

PLANNING AND DEVELOPMENT COMMITTEE AGENDA

Wednesday, 5 June 2019 at 10.00 am in the Bridges Room - Civic Centre

From the Chief Executive, Sheena Ramsey

Item	Business
1	Apologies for Absence
3	Declarations of Interest Members to declare interests in any agenda items
4	Planning Applications (Pages 3 - 8) Report of the Strategic Director, Communities and Environment
4i	No. 1 - Vacant Site at the location of the former Shipcote Centre, Shipcote Lane, Gateshead (Pages 9 - 52)
4ii	No. 2 - 41 Deneway, Lockhaugh, Rowlands Gill, NE39 1BB (Pages 53 - 60)
4iii	No. 3 - 19 Keir Hardie Avenue, Wardley, NE10 8EJ (Pages 61 - 70)
4iv	No. 4 - Cobba-Da-Mana, Hexham Old Road, Ryton, NE30 3LE (Pages 71 - 80)
5	Site Visit in advance of the meeting on 26 June 2019 - DC/19/00268/FUL - Ravensdene Lodge, 55 Consett Road, Gateshead (Pages 81 - 84) Report of the Service Director, Development, Transport and Public Protection
6	Permission in Principle for between 4 and 10 dwellings - Park Depot, Felling Park, Holly Hill, NE10 9DF (Pages 85 - 98) Report of the Strategic Director, Communities and Environment
7	Delegated Decisions (Pages 99 - 110) Report of the Strategic Director, Communities and Environment
8	Enforcement Team Activity (Pages 111 - 112) Report of the Strategic Director, Communities and Environment
9	Enforcement Action (Pages 113 - 120) Report of the Strategic Director, Communities and Environment

10 Planning Appeals (Pages 121 - 128)

Report of the Strategic Director, Communities and Environment

11 Planning Obligations (Pages 129 - 130)

Report of the Strategic Director, Communities and Environment

Contact: Helen Conway - Email: HelenConway@gateshead.gov.uk, Tel: 0191 433 3993,
Date: Tuesday, 28 May 2019



PLANNING AND DEVELOPMENT
COMMITTEE
5 June 2019

TITLE OF REPORT: Planning applications for consideration

REPORT OF: Anneliese Hutchinson, Service Director,
Development, Transport and Public Protection

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/19/00224/FUL	Vacant Site At The Location Of The Former Shipcote Centre Shipcote Lane	Saltwell
2. DC/19/00316/HHA	41 Deneway Lockhaugh	Winlaton And High Spen
3. DC/19/00332/COU	19 Keir Hardie Avenue Wardley	Pelaw And Heworth
4. DC/19/00275/HHA	Cobba-Da-Mana Hexham Old Road	Ryton Crookhill And Stella
AGENDA ITEM 5		
DC/19/00268/FUL	Ravensdene Lodge 55 Consett Road	Lobley Hill And Bensham
AGENDA ITEM 6		
DC/19/00310/BPIP	Park Depot Felling Park	Felling

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.'

NATIONAL PLANNING POLICY FRAMEWORK (NPPF)

The NPPF was published in 2019 by Ministry of Housing, Communities and Local Government (MHCLG) and is a material consideration in planning decisions. The NPPF is supported by Planning Practice Guidance (PPG), which provides further detail on how some policies of the NPPF should be applied.

LOCAL PLAN

In 2015 Gateshead Council and Newcastle City Council adopted Planning for the Future Core Strategy and Urban Core Plan for Gateshead and Newcastle Upon Tyne 2010-2030 (CSUCP). This Development Plan Document (DPD) sets area-wide Planning Policies for Gateshead and Newcastle, (including policies setting out the amount, and broad distribution of new development) and provides more detailed policies for the Urban Core of Gateshead and Newcastle.

In accordance with the 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). A list of deleted UDP policies is provided in Appendix 1 of the CSUCP.

The Unitary Development Plan for Gateshead was adopted in 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.

Some UDP policies are supported by Interim Policy Advice notes (IPA), or Supplementary Planning Guidance (SPG). IPA 4 and 17 and SPG 4 and 5 excerpts, will continue to be used until they have been replaced by appropriate alternatives.

The Council is currently working on new detailed policies and land allocations for the new Local Plan. The DPD will be called Making Spaces for Growing Places (MSGP), which once adopted will replace any remaining saved UDP policies and designations/allocations.

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 the day prior to 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; amongst other procedural requirements, a person must have submitted a request to speak in writing at least a week, in advance of the meeting, and subsequently confirmed their intention to speak.

For further details of speaking rights at committee contact the Development Management Section on (0191) 4333150 or please view the leaflet 'Having Your Say' available from Development Management.

SITE PLANS

The site location plans included in each report are for illustrative purposes only. Scale plans are available to view on the application file or via Public Access.

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 on the application file. In all cases the consultations and publicity have been carried out in accordance with the appropriate procedure(s).

SITE VISITS

On occasion the Committee will defer making a decision until they have viewed the application site themselves as a group. 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 will not invite applicants or third parties to attend unless for the sole purpose of arranging access to land and or/ buildings.

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

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

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

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

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

Generalised Guide to Use Classes Order 1987 (as amended)

A1 Shops	Shops, retail warehouses, hairdressers, undertakers/funeral directors, travel and ticket agencies, post offices, pet shops, sandwich shop, showrooms, domestic hire shops.	C1 Hotels	Hotels, boarding and guest houses
A2 Financial and Professional Services	Banks, building societies, estate and employment agencies, professional and financial services.	C2 Residential Institutions	Residential schools and colleges convalescent homes/nursing homes
A3 Restaurants and Cafes	Restaurants, snack bars, cafes.	C2A Secure Residential Institutions	Secure residential accommodation including detention centres, young offenders institutions, prisons and custody centres.
A4 Drinking Establishments	Public Houses and Wine bars etc	C3 Dwellinghouses	Dwellings, small business at home, communal housing of the elderly and handicapped
A5 Hot food Take-Aways	Hot Food Take-away shops	C4 Houses in Multiple Occupation	Small shared 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, creches, 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.

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Committee Report

Application No:	DC/19/00224/FUL
Case Officer	Lois Lovely
Date Application Valid	13 March 2019
Applicant	Gateshead Council
Site:	Vacant Site At The Location Of The Former Shipcote Centre Shipcote Lane Gateshead
Ward:	Saltwell
Proposal:	Erection of special education needs primary school for 170 pupils (additional information and amended plan received 22/03/19, 12/04/19, 10/05/19, 13/05/19 and 15/05/19).
Recommendation:	GRANT
Application Type	Full Application

1.0 The Application:

1.1 DESCRIPTION OF THE SITE

The application site is that of the former Saltwell Grammar School and playing fields. The school buildings that were located in the South East corner of the site facing Durham Road were demolished some years ago and more recently the Shipcote Centre that also occupied the south eastern part of the site was demolished. The site is bounded by Avenue Road to the west, Shipcote Lane to the north, Edendale Terrace to the south and Durham Road to the east.

1.2 The site is 2.27 hectares of open space that since the school buildings were demolished, accommodated playing fields, however they have not been maintained or in use formally for a number of years. The site gradually falls from 80.0m AOD in the north to the south and has a lower plateau to the south west at approximately 78.3m AOD. There is a raised plateau to the south east of the site, currently occupied by an impermeable multi-use games area supported by a retaining wall and enclosed by open mesh fences, nearest to the boundary with Durham Road. This part of the site is screened by the Shipley Art Gallery and the former education offices now occupied by the Sunderland Talmudical College both facing onto Prince Consort Road and a deep grassed area that supports semi mature tree planting along the Durham Road boundary that wraps around the courts and forms a buffer between the site and the Shipley Art Gallery. There is no hard boundary between the two sites but to the rear there is palisade fence between the Shipley Art Gallery and the site. There is a dwarf brick wall and piers with wrought iron rails between and a double wrought iron gated entrance, all at back of footpath to Durham Road; a legacy of the former school. To the north of the Shipley Art Gallery there is a substantial grassed area that supports mature trees and includes a small car park that separates

the gallery from the Sunderland Talmudical College curtilage; this area affords glimpses of the application site from Prince Consort Road.

- 1.3 The Sunderland Talmudical College occupies the corner plot of the junction of Prince Consort Road and Shipcote Lane with an existing car park enclosed by a 1.2m high close board fence nearest to Shipcote Lane that increase in height to a 1.8m close board fence that forms this part of the eastern boundary of the application site. However, it should be noted that there is an extant planning permission for a two storey extension to the Sunderland Talmudical College (DC/18/01183/FUL). Shipcote Lane is at a higher level than the site at this point thus views are down into the site.
- 1.4 In the mid section of the site facing Shipcote Lane there is a small car park with a grassed verge between the back of footpath and the hard surface that supports an avenue of semi mature trees. A green metal fence that is a legacy of the recycling area part separates the car park from the grassed part of the site. The final section of the site bounding Shipcote Lane is not enclosed by fencing; there are a number of trees and shrubs. On the opposite side of Shipcote Lane are Gateshead Library, the Leisure Centre, Caedmon Hall and two dwellings.
- 1.5 Along the western boundary on Avenue Road the site is at a higher level and is retained by a stone retaining wall along the back of footpath that increases in height from Shipcote Lane along to Edendale Terrace. The site slopes upwards to the east. There is a mature hedge the full length of this boundary with mature trees towards the southern part of this boundary that form a visual screen for the occupants of the terraced dwellings on the opposite side (west) of the Avenue Road.
- 1.6 To the south there are terraces running north to south with the gable ends facing the site on the opposite side of Edendale Terrace. A small business occupies the former corner shop on the Avenue Road/ Edendale Terrace junction. A grass slope forms the boundary with Edendale Terrace with the site sitting at a higher level. A number of mature trees are located on this boundary. There is a substation located part way up Edendale Terrace that is to be retained. The palisade boundary fence of the former Shipcote Centre bounds Edendale Terrace from the substation east towards Durham Road and encloses a part of the site.
- 1.7 The Shipley Art Gallery is a grade II listed building. The Sunderland Talmudical College is a building of local interest.
- 1.8 **DESCRIPTION OF THE PROPOSAL**
The proposal is to erect a single storey bespoke special needs school, including secure external play facilities, a sensory courtyard, hydrotherapy facilities to cater for the needs of children from the ages of 3 to 11 with profound and multiple learning disabilities as well as those with other complex communication and medical needs.

- 1.9 The proposed building is set well back from the perimeter of the site that allows for the retention of the existing mature landscaping with the majority of boundary trees and hedging being retained. In addition, it is proposed to increase planting along all of the boundaries.
- 1.10 The layout of the building comprises a single storey projection on the northern elevation that includes the main entrance to the school and the reception, meeting room, interview room, various offices and the kitchen.
- 1.11 Behind this single storey element lie the sports hall, dining and assembly hall and the hydrotherapy pool with changing facilities that are double height spaces with monopitch roofs.
- 1.12 The sports hall is 6.8m at the lowest part of roof and 9m at the highest point of its roof; the assembly hall that sits between the sports hall and the pool and is 6.2m in height and the pool is 6.7m at the lowest point of the monopitch roof and 8m at its highest.
- 1.13 To the south behind the sports hall, dining hall and pool are various rooms associated with the uses for changing facilities that are accessed from a corridor that runs east to west and directly opposite the dining hall and accessed from this corridor is the fully enclosed courtyard garden.
- 1.14 To the east of the courtyard are Key Stage 1 classrooms that enclose the courtyard then a classroom leg that runs towards the south cranks towards the east. To the west of the courtyard are Key Stage 2 classrooms that enclose the courtyard then a classroom leg continues southwards perpendicular to the boundary of the site creating a V shaped footplate. The height of the two legs is 6.2m. The roof is dual pitch with rooflights on the inner roof planes. The accommodation provides four early years classrooms, seven key stage 1 classrooms and ten key stage 2 classrooms along with smaller soft play rooms, a sensory room, physiotherapy room amongst others associated with the main use of the school.
- 1.15 Each classroom has its own small tarmac break out area enclosed by 1.2m high double sided timber fencing. A path runs from these breakout areas along the western edge of the play areas to the play equipment, outdoor gym equipment, the running track and Multi Use Games Area (MUGA); and the sensory garden and water play area that lie between the two legs of Key Stages 1 and 2. The classrooms that face inwards from the legs have gates directly from the break out areas into the sensory garden.
- 1.16 To the east of the key stage 1 classrooms beyond the break out areas is an area secured by a 1.2m high green mesh fence to the south, by the perimeter fence to the east and the Shipley Art Gallery beyond and the area includes play equipment such as a tunnel through an earth mound, jump hoops and timber logs.

- 1.17 Key external spaces include the sensory rain garden between the two legs of the school, a central courtyard that is enclosed by the building and a water play area towards the south of the two legs of the school building.
- 1.18 The MUGA is proposed to be enclosed by 2m high green mesh fence with 3m high green mesh fence around the goal ends in the south eastern corner of the site screened from Durham Road by the existing trees.
- 1.19 The layout includes car parking for staff and visitors and a drop off area for children to be dropped off at the school and comprises:
50 car park spaces, 20 transition spaces, 10 minibus spaces and 5 cycle hoops under the canopy of building. There is a vehicular entrance and two pedestrian gated entrances, one for pupils the other the main pedestrian entrance.
- 1.20 The layout also includes three swales above ground and an attenuation tank below ground as part of the sustainable urban drainage (SUDS).
- 1.21 The school is designed to meet the needs of 170 children and approximately 100 staff.
- 1.22 The proposed school would accommodate the relocation of the existing Gibside School which has a split arrangement using the Burnthouse Lane site and the Blaydon/Winlaton Children's Centre.
- 1.23 The existing Gibside School meets the needs of pupils aged 3 -11 with profound and multiple learning difficulties. It also meets the needs of pupils with autistic spectrum disorders (ASD) and children with complex communication and medical needs. The school has further developed its Early Years Foundation Stage provision off site at Blaydon/Winlaton Children's Centre.
- 1.24 There are 130 children on roll but despite recently extending the school at Burnthouse Lane demand has rapidly exceeded the accommodation available including insufficient space within Blaydon/Winlaton Children's Centre. The school is not bound to a specific catchment as its specialist facilities serve the entire Borough.
- 1.25 The proposal, as well as relocating the school would allow the children on roll to expand from 130 to 170 and would allow the school to operate from a single site rather than the current split arrangement using the Burnthouse Lane site and the Blaydon/Winlaton Children's Centre.
- 1.26 If permission is granted, it would be intended for the new school to come into operation from Autumn 2020.
- 1.27 The application is supported by the following documents:
Tree Survey
Coal Mining Risk Assessment
Preliminary Ecological Appraisal
Flood Risk Assessment
Ground Investigation Document

Design and Access and Heritage Statement

1.28 PLANNING HISTORY

DC/18/01183/FUL VARIATION of condition 1 of DC/18/00494/FUL to allow for the use of render instead of cladding at the Sunderland Talmudical College, Prince Consort Road. Granted 21 January 2019

DC/18/00494/FUL Erection of two storey rear extension (as amended 12.07.2018) at the Sunderland Talmudical College, Prince Consort Road. Granted 23 July 2018

00094/95 Erection of ornamental screen fencing to accommodate recycling bins on hardstanding of playing field. Granted 7 March 1995

2.0 Consultation Responses:

Coal Authority

The Coal Authority has no objection to the proposed development subject to the imposition of a condition or conditions to secure .
* The submission of a scheme of remedial works for approval; and
* Implementation of those remedial works measures.

Northumbria Water

NWL note that a drainage plan has been submitted to support the application, however the details have not yet been agreed with Northumbrian Water. NWL would therefore request a condition requiring a detailed scheme for the disposal of foul and surface water from the development.

Tyne And Wear
Archaeology Officer

There are no known archaeological features on the site, but the site has never been archaeologically investigated.

Apart from the former school which occupied the south-east corner of the site, the rest of the site has remained undeveloped since the 19th century. There is therefore a possibility that archaeological features may exist. It is acknowledged that landscaping to create the playing fields may have truncated or destroyed archaeological remains.

No objection raised subject to archaeological survey and trial trenching (if recommended in the

survey).

Tyne And Wear Fire And
Rescue Service

No objections subject to compliance with advisory
note

Sport England

The proposal would lead to the complete loss of the
playing field / open space at this site.

Aerial photos suggest that most recently the site has
been used as recreational open space. However up
until around 2007 photos suggest that the site
contained a junior football pitch, and so Sport England
would consider that the last formal use of the site was
as playing field.

The planning statement submitted with the application
gives no consideration to the loss of playing field /
open space and the policy test at para 97 of the NPPF.
As none of the exceptional circumstances within Sport
England's Playing Field Directive have been shown to
pertain to the development, it must be concluded that
the proposal does not meet playing field policy or para.
97 of the NPPF.

In light of the above, Sport England objects to the
application because it is not considered to accord with
any of the exceptions to Sport England's Playing
Fields Policy or with Paragraph 97 of the NPPF.

3.0 Representations:

Neighbour notifications were carried out in accordance with formal procedures introduced in the Town and Country Planning (Development Management Procedure) 2015. Ten notices were posted around the perimeter of the site and a notice was published in The Journal on 03.04.2019.

3.1 72 letters of support and 28 letters of objection have been received. The main concerns are:

- Inadequate for the needs of the school's pupils
- Loss of green space
- Loss of trees
- The park is not open at all times and is not flat and not appropriate for sport.
- impacts on specific minority group's access to sporting activity who will have nowhere to play footy
- Additional noise
- Air quality

- Health issues
- Disturbance
- Construction disturbance
- Loss of privacy
- Residential amenity
- Overdevelopment
- Local houses have little outdoor space and site is a community garden, particularly for residents with disabilities.
- Overbearing
- Loss of light to Avenue Road the taller parts should be next to the Shipley Art Gallery.
- Inadequate parking
- Increase in traffic
- No designated crossing
- No current arrangements for residents' parking permits
- A one day traffic survey was done immediately prior to the school holidays
- Devaluation of homes adjacent to the proposed site

4.0 Policies:

DC1P Contamination, derelict land, stability

CS21 Waste

CFR18 Former Saltwell School Site

ENV21 Sites of Archaeological Imp - Known

ENV22 Sites of Archaeological Imp - Potential

ENV44 Wood/Tree/Hedge Protection/Enhancement

ENV46 The Durham Biodiversity Action Plan

ENV47 Wildlife Habitats

ENV54 Dev on Land Affected by Contamination

MSGP Making Spaces for Growing Places

NPPF National Planning Policy Framework

NPPG National Planning Practice Guidance

CS13 Transport

CS14 Wellbeing and Health

CS15 Place Making

CS17 Flood Risk and Waste Management

CS18 Green Infrastructure/Natural Environment

DC2 Residential Amenity

ENV3 The Built Environment - Character/Design

ENV11 Listed Buildings

5.0 Assessment of the Proposal:

The main planning issues for consideration are the principle of the proposal, heritage assets, archaeology, highways, residential amenities, urban design and landscape and other matters.

5.1 PRINCIPLE

Paragraph 94 of the revised NPPF sets out that it is important that a sufficient choice of school places is available to meet the needs of existing and new communities. It states that Local Planning Authorities should take a proactive, positive and collaborative approach to meeting this requirement, and to development that will widen choice in education. The LPA should:

- a) give great weight to the need to create, expand or alter schools through the preparation of plans and decisions on applications; and
- b) work with schools' promoters, delivery partners and statutory bodies to identify and resolve key planning issues before applications are submitted.

5.2 The Government's Policy Statement of 15 August 2011; Planning for Schools Development is also of relevance and sets out the Government's commitment to support the development of state-funded schools and their delivery through the planning system. The Government wants to enable new schools to open, good schools to expand and all schools to adapt and improve their facilities.

5.3 The Statement also sets out that the development of state-funded schools is strongly in the national interest and that planning decision-makers can and should support that objective and ensure that the answer to proposals for the development of state-funded schools should be, wherever possible, "yes".

5.4 The policy statement includes a number of principles and those that are relevant to this planning application are:

- o There should be a presumption in favour of the development of state funded schools, as expressed in the NPPF.
- o Local authorities should give full and thorough consideration to the importance of enabling the development of state-funded schools in their planning decisions.
- o Local authorities should make full use of their planning powers to support state-funded schools' applications.
- o Local authorities should only impose conditions that clearly and demonstrably meet the tests set out in Circular 11/95 (now superseded by the relevant section of the Planning Practice Guidance).

- o Local authorities should ensure that the process for submitting and determining state-funded schools' applications is as streamlined as possible.
- 5.5 This Policy Statement is considered to be a material planning consideration that should be afforded some weight in the decision-making process.
- Saved UDP policy CFR18 which will be replaced by Making Spaces for Growing Places (MSGP) once adopted sets out that the site is allocated for outdoor sports facilities and public open space, pending the possible future use of all or part of the site for an extension to the Shipley Art Gallery or other built public educational, cultural or leisure facilities of borough-wide importance.
- 5.6 It is considered that there is strong policy support for the proposed development. The saved UDP policy CFR18 effectively reserves the site for educational facilities of borough-wide importance (along with other alternative uses). Given that the proposed school covers the whole of the Borough and is not subject to a smaller catchment area, it is considered that it is of borough-wide importance and is therefore in accordance with policy CFR18.
- 5.7 The application site is also allocated in the Council's evolving MSGP Local Plan Document (LPD). The relevant policy is MSGP43 (Saltwell School Site) which allocates the site for educational purposes.
- 5.8 The emerging MSGP will, once adopted, replace remaining saved UDP policies. Policy MSGP43 seeks to allocate this site for "educational purposes". Supporting text at paragraph 7.51 sets out the proposal for the school. The policy can be given some weight in decision-making as no objections have been received during public consultation on this policy.
- 5.9 Loss of open space / playing field
As the site is already allocated for outdoor sport and open space pending a development of the type sought, and as no pitches on the site are identified in the Playing Pitch Strategy as contributing to the Borough-wide supply, there is no need for a full assessment of the impact of loss of recreational land or sports facilities.
- 5.10 Although Sport England has objected to the development of this site as they consider it would lead to the complete loss of a playing field.
- 5.11 Aerial images suggest the site last contained formal pitch markings in 2001, while the 'full-sized' goalposts appear to have been replaced by small goalposts (commensurate with an informal 'kickabout' space) by 2008. The site was not identified as a playing pitch in either the 2012 Playing Pitch Strategy (PPS) or the 2016 Playing Pitch Strategy, and as such has not been considered in calculations of pitch supply.
- 5.12 Sport England's objection to the proposal states that its "last formal use was as playing field" in 2007. This observation seems to not take into account the allocation of the site in 2007 under policy CFR18: the site currently provides open space and has done so since at least 2007. It is not clear whether Sport

England objected to the allocation of this site in UDP policy CFR18, but the policy was nonetheless considered 'sound' after the plan's examination. It is also relevant to note that Sport England have not objected to the proposed allocation of this site in MSGP43 at either Draft Plan (Regulation 18) or Submission Draft (Regulation 19) consultation stages.

- 5.13 The 2016 PPS, and the Gateshead Football Plan, prepared concurrently with the PPS, set out a strategy for pitch space in Gateshead that prioritises the provision of artificial 3G pitches at strategic sites, and supporting communities and clubs to take greater responsibility for the maintenance and management of existing pitches, including through community asset transfer of some facilities where appropriate. The Council is working with partners to implement this strategy, which has been endorsed by Sport England and the FA. Given the strategic approach being implemented by the Council (and notwithstanding the long-standing allocation of this site for built community facilities), there is no reasonable likelihood that the site will be brought back into use as a playing field.
- 5.14 Sport England also point out that the application submission does not address the tests at paragraph 97 of the NPPF that reflect a presumption that existing open space should not be built on except in specific circumstances.
- 5.15 Whilst this is strictly correct, Officers are satisfied that, given the above context and in accordance with paragraph 12 of the NPPF, as this application does not conflict with an up-to-date development plan, and due to the overall balance of all material planning considerations, it is considered that this development is acceptable in principle, despite its non-compliance with paragraph 97.
- 5.16 Whilst their concerns are noted, Sport England is a non-statutory consultee in this case, as the playing pitch has not been used for at least 5 years. Therefore, their objection does not trigger the need to consult the Secretary of State, under The Town and Country Planning (Consultation) (England) Direction 2009, before planning permission could be granted.
- 5.17 Given the above, the principle of the proposal is considered to be acceptable and in accordance with NPPF paragraph 94, the Government's 2011 Policy Statement, and, due the allocation of this site since 2007 for development of the type sought, saved UDP policy CFR18, and emerging policy MSGP43.
- 5.18 **HERITAGE ASSETS**
CSUCP Policy CS15 relates to place making and sets out that development will be required to respect and enhance significant views and the setting of heritage assets and promote the use, enjoyment and understanding of the historic environment.
- 5.19 Saved UDP policy ENV11(e) requires that a listed building's special architectural or historic interest must be preserved or enhanced by ensuring that the setting of the building is protected where it is an essential part of the building's character.

- 5.20 Draft policy MSGP26 sets out that development within the setting of a heritage asset will not be permitted if the development dominates the asset or its setting in scale, materials or as a result of siting; or is harmful to its significance.
- 5.21 The site does not lie within a Conservation Area, however will impact upon the setting of designated and non designated heritage assets as assessed below.
- 5.22 NPPF Paragraph 185 sets out (amongst other things) the desirability of sustaining and enhancing the significance of heritage assets and the wider social, cultural, economic and environmental benefits that conservation of the historic environment can bring.
- 5.23 Paragraph 189 of the NPPF sets out that in determining applications, local planning authorities should require an applicant to describe the significance of any heritage assets affected, including any contribution made by their setting. The level of detail should be proportionate to the assets' importance and no more than is sufficient to understand the potential impact of the proposal on their significance.
- 5.24 NPPF Paragraph 190 states that LPAs should identify and assess the particular significance of any heritage asset that may be affected by a proposal (including by development affecting the setting of a heritage asset) taking account of the available evidence and any necessary expertise. They should take this into account when considering the impact of a proposal on a heritage asset, to avoid or minimise any conflict between the heritage asset's conservation and any aspect of the proposal.
- 5.25 NPPF paragraph 192 requires LPAs in determining applications to take account of:
- a) the desirability of sustaining and enhancing the significance of heritage assets and putting them to viable uses consistent with their conservation;
 - b) the positive contribution that conservation of heritage assets can make to sustainable communities including their economic vitality; and
 - c) the desirability of new development making a positive contribution to local character and distinctiveness.
- 5.26 Paragraph 194 of the NPPF requires LPAs when considering the impact of a proposed development on the significance of a designated heritage asset, that any harm to, or loss of, the significance of a designated heritage asset from development within its setting, should require clear and convincing justification.
- 5.27 At paragraph 195 the NPPF describes substantial harm and at 196 less than substantial harm. In this instance the impact of the proposal on the setting of the heritage asset is considered would be less than substantial harm.
- 5.28 It is acknowledged that the setting of a heritage asset is not just necessarily limited to visual aspects but can also include other factors such as the historic growth of the area and different uses of an area.

- 5.29 The wider setting of the area consists of a group of civic and educational buildings. The area around these buildings is predominantly residential in character with high density housing. The application site forms a large grassed area although the former Saltwell School was located on the southern part.
- 5.30 It is considered that the proposed development would reflect the historic uses of the surrounding area and the former use of part of the site and in this respect, would maintain the setting of the historic environment.
- 5.31 Shipley Art Gallery - Grade II Listed
The proposed development would be within the setting of the Shipley Art Gallery as it would be constructed directly to the rear of the building. The wider setting of the art gallery is made up of a group of civic and educational buildings with residential properties also present and the large grassed area the application site which the gallery backs onto.
- 5.32 It is considered that part of the setting of the art gallery is derived by its front elevation facing onto Prince Consort Road. From here, there would be glimpses through to the development site, particularly from the gap in between the art gallery and the adjacent former education offices building (now the Talmudical College), although this gap is partly screened by trees.
- 5.33 Given the set back of the proposed development from Prince Consort Road (beyond the rear of the art gallery) and its lower height in comparison there would be negligible impacts on the setting of the front elevation of the art gallery.
- 5.34 When viewed from the application site, the art gallery presents a robust appearance, predominantly made up of brickwork. This part of the setting is influenced by the absence of built development to the rear, which helps to maintain the robust appearance of the rear elevation. This setting has been affected to a small extent by extensions and fencing to the rear of the art gallery.
- 5.35 The limited height of the proposed development would mean that the rear of the Shipley Art Gallery could still be seen through the development site and it would still appear significantly higher than the proposed development, thus retaining its robust character from this direction and when looking across the site from the north and south. It is considered that the introduction of tree, hedge and shrub planting along the eastern boundary of the application site would help to screen the fencing to the rear of the art gallery and improve its setting.
- 5.36 The application is supported by contextualised elevations, which demonstrate the height and bulk of the Shipley Art Gallery against the proposed building. These demonstrate effectively that the art gallery will retain its dominance in this area.
- 5.37 The materials proposed are brick and render and therefore are simple and clean and do not compete with their surroundings. Final materials details can be secured by conditions (CONDITIONS 31 and 32).

- 5.38 In terms of harm NPPF paragraph 196 is relevant in this case as it is considered the proposal will lead to less than substantial harm to the significance of a designated heritage asset (Shipleigh Art Gallery), and this harm when weighed against the public benefits of the proposal to provide a boroughwide special needs school facility is balanced.
- 5.39 Sunderland Talmudical College - Council's Local List
NPPF paragraph 197 requires the effect of an application on the significance of a non-designated heritage asset to be taken into account in determining an application. In weighing applications that directly or indirectly affect non-designated heritage assets, a balanced judgement will be required having regard to the scale of any harm or loss and the significance of the heritage asset.
- 5.40 The former education offices building now the Sunderland Talmudical College is included on the Council's Local List. It occupies a prominent location on the crossroads and is adjacent to the Shipleigh Art Gallery.
- 5.41 Like the art gallery the proposed development would be within the setting of this building. When viewed from Prince Consort Road, there would be views of the development through the gap between the building and the neighbouring Shipleigh Art Gallery. This gap is partially obscured by trees.
- 5.42 It is considered that given the set back of the proposed development from Prince Consort Road (beyond the rear of the former education offices like the art gallery) and its lower height in comparison there would be negligible impacts on the setting of the former education offices when viewed from Prince Consort Road.
- 5.43 When viewed from Shipcote Lane and its junction with Prince Consort Road, the proposed development would sit alongside the former education offices, albeit separated by a clear gap. The setting of the former education offices from Shipcote Lane has already been affected by the presence of a temporary car park and recently removed recycling area immediately to the west. It is considered that the proposed development would represent a visual improvement to the car park and former recycling area and its lower height to the former education offices and gap separating would ensure that the former educational offices would retain its robust appearance, particularly at the junction.
- 5.44 When viewed from the development site, the western elevation of the former education offices clearly reads as the rear elevation and includes a number of windows, drain pipes and an external fire escape. The rear roof slopes added to the eaves height of the building still give this elevation of the building an element of robustness. Planning permission exists for a two storey rear extension to the former education offices (ref. DC/16/00009/FUL and DC/18/00494/FUL).

- 5.45 Given the lower height of the proposed building, in addition to the gap to the former education offices, it is still considered that the robust elevation of the offices would be retained and there would be no harm to the setting of the building.
- 5.46 It is considered that the proposed development would have a clear separation from the locally listed Gateshead Central Library with Shipcote Lane located in between and will have no detrimental impact on its setting when either viewed from Prince Consort Road or Shipcote Lane.
- 5.47 Other non-designated heritage assets
There would be a significant visual separation between the locally listed Shipcote Baths now known as the Leisure Centre and 14, 16 and 18 Alexandra Road and the proposed development, taking into account the width of Shipcote Lane and the set back of both. This would be apparent when looking in both a westerly and easterly direction along Shipcote Lane. This visual separation would mean that the new development would be less likely to compete visually with the baths and therefore there would be negligible impact on the setting of the baths.
- 5.48 Given the above assessment, subject to the recommended conditions, the proposal is considered to be acceptable with the less than substantial harm caused being outweighed by the public benefits of the proposed special needs school and is therefore in accordance with NPPF paragraphs 190, 193, 196 and 197, CSUCP policy CS15, saved UDP policy ENV11(e) and draft policy MSGP26.
- 5.49 **ARCHAEOLOGY**
NPPF paragraph 199 requires local planning authorities to require developers to record and advance understanding of the significance of any heritage assets to be lost (wholly or in part) in a manner proportionate to their importance and the impact, and to make this evidence (and any archive generated) publicly accessible. However, the ability to record evidence of our past should not be a factor in deciding whether such loss should be permitted.
- 5.50 CSUCP policy CS15 Placemaking requires development to contribute to good place-making through the delivery of high quality and sustainable design, and the conservation and enhancement of the historic environment. This will be achieved by investigating to identify and record any potential archaeological features.
- 5.51 There are no known archaeological features on the site, but the site has never been archaeologically investigated.
- 5.52 Apart from the former school which occupied the south-east corner of the site, the rest of the site has remained undeveloped since the 19th century. There is therefore a possibility that archaeological features may exist. It is acknowledged that landscaping to create the playing fields may have truncated or destroyed archaeological remains.

- 5.53 As this is a greenfield site over 1 hectare in size, a geophysical survey of the site will be required, excluding the footprint of the former school buildings. The survey may need to be followed by archaeological trial trenching.
- 5.54 To secure this, conditions for archaeological excavation and recording, an archaeological post excavation report and an archaeological publication report are recommended (CONDITIONS 3, 4 and 5).
- 5.55 Given the above, subject to the recommended conditions, the proposal is considered to be acceptable and in accordance with paragraph 199 of the NPPF, CSUCP Policy CS15 and saved Unitary Development Plan Policies ENV21 and ENV22 and MSGP28.
- 5.56 **HIGHWAYS**
The principle of a SEN primary school on this site is acceptable in highway terms, however it should be noted that the creation of this facility in this area will result in an intensification of movements and high demand for available on-street parking.
- 5.57 It is accepted that the school will not have the level of parent/carer drop off and pick up that a typical primary school of a similar size would be expected to generate, however, staff numbers are high and the need for pupil drop off and pick up within the site makes the proposals more complicated in transport terms.
- 5.58 A transport assessment (TA) has been submitted in support of the application, this has been produced following significant dialogue with the appointed consultants and design team over a period of many months. It is considered that the TA is a particularly robust report in terms of the likely number of vehicle trips that will be generated by the school. In its robustness it does highlight that the proposal will result in increased pressures on the surrounding transport network, particularly in relation to on-street parking demands.
- 5.59 Parking linked to school staff is deemed to be one of two of the biggest issues associated with the site in transport terms, the other is the management of drop offs and pick ups.
- 5.60 For a typical primary school approximately 66 parking spaces would be expected to be provided within the site for a roll of 170 pupils and 130 FTE staff. This site can accommodate 75 spaces, so in absolute terms the numbers are acceptable (if not high), however parking allocated to staff is lower than the 1 space per 2 staff normally used in such assessments, and this is due to the need to accommodate the higher numbers of pick up and drop off spaces within the site boundary. In order to address this shortfall the TA includes analysis of available on-street parking in the area, this concludes that the shortfall on the site could be met by surveyed availability on-street. Whilst this is not ideal and likely to be contentious with local residents, particularly those living in the closest streets, the impacts are unlikely to be so significant or severe to recommend refusal of the application. There are actions that could be taken to

minimise the impact and ensure the school is a courteous neighbour to those local residents.

- 5.61 It should be noted that the trip rates that have been calculated are based on the existing site in Whickham and Blaydon with a level of growth added, as previously stated this is seen as a very robust approach. Additional analysis of the data provided by the school in relation to staff journeys has been carried out, and this has determined that in general terms the proposed site benefits from more frequent bus services, particularly for those staff travelling from within the east of Gateshead and South Tyneside, this clearly has the potential to reduce the reliance on car trips through effective travel planning, addressed later in this section.
- 5.62 The TA has demonstrated that local junctions will continue to operate effectively with the addition of the school trips during the morning and evening peak periods, however there are concerns regarding the arrival and departure patterns associated with the SEN facility. To address these concerns the applicant has submitted and has agreed to implement a car park management plan which will manage arrival and departure times and allow for vehicles to stack within the site when necessary.
- 5.63 The details of the submitted car park management plan are generally accepted, although there are certain elements that require further work and consequently a condition is recommended (CONDITIONS 33 and 34) to secure these changes and to ensure tie in with travel planning associated with the site, for clarity the main areas requiring further work are as follows:
- Communication and enforcement of the measures to be implemented
 - Allocation of staff spaces - the parking should not work on a first come first served basis.
 - Responsibility for separating pedestrian and vehicle arrivals
 - Management of stacking vehicle to ensure no impact on the highway

The TA suggests planning conditions relating to the following should be secured:

- Parking surveys
 - Travel Plan
 - School zig zag markings
- 5.64 As such it is recommended that a condition be imposed requiring post occupation surveys 6 months and 9 months after opening to determine whether additional Traffic Regulation Orders are required to address any on-street parking issues (CONDITION 38). The surveys and any remedial works coming out of these would be paid for by the applicant.
- 5.65 A Travel Plan has not been submitted as part of the supporting information, this can be secured through condition and will be expected to demonstrate a strong emphasis on discouraging single occupancy car trips. Sustainable forms of travel could be incentivised and this approach is encouraged. A range of measures, that are suited to the school environment, should be investigated and a condition is recommended to secure a final travel plan to be agreed 6

months prior to occupation and implemented 3 months prior to occupation to ensure that poor travel patterns are not being established early in the life of the development (CONDITIONS 35 and 36).

- 5.66 School zig zag markings and potentially waiting restrictions will be required along the site boundary, in addition to this further highway works are deemed necessary in the form of:
- A pedestrian refuge on Shipcote Lane to the west of the vehicular and pedestrian entrances.
 - Changes to the orders associated with the parking bays opposite the site entrance to ensure they are available for short term waiting associated with school pick up and drops off for occasions when the site itself is at capacity (CONDITIONS 30).
- 5.67 The details of the access controls on the gate at the main entrance will need to be approved and can be secured by condition (CONDITION 33 and 34).
- 5.68 Final details of cycle parking, motor cycle parking and electric vehicle charging will be also required and can be secured by condition (CONDITIONS 33 and 34).
- 5.69 Clarification should be provided in relation to the parking/storage of school mini buses (CONDITIONS 39).
- 5.70 Given the above, and subject to the recommended conditions, the proposal is considered to be acceptable and in accordance with CSUCP policy CS13 and MSGP16, MSGP17.
- 5.71 **RESIDENTIAL AMENITY**
The design has had regard to the impact on nearby residential properties in terms of loss of privacy and visual impact. The nearest residential properties to the proposed school are those on the opposite (western) side of Avenue Road and the residential properties fronting Edendale Terrace to the south of the site.
- 5.72 The distance from the front elevation of the properties on Avenue Road to the site boundary is 19m, to the break out external play areas it is 28m and to the school building, 38m, therefore the separation distance to Avenue Road is substantial. There will also be the landscaped buffer along the boundary as existing with enhanced planting. As such it is considered that there would be no overlooking or loss of privacy to existing residential amenities arising from the proposed development.
- 5.73 The school finished ground level would be 2.1m higher than the ground level of Avenue Road. The overall height of the building at 9m is at the same height as the ridge height of properties on Avenue Road, although the majority of the building is 6.2m high, however as it is set back 19m into the site along with the boundary landscaping it is considered that the proposed school would not be obtrusive in the street scape nor have an overbearing impact on existing outlook from residential properties on Avenue Road or result in loss of privacy

to the occupants of Avenue Road. As such it is considered there would be no overbearing or unacceptable visual impact.

- 5.74 In respect of the properties fronting Edendale Terrace, the proposed school building would be located a considerable distance (37m), off the southern boundary of the site and 44.5m from the dwellings and would also be partially screened by the boundary planting. The external play area would be 23m from the front elevations of Edendale Terrace. Given the distances involved it is considered this would not result in noise and disturbance, loss of privacy or overlooking or an unacceptable visual impact.
- 5.75 The Sunderland Talmudical College also includes a residential element, along with the extension if constructed. Without the extension the distance from the rear elevation to the proposed school car park would be 16m and with the extension would be 5m. However, the proposed school building is set back 65m from the rear of the Talmudical College and so there could not be any direct overlooking resulting in loss of privacy.
- 5.76 The most likely impact upon the Talmudical College would be comings and goings associated with the car park, dropping off and collection of pupils. Given the hours the school would be open during the day and the majority of vehicle movements would be either morning drop offs or afternoon pick ups. It is not considered that this would have a harmful impact on residential amenity.
- 5.77 The considerations for the residential properties 14, 16 and 18 Alexandra Road also centre around activity in the car park rather than any loss of privacy arising from overlooking from the building and for the same reasons outlined above it is not considered that this would have a harmful impact on residential amenity.
- 5.78 Given the above the proposal is considered to be acceptable and in accordance with the NPPF, CSUCP policy CS14 and Saved UDP policy DC2.
- 5.79 **NOISE**
Neither the noise levels that might be generated from any plant or ventilation systems (air conditioning/ heating/ kitchen extract) nor the location or number of fans, are available at this time. Such detail would be required to identify any potential noise impact on residential amenity and ensure adequate noise attenuation measures are put in place. This information can be secured by conditions (CONDITIONS 40 and 41).
- 5.80 In addition, information has not been provided on how odour will be controlled from the kitchen extraction system. A condition could secure this information for approval prior to the use being brought into operation (CONDITIONS 42 and 43).
- 5.81 In order to protect residents during the construction phase, a condition to require a construction management plan to include working hours and delivery times, location and layout of the compound area, a scheme for the control of noise and dust and vehicle access locations is recommended to protect residential amenity (CONDITIONS 22).

- 5.82 Finally, also to protect the amenity of residents adjacent to the site once the school is fully operational, it is considered necessary to condition the times for bin collections/ deliveries to the site to allow between 07:00 - 19:00 only (CONDITIONS 37).
- 5.83 Given the above the proposal is considered to be acceptable and in accordance with the NPPF, CSUCP policy CS14 and Saved UDP policy DC2.
- 5.84 **URBAN DESIGN /VISUAL AMENITY/ LANDSCAPE**
The proposed scheme sits well within the site and its form and massing has been thoughtfully considered to provide a respectful response to its context. The proposed materials include a red brick with details picked out with buff brick and timber cladding with dark grey tiles and a metal standing seam roof which have been selected to reflect the local palette in the area, and allows for the contemporary design of the new building to add to the architectural richness of the area but also maintain a strong visual relationship with its neighbouring buildings.
- 5.85 The scale and massing of the proposal is influenced by the surrounding area. The wider area has a tight urban grain with the majority of buildings positioned up to roads and footpaths. However, the application site provides an element of existing mature landscape in an otherwise built up area. The school will take up a relatively large part of the grassed area, however, a significant area of green space would be retained to the south and east and the positioning of the building on the site allows the landscaped boundaries to be retained and enhanced.
- 5.86 The building will not be unduly prominent as it is proposed set back from the site boundaries, however, it is considered important to retain the existing mature landscape that forms part of the character of the street scape of the area.
- 5.87 The scale of the building in terms of height and its position within the site reflects the requirement to take account of the impact of the development on nearby heritage assets as assessed in the earlier Heritage Assets section.
- 5.88 The design of the proposed school is a contemporary "of its time" building and seeks not to slavishly follow the detailing of the surrounding buildings. This is particularly the case in terms of the mono-pitch roof design and simple window detailing.
- 5.89 The characteristic of buildings in the vicinity are of brick construction. The materials have been selected to reflect the local palette in the area and allows for the contemporary design of the new building to add to the architectural richness of the area but also maintain a strong visual relationship with its neighbouring buildings.
- 5.90 Nevertheless, the building still seeks to reflect the qualities of the surrounding area in terms of the predominant use of brick and architectural detailing to break up the elevations such as the use of reveals. Details of materials can be

secured by condition as referred to in the Heritage Asset section of this report (CONDITIONS 31 and 32).

5.91 TREES

The site contains 66 trees and groups of trees that collectively contribute significantly to the character of the site and the local amenity.

- 5.92 The trees form a spatial constraint to any potential development works. It may be acceptable to remove a small number of lower quality trees which will not have a significant negative impact on the tree stock, however all moderate value trees should be afforded full protection where possible.
- 5.93 The layout of the proposed development has been developed to avoid the most significant trees and where it is not possible to completely avoid the area of constraint associated with significant trees a condition will ensure that special measures are utilised to facilitate the works (CONDITIONS 21).
- 5.94 The key consideration for any development activity will be the protection of the surrounding trees including the structure of the soil in which they grow, including from indirect damage via the storage or discharge of materials and the movement and use of plant and machinery. The default position is that all Root Protection Areas and canopies of retained trees must be fenced off as exclusion zones with no access. A tree protection plan has been submitted in support of the application and a condition is recommended to ensure that the measures are implemented and retained during the construction period (CONDITIONS 21).
- 5.95 The cut and fill plan and the layout of the MUGA have been overlaid onto the tree constraints plan to allow an assessment of the impact of the proposed development, including the identification of any trees which are to be removed this has identified that two trees would need to be removed to facilitate the MUGA, however these trees are further in to the site and their removal is considered to be acceptable. However, the cut and fill plan as submitted indicates that a large number of trees would be removed from the Durham Road boundary and this is unacceptable as these trees form a significant screen to the site. Therefore, a condition is recommended to secure amended cut and fill details (CONDITIONS 44 and 45).

5.96 BIODIVERSITY

The site is of low biodiversity value, however, habitats/features including the extensive area of short cut amenity grassland provide some limited opportunities for protected and/or priority species, including house sparrow, starling, song thrush, herring gull, lesser black-backed gull, black headed gull, hedgehog and bats.

- 5.97 In addition to the retention of existing trees and shrubs towards the periphery of the site, the development proposals should seek to retain and enhance the existing privet hedge along the western boundary as part of a progressive landscaping strategy incorporating the use of appropriate native/near native tree and shrub species particularly beneficial to wildlife.

- 5.98 It is considered that a condition requiring an ecological method statement is necessary along with a landscape scheme and management plan (CONDITIONS 25 and 26).
- 5.99 As the residual impacts of the site clearance, construction and operational phases of the development can be effectively controlled through the imposition of the above appropriate worded conditions, it is concluded that the proposed development can be delivered within acceptable ecological limits; in accordance with national and local planning policies.
- 5.100 Given the above and subject to the recommended conditions the proposal is considered to be acceptable and in accordance with the NPPF and CSUCP policy CS18 and Saved UDP policies ENV44 and ENV47.

5.101 GROUND CONDITIONS

The site has been assessed by the Council as being located on potentially contaminated land. The majority of the site appears to have been used as open space/ playing fields apart from school buildings in the south eastern corner. Though the site appears to have never been used for commercial / industrial purposes there is a potential for soil contamination to exist. The main potential contamination source may be in historic made ground deposits or from imported fill materials and waste material used to construct a development platform prior to construction of the former buildings on site. There may also be demolition arisings still evident on site within made ground deposits.

- 5.102 A Remediation Statement that includes mitigation measures has been submitted in support of this application and a condition to secure these measures is recommended (CONDITION 9).
- 5.103 With regard to the risk from Coal Mining, a Phase 2: Ground Investigation Report investigated the risk from potential shallow mine workings recorded to be present at shallow depth below the site. The intrusive investigation revealed that mitigation measures (i.e. grouting) will be required, due to significant broken ground being recorded with insufficient rock cover being present. Conditions can secure the recommended mitigation measures (CONDITIONS 6, 7 and 8).
- 5.104 Following completion of the remediation works a verification report must be submitted demonstrating that the works have been carried out satisfactorily and remediation targets have been achieved. The Post Remediation Verification Report should provide a summary of remedial works carried out together with relevant documentary evidence and post remediation test results and can be secured by condition (CONDITION 10).
- 5.105 Given the above, subject to the recommended conditions, the proposal is considered to be acceptable and in accordance with CSUCP policy CS14 and Saved UDP policy ENV54 and MSGP22.

5.106 DRAINAGE AND FLOOD RISK

It is important to ensure that the development maintains the existing greenfield runoff rates up to 1 in 100 year event including climate change allowances, using SuDS, in accordance with CSUCP policy CS17 and the DEFRA SuDS technical standards. The SuDS design should be in accordance with the Lead Local Flood Authority's advice reflecting NPPF paragraph 165a. The development should also maintain or improve the water quality of any runoff in accordance with CS17.3.

5.107 Drainage conflict with trees

The drainage scheme has been amended to ensure retention of the mature trees on the boundaries.

5.108 Treatment of car park runoff

The proposed bypass separator is not the Lead Local Flood Authority's preferred solution, as it is proposed to be the sole treatment device. The device would be heavily reliant on frequent routine maintenance by the site management team, and a lack of maintenance may not be apparent until a pollution spill occurs. The drainage design has been reviewed as to whether the design could incorporate permeable block paving to all parking bays providing a more reliable and effective pre-treatment function than the separator. However, the applicant has indicated that there is a viability issue given the costs associated with the installation of permeable paving at this site and has concluded that the attenuation tank is the only practical solution.

5.109 Geocellular storage

The proposed geocellular storage will require maintenance and CCTV access. The means of maintenance needs to be clearly demonstrated through product literature and detailed drawings (CONDITION 18).

5.110 Additional drainage information is required and this can be secured by condition (CONDITIONS 12 - 17)

- a drainage assessment to include detailed drawings that indicate the proposed layout of the drainage network, proposed contours, site levels and finished floor levels,
- an electronic drainage model,
- a detailed Health and Safety Assessment,
- a Construction Method Statement (CMS),
- a Management and Maintenance Plan.

5.111 Given the above and subject to the recommended conditions the proposal is considered to be acceptable and in accordance with CSUCP policy CS17 and MSGP30 and MSGP31.

5.112 OTHER MATTERS

A number of objectors queried whether other sites had been considered. As part of the design process, other potential options have been considered. These included essentially doing nothing, expanding the existing sites or looking at other sites.

5.113 Option 1 - do nothing

There is currently no surplus capacity at either of the Burnthouse Lane or Blaydon/Winlaton Children's Centre sites. The forecasted numbers on the roll indicate that if there is no increase in capacity the Local Authority will have to send Gateshead children out of the borough for their educational and welfare needs at a cost.

5.114 Option 2 - increase capacity at existing sites

Extending the capacity at the Burnthouse Lane site could potentially lead to severe impacts on the local highway network. This is evident from the planning application for a previous extension at the site in 2014 (application ref. DC/14/00166/FUL) for an additional 3 classrooms where the Council's Transport Strategy team highlighted their concerns regarding overspill car parking into surrounding areas and that the car park was already full to capacity. It is considered that extending the capacity of the site even further would exacerbate these concerns. The site is also in close proximity to two other schools - Whickham School and Sports College and Fellside Primary School.

5.115 In terms of the Blaydon/Winlaton Children's Centre site, the building is currently an operational children's centre and a short term arrangement is in place whereby the school operate in a defined area of the building due to increased pupil numbers. This restricts the space in which the children's centre can be used which impacts on delivery of services to the community.

5.116 Access and availability of suitable drop off/pick up areas off Shibdon Bank for parents and guardians is an existing concern and would be compounded by increasing numbers.

5.117 Option 3 - alternative sites for the school

Various other sites have also been investigated. These include the site of the former Windmill Hills School, the former Hookergate School, the former Lindisfarne Primary School, land off Whickham Highway and land off Askew Road.

5.118 These sites have been discounted for a number of reasons, including site abnormalities which have included ground conditions and the need to demolish buildings and the allocation of some of the sites for housing development.

5.119 Option 4 (and chosen option) - former Saltwell School site

The proposed site has been chosen due to its planning policy designation for educational facilities and its flat profile and few site abnormalities which will reduce the capital costs relating to ground conditions.

5.120 PUBLIC CONSULTATION

A consultation drop-in session took place at Gateshead Central Library (the first event) on 16th July 2018 between 2pm and 5.30pm with 43 people attending and a further drop-in session (the second event) took place at the existing school site on 17th July 2018 between 2pm and 5.30pm with 71 people attending. People were able to view the plans and make comments.

- 5.121 At the first event, 250 letters of invitation were hand delivered to nearby properties. For the second event, letters were sent to all existing parents/carers as well as text messages and information was shared on social media. The second event also took place at a time when a new cohort of pupils, parents and carers were attending the school in advance of the new school year.
- 5.122 An overview of the comments made were both in support for the scheme and objections to the scheme were made. In addition, a 91-name petition objecting to the proposals was received. The concerns raised were loss of the playing field to the development as it is used by a wide variety of people for sport and recreation and more appropriate sites exist at Windmill Hills School or Brighton Road School which both have better access than the proposed site. The proposal would also add to traffic in an already congested area.
- 5.123 As a result of the consultation, the footprint of the proposed school has been made smaller. This sought to make the proposed development less imposing on the street scape and surrounding properties. In addition, the bin store has been moved from the Avenue Road side of the site to the eastern side of the site. The other options and locations that were considered for the school are set out above.
- 5.124 Whilst it is acknowledged that residents have concerns regarding the loss of the field, unfortunately the very nature of the proposal means that this cannot be avoided, and the site is already allocated in the UDP and emerging MSGP for educational use.

5.125 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.

6.0 CONCLUSION

- 6.1 Taking all of the relevant issues into account, it is considered that the proposed development is acceptable and accords with the relevant national and local planning policies.
- 6.2 It is recommended that planning permission is granted subject to conditions.

7.0 Recommendation:

That permission be GRANTED subject to the following condition(s) and that the Service Director, Development, Transport & Public Protection 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 -

AL(90)100 Re A Site location plan

AL(90)101 Rev B Topo Plan entitled existing site plan
AL(20)23 Rev A Proposed sections through site
AL(20)10 Rev C Proposed elevations in context
AL(20)22 Rev B Proposed Longitudinal Sections
AL(20)21 Rev B Proposed cross sections
AL(20)20 Rev B Proposed cross sections
AL(20)15 Rev B proposed elevation classroom wings and hidden elevations
AL(20)16 Rev B proposed elevations courtyard
AL(20)11 Rev B proposed elevations north and west rev B
AL(20)12 Rev B proposed elevations south and east
AL(27)01 rev B proposed roof plan
TS-0411-160 Proposed MUGA layout
AL(90)01 Rev D Proposed Site LAYou
TS-0411-106 Rev 0 proposed queuing for pupi drop off pick up
TS-0411-100 Rev C proposed parking layout
TS-0411-101 Rev 0 Proposed parking standard vehicle tracking
102 Rev 0 minibus vehicle tracking
103 rev 0 refuse collection vehicle tracking
104 Rev 0 fire engine vehicle tracking
105 Rev 0 HG rigid vehicle tracking
AL(20001 Rev H proposed floor plan
DR-C-6001 Rev P3 contour plan

Drainage general arrangement TS-0411-501 P3

Aecom DR-L-5002 key external spaces
Aecom 5001 illustrative landscape masterplan
5003 hard landscape plan
4004 landscape details
5005 soft landscape plan
5006 planting palette

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

Reason

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

2

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

Reason

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

3

No groundworks or development shall commence until a programme of archaeological fieldwork (to include geophysical survey, evaluation trenching and where appropriate mitigation excavation) has been completed. This shall be carried out in accordance with a specification provided by the Local Planning Authority.

Reason for condition

The site is located within an area identified as being of potential archaeological interest. The investigation is required to ensure that any archaeological remains on the site can be preserved wherever possible and recorded, in accordance with paragraph 199 of the NPPF, Core Strategy Policies CS15 and UC14 and saved Unitary Development Plan Policies ENV21 and ENV22.

Reason for pre commencement condition

To ensure that any archaeological remains on site can be preserved wherever possible and recorded in advance of the commencement of the development.

The Local Planning Authority is satisfied that this information is so fundamental to the development permitted that it would have been otherwise necessary to refuse the whole permission.

4

The buildings shall not be occupied/brought into use until the final report of the results of the archaeological fieldwork undertaken in pursuance of condition (3) has been submitted to and approved in writing by the Local Planning Authority.

Reason:

The site is located within an area identified as being of potential archaeological interest. The investigation is required to ensure that any archaeological remains on the site can be preserved wherever possible and recorded, in accordance with paragraph 199 of the NPPF, Core Strategy Policies CS15 and UC14 and saved Unitary Development Plan Policies ENV21 and ENV22.

5

The buildings shall not be occupied/brought into use until a report detailing the results of the archaeological fieldwork undertaken has been produced in a form suitable for publication in a suitable and agreed journal and has been submitted to and approved in writing by the Local Planning Authority prior to submission to the editor of the journal.

Reason:

The site is located within an area identified in the Unitary Development Plan as being of potential archaeological interest and the publication of the results will enhance understanding of and will allow public access to the work undertaken in accordance with paragraph 199 of the NPPF, Core Strategy Policies CS15 and UC14 and saved Unitary Development Plan Policies ENV21 and ENV22.

6

Prior to commencement of the development hereby permitted additional Phase II intrusive site investigation works shall be undertaken, in order to ascertain the ground conditions and to establish the presence or otherwise of shallow mine workings and a Phase II Risk Assessment report shall be completed and the findings submitted for the written approval of the Local Planning Authority.

Reason for condition

To ensure that risks from coal mining legacy issues to the future users of the land and neighbouring land are minimised and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors in accordance with the NPPF and Policy DC1p of the Unitary Development Plan and CS21 of the CSUCP.

Reason for prior to commencement condition

The mitigation works to address shallow unrecorded mine workings must be undertaken before the development commences in order to ensure that the site is made safe prior to the commencement of the development to ensure the development can be carried out safely

The Local Planning Authority is satisfied that this information is so fundamental to the development permitted that it would have been otherwise necessary to refuse the whole permission.

7

In the event that the need for remedial measures are confirmed following the site investigations approved under condition 6 to treat areas of shallow mine workings, to ensure the safety and stability of the proposed development, prior to commencement of the development hereby permitted, a scheme of remediation shall be submitted for the consideration and written approval of the Local Planning Authority.

Reason for condition

To ensure that risks from coal mining legacy issues to the future users of the land and neighbouring land are minimised and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors in accordance with Policies DC1 and ENV54 of the Unitary Development Plan and CS14 of the CSUCP.

Reason for prior to commencement condition

The mitigation works to address shallow unrecorded mine workings must be undertaken before the development commences in order to ensure that the site is made safe prior to the commencement of the development to ensure the development can be carried out safely

The Local Planning Authority is satisfied that this information is so fundamental to the development permitted that it would have been otherwise necessary to refuse the whole permission.

8

The remediation measures approved under condition 7 shall be undertaken in full accordance with the measures prior to construction of the development hereby permitted above foundation level

Reason

To ensure that risks from coal mining legacy issues to the future users of the land and neighbouring land are minimised 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 Policy ENV54 of the Unitary Development Plan and CS14 of the CSUCP.

9

The details of remediation measures included in the REMEDIAL METHOD STATEMENT prepared by Tim Crowe of IDOM dated January 2019 entitled "GIBSIDE SCHOOL, GATESHEAD, WATES CONSTRUCTION reference RMS-21831-19-10 JANUARY 2019 approved under condition 1, shall be implemented wholly in accordance with the approved remediation measures prior to commencement of the development hereby permitted and maintained for the life of the development.

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

Reason for condition

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

Reason for prior to commencement condition

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.

The Local Planning Authority is satisfied that this information is so fundamental to the development permitted that it would have been otherwise necessary to refuse the whole permission.

10

Following completion of the remediation measures approved under condition 9 a verification report that demonstrates the effectiveness of the remediation carried out must be submitted for the written approval of the Local Planning Authority prior to first occupation of the development hereby permitted and maintained for the life of the development.

Reason

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

11

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

Reason

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

12

Prior to commencement of the development hereby permitted (except for the erection of tree protection measures, site security hoardings and site investigations) a Drainage Assessment shall be submitted. This shall include:

- o Demonstration that the final drainage scheme conforms with the DEFRA Non-Technical Standards for SuDS, and that the drainage hierarchy has been followed with evidence of site investigation in accordance with the CIRIA SuDS Manual (C753).
- o Demonstration that water quality will not be worsened by the development through assessment and consideration of treatment methods, in accordance with CS17.3.
- o Detailed drawings of the drainage network showing clearly numbered pipes, falls, diameters, invert and cover levels that correspond with the submitted drainage model. Proposed contours, external, and finished floor levels should be submitted along with: existing and proposed site sections and levels; long and cross sections of the proposed drainage system; detailed drawings of all SuDS features and connections; detailed landscape plans showing proposed planting, and seeding, in and around SuDS features, including planting schedules and timescales for the implementation of all features

- o An electronic copy of the drainage model is required in Microdrainage format which corresponds with any drawings within the submission. It should include any topographical site layouts or 3d surveys relevant to the drainage design.

- o SuDS Health and Safety Assessment where appropriate consideration and management of any health and safety issues relating to the SuDS implementation features with reference to Appendix B3 of the CIRIA SuDS Manual for best practice.
- o All necessary consents required for off-site works.

Reason for condition

To ensure appropriate drainage so as to prevent the risk of flooding in accordance with the NPPF and Policy CS17 of the Core Strategy and Urban Core Plan for Gateshead and Newcastle upon Tyne.

Reason for prior to commencement condition

To ensure that it has been demonstrated that the drainage scheme will prevent the risk of flooding prior to construction of the development.

The Local Planning Authority is satisfied that this information is so fundamental to the development permitted that it would have been otherwise necessary to refuse the whole permission.

13

The details of SuDS measures approved under condition 12 shall be implemented wholly in accordance with the approved details and timescales prior to first occupation of the development hereby permitted and maintained for the life of the development

Reason

To ensure appropriate drainage so as to prevent the risk of flooding in accordance with the NPPF and Policy CS17 of the Core Strategy and Urban Core Plan for Gateshead and Newcastle upon Tyne.

14

Prior to commencement of the development hereby permitted (except for the erection of tree protection measures, site security hoardings and site investigations and remediation) a drainage construction method statement (CMS) shall be submitted to and approved in writing by the Local Planning Authority. The content of the CMS shall be in accordance with Appendix B6 of the CIRIA SuDS Manual, and Gateshead Interim SuDS Guidelines (Version 2 - March 2016) for best practice:

Reason

To ensure the works do not increase risk of flooding or pollution of watercourses in accordance with the NPPF and Policy CS17 of the Core Strategy and Urban Core Plan for Gateshead and Newcastle upon Tyne.

Reason for prior to commencement condition

To ensure that it has been demonstrated that the drainage scheme will prevent the risk of flooding prior to construction of the development.

The Local Planning Authority is satisfied that this information is so fundamental to the development permitted that it would have been otherwise necessary to refuse the whole permission.

15

The drainage construction method statement details approved under condition 14 shall be wholly implemented prior to first occupation of any of the building hereby permitted in accordance with the approved details and retained for the full duration of the development

Reason

To prevent the increased risk of flooding from any sources in accordance with the NPPF and CSUCP policy CS17.

16

Prior to the development hereby permitted progressing above damp proof course, a drainage management and maintenance document shall be submitted for the consideration and written approval of the Local Planning Authority. The content shall be in accordance with Gateshead Interim SuDS Guidelines (Version 2 - March 2016) Appendix B8 of the CIRIA SuDS Manual, for best practice:

Reason

To prevent the increased risk of flooding from any sources in accordance with the NPPF and CSUCP policy CS17.

17

The details approved under condition 16 shall be wholly implemented prior to first occupation of any of the development hereby permitted in accordance with the approved details and retained thereafter for the life of the development

Reason

To prevent the increased risk of flooding from any sources in accordance with the NPPF and CSUCP policy CS17.

18

Prior to the development hereby permitted progressing above damp proof course, details of the means of maintenance and CCTV access of the geocellular storage shall be submitted for the consideration and written approval of the Local Planning Authority. The approved details shall be wholly accorded with for the life of the development thereafter.

Reason

To prevent the increased risk of flooding from any sources in accordance with the NPPF and CSUCP policy CS17.

19

No development shall commence (except for the erection of tree protection measures, site security hoardings and site investigations and remediation) until a Construction Management Plan (CMP) for the development has been submitted to and approved in writing by the Local Planning Authority.

The CMP shall include :

- a dust management plan
- a noise management plan
- pollution prevention measures
- contractor parking
- details of delivery arrangements, hours and routing
- measures to limit and manage transfer of debris on to the highway
- Dampening down of exposed stored materials, which will be stored as far from sensitive receptors as possible;
- Removal of top cover in small areas and not all at once;
- Ensure all vehicles switch off engine when stationary; and
- Avoiding dry sweeping of large areas

Reason for condition

In order to avoid nuisance to the occupiers of adjacent properties during the construction phases of the development in accordance with the NPPF, saved policies DC1(h) and DC2 of the Unitary Development Plan and policy CS14 of the Core Strategy and Urban Core Plan.

Reason for prior to commencement condition

The CMP must demonstrate that the residential amenities of adjacent properties will be protected during construction of the development.

The Local Planning Authority is satisfied that this information is so fundamental to the development permitted that it would have been otherwise necessary to refuse the whole permission.

20

The development hereby permitted shall be undertaken wholly in accordance with the Construction Method Statement approved under condition 19 for the duration of the construction period

Reason:

To ensure that the site set up does not impact on highway safety, pedestrian safety, retained trees (where necessary) and residential amenity in accordance with Saved UDP policies ENV3, DC2 and CSUCP policies CS13, CS14, CS18 and National Planning Policy Framework.

21

Prior to commencement of the development hereby permitted details of the tree protective fencing and location on a plan at 1:200 shall be submitted for consideration and written approval of the Local Planning Authority.

The approved protective fencing must be installed prior to the commencement of development and thereafter retained intact for the full duration of the construction works of the development and there shall be no access, storage, ground disturbance or contamination within the fenced area without the prior written approval of the Local Planning Authority.

Reason for condition

To ensure the satisfactory protection of trees, shrubs and hedges in accordance with the NPPF, saved policy ENV44 of the Unitary Development Plan and policy CS18 of the Core Strategy and Urban Core Plan.

Reason for prior to commencement condition

To minimise the risk of harm and long-term adverse impacts of the development on the trees to be retained by ensuring the trees are retained and protected before the development commences.

The Local Planning Authority is satisfied that this information is so fundamental to the development permitted that it would have been otherwise necessary to refuse the whole permission.

22

Unless otherwise approved in writing by the Local Planning Authority, all works, demolition and ancillary operations in connection with the construction of the development, including the use of any equipment or deliveries to the site, shall be carried out only between 0800 hours and 1700 hours on Mondays to Fridays and between 0800 hours and 1300 hours on Saturdays and at no time on Sundays, Bank Holidays or Public Holidays. Internal works within dwellings shall be carried out only between 0800 hours and 1700 hours on Mondays to Fridays and between 0800 hours and 1700 hours on Saturdays and at no time on Sundays, Bank Holidays or Public Holidays

Reason

To safeguard the amenities of nearby residents and in accordance with Saved Policy DC2 of the Unitary Development Plan and CS14 of the CSUCP.

23

Prior to construction of the development hereby permitted, a detailed scheme for the disposal of foul and surface water from the development hereby approved must be submitted to and approved in writing by the Local Planning Authority in consultation with Northumbrian Water and the Lead Local Flood Authority. Thereafter the development shall take place in accordance with the approved details.

Reason for condition

To prevent the increased risk of flooding, to improve and protect water quality, improve habitat and amenity, and ensure future maintenance of the surface water drainage system and in order to comply with CSUCP policy CS17 and the NPPF.

Reason for prior to commencement condition

The proposed drainage of the site must demonstrate that it will prevent the increased risk of flooding, improve water quality and improve habitat and amenity before the development commences in order to ensure that an appropriate drainage scheme is identified and agreed prior to the commencement of the development.

The Local Planning Authority is satisfied that this information is so fundamental to the development permitted that it would have been otherwise necessary to refuse the whole permission.

24

Prior to first occupation of the development hereby permitted the details approved under condition 23 shall be wholly implemented in accordance with the approved details and retained for the life of the development thereafter.

Reason

To prevent the increased risk of flooding, to improve and protect water quality, improve habitat and amenity, and ensure future maintenance of

the surface water drainage system and in order to comply with CSUCP policy CS17 and the NPPF.

25

Prior to commencement of the development hereby permitted (except for the erection of tree protection measures, site security hoardings and site investigations) and notwithstanding the information submitted; a Biodiversity Method Statement covering:

- o protection, creation, enhancement and maintenance of habitats/ecological features to be retained and/or created on site
- o protected and priority species including bats, breeding birds and hedgehog, and;
- o invasive non-native species

shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of works on site. The content of the method statement shall include timescales and details of measures to be implemented to avoid/minimise the residual risk of harm to individual species during the construction and operations phases of the development; and to ensure, where possible, local populations are maintained at or above their current levels.

Reason for condition

To minimise the risk of harm and long-term adverse impacts of the development on protected and priority species in accordance with CSUCP policy CS18, Saved UDP policies DC1(s) and ENV46 and the NPPF.

Reason for prior to commencement condition

To minimise the risk of harm and long-term adverse impacts of the development on protected and priority species in advance of the commencement of the development hereby permitted.

The Local Planning Authority is satisfied that this information is so fundamental to the development permitted that it would have been otherwise necessary to refuse the whole permission.

26

The details approved under condition 25 shall be implemented wholly in accordance with the approved details and adhered to during the construction and operational periods.

Reason

To minimise the risk of harm and long-term adverse impacts of the development on protected and priority species in accordance with CSUCP policy CS18, Saved UDP policies DC1(s) and ENV46 and the NPPF.

27

Development hereby permitted shall not progress above damp proof level, until final details of a fully detailed scheme for the landscaping of the site detailing the retention, creation, enhancement and management of all soft landscaping areas within the site has been submitted to and approved in writing by the Local Planning Authority.

The landscaping scheme shall include details and proposed timings of hard and soft landscaping, all existing trees and hedges to be retained, ground preparation and planting plans noting the species, plant sizes and planting densities for all new planting.

Reason

To ensure that a well laid out planting scheme is achieved in the interests of the visual amenity of the area and to ensure adverse impacts on biodiversity are adequately mitigated/compensated in accordance with the NPPF and in accordance with Policies DC1(d) and (e), ENV44, ENV46 and ENV47 of the UDP and policies CS14 and CS18 of the CSUCP.

28

The details approved under condition 27 shall be fully implemented in accordance with the approved specifications and timescales.

Reason

To ensure that a well laid out planting scheme is achieved in the interests of the visual amenity of the area and to ensure adverse impacts on biodiversity are adequately mitigated/compensated in accordance with the NPPF and in accordance with Policies DC1(d) and (e), ENV44, ENV46 and ENV47 of the UDP and policies CS14 and CS18 of the CSUCP.

29

The approved landscaping scheme shall be maintained in accordance with British Standard 4428 (1989) Code of Practice for General Landscape Operations for a period of 5 years commencing on the date of Practical Completion and during this period any trees or planting which die, become diseased or are removed shall be replaced in the first available planting seasons (October to March) with others of a similar size and species and any grass which fails to establish shall be re-established.

Reason

To ensure that the landscaping scheme becomes well established and is satisfactorily maintained in the interests of the visual amenity of the area and in accordance Saved Policies DC1 and ENV3 of the Unitary Development Plan, CSUCP policies CS15 and CS18 and the NPPF.

30

Prior to the first occupation of the development hereby permitted final details of the highway layout/markings of surrounding streets shall be submitted for the written approval of the Local Planning Authority. The final details shall include school zig zags and a pedestrian crossing refuge on Shipcote Lane and any amendments to the existing parking bays opposite the main entrance to the site.

The approved details shall be implemented prior to occupation of the development hereby permitted.

Reason

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

31

The development hereby permitted shall not progress above damp proof course until a materials schedule has been submitted for the consideration and written approval of the Local Planning Authority and samples of all materials, colours and finishes to be used on all external surfaces have been made available for inspection on site and are subsequently approved in writing by the Local Planning Authority.

Reason

To safeguard the visual amenities of the area 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.

32

The development hereby permitted shall be undertaken wholly in accordance with the materials approved by condition 31 and retained for the life of the development thereafter.

Reason

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

33

Prior to the development hereby permitted progressing above ground level final details relating to the car park management scheme to include:

- Communication and enforcement strategy for the measures to be implemented
- Access control proposals
- Allocation of staff spaces - the parking should not work on a first come first served basis.

- Responsibility for separating pedestrian and vehicle arrivals
- Management of the stacking of vehicles to ensure any impact on the highway is minimised to remove any risk to highway safety
- Final details of cycle parking proposals
- Final details of motorcycle parking
- Final details of electric vehicle charging points

Reason

To ensure adequate site management for all elements of the development and in accordance with the NPPF and CSUCP policy CS13.

34

The details approved under condition 33 shall be implemented wholly in accordance with the approved details and adhered to for the life of the development thereafter unless otherwise agreed by the Local Planning Authority.

Reason

To ensure adequate servicing arrangements are provided for all elements of the development and in accordance with the NPPF and CSUCP policy CS13.

35

The development hereby permitted shall not be occupied until the submission of a final Travel Plan has been submitted to and approved in writing by the Local Planning Authority.

- An assessment of the site, including the transport links to the site, on-site facilities, any transport issues and problems, barriers to non-car use and possible improvements to encourage walking, cycling and bus use.
- Clearly defined objectives, targets and indicators.
- Details of proposed measures.
 - Appointment of a travel plan co-ordinator and their allocated budget
- Detailed timetable for implementing measures.
- Proposals for maintaining momentum and publicising success.
- A programme of continuous review of the approved details of the Travel Plan and the implementation of any approved changes to the plan.

Evidence of the implementation of the hereby approved Framework Travel Plan over a minimum period of 12 months shall be submitted to and approved in writing by the Local Planning Authority prior to formally discharging the condition.

Reason

In order to accord with the NPPF and policy CS13 of the CSUCP.

36

The Travel Plan approved under condition 35 shall be wholly implemented in accordance with the approved details for the life of the development

Reason

To ensure sustainable travel and in accordance with CSUCP CS13 and the NPPF.

37

Unless otherwise approved in writing by the Local Planning Authority, refuse collection and deliveries to the site, shall be carried out only between 0700 hours and 1900 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 Saved Policy DC2 of the Unitary Development Plan and CSUCP policy CS14.

38

Parking surveys shall be undertaken once the building hereby permitted has been in use for 6 calendar months and 9 calendar months in accordance with an approved methodology to be submitted to the Local Planning Authority for written consideration and approval.

The findings of the surveys shall be submitted within one calendar month of completion of the survey for consideration by the Local Planning Authority.

Should the findings of the survey be that additional off site highway works are required then details shall be submitted for consideration, approval and implementation.

Reason

In the interests of the provision of appropriate modes of travel and highway safety and in compliance with the Gateshead Cycling Strategy and policy CS13 of the Core Strategy and Urban Core Plan for Gateshead and Newcastle upon Tyne.

39

Prior to occupation of the building hereby permitted details of the location for the storage of minibuses when not in use shall be submitted for the consideration and written approval of the Local Planning Authority.

Reason

In the interests of highway safety and the amenities of nearby residents in accordance with CSUCP policies CS13 and CS14 and Saved UDP policy DC2.

40

Prior to the development hereby permitted progressing above damp proof course details of ventilation equipment to be located on the roof of the hydrotherapy pool, dining hall and sports hall shall be submitted for the consideration and written approval of the Local Planning Authority.

Reason

To safeguard the amenities of nearby residents and to ensure that any external equipment does not have an adverse effect upon the appearance of the area and in accordance with Saved UDP Policies DC2 and ENV3 and CSUCP policy CS14

41

The details approved under condition 40 shall be implemented wholly in accordance with the approved details and retained for the life of the development thereafter.

Reason

To safeguard the amenities of nearby residents and to ensure that any external equipment does not have an adverse effect upon the appearance of the area and in accordance with Saved UDP Policies DC2 and ENV3 and CSUCP policy CS14

42

Before the kitchen hereby approved is brought into use a detailed scheme covering the ventilation, extraction and control of cooking odours from the kitchen shall be submitted to and approved in writing by the Local Planning Authority.

Reason

To ensure that the development is designed and adequately ventilated to control odour nuisance, in accordance with Saved UDP Policies DC2 and ENV3 and CSUCP policy CS14.

43

The ventilation / extraction details approved under condition 42 shall be implemented wholly in accordance with the approved details prior to the first use of the kitchen and retained thereafter.

Reason

To safeguard the amenities of nearby residents and to ensure that any external equipment does not have an adverse effect upon the appearance of the area and in accordance with Saved UDP Policies DC2 and ENV3 and CSUCP policy CS14.

44

Notwithstanding the submitted Aecom isopachyte layout drawing DR-C-6002 P3, no development shall commence until revised details have been submitted for the consideration and written approval of the Local

Planning Authority to omit the proposed cut in the south east corner of the site bounding Durham Road to avoid the unnecessary loss of semi mature trees

Reason for condition

To ensure the satisfactory retention and protection of trees, shrubs and hedges in accordance with the NPPF, saved policy ENV44 of the Unitary Development Plan and policy CS18 of the Core Strategy and Urban Core Plan.

Reason for prior to commencement condition

To minimise the risk of harm and long-term adverse impacts of the development on the trees to be retained by ensuring the trees are retained and protected before the development commences.

The Local Planning Authority is satisfied that this information is so fundamental to the development permitted that it would have been otherwise necessary to refuse the whole permission.

45

The details approved under condition 44 shall be implemented wholly in accordance with the approved details prior to the development hereby permitted progressing above damp proof course and retained for the life of the development.

Reason for condition

To ensure the satisfactory protection of trees, shrubs and hedges in accordance with the NPPF, saved policy ENV44 of the Unitary Development Plan and policy CS18 of the Core Strategy and Urban Core Plan.

Reason for prior to commencement condition

To minimise the risk of harm and long-term adverse impacts of the development on the trees to be retained by ensuring the trees are retained and protected before the development commences.

The Local Planning Authority is satisfied that this information is so fundamental to the development permitted that it would have been otherwise necessary to refuse the whole permission.

46

Notwithstanding the drawings as submitted TS-0411-140 Rev 0, DR-C-6002 P3, TS-0411-160, TS-0411-100 Rev A and TS-0411-106 Rev 0 prior to occupation of the building hereby permitted final details of the perimeter boundary treatment to realign away from the back of the footpath and omit the crank to the Shipcote Lane boundary, and showing the boundary treatment and gates to the MUGA shall be submitted for the consideration and written approval of the Local Planning Authority.

Reason

In the interests of visual amenity and in accordance with Saved UPD policy ENV3 and CSUCP policy CS15.

47

The details approved under condition 46 shall be implemented wholly in accordance with the approved details prior to first occupation of the development hereby permitted and retained for the life of the development.

Reason

In the interests of visual amenity and in accordance with Saved UPD policy ENV3 and CSUCP policy CS15.

48

Notwithstanding the drawings as submitted TS-0411-140 Rev 0, DR-C-6002 P3, TS-0411-160, TS-0411-100 Rev A and TS-0411-106 Rev 0 prior to occupation of the building hereby permitted final details of the bin store shall be submitted for the consideration and written approval of the Local Planning Authority.

Reason

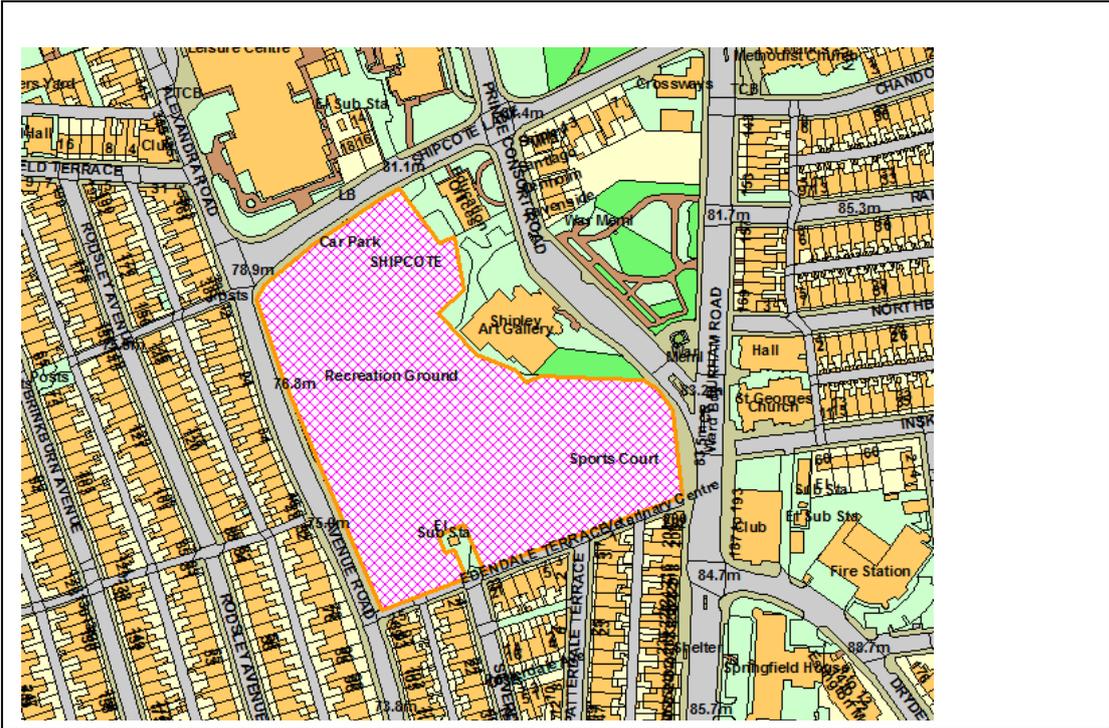
In the interests of visual amenity and in accordance with Saved UPD policy ENV3 and CSUCP policy CS15.

49

The bin store details approved under condition 48 shall be implemented wholly in accordance with the approved details prior to first occupation of the development hereby permitted and retained for the life of the development.

Reason

In the interests of visual amenity and in accordance with Saved UPD policy ENV3 and CSUCP policy CS15.



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REPORT NO 2

Committee Report

Application No:	DC/19/00316/HHA
Case Officer	Tracy Long
Date Application Valid	7 April 2019
Applicant	Mrs Armstrong
Site:	41 Deneway Lockhaugh Rowlands Gill NE39 1BB
Ward:	Winlaton And High Spen
Proposal:	Proposed single storey front porch extension, single storey side garage extension, single storey rear extension, rear dormer extension and installation of 4 rooflights in the front roof plane (description amended 26 April 2019)
Recommendation:	GRANT
Application Type	Householder Application

1.0 The Application:

1.1 DESCRIPTION OF APPLICATION SITE

1.2 The application site is a brick built, semi detached, bungalow at 41 Deneway in Rowlands Gill. The front of the house is enclosed by a low brick wall in part and a low hedge in part. The area at the front of the house is partially gravelled and partially paved to allow for the parking of vehicles. The paved drive leads to a detached garage towards the rear of the bungalow. There are two single storey flat roof extensions at the rear of the bungalow. The rear garden is enclosed partially by a 1.8 metre high close boarded fence along the rear garden boundary with No.39 Deneway. The rest of the rear garden is enclosed by a hedge around 1.8 metres high.

1.3 The house is situated within a residential area surrounded by other houses. A footpath runs along the southern boundary of the site. Land levels fall gently from the front of the house to the rear (west to east).

1.4 DESCRIPTION OF APPLICATION

1.5 This planning application proposes a number of extensions and alterations to the house including:

- the removal of the existing detached garage
- the removal of the existing single storey rear extensions
- a single storey front porch extension (0.9m deep x 3.6m wide x 2.6 m high)
- a single storey side garage extension (4.5 - 4.8m wide x 6m deep x 4.3m high)
- a single storey flat roof rear extension (2.9m deep x 8.9m wide x 2.7m high)
- a rear dormer extension (6.5m wide, set down 1.4m from ridge line)
- installation of 4 rooflights in the front roof plane

1.6 RELEVANT PLANNING HISTORY

1.7 No relevant planning history.

2.0 Consultation Responses:

None received

3.0 Representations:

3.1 The Council sent notification letters to 7 residents surrounding the application site.

3.2 Three objection letters have been received. Two objection letters have been received from local residents from the properties to the rear of the application site at 1 and 2 Thornley Lane. An objection letter has also been received from Councillor Charlton requesting that this application be considered by Planning Committee.

3.3 The local residents have objected on the grounds that :

- the proposed rear dormer extension will look directly into their gardens and houses
- the dormer will create a borrowed light situation affecting the neighbour's properties
- the development will impact on the value of the neighbour's property

3.4 Councillor Charlton has objected to the proposed rear dormer extension on the grounds that the development would affect the neighbour's privacy.

4.0 Policies:

NPPF National Planning Policy Framework

NPPG National Planning Practice Guidance

DC2 Residential Amenity

ENV3 The Built Environment - Character/Design

ENV38 Washed-Over Settlements in Green Belt

CS13 Transport

CS14 Wellbeing and Health

CS15 Place Making

HAESPD Householder Alterations- Extensions SPD

5.0 Assessment of the Proposal:

5.1 The main planning issues are considered to be the effect of the proposed extensions on the character and appearance of the area and the effect of the proposed extension on the living conditions of surrounding neighbours.

5.2 GREEN BELT SETTLEMENT ENVELOPE

5.3 Given the application proposes the development within a settlement envelope within the Green Belt, saved policy ENV38 of the Gateshead adopted Unitary Development Plan is relevant in this case. Within the Green Belt there are several smaller settlements where it is reasonable that infill residential development should be permitted within a tightly drawn envelope. Settlement envelopes for these are shown on the Council's Local Plan Policy Map. This site is situated within Lockhaugh Washed Over Settlement. Saved policy ENV38 states that 'providing that it does not have an adverse effect on the character of the settlement concerned and satisfies other detailed planning considerations, infilling development within the envelopes of Green Belt settlements will be allowed'.

5.4 On this basis, Council officers consider that the proposed householder development is acceptable within the settlement envelope. The proposed development is therefore considered to accord with saved policy ENV38 of the Gateshead Unitary Development Plan as well as the NPPF.

5.5 DESIGN ISSUES

5.6 Council officers are of the opinion that the scale and design of the proposed development as a whole (all the proposed extensions and alterations) are appropriate to the existing bungalow as well as the surrounding residential area. To ensure that the proposed development does not have an adverse effect upon the appearance of the existing building a condition relating to the proposed materials has been recommended (condition 3). Subject to this planning condition it is considered that the development is acceptable from a design point of view and accords with the design aims and objectives of saved policy ENV3 of the Unitary Development Plan for Gateshead (UDP), policy CS15 of the Core Strategy and Urban Core Plan for Gateshead and Newcastle upon Tyne (CSUCP) and the Council's Household Alterations and Extensions Supplementary Document 2011 (SPD).

5.7 HIGHWAY IMPACTS

5.8 The proposal would not have an unacceptable impact on highway capacity, highway safety or parking provision. It is therefore considered that the proposal complies with the aims and objectives of policy CS13 of the CSUCP.

5.9 RESIDENTIAL AMENITY

- 5.10 Two neighbours to the rear (east) of the site at Nos. 1 and 2 Thornley Lane have objected on the grounds that the proposed rear dormer extension will look directly into their rear gardens, sitting/living room and kitchen/ sun room. Concerns have also been raised that the proposal will create a borrowed light effect for the neighbours.
- 5.11 The National Planning Policy Framework (NPPF) states that new developments should provide a high standard of amenity for existing and future users. Saved policy DC2 of the Council's UDP together with policy CS15 of the Council's CSUCP together state that new development should prevent negative impacts on residential amenity and safeguard the enjoyment of light and privacy for existing residential properties. More detailed guidance on house extensions is set out in the Council's Household Alterations and Extensions SPD.
- 5.12 This SPD states that following the erection of any extension neighbouring properties, including gardens should still have a reasonable level of privacy. The SPD also explains that as a general rule, acceptable levels of privacy are achieved by keeping a distance of 21 metres between main facing elevations containing habitable room windows (i.e. living/dining rooms, kitchens and bedrooms). The SPD also states that where dwellings have an angled relationship rather than directly facing one another, there may be possibility of reducing distances between main facing elevations.
- 5.13 After undertaking a site visit Council officers are of the opinion that the proposed development as a whole (all the proposed extensions and alterations) would not have an unacceptable impact on the surrounding residential properties.
- 5.14 The proposed rear dormer extension will introduce new first floor windows in the rear of the bungalow to an en-suite and a bedroom. Council officers accept that the dormer extension will introduce a new element of potential overlooking between the rear of the application site and the rear gardens of Nos. 1 and 2 Thornley Lane. The distance that will remain between the rear wall of the proposed dormer extension and the nearest rear walls of Nos. 1 and 2 Thornley Lane are set out below:
- 34 metres to the nearest rear wall of 1 Thornley Lane
27 metres to the nearest rear wall of 2 Thornley Lane
- 5.15 Given that the remaining distance exceeds the 21 metre separation guidance set out in the Council's Household SPD, Council officers consider that a reasonable level of privacy would remain between the neighbours. Council officers are therefore of the opinion that the proposed extensions and alterations would not be unacceptably oppressive to the neighbours or restrict the enjoyment and privacy of their homes.
- 5.16 Council officers are therefore of the view that the proposed development including the rear dormer extension would not result in a harmful increase in

loss of light, overshadowing, visual intrusion or loss of privacy through overlooking to neighbours.

5.17 The proposed development is therefore considered to be acceptable from a residential amenity point of view and accords with the aims and objectives of the NPPF, saved policy DC2 of the UDP, policy CS14 of the CSUCP and the Council's Household SPD.

5.18 OTHER ISSUES

5.19 Neighbours have objected on the grounds that the proposed extension may impact on the value of their properties. This is not a material planning consideration.

6.0 CONCLUSION

6.1 Taking all the relevant planning issues into account, including the objections raised by local residents and Councillor Charlton, it is considered that the proposed development is acceptable from a planning point of view and accords with both national and local planning policies. It is therefore recommended that planning permission be granted, subject to the conditions below.

7.0 Recommendation:

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

1

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

Site location plan outlining the site in red

Site plan as proposed 1711/06

Proposed plans 1711/04

Elevations as proposed 1711/05

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

All external surfaces shall be completed in materials to match those of the existing building. Where new materials would differ in any way from those of the existing building, no development shall commence until samples of the proposed materials are made available for inspection on site and are subsequently approved in writing by the Local Planning Authority. Thereafter the development shall be carried out in accordance with those details.

Reason

To safeguard the visual amenities of the area and to ensure that the proposed development does not have an adverse effect upon the appearance of the existing building 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



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Committee Report

Application No:	DC/19/00332/COU
Case Officer	Josh Woollard
Date Application Valid	11 April 2019
Applicant	Mrs Tracey Carver
Site:	19 Keir Hardie Avenue Wardley Felling NE10 8EJ
Ward:	Pelaw And Heworth
Proposal:	Change of use from retail (use class A1) to beauty training centre (use class D1).
Recommendation:	GRANT
Application Type	Change of Use

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

The application site is a ground floor unit located on Keir Hardie Avenue. This part of Keir Hardie Avenue is made up of three buildings that form a crescent. Each of the buildings provide two levels of accommodation; commercial units occupy the ground floors whilst residential units are provided above. Each of the buildings face onto an area of open space. The application relates to one of the two ground floor units within the northernmost building of the three.

1.2 The buildings around the site are in a variety of uses with the parade of ground floor retail units and residential accommodation above to the south, Wardley Primary School to the east, and residential properties to the north and west.

1.3 DESCRIPTION OF THE APPLICATION

The application seeks full planning permission for the change of use of the ground floor retail unit (Use Class A1) to beauty training centre (Use Class D1).

1.4 The applicant has provided the following information regarding the operation of the proposed business:

- Two staff members would run 3 courses per week, building up to 5 courses per week over a 12-month period
- Each course would run from 09:30 to 15:30 and would have a maximum of 10 students per course
- Courses would include lash extensions, eyebrow treatments, nail enhancements, gel polish, henna brows etc. and would be accredited with a certificate supplied by ABT (Associated Beauty Therapists)

2.0 Consultation Responses:

None received.

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) 2015.

3.2 One representation has been received from Councillor Ian Patterson who objects to the proposal on the following grounds:

- Inappropriate use of the building as it is not large. Stonehills would be a more appropriate location.
- Would not be a forward-facing operation for customers to access, as remainder of units are respectively men's barbers, Premier store, ladies' hairdressers and dog grooming parlour.
- Parking is tight everywhere on estate and the shop is next to Wardley School. There will be a parking logjam especially during the school runs in term time.

4.0 Policies:

NPPF National Planning Policy Framework

NPPG National Planning Practice Guidance

CS7 Retail and Centres

CS8 Leisure, Culture and Tourism

CS13 Transport

CS14 Wellbeing and Health

CS15 Place Making

ENV3 The Built Environment - Character/Design

DC2 Residential Amenity

RCL5 District and Local Centres

5.0 Assessment of the Proposal:

5.1 The key issues to be considered in the determination of this planning application are considered to be the principle of the development, visual amenity, residential amenity and highway safety.

5.2 PRINCIPLE OF THE DEVELOPMENT

The application site is located outside of Pelaw and Felling District and Local Centres. The application proposes the change of use from Use Class A1 to Use Class D1. The proposed use is not a main town centre use as defined within

Annex 2: Glossary of the NPPF. A sequential test is therefore not required to support the planning application.

- 5.3 Whilst a sequential test is not required the application site is considered to be well located with good transport links. Heworth Metro station is approximately 500m away, whilst there is a public bus stop less than 50m away.
- 5.4 Policy CS7 of the CSUCP states that outside the retail hierarchy, local community facilities and small shopping parades, including single shops, will be retained where they provide an important service to the local community and remain viable.
- 5.5 The application form indicates that the unit has been vacant since January 2018. Given the length of time that the unit has sat vacant, it is considered that the unit in its current form does not provide an important service to the community, nor does it remain viable.
- 5.6 The proposed change of use would result in a unit that is not open to the public. The benefits that would stem from the development would include, and are not limited to, bringing the vacant unit brought back into use, increased footfall within the area which would help support the remaining retail units and providing training facilities. It is considered that the proposed change of use would not be detrimental to the vitality of the parade of shops.
- 5.7 Taking into account the accessibility of the site, the period of time the unit has sat vacant, and the benefits that would result from bringing the unit back into use, it is considered that the proposed D1 use would be appropriate in this location and would comply with the NPPF and policy CS7 of the CSUCP.
- 5.8 VISUAL AMENITY
No external works are proposed as part of this planning application. Whilst the unit would not be open to the public like the other retail units to the south, it is considered that the unchanged shop frontage would appear in-keeping with the other units along Keir Hardie Avenue.
- 5.9 Given the above, it is considered that the proposal would accord with the design aims and objectives of the NPPF, policy CS15 of the CSUCP, and Saved policy ENV3 of the UDP.
- 5.10 RESIDENTIAL AMENITY
The unit currently falls under Use Class A1. The unit, whilst currently vacant, would, when in use, be open to the public meaning there would be no limit on the number of customers visiting and using the shop.
- 5.11 The beauty training centre would not be open to the public and therefore customer numbers would be limited by the size of the premises and class size which the applicant has indicated to be a maximum of 10.
- 5.12 Further, the applicant has indicated that the courses provided at the centre would run from 09:30 to 15:30. As a result, the period of time in which customers

would likely visit the unit would be more condensed as opposed to a typical retail unit which would have longer opening hours. It is recommended that a condition be attached which restricts the opening hours of the unit to between 08:00 and 22:00 on any day to prevent any unacceptable impact on residential amenity.

5.13 Given the above, it is considered that the proposed beauty training centre would not have an unacceptable impact on residential amenity and would be compliant with the NPPF, policy CS14 of the CSUCP, and Saved policy DC2 of the UDP.

5.14 HIGHWAY SAFETY

5.15 Traffic Generation

It is not considered that the proposed beauty training centre would result in a significant increase in the number of trips in comparison to the existing use of the property.

5.16 Parking Provision

The application site has good transport links with a public bus stop less than 50m to the west, and Heworth Metro stop around 500m away. In addition, there are no parking restrictions within the immediate area. Given the sustainable location, it is considered that, despite the property not having any designated off-street parking, the development would not result in a severe impact on the road network.

5.17 Cycle Parking

The ground floor unit benefits from a private, external yard to the rear. In the absence of 3m x 7m garages, alternative secure and weatherproof cycle parking for the unit should be confirmed. It is therefore recommended that further details of the proposed cycle parking are submitted to the Local Planning Authority for consideration prior to first use of the beauty training centre. This can be secured via condition (condition 3-4).

5.18 Given the above, it is considered that the proposed development would be acceptable, subject to condition and would comply with the NPPF and policy CS13 of the CSUCP.

5.19 OTHER MATTERS

One objection received raises concerns regarding the size of the unit. It is considered that the size of the premises is suitable for the proposed use from a planning perspective. Assessing the suitability and standard of the teaching facilities would fall outside the planning system and would not therefore be a material planning consideration.

6.0 CONCLUSION

6.1 Taking into account all material planning considerations, it is considered that the proposed change of use from Use Class A1 to Use Class D1 would be

acceptable and would comply with the relevant national and local planning policies.

7.0 Recommendation:

That permission be GRANTED subject to the following condition(s) and that the Service Director of Development, Transport and Public Protection 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

Site 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

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

Prior to first use of the beauty training centre, final details of the secure and weatherproof cycle storage shall be submitted for consideration and written approval of the Local Planning Authority.

Reason

In the interests of sustainable development and in order to accord with policy CS13 of the CSUCP and the Gateshead Cycling Strategy 2015.

4

The details approved under condition 3 shall be implemented wholly in accordance with the approved details prior to first use of the beauty training centre and retained for the life of the development.

Reason

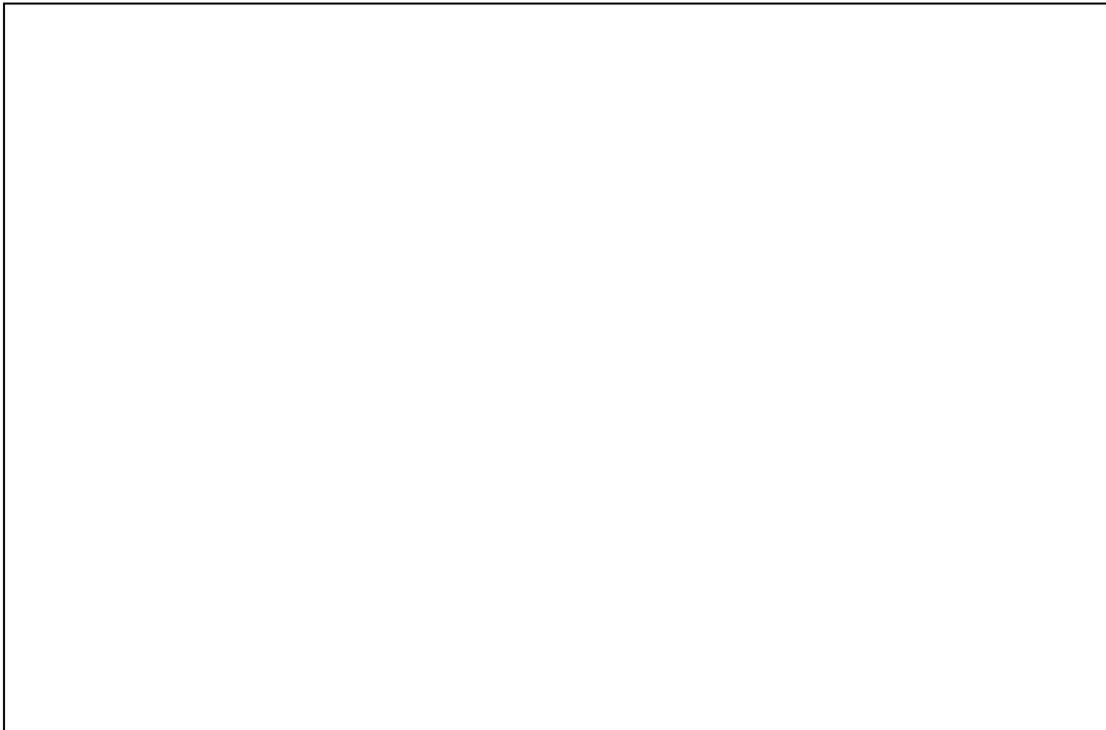
In the interests of sustainable development and in order to accord with policy CS13 of the CSUCP and the Gateshead Cycling Strategy 2015.

5

The opening hours of the premises shall be restricted to between 08:00 and 22:00 on any day unless otherwise approved in writing by the Local Planning Authority.

Reason

To ensure that no disturbance is caused to neighbouring properties as a result of unreasonable trading hours at the premises in accordance with Policies DC1, DC2 and ENV61 of the Unitary Development Plan.



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UPDATE

**REPORT OF THE
SERVICE DIRECTOR, DEVELOPMENT TRANSPORT AND PUBLIC
PROTECTION**

**TO THE PLANNING AND DEVELOPMENT COMMITTEE ON
5 June 2019**

Please note this document should be read in conjunction with the main report of the
Service Director, Development Transport and Public Protection

MINOR UPDATE

Application No:	DC/19/00332/COU
Site:	19 Keir Hardie Avenue Wardley Felling NE10 8EJ
Proposal:	Change of use from retail (use class A1) to beauty training centre (use class D1).
Ward:	Pelaw And Heworth
Recommendation:	Grant Permission
Application Type	Change of Use

Reason for Minor Update

Further representations made

Three objections have been received. These objections are summarized as follows:

- **Lack of suitable parking and impact on bus routes**

SEE MAIN AGENDA FOR OFFICERS REPORT.

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Committee Report

Application No:	DC/19/00275/HHA
Case Officer	David Morton
Date Application Valid	10 April 2019
Applicant	Mr Chris Brass
Site:	Cobba-Da-Mana Hexham Old Road Ryton NE40 3LE
Ward:	Ryton Crookhill And Stella
Proposal:	Raised decking area to rear of the property
Recommendation:	GRANT
Application Type	Householder Application

1.0 The Application:

1.1 DESCRIPTION OF THE SITE

The application relates to Cobba-Da-Mana a residential property located on Hexham Old Road, Ryton. The property is a detached split-level bungalow, the property has a single level of accommodation with a storage area located at ground floor level to the rear.

1.2 The area is residential in nature, within the streetscene there is a general lack of uniformity in dwelling types, scales and materials.

1.3 There are residential properties located to the north west (Colingdale), south east (Rushlor) and also to the east (2 and 3 Watermill). Land levels generally slope from north to south within the area and on the application site.

1.4 Externally the property is finished in light coloured render and the roof is finished in roof tiles.

1.5 DESCRIPTION OF THE APPLICATION

The application seeks partially retrospective planning permission for the erection of a raised decking area to the rear elevation of the property.

1.6 There is currently raised decking in situ to the rear of the dwellinghouse. The decking has been erected at a height of approximately 2.3 metres from ground level (to the floor) and approximately 3.8 metres to the top of the balustrade. The decking currently has a projection of 3 metres from the rear elevation of the house and a width of 6 metres.

1.7 The application proposes to retain a proportion of the raised decking, however the application proposes significant amendment. The application proposes that the height and width of the raised deck remain unaltered, however it also proposes a reduction in the projection of the deck from 3 metres to 1.5 metres (while retaining the stairs as existing). Further, the application proposes the

introduction of a screen along the south eastern boundary of the raised deck, although limited detail relating to the screening has been provided.

1.8 PLANNING HISTORY

There is no planning history associated with the application site or the current application.

2.0 Consultation Responses:

None

3.0 Representations:

3.1 Neighbour notifications were carried out in accordance with the formal procedures introduced in the Town and Country Planning (Development Management Procedure) Order 2015. A total of 4 letters of objection, including from a Ward Councillor (Councillor Chris Buckley) have been received and are summarised as follows;

- The height of the raised decking would allow for unacceptable level of overlooking which would not be resolved by the introduction of screening; and
- The overlooking could be addressed by the introduction of conifers;
- Changes in land levels and removal of existing planting has resulted in overlooking issues to the rear of the premises.

4.0 Policies:

NPPF National Planning Policy Framework

NPPG National Planning Practice Guidance

DC2 Residential Amenity

ENV3 The Built Environment - Character/Design

CS13 Transport

CS14 Wellbeing and Health

CS15 Place Making

HAESPD Householder Alterations- Extensions SPD

5.0 Assessment:

5.1 The key considerations to be taken into account when assessing this planning application are set out below:

5.2 IMPACT ON STREETSCENE

It is considered that the scale and design of the development as a whole is appropriate to the host property and surrounding area. To ensure that the proposed development does not have an adverse effect upon the appearance of the existing building a condition relating to the proposed materials has been attached to the application. It is considered that the development is in accordance with policy ENV3 of the Unitary Development Plan for Gateshead (UDP) and policy CS15 of the Core Strategy and Urban Core Plan for Gateshead and Newcastle upon Tyne (CSUCP).

5.3 RESIDENTIAL AMENITY

The NPPF requires the planning process to achieve a good standard of amenity for all existing and future occupants of land and buildings. This is a key aspect of the planning system and is echoed by CSUCP policy CS14 and saved UDP policy DC2 which seek to ensure that development does not cause any undue disturbance to nearby residents, safeguards the enjoyment of light and privacy for existing residential properties, and ensures an acceptable level of amenity for existing and future residents.

5.4 The Householder Alterations and Extension Supplementary Planning Document (HAESPD) advises the following in regard to balconies, terraces and decking;

"Applications for such additions will be considered with regard to their impact on the privacy of nearby residents. These particular types of application will not normally be approved if there is significant overlooking of a neighbouring garden/yard or a main living room window.

Not only may they allow direct overlooking into neighbouring properties or private gardens, they can also increase the general level of noise and disturbance."

5.5 The property located to the south east (Rushlor) has patio doors and windows within the rear elevation approximately 2.5 metres from the common boundary with the application site. It is considered that the decking as existing would provide opportunity for significant overlooking into these windows. Further, it is considered that the decking provides opportunity for some level of overlooking into the garden area associated with Rushlor.

5.6 However, Officers are of the view that the amendments as proposed by the current application would significantly reduce the amenity impact on the occupiers of Rushlor. The application proposes that the decking be reduced to the minimum projection which would allow the rear door of the application site to be opened. It is considered this alteration will reduce the level of overlooking afforded, while also reducing the usability of the deck as an outside seating/entertaining space. The combination of these factors, alongside the intention of the applicant to install a screen (which will be secured by planning Conditions 3 and 4) is sufficient to reduce the impact of the development to an acceptable degree.

5.7 The raised deck is located circa 5 metres from the common boundary with the property to the north west (Colingdale). Given the separation distance, the

location of Colingdale and the strength of the boundary treatment it is considered that the proposed decking would not afford any unacceptable overlooking into the rear of Colingdale. Further to this, it is considered that the strongly planted up boundary would ensure that the proposal would not lead to any unacceptable impact on the garden area associated with Colingdale.

5.8 It is considered that the separation distance between the development and those properties to the rear (24 and 25 metres) alongside the 'off centre' relationship is adequate to ensure no unacceptable impact on 2 and 3 Watermill would occur, even when having regard to changes in land levels.

5.9 It is considered that the proposed development would not have an unacceptable impact on the nearby residential properties as it would not result in a harmful increase in loss of light, overshadowing or visual intrusion. Therefore, it is considered that the proposal is in accordance with saved policy DC2 of the UDP and policy CS14 of the CSUCP.

5.10 **OTHER MATTERS**

The issues raised by objectors have all been addressed within the main body of the report.

6.0 CONCLUSION

6.1 Taking into account the above assessment, representations received, and all relevant material planning considerations, it is considered that the proposed development would be compliant with the relevant national and local planning policies.

7.0 Recommendation:

That permission be GRANTED subject to the following condition(s) and that the Service Director of Development, Transport and Public Protection 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 -

Amended Elevation

All Amended Elevation

Cobba Site Location Plan

Cobba Amended Site Location

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 hereby permitted shall be constructed entirely of the materials detailed and shown on plan number All Amended Elevation

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.

3

Within one month of the grant of planning permission a fully detailed scheme for screening along the edge of the raised decking facing south east towards Rushlor (including a timescale for implementation) shall be submitted to and approved in writing by the Local Planning Authority.

Reason

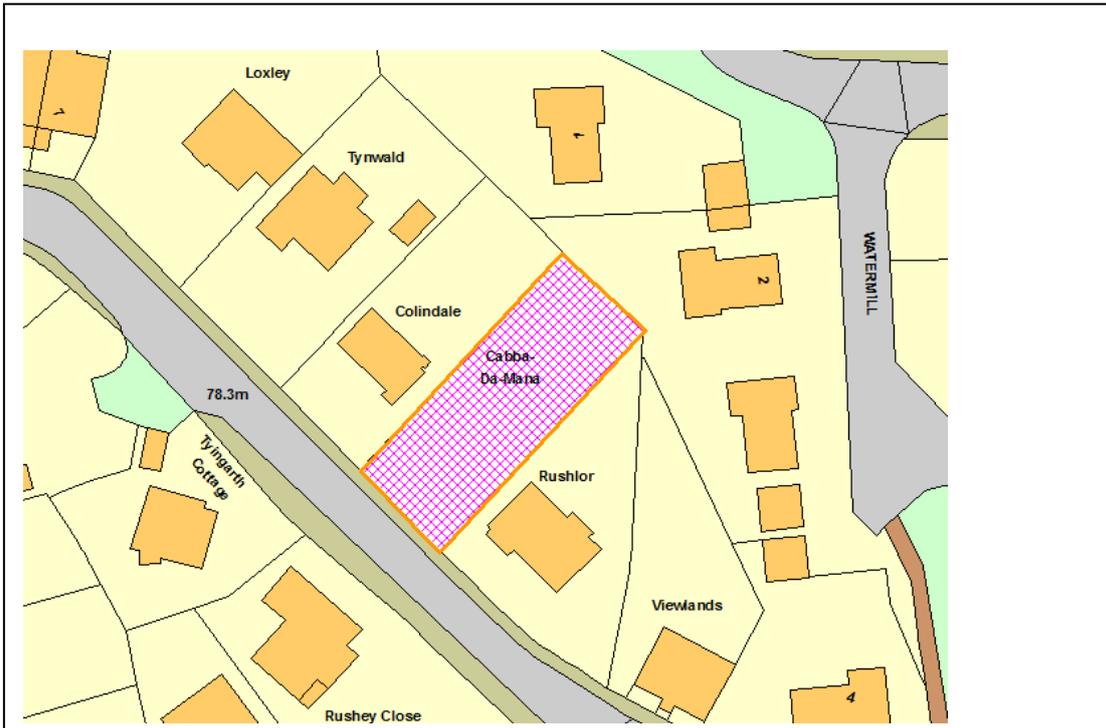
To ensure that the external appearance of the development is of an appropriate design and quality in accordance with the NPPF, Saved Policies DC2 and ENV3 of the Unitary Development Plan and Policies CS14 and CS15 of the Core Strategy and Urban Core Plan for Gateshead and Newcastle upon Tyne.

4

The screening along the edge of the raised decking facing south east towards Rushlor shall be installed in full accordance with the details and timescale approved under Condition 3.

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.



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UPDATE

**REPORT OF THE
SERVICE DIRECTOR, DEVELOPMENT TRANSPORT AND PUBLIC
PROTECTION**

**TO THE PLANNING AND DEVELOPMENT COMMITTEE ON
5 June 2019**

Please note this document should be read in conjunction with the main report of the
Service Director, Development Transport and Public Protection

MINOR UPDATE

Application No:	DC/19/00275/HHA
Site:	Cobba-Da-Mana Hexham Old Road Ryton NE40 3LE
Proposal:	Raised decking area to rear of the property
Ward:	Ryton Crookhill And Stella
Recommendation:	Grant Permission
Application Type	Householder Application

Reason for Minor Update

Further representations made

Two letters of support have been received, one from a resident and one from a Ward Councillor (Councillor Freda Geddes) in addition to an updated objection from a Ward Councillor (Councillor Chris Buckley).

The letter of support from Councillor Geddes is summarised as follows:

- The works undertaken in renovating the property have been completed as permitted development, the applicant mistakenly thought the raised deck also fell within the remit of permitted development;
- The applicant has amended the scheme to comply with the requirements of Officers; and
- The applicant is mindful of the need to maintain privacy levels and as such has suggested measures to reduce impact i.e. screening.

The letter of support from the resident is summarised as follows:

- The applicant has vastly improved the property; and
- The proposed development would not lead to any impact on amenity.

The letter of objection from Councillor Buckley is summarised as follows:

- The amended decking would still result in a significant overbearing presence on neighbouring properties;
- The retention of the side access to the property would remove the need for the raised decking;
- The use of plants to offer a screen would not be sufficient; and
- If Members were minded to grant permission, Councillor Buckley has requested that they visit the site to view the raised decking.

Officers have no comments to make on the additional letters received.

SEE MAIN AGENDA FOR OFFICERS REPORT.

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TITLE OF REPORT: Planning and Development Committee site visit in advance of the meeting on 26 June 2019

REPORT OF: Service Director, Development, Transport and Public Protection

Purpose of the Report

1. To inform members of a planning application which is scheduled to be reported to Planning and Development Committee on 26 June 2019 and to request members to decide if they wish to visit the site (20 June 2019) in advance of that meeting.

Application Reference DC/19/00268/FUL (Ravensdene Lodge, 55 Consett Road)

Demolition of existing hotel and erection of 4-storey block to provide extra care housing development comprising 58 x 1 bed apartments and 24 x 2 bed apartments communal facilities including dining, coffee bar, lounges, salon, assisted bathing, activities room, buggy store and offices (amended/additional information 02/04/19, 16/04/19, 17/04/19 and 25/04/19).

2. The above application was received and made valid on 28 March 2019.

Prior to submission, the applicant undertook public consultation by way of a public exhibition at the Lobley Hill Community Centre from 3-6:30pm on 19 March 2019.

Following the first stage of consultation, amendments were made to the proposals and a pre application presentation of the final scheme was presented to Planning and Development Committee on 28 August 2018.

Following receipt of the application the Local Planning Authority also notified local residents to give them the opportunity to make representations on the application. A total of 44 properties in the surrounding area have been notified about the application. In addition, a site notice was erected on the site and in its vicinity on 5th April 2019 and again on 1 May 2019. This was to coincide with the publication of notices of the planning application in The Journal newspaper the same day.

As of 20 May 2019 there have been a total of 32 letters of objection received from a total of 15 individuals and 2 letters of support. The objections include concerns over loss of privacy and overbearing impact on residential amenity, location of the proposed substation, the increase in traffic and highway safety, flooding, impact on trees and hedgerows, impact on ecology. The letters of support favour the provision of new extra care affordable housing.

The current application proposes demolition of existing hotel and erection of 4-storey block to provide extra care housing development comprising 58 x 1 bed apartments and 24 x 2 bed apartments communal facilities including dining, coffee bar, lounges, salon, assisted bathing, activities room, buggy store and offices.

The Application was amended after the pre-application presentation to Members and, since receipt, it has been amended further, in order to address concerns relating to the development's impact on the living conditions of occupiers of the neighbouring property.

3. Officers consider that it would be beneficial for members to view the new site prior to making a determination.

Recommendations

4. It is recommended that the Planning and Development Committee
 - (i) Resolve whether or not to visit the above site in advance of the meeting on 26 June 2019.

Contact: Lois Lovely - extension 2317

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

Nil.

8. WARD IMPLICATIONS

Lobley Hill and Bensham

9. BACKGROUND INFORMATION

Nil

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Committee Report

Application No:	DC/19/00310/BPIP
Case Officer	Rebecca Adams
Date Application Valid	4 April 2019
Applicant	Gateshead Council
Site:	Park Depot Felling Park Holly Hill NE10 9DF
Ward:	Felling
Proposal:	Permission in principle for between 4 and 10 dwellings (amended 16/05/19).
Recommendation:	GRANT
Application Type	Permission in Principle

1.0 The Application:

1.1 BACKGROUND

Permission in Principle and Technical Details Consent Route

- 1.2 The Permission in Principle (PIP) consent route is an alternative way of obtaining planning permission for housing-led development which separates the consideration of matters of principle for proposed development from those of the technical details of the development.
- 1.3 The PIP route has two stages: the first stage (or 'Permission in Principle' stage) establishes whether a site is suitable in-principle for residential development. The second stage (known as the 'Technical Details Consent') (TDC) is when the detailed development proposals are assessed.
- 1.4 The combination of a PIP and a subsequent TDC means that the site has an implementable planning permission.
- 1.5 PIP does not consider the details of a particular scheme; this simply establishes the principle of residential-led development on a site and the number of dwellings that the site can accommodate (in a similar way to an outline planning application).
- 1.6 The scope of PIP is limited to location, land use and amount of development. Issues relevant to these 'in principle' matters should be considered at the PIP stage. Other matters should be considered at the TDC stage. Once PIP is granted, these issues cannot be re-considered at TDC stage.
- 1.7 No planning conditions or planning obligations can be attached to a PIP. The Local Planning Authority (LPA) can however inform applicants about what they expect to see at the TDC stage, at which conditions can be imposed.

- 1.8 It should additionally be noted that if a PIP is granted, a TDC application could still be refused if it is unacceptable.

Type of PIP application

- 1.9 The LPA can grant PIP to a site upon receipt of a valid application (from an external applicant), or by entering a site in Part 2 of its brownfield land register, which would trigger a grant of permission in principle for that land.
- 1.10 This application seeks to include the site in Part 2 of the Brownfield Land Register as land allocated for residential development.
- 1.11 A Brownfield Land Register is made up of two parts. Part 1 of a Brownfield Land Register is a list of sites that an LPA consider to be appropriate for residential or residential-led development.
- 1.12 If a site is included on the Brownfield Land Register, the Town and Country Planning (Permission in Principle) Order 2017 (15th April 2017) allows an "in principle" permission to be granted on sites, forming Part 2 of the register. This means that a site would be granted PIP for residential or residential-led development subject to the number and scale of development that the Council considers to be appropriate.
- 1.13 Where PIP is granted through allocation on the Brownfield Land Register, the default duration of that permission is 5 years. Applications for TDC must be determined within the 5 year or amended period.
- 1.14 DESCRIPTION OF THE SITE
The site is the former Council depot situated to the north western corner of Felling Park located south of Sunderland Road to the east of dwellings along St John's Place.
- 1.15 The site totals 0.24 hectares and was used as a depot for storage and maintenance in connection with the park, later being used by the Council for general equipment storage and maintenance before falling vacant. The existing structures on the site comprise a single storey garage block and storage containers with areas of hardstanding. A small number of coniferous trees/bushes are located to the southern boundary of the site.
- 1.16 The site is accessible from St John's Place to the west, which also serves as a vehicular access into Felling Park.
- 1.17 It is understood that the site and some of the buildings are currently used by the 'Friends of Felling Park and Town Centre' group in association with park maintenance activities.
- 1.18 The site itself is not designated however is adjacent to Felling Park Locally Listed Park and Garden and Grade II listed former Gateshead District Housing Offices. The site is also located within the vicinity of the Grade II listed Church

of St Patrick and Presbytery of The Church of St Patrick and The Green Mandolin Public House and Holly House (Locally Listed).

1.19 The site is already included on Part 1 of the Brownfield Land Register and is also proposed to be allocated for residential development in the Making Spaces for Growing Places (MSGP) Local Plan Document.

1.20 DESCRIPTION OF THE APPLICATION

The application seeks to include the site in Part 2 of the Brownfield Land Register as land allocated for residential development. If the land is included in Part 2 of the Register it will be granted permission in principle, which establishes the suitability in principle for housing development. The Council consider that the number of dwellings which the land is capable of supporting is between four and ten dwellings.

1.21 This application is to be considered in respect of location, land use and amount of development only. Planning conditions or planning obligations cannot be attached to a PIP.

1.22 The application is supported by a location plan of the site; an application form; a covering letter; and a development framework. The development framework provides an indicative site layout setting out how the number of dwellings could in theory be accommodated alongside details of the proposal site, surrounding area and relevant constraints.

1.23 The development framework indicates the area of proposed residential development, shown as two rectangular blocks positioned to the north east and south east parts of the site, together with areas suggested as private gardens and public green spaces which could also accommodate vehicular parking. The framework further indicates that vehicular parking may be accommodated on street for some units on the site.

1.24 The framework indicates that the existing vehicular access into Felling Park from St John's Place (to the west) would be utilised as a shared access into both the proposed development and the park. The information submitted suggests that arrangements would be required to secure the park without preventing access for residents, and that the access point may also require widening.

1.25 The red line site boundary has been amended during the course of the application in order to include the section of vehicular access from St John's Place to the entrance of the former depot. Re-consultations have not however been undertaken as this amendment does not prejudice those who have already made representations on the application, as the amended site boundary reflects the proposed indicative site layout and access arrangements stipulated within the development framework.

1.26 RELEVANT PLANNING HISTORY

- 1.27 819/91 - Construction of car park and pedestrian access to Felling police station (amended 13/8/91) - Granted 02.09.1991

2.0 Consultation Responses:

Coal Authority	Request consultation at TDC stage and confirmation that a Coal Mining Risk Assessment should be submitted with a TDC application
Environment Agency	No comments to make

3.0 Representations:

- 3.1 Neighbour notifications were carried out in accordance with formal procedures in the Town and Country Planning (Brownfield Land Register) Regulations 2017.
- 3.2 One petition has been received with 165 signatories. The petition states 'Friends of Felling Park and Town Centre petition to alter Gateshead Council's proposal to seek "Permission in Principle" to develop old Council Deport within Felling Park'; some pages of the petition document additionally state 'If you agree that Gateshead Council should reconsider their original proposal please sign our petition'.
- 3.3 97 letters of representation have been received in objection to the application, raising the following matters:
- The development would be detrimental to the work of park volunteers (The Friends of Felling Park & Town Centre) by taking away the space they need for the management of the park and equipment storage
 - The site and buildings should be given to the Friends of Felling Park & Town Centre
 - The Council should consider granting Permission in Principle for the Friends of Felling Park and Town Centre to use the site
 - The development of the site would result in the loss of a local community facility
 - The development would not be in the interests of Felling Park
 - The development would result in the loss of the park
 - Green spaces should be protected to help the environment
 - Loss of children's play space
 - Impacts upon park wildlife
 - Loss of public parkland to create access
 - Impacts upon highway safety
 - Access and parking issues
 - Increase in traffic
 - Site access would be detrimental to amenity of adjacent property (1 St John's Place)
 - Disturbance in early mornings/late evenings

- The loss of green space would result in increased air pollution
- Health concerns
- The site and buildings are historically associated with the maintenance of the park and should remain as such
- Impact upon amenity of nearby residential uses (including privacy and light levels), in particular St John's Place
- Development would have an overbearing impact upon properties on St John's Place
- Increase in noise
- Loss of view from properties on St John's Place
- Development would be out of keeping with the area/streetscene
- Development would be detrimental to the amenity value and character of the park
- Loss of trees
- Out of character with Conservation Area
- Alternative sites would be more appropriate and should be considered
- The development is unnecessary
- Overdevelopment of the site
- The site is inadequate for the proposed development
- The development may encourage children to the area resulting in increased anti-social behaviour/vandalism
- The park belongs to the people of Felling and should not be sold
- Land covenants

4.0 Policies:

NPPF National Planning Policy Framework

NPPG National Planning Practice Guidance

DC1D Protected Species

DC1P Contamination, derelict land, stability

DC2 Residential Amenity

H4 Windfall and Small Housing Sites

H5 Housing Choice

ENV3 The Built Environment - Character/Design

ENV11 Listed Buildings(saved UDP policy ENV11)

ENV19 Locally Listed Parks and Gardens

ENV27 Greening the Urban Area

ENV46 The Durham Biodiversity Action Plan

ENV44 Woodland, Trees and Hedgerows

ENV47 Wildlife Habitats

ENV54 Dev on Land Affected by Contamination

CFR20 Local Open Space

CFR21 Neighbourhood Open Spaces

CFR22 Area Parks

CFR23 Protecting and Imp Existing Open Space

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 application is to be considered against the matters of location, land use and amount of development.

5.2 LOCATION

The site is located adjacent to Felling Park Locally Listed Park and Garden (as defined by saved UDP policy ENV19) with a number of Grade II listed (saved UDP policy ENV11) and locally listed buildings within the vicinity. The north eastern boundary of Felling district centre (as defined by saved UDP policy RCL5 and policy CS7 of the CSUCP) is additionally located some 20m south of the site at its closest point.

5.3 The area surrounding the site is of a mixed commercial and residential character, with dwellings immediately adjacent along St John's Place to the west, in addition to the park which borders the site to the south and east.

5.4 Precise details of appearance and layout of the proposed residential development in relation to the character of the location/area would be considered at TDC stage. At this stage it is however considered that a suitably scaled, designed, laid out and landscaped development could be achieved at technical details stage which would be acceptable in terms of the impact on the

character and appearance of the locality, in accordance with saved policies ENV3, ENV11 and ENV19 of the UDP, and policy CS15 of the CSUCP.

- 5.5 Given its proximity to Felling district centre the site is well placed for access to a range of shops and services within walking distance. The area is also served by public transport, and at this stage, the LPA is satisfied that the development would be sustainable in transport terms. It is considered that suitable details could be provided at TDC stage that would be acceptable in respect of access (including suitable provision for access to allow park maintenance), highway safety and parking provision, in accordance with policy CS13 of the CSUCP.
- 5.6 The site is within an area with previously recorded bat activity and close to areas of suitable bat foraging habitat. The buildings on site also have some potential to supporting roosting bats and the site has some potential to support breeding bird species. Appropriate levels of detail relating to the impacts of the development upon ecology should therefore be submitted for consideration at TDC stage. It is considered that schemes/details could be provided at TDC stage that would be acceptable in respect of ecological protection and mitigation, in accordance with saved policies DC1(d), ENV46 and ENV47 of the UDP and policy CS18 of the CSUCP.
- 5.7 The site is within a Coal Authority defined high risk area; a risk assessment would therefore need to be carried out relating to land stability which would be required at TDC stage. It is considered that the development could be carried out safely without unacceptable risks to land stability, in accordance with saved policy DC1(p) of the UDP and policy CS14 of the CSUCP.
- 5.8 It is considered that adequate means of foul and surface water drainage could be provided for the site at the technical details stage where the risk of surface water flooding to the surrounding area would not be increased, and the risk of pollution to the surrounding environment minimised. This would be in accordance with policy CS17 of the CSUCP.
- 5.9 At this PIP stage, the LPA is satisfied that the site would be appropriate for residential development in terms of its location.

5.10 LAND USE

Paragraphs 10-11 of the NPPF state that:

'So that sustainable development is pursued in a positive way, at the heart of the Framework is a presumption in favour of sustainable development. For decision-taking this means:

- approving development proposals that accord with an up-to-date development plan without delay; or
- where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date, granting permission unless:

- i. the application of policies in this Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed; or
 - ii. any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole

- 5.11 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.

- 5.12 As above, at this stage the LPA is satisfied that the development would be sustainable.

- 5.13 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 being suitable for and attractive to families, with a minimum target of 16,000 new homes to have three or more bedrooms. The scheme proposes between four and ten dwellings but the application does not confirm how many bedrooms each would have. The policy requirement is a plan wide target and the submitted indicative layout provides reasonable evidence that the proposal would contribute to this objective. It is considered that an appropriate scheme to contribute to this target could be achieved at TDC stage, in accordance with the relevant parts of these policies.

- 5.14 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." The final layout of the site is not known at this stage; it is however considered that a scheme providing adequate internal and external space could be achieved at TDC stage in accordance with this policy.

- 5.15 It is considered that a suitable detailed scheme of development could be achieved at TDC stage that would provide future occupants of the proposed dwellings with an acceptable degree of residential amenity, and that would be acceptable in terms of its impact on the residential amenity of neighbouring properties, particularly those on St John's Place, in accordance with saved policies DC2.

- 5.16 Furthermore, given the proposed sensitive end use of the site, the potential for contaminated land and its treatment would need to be considered. It is considered that the risks from land contamination to future users of the land and neighbouring properties would be appropriately controlled, and that the development could be carried out safely without unacceptable risks to workers, neighbours, and other receptors, in accordance with saved policies DC1(p) and ENV54 of the UDP and policy CS15 of the CSUCP.

- 5.17 At this PIP stage, the LPA is satisfied that in terms of land use the site would be appropriate for residential development.

- 5.18 AMOUNT OF DEVELOPMENT

The application proposes residential development of between four and ten dwellings. It is considered that this would be appropriate and that a suitable scale and layout could be achieved at the TDC stage that would be acceptable in terms of the density of development and its impact on the character and appearance of the area, in accordance with saved policies ENV3, ENV11 and ENV19 of the UDP and policy CS15 of the CSUCP.

- 5.19 At this PIP stage, the LPA is satisfied that in terms of the amount of development proposed, the site would be appropriate for residential development.
- 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 housing related development located within Charging Zone B which has a levy of £0 per square metre for this type of development.
- 5.21 OTHER MATTERS
A number of representations have raised matters relating to impacts upon design and visual amenity and the character, appearance and amenity of the surrounding area; impacts upon residential amenity; ecology; trees; and access, parking and highway safety. This application seeks to establish the acceptability in principle of residential development on this site only; these additional matters would be assessed in full at TDC stage.
- 5.22 The current use of the site by the Friends of Felling Park and Town Centre is acknowledged. This does not however preclude the submission and determination of this application for Permission in Principle or render the application unacceptable.
- 5.23 The application relates to the acceptability in principle of residential development on the former Council depot site and does not propose the construction of new residential development within Felling Park. Full details of any alterations required to widen the existing vehicular access which may result in the loss of land from the park would be required to be submitted for full assessment at TDC stage.
- 5.24 Permission in Principle relates to housing-led development on a site. The Council is therefore unable to consider granting Permission in Principle for the Friends of Felling Park and Town Centre to use the site. This does not however preclude applications for alternative uses of the site from coming forward.
- 5.25 Issues raised in respect of existing and potential anti-social behaviour, land covenants and loss of view as a result of the development are not material planning considerations.
- 5.26 A number of representations have raised objections in relation to the impact of the development upon the Conservation Area. The application site does not

however fall within a Conservation Area, with the closest Conservation Area (Crow Hall) located some 300m to the south east of the site.

- 5.27 It is considered that all other matters raised in representations have been addressed within the body of the report.

6.0 CONCLUSION

It is considered that a suitable detailed scheme of development could be achieved at the subsequent TDC stage which would be acceptable in terms of its impact on the character and appearance of the area, the residential amenities of existing neighbours and future occupants, access, highway safety and parking, flood risk, and the environment of the surrounding area.

- 6.1 On consideration of the above, the inclusion of the site in Part 2 of the Brownfield Land Register as land allocated for residential development would be acceptable and it is therefore recommended that Permission in Principle be granted.

- 6.2 It is further recommended that an informative be attached to the permission advising the developer on matters that would be addressed in the TDC application.

7.0 Recommendation:

That Permission in Principle be GRANTED and the following informative be attached to the permission.

7.1 MATTERS FOR TECHNICAL DETAILS CONSENT APPLICATION

The following wording is recommended to be attached as an informative to advise the developer on matters that would be addressed in the TDC application.

- 7.2 'Please be advised that the following matters would be addressed in the TDC application (please note this is not necessarily an exhaustive list but guidance on the details considered at TDC stage):

7.3 Appearance

The proposed development should be designed to have regard for the surroundings of the site and should respond positively to local character and distinctiveness in respect of site layout and design of buildings.

- 7.4 The design of new buildings and the overall site layout should take into account constraints including privacy distances, views into and out of the site and access and movement. The scheme should consider a range of house types and unit numbers, providing adequate space for highway infrastructure and outdoor amenity areas.

7.5 Highway Safety and Parking

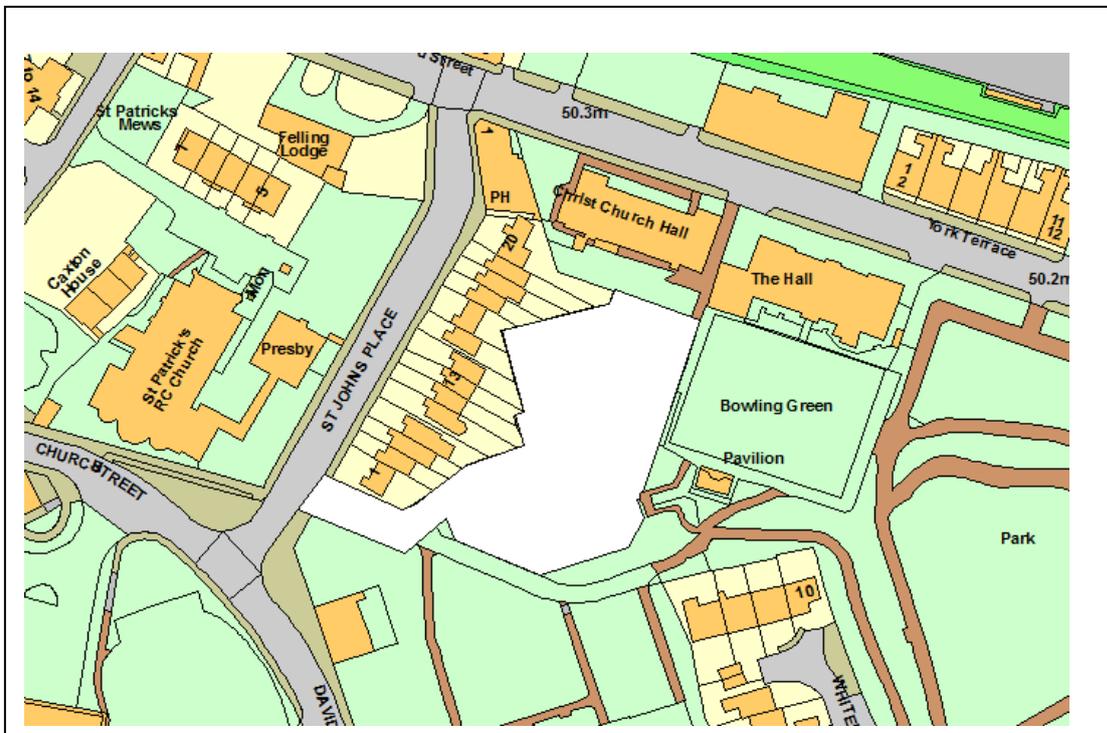
The site is accessed from an unadopted private drive. The maximum number of properties currently permitted off a private drive is five.

- 7.6 Should the site be considered suitable for more than five properties the access road and internal road would be required to have a width of 5.5m with a footway of 1.8m wide to at least one side. It is likely that the access road would need to be widened to achieve this. Confirmation would therefore be required as to the availability and ownership of this land. The access road could remain private or could be brought up to an adoptable standard including the provision of street lighting through a section 38 agreement.
- 7.7 The widening of the access would require changes to the access radii and metal fencing along St John's Place. The application will be required to demonstrate that a 2.4m x 43m visibility splay can be achieved to the right and a view of the nearside lane up to the junction with Church Street to the left can be achieved when exiting the site.
- 7.8 The applicant would be required to fund the relocation of the existing access gate on St John's Place which is currently used as maintenance access to the park. Dropped kerbs and tactile paving should also be installed across the access, which would require an agreement for works on the highway.
- 7.9 The development should be designed to a 20mph design speed with consideration given to geometry and the inclusion of features to maintain speeds at this level.
- 7.10 A travel plan will be required for the development however a Transport Statement or Assessment would not be required on the basis that the number of dwellings would be below 50.
- 7.11 A turning facility would be required to enable refuse and delivery vehicles to turn and egress in a forward direction.
- 7.12 Council standards for car parking provision for this type of development is between 1 and 2 spaces per property for residents and between 1 space per 3 to 4 properties for visitors.
- 7.13 Cycle parking should be provided at a minimum of 1 space per dwelling, which should be secure, lockable and weatherproof.
- 7.14 Ground conditions
The site is within a Coal Authority defined high risk area. A Coal Mining Risk Assessment would therefore be required to be carried out in respect of the coal mining legacy risks present on the site (which should also inform the remedial works necessary to address any land stability issues) and submitted with the TDC application.
- 7.15 Given the proposed sensitive end use of the site, the potential for contaminated land and its treatment would need to be considered. A Preliminary Risk Assessment should therefore be submitted with a TDC application.
- 7.16 Ecology

The site is not located within (either wholly or partially) a designated nature conservation site of designated Wildlife Corridor however provides some limited potential for protected and priority species. An appropriate level of ecological survey and assessment should be submitted with a TDC application to inform the development and to allow appropriate mitigation, compensation and enhancement measures to avoid impacts on protected and priority species and deliver net gain for biodiversity.

7.17 Flood Risk

The disposal of foul and surface water would be considered at TDC stage'.



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REPORT OF THE STRATEGIC DIRECTOR COMMUNITIES AND ENVIRONMENT

TO THE PLANNING AND DEVELOPMENT COMMITTEE ON 5 JUNE 2016:

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/10/00186/COU	Conversion of Care Home to two dwellinghouses including reducing the number of offshoot extensions at rear.	Saltwell View Care Home, 25-26 Saltwell View,	Granted;	Saltwell
DC/18/00502/HHA	Two storey side extension and pitched roof to front	24 Greenford, Kibblesworth,	Granted;	Lamesley
DC/18/00715/FUL	Erection of two storey building for Motorbike Sales (Sui Generis Use) and two ground floor units with uses to include A1 (retail), A3 (food and drink) and/or a mixed A1/A3 drive-thru facility, with associated car parking, access and landscaping (amended and additional information received 12/11/18).	Former Stadium Service Station , Park Road,	Granted;	Bridges

DC/18/00794/FUL	Conversion of first floor from mixed clinic and office use (D1 and B1) to four 'Houses in Multiple Occupation' (C4 use), 3 x 3 bed and 1 x 4 bed units and new access stair to rear.	First Floor, 9 - 19 Jackson Street,	Granted;	Bridges
DC/18/00918/FUL	Construction of one new dwelling and garage including the demolition of existing industrial building on the site (additional information received 25/02/19 and amended plan received 05/03/19).	Land To North Of , Church Chare,	Granted;	Dunston Hill And Whickham East
DC/18/00919/LBC	LISTED BUILDING CONSENT: Construction of one new dwelling and garage including the demolition of existing industrial building on the site (amended 05/03/19).	Land To North Of , Church Chare,	Granted;	Dunston Hill And Whickham East
DC/18/01047/FUL	Erection of single storey rear extension and change of use of rear private garden to shared garden/yard/bin storage	109-111 Meresyde, Leam Lane,	Granted;	Pelaw And Heworth
DC/18/01195/HHA	Two storey side and rear extension, single storey front and rear extension and dormer window to rear	10 Western Way, Axwell Park,	Granted;	Blaydon

DC/18/01209/COU	Change of use from vacant land to commercial use B8 Storage and Distribution. with new 2.7m high fence, vehicle and pedestrian gates and associated crossover, 2.7m high concrete cast wall, parking and hard paved area, three buildings and wall near southern boundary, 5 No.6m high lamp and CCTV columns (amended 21/03/19, 08/04/19, 02/05/19 and 07/05/19 and additional information received 17/04/19).	O'Connor Utilities, Land At Shadon Way,	Granted;	Birtley
DC/19/00019/FUL	Variation of condition 1 of planning permission DC/16/00561/FUL to allow an additional bedroom to 1st floor flat, an additional window to rear elevation, changes to window arrangement on side elevation and boundary wall to front of property (description amended 07.05.2019).	Renwick Bros, 390 Old Durham Road,	Refused;	Deckham
DC/19/00048/FUL	Erection of second floor extension and mansard roof to accommodate six additional rooms, relocation of existing rooftop air conditioning units, new external access including entrance door and canopy (amended 25/04/19).	98-104 William Hill Organisation Ltd , High Street,	Refused;	Felling

DC/19/00178/HHA	Two storey side extension (amended 07.05.19)	15 Keir Hardie Avenue, Felling,	Granted;	Pelaw And Heworth
DC/19/00141/FUL	Erection of polytunnel and composting toilet.	Gibside Community Farm, Fellside Road,	Granted;	Whickham South And Sunnside
DC/19/00142/ADV	Display of one hanging sign reading "GIBSIDE COMMUNITY FARM" and two information hoarding signs, all non-illuminated, at entrance to field.	Gibside Community Farm, Fellside Road,	Temporary permission granted;	Whickham South And Sunnside
DC/19/00169/FUL	Proposed demolition and rebuild of the existing bungalow	The Bungalow , Bradley Hall Farm,	Refused;	Crawcrook And Greenside
DC/19/00174/FUL	Erection of Polytunnel (retrospective) (amended 29/04/19).	Garden House, Barrack Terrace,	Granted;	Lamesley
DC/19/00229/FUL	Erection of wooden garage	Garage Site Rear Of, 35 - 41 Derwent Street,	Granted;	Chopwell And Rowlands Gill
DC/19/00220/HHA	Two storey side extension, pitched roof to existing rear sun room and raised decking area in rear garden (description amended 29.04.2019).	34 Dartmouth Avenue, Gateshead,	Granted;	Chowdene

DC/19/00192/COU	Change of use from existing domestic garage (use class C3) to offices and storage (mixed use B1 and B8) and extension to increase overall height to allow for 2no offices in the roof space (amended description 29.03.2019).	Kenmuir , Durham Road,	Granted;	Lamesley
DC/19/00210/HHA	Two storey side extension (amended plans received 01.05.19)	11 Lindale Avenue, Whickham,	Granted;	Whickham North
DC/19/00214/NMA	Proposed non-material amendment of application DC/17/00946/FUL to allow alterations to brick types, windows, doors, bargeboards, bin storage and addition of handrails to house types BL and DI.	Land At Sherburn Green, Rowlands Gill,	Granted;	Chopwell And Rowlands Gill
DC/19/00247/HHA	Two storey side and single storey front extensions	49 Tower Gardens, Ryton,	Granted;	Ryton Crookhill And Stella
DC/19/00283/HHA	Single storey rear extension	13 Bracken Way, Ryton,	Granted;	Crawcrook And Greenside
DC/19/00230/COU	Change of use of ground floor from retail bakery (A1 use class) to Bar (A4 use class) (amended 17/04/19).	413 Durham Road, Gateshead,	Granted;	Low Fell

DC/19/00233/HHA	Proposed roof alterations to house including raising the height of the roof, changing the hipped roof to a gable roof at the sides, installing 2 dormer windows in the front roof plane and installing 4 rooflights in the rear roof place (AMENDED DESCRIPTION 28/3/2019).	8 Beech Avenue, Wickham,	Granted;	Dunston Hill And Wickham East
DC/19/00236/HHA	The supply and installation of a modular metal mesh access ramp to allow disabled access to and from rear door of domestic property. The laying of new paving to form base area and pathway to marry in with existing shared pathway	14 Thistley Green, Bill Quay,	Granted;	Pelaw And Heworth
DC/19/00237/HHA	Single storey rear extension and balcony to first floor level	Kensington , 43 Grayling Road,	Granted;	Lobley Hill And Bensham
DC/19/00241/HHA	Alterations to 2 No ground floor openings at rear	36 Beaconsfield Road, Low Fell,	Granted;	Low Fell
DC/19/00274/HHA	Proposed single storey gable extension with through entrance to garage and disabled access ramp	13 Lambley Close, Sunnyside,	Granted;	Wickham South And Sunnyside

DC/19/00245/HHA	New pitched roof over existing bungalow with two dormer windows to front and juliette balcony to rear (amended plans 26.04.2019 and 01.05.2019 and amended description)	5 North Close, Ryton Central,	Granted;	Ryton Crookhill And Stella
DC/19/00284/HHA	Timber fence to rear and sides	43 Hillcrest Drive, Gateshead,	Granted;	Dunston Hill And Whickham East
DC/19/00246/FUL	Installation of 3.5 high ball stop mesh on top of existing 3m high fencing to existing football pitch and widening of existing footpath	Lyndhurst Community Education Centre, Cleveland Hall Community Association , Beacon Lough Road,	Granted;	High Fell
DC/19/00249/HHA	Proposed two storey side extension with flat green roof and new flat roof and render to existing rear extension. Demolition of front porch, off shoot, detached garage and out buildings. Demolition and rebuilding of rear boundary wall with new gates to allow vehicle access to site.	20 Kells Lane, Low Fell,	Granted;	Low Fell
DC/19/00250/HHA	Single storey front extension, to re-render the first floor level and to spray the existing windows grey	Sowlers Wood , Dene Road,	Granted;	Chopwell And Rowlands Gill

DC/19/00251/ADV	Display of non-illuminated fascia sign on front elevation	Units 13 And 15 And 17 , Baltic Road,	Temporary permission granted;	Felling
DC/19/00253/FUL	Variation of condition 2 (opening hours) of planning application DC/14/00402/FUL to allow opening Monday-Thursday 10am - 11.45pm, Friday and Saturday 10am - 12.55am and Sunday 10am - 11.45pm instead of 10am - 11pm Monday - Sunday (description amended 01.05.2019).	Low Fell Pizza, 8A Beaconsfield Road,	Refused;	Low Fell
DC/19/00297/HHA	Proposed two storey rear extension	1 Hawkhills Terrace, Birtley,	Granted;	Birtley
DC/19/00255/HHA	The supply and installation of a modular metal mesh access ramp to allow disabled access to and from domestic property. The laying of new paving to widen existing pathway and allow access to rear The laying of new concrete to replace small step adjacent to public footpath.	4 Burnhope Gardens, Wrekenton,	Granted;	High Fell
DC/19/00267/HHA	Proposed single storey rear extension	13 Elderwood Gardens, Lobley Hill,	Granted;	Lobley Hill And Bensham

DC/19/00270/HHA	Reposition existing fence from within boundary wall to line of boundary garden wall.	15 Angel Street, Blaydon,	Granted;	Blaydon
DC/19/00360/HHA	Erection of a single storey extension to side.	10 Cumberland Place, Birtley,	Granted;	Birtley
DC/19/00281/HHA	Proposed installation of new rooflights, 2 to front elevation and 2 to rear elevation	49 Shipcote Terrace, Shipcote,	Granted;	Deckham
DC/19/00286/FUL	Installation of replacement 25 metre mast including 6 no. antennas and 4 no. 600 millimetre dish antennas and associated apparatus, 11 no. equipment cabinets at ground level and associated ancillary works (amended 13.05.2019)	Telecommunications Site Gth053 , Former Truck Stop Premises,	Granted;	Birtley
DC/19/00302/HHA	Proposed single storey side extension	28 Stileford, Felling,	Granted;	Pelaw And Heworth
DC/19/00287/FUL	Change of use from first floor hairdresser/beauty salon (A1 authorised use) to a flat (C3)	3 School Lane, Whickham,	Granted;	Dunston Hill And Whickham East
DC/19/00291/FUL	Installation of mezzanine floor	Unit 3 Retail Park, Metro Centre,	Granted;	Whickham North

DC/19/00295/NPA	Erection of solar photovoltaic equipment on roof of shopping centre.	INTU Metrocentre, Gateshead,	Granted;	Whickham North
DC/19/00292/HHA	Proposed single storey front extension, single storey rear extension, and single storey side extension with balcony above	31 Blencathra Way, Winlaton,	Granted;	Blaydon
DC/19/00293/HHA	Proposed 2 storey side extension and retrospective permission for a gated fence (amended plans received 18.05.19)	14 Norfolk Avenue, Barley Mow,	Granted;	Birtley
DC/19/00276/HHA	Proposed rear extension	Garth House, 73 Broom Lane,	Granted;	Dunston Hill And Whickham East
DC/19/00296/HHA	Erection of a single story Sukka extension to rear.	74 Bewick Road, Bensham,	Granted;	Bridges
DC/19/00298/COU	Change of use from Tea room/Cafe(Use class A3) to dog grooming salon (Use class Sui Generis)	Curiousitea, 1 Leybourne Hold,	Granted;	Lamesley
DC/19/00387/HHA	Erection of a single storey extension to the side.	3 Valley Drive, Gateshead,	Granted;	Deckham

DC/19/00307/HHA	Single storey rear extension, front porch extension and additional pitched roof to existing flat roof side extension (part retrospective)	18 The Cedars, Whickham,	Granted;	Whickham South And Sunnside
DC/19/00308/HHA	Erection of a single storey extension to the rear.	2 Addison View, Blaydon,	Granted;	Ryton Crookhill And Stella
DC/19/00388/HHA	Erection of a single storey extension to side and rear.	8 Lyndhurst Close, Winlaton,	Granted;	Winlaton And High Spen
DC/19/00319/HHA	Single storey rear extension	99 Dykes Way, High Heworth,	Granted;	Windy Nook And Whitehills
DC/19/00324/HHA	Proposed single storey front extension	34 The Cedars, Whickham,	Granted;	Whickham South And Sunnside
DC/19/00326/HHA	Remove chimney and existing front bay window, and proposed installation of bi-fold doors to rear elevation of dwelling and front elevation of garage, and construct bay window to front of dwelling	6 The Meadows, Ryton Central,	Granted;	Ryton Crookhill And Stella
DC/19/00330/OHL	Replacement of existing low voltage open wire overhead line with aerial bundled conductors (amended description 18.04.2019)	East Byermoor, Fellside Road,	Observations	Whickham South And Sunnside

DC/19/00334/HHA	Proposed single storey rear extension	29 Park Avenue, Dunston Hill,	Granted;	Dunston Hill And Whickham East
DC/19/00343/HHA	Proposed single storey side extension	35 Garden House Estate, Ryton,	Granted;	Crawcrook And Greenside
DC/19/00336/HHA	2m high raised decking	6 West Park Road, Bensham,	Granted;	Saltwell
DC/19/00338/HHA	Single storey rear extension and removal of uPVC cladding to existing extension	1 Pawston Road, High Spen,	Granted;	Winlton And High Spen
DC/19/00347/HHA	Two storey side extension, porch to front and widening of existing driveway	24 Parkgate Lane, Winlton,	Granted;	Winlton And High Spen
DC/19/00352/HHA	Single storey rear extension and two storey side extension (amended plans 21/05/2019)	Briarcroft , 314 Market Lane,	Granted;	Whickham North
DC/19/00365/HHA	Proposed single storey front extension	2 The Foxhills, Whickham,	Refused;	Whickham South And Sunnside

TITLE OF REPORT: Enforcement Team Activity

REPORT OF: Anneliese Hutchinson, Service Director, Development, Transport and Public Protection

Purpose of the Report

1. To advise the Committee of the activity of the Enforcement Team since the last Committee meeting.

Background

2. The Enforcement team deal with proactive and reactive investigations in relation to Planning, Highway and Waste related matters.

Recommendations

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

Within the date range commencing 01.05.19 and ending 22.05.19, the enforcement team has received **171** new service requests:

Type of complaint	Cases under investigation	New complaints received	Cases allocated to officer	Cases resolved	Pending prosecutions
PLANNING	404	47	14	22	1
HIGHWAYS	227	27	11	17	0
WASTE	579	97	75	48	59
TOTALS	1210	171	100	87	60

COURT HEARINGS

The Enforcement Team attended **11** Court Hearings, **5** of which were finalised, resulting in **£430** fines and **£1681** costs

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**REPORT TO PLANNING AND
DEVELOPMENT COMMITTEE**

5th June 2019

TITLE OF REPORT: Enforcement Action

**REPORT OF: Anneliese Hutchinson, Service Director,
Development, Transport and Public Protection**

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.

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

Birtley, Bridges, Blaydon, Pelaw & Heworth, Chowdene, Crawcrook & Greenside, Ryton, Crookhill and Stella, Chopwell and Rowlands Gill, Wardley & Leam Lane, Windy Nook And Whitehills, 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	Date Notice comes into Force	End of Compliance Period	Current Status
1.	Land adjacent Ricklees Farm, Spen Lane, High Spen, Gateshead	Winlaton and High Spen	Change of use from agricultural to mixed use for keeping of horses, breaking, dismantling of vehicles, storage and burning of waste and the storage of caravans and vehicle bodies.	25 March 2013	25 March 2013	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.
2.	Land adjacent Ricklees Farm, Spen Lane, High Spen, Gateshead	Winlaton and High Spen	Erection of a breeze block building	25 March 2013	25 March 2013	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 investigations, it was established that a building had been erected without consent. 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. 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 A site visit has been arranged for the week commencing the 29 th October to look at the costs of carrying out work in default.
3.	Land at Woodhouse Lane, Swalwell (Known as South West Farm Site One) Known as South West Farm Site Two)	Swalwell 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 Without planning permission the change of use of the land from agriculture and reception, composting and transfer of green waste to a mixed	11 January 2016 11 January 2016	12 January 2016 12 January 2016	15 February 2016 15 February 2016	14 March and 4 July 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. 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 requirement to carry out an Environmental Impact Assessment and provide an Environmental Statement with an subsequent appeals. The Notices requires firstly, the cessation of the unauthorised use and secondly, the removal from the land of the scrap. Both defendants pleaded guilty at Newcastle Crown Court and both received a fine of £750. Each defendant was ordered to pay costs of £422.50 and a victim surcharge of £75. The site has to be cleared in 6 months. The site has recently been revisited and it is likely further action will be required.

Item Number	Site	Ward	Alleged Breach of Planning Control	Date Approval given for Enforcement Action	Date Served	Date Notice comes into Force	End of Compliance Period	Current Status
	(Known as South West Farm Site Three)	Swalwell	<p>use for agriculture and the storage of vehicles, agricultural equipment and parts, repair and restoration of vehicles and machinery and the reception, composting and transfer of green waste.</p> <p>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</p>	11 January 2016	12 January 2016	15 February 2016	14 March and 4 July 2016 29 th Sep 2018	<p>A site visit was undertaken in October where it was evident that the land has not been cleared and additional scrap had been brought on to the site. A further prosecution file is currently with the Councils legal department.</p> <p>A court date has been issued for the 26th April 2019 at Gateshead Magistrates Court.</p> <p>The court date has been re issued for the 10th June 2019. In the interim officers are actively pursuing quotes to clear the land, to ascertain whether this is financially viable.</p>
4.	Gleeson's housing site, formally grazing land between Portobello Road Birtley	Birtley	Breach of Planning Conditions	29 TH November 2017	29 th November 2017	29 th November 2017	26 th December 2017	<p>Despite communication with the developer, pre-commencement conditions have not been discharged and engineering operations and building operations have commenced on site. Conditions have now been submitted and discharged.</p> <p>The Council are awaiting confirmation from the Developer to confirm when they are due to recommence works on site.</p> <p>A site visit was undertaken on the 26th September to see if work had re commenced on site. Although there were no builders on site at the time of the visit, it appears that development has re commenced since the Temporary Stop Notice was served as the most recent unit constructed has now had its roof erected.</p> <p>A letter has been sent to the developer, from the Councils Legal Department asking them to consider erecting a secure hoarding to prevent continued visual impact on the amenity of the area and to protect the site from unauthorised access.</p> <p>A written response dated 22nd November 2018 has been received from Gleesons.</p> <p>The inspectorate has arranged for the appeal hearing to commence on the 3rd September 2019.</p>

Item Number	Site	Ward	Alleged Breach of Planning Control	Date Approval given for Enforcement Action	Date Served	Date Notice comes into Force	End of Compliance Period	Current Status
5.A	44 Ponthaugh Rowlands Gill NE39 1AD	Chopwell and Rolwands Gill	Unauthorised change of use	12 th January 2018	12 th January 2018	16 th February 2018	16 th March 2018	Complaints have been received regarding the erection of fencing enclosing public open space and incorporating it into the private garden. An enforcement notice has been issued requiring the use of the land as private garden to cease and the fence removed. The notice has not been fully complied with. Prosecution files are now being prepared.
6.	Blaydon Quarry , Lead Road, Gateshead	Crawcrook and Greenside	Breach of Planning Conditions	27 th March 2018	28 th March 2018	28 th March 2018	28 th April 2018	Complaints have been received that the site has been open outside the approved hours, following further investigation this has been confirmed, therefore a notice has been served in relation to breach of condition 51 to ensure no HGV'S enter of leave the site before 06.30 or after 18.00 hours on Monday to Friday nor after 13.00 hours on Saturdays and no times on Sunday and Bank and Public holidays. A site visit was undertaken on the 20 th June in conjunction with the Environment Agency, to monitor the hours of operation. At the time of the visit no tipping was taking place, however activity on site will continue to be monitored.
7.	25 Sundridge Drive Felling Gateshead NE10 8JF	Wardley And Leam Lane	Unauthorised change of use	10 th August 2018	10 th August 2018	14 th September 2018	12 th October 2018	Complaints have been received regarding the erection of fencing enclosing public open space and incorporating it into the private garden. The loss of open space is unacceptable; therefore an enforcement notice has been issued requiring the use of the land as private garden to cease and the fence removed. An appeal start date has been received
8.	27 Sundridge Drive Felling Gateshead NE10 8JF	Wardley And Leam Lane	Unauthorised change of use	10 th August 2018	10 th August 2018	14 th September 2018	12 th October 2018	Complaints have been received regarding the erection of fencing enclosing public open space. The loss of open space is unacceptable; therefore an enforcement notice has been issued requiring the use of the land as private garden to cease and the fence removed. An appeal start date has been received
9.	Blaydon and District Club and Institute, Garden Street	Blaydon	Untidy Land	03 rd September 2018	03 rd September 2018	5 th October 2018	30 th November 2018	Complaints have been received regarding the condition of the building and land. A Notice has been issued pursuant to section 215 of the Town and Country Planning Act requiring the building to be demolished Given the potential bat roost, Natural England will not issue a licence for the roost to be destroyed until after the hibernation period which is November to March. Planning application intended to be taken to the 15 th May Committee, once a decision made, the Enforcement Officer is to pursue demolition following consent from Natural England.
10.	Three Ts Bar, Longrigg Gateshead	Whickham North	Untidy Land	05 th September 2018	05 th September 2018	5 th October 2018	30 th November 2018	Complaints have been received regarding the condition of the building and land. A Notice has been issued pursuant to section 215 of the Town and Country Planning Act requiring the building to be demolished and a hoarding erected. The owner has been in contact and will submit a scope of works with timescales to make this building safe and in part to be brought back into use, rather than demolish property.

Item Number	Site	Ward	Alleged Breach of Planning Control	Date Approval given for Enforcement Action	Date Served	Date Notice comes into Force	End of Compliance Period	Current Status
								<p>Following a site visit on the 19th November, a scope of works should be submitted by the developer no later than the 30th November. Quotes however are being sought for the demolition of the property in preparation that the information is not forthcoming.</p> <p>Scaffolding has been erected and works are commencing to bring the building back into use. The windows have been inserted in the rear part of the building and works have commenced on the roof.</p> <p>Officers are visiting the site on the 21.03.19 to confirm that the proposed roof tiles are appropriate, once this is agreed works will recommence, it is anticipated that the works to the roof will take approximately 6-8 weeks.</p> <p>Roof tiles have now been agreed, works to the roof are to recommence imminently.</p>
11.	321 And 323 Rectory Road Bensham Gateshead NE8 4RS	Saltwell	Unauthorised change of use	7 th November 2018	7 th November 2018	11 th December 2018	8 th January 2019	<p>Complaints have been received regarding the use of a dwelling as a House of Multiple Occupation (HMO). A previous planning application was refused for the change of use and the subsequent appeal dismissed; therefore, an Enforcement Notice has been issued requiring the use of the property as an HMO to cease.</p> <p>An appeal has been received but no start date has been given yet.</p>
12.	2 Wythburn Place Gateshead NE9 6YT	High Fell	Unauthorised development	12 th February 2019	12 th February 2019	19 th March 2019	19 th July 2019	<p>Complaints had been received regarding the erection of an extension to the property, the extension has a detrimental impact on the visual amenity of the area and thus an enforcement notice has been served seeking the extension be demolished and remove in its entirety.</p> <p>A planning application has been submitted and approved for the erection of a single storey side extension. The owner of the property has stated that the extension will be removed in the next four weeks and footings for the new extension installed.</p>
13.	Brockburn 32A Barlow Lane Winlaton Blaydon On Tyne	Winlaton and High Spen	Unauthorised change of use	06 th March 2019	06 th March 2019	10 th April 2019	5 th June 2019	<p>Complaints have been received regarding the unauthorised use of a dwelling to a mixed-use house and dog boarding business. Retrospective planning permission was submitted and subsequently refused as the use resulted in harm to the living conditions of the neighbouring residents. An enforcement notice has been served requiring the mixed use of the property cease.</p> <p>The dog boarding of 12 dogs has ceased and thus the dwelling is no longer being used as a mixed-use house and dog boarding business. The occupier currently boards 5 dogs which is in accordance with their licence and at present as currently operated does not constitute a material change of use, however this can be reviewed if new complaints arise. The notice has now been complied with. Permission is sought from Committee to remove this item from the report.</p>

Item Number	Site	Ward	Alleged Breach of Planning Control	Date Approval given for Enforcement Action	Date Served	Date Notice comes into Force	End of Compliance Period	Current Status
14.	Blaydon Quarry Lead Road, Gateshead	Crawcrook and Greenside	Breach of Planning Conditions	22 nd May 2019	24 th May 2019	28 th June 2019	28 th December 2019	Blaydon Quarry is in breach of several planning conditions. A Notice has been served in relation to condition 23 to require installation of a drainage system. The Council has designed an acceptable scheme to be installed in the interests of surface water drainage and to enable the safe and successful restoration of the site.
15.	Blaydon Quarry Lead Road, Gateshead	Crawcrook and Greenside	Breach of Planning Conditions	22 nd May 2019	24 th May 2019	28 th June 2019	28 th October 2019	Blaydon Quarry is in breach of several planning conditions. A Notice has been served in relation to condition 24 to require installation of the previously approved drainage system on the southern boundary, in the interests of surface water drainage and to enable the safe and successful restoration of the site.

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TITLE OF REPORT: Planning Appeals

REPORT OF: Anneliese Hutchinson, Service Director, Development,
Transport and Public Protection

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 **three** new appeals lodged since the last committee:

16/00924/DOC3 - Land At Portobello Road, Birtley
Discharge of conditions 22 (Surface Materials) for planning permission
DC/16/00924/FUL

DC/18/01148/HHA - West Cottage, Bradley Hall Farm, Ryton
Proposed single storey side extension
This application was a delegated decision refused on 29 January 2019

DC/19/00150/COU - Storage Land, Forge Road, Gateshead
Proposed change of use from amenity land to car wash, erection of canopy,
portakabins, screen fencing and underground oil interceptor tank (amended
15/04/17).
This application was a committee decision refused on 26 April 2019

Appeal Decisions

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

DC/18/00440/TPO - 9 Axwell Park Road, Axwell Park, Blaydon
Felling of one Sycamore tree in garden of 9 Axwell Park Road.
This application was a delegated decision refused on 27 July 2018
Appeal dismissed 9 May 2019

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 4 February 2019

by Mrs Zoë Hill BA(Hons) Dip Bldg Cons(RICS) MRTPI IHBC

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

Decision date: 09/05/2019

Appeal Ref: APP/TPO/H4505/6930

9 Axwell Park Road, Axwell Park, Blaydon NE21 5NR

- The appeal is made under regulation 19 of the Town and Country Planning (Tree Preservation) (England) Regulations 2012 against a refusal to grant consent to undertake work to a tree protected by a Tree Preservation Order.
 - The appeal is made by Mr Chris Gill against the decision of Gateshead Council.
 - The application Ref: DC/18/00440/TPO, dated 8 May 2018, was refused by notice dated 27 July 2018.
 - The work proposed is to remove the tree on the ground that the tree is too large for its location and is not suited to a crown reduction due to its size and location.
 - The relevant Tree Preservation Order (TPO) is the Borough Council of Gateshead, Axwell Park Estate (No 107) Tree Preservation Order 1999, which was sealed on 12 January 1999 and took effect on 13 January and was subsequently modified, confirmed and sealed on 16 July 1999¹.
-

Preliminary Matters

1. The appellant is aggrieved by the way in which the Council dealt with the application and alleges that the outcome of the application was wrongly recorded on the planning portal. However, the copy decision provided clearly related only to specified works and not felling and is clearly marked 'Draft'. In any event, it is not for me in determining this appeal to address these matters; rather, I shall deal with the appeal on the basis of the Decision Notice which is before me.

Decision

2. The appeal is dismissed.

Main Issues

3. The main issues in this case are the amenity value of the tree, the reasons for removing the tree which relate to living conditions and concerns about damage, and whether or not those reasons justify the felling of the tree with or without a replacement tree.

¹ The copy of the modified and confirmed Tree Preservation Order before me is sealed and dated July 1999. Whilst it is not fully dated I am satisfied that as there is a clear register entry date of 16 July 1999 for the seal (Seal Ref: 408/99) and I am satisfied that this is the correct date.

Reasons

4. The appeal tree, T35, is a Sycamore located in the rear garden of 9 Axwell Park Road, close to the boundary with 1 Lake Approach. The tree is semi-mature and has a good form and shape. In this location it has the ability to live for a considerable time and, thus, could contribute to visual amenity for many years to come. The appeal property and 1 Lake Approach are situated on a corner, such that the angle between the dwellings means that the appeal tree is particularly prominent when seen from Atwell Park Road close to this road junction. In this respect it adds to the sense of spaciousness and separation between these neighbouring houses because there is space to accommodate such a tree and is, itself, an attractive visual amenity feature. Moreover, from other viewpoints the tree forms an important part of the verdant backdrop for the houses in this attractive residential estate.
5. Whether or not the main roads through the estate are private, this is a sizeable residential area where many people, including visitors and people providing services to the occupiers of this estate as well as the occupiers of the housing, benefit from the amenity afforded by this tree which I am in no doubt makes a significant contribution to the character and quality of this environment. Even if neighbours do not object and the Axwell Park Buildings Estate support the proposed felling this does not negate the important amenity value of the tree, an amenity value that would be wholly lost as a result of this proposal.
6. The appellant is concerned that the tree may cause damage to the house (No 9). In particular they are concerned about a crack in the concrete near to the rear extension. However, there is no evidence before me that it is the tree which has caused the path to crack. Moreover, even if it has caused this damage, it does not follow that the only solution would be to fell the tree.
7. The appellant is also concerned that the tree overhangs part of the house and branch fall might cause damage. I appreciate that the tree may well grow so that increased overhanging does arise. However, such relationships between buildings and trees often occur without harm. The appeal tree would be likely to benefit from removal of the existing ivy growth and it may be that in the future some works might be justified. That said, at the present time and based on the evidence before me, the proximity between the tree and house does not justify the proposed felling of the tree.
8. I appreciate that the appellant would consider a replacement tree. However, siting a tree further from the house, as proposed, would result in lesser visual benefit and, wherever sited, it would take a considerable time for any replacement tree to have a similar visual amenity value.
9. The Council cites a number of policies. These are material considerations to which I should have regard. In this case I concur that the proposal would fail to accord with policy ENV44 of the Gateshead Councils Unitary Development Plan which seeks to protect trees of amenity value. The appeal does not focus on ease of movement and the provision of green space for wildlife so policy CS18 is less relevant in this case although it might well be breached. However, given my conclusions in respect of visual amenity, the weight to be attached to this latter policy is not determinative in this case. The proposal would also fail to accord with the advice of the National Planning Policy Framework insofar as decisions should contribute to the enhancement of the natural and local

environment by recognising the wider benefits from, amongst other things, trees.

10. For the reasons set out above, and having had regard to all other matters raised, I conclude that the appeal should fail.

Zoë H R Hill

Inspector

APPENDIX 3

OUTSTANDING APPEALS

Planning Application No	Appeal Site (Ward)	Subject	Appeal Type	Appeal Status
16/00924/DOC3	Land At Portobello Road Birtley	Discharge of conditions 22 (Surface Materials) for planning permission DC/16/00924/FUL	Written	Appeal in Progress
DC/18/00440/TPO	9 Axwell Park Road Axwell Park Blaydon NE21 5NR	Felling of one Sycamore tree in garden of 9 Axwell Park Road.	Written	Appeal Dismissed
DC/18/00727/OUT	Grazing Land At Beda Hills West Of Woodside Walk Rowlands Gill	Erection of four bedroom house	Written	Appeal in Progress
DC/18/00822/FUL	The Dairy South Farm NE11 0ET	Erection of animal shelter (revised application).	Written	Appeal in Progress
DC/18/00958/TPO	Woodlands Derwent Avenue Rowlands Gill NE39 1BZ	Tree works at Woodlands, Derwent Avenue, Rowlands Gill	Written	Appeal in Progress
DC/18/01148/HHA	West Cottage Bradley Hall Farm Ryton	Proposed single storey side extension	Written	Appeal in Progress
DC/18/01153/HHA	Park House Strathmore Road Rowlands Gill	Demolition of existing detached garage and rear conservatory. Two storey side and rear extension with internal alteration. Amendments to front entrance porch (amended plans received 15.01.19)	Written	Appeal in Progress

DC/19/00150/COU	Storage Land Forge Road Gateshead	Proposed change of use from amenity land to car wash, erection of canopy, portakabins, screen fencing and underground oil interceptor tank (amended 15/04/17).	Written	Appeal in Progress
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REPORT TO PLANNING AND DEVELOPMENT COMMITTEE

5 June 2019

TITLE OF REPORT: Planning Obligations

REPORT OF: Anneliese Hutchinson, Service Director, Development,
Transport and Public Protection

Purpose of the Report

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

Background

2. To comply with the report of the District Auditor "Probity in Planning" it was agreed that a progress report should be put before the Committee to enable the provision of planning obligations to be monitored more closely.
3. Since the last Committee meeting there have been **no** new planning obligations.
4. Since the last Committee there have been **no** new payments received in respect of planning obligations.
5. Details of all the planning obligations with outstanding covenants on behalf of developers and those currently being monitored, can be found at Appendix 2 on the Planning Obligations report on the online papers for Planning and Development Committee for 5 June 2019.

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