betting shop use at this unit would not be necessary to make the current application acceptable.
- 5.7 It is considered that the proposed change of use would not conflict with the aims and requirements of saved policy RCL5 of the UDP and policy CS7 of the CSUCP and would be acceptable in principle.
- 5.8 VISUAL AMENITY
The proposed elevations show a new shop front that would be typical of a unit in a district retail centre. It is considered that the occupation of a vacant unit with a currently blank shop front would make a positive contribution to the established character and identity of the locality.
- 5.9 It is considered that the proposal would respond positively to local distinctiveness and character and it would comply with the aims and requirements of saved policy ENV3 of the UDP and policy CS15 of the CSUCP.
- 5.10 RESIDENTIAL AMENITY
The nearest residential neighbours are Orchard House 28m to the north east across Main Road, and 2 Greenfield Place 13m to the rear (south) of the unit across Woodside Lane.
- 5.11 The proposed opening hours for the new betting shop are 8am until 10pm every day.
- 5.12 The opening hours at Sainsbury's are 6am to 11pm every day. Coffee Johnny's opening hours are restricted by condition to 7am to 10pm every day. The

existing betting shop operates Monday to Friday 9am to 9.30pm, Saturday 8.30am to 9.30pm and Sunday 10am to 9.30pm.

- 5.13 Given the existing opening hours of surrounding premises, it is considered that the proposed opening hours for the new betting shop would be appropriate.
- 5.14 Given the location of the application site within the retail centre, it is considered that the use of this unit would not significantly add to the existing noise levels. It is recommended that a condition is imposed to control the opening hours to those proposed.
- 5.15 It is considered that the proposal would not result in an unacceptable impact on residential amenity of the surrounding area.
- 5.16 The proposal would not conflict with the aims and requirements of saved policy DC2 of the UDP and policy CS14 of the CSUCP.
- 5.17 **HIGHWAY SAFETY AND PARKING**
The site is located in a very sustainable location in terms of being accessible to pedestrians and has good access to public transport.
- 5.18 It is considered that the proposed change of use would not have a significant impact on the surrounding highway network in terms of trip generation or demand for car parking.
- 5.19 It is considered that the proposal would comply with the aims and requirements of policy CS13 of the CSUCP.
- 5.20 **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 principle and in terms of visual and residential amenity, highway safety and parking, 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 conditions 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 -

Location Plan received 15.05.2017

1225BF-SF rev1

1225BF-LP rev1

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

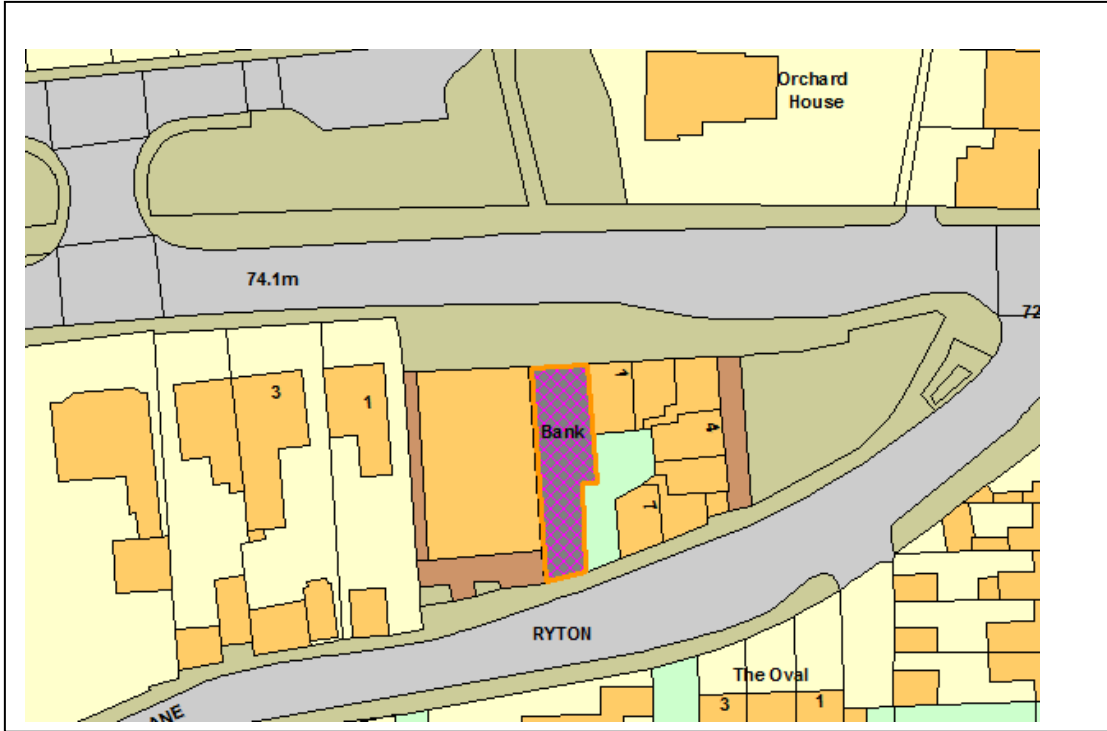
To comply with section 91 of the Town and Country Planning Act 1990 as amended by section 51 of the Planning and Compulsory Purchase Act 2004.

3

The opening hours of the premises shall be restricted to 8am until 10pm every day.

Reason

To ensure that no disturbance is caused to neighbouring properties as a result of unreasonable trading hours at the premises in accordance with Policies DC2 of the Unitary Development Plan and policy CS14 of the Core Strategy and Urban Core Plan for Gateshead and Newcastle Upon Tyne



This map is based upon Ordnance Survey material with the permission of the Ordnance Survey on behalf of the Controller of Her Majesty's Stationery Office © Crown Copyright. Unauthorised reproduction infringes Crown copyright and may lead to prosecution or civil proceedings. Gateshead Council. Licence Number LA07618X

Committee Report

Application No:	DC/17/00563/FUL
Case Officer	Joanne Munton
Date Application Valid	22 May 2017
Applicant	ISM Properties Ltd
Site:	Land At Ellison Terrace Greenside Ryton NE40 4BL
Ward:	Crawcrook And Greenside
Proposal:	Construction of three terraced houses with parking area
Recommendation:	GRANT
Application Type	Full Application

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

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

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

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

1.4 DESCRIPTION OF THE APPLICATION

This application is a resubmission of DC/16/01182/FUL, which proposed three terraced dwellings on site. This application was refused by Planning Committee due to the height of the proposed dwellings and how they would relate to the height of the existing dwellings in the area and due to the proximity of the principle elevation to the front of the site.

1.5 The current scheme proposes dwellings that are reduced in height by between 1.78-1.93m and plans show the dwellings to be set back more than 1m further than the previous scheme.

- 1.6 Due to the increased set back distance, the proposed terrace would be 0.7m shallower and 0.8m wider than the previous scheme overall.
- 1.7 Plans show dormers to the rear and rooflights to the front to allow for one bedroom (and an en-suite) in the roofspace (compared to two bedrooms and an en-suite in the previously higher dwellings)
- 1.8 Each dwelling would have three bedrooms, kitchen and dining/living room. Additionally, there would be garden areas to the rear (south) of the site and an area to the south west of the site for cycle and bin storage. Plans show the scheme to provide one parking space per dwelling and parking provision would be at the western end of the site and the vehicle access is proposed to be relocated further east.
- 1.9 The dwellings are proposed to be constructed of red brick (Furness 'Weathered Red'), natural slate and with stone cills at each window and heads on windows on the ground floor of the principal (north) elevation and eastern gable.
- 1.10 No windows are proposed on the western gable end that faces neighbours at Ivy House, but plans show the incorporation of potential bat roost features and nesting provision for house sparrow on this elevation.
- 1.11 **RELEVANT PLANNING HISTORY**
 DC/16/01182/FUL - Construction of three houses with parking area (amended 16/02/17 and 08/03/17 and description amended 14.03.2017) - Refused at Planning Committee 19.04.2017
- DC/14/00186/OUT - Erection of detached dwellinghouse with associated garage (outline with all matters reserved apart from access) (additional info received 28/04/14) - Granted 11.08.2014
- DC/10/01193/OUT- Extension of time for implementation of planning permission DC/06/01788/OUT for the erection of detached dwellinghouse with associated garage (use class C3) - Granted 14.01.2011
- DC/06/01788/OUT - Erection of detached dwellinghouse with associated garage (use class C3) - Granted 14.01.08

2.0 Consultation Responses:

Coal Authority Conditions recommended

Northumbria Water 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 Objections were received from Councillor Graham and Councillor Haran on the following grounds. The Councillors also requested that the application be reported to Planning Committee:

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

3.3 The Councillors have also requested to speak at Planning Committee.

3.4 Four objections were received from residents:

- Previous refusal reason not addressed;
- Impact on parking;
- Insufficient parking provision;
- Impact on off-street parking provision;
- Impact on highway safety;
- Inappropriate design of dwellings;
- Proposed materials inappropriate.

4.0 Policies:

GPGSPD Gateshead Placemaking Guide SPG

NPPG National Planning Practice Guidance

NPPF National Planning Policy Framework

H4 Windfall and Small Housing Sites

H5 Housing Choice

CFR20 Local Open Space

CFR28 Toddlers' Play Areas

CFR29 Juniors' Play Areas

CFR30 Teenagers' Recreation Areas

DC1D Protected Species

DC1P Contamination, derelict land, stability

DC2 Residential Amenity

ENV3 The Built Environment - Character/Design

ENV46 The Durham Biodiversity Action Plan

ENV47 Wildlife Habitats

CS10 Delivering New Homes

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

5.0 Assessment of the Proposal:

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

5.2 PRINCIPLE

Paragraph 14 of the NPPF states that:

'At the heart of the NPPF is a presumption in favour of sustainable development. For decision making this means:
-approving development proposals that accord with the development plan without delay, and
-where the development plan is absent, silent or relevant policies are out-of-date, granting permission unless:
-any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework as a whole; or
-specific policies in this Framework indicate development should be restricted.'

5.3 Policy CS10 of the CSUCP states that 11,000 new homes (excluding purpose built student accommodation) will be built in Gateshead over the period April 2010 to March 2030.

5.4 The site would be considered as a housing windfall site under policy H4 of the UDP. This area is not isolated and it is considered that the location of the proposal is sustainable. The additional requirements of policy H4 are addressed later in the report.

5.5 Saved policy H5 of the UDP requires a range of housing choice and policy CS11(1) of the CSUCP requires that 60% of new private housing across the plan area is suitable for and attractive to families, with a minimum target of 16,000 new homes across the plan area to have three or more bedrooms. The

scheme proposes three dwellings each with three bedrooms so this requirement is satisfied.

- 5.6 Policy CS11(4) of the CSUCP requires that new residential development provides "adequate space inside and outside of the home to meet the needs of residents." With regard to this requirement, specific policy regarding this issue is expected to be contained within the emerging 'Making Spaces for Growing Places' document. However, notwithstanding this policy position, it is considered that the proposal provides appropriate space internally and externally.
- 5.7 Therefore, it is considered that the principle of the development is acceptable and the proposal does not conflict with saved policies H4 and H5 of the UDP, policies CS10 and CS11 of the CSUCP and the NPPF.
- 5.8 VISUAL AMENITY
The site is widely visible from the public domain and is within an area of important character as identified by the Gateshead Placemaking SPD. It is considered the proposed design approach is appropriate in the context of the street scene, as the dwellings would reflect the existing terrace further east. The proposed materials are considered to be of appropriate quality and would respect the character of the area.
- 5.9 It is recognised that Ivy House to the west is, and the building/barn previously on site was, constructed of stone. However, it is considered that the proposed form of the scheme would be read as a continuation of the brick built terrace further east along Rockwood Hill Road. The proposed materials would be appropriate and would respond positively to local distinctiveness and character.
- 5.10 Additionally it is considered that the stone cills and heads, and windows in the eastern gable end would bring architectural interest to the scheme that would also make a positive contribution to the established character and identity of the locality.
- 5.11 In terms of layout, it is considered that the proposed shared space for cycle and bin storage would maximise the garden areas to the rear and would be an appropriate way to make use of the space available. It is considered that whilst the site is limited, the proposal would provide sufficient space for the dwellings, gardens and parking. Therefore it is considered that the proposal would not constitute overdevelopment of the site.
- 5.12 It is considered that the height and positioning of the proposed new dwellings is appropriate in the context of the existing street scene. It is considered that the revised proposal would address the concerns of the previous application.
- 5.13 Furthermore, it is recommended that conditions be attached to the permission requiring final details of the northern boundary treatment to be submitted to the Local Planning Authority for consideration.

- 5.14 It is considered that the proposal would comply with the aims and requirements of saved policy ENV3 of the UDP, policy CS15 of the CSUCP and the Gateshead Placemaking SPD.
- 5.15 **RESIDENTIAL AMENITY**
Residential neighbours to the site are 13 Ellison Terrace to the east (which would be 19m away from the proposed dwellings), Ivy House to the west (at least 11.4m from the proposed dwellings) and semi detached properties Ryedale, Thurcroft, Oak Dale and Hollycroft on the opposite (north) side of Rockwood Hill Road. Of these, Oak Dale and Hollycroft would be opposite the proposed parking area, and Ryedale and Thurcroft would be opposite proposed dwellings 1 and 2. Dwelling 2 would be at least 14.76m away from Ryedale, and dwelling 1 would be 13.3m away from the ground floor and 15.2m away from the first floor of Thurcroft.
- 5.16 The ground floor windows on the principal elevations of the proposed dwellings would serve kitchens and the two first floor windows on the principal elevations would serve a bedroom and a landing area. Given the distance and the road between the dwellings, it is considered that the proposal would not result in an unacceptable loss of privacy or light at residential properties on the opposite side of Rockwood Hill Road.
- 5.17 The windows in the eastern gable elevation would serve landings and are marked on plans to be obscurely glazed and non-opening. Given the above and the distance between the gable elevations of proposed dwelling 1 and 13 Ellison Terrace, it is considered that the proposal would not have an unacceptable impact on the residential amenity of neighbours at this property.
- 5.18 It is recommended that a condition be imposed restricting construction hours to ensure that the development would not cause an unacceptable level of disturbance.
- 5.19 It is considered that the proposal would not have an unacceptable impact on the residential amenity of neighbours and would comply with the aims and requirements of saved policy DC2 of the UDP and policy CS14 of the CSUCP.
- 5.20 **HIGHWAY SAFETY AND PARKING**
The plans show three parking spaces provided at the western end of the site. The provision of one space per dwelling with visitor parking to be on-street is considered to be adequate. It is also considered that the design and location of the parking bays are appropriate.
- 5.21 Additionally, plans show that the existing boundary wall on the front would be reduced to no more than 1m high, which would provide sufficient visibility.
- 5.22 It is considered that the proposal would not have an unacceptable impact on highway safety. It is considered that the proposal would comply with the aims and requirements of policy CS13 of the CSUCP.
- 5.23 **ECOLOGY**

It is understood that there is bat activity in this area and that the site supports several breeding house sparrows (which are a priority species). Proposal plans show the incorporation of potential bat roost features and nesting provision for house sparrow, which are considered to be appropriate.

5.24 Therefore, it is considered that the proposal would comply with the aims and requirements of saved policies ENV46 and ENV47 of the UDP and policy CS18 of the CSUCP.

5.25 GROUND CONDITIONS

The land has been assessed as being potentially contaminated. An adequate Preliminary Risk Assessment has not been provided with the application. In this instance, as potentially contaminated made ground may be on site it is recommended that conditions be imposed requiring site investigations and Phase 2 Risk Assessment be undertaken and remediation implemented where required.

5.26 Additionally, the application site falls within the Coal Authority defined development high risk area. A Coal Mining Risk Assessment has been submitted and the Coal Authority agree with the recommendations of the report. Therefore, it is recommended that conditions be imposed requiring site investigations to be undertaken and the submission of a report of those investigations (including the results of any gas monitoring) to the LPA for consideration and the implementation of remediation measures where required.

5.27 Therefore, it is considered that the proposal would not pose an unacceptable risk in terms of land contamination or stability and would comply with the aims and requirements of saved policies DC1(p) and ENV54 of the UDP and policy CS14 of the CSUCP.

5.28 OPEN SPACE/PLAY

The NPPG (Paragraph: 031 Reference ID: 23b-031-20160519) is clear that tariff style contributions should not be sought from developments of 10-units or less, and which have a maximum combined gross floorspace of no more than 1000sqm.

5.29 While it cannot be concluded that the proposed development would comply with saved Policies CFR20, CFR28, CFR29 and CFR30 of the UDP it is considered that it is not possible to require any contribution for either play or open space provision in this case, based on the above assessment.

5.30 COMMUNITY INFRASTRUCTURE LEVY (CIL)

On 1st January 2017 Gateshead Council became a Community Infrastructure Levy (CIL) Charging Authority. This application has been assessed against the Council's CIL charging schedule and the development is CIL chargeable development as it is retail or housing related. The development is located within Charging Zone C, with a levy of £0 per square metre for this type of development.

6.0 CONCLUSION

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

7.0 Recommendation:

That permission be GRANTED subject to the following conditions 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 -

15034 OS
15034/P-10 D
15034/P-11 B
15034/P-12 B

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

Reason

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

2

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

Reason

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

3

The development hereby permitted shall be constructed entirely of the materials detailed and shown on plan number 15034/P-12 B, except for

bricks, which shall be Furness Weathered Red, and roof tiles, which shall be natural slate, unless otherwise approved in writing by the Local Planning Authority.

Additionally, reveals to openings shall be a minimum of 100mm deep, unless otherwise approved in writing by the Local Planning Authority.

Reason

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

4

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

Reason

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

5

Where required, the remediation and monitoring measures approved under Condition 4 shall be implemented in accordance with the timescales approved and in full accordance with the approved details.

Reason

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

6

Any undesirable material observed during excavation of the existing ground shall be screened and removed. If any areas of odorous,

abnormally coloured or suspected contaminated ground are encountered during development works, then operations shall cease and the exposed material shall be chemically tested.

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

Reason

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

7

The amended remediation and monitoring measures approved under condition 6 shall be implemented in accordance with the approved details prior to any further works (other than those required for remediation) and maintained for the life of the development.

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

Reason

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

8

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

9

The remediation and monitoring measures approved under condition 8 shall be implemented in full accordance with the approved timescales and the approved details.

Reason

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

10

Where remediation is required (under conditions 4-9), 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.

11

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

12

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

Reason

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

13

The details approved under Condition 12 shall be implemented before the new dwellings are occupied and retained in accordance with the approved details for the lifetime of the development.

Reason

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

14

The bat roost features and nesting provision for house sparrow shown on plan no 15034/P-12 B shall be implemented before the dwellings are occupied and retained as such in accordance with the approved details for the lifetime of the development.

Reason

To protect and enhance the conservation status of protected/priority species within the development site in accordance with NPPF and policies DC1, ENV46 and ENV47 of the UDP and policy CS18 of the CSUCP.

15

No works to the existing northern boundary wall shall commence until final details of the appearance, including materials, of the northern boundary treatment; which shall be no more than 1m high above ground level, have been submitted to and approved in writing by the Local Planning Authority.

Reason

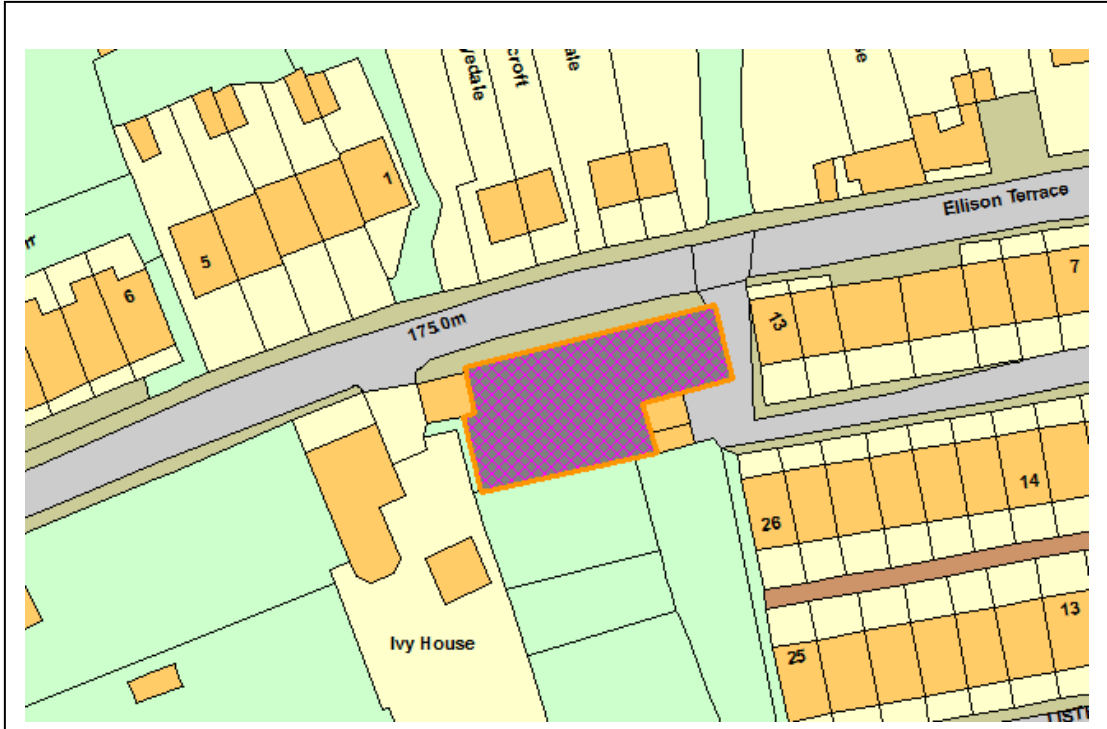
To ensure that the external appearance of the development is of an appropriate design and quality in accordance with the NPPF, Saved Policies DC2 and ENV3 of the Unitary Development Plan and Policies CS14 and CS15 of the Core Strategy and Urban Core Plan for Gateshead and Newcastle upon Tyne.

16

The details approved under Condition 15 shall be implemented before the new dwellings are occupied and retained as such in accordance with the approved details for the lifetime of the development.

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.



This map is based upon Ordnance Survey material with the permission of the Ordnance Survey on behalf of the Controller of Her Majesty's Stationery Office © Crown Copyright. Unauthorised reproduction infringes Crown copyright and may lead to prosecution or civil proceedings. Gateshead Council. Licence Number LA07618X

This page is intentionally left blank

REPORT OF THE STRATEGIC DIRECTOR COMMUNITIES AND ENVIRONMENT

TO THE PLANNING AND DEVELOPMENT COMMITTEE ON 12 JULY 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/16/00900/COU	Change of Use from former Dunston Mechanic's Social Club to hand car wash with works including; insertion of channel drain and gully, erection of two carports, the introduction of two x cargo containers with staff rooms and storage space, planting of trees to form a sound/privacy screen and the construction of a 6-foot solid wood closed board fence to separate car park from rest of site (description amended 29.11.2016 and 12.05.2017, additional information received 21/03/17 and amended 27/03/17).	Dunston House Mechanics Social Club , Dunston Road,	Granted;	Dunston And Teams

DC/16/01079/FUL	Conversion of main school building to include partial demolition to create two residential properties and the erection of 20 dwellings to the rear, to include two x 2 bed semi-detached properties, three x 3 bed terraced properties, four x 3 bed detached properties and eleven x 4 bed detached properties with associated landscaping, parking, services and highway works (amended 22/11/16, 03/02/17, 17/02/17 and 10/05/2017 and additional information received 03/02/17, 09/02/17, 17/02/17 and 12/05/2017).	Marley Hill Primary School , Church Street,	Granted;	Whickham South And Sunnside
DC/16/01169/FUL	Change of use of premises, resulting in creation of six residential apartments on first and second floor. Physical Alterations including new facade alterations to external windows, doors, chimney pier, string course and shop windows along with alteration to roof and increase in height of building (amended 16/05/17).	Bar 3T, Market Lane,	Granted;	Whickham North

DC/16/01306/FUL	Erection of 2 semi-detached bungalows (Amended plans and additional information received 19/05/17 and 12/06/17).	Garage Site, Half Fields Road,	Granted;	Winlaton And High Spen
DC/17/00090/TPO	Tree works at 39 Heathfield Place Gateshead.	39 Heathfield Place, Gateshead,	Granted;	Saltwell
DC/17/00084/HHA	Proposed first floor extension to the rear	Rugby House , 47 Ramsay Street,	Granted;	Winlaton And High Spen
DC/17/00126/HHA	Dismantle stone chimney stack and rebuild in stone with stone cornice (description amended 21.06.2017)	18 Claremont Place, Gateshead,	Granted;	Lobley Hill And Bensham
DC/17/00186/COU	Change of use from Sui Generis to B2 use with ancillary A1 retail use (amended plan and additional information received 10/05/17, 02/06/17 and 08/06/17).	4 Saltmeadows Road, Gateshead,	Granted;	Bridges
DC/17/00191/HHA	Single storey rear extension	9 Fife Terrace, Blackhall Mill,	Granted;	Chopwell And Rowlands Gill
DC/17/00249/ADV	Display of one internally illuminated fascia sign on front elevation of social club measuring 1.5m x 2m x 0.1m advertising 'G-FIT'	Vale Of Derwent Social Club, Burnopfield Road,	Temporary permission granted;	Chopwell And Rowlands Gill
DC/17/00365/HHA	Single storey side extension and erection of rear dormer.	14 Alverstone Avenue, Gateshead,	Granted;	Low Fell

DC/17/00266/COU	Change of Use of part of property from Restaurant (use class A3) to Childrens' Day Nursery (use class D1) and café (use class A3). Artificial Turfing of existing timber decked area to be enclosed with 1.8 metre high timber fencing (amended 04/05/17 and 26/06/2017 and description amended 08.05.2017 and 02/06/17).	Chaplins , Spa Well Road,	Granted;	Winlaton And High Spen
DC/17/00304/HHA	Two storey side and rear extension (resubmission of application DC/16/00124/HHA.	74 Cobden Terrace, Mount Pleasant,	Granted;	Deckham
DC/17/00330/TPO	Cut down two Holly Trees at 6 Jacksons Place.	6 Jacksons Place, Birtley,	Granted;	Birtley
DC/17/00326/DPA	DETERMINATION OF PRIOR APPROVAL: Change of use from agricultural building to three dwellinghouses.	Bradley Hall Farm, Ryton,	Granted;	Crawcrook And Greenside
DC/17/00342/FUL	Erection of temporary Pavilion at western end of Walled Garden (additional information received 26.06.2017).	THE NATIONAL TRUST, The Walled Garden,	Granted;	Whickham South And Sunnside

DC/17/00356/COU	Change of use from vehicle repair and car show room to operative hub for St John Ambulance, including 87m2 workshop extension (retrospective).	St Johns Ambulance, 141 Lobley Hill Road,	Granted;	Lobley Hill And Bensham
DC/17/00368/HHA	Dropped kerb to the front of the property.	154 Carr Hill Road, Gateshead,	Granted;	Deckham
DC/17/00324/FUL	Demolition of existing retail unit and erection of new semi-detached residential dwelling with associated works.	30A Broom Lane, Whickham,	Granted;	Dunston Hill And Whickham East
DC/17/00372/HHA	Set back access gates to front of property	Southways, 764 Durham Road,	Granted;	Chowdene
DC/17/00383/HHA	Erection of part two storey/single storey rear extension including insertion of new first floor window on south west elevation	35 Bracken Way, Ryton,	Granted;	Crawcrook And Greenside
DC/17/00406/HHA	Single storey side extension	2 Westfield, High Heworth,	Granted;	Windy Nook And Whitehills
DC/17/00409/FUL	Erection of a two storey rear extension with associated works to rear yards of Nos 45 and 49 Ravensworth Road	43 Ravensworth Road, Dunston,	Granted;	Dunston And Teams

DC/17/00507/HHA	Demolition of existing rear extension and construction of part single storey part two storey rear extension (description amended 25.05.2017).	Lennox Lodge, Lintzford Road,	Granted;	Chopwell And Rowlands Gill
DC/17/00419/FUL	Conversion of existing four residential flats into five residential flats and conversion of two existing retail units into one single retail unit without any addition/extension of floor space or footprint (retrospective) (amended plan and additional information received 15/06/17).	Former Duke Of Connaught, 1 - 2 Coxon Terrace,	Granted;	Felling
DC/17/00420/HHA	First floor rear bathroom window, steps to rear garden, fence to rear and guttering (Retrospective)	165 Dryden Road, Low Fell,	Granted;	Low Fell
DC/17/00442/FUL	Subdivision of existing property into two units (flexible use falling within use classes A1, A2 and D1) including first floor extension on west elevation and replacement of flat roof with pitched roof	106 High Street, Felling,	Granted;	Felling
DC/17/00425/FUL	Construction of footpath within park	Land At Hebrew Congregational Synagogue , 180 Bewick Road,	Granted;	Lobley Hill And Bensham

DC/17/00426/HHA	First floor dormer window to side and rear and single storey rear extension	33 Cornmoor Road, Whickham,	Granted;	Dunston Hill And Whickham East
DC/17/00430/TPO	Works to two Oak trees in the Garden of 84 North Dene.	84 North Dene, Birtley,	Granted;	Lamesley
DC/17/00522/HHA	Single storey front and single storey side and rear extension (amended 31/05/17).	5 Stileford, Felling,	Granted;	Pelaw And Heworth
DC/17/00530/HHA	First floor dormer window and single storey extension to front	28 Elderwood Gardens, Gateshead,	Granted;	Lobley Hill And Bensham
DC/17/00438/HHA	Change flat roof to pitched over porch and garage to front	10 The Orchard, Whickham,	Granted;	Dunston Hill And Whickham East
DC/17/00443/HHA	Single storey rear extension, front and rear dormer windows. Amended plans recieved the 26.05.17.	39 St Aidans Street, Gateshead,	Granted;	Lobley Hill And Bensham
DC/17/00448/HHA	Single storey side and rear extension	21 Morris Gardens, Wardley,	Granted;	Wardley And Leam Lane
DC/17/00449/HHA	Single storey front extension, first floor side extension and velux window to front	19 St Austell Gardens, Chowdene,	Granted;	Chowdene
DC/17/00455/HHA	Two storey side extension	15 Hazelwood Close, Eighton Banks,	Granted;	Lamesley

DC/17/00460/HHA	Demolition of existing single storey garage. Single storey rear extension	29 Redesdale Avenue, Winlaton,	Granted;	Winlaton And High Spen
DC/17/00461/HHA	Demolition of existing conservatory and proposed rear single storey extension. (Retrospective)	33 Coleridge Avenue, Low Fell,	Granted;	Low Fell
DC/17/00466/HHA	Single storey rear extension and repositioning of existing stone wall at the front of the house (AMENDED PLANS RECEIVED 23 and 24 May 2017).	4 Struddars Farm Court, Blaydon,	Granted;	Blaydon
DC/17/00485/TPO	Works to fell Beech tree in Garden of 14 Holly Gardens.	14 Holly Gardens, Low Fell,	Granted;	Low Fell
DC/17/00468/HHA	Single storey rear extension	3 Robson Street, Low Fell,	Granted;	Low Fell
DC/17/00473/HHA	First floor extensions to side and rear	17 Limetrees Gardens, Low Fell,	Refused;	Deckham
DC/17/00475/HHA	Erection of single storey side and rear extension	53 Keir Hardie Avenue, Wardley,	Granted;	Pelaw And Heworth
DC/17/00482/HHA	Erection of ground floor bay window to the front, single storey rear extension, the application of light grey render to all the walls and grey tiles to the roof of the house (Amended 27 June 2017)	27 Corrofell Gardens, Heworth,	Granted;	Pelaw And Heworth

DC/17/00483/HHA	Single storey rear extension and first floor front extension	8 Marsh Court, Festival Park,	Granted;	Lobley Hill And Bensham
DC/17/00484/HHA	Conservatory to the rear	20 East Park Road, Low Fell,	Granted;	Saltwell
DC/17/00486/TPO	Fell Pear Tree to the rear of The Croft, KellField Avenue.	The Croft, Kellfield Avenue,	Granted;	Low Fell
DC/17/00518/CPE	CERTIFICATE of EXISTING LAWFUL USE: Change of use from allotment land to private garden	Land Rear Of 18 Cromwell Terrace, Bill Quay,	Granted;	Pelaw And Heworth
DC/17/00519/FUL	Demolition of existing buildings and erection of a single dwelling and part enclosure by wall	Land Adj, Charlie Street/Nelson Street Back Lane,	Granted;	Crawcrook And Greenside
DC/17/00537/HHA	Change flat roof to pitched at front and side	21 Beweshill Crescent, Winlaton,	Granted;	Winlaton And High Spen
DC/17/00495/HHA	Pitched roof in lieu of flat roof to side extension	19 Duckpool Lane, Whickham,	Granted;	Dunston Hill And Whickham East
DC/17/00496/HHA	Single storey rear extension	25 Dartmouth Avenue, Chowdene,	Granted;	Chowdene

DC/17/00502/FUL	Renewal of the existing temporary planning permission for the retention of a greenhouse in the Gibside Walled Garden, for a period of further 5 years	THE NATIONAL TRUST, Gibside Walled Garden,	Granted;	Whickham South And Sunnside
DC/17/00565/HHA	Single storey rear extension	97 Parkdale Rise, Whickham,	Granted;	Whickham North
DC/17/00513/FUL	Construction of a 'Folded Roof' comprising of new aluminium cladding added to existing roof	Mcdonalds Restaurant, Shearlegs Road,	Granted;	Bridges
DC/17/00514/ADV	Display of three new fascia signs and relocation of four existing signs, all internally illuminated	Mcdonalds Restaurant, Shearlegs Road,	Temporary permission granted;	Bridges
DC/17/00515/COU	Change of use from A2 (financial and professional services) to mixed use shop (A1 retail use) with training classes (D1 use) including installation of new timber shop front and rear entrance.	27 Harraton Terrace , Durham Road,	Granted;	Birtley
DC/17/00516/ADV	Display of non illuminated fascia signs on front and rear elevations	27 Harraton Terrace , Durham Road,	Temporary permission granted;	Birtley

DC/17/00531/LBC	General refurbishment of War Memorial including inscription of missing casualty name (as amended 24.05.2017)	War Memorial, East View,	Granted;	Crawcrook And Greenside
DC/17/00523/HHA	Single storey rear extension	38 Festival Park Drive, Festival Park,	Granted;	Lobley Hill And Bensham
DC/17/00548/COU	Change of use from Taxi Office (sui generis) to retail bakery for sale of baked products (A1 use)	413 Durham Road, Gateshead,	Granted;	Low Fell
DC/17/00554/ADV	Display of three internally illuminated fascia signs and two window vinyl signs on the front elevation and one non-illuminated fascia sign on the rear elevation	Unit 16A Team Valley Retail Park , Tenth Avenue West,	Temporary permission granted;	Lamesley
DC/17/00618/TPO	Fell Sycamore tree in garden of 24 Berkley Avenue.	24 Berkley Avenue, Blaydon,	Granted;	Blaydon
DC/17/00621/ADV	Display of internally illuminated double sided light box size 1.76m x 1.15m installed as integral part of bus shelter.	Durham Road, Adj 1 Frank Place,	Temporary permission granted;	Birtley

This page is intentionally left blank



**REPORT TO PLANNING AND
DEVELOPMENT COMMITTEE
12 July 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	However, a further Section 215 notice has been served requiring a hoarding to be erected around the site. Planning permission has now been granted for the site and discussions regarding the compliance with the notice are ongoing. A further notice has now been issued requiring the site to be tidied and a hoarding erected. Work has now started on site to erect the hoarding.	
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	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. A file has been prepared and the matter is being progressed with PACE interviews with those suspected of breaching the Notice	
5.	21 Saltwell View	Saltwell	Unauthorised alteration to property	16 July 2014	16 July 2014	N		20 August 2014	13 September 2016	The unauthorised installation of UPVC windows without consent, -fronting the highway in an area subject to a Direction under Article 4 of the	

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 storage of vehicles,	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 respect of the	

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	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	<p>requirement to carry out an Environmental Impact Assessment and provide an Environmental Statement with an subsequent appeals.</p> <p>The Notices requires firstly, the cessation of the unauthorised use and secondly, the removal from the land of the scrap.</p> <p>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.</p> <p>The associated legal action is to be heard at Newcastle Crown Court in May 2017</p>	
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)	<p>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.</p> <p>Work on site is complete on 3 of the 4 play areas and approaching completion on the one</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
										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.	

This page is intentionally left blank



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 have been **no** new appeals lodged since the last committee.

Appeal Decisions

3. There has been **one** new appeal decision received since the last Committee:

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

This was a committee decision refused on 26 October 2016.
Appeal dismissed on 21 June 2017.

Details of the decision can be found in **Appendix 2**

Appeal Costs

4. There have been no appeal cost decisions.

Outstanding Appeals

5. Details of outstanding appeals can be found in **Appendix 3**.

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 3

BACKGROUND INFORMATION

Start letters and decision letters from the Planning Inspectorate



Appeal Decision

Site visit made on 6 June 2017

by **Caroline Jones BA (Hons) DipTP MTP MRTPI**

an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: **21st June 2017**

Appeal Ref: APP/H4505/W/17/3170022

Land at Soka Wine Centre, Devon House, Durham Road, Elisabeth-Ville, Birtley DH3 1JS

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by Mr Anthony Lang against the decision of Gateshead Council.
 - The application Ref DC/16/00914/COU, dated 3 September 2016, was refused by notice dated 26 October 2016.
 - The development proposed is change of use of part of existing car park for shop and part of existing side garden for residential flat to hand car-wash & 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.
-

Decision

1. The appeal is dismissed.

Preliminary Matter

2. In seeking to address the Council's third reason for refusal an amended site layout plan, ref AD-16-12 was submitted with the appeal. The plan shows a revised location for the steel storage boxes and a reduction in length of the close boarded fence. Given the changes are a minor alteration to the original scheme and the Council have had an opportunity to comment on them, I do not believe any party would be unfairly prejudiced by my determining the appeal with regard to the amended plan and I have done so on this basis.

Main Issues

3. The main issues are:
 - The effect of the proposal on the living conditions of neighbouring residents;
 - The effect of the proposal on highway safety; and
 - The effect of the proposal on surface water drainage.

Reasons

Living conditions

4. The proposal would occupy part of an existing garden and car park immediately to the side of a large detached retail unit. The site currently has two access
-

points, one to the north onto Windsor Road and one in the south east corner onto Durham Road. The surrounding area is predominantly residential but is mixed in character with nearby commercial uses and the busy Durham Road immediately to the east of the site.

5. The hand car wash and valet proposal includes the creation of a dropped curb exit point onto Windsor Road, the erection of four 1.5 metre storage boxes and the erection of a close boarded timber fence along the northern boundary. A one way system would be operated with the cars entering the site from the existing access/exit onto Windsor Road and leaving via the new exit point. The submitted plan shows the site would be laid out to serve 4 cars at a time.
6. Sources of noise and disturbance from such an operation would arise from the use of jet washers, vacuum cleaners and that created by the comings and goings of patrons. Although the plans show the nearest residential property at 18.5 metres, the boundary to the property is closer. There is also a residential flat above the retail unit with windows overlooking the appeal site and whose garden would be immediately adjacent. Whilst I note that this is occupied by the appellant's parents there is no surety that the flat would not change hands in the future and the protection of the living conditions of existing occupants regardless of who owns the land and building, is a proper planning concern.
7. Given the mixed character and busy road, I accept that residents living nearby can reasonably expect noisier living conditions than in a wholly residential area. However, by virtue of the intervening distances and considering the overall intensity of the operation of the site for seven days a week, from 0800 to 2000, there would be little opportunity for respite from the proposed use and the associated noise and disturbance. I note the appellant has suggested the possibility of reduced hours. However, even closing at 1800 on a Saturday and at 1600 on a Sunday the car wash would still operate at valuable times for rest and relaxation. Moreover, the car wash would give rise to noise at times when background noise levels are lower than during the working week when car washing is likely to be in demand.
8. A 1.8 metre high fence is proposed along part of the northern boundary which I accept may provide a degree of attenuation from noise. However, in the absence of any indication as to how loud the pressure washers, vacuum cleaners and associated operational noise would be, and the absence of any details as to the effectiveness of the fence in reducing noise, excessive noise levels may occur. In this respect there is a risk that the living conditions of neighbouring residents could be adversely affected by unacceptable levels of noise and disturbance.
9. I have considered whether the harm could be made acceptable through the use of the appellants suggested conditions. In the absence of any evidence relating to existing background noise levels or details of equipment, I cannot be satisfied that restricting noise levels to no louder than 5dB above background noise levels would be appropriate in this instance. Whilst a condition controlling the use of radio/sound equipment on site would go some way in reducing noise from the site, it would not address the potential for unacceptable levels of noise and disturbance from other sources. Whilst I acknowledge it may be the case that that processes and equipment may change in the future, I must consider the appeal on the basis of the information

before me. It would not be reasonable to require every piece of equipment to be submitted to the Council.

10. The appellant has suggested that noise survey work or details of the acoustic fence could be conditioned prior to opening. However, this requires some certainty that the proposed use can be accommodated without giving rise to unacceptable levels of noise and disturbance. Not enough detail has been provided to demonstrate that adequate/effective mitigation could be achieved to avoid material harm to the living conditions of neighbouring occupiers. Given this uncertainty, it would be unreasonable to condition these matters.
11. Taking the above matters into account, there is insufficient information provided, or controls proposed to prevent noise and disturbance from the proposed development from unacceptably harming the living conditions of nearby residents.
12. I therefore conclude that there is an unacceptable risk that the proposal would be materially harmful to the living conditions of neighbouring residents. Accordingly, the proposal conflicts with saved Policies ENV61 and DC2 of the Gateshead Unitary Development Plan (2007) (UDP) which seek to ensure that new noise generating development does not produce unacceptable levels of noise and that new development does not cause undue disturbance to nearby residents. I also find conflict with Policy CS14 of the Core Strategy and Urban Core Plan for Gateshead and Newcastle upon Tyne (2015) (CS) which requires, amongst other things, development to prevent negative impacts on residential amenity and wider public safety from noise. The policies are consistent with the National Planning Policy Framework (the Framework) which seeks to protect residential amenity from undue noise and disturbance. Therefore, in line with paragraph 215 of the Framework I attach them significant weight.

Highway Safety

13. The proposed access to the car wash is via the existing entry point currently used for both access and egress for the retail unit. This access is approximately 14 metres from the busy A147 Durham Road. During my site visit, which was carried out at approximately midday on a weekday, I saw that traffic was heavy with a continuous flow of vehicles, including heavy goods vehicles and buses, in both directions on Durham Road. Despite the maximum speed limit of 20mph on this part of Durham Road, I observed many vehicles travelling well in excess of 20mph past this junction. Although not as busy, Windsor Road also had a steady flow of traffic and I observed queuing traffic of 2 or more cars at the junction on Windsor Road waiting to join Durham Road on several occasions.
14. The existing access on Windsor Road is not of sufficient width to accommodate two way car movements. If a car was exiting the car park, any cars waiting to use the car wash would have to queue on Windsor Road. Irrespective of whether minimum junction spacing standards should apply, given the short distance to the junction, there would only be capacity for approximately two cars to queue before they would cause an obstacle on Durham Road. Despite its modest size, at peak times when both the car wash and store would be busy there would be a considerable risk of this occurring. Given the significant volume of traffic using Durham Road and the speed of traffic past this junction I consider that this would be to the detriment of highway safety and directly increase the risk of accidents occurring.

15. I do not dispute that visibility of this junction is good from both directions on Durham Road. However, vehicles travelling south on Durham Road wishing to turn right onto Windsor Road may not see cars waiting to use the car wash as a result of traffic queuing at the junction waiting to join Durham Road. I accept that heavy goods vehicles and buses would have views over cars but this would not be the case for cars wishing to turn right or on the occasions that a bus or heavy goods vehicles is sat at the junction. Thus I consider the intensification of the access in close proximity to the junction would also increase the risk of collision at this location, regardless of the speed at which vehicles may be turning.
16. There has been one accident in the last five years, although I appreciate that the accident rate is considered low in the long term. However, the car wash would be a materially different form of development than that which exists and would be likely to generate more vehicle movements, even taking into account its modest size. As a result, the proposal would intensify the use of the access and a low record of accident data does not justify granting planning permission for an arrangement that would be unsafe.
17. The appellant has submitted car parking surveys which were undertaken at peak times which is also when the car wash would likely to be at its busiest. During these times, there were never more than two cars parked in the staff car park. At most the car park contained eleven cars but the majority of time there were 6 or fewer cars in the car park. Even though the aisle width is below normal standards, this is an existing situation and I am not persuaded that the proposal would lead to capacity issues within the car park. Moreover, even if the proposal did result in staff or customers parking off site, there is no clear evidence of a local parking issue before me. At my site visit, although I appreciate that this was just a snapshot in time, there did not appear to be high levels of on street parking. Nor has it been demonstrated that even if the proposal were to result in an increase in on street parking, how this would be bound to have a harmful effect on highway safety. However, this does not outweigh the concerns raised above.
18. I note the Council's concerns regarding manoeuvrability within the site. However, the submitted swept path analysis shows that manoeuvres in and out of the site are achievable including that to the northern bays. Whilst the angle at which cars would exit the site is perhaps not ideal, this matter would not warrant dismissal of the appeal.
19. I am satisfied that the reduction in length of the close boarded fence bounding the footpath would allow for satisfactory visibility between those cars exiting the site, oncoming vehicles and pedestrians using the footpath. The amendments made to the location of the storage boxes now means that the operating widths would each be 1.06 metres. I am satisfied that this would be sufficient. Whether or not the existing access in the south east corner of the site should have been closed is not matter for this appeal. The use of the proposed access and exit for the car wash could also be conditioned were the appeal to succeed. Nevertheless these matters do not outweigh the harm that I have found above.
20. The appellant has cited bullet point three of paragraph 32 of the Framework and contends that the proposals are far from severe. However, this is primarily

concerned with matters of highway capacity and congestion rather than highway safety considerations in themselves.

21. I therefore conclude that the proposal would have an adverse impact on highway safety and accordingly conflicts with Policy CS13 of the CS which seeks to ensure, amongst other things, that development connects safely to and mitigates the effect of development on the existing transport networks. The policy was adopted in 2015 and therefore found to be compliant with the Framework. I therefore attach significant weight to the policy.

Drainage

22. I agree with the Council that the proposed development would have the potential to increase the amount of water entering the existing drainage system and/or lead to increased surface water run off outside the site. Although the proposed fence could prevent some water runoff, it would not run the entire length of the boundary. However, I note that Northumbrian Water have not objected to the proposals and no evidence has been presented to indicate that the development would result in insurmountable pressure on the local drainage system, or that the drainage implications of the development could not be satisfactorily mitigated.
23. I therefore conclude that surface water drainage details could be adequately controlled through the use of suitably worded condition. I therefore find no conflict with Policy CS17 of the CS, Policy DC1 (h) of the UDP or the Framework. These seek to ensure, amongst other things, that planning should take full account of flood risk, that surface water infrastructure is provided with adequate capacity and that development does not significantly pollute the environment with out-fall or discharges of any kind.

Other Matters

24. The appellant has suggested a temporary permission could be used in order to determine the impacts of the proposal. However, I have found that the proposal would have a detrimental effect on the living conditions of neighbouring residents and highway safety and a temporary permission would not negate this harm.
25. The appellant has drawn my attention to another car wash approved by the Council. However, whilst the proposal would share some similarities with other hand car wash businesses, from the information before me it appears the setting and surrounding area of the approved scheme is not directly comparable and I am not aware of all the information that was before the Council when determining this application. Furthermore, I note that the distance to the nearest residential properties is greater than in the appeal scheme. In any case, each application and appeal must be assessed on its own merits.
26. I have had regard to the letters of support received. I acknowledge that the development will be well screened, will provide employment and would be a convenient location for such a use which would reduce the need to travel for some customers. However, I consider that the benefits of the scheme are outweighed by the potential harm to the living conditions of neighbouring residents and the detrimental impact on highway safety.

27. Planning law requires that applications for planning permission must be determined in accordance with the development plan¹, unless material considerations indicate otherwise. The Framework is one such material consideration. I have found the relevant development plan policies consistent with the Framework and have attached them significant weight in the determination of the appeal. In this respect the fourth bullet point of paragraph 14 does not apply. Furthermore, due to the harm that I have identified to the living conditions of neighbouring residents and to highway safety, the scheme would not accord with the social dimension of sustainable development set out at paragraph 7 of the Framework. Therefore, in the overall round, the scheme would not constitute sustainable development.

Conclusion

28. Although I have found no harm in respect of surface water drainage, this is not sufficient to outweigh the harm that I have found in relation to living conditions and highway safety.

29. For the reasons given above and taking into account all matters raised, I conclude that the appeal should be dismissed.

Caroline Jones

INSPECTOR

¹ Section 38(6) of the Planning and Compulsory Purchase Act and section 70(2) of the Town and Country Planning Act 1990.

APPENDIX 3

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 Dismissed
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

This page is intentionally left blank



REPORT TO PLANNING AND DEVELOPMENT COMMITTEE

12 July 2017

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 two new planning obligations:

DC/15/01098/FUL – 18 dwellings to be socially rented, 10 dwellings to be discounted private units, off-site ecological works, education and junction improvements

Land East Of Crawcrook Lane, Crawcrook

Erection of 187 dwellings with associated estate roads, external infrastructure and landscaping and re-alignment of a section of Crawcrook Lane and the provision of a parking layby to the front of Kingsley Terrace (additional information/amended 15/04/16, 23/06/16 and 27/06/16).

DC/16/01288/FUL – Junction improvements

4 High Street, Gateshead, NE9 7JR

Erection of foodstore (1,254sqm net) landscaping, parking and associated works following demolition of existing foodstore. (Amended 02.03.2017).

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 12 July 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

This page is intentionally left blank