



PLANNING AND DEVELOPMENT COMMITTEE AGENDA

Wednesday, 13 April 2022 at 6.00 pm in the Council Chamber - Civic Centre

From the Chief Executive, Sheena Ramsey

Item	Business
1	Apologies for Absence
2	Minutes The Committee is asked to approve as a correct record the minutes of the meeting held 16 March 2022 (copy previously circulated).
3	Declarations of Interest Members to declare interests in any agenda items
4	Planning Applications (Pages 3 - 102) Report of the Service Director, Climate Change, Compliance, Planning and Transport
5	Delegated Decisions (Pages 103 - 112) Report of the Service Director, Climate Change, Compliance, Planning and Transport
6	Enforcement Team Activity (Pages 113 - 114) Report of the Service Director, Climate Change, Compliance, Planning and Transport
7	Enforcement Action (Pages 115 - 120) Report of the Service Director, Climate Change, Compliance, Planning & Transport
8	Planning Appeals (Pages 121 - 126) Report of the Service Director, Climate Change, Compliance, Planning and Transport
9	Planning Obligations (Pages 127 - 128) Report of Service Director, Climate Change, Compliance, Planning and Transport

Contact: Helen Conway - Email: HelenConway@gateshead.gov.uk, Tel: 0191 433 3993,
Date: Tuesday, 5 April 2022

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PLANNING AND DEVELOPMENT
COMMITTEE
13 April 2022

TITLE OF REPORT: Planning applications for consideration

REPORT OF: Anneliese Hutchinson, Service Director,
Climate Change, Compliance, Planning and
Transport

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.

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Contents

Application Number	Site Location	Ward
1. DC/20/00667/FUL	Anderson Green Low Fell	Low Fell
2. DC/21/01358/FUL	Gateshead Jewish Primary School Alexandra Road	Bridges
3. DC/21/01374/COU	30-32 Front Street Newcastle Upon Tyne	Dunston Hill And Whickham East
4. DC/21/01459/HHA	2 John Street Pelaw	Pelaw And Heworth

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.

We have carried out a Review of the CSUCP and concluded that it remains up-to-date in that it continues to be in general conformity with the provisions of the NPPF and helps to deliver the key priorities and aims of both.

The Council adopted Making Spaces for Growing Places (MSGP) on 1st February 2021, and this part of the Local Plan complements the CSUCP by setting out non-strategic allocations, designations and development management policies for Gateshead.

In accordance with the Planning and Compulsory Purchase Act 2004 (as amended) the CSUCP and MSGP form part of the statutory development plan for Gateshead. The CSUCP and MSGP between them supersede and delete all of the saved policies remaining from the Unitary Development Plan (UDP). Lists of the respective deleted UDP policies are provided in Appendix 1 of the CSUCP and Appendix 19 of MSGP.

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.

The Council has published Supplementary Planning Documents to indicate the preferred approach to some types of development, and give greater detail on how some policies will be considered and applied. These continue to be revised and updated where appropriate.

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 Team on (0191) 433 3150 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 on the Councils website or by appointment at the Civic Centre, Regent Street, Gateshead NE8 1HH.

Generalised Guide to Use Classes Order 1987 (as amended September 2020)

C1 Hotels	Hotels, boarding and guest houses where no significant element of care is provided	Class E - Commercial, Business and Service	<p>E(a) Display or retail sale of goods, other than hot food</p> <p>E(b) Sale of food and drink for consumption (mostly) on the premises</p> <p>E(c) Provision of:</p> <p style="padding-left: 20px;">E(c)(i) Financial services,</p> <p style="padding-left: 20px;">E(c)(ii) Professional services (other than health or medical services), or</p> <p style="padding-left: 20px;">E(c)(iii) Other appropriate services in a commercial, business or service locality</p> <p>E(d) Indoor sport, recreation or fitness (not involving motorised vehicles or firearms or use as a swimming pool or skating rink,)</p> <p>E(e) Provision of medical or health services (except the use of premises attached to the residence of the consultant or practitioner)</p> <p>E(f) Creche, day nursery or day centre (not including a residential use)</p> <p>E(g) Uses which can be carried out in a residential area without detriment to its amenity:</p> <p style="padding-left: 20px;">E(g)(i) Offices to carry out any operational or administrative functions,</p> <p style="padding-left: 20px;">E(g)(ii) Research and development of products or processes</p> <p style="padding-left: 20px;">E(g)(iii) Industrial processes</p>
C2 Residential Institutions	<p>Residential care homes, hospitals, nursing homes, boarding schools, residential colleges and training centres</p> <ul style="list-style-type: none"> • C2(a) Secure residential Institutions - Use for a provision of secure residential accommodation, including use as a prison, young offenders institution, detention centre, secure training centre, custody centre, short term holding centre, secure hospital, secure local authority accommodation or use as a military barracks 		
C3 Dwellings	<ul style="list-style-type: none"> • C3(a) covers use by a single person or a family, an employer and certain domestic employees, a carer and the person receiving the care and a foster parent and foster child • C3(b) covers up to six people living together as a single household and receiving care e.g. supported housing schemes such as those for people with learning disabilities or mental health problems • C3(c) allows for groups of people (up to six) living together as a single household. 	F1 Learning and non-residential institutions	<ul style="list-style-type: none"> • 1(a) Provision of education • F1(b) Display of works of art (otherwise than for sale or hire) • F1(c) Museums • F1(d) Public libraries or public reading rooms • F1(e) Public halls or exhibition halls • F1(f) Public worship or religious instruction (or in connection with such use) • F1(g) Law courts
		F2 Local community	<ul style="list-style-type: none"> • F2(a) Shops (mostly) selling essential goods, including food, where the shop's premises do not exceed 280 square metres and there is no other such facility within 1000 metres • F2(b) Halls or meeting places for the principal use of the local community • F2(c) Areas or places for outdoor sport or recreation (not involving motorised vehicles or firearms) • F2(d) Indoor or outdoor swimming pools or skating rinks

C4 Houses in Multiple Occupation	Small shared houses occupied by between three and six unrelated individuals, as their only or main residence, who share basic amenities such as a kitchen or bathroom.	Sui generis – no class will always require permission	Any use not included within any of the above use classes, such as theatres, nightclubs, taxi businesses, motor vehicle sales, betting shops Hot Food Take Away shops, Public Houses and drinking establishments with expanded food provision.
B2 General Industry	General industry not within class E(g).		
B8 Storage and Distribution	Wholesale warehouses repositories, including open air storage		

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/20/00667/FUL
Case Officer	Joanne Munton
Date Application Valid	12 August 2020
Applicant	Adderstone Developments Limited
Site:	Anderson Green Low Fell Gateshead NE9 5BQ
Ward:	Low Fell
Proposal:	Erection of 16 x two bed apartments with ancillary parking and landscaping (amended 11.12.2020, 16.07.2021, 24.01.2022, 11.02.2022, 14.02.2022, 16.02.2022 and 24.02.2022 and additional information received 08.12.2020, 11.12.2020, 07.01.2021, 14.01.2021, 24.01.2022, 11.02.2022 and 28.03.2022)
Recommendation:	GRANT
Application Type	Full Application

BACKGROUND

This application was deferred at the meeting of the Planning and Development Committee on 16 March 2022 to allow the Committee to visit the site. Members visited the site on 7 April 2022.

The applicant has also submitted additional information in the form of a supplementary statement to respond to comments and questions raised at the Committee meeting on 16 March. The additional statement comments on the following:

- Disappointment that Planning and Development Committee did not visit the site earlier
- The applicant has invested in the borough, including the conversion of the former Joicey Road School buildings
- The applicant has considered the approach to design and materials, and amended the scheme, including:
 - Reducing the number of units from 18 to 16 with two units replaced with private roof terraces (with lightweight framing) and sedum roofs to address building massing and overlooking
 - Reducing the number of parking spaces from 46 to 30
 - Reduction in building height of approximately 500mm
 - Improvement of pedestrian access from Durham Road including provision of a handrail and a dedicated 2m wide east-west footpath

- Provision of speedbumps on the access road to reduce vehicle speed
- Provision of additional landscaping and public open space;
- Built out paving at the eastern elevation to ensure safe access to and egress from the building
- Further retention of established trees.
- The applicant maintains that they have followed national guidance in preparing their Viability Assessment, and the report has been reviewed by Council officers. The applicant was also separately required to make a payment to release a restrictive covenant at the site.
- The recommended Condition 17 requires that the applicant provide details of access road and car park lighting to the Council for approval prior to occupation of any dwellings.
- The proposals include 30 parking spaces, which would include those to be used to provide for relocated for commercial tenants. The recommended Condition 11 also requires the applicant to provide a Car Park Management Plan.
- The recommended Condition 19 requires the Applicant to submit an EV charging scheme to the Council for approval prior to the occupation of any dwellings.
- The applicant submitted a Phase 1 Site Investigation and a Coal Mining Risk Assessment as part of the application, and these matters are addressed in the Officer Report
- Recommended Condition 3 requires the final details of external materials and second floor metal frameworks to be submitted to the Council.
- The residential units would comply with Nationally Described Space Standards

The applicant maintains that the proposed development is both appropriate and high quality, that in planning policy terms, the proposals are wholly acceptable and would be made so through the 50 planning conditions proposed in the Officer Report, and that the development would provide 16 much needed homes in a sustainable location and there would be significant direct and indirect economic benefits during construction.

1.0 The Application:

1.1 DESCRIPTION OF SITE

The application site is within the grounds and setting of the Grade II Listed former Joicey Road School and forms part of the Saltwell Conservation Area. The site was formerly part of the grounds of the nearby Whinney House and makes up the locally listed Whinney House Gardens.

1.2 The application site is approximately half of the wider former School site and it is, primarily, in the south eastern part of the wider site. The wider site is accessed off Joicey Road via two vehicular entrances. One accesses a small

car park to the front whilst the other provides access to the car park to the rear, the children's' nursery and the internal access road, which were implemented under permission DC/09/01018/FUL. Separate pedestrian accesses are also provided off Joicey Road as well as Durham Road. There are a large number of trees along the site's boundaries with Joicey Road and Durham Road as well as a wooded area on the southern part of the site. By virtue of their location in a Conservation Area and a Tree Preservation Order the trees on site are protected.

- 1.3 The eastern boundary of the site along Durham Road is made up of a belt of trees, railings and a stone wall/railings. From the rear of the railings the land slopes downwards so that the site is on a lower level to Durham Road. On the opposite side of Durham Road are residential properties. The screening effect from the belt of trees and its topography, means that the site is barely visible from Durham Road. The southern boundary of the site is made up of a wooded area with no discernible boundary between the site and Whinney House and its associated buildings. The western side of the site slopes downwards to the western boundary of the site which borders allotments. The northern boundary of the site is defined by railings and faces Joicey Road. There are residential properties located on the north side of Joicey Road at Chesters Close and Chesters Park, as well as the more recent apartments, built on Ashfield Court; on the site of the former Springs Health Club.
- 1.4 The area specific to this application relates to the area to the rear of the school which was subject to the new build element of the 2009 application. However due to the introduction of the nursery onto the site and other amendments it is no longer possible to implement this element of the permission, although as highlighted the internal road which allows access to this part of the site is in situ.
- 1.5 The old school buildings comprising the main T-shaped building, an L-shaped external building along with three external pavilions and a former caretaker's house. There was a modern gymnasium but that has been demolished. There is also a new build children's nursery within the grounds granted planning permission in 2011 (DC/11/00692/FUL). Part of the site is also identified as forming part of the area's provision of urban green space.
- 1.6 **BACKGROUND**
In terms of history, construction began on the school in 1935 and it opened in 1937. Its purpose was as an open air school for "delicate" children. Classes were conducted in the open air (unless there was inclement weather) through the use of folding windows. The open air movement was founded in Switzerland in the late 19th century.
- 1.7 The site ran as Joicey Road School until 1997 when the buildings served as a temporary home for the Joseph Swan School and the Gladstone Terrace Youth and Community College. In 2003 the buildings were used as an annex to Gateshead College and vacated in 2005. Since 2005 the buildings were empty and had fallen into disrepair.

- 1.8 Following the granting of planning permission and Listed Building Consent the school has been converted into offices and business units (DC/09/01018/FUL and DC/09/01019/LBC) and the main school is now fully occupied as an established business park, known as Saltwell Business Park. Under the same planning application, permission was granted for new build business units in the grounds to the rear of the school but this element of the development has not commenced, and as referred to above, could not now be implemented
- 1.9 A further application has been granted to allow part of the old school to be used as a dance school and the retention of the caretaker's house as a private residence (DC/11/00342/FUL). Again these are both in operation.
- 1.10 **DESCRIPTION OF THE APPLICATION**
The application is for the erection of new residential units within the grounds of the school/business park, consisting of a three storey L-shaped block providing 16 flats with two bedrooms each.
- 1.11 There would be 6 apartments at ground floor level, 6 apartments at first floor level and 4 apartments at second floor level. Originally the application proposed 18 units, but the scheme has been amended to remove a unit at each gable end at second floor level, replacing these with external spaces split into private terraces and green roofs. These elements are proposed to be light weight structures extended from the main building to create a domestic 'pergola' effect, and the facade to this area is shown on plans to be screened with climbers on supporting trellis.
- 1.12 Juliet balconies are proposed at first floor level and external balconies at second floor level, in addition to the private terraces at each gable end. In response to level changes, there is part sunken ground floor proposed, which has been deepened to make it double aspect, with the introduction of a number of light wells ('Zen Gardens'), introduced to provide more natural light.
- 1.13 The proposed materials are as follows:

External walls: red multi bricks and dark grey metal cladding
Roof: dark grey standing seam roofing
Windows and doors: dark grey
- 1.14 The access would be from Joicey Road via the existing internal road within the site, which follows around the western, southern and eastern boundaries.
- 1.15 30 parking spaces are proposed for the site, including three disabled spaces. 10 of these spaces are proposed to be allocated to existing tenants of the wider site.
- 1.16 **RELEVANT PLANNING HISTORY**

DC/09/01016/CON - Demolition of former caretaker's house, gym and air raid shelter - Granted 17.11.2009

DC/09/01018/FUL - Conversion of vacant school buildings and erection of new buildings to create business space for creative industries (use class B1) (amended 22.10.09) - Granted 18.11.2009

DC/09/01019/LBC - Conversion of vacant school buildings and the erection of new buildings to create business space for creative industries (use class B1) (amended 22.10.09) - Consent Granted 18.11.2009

DC/10/00754/TPO - Tree works that consist of the removal of 1 holly T281, 1 sycamore T282, 1 ash T283, 1 cherry T303, 1 copper beech T300, in addition a small group identified as group 5 on the plan is proposed for removal this group on the plan consists of sycamore x 3 and 1 x holly. All of the works were proposed in order to construct a new access to the site - Granted 20.09.2010

DC/11/00088/FUL - Erection of a single storey building to provide children's day nursery (use class D1) to rear of existing school building and creation of new access onto Joicey Road (amended 01/03/11 and 11/04/2011) - Granted 28.04.2011

DC/11/00342/FUL - Refurbishment of existing listed school buildings, change of use of main school buildings and 2 pavilions to office (use class B1), change of use of 1 pavilion to use class A1 or A3, extension of 3 pavilions, change of use of rest barn to dance studio (use class D2) with residential annex (use class C3), refurbishment and extension of existing caretaker's house and construction of new access road and associated car parking as amended by plans received between 04.07.2011 and 07.07.2011 (part retrospective application). (Amended description 08.07.2011) - Granted 08.07.2011

DC/11/00365/LBC - Refurbishment of existing listed school buildings (main school, rest barn and pavilions) and extensions to the 3 pavilions as amended by plans received between 04.07.2011 and 07.07.2011 (Amended description 08.07.2011) - Consent Granted 08.07.2011

DC/11/00692/FUL - Variation of condition 1 of planning permission DC/11/00088/FUL to allow external alterations including the roof design (amended 04/08/11) - Granted 15.08.2011

DC/11/01437/COU - Change of use from Business Park to Children's Nursery - Granted 14.02.2012 [small amount of land]

DC/11/01456/FUL - Construction of 3 car parking spaces within the children's nursery site (amended 16.03.2012) - Granted 03.05.2012

DC/13/00596/FUL - Erection of new office accommodation in the grounds of Business Park (additional information received 29/11/13 and 07/04/2014) (amended 07.04.2014 and 07/04/2014) - Granted 14.05.2014

DC/17/00459/NMA - NON MATERIAL AMENDMENTS TO CONDITIONS: 7 (remediation), 8 (verification report), 12 (surface water drainage), 14 (materials) and 15 (glazing) of DC/13/00596/FUL to enable amendments to the timescale for compliance - Granted 12.05.2017

2.0 Consultation Responses:

Tyne And Wear Archaeology Officer	No work required
Tyne And Wear Fire And Rescue Service	No objection
Northumbria Water	Condition recommended
Coal Authority	No objection subject to conditions

3.0 Representations:

- 3.1 Neighbour notifications were carried out in accordance with formal procedures introduced in the Town and Country Planning (Development Management Procedure) Order 2015.
- 3.2 An objection was received from Councillor Duggan raising concerns relating to the following:
- Impact on highway safety
 - Loss of and impact on trees
 - Impact on ecology
 - Overshadowing and loss of outlook to the detriment of residential amenity
 - Impact on character of the area and Conservation Area and Listed Buildings
 - Impact of contaminated land/asbestos
- 3.3 57 objections were received from members of the public regarding the originally submitted scheme, raising concerns relating to the following:
- Increase in traffic and subsequent impact on highway safety, particularly in relation to the existing narrow and inadequately lit access road within the site, safety at the neighbouring children's nursery and for pedestrians and cyclists in general, the access onto Joicey Road, proximity to Saltwell Park and Crematorium and Joicey Road already being busy (including with larger vehicles)

- Loss of parking provision for the neighbouring units in the business park and impact on parking demand on nearby streets/roads
- The development should be sustainable and carbon neutral, and potential future occupiers need to be encouraged to travel more sustainably
- Electric vehicle charging and cycle parking should be provided, and double length parking spaces would impact on potential for EV charging provision
- Increased pollution from traffic, impact on air quality and carbon dioxide from removed/rotting/burned trees
- Safety concerns regarding footpath access through the site to the nursery, the footpath accessed via the gate from Durham Road on the eastern boundary should be maintained at all times during construction and after completion, and a safe access route should be provided during construction.
- Loss of trees and greenery and inadequate landscaping proposed, resulting in an impact on the character and appearance of the area and wildlife, particularly bats
- Loss of available green space
- Overdevelopment of the site, dominance of car parking and play space not provided
- Impact on character of the area and Conservation Area and Listed Building
- Impact on local and neighbouring businesses
- Increase in noise
- Loss of light and overshadowing at neighbouring premises
- Impact on residential amenity of potential future occupiers of the proposed development in terms of noise from the existing dance school and inappropriate living conditions for future occupiers
- The development would result in overlooking at the neighbouring children's nursery and dance school, which would raise safeguarding concerns
- Impact of noise, dust and heavy machinery associated with the construction would disturb and distress children at the neighbouring

nursery, impact on health and safety and impact on neighbours' quality of life

- Existing issues with anti-social behaviour at the business park, and proposed development would worsen this
- Additional residential traffic passing neighbouring property would increase disturbance and affect privacy of occupiers
- More frequent damage to neighbouring property/boundary treatment
- Construction phase would affect access to the neighbouring nursery
- Impact on views from neighbouring properties
- Loss of property value
- Increase in rubbish and subsequent increase in rodents
- Exposure to disturbed asbestos from the site
- Application site not appropriate for residential development
- Units at a nearby residential development have not all been sold and there is not a need for the type of dwelling proposed in this application (ie. not family homes)
- No social housing compensation or affordable housing
- The development is not commonhold
- Nurseries in the area are already oversubscribed

3.4 2 letters of support were received commenting on the following:

- Opportunity to bring more people to the area to add much needed inward investment.
- Positive addition to recent developments in locality

3.5 2 representations neither in support nor in objection were received, making the following comments:

- Increase in traffic on Joicey Road
- Safety for pedestrians and cyclists
- Impact on trees and wildlife

3.6 Amended plans were submitted on 11 December 2020 and 19 objections were received, raising concerns regarding the following:

- Concerns not addressed
- Units at a nearby residential development have not all been sold and there is not a need for further apartments in the area
- No affordable homes
- Increase in traffic (and congestion) and subsequent impact on highway safety, particularly at the existing access road within the site, at Joicey Road and the vehicle access to Anderson Green, and increased pollution
- New access should be provided onto Durham Road, otherwise traffic should avoid peak drop off/pick up times for the nursery
- Construction works affecting access to site, parking on site and safety on site
- Increased parking demand
- New parking should be provided underground
- Loss of parking provision for wider site
- Inaccurate presentation of parking provision at nursery
- Inappropriate cycle parking proposed
- Grey standing seam roof and cladding inappropriate and modern design not in keeping with the Conservation Area and listed buildings on the wider site
- 'Zen Gardens' welcomed but could have been avoided through an alternative design showing a split level development
- Landscaping and design approach and quality could be much improved upon
- Loss of privacy (and safeguarding impacts) at neighbouring nursery and children will be affected by noise, dust, smell, overshadowing, traffic and loss of green space
- Loss of privacy
- Loss of light
- Noise and dust

- Loss of and impact on trees and habitats, and impact on Climate Change
- Loss of views
- Increased litter and subsequent rodent issues
- The development is not commonhold
- The building energy rating should be A.
- There is no mention of accessibility provisions and this should be M4
- Exposure to disturbed asbestos from the site

3.7 Further amended plans were submitted on 16 July 2021 and 12 objections were received, raising concerns regarding the following:

- Concerns still stand
- Units at a nearby residential development have not all been sold and there is not a need for further apartments in the area; site is a business park and residential use would not be appropriate
- Design not in keeping with the Conservation Area and listed buildings on the wider site, in particular the standing seam roof element
- Increase in traffic (and congestion) and subsequent impact on highway safety, particularly at the existing access road within the site, at Joicey Road and the vehicle access to Anderson Green, and pollution
- Displacement of parking spaces for existing users on site, and insufficient parking provision proposed
- There is no provision for car sharing
- Electric vehicle charging should be available for every unit
- There is no provision for underground car parking
- Cycle parking should be secure
- Need for Travel Plan
- Impact on safeguarding and loss of privacy at nursery and dance school; private terraces shown on amended plans could worsen this rather than improve, and planting at the green roofs should be maintained

- Impact on amenity at neighbouring business uses in terms of traffic, noise, dust, and vibration
- Loss of and damage to trees
- Insufficient information submitted in relation to impact on ecology
- There is no sustainability statement and energy source or rating
- All new developments in Gateshead should be freehold or commonhold
- Inaccurate Viability Assessment, as the developer already holds the land
- Exposure to disturbed asbestos from the site
- Increased rodent infestation due to storage of rubbish

3.8 1 Representation neither in support nor in objection was received, making the following comments:

- Query which parking spaces existing businesses would be allocated
- Impact of construction phase on deliveries and visitors associated with existing businesses on wider site
- Increase in traffic on access road
- Lack of maintenance of existing wider site and access road

4.0 Policies:

NPPG National Planning Practice Guidance

NPPF National Planning Policy Framework

CS11 Providing a range and choice of housing

CS13 Transport

CS14 Wellbeing and Health

CS15 Place Making

CS16 Climate Change

CS17 Flood Risk and Waste Management

CS18 Green Infrastructure/Natural Environment

MSGP1 Employment Land Supply

MSGP4 Loss of Employment Land

MSGP8 Digital Infrastructure

MSGP10 Accessible and Adaptable Dwellings

MSGP12 Housing Space Standards

MSGP15 Transport Aspects of Design of Dev

MSGP17 Residential Amenity

MSGP18 Noise

MSGP20 Land Contamination/Stability

MSGP24 Design Quality

MSGP25 Conservation/Enhancement Heritage Assets

MSGP29 Flood Risk Management

MSGP36 Woodland, Trees and Hedgerows

MSGP37 Biodiversity and Geodiversity

MSGP40 Provide/Enhance Open Space/Sport/Rec

GPGSPD Gateshead Placemaking Guide SPG

5.0 Assessment of the Proposal:

5.1 The main planning issues in this case are considered to be the principle of development, design and heritage assets, highway safety and parking, residential amenity, ground conditions, drainage and flood risk, ecology, trees, and any other matters raised.

5.2 PRINCIPLE

The site is allocated for employment use (defined as B1 (now Class E(g)), B2 and B8) by local plan policy MSGP1. The evidence that informed employment site allocations (the Council's 2018 Employment Land Review) notes that planning permission was granted in 2014 for new office development on the site, and that it represents "an attractive edge-of centre location close to Low Fell District Centre, with good public transport links". On this basis, the site was considered suitable and available for class B use development. No

objections to the site's allocation in MSGP were received during the plan's preparation or its examination.

- 5.3 However, the site is relatively modest in scale, with an estimated 0.66ha net developable area identified in MSGP1. In quantitative terms, the site does not make a significant contribution to the amount of employment land available in the Borough, and its loss would not result in a quantitative under-supply of employment land. The site is not situated within a defined employment area, and in this respect, development for non-employment use would not affect the character or function of other employment sites. The provisions of MSGP4, which relate to the loss of employment land in defined employment areas, would not be applicable to this site.
- 5.4 Therefore, it is considered that the principle of the use of the site for residential development rather than employment use would be acceptable.
- 5.5 HOUSING POLICY
Whilst the amended plan shows a reduction in the number of homes proposed, it will still have the potential to increase housing delivery, which is a positive factor.
- 5.6 Local Plan policy CS11 of the CSUCP requires that a minimum of 60% of new private housing across the plan area is suitable and attractive for families (i.e. homes with three or more bedrooms). Whilst this is a Borough-wide target, no part of the scheme would have three or more bedrooms. This area is considered to be a suitable location for family homes with three or more bedrooms, where they should be encouraged if the plan-wide target is to be achieved. The submitted Design and Access Statement states that the proposal would deliver family housing in the form of two-bedroomed apartments, and although the proposal would not fully comply with the policy requirement for delivery of homes with three bedrooms, which is not ideal, this would not be a refusal reason in itself.
- 5.7 Policy MSGP10 of MSGP requires that on housing developments of 15 or more dwellings, 25% will be constructed to meet M4(2) of the Building Regulations. This policy has been formulated taking into account viability. It is recommended that a condition be imposed requiring compliance with this policy requirement.
- 5.8 Policy CS11 requires 15% affordable homes on all developments of 15 or more dwellings subject to development viability. The application is accompanied by an Affordable Housing Statement which sets out that the provision of affordable housing is unviable and refers to a viability assessment that has been submitted. This has been assessed and officers are satisfied that the information submitted demonstrates that inclusion of affordable homes on site would make the development unviable.
- 5.9 Although the proposal would not provide family homes with three or more bedrooms or affordable homes, it would contribute to housing stock in the borough and the principle of residential use on site would be acceptable.

5.10 NATIONALLY DESCRIBED SPACE STANDARDS

Policy CS11 requires adequate space inside and outside the home to meet the needs of residents. Policy MSGP12 also sets out that new homes should be built in accordance with the Nationally Described Space Standards (NDSS). This policy has been formulated taking into account viability.

5.11 The applicant has submitted floor plans and details demonstrating compliance with the NDSS, and has confirmed that, due to the size of the bedrooms indicated as 'Bed 2' in flat types A, B and E, (which are illustratively shown on floor plans as accommodating double beds, but only actually meet the criteria for single bedrooms) that the development's type A, B and E units are 2B(bed) 3P(person) and the type C and D units are 2B4P. Given that split of accommodation across the units, the development complies with all the minimum requirements of the NDSS and therefore also with MSGP12 of the Local Plan.

5.12 However, a double and a single room in these flat types is acceptable

5.13 OPEN SPACE AND PLAY

The proposed site is within the Low Fell ward which is deficient in the provision of public open space, and of play facilities for children and young people when considered against the standards set out in policy MSGP40.

5.14 Accordingly, MSGP40 requires that at least the equivalent of 1.99ha of recreational public open space per 1,000 anticipated residents on sites of at least 0.05ha in size should be provided, along with the provision of play facilities to the equivalent of 0.07ha per 1,000 residents.

5.15 The proposed scheme incorporates a central communal garden, which would contribute towards open space for residents of this development. Additionally, whilst the areas of open space proposed within this development do not appear to accommodate children's play space, given the quantity of open space provision provided within this scheme, it should be feasible to accommodate an area of dedicated (albeit perhaps unequipped) play space within this development that would meet the requirements of MSGP40. As such, it is recommended that conditions be imposed requiring final details of dedicated play space to be submitted to the Local Planning Authority for consideration, and implementation of the approved scheme.

5.16 DESIGN/SETTING OF LISTED BUILDING/CONSERVATION AREA

The application site is within the grounds and setting of the Grade II Listed former Joicey Road School and forms part of the Saltwell Conservation Area. It also forms part of a larger green area that includes Saltwell Park and is within the locally listed Whinney House Gardens.

5.17 In addition to the above, there is Grade II Listed Whinney House Lodge and Grade II Listed Whinney House, both of which are visually separated from the proposed site by Whinney House Dene, and the stone boundary to Durham Road, which is within the conservation area and pre-dates the open-air

school, instead relating to the former grounds of Whinney House, and is considered to be a non-designated heritage asset.

5.18 Paragraph 197 of the NPPF states:

In determining applications, local planning authorities should 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.

5.19 Paragraphs 199 and 200 of the NPPF continue:

When considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation (and the more important the asset, the greater the weight should be). This is irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to its significance.

Any harm to, or loss of, the significance of a designated heritage asset (from its alteration or destruction, or from development within its setting), should require clear and convincing justification.

5.20 The National Design Guide builds on national policy and advises that well designed places should be based on a sound understanding of the features of the site and the surrounding context, using baseline studies as a starting point for design, integrated into their surroundings so they relate well to them, influenced by and influence their context positively, and responsive to local history, culture and heritage. (paragraph 39).

5.21 Local Plan policy CS15 of the CSUCP requires development to contribute to good place-making through the delivery of high quality and sustainable design by responding positively to local distinctiveness and character and creating safe and inclusive environments.

5.22 The reflection of the existing L shape barn of the proposed building helps to link it to the wider site and the location of the proposal within the existing perimeter road is also considered appropriate from a heritage perspective. Additionally, it is considered that the proposed residential use in principle would not cause harm to the significance of the identified heritage assets.

- 5.23 Amended plans received show a reduction in height of the proposed building and a reduction in units to allow for lightweight structures at each gable end at second floor level. The amended design also proposes a mansard roof with standing seam, and this would visually reduce the perception of the height of the building further and give the appearance a more horizontal emphasis.
- 5.24 The amended design is considered to be appropriate, and it is recommended that conditions be imposed requiring final details of the external materials and further details of the second floor metal frameworks for each end of the building (ie. materials, sections) to fully understand its final appearance and to ensure a visually lightweight nature with slim sections and greater voids to the structure in its design and construction.
- 5.25 Additionally, amended plans enable a reduction in the number of parking bays and amended arrangement of the external area that allows for an appropriate balance of hardstanding and green space, which would not cause harm to relevant heritage assets.
- 5.26 Further, given the sensitive setting, it is recommended that a condition be imposed removing permitted development rights for boundary treatment, so the LPA would be able to fully consider proposals for new/different treatment in the future.
- 5.27 Through amendments, it is considered that the proposed scheme has improved its response to the historic environment sufficiently to mitigate any harm arising through the loss of setting. Subject to conditions, the proposal would comply with the aims and requirements of the NPPF and policies CS15, MSGP24 and MSGP25 of the Local Plan.
- 5.28 **PARKING/HIGHWAY SAFETY**
The applicant has submitted details of the predicted vehicle trip generation for the proposal, and whilst this is considered to be marginally on the low side, officers are confident that the uplift in trips arising from the development would have a low impact. The figures are also well below the threshold for considering highway improvement works to existing junctions on the road network. The impact on existing junctions and the local road network is therefore considered to be acceptable.
- 5.29 Additionally, in terms of parking provision, 30 spaces are proposed for the site, including three disabled spaces. 16 of these spaces are proposed to be allocated to residents of the new development with the remaining spaces for visitors and re-allocated to the existing tenants, as their existing spaces would be lost in order to facilitate this development.
- 5.30 Primary pedestrian access is achieved via Durham Road. Whilst ideally the short section of path (east of the existing 'dance school' turning head heading up onto Durham Road) should be altered so as to provide a reduced gradient, it is accepted that this is not feasible due to the limited embankment width and the inability to install a ramp without impacting on existing trees and planting. However, it is considered necessary to require handrails to be provided to

both sides of this part of the path; these are shown on amended plans, and it is recommended that a condition be imposed requiring their installation before occupation of the flats.

- 5.31 Amended plans also show the footpath being continued west, beyond the turning head, along the edge of the open green space, and linking to the existing wider site beyond parking bay number 20. This arrangement is considered acceptable, and it is recommended that conditions include final details of measures for the maintenance of a footpath link through the site at all times (including during construction), and for the new footpath arrangement to be completed before the flats are occupied.
- 5.32 In respect of the main building, it is considered that the submitted amended arrangement for the pedestrian entrance to the north-eastern corner of the building, now including a build-out further east is acceptable, and it is recommended that a condition be imposed requiring its installation/completion before occupation of the flats.
- 5.33 In terms of the width of the circulatory access road, the applicant has now submitted swept-path analysis drawings showing the movements of a large twin rear axle refuse waggon set against the opposing flow/movements of a typical private car. Although the cars will have to stop at certain 'passing places' around the site, officers are satisfied that in such circumstances the car driver will have a good view of any oncoming refuse waggon.
- 5.34 The exception to this may be at the bend to the rear of the nursery where, should a car meet a refuse waggon, it may be necessary for the car or refuse waggon to reverse to the nearest passing place. Whilst not ideal, speeds will be very low, vehicle movements will be very low and the road is not a through-route: the likelihood of this occurring will therefore be low and very infrequent.
- 5.35 Whilst having a car or refuse waggon reverse a short distance would not be ideal, it is not uncommon for refuse waggons to have to do this (or request a private car to reverse) on a day-to-day basis on many historically tight streets in the borough. It would not be reasonable to require significant widening of the bend due to the existing nursery building, adverse gradients, and adjacent protected trees. It is considered that, on balance, there is not such significant harm as to warrant a planning refusal on this occasion.
- 5.36 To ensure that indiscriminate parking does not occur on the circulatory access road and possibly restrict vehicular flows and/or compromise pedestrian movements, waiting restrictions and parking control measures would need to be implemented along the access road. It is recommended that conditions are imposed requiring a Car Park Management Plan (CPMP) to be submitted, and implementation of the approved scheme.
- 5.37 Officers are aware that the wider Anderson Green site has a CPMP to deter indiscriminate parking already. This should either be extended to cover the proposed development or, alternatively, a new standalone CPMP created.

The former would be preferable to ensure continuity of measures across all parts of the site. The CPMP would need to include:

- The allocation of parking bays (private, visitor and for existing tenants)
- Provision of flexible visitor parking
- Measures for parking for existing tenants during the construction phase
- Waiting restrictions and/or parking control measures to the access roads

- 5.38 Provision of birdsmouth fencing to deter off-road verge parking alongside the access road (or half-on/half-off, which may obstruct movements along the road) is also recommended to be required by condition.
- 5.39 Cycle storage is shown indicatively on proposed plans, and it is recommended that conditions be imposed requiring final details of individual, fully enclosed cycle stores for each property, and implementation of the approved scheme.
- 5.40 Conditions are also recommended to be imposed requiring details and implementation of street lighting within the development, which is key to pedestrian safety and promoting sustainable travel on foot, and also final details and implementation of provision of electric vehicle charging points.
- 5.41 Finally, a condition is also recommended to require the submission and implementation of an appropriate travel plan relating to the development.
- 5.42 Subject to conditions, it is considered that the proposal would not result in an unacceptable impact on highway safety, and would comply with the aims and requirements of the NPPF and policies CS13 and MSGP15 of the Local Plan.
- 5.43 RESIDENTIAL AMENITY
Policy CS14 of the CSUCP requires that the wellbeing and health of communities will be maintained and improved by [amongst others]:

- 1. Requiring development to contribute to creating an age friendly, healthy and equitable living environment through:*
 - i. Creating an inclusive built and natural environment,*
 - ii. Promoting and facilitating active and healthy lifestyles,*
 - iii. Preventing negative impacts on residential amenity and wider public safety from noise, ground instability, ground and water contamination, vibration and air quality,*
 - iv. Providing good access for all to health and social care facilities, and*
 - v. Promoting access for all to green spaces, sports facilities, play and recreation opportunities.*

- 5.44 It is understood that the wider site contains a mix of residential and commercial uses, although it is predominantly the latter. Given the distance from dwellings at 10 Telford Close and Joicey House and that there are commercial uses between these and the specific proposal site, it is considered that the proposed development would not result in noise, loss of

light, loss of privacy, loss of outlook or have an overbearing impact that would result in an unacceptable impact on residential amenity at these neighbours.

- 5.45 It is also considered that the proposal would not have an unacceptable impact on the amenity of occupiers of commercial units on site, including the nursery, in relation to the material considerations within planning. In terms of the proposed private terraces shown on amended plans, these would be set back from the ends of the buildings and would be screened by the proposed planting at the green roofs. It is recommended that conditions be imposed requiring details of maintenance and management of the planting to ensure continuation of the screening as far as practicable.
- 5.46 Similarly, given the change in levels, screening from trees and distance from the site, it is considered that the proposed development would not result in an unacceptable impact on residential amenity for occupiers of dwellings to the south and east.
- 5.47 It is recommended that a condition be imposed restricting hours of construction, to ensure noise and disturbance from the construction phase would not result in an unacceptable impact on neighbouring occupiers. It is also recommended that a condition be imposed requiring a specific construction management plan to control noise and dust.
- 5.48 In terms of living conditions for future residents, it is considered that the proposal would provide adequate space for the day to day living needs of residents, sufficient light and privacy at dwellings.
- 5.49 Subject to conditions, the proposal would not result in an unacceptable impact on residential amenity, and would comply with the aims and requirements of the NPPF and policies CS14, MSGP17 and MSGP18 of the Local Plan.
- 5.50 DRAINAGE AND FLOOD RISK
Whilst the site is in flood zone 1, it is also within a critical drainage area and the Team Valley catchment area. Paragraph 169 of the NPPF states that:

Major developments should incorporate sustainable drainage systems unless there is clear evidence that this would be inappropriate. The systems used should:

- (a) take account of advice from the lead local flood authority;*
- (b) have appropriate proposed minimum operational standards;*
- (c) have maintenance arrangements in place to ensure an acceptable standard of operation for the lifetime of the development; and*
- (d) where possible, provide multifunctional benefits.*

5.51 Updated drainage information has been submitted by the applicant, and whilst the proposed drainage scheme is considered appropriate in principle, it is recommended that conditions be imposed requiring the following:

- A CCTV camera survey of the existing drainage between the proposed development drainage and NWL chamber 6601, together with a scaled plan that identifies chamber invert and cover levels together with pipe sizes. This information is required to demonstrate that the existing private pipeline is in good working order and therefore suitable to service the proposed development.

- A report detailing the condition and confirming the construction of the existing no dig porous paving (shown in green hatching on drawing JCC20-134-C-GA-100-D, within Drainage Strategy), together with the results of infiltration testing to be undertaken at several locations along the route. Calculations to demonstrate whether there will be no run-off from this area under 1in100year+40% rainfall events should be provided. If there is reliance on the use of existing gullies to drain the access within the development site red line boundary, calculations demonstrating that the receiving system can manage runoff from the access under 1in100year+40% rainfall in addition to any other existing flows contributing to the existing drainage system must be provided. For the avoidance of doubt, all runoff generated within the site red line boundary must be accounted for and managed in line with DEFRA's non-statutory technical standards for SuDS to the satisfaction of the LLFA.

- A detailed topographical survey for the route of drainage between proposed attenuation tank and existing chamber CW2 (shown on drawing JCC20-134-C-GA-100-D) and should include all ground level features so that the overland exceedance flow route can be clearly defined and to demonstrate that there is viable access both for construction of the proposed combined water pipeline and also for long term maintenance of this infrastructure.

- Cross sections in two orthogonal directions through the SuDS storage facilities (both the geo-cellular units and the permeable paving that are identified as providing storage within the hydraulic calculations provided in support of the application).

5.52 Northumbrian Water have also recommended that the Drainage Strategy be listed as an approved document.

5.53 Subject to conditions, it is considered that the proposal would be acceptable in terms of drainage and would comply with the aims and requirements of the NPPF and policy CS17 of the Local Plan.

5.54 **ECOLOGY**

The proposal site is located within 2km of several Local Wildlife Sites (LWS) including Saltwell Park Lake LWS located approx. 670m to north west. The site is also located partially within a designated Wildlife Corridor. Aerial photography indicates the site comprises area(s) of grassland, hardstandings, ornamental hedging/shrub planting, individual and groups of trees. Built

development incorporating existing buildings and hardstanding is located immediately to the north and west of the site. Habitats within and immediately adjacent the site have the potential to support statutorily protected and priority/notable species, and the site is suitable habitat for Dingy Skipper butterfly.

5.55 Paragraph 174 of the NPPF states:

Planning policies and decisions should contribute to and enhance the natural and local environment by:

(a) protecting and enhancing valued landscapes, sites of biodiversity or geological value and soils (in a manner commensurate with their statutory status or identified quality in the development plan);

(d) minimising impacts on and providing net gains for biodiversity, including by establishing coherent ecological networks that are more resilient to current and future pressures;

5.56 Paragraph 180 of the NPPF also states:

When determining planning applications, local planning authorities should apply the following principles:

(a) if significant harm to biodiversity resulting from a development cannot be avoided (through locating on an alternative site with less harmful impacts), adequately mitigated, or, as a last resort, compensated for, then planning permission should be refused;

5.57 A Preliminary Ecology Appraisal and Bat Survey report and a Biodiversity Net Gain report have been submitted with the application. The Biodiversity Net Gain report does not account for the most recent amendments to the scheme. Whilst it is considered the proposed development is unlikely to have a significant adverse impact on designated nature conservation sites, the proposed development would result in a net-loss of biodiversity.

5.58 As above, a Viability Assessment has been submitted, this has been assessed and officers are satisfied that the information submitted demonstrates that a financial contribution towards Biodiversity Net Gains would make the development unviable.

5.59 However, it is recommended that conditions be imposed requiring the following:

- Final details of on-site habitat creation and enhancement of existing retained habitats/features
- Implementation ,management/maintenance and monitoring of on-site habitat creation and enhancement measures,

- Final details of a biodiversity method statement and implementation of approved scheme
- Final details of external lighting and implementation of approved scheme
- Final details of boundary treatment (birdsmouth fencing) between development and woodland area to south and east (as above also relating to Highway Safety).

5.60 Subject to conditions, it is considered that the proposal would not cause unacceptable harm to ecology and would comply with the aims and requirements of the NPPF and policies CS18, MSGP36 and MSGP37 of the Local Plan.

5.61 TREES

Trees on site are protected by TPO157 and also benefit from protection by being within the Conservation Area. The application proposes the removal of one tree in the south east corner of the site on the inside bend of the road (T209) to facilitate the installation of parking spaces. The submitted tree survey refers to the beech tree as a moderate quality tree in fair condition, and new tree planting proposed further into the site.

5.62 Although the proposed removal of the moderate quality tree on the inside of the bend (T209) is not ideal, on balance, this is considered acceptable. It is also considered that the proposed parking spaces on the outside of the bend would likely result in increased pressure to remove trees in this location over time, which would not be ideal. However, it is acknowledged that this arrangement (the parking on the outside of the bend) was accepted in permission DC/13/00596/FUL, and tree protection measures are recommended to be secured by conditions.

5.63 Therefore, it is considered that on balance, the proposal would not have an unacceptable impact on trees that would warrant refusal of this application. The proposal would not conflict with the aims and requirements of the NPPF and policies CS18 and MSGP36 of the Local Plan.

5.64 GROUND CONDITIONS

The site has been assessed and inspected as part of the Council's Contaminated Land Strategy and is situated on potentially contaminated land based on previous historic use. It is possible that the development area will be affected by ground contamination, possibly through in any historic made ground deposits present, from imported fill materials and material used to construct a development platform for the site and buildings, and from materials e.g. asbestos used in former buildings.

5.65 A preliminary risk assessment has been submitted with the application and officers agree with the recommendations of the report as to the requirement for a Phase II site investigation to investigate potential contamination issues at the site. It is recommended that conditions be imposed requiring details of further site investigations, Phase II Risk Assessment and remediation measures where required, the implementation of approved remediation

measures and the submission of a verification report(s) demonstrating their effectiveness.

- 5.66 A Coal Mining Risk Assessment has also submitted with the application. The Coal Authority concurs with the recommendations of the Coal Mining Risk Assessment that coal mining legacy potentially poses a risk to the proposed development and conditions are recommended requiring further site investigations and remediation measures where required, to be submitted for consideration, and implementation of approved remediation.
- 5.67 Subject to conditions, the proposal would not result in an unacceptable impact on ground conditions, and would comply with the aims and requirements of the NPPF and policies CS14 and MSGP20 of the Local Plan.
- 5.68 **SUSTAINABILITY**
The site is not near a decentralised energy scheme or any planned scheme, the next option would be to install renewable energy solutions. In addition, in accordance with policy CS16 of the CSUCP, all development is required to use a good standard of building fabric, passive design and landscaping measures to minimise demand and achieve a good level of sustainability, as required by national standards and also reduce its whole life CO2 emissions.
- 5.69 The applicant has submitted a sustainability statement, which refers to some building/materiality measures and this is considered appropriate.
- 5.70 **DIGITAL INFRASTRUCTURE**
MSGP8 states that 'The necessary physical infrastructure to enable access to information and digital communication networks will be integrated into all appropriate new developments.' The supporting text clarifies that all proposals for new dwellings and new business premises will be required to demonstrate that engagement has taken place with more than one digital infrastructure provider to explore how digital communication networks can be integrated into the development. The requirements of this policy will be satisfied by the submission of a statement (required either at application stage or through a planning condition) explaining the outcome of this engagement. As such, it is recommended that a relevant condition be imposed to satisfy this requirement.
- 5.71 **COMMUNITY INFRASTRUCTURE LEVY**
On 1st January 2017 Gateshead Council became a Community Infrastructure Levy (CIL) Charging Authority. This application has been assessed against the Council's CIL charging schedule and the development is CIL chargeable development as it is for qualifying housing related. The site is within Residential CIL Zone B, which has a charge of £30 per sqm.
- 5.72 **OTHER MATTERS**
The ownership status (i.e. commonhold, leasehold etc) of proposed units, loss of property value, impact on views from neighbouring occupiers, and the subscription/capacity of local nurseries are not material planning considerations.

- 5.73 Planning cannot control adeptness of drivers using the road and whether damage would occur (outside of overall highway safety impact of the proposal), or the responsibilities of the landowner in terms of maintenance of the wider site.
- 5.74 Existing issues with anti-social behaviour at the business park are also not a planning matter, and in terms of a potential increase, overall, the proposal does not raise significant concerns relating to the perception of safety on site that could not be controlled by condition.
- 5.75 The proposal includes provision for waste management and it is considered that it would not result in an unacceptable increase in rubbish or rodents. Bin stores are shown on plans and it is recommended that final details are required by condition.

6.0 CONCLUSION

Whilst the proposal would not provide affordable homes or financial contributions for Biodiversity Net Gains, it would add to the housing stock in the borough, and overall is considered to be acceptable, subject to conditions.

- 6.1 Taking all the relevant issues into account, it is considered that the proposed development is acceptable in principle and in terms of housing policy, open space and play, highway safety and parking, design, residential amenity, drainage, ecology, trees, ground conditions, and digital infrastructure, and would comply with the aims and objectives of the NPPF, and the relevant policies of the Local Plan.

7.0 Recommendation:

That permission be GRANTED subject to the following condition(s) and that the Service Director of Climate Change, Compliance, Planning and Transport be authorised to add, vary and amend the planning conditions as necessary

1

Unless otherwise required by condition, the development shall be carried out in complete accordance with the approved plan(s) as detailed below -

ANDG-RYD-00-XX-DR-A-0002-S2-P6-Location Plan (received 11.12.2020)

ANDG-RYD-00-XX-DR-L-2100-S2-P15-Landscape Masterplan (received 11.02.2022)

ANDG-RYD-00-01-DR-A-9204-S2-P21-Proposed parking plan (received 11.02.2022)

ANDG-RYD-00-XX-DR-L-4801-S2-P1-Northern Entrance Call Out (received 14.02.2022)

ANDG-RYD-00-ZZ-DR-A-3601-S2-P12-GA Elevations - North and South (received 16.07.2021)

ANDG-RYD-00-ZZ-DR-A-3602-S2-P12-GA Elevations - East and West(received 16.07.2021)

ANDG-RYD-00-00-DR-A-3001-S2-P16-Proposed Level 00 Plan (received 24.02.2022)

ANDG-RYD-00-01-DR-A-3002-S2-P16-Proposed Level 01 Plan (received 24.02.2022)

ANDG-RYD-00-02-DR-A-3003-S2-P16-Proposed Level 02 Plan (received 24.02.2022)

ANDG-RYD-00-XX-SC-A-3012-S2-P2-Apartment Gross Internal Floor Areas (received 24.02.2022)

ANDG-RYD-00-XX-DR-A-3804-S2-P1-Long sections (received 14.01.2021)

ANDG-RYD-00-ZZ-DR-A-3801-S2-P11-GA Sections Sheet 1 of 2 (received 16.07.2021)

ANDG-RYD-00-ZZ-DR-A-3803-S2-P3-GA Sections Sheet 2 of 2 (received 16.07.2021)

ANDG-RYD-00-XX-DR-A-3805-S2-P3-Long sections (received 24.01.2022)

20-106-N Anderson Green, Low Fell, Gateshead Drawing TK18 Rev C (1 OF 3) (received 16.02.2022)

20-106-N Anderson Green, Low Fell, Gateshead Drawing TK19 Rev C (2 OF 3) (received 16.02.2022)

20-106-N Anderson Green, Low Fell, Gateshead Drawing TK20 Rev C (3 OF 3) (received 16.02.2022)

865-06 Rootplate protection low impact surfacing detail (received 30.07.2020)

865-03 Tree Constraints Plan (received 30.07.2020)

865-02 Tree Survey Plan (received 30.07.2020)

865-04 Tree Impact and Protection Plan Rev A (received 30.07.2020)

865 Anderson Green Tree Survey (received 30.07.2020)

20182 BNG v2 (received 11.12.2020)

20182 PEA v2 (received 16.07.2021)

JCC20_134_C_02_02_Drainage Strategy (received 16.07.2021)

JCC20-134-C-GA-101-B-Proposed Timber Stake and Board Retaining Wall to Avoid Tree Roots (received 16.07.2021)

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

Notwithstanding the approved plans, no new external materials or metal frameworks at second floor level associated with the private terraces and green roofs shall be used on site until final details and samples of these have been submitted to and approved in writing by the Local Planning Authority.

Reason

To safeguard the visual amenities of the area, and to ensure that the proposed development does not have an adverse effect upon heritage assets or the appearance of the street scene or residential amenity in accordance with the NPPF and policies CS14, CS15, MSGP17, MSGP24 and MSGP25 of the Local Plan.

4

The details approved under condition 3 shall be implemented in full accordance with the approved details and retained as such for the lifetime of the development.

Reason

To safeguard the visual amenities of the area and to ensure that the proposed development does not have an adverse effect upon heritage assets or the appearance of the street scene, and to ensure the proposal would provide an appropriate level of privacy for future occupiers, in accordance with the NPPF and policies CS14, CS15, MSGP17, MSGP24 and MSGP25 of the Local Plan.

5

All external works associated with the development hereby permitted, including the use of equipment on the site, shall be carried out only between 08:00 hours and 18:00 hours on Mondays to Saturdays and at no time on Sundays or Bank Holidays.

Reason

To safeguard the amenities of nearby residents and in accordance with the NPPF and policies CS14, MSGP17 and MSGP18 of the Local Plan.

6

No dwelling hereby approved shall be occupied until a statement explaining the outcome of engagement with more than one digital infrastructure provider to explore how digital communication networks can be integrated into the development has been submitted to and approved in writing by the Local Planning Authority.

Reason

To ensure necessary physical infrastructure to enable access to information and digital communication networks at the new development, in accordance with the NPPF and policy MSGP8 of the Local Plan.

7

At least 4 of dwellings hereby approved shall be constructed to meet the Building Regulation M4(2) Category 2: Accessible and Adaptable Dwellings standard or equivalent successor standards.

Reason

To ensure the proposal would provide appropriate range and choice of housing in accordance with the NPPF and policy MSGP10 of the Local Plan.

8

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

Reason

To ensure the proposal would provide an appropriate level of privacy for future occupiers, in accordance with the NPPF and policies CS14 and MSGP17 of the Local Plan.

9

No development hereby approved shall commence until a Construction Management Plan has been submitted to and approved in writing by the Local Planning Authority.

The Plan shall provide for:

- (a) The parking of vehicles of site operatives and visitors
- (b) A Construction Traffic Management Plan which includes further details of the management of vehicles arriving at and leaving the site during construction;
- (c) Storage of plant and materials used in constructing the development

- (d) The erection and maintenance of security hoarding
- (e) Wheel washing facilities
- (f) Measures to control the emission of dust and dirt during construction
- (g) Measures to control noise and vibration during construction
- (h) A scheme for recycling/disposing of waste resulting from construction works.
- (i) Measures to maintain continuous pedestrian access east to west through the site during construction
- (j) Measures to manage vehicle access, parking and deliveries for existing users of the site during construction

Reason

In order to avoid nuisance to the occupiers of adjacent properties during the construction phase of the development, in accordance with the NPPF and policies CS13, CS14, MSGP15, MSGP17 and MSGP18 of the Local Plan.

Pre-commencement reason

To ensure that construction details can be approved prior to on-site works thereby avoiding any abortive work and preventing harm to nearby sensitive receptors due to uncontrolled construction and harm to highway safety which could otherwise occur.

10

The development hereby approved shall be implemented wholly in accordance with Construction Management Plan measures approved under condition 9 at all times during construction.

Reason

In order to avoid nuisance to the occupiers of adjacent properties during the construction phase of the development, in accordance with the NPPF and policies CS13, CS14, MSGP15, MSGP17 and MSGP18 of the Local Plan.

11

No dwelling hereby approved shall be occupied until a Car Park Management Plan, including the following measures, has been submitted to and approved in writing by the Local Planning Authority:

- The allocation of parking bays (private, visitor and for existing tenants)
- Provision of flexible visitor parking

- Waiting restrictions and/or parking control measures to the access roads
- Provision of birdsmouth fencing to deter off-road verge parking alongside the access road (or half-on/half-off, which may obstruct movements along the road),

Reason

To ensure appropriate car park management for occupiers, in accordance with policies CS13 and MSGP15 of the Local Plan, and the NPPF.

12

The management plan approved under condition 11 shall be implemented in full accordance with the approved details and timescales, and maintained as such thereafter

Reason

To ensure appropriate car park management for occupiers, in accordance with policies CS13 and MSGP15 of the Local Plan, and the NPPF.

13

No dwelling hereby approved shall be occupied until final details of the footpath running east to west (including the section joining to Durham Road to be widened), the build out to the east of the building and the handrails as shown on plan ANDG-RYD-00-XX-DR-L-2100-S2-P15- Landscape Masterplan, have been submitted to and approved in writing by the Local Planning Authority.

Reason

To ensure appropriate pedestrian access on site, in accordance with policies CS13 and MSGP15 of the Local Plan, and the NPPF.

14

The details approved under condition 13 shall be implemented in full accordance with the approved details before the first dwelling is occupied, and retained and maintained as such for the lifetime of the development.

Reason

To ensure appropriate pedestrian access on site, in accordance with policies CS13 and MSGP15 of the Local Plan, and the NPPF.

15

No dwelling hereby approved shall be occupied until final details of individual, fully enclosed, secure and weatherproof cycle storage for each dwelling and final details of bin storage for that dwelling have been submitted to and approved in writing by the Local Planning Authority.

Reason

To ensure appropriate cycle parking and bin storage provision on site, in accordance with policies CS13 and MSGP15 of the Local Plan, and the NPPF.

16

The storage details approved under condition 15 shall be implemented in full accordance with the approved details before each respective dwelling is occupied, and retained and maintained as such for the lifetime of the development.

Reason

To ensure appropriate cycle parking and bin storage provision on site, in accordance with policies CS13 and MSGP15 of the Local Plan, and the NPPF.

17

No dwelling hereby approved shall be occupied until a scheme for lighting of the access road and parking areas has been submitted to and approved in writing by the Local Planning Authority.

Reason

To ensure appropriate lighting for safe vehicle movements on site, in accordance with the NPPF and policies CS13 and MSGP15 of the Local Plan.

18

The scheme approved under condition 17 shall be implemented in accordance with the approved details before the first dwelling is occupied and the lighting shall be retained and maintained as such thereafter.

Reason

To ensure appropriate lighting for movements on site, in accordance with the NPPF and policies CS13 and MSGP15 of the Local Plan.

19

No dwelling hereby approved shall be occupied until a scheme relating to electric vehicle charging infrastructure has been submitted to and approved in writing by the Local Planning Authority.

Reason

To ensure appropriate provision for electric vehicles in accordance with the NPPF and policies CS13 and MSGP15 of the Local Plan.

20

The scheme approved under condition 19 shall be implemented in accordance with the approved details before the first dwelling is

occupied and the electric vehicle infrastructure shall be retained and maintained as such for the lifetime of the development.

Reason

To ensure appropriate provision for electric vehicles in accordance with the NPPF and policies CS13 and MSGP15 of the Local Plan.

21

No dwelling hereby approved shall be occupied until a Travel Plan for future occupiers has been submitted to the Local Planning Authority for consideration. The Travel Plan shall include:

- 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.
- Appointment of a travel plan co-ordinator and identification of associated budget
- Clearly defined objectives, targets and indicators
- Details of proposed measures
- 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.
- Commitment to the use of the Council's preferred monitoring database

Reason

To ensure an appropriate long term management strategy to encourage sustainable travel at the site, in accordance with the NPPF and policies CS13, MSGP14 and MSGP15 of the Local Plan.

22

Within 24 months of the date of approval of condition 21, evidence of the implementation of the Travel Plan approved under condition 21 over a minimum period of 12 months, and any revisions, shall be submitted to the Local Planning Authority for consideration.

Reason

To ensure an appropriate long term management strategy to encourage sustainable travel at the site, in accordance with the NPPF and policies CS13, MSGP14 and MSGP15 of the Local Plan.

23

The Travel Plan and any revisions approved under conditions 21 and 22 shall be wholly implemented in accordance with the approved details for the lifetime of the development.

Reason

To ensure an appropriate long term management strategy to encourage sustainable travel at the site, in accordance with the NPPF and policies CS13, MSGP14 and MSGP15 of the Local Plan.

24

No dwelling hereby approved shall be occupied until final details of the green roofs and trellis/vertical planting, including measures and timescales for maintenance and management have been submitted to and approved in writing by the Local Planning Authority.

Reason

To ensure appropriate screening and maintenance at each gable end of the building, in accordance with the NPPF and policies CS14, CS15, MSGP17, MSGP24 and MSGP25 of the Local Plan.

25

The scheme approved under condition 24 shall be implemented in accordance with the approved details before the first dwelling is occupied shall be retained and maintained as such for the lifetime of the development.

Reason

To ensure appropriate screening and maintenance at each gable end of the building, in accordance with the NPPF and policies CS14, CS15, MSGP17, MSGP24 and MSGP25 of the Local Plan.

26

No dwelling hereby approved shall be occupied until final details of an appropriate play area space, timescales for its laying out and long term maintenance, have been submitted to and approved in writing by the Local Planning Authority.

Reason

To ensure adequate and appropriate play provision in accordance with the NPPF and policy MSGP40 of the Local Plan.

27

The play area approved under condition 26 shall be implemented in accordance with the approved details and maintained as such for the lifetime of the development.

Reason

To ensure adequate and appropriate play provision in accordance with the NPPF and policy MSGP40 of the Local Plan.

28

No development or other operations shall commence on site in connection with the development hereby approved, (including, soil moving or any operations involving the use of motorised vehicles or construction machinery) until the submitted tree protection scheme (as

detailed in 865-04 Tree Impact and Protection Plan Rev A and 865 Anderson Green Tree Survey (received 30.07.2020)) is implemented under the supervision of the applicant's Arboricultural Consultant. The approved protection scheme must be implemented in full and, in the case of the protective fencing, must be retained intact for the full duration of the development and there shall be no access, storage, ground disturbance or contamination within the protected areas without the prior written approval of the local planning authority.

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

Reason

In order to maintain the health and visual amenity of the tree(s) concerned in the interests of the visual amenity of the area and in accordance with the NPPF and policies CS18 and MSGP36 of the Local Plan.

Reason for pre-commencement condition

To ensure appropriate tree protection is in place before works that would pose a risk to retained trees commence.

29

No dwelling hereby approved shall be occupied and no breaking of ground in relation to road widening shall commence until final details of the road widening (including precise details of no-dig construction) and the retaining wall at western end have been submitted to and approved in writing by the Local Planning Authority.

Reason

To ensure appropriate protection for trees and ecology during construction and in the future, in accordance with the NPPF and policies CS18, MSGP36 and MSGP37 of the Local Plan.

30

The details approved under condition 29 shall be implemented in full accordance with the approved details before the first dwelling is occupied, and retained and maintained as such thereafter.

Reason

To ensure appropriate protection for trees and ecology during construction and in the future, in accordance with the NPPF and policies CS18, MSGP36 and MSGP37 of the Local Plan.

31

No dwelling hereby approved shall be occupied until final details of the precise location and specification of boundary treatment (birdsmouth fencing) between development and wooded area to south and east have been submitted to and approved in writing by the Local Planning Authority.

Reason

To ensure appropriate and clear boundaries between developed and undeveloped areas, and to provide appropriate protection for trees and ecology, in accordance with the NPPF and policies CS18, MSGP36 and MSGP37 of the Local Plan.

32

The details approved under condition 31 shall be implemented in full accordance with the approved details before the first dwelling is occupied, and retained and maintained as such thereafter.

Reason

To ensure appropriate and clear boundaries between developed and undeveloped areas, and to provide appropriate protection for trees and ecology, in accordance with the NPPF and policies CS18, MSGP36 and MSGP37 of the Local Plan.

33

No new external lighting associated with the development hereby approved (including lighting for the access road) shall be installed until full details (including the number, specification, precise location, operation and lighting contour plan(s)) to be provided on site have been submitted to and approved in writing by the local planning authority.

Reason

To ensure light spill would not cause unacceptable harm to biodiversity and ecological connectivity in accordance with policies CS18 and MSGP37 of the Local Plan and the NPPF.

34

The lighting approved under condition 33 shall be installed, operated and maintained in strict accordance with the approved details at all times.

Reason

To ensure light spill would not cause unacceptable harm to biodiversity and ecological connectivity in accordance with policies CS18 and MSGP37 of the Local Plan and the NPPF.

35

No works associated with the development (including site/vegetation clearance and soil stripping) shall commence on site until a Biodiversity Method Statement has been submitted to and approved in writing by the Local Planning Authority. The Biodiversity Method Statement shall include full details of the measures to be implemented to avoid/minimise the risk of harm to biodiversity including statutorily protected and priority species and retained habitats during the site clearance and construction phase, and to provide suitable opportunities for biodiversity, including statutorily protected and priority species (i.e. roosting bats, breeding birds and hedgehog) on site post development.

Reason

To avoid, mitigate and compensate for the impacts of the development on biodiversity including statutorily protected and priority species and retained habitats/features within and/or immediately outwith the proposed development site, to provide enhanced opportunities for biodiversity, in accordance with the NPPF and policies CS18 and MSGP37 of the Local Plan.

36

The development hereby approved shall be implemented in full accordance with the biodiversity method statement approved under condition 35 at all times during works on site associated with the development and until final completion.

Reason

To avoid, mitigate and compensate for the impacts of the development on biodiversity including statutorily protected and priority species and retained habitats/features within and/or immediately outwith the proposed development site, and to provide enhanced opportunities for biodiversity in accordance with the NPPF and policies CS18 and MSGP37 of the Local Plan.

37

Notwithstanding the submitted information, the development hereby approved shall not progress beyond the damp course layer until full details of the soft landscaping, areas of on site habitat creation and enhancement of existing retained habitats/features, including timescales for implementation, measures for management, maintenance and monitoring, have been submitted to and approved in writing by the local planning authority.

Reason

To ensure the development achieves measurable biodiversity net gain and improves the local and natural environment in accordance with the NPPF and policies CS18, MSGP36 and MSGP37 of the Local Plan.

38

The scheme approved under condition 37 shall be implemented in full accordance with the approved measures and timescales, and maintained thereafter for a minimum of 30 years.

Reason

To ensure the development achieves measurable biodiversity net gain and improves the local and natural environment in accordance with the NPPF and policies CS18, MSGP36 and MSGP37 of the Local Plan.

39

No new hard landscaping shall be used on site until final details of the appearance of the hard landscaping on site have been submitted to and approved in writing by the Local Planning Authority. The submitted details shall include a timescale for its implementation.

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 street scene or residential amenity in accordance with the NPPF and policies CS14, CS15, MSGP17 and MSGP24 of the Local Plan.

40

The hard landscaping details approved under condition 39 shall be implemented in accordance with the approved details, including the approved timescale, and retained as such for the lifetime of the development.

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 street scene or residential amenity in accordance with the NPPF and policies CS14, CS15, MSGP17 and MSGP24 of the Local Plan.

41

The development hereby approved shall not commence until the following details have been submitted to and approved in writing by the Local Planning Authority:

- A CCTV camera survey of the existing drainage between the proposed development drainage and NWL chamber 6601, together with a scaled plan that identifies chamber invert and cover levels together with pipe sizes.
- A report detailing the condition and confirming the construction of the existing no dig porous paving (shown in green hatching on drawing JCC20-134-C-GA-100-D, within Drainage Strategy), together with the results of infiltration testing to be undertaken at several locations along the route. Calculations to demonstrate whether there will be no run-off

from this area under 1in100year+40% rainfall events should be provided. If there is reliance on the use of existing gullies to drain the access within the development site red line boundary, calculations demonstrating that the receiving system can manage runoff from the access under 1in100year+40% rainfall in addition to any other existing flows contributing to the existing drainage system must be provided. For the avoidance of doubt, all runoff generated within the site red line boundary must be accounted for and managed in line with DEFRA's non-statutory technical standards for SuDS to the satisfaction of the LLFA.

- A detailed topographical survey for the route of drainage between proposed attenuation tank and existing chamber CW2 (shown on drawing JCC20-134-C-GA-100-D) and should include all ground level features so that the overland exceedance flow route can be clearly defined and to demonstrate that there is viable access both for construction of the proposed combined water pipeline and also for long term maintenance of this infrastructure.

- Cross sections in two orthogonal directions through the SuDS storage facilities (both the geo-cellular units and the permeable paving that are identified as providing storage within the hydraulic calculations provided in support of the application).

Reason

To prevent the increased risk of flooding from any sources and to ensure an appropriate drainage strategy in accordance with the NPPF and policies CS17, MSGP29 and MSGP30 of the Local Plan

Reason for pre-commencement condition

To ensure that an adequate and appropriate strategy can be provided on site before building works commence.

42

The development hereby approved shall be implemented in accordance with the details approved under condition 41 and the Drainage Strategy (JCC20_134_C_02_02_Drainage Strategy (received 16.07.2021)) at all times and retained and maintained as such for the lifetime of the development.

Reason

To prevent the increased risk of flooding from any sources and to ensure an appropriate drainage strategy in accordance with the NPPF and policies CS17, MSGP29 and MSGP30 of the Local Plan

43

The development hereby approved shall not commence until a report of intrusive site investigations in relation to coal mining legacy, and where required, measures and timescales for remediation, monitoring,

and verification reports has been submitted to and approved in writing by the Local Planning Authority.

Reason

To ensure that the site is made safe and stable for the development proposed, in accordance with the NPPF and policies CS14 and MSGP20 of the Local Plan.

Reason for pre-commencement condition

The undertaking of intrusive site investigations, prior to the commencement of development, is considered to be necessary to ensure that adequate information pertaining to ground conditions and coal mining legacy is available to enable appropriate remedial and mitigatory measures to be identified and carried out before building works commence on site.

44

The remediation and monitoring measures approved under condition 43 shall be implemented in full accordance with the approved timescales and the approved details.

Reason

To ensure that the site is made safe and stable for the development proposed, in accordance with the NPPF and policies CS14 and MSGP20 of the Local Plan.

45

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

Reason

To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors, in accordance with CS14 and MSGP20 of the Local Plan.

Reason for prior to commencement condition

The site investigation and assessment of the risks of the site must be undertaken before the development commences in order to ensure that an appropriate remediation scheme suitable for the sensitive end use is identified and approved prior to commencement of the development, and to ensure that the development can be carried out safely without

unacceptable risks to workers, neighbours and other offsite receptors, from the beginning of the works.

46

Where required, the remediation and monitoring measures approved under Condition 45 shall be implemented in accordance with the details and timescales approved and in full accordance with the approved details.

Reason

To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors, in accordance with CS14 and MSGP20 of the Local Plan.

47

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

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

Reason

To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors, in accordance with CS14 and MSGP20 of the Local Plan.

48

The remediation and monitoring measures approved under condition 47 shall be implemented in accordance with the approved details prior to any further works (other than those required for remediation) and maintained for the life of the development.

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 CS14 and MSGP20 of the Local Plan.

49

Where remediation is required (under conditions 43-48) following completion of the approved remediation and monitoring measures, no dwelling hereby approved shall be occupied until a verification report that demonstrates the effectiveness of the remediation carried out has been submitted to and approved in writing by the Local Planning Authority.

Where this is carried out in phases, no dwellings within the relevant phase shall be occupied until a verification report that demonstrates the effectiveness of the remediation carried out for that phase has been submitted to and approved in writing by the Local Planning Authority.

The Verification report(s) shall also include details of gas protection measures where required.

Reason

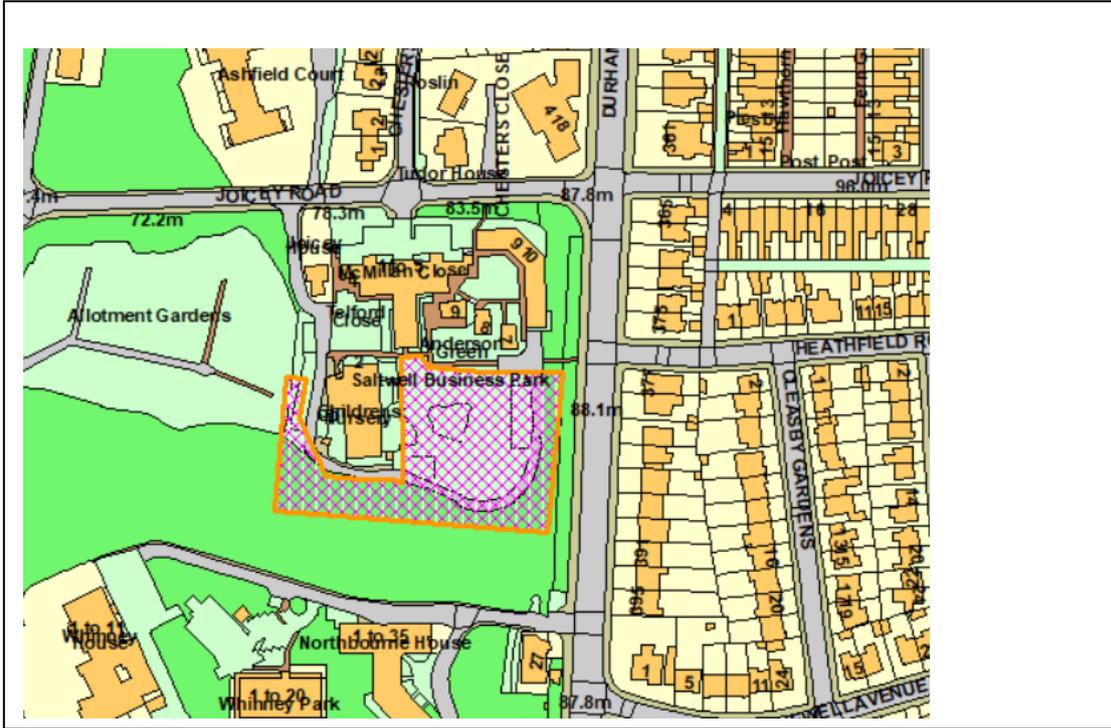
To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors, in accordance with CS14 and MSGP20 of the Local Plan.

50

With the exception of the birdsmouth boundary treatment, the details of which are to be submitted under Condition 31 and subsequently implemented under Condition 32, and notwithstanding Schedule 2, Part 2, Class A of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) (or any Order revoking, re-enacting, substituting, amending, extending, consolidating replacing or modifying that Order) no further walls, fences or gates shall be erected within the application site, except in the event that a further planning permission is expressly granted for that development.

Reason

To safeguard the visual amenities of the area and to ensure that the proposed development does not have an adverse effect upon heritage assets or the appearance of the development in accordance with the NPPF and policies CS14, CS15, MSGP17, MSGP24 and MSGP25 of the Local Plan.



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Committee Report

Application No:	DC/21/01358/FUL
Case Officer	Richard Smith
Date Application Valid	7 January 2022
Applicant	B Joseph
Site:	Gateshead Jewish Primary School Alexandra Road Gateshead NE8 1NR
Ward:	Bridges
Proposal:	Erection of a three-storey annexe to the north of the site to include seven classrooms, staff facilities, management offices and an external rooftop play area. Erection of 8no temporary classrooms to the west of the site and the creation of a disabled parking bay to the south east of the site (Amended Plans received 17.02.22, 29.03.22 and 04.04.2022).
Recommendation:	GRANT
Application Type	Full Application

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

The application site is the existing Jewish Girls Primary School which is located on the east side of Alexandra Road, adjacent to the Ohel Rivka Nursery School. It shares a boundary to the south by the rear lane of Bewick Road that also forms the boundary of Coatsworth Conservation Area, with the Jewish Teachers Training College buildings beyond. Coatsworth Conservation Area also bounds Alexandra Road on the opposite side of the road to the application site.

1.2 To the north is "Gateshead Clubhouse" Day Centre and dwellings on Worcester Green, to the east is Ely Street, a terrace of dwellings, and the Gateshead Health Centre, the car park of which is also accessed from Ely Street.

1.3 The school is in the main a single storey glazed building of typical 1970's design with a two-storey element. It has a tall flue in the north-eastern corner of the building, with a playing field to the east and north of the main building. The school site is enclosed by 1.2m high metal railings; there is an existing car park accessed from Ely Street for on-site parking and servicing.

1.4 There is a pedestrian access from Alexandra Road. The building sits to the southern part of the site. A playground is located to the west of the building and there are four temporary portable units located to the north side of the school on an existing playing field that provide temporary classroom accommodation, which are to be removed to enable the annexe to be constructed.

- 1.5 There is a further single storey building at the Ely Street entrance which is the former caretaker's house and is now in use for 1 to 1 special needs teaching.
- 1.6 There is existing on-site parking along with restricted on-street parking available on the adjacent highways.
- 1.7 The current pupil roll is 366.
- 1.8 **DESCRIPTION OF THE PROPOSAL**
The proposal is to erect a three-storey annexe building in the location of the existing temporary units to the north of the existing school building.
- 1.9 The temporary units are placed on a raised plateau. It is proposed to reduce this plateau so that the annexe is at grade with the existing school. The finished floor level (FFL) of the annexe is shown as 74.65, the level of the adjacent grassed area varies between 73.77 and 74.59 consequently, the FFL of the development would be 0.82m higher than the lowest part of the adjacent area.
- 1.10 The proposed annexe building is 43.8m long from west to east and 22.2m wide from north to south and set off the boundary by 2m. It is a two storey (ground and first floor) building with three storey 'bookends' on the east and west elevation. The annexe roof height stands at a height of 9.9m. A parapet wall and screen runs between the 'bookends' along the north and south elevations, to enclose a roof top play area. The overall height of the proposed annexe building is 12.3m to the top of the parapet / screen.
- 1.11 The ground floor of the annexe comprises seven classrooms (numbered 12 - 18), 4no staff offices, 2no stock rooms, a staffroom, separate staff and pupil toilet blocks, a plant room and a Design and Technology room. With an entrance hall and internal corridors.
- 1.12 At first floor level is a large Assembly Hall above the classrooms, with a second design and technology room, kitchen, ladies and men's toilet blocks , a equipment store, cloakroom and conference room.
- 1.13 Stairs and a lift are located in the 'bookends' section on both the ground and first floor. The eastern staircase is accessed from external double doors on the south elevation (facing the existing school) at ground floor level.
- 1.14 At second floor level, the 'bookends' give access to a screened, rooftop play area. Colour coated, steel framed roof shelters are indicated along the north and south sides of the rooftop play area.
- 1.15 There is a small service yard adjoining the northeast corner of the annexe, enclosed by a timber screen.
- 1.16 8no temporary classrooms are to be created to the west of the site. The temporary classrooms will be accessed from the existing paved area adjoining

the existing school building as well as a new footpath linked to existing pedestrian access for pupils from Alexandra Road.

1.17 Each classroom unit will be 8.4 metres in length, 4.0 metres in width and 2.6 metres in height. The external walling will comprise lightweight panelling with painted finish to RAL 7032 (Pebble Grey) with white UPVC window frames to match the existing school.

1.18 The plans also show the creation of one disabled user parking bay within the site, close to the access from Ely Street.

1.19 **PLANNING HISTORY**

DC/04/01270/FUL Siting of 3 portable buildings to north of existing infants school to provide temporary classroom accommodation. Amended 21.09.04
Granted Temporary Permission 08.11.2004 Expired 08.11.2006

DC/06/01714/FUL Continued siting of 3 portable buildings to north of existing infants school to provide temporary classroom accommodation. Granted
Temporary Permission 14.12.2006 Expired 14.12.2009

DC/09/01512/FUL Continued siting of 3 portable buildings to north of existing infants school to provide temporary classroom accommodation. Granted
Temporary Permission 22.01.2010 Expired 30.06.2011

DC/12/00620/FUL Retention of 3 portable buildings to north of existing infants school to provide temporary classroom accommodation, for further 5 years (retrospective application). Granted Temporary Permission 25.06.2012 Expires 25.06.2017

DC/14/01151/FUL Three storey extension (including basement level) on eastern elevation of the existing school to provide additional classroom space
Granted 18.02.2015. Expired 18.02.2018

DC/17/01041/FUL Construction of annexe to existing single storey primary school to include 7 No classrooms, 2 No D and T classrooms, Assembly/Dining/PE Hall, staff facilities, management office, roof top external play area (amended plans and additional information received 06/12/17).
Granted by Planning and Development Committee 26.01.2018. Expired 26.01.2021

2.0 Consultation Responses:

Northumbrian Water No Objection

Coal Authority No Objection

3.0 Representations:

- 3.1 Neighbour notifications were carried out in accordance with formal procedures introduced in the Town and Country Planning (Development Management Procedure) Order 2015.
- 3.2 No representations were received at the time of writing.
- 3.3 A further 14-day neighbour notification was carried out and expires 14.04.2022.

4.0 Policies:

NPPF National Planning Policy Framework

NPPG National Planning Practice Guidance

CS9 Existing Communities

CS13 Transport

CS14 Wellbeing and Health

CS15 Place Making

CS17 Flood Risk and Waste Management

MSGP15 Transport Aspects of Design of Dev

MSGP17 Residential Amenity

MSGP18 Noise

MSGP20 Land Contamination/Stability

MSGP24 Design Quality

MSGP29 Flood Risk Management

MSGP42 Jewish/Minority Group Community Facility

5.0 Assessment of the Proposal:

- 5.1 The key considerations to be taken into account when assessing this planning application are the principle of the development, visual amenity, residential amenity, highways, flood risk and SuDS, contaminated land and the impact of the coal mining legacy.
- 5.2 **PRINCIPLE OF DEVELOPMENT**
Policy MSGP42 of the Local Plan for Gateshead relates to the use of appropriate sites or premises in suitable and accessible locations for Jewish community needs, including the use of premises for teaching and student halls

of residence and states that support will be given, subject to their impact on residential amenity and other local community needs.

- 5.3 The application site is already in use as the Jewish Girls Primary School. The proposal is to provide permanent classroom accommodation in place of the temporary buildings located on the playing field.
- 5.4 Regard is given to previously approved planning application DC/17/01041/FUL for an identical proposal except for the removal of the glazed link corridor between the annexe and the existing school and therefore, it is considered principle of the development has already been established.
- 5.5 Therefore, the principle of the development is considered to be acceptable in accordance with policy MSGP42 of the Local Plan for Gateshead.
- 5.6 VISUAL AMENITY
Policy CS15 of Local Plan for Gateshead requires that development should contribute to good place-making through the delivery of high quality and sustainable design by responding positively to local distinctiveness and character.
- 5.7 Furthermore, paragraph 126 of the National Planning Policy Framework (NPPF) 2021 sets out that good design is a key aspect of sustainable development, creating better places in which to live and work. Paragraph 130 meanwhile requires that development should function well and add to the overall quality of the area, not just for the short term but over the lifetime of the development and should offer a high standard of amenity for existing and future users.
- 5.8 The existing school building is not considered to be of any particular architectural merit. The proposals represent an important opportunity to improve the appearance of the site. It is considered the design of the proposed annexe is acceptable.
- 5.9 The design and access statement submitted in support of the application stated a buff facing brick is proposed. Officers conclude that this would not be an appropriate choice of materials. Following correspondence with the agent, an agreement was reached for a red coloured brick. However, it is considered appropriate for conditions to be imposed for the final details of all materials.
- 5.10 Given the 8no classrooms will be temporary until the proposed annexe is occupied, and with regards to the materials proposed, it is not considered that they will lead to a long-term adverse effect on the visual appearance of the site, despite being in a more visually prominent position than the existing temporary classrooms. Following a site visit officers noted that an area of planting along the south-west boundary had been removed, the agent stated this was done for Covid measures, however it is considered that this area of planting would improve the site visually once the temporary classrooms have been removed and therefore it is considered that a suitably worded condition (condition 25) is imposed for replanting along the south-west boundary.

- 5.11 To ensure a satisfactory external appearance to the development, a condition in relation to final details of extraction and ventilation facilities for toilets and the kitchen (conditions 9-12) will be imposed.
- 5.12 Subject to the above the proposed development is considered to be acceptable and in accordance with the NPPF and policies MSGP24 and CS15 of the Local Plan for Gateshead.
- 5.13 **RESIDENTIAL AMENITY**
Policy MSGP17 states that development will be required to provide a high-quality environment and a good standard of amenity for existing and future occupants of land and buildings. To ensure it does not lead to an unacceptable impact on amenity or character of an area, and does not cause unacceptable disturbance, through an increase in noise, disturbance, traffic and parking congestion, smells, fumes or other harmful effects, or conflict with other adjoining uses, whilst safeguarding the enjoyment of light, outlook and privacy; and ensuring a high quality of design and amenity
- 5.14 Whilst policy CS14 1 (iii) looks to prevent negative impacts on residential amenity and wider public safety from noise, ground instability, ground and water contamination, vibration and air quality.
- 5.15 The nearest residential properties to the school boundaries are those on Ely Street and Worcester Green. Officers consider that the proposed building itself would not impact on the living conditions of residents in Ely Street.
- 5.16 The two storey properties on Worcester Green are located to the north of the school site, with a grassed area, footpath and the front gardens of the properties between the school and the dwellings. The distance between the front elevation of the dwellings and the rear elevation of the proposed building is approximately 32m.
- 5.17 The highest part of the proposed annexe is 11.5m metres and the height of lowest part is 5.5 metres, the same height as the dwellings on Worcester Green. Whilst it will change the outlook of the residents it is considered the building will not have a harmful impact due to the significant separation distance of approximately 32m, and as such is not considered to give rise to any amenity concerns.
- 5.18 The "Gateshead Clubhouse" Day Centre is nearer to the northern school boundary than the dwellings on Worcester Green. There are no windows on the southern elevation of the Day Centre and the whilst the building does have an external area, officers noted that this is mostly used for parking, therefore, it is considered that whilst the proposed annexe is in close proximity to the Day Centre there would not be any harmful impact upon the occupants or the operation of the Day Centre.
- 5.19 There is an access into the annexe is shown on the northern elevation, and its use could result in noise and disturbance to residents of Worcester Green.

Whilst it is likely that pupils will only use this doorway in the event of an emergency, given there is a main entrance on the south elevation. It is considered necessary to impose a condition to restrict the use of this access to emergencies only (condition 13) and subject to such a condition the proximity of the annex to the boundary is not considered will cause disturbance to residents.

- 5.20 A new plant room is proposed on the ground floor on the south-east corner of the development. A condition is recommended to secure specific details of the equipment to be installed in the plant room including details of expected noise levels and vibration of the plant operating (manufacturer brochure) to ensure there are no impacts upon nearby residential properties (conditions 15-16).
- 5.21 Given the proximity of the school to dwellings it is considered necessary to impose a condition restricting the hours of construction including the use of any equipment or deliveries to the site, to 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 to safeguard the amenities of nearby residents (condition 7) and a construction methodology to ensure disturbance is kept to a minimum (conditions 5-6).
- 5.22 Given the above and subject to suitably worded conditions, the proposed extension is considered to be acceptable and in accordance with the NPPF and policies MSPG17 and CS14 of the Local Plan for Gateshead.
- 5.23 **HIGHWAY SAFETY AND PARKING**
Paragraph 111 of the NPPF states development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.
- 5.24 Policy CS13 of the CSUCP ensures any new development provides safe, secure and direct pedestrian links.
- 5.25 Information provided by the Applicant states that pupil numbers are currently 366, it is considered that pupil numbers could potentially rise over the next few years and therefore it is considered appropriate to impose a condition that before the pupil numbers exceeds 375, details of the staff and pupil numbers, ages of the children and how the transport impacts can be accommodated can be imposed (condition 22) alongside a condition for the removal of the temporary classrooms following the completion of the proposed annexe (condition 25).
- 5.26 Furthermore a condition (condition 21) requiring an updated Travel Plan is also considered necessary.
- 5.27 An amended service yard plan has been submitted which demonstrates that delivery vehicles could manoeuvre within the site.

- 5.28 The details of the times and frequency of deliveries are required to ensure that there is no highway safety concern or impact upon residential amenity, and this can be secured by condition (conditions 17-18).
- 5.29 A condition is recommended to ensure that the details are secured, that the bin store is implemented, and bins are stored at all times other than on bin collection day (conditions 19-20).
- 5.30 Waste Services and Ground Maintenance has confirmed that the refuse waggon currently reverses up Ely Street and does not enter the school site due to vehicles being parked in the turning head. Whilst the reversing of refuse waggons along Ely Street is undesirable, the proposed servicing arrangements will not change from the current situation nor is the frequency of refuse collection expected to increase as a result of this proposal.
- 5.31 To ensure there are sustainable travel methods available it is considered preproperate to impose a suitably worded condition for cycle storage (conditions 23-24).
- 5.32 Therefore, subject to suitably worded conditions it is considered that the development is acceptable in terms of highway safety; in accordance with the NPPF and policies CS13 and MSGP15 of the Local Plan for Gateshead.
- 5.33 FLOOD RISK AND SUDS
The application site is located within Flood Zone 1 which has a low probability of flooding.
- 5.34 An assessment for risk of surface water flooding to confirm whether the floodwater is generated on site or whether it arises from offsite sources. A condition is therefore recommended to secure these details (conditions 31-35)
- 5.35 Subject to suitably worded conditions, the proposed development is considered acceptable and in accordance with the NPPF and policies MSPG29 and CS17 of the Local Plan for Gateshead.
- 5.36 LAND CONTAMINATION
The application site has been assessed and inspected as part of the Council's Contaminated Land strategy, as part of the Local Authorities' obligations under Part IIA of the Environmental Protection Act of 1990 and has not been determined as "Contaminated Land". However, it is situated on potentially contaminated land based on previous historic use. The site previously contained other school buildings and terraced housing to the north.
- 5.37 A letter from James Christopher Consulting - "Site Investigation- Jewish Girls Primary School", dated 19 November 2018, reference JCCGEO18-017 (02) was submitted in support of the application.
- 5.38 The letter also provided details of a site investigation undertaken within the development area during 2018 with no significant contamination issues

revealed. The report then concludes that no remediation works will be needed, which is acceptable based on the information provided in the first report.

- 5.39 Consequently, overall, the potential level of contamination possibly being a hazard to site operatives and future site users is considered to be LOW within the development area, and that significant contamination of soils and made ground beneath these areas is not anticipated.
- 5.40 Given the above and subject to suitably worded conditions, the proposed development is considered to be acceptable and in accordance with the NPPF and policies MSPG20 and CS14 of the Local Plan for Gateshead.
- 5.41 **COAL RISK MINING LEGACY**
The application site falls within the defined Development High Risk Area; therefore within the application site and surrounding area there are coal mining features and hazards which need to be considered in relation to the determination of this planning application.
- 5.42 Coal Authority records indicate the presence of one recorded mine entry (shaft) within the planning boundary and that the site is likely to have been subject to historic unrecorded underground shallow mine working.
- 5.43 The Coal Authority notes the proposed layout, which appears to have been designed around the conjectured position of recorded mine entry and its zone of influence, which is referred to in the supporting Coal Mining Review (1 November 2018, prepared by James Christopher Consulting Ltd). The report has been informed from appropriate geological and mining information, as well as from the results of site investigations comprising of rotary boreholes and trial trenches into rockhead.
- 5.44 The investigations undertaken appear to be appropriate having regard to the evidential source of the mine entry positioning. Commentary within the report, confirms that those areas of the site, where built development is proposed, is not considered to be at risk, specifically as the mine entry has been discounted from being within the site. However, it is noted that as a result of rotary drilling, shallow workings were encountered at a depth where they pose a risk to ground stability, which the report confirms will require consolidating by drilling and grouting.
- 5.45 Therefore, subject to suitably worded conditions (27-28), the proposed development is considered to be acceptable and in accordance with the NPPF and policies MSPG20 and CS14 of the Local Plan for Gateshead.

6.0 CONCLUSION

- 6.1 Taking all the relevant issues into account, it is therefore recommended that planning permission be minded to grant on the subject to the resolution of the outstanding drainage issues, and the expiry of the neighbour notification period, subject to suitable conditions. It is considered that the development

does accord with national and local planning policies and the recommendation is made taking into account all material planning considerations.

6.2 Therefore, it is recommended that members be minded to grant planning permission, subject to the following conditions,

7.0 Recommendation:

That members be MINDED TO GRANT subject to the following condition(s) and that the Service Director of Climate Change, Compliance, Planning and Transport be authorised to add, vary and amend the planning conditions as necessary

1

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

Reason

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

2

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

M2271 EW06B

M2271 EW07A

M2271 EW08B

M2271 EW11A

M2271 EW12

M2271 EW15

M2271 EW16

M2271 EW17

M2271 EW18E

M2271 EW19E

M2271 300

M2271 303

M2271 304

Parapet Detail Showing Balustrading

4478-E-04-T02

4478-E-04-T03

4478-E-03-T04

4478-E-01-T05

Topographic Survey

Proposed Roof Top 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.

3

The development hereby permitted shall not progress above foundation level until samples of all materials, colours and finishes to be used on all external surfaces have been made available for inspection on site and are subsequently approved in writing by the Local Planning Authority.

Reason

To safeguard the visual amenities of the area in accordance with the NPPF and policies CS15 and MSGP24 of the Local Plan for Gateshead.

4

The details of materials approved under condition 3 shall be implemented in full accordance with the approved details prior to use of the building hereby permitted.

Reason

To safeguard the visual amenities of the area in accordance with the NPPF and policies CS15 and MSGP24 of the Local Plan for Gateshead.

5

Prior to commencement of the development hereby permitted a Construction Method Statement shall be submitted to, and approved in writing by, the Local Planning Authority.

The Statement shall provide for:

- i. the parking of vehicles of site operatives and visitors
- ii. loading and unloading of plant and materials
- iii. storage of plant and materials used in constructing the development
- iv. the erection and maintenance of security hoarding
- v. wheel washing facilities
- vi. measures to control the emission of dust and dirt during construction
- vii. a scheme for the recycling/disposing of waste arising from demolition and construction works.

Reason

In order to avoid nuisance to the occupiers of adjacent properties in accordance with the NPPF and policies CS14 and MSGP17 of the Local Plan for Gateshead.

Reason for Pre Commencement Condition

To ensure the proposed development does not lead to an unacceptable level of nuisance to the occupiers of adjacent properties.

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.

6

The construction methodology approved under condition 5 shall be adhered to at all times during the construction of the development hereby permitted.

Reason

In order to avoid nuisance to the occupiers of adjacent properties in accordance with the NPPF and policies CS14 and MSGP17 of the Local Plan for Gateshead.

7

Unless otherwise approved in writing by the Local Planning Authority, all external works and ancillary operations in connection with the development hereby approved, including the use of any equipment or deliveries to or collections from 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.

Reason

To safeguard the amenities of nearby residents and in accordance with the NPPF and policies CS14 and MSGP17 of the Local Plan for Gateshead.

8

All external lighting of the school shall be carried out in accordance with the External Lighting Statement and plan ref 4478-E-04-T02 and 4478-E-04-T04 unless submitted to and approved in writing by the Local Planning Authority.

Reason

In the interests of amenity in accordance with the NPPF and policies CS14 and MSGP17 of the Local Plan for Gateshead.

9

Notwithstanding the details submitted, the annexe building hereby permitted shall not be first occupied until a scheme of odour suppression, has been submitted to and approved in writing by the Local Planning Authority. The scheme shall include the manufacturers details of the proposed flue, all proposed cooking processes, a plan of the proposed ventilation system and odour abatement measures including the location and details of the filters, fans and flues and the manufacturer's recommendations concerning frequency and type of maintenance.

Reason

In order to avoid odour nuisance to the occupiers of adjacent properties and unacceptable visual impact in accordance with the NPPF and policies CS14, CS15, MSGP17 and MSGP24 of the Local Plan for Gateshead.

10

The kitchen equipment approved under condition 9 shall be installed in accordance with the approved details prior to first occupation of the annexe building hereby approved and shall thereafter be operated at all times when cooking is taking place and maintained in accordance with the manufacturer's instructions. A written record of any maintenance shall be retained on site and be made available for inspection by the Local Planning Authority.

Reason

In order to avoid odour nuisance to the occupiers of adjacent properties and unacceptable visual impact in accordance with the NPPF and policies CS14, CS15, MSGP17 and MSGP24 of the Local Plan for Gateshead.

11

The annexe building hereby permitted shall not progress above foundation level until final details of all the termination points of vents, flues and extract grilles and scaled elevations indicating their detailed appearance and location on the annexe building including on the roof have been submitted to and approved in writing by the Local Planning Authority.

Reason

To safeguard the visual amenities of the area and to ensure that the proposed development does not have an adverse effect upon the appearance of the building in accordance with the NPPF and policies CS15 and MSGP24 of the Local Plan for Gateshead.

12

The annexe building shall be completed in accordance with the approved details under Condition 11 and retained as such in accordance with the approved details thereafter.

Reason

To safeguard the visual amenities of the area and to ensure that the proposed development does not have an adverse effect upon the appearance of the building in accordance with the NPPF and policies CS15 and MSGP24 of the Local Plan for Gateshead.

13

The double doors on the ground floor of the northern elevation of the annexe building hereby permitted shall only be used in the event of an emergency situation where evacuation of the annexe building is required.

Reason

To protect the residential amenity of the residents of Worcester Green in accordance with the NPPF and policies CS14 and MSGP17 of the Local Plan for Gateshead.

14

The windows of the annexe building hereby permitted facing the northern boundary shall be glazed with obscure glass at a level three or greater. The obscure glazing shall be retained thereafter.

Reason

To ensure the protection of privacy for neighbouring occupiers in the interests of residential amenity, in accordance with the NPPF and policies CS14 and MSGP17 of the Local Plan for Gateshead.

15

Notwithstanding the details of the plans submitted, prior to occupation of the annexe building hereby permitted the final expected noise levels and vibration details of the equipment to be installed in the plant room shall be submitted to and approved in writing by the Local Planning Authority.

Reason

In the interests of residential amenity and to ensure there is no noise and disturbance in accordance with the NPPF and policies CS14 and MSGP17 of the Local Plan for Gateshead.

16

The plant equipment approved under condition 15 shall be implemented in accordance with the approved details and retained thereafter for the life of the development

Reason

In the interests of residential amenity and to ensure there is no noise and disturbance in accordance with the NPPF and policies CS14 and MSGP17 of the Local Plan for Gateshead.

17

Prior to first occupation of the annexe building hereby permitted final details relating to the servicing strategy of the annexe building to include:

- details of how the development will be adequately and safely serviced;
- details relating to time constraints for servicing,
- details of vehicle size and proposals for safe movements of vehicles and goods
- details on the numbers of deliveries and
- how controls would be implemented

Shall be submitted in the form of a Service Management Plan for the written approval of the Local Planning Authority.

Reason

To ensure adequate servicing arrangements are provided for all elements of the development and in the interests of highway safety and in accordance with the NPPF and policies CS13 and MSGP15.

18

The measures contained within the approved servicing strategy shall be implemented in accordance with the approved details under condition 17 prior to the annexe building being occupied and maintained thereafter unless otherwise approved in writing by the Local Planning Authority.

Reason

To ensure adequate servicing arrangements are provided for annexe building and in the interests of highway safety and in accordance with the NPPF and policies CS13 and MSGP15.

19

The annexe building hereby permitted shall not be first occupied until details of the refuse and recycling storage area to include a measure to contain the location of the bins have been submitted to and approved in writing by the Local Planning Authority.

Reason

In the interests of the provision of adequate refuse and storage/collection facilities, of general and visual amenities in accordance with the NPPF and policies CS13 and MSGP15.

20

Prior to the first occupation of the annexe building hereby permitted the bin store shall be completed using the bin store details and screen approved under condition 19 and maintained thereafter.

Reason

In the interests of the provision of adequate refuse and storage/collection facilities, of general and visual amenities in accordance with the NPPF and policies CS13 and MSGP15.

21

Notwithstanding the submitted details, an updated Travel Plan to include details on Modeshift STARS shall be submitted and approved in writing by the Local Planning Authority.

Reason

To encourage sustainable travel and in the interests of highway safety in accordance with the NPPF and policies CS13 and MSGP15.

22

Before the pupil roll exceeds 375, details of the intended staff and pupil numbers along with details of proportionate measures to ensure the transportation impacts of these additional staff and pupils are mitigated,

to ensure that the additional numbers can be safely accommodated at the site without detrimental impact on the local road network, shall be submitted for the written approval of the Local Planning Authority.

The requirements of this condition shall be met at all such times as the pupil roll exceeds 375, or for any multiple of 30 pupil increase thereafter.

Reason

In the interests of the provision of adequate highway arrangements in accordance with the NPPF and policies CS13 and MSGP15.

23

Prior to the first occupation of the annexe building hereby approved details of secure and weatherproof cycle parking and scooter storage to comply with the with Gateshead Cycling strategy, has been submitted to and approved in writing by the Local Planning Authority.

Reason

In order to ensure adequate provision for cyclists and in compliance with the NPPF and policies CS13 and MSGP15 of the Local Plan for Gateshead.

24

The details approved under condition 23 shall be implemented in accordance with the approved details before the annexe building hereby approved is occupied and retained as such for the lifetime of the development.

Reason

In order to ensure adequate provision for cyclists and in compliance with the NPPF and policies CS13 and MSGP15 of the Local Plan for Gateshead.

25

The temporary classroom units shall be removed from the site within one calendar month of the first occupation of the building annexe hereby permitted and the site landscaping reinstated.

Reason

In the interests of visual amenity in accordance with the NPPF and policies CS15 and MSGP24.

26

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. 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.

If unexpected contamination is found after development has begun, development must be halted on that part of the site affected by the unexpected contamination to the extent specified by the Local Planning Authority in writing until this condition has been complied with in relation to that contamination.

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 CS14 and MSGP20 of the Local Plan for Gateshead.

27

Prior to commencement of the development hereby permitted, no works shall commence on site until any remediation works and/or mitigation measures to address land instability arising from coal mining legacy, as may be necessary, have been implemented on site in full, in order to ensure that the site is safe and stable for the development proposed.

The intrusive site investigations and remedial works shall be carried out in accordance with authoritative UK guidance.

Reason

To ensure there is adequate land stability in accordance with the NPPF and policies CS14 and MSGP20 of the Local Plan for Gateshead.

Reason for prior to commencement condition

The site investigation and assessment of the risks of the site must be undertaken before the development commences in order to ensure that an appropriate remediation scheme suitable for appropriate land stability is identified and approved prior to commencement of the development.

28

Prior to the occupation of the development, a signed statement or declaration prepared by a suitably competent person confirming that the site is, or has been made, safe and stable for the approved development shall be submitted to the Local Planning Authority for approval in writing. This document shall confirm the methods and findings of the intrusive site investigations and the completion of any remedial works and/or

mitigation necessary to address the risks posed by past coal mining activity.

Reason

To ensure there is adequate land stability in accordance with the NPPF and policies CS14 and MSGP20 of the Local Plan for Gateshead.

29

The development hereby permitted shall not progress above foundation level until final details of the roof canopy and scaled elevations indicating the detailed appearance and location on the building have been submitted to and approved in writing by the Local Planning Authority.

Reason

To safeguard the visual amenities of the area and to ensure that the proposed development does not have an adverse effect upon the appearance of the building in accordance with the NPPF and policies CS15 and MSGP24 of the Local Plan for Gateshead

30

The development shall be completed in accordance with the approved canopy details under Condition 29 and retained as such in accordance with the approved details thereafter.

Reason

To safeguard the visual amenities of the area and to ensure that the proposed development does not have an adverse effect upon the appearance of the building in accordance with the NPPF and policies CS15 and MSGP24 of the Local Plan for Gateshead

31

Prior to commencement of the annexe building hereby approved, a fully detailed drainage design shall be submitted to and approved in writing by the Local Planning Authority. The drainage design must be in accordance with local and national planning policy and follow supporting guidance and best practice. Specifically, infiltration testing in line with BRE Digest 365 is to be undertaken. Where discharge to ground is proven to not be feasible, discharge to a positive outfall is to be considered following the hierarchy of surface water disposal options. Runoff from all roof and paved areas proposed within the development red line boundary are to be included in the drainage design. Allowances for urban creep and climate change are to be applied. Discharge to an outfall is to be limited to greenfield runoff rates and volumes. Runoff from all roof and paved areas is to receive an appropriate level of treatment using SuDS components with pollution mitigation demonstrated in accordance with the SuDS Manual (CIRIA C753) Simple Index Approach methodology. The drainage design shall include all details as necessary to demonstrate a compliant scheme (ie drainage plan, sections, SuDS components and flow control details, together with a

design philosophy report containing a Drainage Maintenance Schedule and supporting hydraulic calculations).

Reason

To prevent increased flood risk in accordance with the NPPF and Policy CS17 of the Local Plan for Gateshead.

Reason for Pre Commencement Condition

The detailed drainage design and SUDs must be undertaken before the annexe building commences in order to ensure that a complaint scheme is identified and approved prior to 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.

32

Prior to commencement of the annexe building hereby approved (except for vegetation clearance works and erection of site security hoardings) a drainage construction method statement (DCMS) relating to the proposed drainage system which will serve the completed development shall be submitted to and approved in writing by the Local Planning Authority. The content of the DCMS shall be in accordance with Appendix B6 of the SuDS Manual (CIRIA C753).

Reason

To prevent increased flood risk in accordance with the NPPF and Policy CS17 of the Local Plan for Gateshead.

Reason for Pre Commencement Condition

The detailed drainage design and SUDs must be undertaken before the annexe building commences in order to ensure that a complaint scheme is identified and approved prior to 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.

33

Prior to the first occupation of the annexe building hereby approved, the Drainage Maintenance Schedule provided as part of the approved drainage design is to be developed into a SuDS Maintenance Plan to be submitted for approval by the Local Planning Authority. The SuDS Maintenance Plan is to be in accordance with Appendix B8 of the SuDS Manual (CIRIA C753) and is to include a SuDS Maintenance Inspection Checklist. The checklist shall subsequently be filled out by those responsible for the operation and maintenance of the SuDS and shall be available for review on request by the local authority to verify the condition and performance of the system at any particular time.

34

Prior to the commence of the annexe building hereby approved a detailed scheme for the disposal of foul and surface water from the development hereby approved shall be submitted to and approved in writing by the Local Planning Authority in consultation with Northumbrian Water and the Lead Local Flood Authority.

Reason

To prevent increased flood risk from any sources in accordance with the NPPF and Policy CS17 of the Local Plan for Gateshead.

Reason for Pre Commencement Condition

To prevent increased flood risk.

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.

35

The annexe building shall be completed in accordance with the approved foul and surface water details under Condition 34 and retained as such in accordance with the approved details thereafter.

Reason

To prevent increased flood risk from any sources in accordance with the NPPF and Policy CS17 of the Local Plan for Gateshead.



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UPDATE

**REPORT OF THE
SERVICE DIRECTOR, PLANNING, CLIMATE CHANGE AND STRATEGIC
TRANSPORT**

**TO THE PLANNING AND DEVELOPMENT COMMITTEE ON
13 April 2022**

Please note this document should be read in conjunction with the main report of the Service Director, Planning, Climate Change and Strategic Transport

MINOR UPDATE

Application No:	DC/21/01358/FUL
Site:	Gateshead Jewish Primary School Alexandra Road Gateshead NE8 1NR
Proposal:	Erection of a three-storey annexe to the north of the site to include seven classrooms, staff facilities, management offices and an external rooftop play area. Erection of 8no temporary classrooms to the west of the site and the creation of a disabled parking bay to the south east of the site (Amended Plans received 17.02.22, 29.03.22 and 04.04.2022).
Ward:	Bridges
Recommendation:	Grant Permission
Application Type	Full Application

Reason for Minor Update

Further Representations and minor wording change to condition 31

REPRESENTATIONS

As per section 3 of the main agenda report, a 14 day re-consultation has been carried out. Two objections have been received from a local resident and from the Gateshead Clubhouse located immediately north of the site. They raise the following concerns:

- The height of the building is too high
- Overlooking
- Adversely affecting his visual amenity
- Loss of natural light
- Overbearing
- Noise pollution from external roof top play area
- Impact on external amenity space used by the Clubhouse

As referred to in the residential amenity section of the main agenda report the proposed development would not lead to an unacceptable impact on the amenity of the nearby properties Worcester Green or the Gateshead Clubhouse" Day Centre for the reasons set out below.

In terms of residential amenity, the distance between the front elevation of the dwellings located on Worcester Green and the rear elevation of the proposed building is approximately 32m. The highest part of the proposed annexe is 11.5m metres and the height of lowest part is 5.5 metres, the same height as the dwellings on Worcester Green. Whilst it will change the outlook of the residents it is considered the building will not have a harmful impact due to the

significant separation distance of approximately 32m, and as such is not considered to be overbearing or give rise to any amenity concerns. Furthermore, a suitably worded condition (condition 14) has been imposed to obscurely glaze the windows on the north elevation of the proposed annexe. Therefore, it is not considered the proposed annexe would lead to an unacceptable impact upon the amenity of the properties on Worcester Green.

In terms of impact on the Gateshead Clubhouse Day Centre the main report acknowledges that the "Gateshead Clubhouse" Day Centre is nearer to the northern school boundary than the dwellings on Worcester Green. However, there are no windows on the southern elevation of the Day Centre that will face onto the proposed annexe.

Furthermore, the north elevation of the proposed annexe will be at two storey level and therefore is not considered to lead to an unacceptable loss of light.

The 'book ends' of the proposed annexe which increase the height of the annexe are to the east and west elevations and officers do not consider that this will have significant impact on the day centre. Officers have noted that there is an external area to the day centre, the objector refers to a 'wellness garden and BBQ area', following a site visit, officers did notice some outdoor seating, however on the whole this external area was a hard surface, that this is mostly used for parking.

Furthermore, given the design of the building, the impact upon the external area is lessened given that the building is set back at this point of the site, which was currently occupied by one of the temporary classrooms.

The roof top play area is not considered to give rise to an increased level of noise than that which already exists within the grounds of the school.

Therefore, it is considered that whilst the proposed annexe is in close proximity to the Day Centre there would not be any harmful impact upon the occupants or the operation of the Day Centre.

CONDITIONS

Condition 31 in the main agenda reads

"Prior to commencement of the annexe building hereby approved, a fully detailed drainage design shall be submitted to and approved in writing by the Local Planning Authority. The drainage design must be in accordance with local and national planning policy and follow supporting guidance and best practice. Specifically, infiltration testing in line with BRE Digest 365 is to be undertaken. Where discharge to ground is proven to not be feasible, discharge to a positive outfall is to be considered following the hierarchy of surface water disposal options. Runoff from all roof and paved areas proposed within the development red line boundary are to be included in the drainage design. Allowances for urban creep and climate change are to be applied. Discharge to an outfall is to be limited to greenfield runoff rates and

volumes. Runoff from all roof and paved areas is to receive an appropriate level of treatment using SuDS components with pollution mitigation demonstrated in accordance with the SuDS Manual (CIRIA C753) Simple Index Approach methodology. The drainage design shall include all details as necessary to demonstrate a compliant scheme (ie drainage plan, sections, SuDS components and flow control details, together with a design philosophy report containing a Drainage Maintenance Schedule and supporting hydraulic calculations).

Reason

To prevent increased flood risk in accordance with the NPPF and Policy CS17 of the Local Plan for Gateshead.

Reason for Pre-Commencement Condition

The detailed drainage design and SUDs must be undertaken before the annexe building commences in order to ensure that a complaint scheme is identified and approved prior to 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.”

Condition 31 now reads

“Prior to commencement of the annexe building hereby approved, a fully detailed drainage design shall be submitted to and approved in writing by the Local Planning Authority. The drainage design must be in accordance with local and national planning policy and follow supporting guidance and best practice. Specifically, infiltration testing in line with BRE Digest 365 is to be undertaken. Where discharge to ground is proven to not be feasible, discharge to a positive outfall is to be considered following the hierarchy of surface water disposal options. Consideration of runoff from all roof and paved areas proposed within the development red line boundary are to be included in the drainage design unless part of an existing drainage system serving existing areas is not affected by the new drainage system. An appropriate allowance for climate change is to be applied to rainfall intensities to reflect the lifetime of the development. Discharge to an outfall, where required, is to be limited to as close to greenfield runoff rates and volumes as reasonably practicable. Runoff from all roof and paved areas is to receive an appropriate level of treatment using SuDS components with pollution mitigation demonstrated in accordance with the SuDS Manual (CIRIA C753) Simple Index Approach methodology. The drainage design shall include all details as necessary to demonstrate a compliant scheme (ie drainage plan, sections, SuDS components and flow control details, together with a design philosophy report containing a Drainage Maintenance Schedule and supporting hydraulic calculations).

Reason

To prevent increased flood risk in accordance with the NPPF and Policy CS17 of the Local Plan for Gateshead.

Reason for Pre-Commencement Condition

The detailed drainage design and SUDs must be undertaken before the annexe building commences in order to ensure that a complaint scheme is identified and approved prior to 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.”

SEE MAIN AGENDA FOR OFFICERS REPORT.

Committee Report

Application No:	DC/21/01374/COU
Case Officer	Josh Kenolty
Date Application Valid	25 November 2021
Applicant	Mr Derek Hicks
Site:	30-32 Front Street Whickham Newcastle Upon Tyne NE16 4DT
Ward:	Dunston Hill And Whickham East
Proposal:	Change of use from pharmacy and ancillary office space (Use Class E) to micropub (Sui Generis) (amended description) (amended application form received on 04.03.2022, amended plans received on 13.01.2021 and amended ownership details received on 04.03.22).
Recommendation:	Grant Permission
Application Type	Change of Use

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

The application site of 30-32 Front Street is an existing commercial unit within the District Centre of Wickham, as identified in the Local Plan for Gateshead and within Whickham Conservation Area. The property was previously occupied by a pharmacy on the ground floor and associated offices/ medical consultation rooms at first floor level.

1.2 The site is located within the middle of a row of commercial units in the centre, occupied by a mixture of uses including a bank, a building society, a barber, restaurant and a drinking establishment. There is a further row of commercial units to the south of the site along the opposite side of Front Street, with a number of residential properties located directly to the rear (north) of the site along Church Chare.

1.3 DESCRIPTION OF THE APPLICATION

The application seeks planning permission for the change of use of the premises to use as a micropub (sui generis).

1.4 Amended plans were received from the applicant on 13 January 2022 omitting a proposed outdoor seating area from the rear of the premises, following Officer feedback in relation to the potential detrimental impact of this seating area on residential amenity. In addition, an updated ownership certificate was received on 4 March 2022 and notice served on Newcastle Building Society as landowner of part of the application site.

1.5 PLANNING HISTORY

Planning permission was granted in November 2011 at 30 Front Street, Whickham for the change of use of the first-floor premises from offices (Use Class A2) to a mixed use consultation/provision of medical services and offices (Use Classes D1 and A2) under application reference: DC/11/00845/COU.

2.0 Consultation Responses:

Northumbria Police: We have noted the amended plans and have no objections to the application from a crime prevention viewpoint.

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, which included the display of a site and press notice.

3.2 A total of 7no. letters of objection have been received which raise the following points:

- An additional pub is way beyond the needs and capacity of Whickham Village. In recent years the old Council Offices have been turned into a large pub as well as a separate large Restaurant between Broom Lane junction (Esso) and the traffic lights at the Whaggs Lane junction. This is in addition to the long-established Bay Horse and Crown public houses.
- A total of 21 establishments in a very short distance on Whickham Front Street offer food and drink, so adding another would represent one such business every 36 metres, which is surely excessive
- Drinking establishment saturation on the north side of Front Street from the Bay Horse to Dirty Habit which equates to 40% - little business diversity
- The lack of other amenities is far greater than the need for another drinking establishment.
- Front Street has a limited variety of alternative shopping and services
- Loss of a valued pharmacy
- Out of character with streetscene
- The units were purpose built as shops not drinking establishments.
- Out of character with the Conservation Area
- Any use of the yard at the rear of the premises in question would seriously affect the quality of life for residents in adjacent properties through noise levels, cigarette smoke, privacy and visual intrusion.
- No barrier intended to deter clients wandering off the drinking establishment at the rear of the premises.

- The new development will add to the noise and odours from the existing drinking establishments in close proximity and surround the residential dwellings to the rear of the site
- No freedom to open windows and doors and enjoy home and garden
- Noise will be 11 to 11 on a daily basis, throughout the year with additional preparation and cleaning time.
- Live music and beer festivals/tap takeovers could cause noise to exceed acceptable levels, particularly later at night.
- Understand from the plans that food is an option and in my experience micropubs such as this regularly invite 'street food' vendors, using an outdoor space if available, which would be completely unacceptable to residents through issues of noise and air quality.
- Covid-19 directives stipulate premises should be well ventilated, sound will escape from open windows and doors as music and events are planned.
- Recorded or live music would be heard outside if window and doors open in fact live music is heard even when closed
- The withdrawal of the outside drinking area does not mean that staff will not be allowed to use the area for breaks, smoking/vaping, phone calls etc. The former will also affect air quality
- Cigarette smoke and vaping will contaminate air quality because of close proximity of the area to properties to the rear, requiring windows and doors to be kept shut.
- Outside noise - customers talking, shouting, singing and moving tables and chairs on a concrete floor.
- Cooling store/machinery in the enclosed passage will generate noise.
- Movement of bins/ empty bottles in a confined area will reverberate (echo chamber conditions).
- Deliveries in a similar confined area (empty/full casks in a tunnel situation will cause disruption).
- Air conditioning machinery will provide noise as it is suggested that windows and doors will be closed to contain noise
- Loss of privacy as upper drinking area allows direct views of residential dwellings to rear
- Light from the premises open until 11pm and operation of CCTV system will reflect off walls illuminating residential properties to the rear 7 days a week.
- Inadequate car parking
- The existing drinking establishments and restaurants already attract a much larger footfall from outsiders together with a massive increase in vehicle traffic with nowhere to park when the increased number of business or residential permit holders are taken into account.
- This area of Whickham village already experiences serious traffic problems, particularly with parking on Church Chare and Broom

Lane, a nearby busy bus route seriously narrowed by inconsiderate car users.

- There is already a large parking issue on Coalway Lane and Church Rise
- The council do provide a “chargeable” large car park behind the shopping area which nobody uses but this has no direction signage and you have to drive 3/4 of a mile along Front Street before the “unfamiliar” might find the single entrance to the car park.
- Health and safety concerns as the property is too near Front Street traffic while the path is too narrow and close to the road for people to be coming out and into the premises
- Pushchairs and wheelchairs already have to use the road where pavements are regularly compromised – similarly the stretch in question on Front Street where bins are allowed to gather.
- Loading and unloading beer casks along with other regular deliveries would cause severe inconvenience for pedestrians and road users, creating a hazardous environment.
- Deliveries and waste removal use large wagons which will have to park on the road in front of the premises only 20 metres away from a four road junction and traffic lights, this would cause congestion.
- Narrow nature of the ‘fire/emergency exit corridor is not conducive to rapid evacuation of two properties, especially one with an expected capacity of up to 50 clients.
- Passageway is not suitable for disability access which is essential in times of emergency.
- Plans indicate ‘Cool storage area’ and bar area are to be towards the rear of the premises and, being the most likely fire hazard areas, may impede safe evacuation in an emergency.
- Security for residents will be seriously compromised as the proposed Fire/Emergency Exit will be open until at least 11pm
- Security impact as no intention of the licensee to be resident on the premises. As there is no living accommodation what will be the procedure for fire and security alarms?
- Whickham village is a regular trouble spot for late-night disturbances, vandalism and unacceptable behaviour, with the vast majority going unreported.
- Customers drinking outside pub premises is a common sight in Whickham in contravention of licensing regulations. Residents are right to fear for their personal safety and that of their property.
- Broken glass and cigarette ends are regular menaces.
- Antisocial behaviour will increase with the creation of yet another pub.
- The whole area between Church Chare and Front Street where this proposed development will be, has had frequent problems with rats presumably due in the main to the preparation and supply of food.
- The value of properties will decrease.

4.0 Policies:

CS7 Retail and Centres

CS13 Transport

CS14 Wellbeing and Health

CS15 Place Making

MSGP6 Retail and Other Uses in Centres

MSGP15 Transport Aspects of Design of Dev

MSGP17 Residential Amenity

MSGP18 Noise

MSGP24 Design Quality

MSGP25 Conservation/Enhancement Heritage Assets

NPPF National Planning Policy Framework

NPPG National Planning Practice Guidance

5.0 Assessment of the Proposal:

5.1 PRINCIPLE OF CHANGE OF USE

The application site relates to a currently vacant commercial unit located within Whickham District Shopping centre. The property was previously occupied by a pharmacy on the ground floor and offices/medical consultation rooms at first floor level.

5.2 Policy CS7 (Retail and centres) of the Local Plan for Gateshead makes

clear that the vitality and viability of centres in the retail hierarchy (including District Shopping Centres) will be maintained and enhanced. These centres will form the focal point for uses, services and facilities serving the surrounding population.

5.3 Policy MSGP6 (Retail and other uses in centres) states that in considering proposals for changes of use from retail to other uses within District Centres, particular regard will be had to the effect the loss of retail units would have on the vitality and viability of the centre. Any proposal for a non-retail use should not dominate or fragment the centre.

5.4 The supporting text of Policy MSGP6 does make clear, however; that District Centres are increasingly characterised by a range of other service uses, which, in addition to retail provision, attract custom, provide a more diverse offer and encourage linked trips. The aim of this

policy is to protect the shopping role of a centre while providing flexibility for other uses where these would support the role and function of centres contributing to their vitality and viability.

- 5.5 The proposed micropub use falls within the definition of a main town centre use, as defined by the National Planning Policy Framework (NPPF). As such, the choice of location within this District Centre is considered appropriate for a use of this type and would accord with the sequential approach to main town centre uses set out within the NPPF.
- 5.6 Whilst it is acknowledged that there are several drinking establishments within relatively close proximity of the application site, as required by Local Plan policies, consideration must be given to the proportion of these uses (when compared to retail) within the defined District Centre as a whole.
- 5.7 The application site is located within the middle of a row of commercial units within the centre, occupied by a mixture of uses including a bank, a building society, a barber, restaurant and another drinking establishment.
- 5.8 The latest Council survey of Wickham District Centre (December 2020) recorded 81 units providing a mix of uses. This includes retail (41%), service (16%), restaurants (6%), takeaways (7%) and health establishments (9%). 9% were recorded as being vacant whilst drinking establishments account for 3% of uses within the centre.
- 5.9 The proposed use would provide a main town centre use within a defined District Centre. Although the proposal would result in the loss of a unit with a retail element, the development would bring a currently vacant premises back into use, so would enhance the vitality and viability of this Centre. Furthermore, having regard to the most recent survey of uses within the District Centre, it would also maintain an appropriate balance of retail and supporting uses within the Centre; and would not lead to an overconcentration of drinking establishments. As such, the principle of the development is considered to be acceptable, subject to all other material considerations being satisfied, and would accord with policies CS7 and MSGP6 of the Local Plan, as well as the requirements of the NPPF.
- 5.10 VISUAL AMENITY INCLUDING HERITAGE ASSETS
The application site is located within Wickham Conservation Area. The Planning (Listed Buildings and Conservation Areas) Act 1990 section 72 requires special attention to be paid to the desirability of preserving or enhancing the character or appearance of a conservation area.
- 5.11 Policy MSGP 25 (Conservation and enhancement of heritage assets)
of

the Local Plan makes clear that the alteration, extension or restoration of heritage assets will be permitted where it sustains, conserves and, where appropriate, enhances the significance, appearance, character and setting of the identified heritage assets in a manner appropriate to their conservation, and the surrounding historic environment. Where appropriate, with regard to the nature and significance of the heritage asset, development will bring vacant floorspace back into use in a flexible and innovative manner which is sensitive to the significance of the heritage asset.

- 5.12 The proposed change of use would bring vacant floorspace back into use. No external alterations are proposed as part of the application, with bin storage to be provided within the rear yard of the property, screened from public view along Front Street. Any new signage relating to the proposed use would be considered separately to this application and may require advertisement consent.
- 5.13 Taking the above into account, Officers consider that the proposal would
comply with the NPPF and policies CS15, MSGP24 and MSGP25 of the Local Plan for Gateshead, as well as the requirement for special attention to be paid to the desirability of preserving or enhancing the character or appearance of a conservation area in accordance with the Planning (Listed Buildings and Conservation Areas) Act 1990.
- 5.14 RESIDENTIAL AMENITY
Policy MSGP 17 (Residential amenity) of the Local Plan makes clear that development will be required to provide a high-quality environment and a good standard of amenity for existing and future occupants of land and buildings. In connection with this, Policy MSGP 18 (Noise) advises that noise-sensitive development will be assessed for its compatibility with existing land uses and activities.
- 5.15 Whilst the application site was previously in use commercially and is located in the middle of a row of commercial units within Whickham District Centre, there are a number of residential properties within close proximity to the rear (north) of the site along Church Chare. Consideration must therefore be given to the potential impact of the new use on the occupiers of these dwellings.
- 5.16 In order to address concerns over the noise impact of the change of use,
amended plans have been submitted by the applicant removing the outdoor seating area of the development, originally proposed to occupy the rear yard area of the property. In addition to this, a condition is proposed to prevent access for customers/ patrons to this external area at all times, to prevent any unacceptable noise or disturbance for the occupiers of the nearest residential dwellings to the rear of the site.
- 5.17 No extension or external alterations are proposed to the building

facilitate the change of use. However, there would be some degree of overlooking possible from the existing first floor window to the rear of the building towards the nearest dwellings to the rear of the site, due to the limited separation distance. Taking this into account, as well as the fact that the existing window would serve a room to be used as a seating area for customers, it is considered reasonable to attach a condition requiring this window to be obscurely glazed, in order to prevent a loss of privacy for residents.

- 5.18 Furthermore, to ensure that there would not be a detrimental impact on the amenity of residential dwellings through an unacceptable increase in noise or disturbance, Officers consider that it is necessary to attach a condition to prevent the installation or use of any amplified sound system or similar equipment associated with the micropub use on the premises.
- 5.19 In addition, in the interests of preserving the amenity of neighbouring residents from unacceptable noise and disturbance (particularly during quieter early morning or evening times), conditions are also recommended restricting the emptying of bottles at the site to between 08.00 and 21.00 daily; and limiting deliveries to between 08.00 and 21.00 between Monday and Saturday.
- 5.20 In order to prevent unacceptable disturbance to the occupiers of the nearest residential property through glare or light spillage from any new external lighting to be added to the rear of the building, a condition is proposed requiring full details to be submitted and agreed prior to installation.
- 5.21 Having regard to the proximity of the closest residential dwellings to the rear of the site, a condition is recommended restricting any cooking to 'light cooking' only, such as toasties or paninis for example, which does not require the installation of any external kitchen extraction equipment, which has the potential to generate cooking smells and odours to the rear of the site.
- 5.22 Taking into account the established use of the site, the other commercial uses within close proximity of the site (including an additional public house) and the range of suggested conditions to control the operation of the new use, it is not considered by Officers that the proposed use would be out of character with surrounding area or result in a significant detrimental impact on the amenity of surrounding residents through unacceptable noise and disturbance or odour generation or loss of privacy; and would be in accordance with the NPPF and policies CS14, MSGP17 and MSGP18 of the Local Plan for Gateshead.
- 5.23 **HIGHWAY CAPACITY AND ROAD SAFETY**
Local Plan Policy MSGP15 of the Local Plan states that new development will be required to secure safe access to the site for all

people and provide adequate servicing facilities; and will not have an unacceptable impact on the safe operation of the transport network, or a severe residual cumulative impact on the efficient operation of the road network, or levels of congestion.

- 5.24 The supporting text of MSGP15 makes clear that it is vital that new developments are well linked with the public transport, cycling and pedestrian networks, and easy access is provided to local services.
- 5.25 The proposed micropub would occupy an existing, currently vacant, commercial unit within Whickham District Centre. As such, the application site is located within a sustainable location, with a range of transport options available to access the site including public transport links. The site is also close to a sizeable residential catchment area where it could be reasonably assumed that patrons of the pub could walk to and from.
- 5.26 No new car parking is proposed to be provided to serve the new use. However, this would reflect the existing arrangement for the commercial unit, as well as that of the surrounding businesses, none of which benefit from dedicated car parking due to their location within the District Centre. Officers consider that there is adequate public car parking available for customers within walking distance of the site, including Whickham Shopping Precinct West (Long Stay) car park, while a micropub use would have no significant impact on existing foot or vehicle traffic.
- 5.27 Waste storage would be provided within the rear yard of the premises and, as a result, would not have a direct impact on the adopted public highway.
- 5.28 Taking into account the modest floorspace of the unit (155 square metres) and the likely numbers of customers using the premises at any one time, as well as the potential trip numbers possible were the existing unit to be brought back into commercial use (including waste removals and deliveries/ servicing), including the availability of sustainable transport options, it is not considered by Officers that the development would lead to a significant intensification of activity at the site or an unacceptable increase in traffic or pressure on existing parking provision within the locality.
- 5.29 For the above reasons, Officers consider that the proposal would not result in an unacceptable impact on highway capacity, highway safety or parking provision. The proposal would therefore comply with the NPPF and policies CS13 and MSGP15 of the Local Plan for Gateshead.
- 5.30 OTHER MATTERS

The potential loss or property value is not a material planning consideration able to be taken into the determination of this planning application.

5.31 Matters controlled under building regulations, a premises license or other non-planning legislation such as fire precautions are not able to be treated as material planning considerations in the determination of this planning application.

5.32 Comments made in relation to existing pest problems within the surrounding area are noted but would be dealt with separately though the Council's Environmental Health Department and are not a material planning consideration in the determination of this planning application.

6.0 CONCLUSION

6.1 Taking all the relevant issues into account, it is therefore recommended that planning permission be granted, subject to suitable conditions, as it would not cause significant harm to visual or residential amenity or highway safety. It is considered that the development complies with national and local planning policies and the recommendation is made taking into account all material planning considerations including the information submitted by the applicant and third parties.

7.0 Recommendation:

That permission be granted subject to the following condition(s) and that the Strategic Director of Climate Change, Compliance, Planning and Transport 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 -

-Drawing Number TQRQM21278165802301 Site Location Plan received on 7 December 2021

-Drawing Number P1 Proposed Ground Floor Version 2, received on 13 January 2022

-Drawing Number P2 First Floor Proposal, received on 13 January 2022

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 amplified sound system or similar equipment associated with the use hereby approved shall be installed or used on the premises at any time.

Reason

To ensure that the use would not result in an unacceptable level of noise/disturbance to neighbouring properties, in accordance with the NPPF and policies CS14, MSPG17 and MSGP18 of the Local Plan for Gateshead.

4

External plant for refrigeration or heating/cooling at the premises associated with the use hereby approved shall not be installed until final details of such plant (including decibel levels and measures for maintenance) have been submitted to and approved in writing by the local planning authority.

Reason

To ensure that the use would not result in an unacceptable level of noise/disturbance to neighbouring properties, in accordance with NPPF and policies CS14, MSGP17 and MSGP18 of the Local Plan for Gateshead.

5

The external plant approved under condition 4 shall be installed in accordance with the approved details and maintained as such thereafter.

Reason

To ensure that the use would not result in an unacceptable level of noise/disturbance to neighbouring properties, in accordance with NPPF and policies CS14, MSGP17 and MSGP18 of the Local Plan for Gateshead.

6

Prior to the installation of any new external lighting related to the use hereby approved, full details of the proposed lighting shall be submitted to and approved in writing by the Local Planning Authority. The details shall include sufficient information to demonstrate that there would be no glare or light spillage beyond the site boundaries

Reason

To ensure that the lighting would not result in an unacceptable level of disturbance to neighbouring properties to accord with the NPPF and policies CS14 and MSGP17 of the Local Plan for Gateshead.

7

The new lighting approved under condition 6 shall be installed in accordance with the approved details.

Reason

To ensure that the lighting would not result in an unacceptable level of disturbance to neighbouring properties to accord with the NPPF and policies CS14 and MSGP17 of the Local Plan for Gateshead.

8

Prior to its first occupation, the window of the rear first floor seating area as shown on the approved plan (P2 First Floor Proposal, received on 13 January 2022) shall be fitted with obscure glazing/film or obscure frosted vinyl and shall thereafter be retained as such for the duration of the use hereby approved.

Reason

To ensure that the use would not result in an unacceptable loss of privacy to neighbouring properties, in accordance with NPPF and policies CS14 and MSGP17 of the Local Plan for Gateshead.

9

The rear yard area of the property identified as outdoor external storage on the approved plan (P1 Proposed Ground Floor, received on 13 January 2022) shall not be used or accessed by customers/ patrons associated with the use hereby approved for any purpose, other than in the event of an emergency evacuation of the building.

Reason

To ensure that the use would not result in an unacceptable level of noise/disturbance to neighbouring properties, in accordance with NPPF and policies CS14, MSGP17 and MSGP18 of the Local Plan for Gateshead.

10

Any cooking carried out in accordance with the use hereby approved shall be restricted to 'light cooking' only, such as toasties and panini's etc. which does not require external mechanical ventilation/ extraction.

Reason

To ensure that the use would not result in an unacceptable level of noise/disturbance or smells at neighbouring properties to accord with the NPPF and policies CS14, MSGP17 and MSGP18 of the Local Plan for Gateshead.

11

The use hereby permitted shall only be open to customers/ patrons between the hours of 11.00 and 23.00 on any day.

To ensure that the use would not result in an unacceptable level of noise/disturbance to neighbouring properties, in accordance with NPPF and policies CS14, MSGP17 and MSGP18 of the Local Plan for Gateshead.

12

The emptying of bottles associated with the use hereby approved shall only take place between 08:00 and 21:00 on any day.

Reason

To ensure that the use would not result in an unacceptable level of noise/disturbance to neighbouring properties, in accordance with NPPF and policies CS14, MSGP17 and MSGP18 of the Local Plan for Gateshead.

13

Deliveries associated with the use hereby approved shall only take place between 08:00 and 21:00 on Monday to Saturday.

Reason

To ensure that the use would not result in an unacceptable level of noise/disturbance to neighbouring properties, in accordance with NPPF and policies CS14, MSGP17 and MSGP18 of the Local Plan for Gateshead.

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Committee Report

Application No:	DC/21/01459/HHA
Case Officer	Gergo Gered
Date Application Valid	19 December 2021
Applicant	Mr Rob Lawson
Site:	2 John Street Pelaw Felling NE10 0XR
Ward:	Pelaw And Heworth
Proposal:	Erection of single-storey flat roof rear extension (as amended 05/02/22 and 05.04.22).
Recommendation:	GRANT
Application Type	Householder Application

1.0 The Application:

1.1 DESCRIPTION OF THE SITE

The host property is a two-storey semi-detached dwelling facing south-west on a corner plot neighbouring No.4 John Street and facing the rear elevations of properties at Durham Street.

1.2 DESCRIPTION OF THE PROPOSAL

Permission is sought for the erection of a single-storey flat roof rear extension. The extension would create a new living and dining area for the property. It would have a depth from the existing offshoot of 3.08 metres and would have a flat roof with a height of 3 metres at the point where the extension attaches the offshoot. The extension would have a width of 6.05 metres. Part of the rear and side boundary wall of the property would be demolished and replaced with matching stone and the submission confirms that stone from the existing wall will be used to finish the outer walls facing the lane.

1.3 RELEVANT PLANNING HISTORY

None

2.0 Consultation Responses:

None

3.0 Representations:

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

3.2 15 neighbouring properties have been notified of the application. Seven letters of objection have been received.

3.3 Seven letters of objection were received, and these comments raised the following concerns:

- 3.4
- Additional noise
 - Disturbance early mornings/late evenings
 - Inadequate car parking
 - Increase of traffic
 - Traffic or Highways
 - Out of character with streetscene
 - Overbearing
 - Overdevelopment
 - Proposal will attract potential vandals
 - Negative impacts on residential amenity - The proposed extension to the rear of the property will be too high at 3m. This will considerably affect and reduce the amount of natural light into the adjoining property.
 - The density of the proposed dwelling is inappropriate to the area.
 - Placement of bins outside of the boundary treatment as a result of the rear extension
 - The proposed extension will impact the line of site and cast a shadow onto the back yard of number 4 John Street.

3.5 Of these seven objections, six of the objections received refer to the proposed change of use of the property to an HMO, which was mistakenly included in the original description of the proposal. These concerns can be summarised as follows:

- 3.6
- An HMO could create extra noise, conflict, possible anti-social behaviour, increase in visitors, increase in car parking and people movement at all hours of the day.
 - This is a residential area with family homes, whereas this multiple occupancy house is going to be a rental business, which is not in keeping within the street.
 - An increased number of people living in the house of this size will increase the demand for parking when the residents and their visitors need to park their cars here.
 - The majority of people living in this street are older people and one younger family. Having a large number of strangers who may be changing constantly, will create a feeling of insecurity.
 - An increase in occupancy of this magnitude is going to make the street noisier.
 - HMOs with absentee landlords are a recipe for disturbances in neighbourhoods with excess noise, litter and general anti-social behaviour and as the tenants are not responsible for the appearance of the property, they care little about the state of the building and surrounding area.
 - People living in the street formed a tight community. People living in a shared house will not have the same level of care and attention, to the needs of other long-standing residents of the street.

- 3.7 Other comments were received that raised concerns that are non-material considerations, such as that the proposal would devalue properties.

4.0 Policies:

NPPF National Planning Policy Framework

NPPG National Planning Practice Guidance

CS13 Transport

CS14 Wellbeing and Health

CS15 Place Making

MSGP15 Transport Aspects of Design of Development

MSGP17 Residential Amenity

MSGP18 Noise

MSGP24 Design Quality

HAESPD Householder Alterations and Extensions SPD

5.0 Assessment of the Proposal:

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

5.2 IMPACT ON VISUAL AMENITY

The Council's Householder Alterations and Extensions SPD outlines that "alterations to a property should be in character with the style of your house and the neighbourhood in general." Furthermore, the supplementary document states that "any extension to the rear should not dominate neighbouring properties or significantly alter a neighbour's existing level of sunlight, daylight or privacy. Applications for rear extensions will be considered on their individual merit having regard to their mass and height, distance from the boundary, windows of neighbouring properties, its position in relation to the main house and neighbouring properties, the size of the remaining garden and any other previous extensions to neighbouring dwellings."

- 5.3 The proposal has been designed to reflect the host dwelling with matching details, materials, and colour. The building materials of the proposal includes stone taken from the current yard wall, which would be used to finish the walls of the extension facing the rear lane. Red brick will be used on the external wall facing the backyard.

- 5.4 The proposed structure would have a height of 3 metres adjacent to the common boundary treatment between the host property and No.4 John Street and a maximum height of 3.5 metres on the southeast elevation due to the sloping nature of the rear garden. The overall height would extend above the existing common boundary treatment with No.4 by 0.6m. The flat roof rear extension would also include a rooflight set away from the boundary with No.4 by 1.1 metres. The rear extension would not be a dominant addition to the property and would be constructed in matching materials to the host dwelling. It is considered that the development would complement the character of the dwelling and would not detract from the established character of the street.
- 5.5 Rear extensions should not occupy more than 50% of the rear garden as suggested by the HAESPD, however, it is noted that a private garden would be retained to provide adequate space to storage of bins, bicycles and for private amenity purposes. The property also benefits from additional amenity space to the front of the dwelling. A new gate opening would allow access to the rear garden from the street on the southeast elevation. The proposed new door would not require planning permission and would not detract from the character of the property or the street scene.
- 5.6 It is considered that the scale and design of the development is appropriate to the host property and surrounding area. It is considered that the development is in accordance with the NPPF and Policies CS15 and MSGP24 of the Local Plan for Gateshead, as well as the advice contained within the HAESPD.
- 5.7 **IMPACT ON RESIDENTIAL AMENITY**
The extension would have a height of 3 metres at the common boundary between the host property and No.4. This is 0.6 metres greater than the height of the existing boundary wall. It is noted as part of the assessment of the impacts of the development on the neighbours at No.4, that an extension of up to 3 metres in depth and 3 metres in height to the eaves could be constructed to the rear of the existing off shoot at the boundary with that neighbour without the requirement for planning permission. This is because an extension of this scale would comply with the limitations and conditions set out at Schedule 2, Part 1, Class A of the General Permitted Development Order 2015 (as amended, revoked, or re-enacted). Taking this into account, whilst the proposed development would have a depth of 3.08 metres, 0.08 metres beyond the limitations of Class A, an extension of a similar massing and design could be sited adjacent to the common boundary with the neighbour at No.4 without planning permission. There are other examples of rear extensions to the rear of offshoots in the street scene. Notably at the neighbouring dwellings at No.4 and No.6 John Street. Overall, it is considered that the proposed extension would not result in harm to the light, outlook or privacy of the neighbours at No.4.

- 5.8 The host property is located at a corner plot and is set away from the rear boundary treatments of properties at Greenfield Terrace to the south by 5 metres and 4.5 metres from the rear boundary treatments of properties at Durham Street. Taking this distance into account, it is considered that the proposed development would have an acceptable impact on the light, outlook and privacy of neighbours at these properties.
- 5.10 It is considered that the proposed development would provide an acceptable standard of amenity for neighbouring and proposed occupiers, having regard to light, outlook and privacy. Therefore, it is considered that the proposal is in accordance with the NPPF and Policies CS14 and MSGP17 of the Local Plan for Gateshead, and guidance set out within the HAESPD.
- 5.11 **IMPACT ON THE HIGHWAY**
Concerns have been raised in relation to the impact that the development would have on the highway. Space would be provided for bin storage and cycle storage at the private amenity space in the rear yard. A new access door would be added to the side wall to provide access to this space. It is not considered that the proposed extension would result in an adverse impact to the local highway and parking.
- 5.12 It is considered that the proposed development would have an acceptable impact on the parking and the highway. Therefore, it is considered that the proposal is in accordance with the NPPF and Policies CS13 and MSGP17 of the Local Plan for Gateshead.
- 5.13 **IMPACT ON NOISE**
Concerns have been raised in relation to the impact that the development would have on noise and disturbance to residents. Whilst noted, it is not considered that the proposed single storey rear extension would result in additional noise or disturbance to neighbouring dwellings.
- 5.14 It is considered that the proposed extension would not result in additional noise or disturbance to neighbouring occupiers, to comply with Policy CS14 and MSGP 18 of the Local Plan for Gateshead.
- 5.15 **OTHER MATTERS**
Six of objections received which raised concern with the proposal to convert the host property to a house in multiple occupation (HMO). The change of use of the property to an HMO was included in the original description of the application by mistake. New neighbour letters with the amended description removing reference to the change of use of the property were sent out on 07.02.22.
- 5.16 Whilst the comments raised in relation to the potential use of the property as a HMO are noted, this application solely seeks permission

for the proposed single storey rear extension. As such, representations setting out concerns in relation to a change of use of the property are not material to the consideration of the application.

- 5.17 Notwithstanding this, it is noted that Part 3, Class L of the General Permitted Development Order 2015 (as amended, revoked, or re-enacted) sets out that it is permitted development to convert a C3 single family dwelling house to C4 house of multiple occupation (HMO) of between 3 and 6 unrelated persons. As the dwelling benefits from full permitted development rights, subject to not more than 6 unrelated persons occupying the property, planning permission for a change of use from C3 family dwelling house to a C4 house of multiple occupation (HMO) would not require planning permission.

6.0 CONCLUSION

- 6.1 Taking all the relevant planning policies into account along with all other material planning considerations, it is recommended that planning permission be granted, subject to conditions as set out below.

7.0 Recommendation:

That planning permission be GRANTED subject to the following conditions 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 to which this permission relates must be commenced not later than 3 years from the date of this permission.

Reason

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

2

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

Site Location Plan (1:1250)

Proposed Ground Floor Plan (1:100) @ A4 DRG. 951/01A

Proposed First Floor Plan (1:100 @ A4 DRG. 951/02A

Existing and Proposed North East Elevations (1:100) @ A4 DRG. 951/05A

Proposed South East Elevation (1:100) @ A4 DRG. 951/07A

Proposed Roof Plan & Site Layout (1:100) @ A4 DRG. 951/10

Any material change to the approved plans will require a formal planning application to vary this condition and any non-material change to the plans will require the submission of details and the agreement in

writing by the Local Planning Authority prior to any non-material change being made.

Reason

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

3

All external surfaces shall be completed in materials to match those of the existing building.

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 and policies CS14, CS15 and MSGP24 of the Local Plan for Gateshead



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REPORT OF THE STRATEGIC DIRECTOR CLIMATE CHANGE, COMPLIANCE, PLANNING AND TRANSPORT

TO THE PLANNING AND DEVELOPMENT COMMITTEE ON 13 APRIL 2022:

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/19/00736/HHA	The supply and installation of a modular metal mesh access ramp to allow disabled access to and from domestic property.	10 Bevan Gardens, Wardley,	Granted;	Pelaw And Heworth
DC/19/01238/FUL	Conversion of former agricultural buildings to 4 dwellings with associated parking, access and landscaping (amended 10/11/21).	West Wood Farm, Kyo Close,	Granted;	Crawcrook And Greenside
DC/20/00730/FUL	Erection of extension on north west side of existing production unit, erection of canopy and supporting steelwork on south west side of existing production unit and erection of extension to south elevation of existing pallet store.	Lamesley Sawmill, Smithy Lane,	Granted;	Lamesley

DC/20/01022/FUL	Installation of ground-mounted Solar Photovoltaic system (additional ecology info recived 25 June 2021).	Gas Governor Station , Thornley Lane,	Granted;	Winlton And High Spen
DC/21/00019/HHA	Proposed ground floor extension to existing garage, new first floor extension above with associated roof works and construction of outbuildings, associated drainage and external works. Amended plans received 16/04/21.	Hayfield House , 4 Whaggs Lane,		Dunston Hill And Whickham East
DC/21/00153/COU	Proposed part-demolition of existing car showroom, formation of new drive through lane, amendments to car parking arrangements and provision of new hard and soft landscaping; resulting in the creation of two commercial units (Class E[a] or Class E[b]) (amended 10/08/21, 06/12/21 and 24/01/22).	Former Evans Halshaw Car Showroom, Tyne Street,	Granted;	Blaydon
DC/21/00363/TELF UL	Removal of existing 17.5m monopole with 3 antennas and 1 microwave dish and installation of 18m monopole with 6 antennas and 2 microwave dishes and ancillary equipment.	Land Off Burnthouse Lane , Burnthouse Lane,	Granted;	Whickham South And Sunnside

DC/21/00641/TDPA	DETERMINATION OF PRIOR APPROVAL: Proposed 18.0m Phase 8 Monopole C/W wrapround Cabinet at base and associated ancillary works.	Durham Road (opposite Devon Crescent), Birtley,	Granted;	Lamesley
DC/21/00870/FUL	Proposed single storey extension to dwellinghouse to create four stable boxes, storage room and tack room with roof terrace above (additional information received 08/03/22).	Bowser Hill Farm House , Bowser Hill Farm,	Granted;	Chopwell And Rowlands Gill
DC/21/00922/FUL	Development of a Battery Storage Facility, associated infrastructure and grid connection (amended plans/additional information received 15.10.2021, 21.10.2021, 15.11.2021, 22.12.2021)	Land Off Newburn Bridge Road, Between Flogas And Blaydon Caravan, Blaydon,	Granted;	Ryton Crookhill And Stella
DC/21/00980/FUL	Proposed new dwelling house (Amended Plans received 07.02.2022)	1 Moore Park , Cromwell Street,	Granted;	Deckham
DC/21/01017/HHA	Retrospective permission for Proposed outbuilding to the rear of the property.	Ferndene , West Park Road,	Granted;	Saltwell

DC/21/01026/COU	Change of use to trade counters within Class B8, along with demolition of part of existing structure and outbuildings, alterations to elevations, creation of new car parking and other associated works (amended plans and additional information received 03/03/22).	Former Tegrel Ltd, Tundry Way,	Granted;	Blaydon
DC/21/01273/TPO	Tree works at Hillside, Grange Road	Hillside, Grange Road,	Granted;	Ryton Crookhill And Stella
DC/21/01110/CPE	Certificate of Lawful Development of an existing use - Construction of Bungalow and use as C3 Dwelling House. (Amended plans and additional information received on 22.02.2022)	The Bungalow , Bradley Hall Farm,	Granted;	Crawcrook And Greenside
DC/21/01118/HHA	Proposed single story rear extension, 2no. dormer windows to rear and 3 no rooflight to front to accommodate loft conversion and additional parking to front elevation	Wayside , Strathmore Avenue,	Granted;	Chopwell And Rowlands Gill
DC/21/01197/HHA	Retrospective application for the erection of a back fence with a height of 2.1m in the garden.	10 Beechwood Avenue, Lyndhurst,	Granted;	Chowdene

DC/21/01308/TPO	Tree works at Chase Court Whickham	Chase Court, Whickham,	Granted;	Whickham North
DC/21/01364/COU	Change of use from dwellinghouse (use class C3) to residential children's home (use class C2) and erection of fence along west boundary of site (additional plans received 21.01.2021).	16 Church Road, Gateshead,	Granted;	High Fell
DC/21/01334/FUL	Variation of condition 1 (drawing numbers) of DC/20/00003/COU to show additional windows to the rear and 2 no. new roof lights to roof of existing building (amended plans 8.3.2022)	219A And 221A Coatsworth Road, Gateshead,	Granted;	Saltwell
DC/21/01336/HHA	Redevelopment & refurbishment of dwelling including front and rear dormer windows, the replacement of existing windows, the erection of a new rear and side extension and associated alterations (as amended 20.01.22).	24 Saltwell View, Bensham,	Granted;	Saltwell

DC/21/01399/HHA	Single storey side/rear extension	113 Broom Lane, Whickham,	Granted;	Dunston Hill And Whickham East
DC/22/00008/FUL	Abandonment of existing access and demolition of footbridge, with new access road to the north and signalised junction at Askew Road, and including upgraded footways and new highway embankment at access road and Askew Road, and realignment of retaining wall to the south of Askew Road	Askew Road, Gateshead,	Granted;	Lobley Hill And Bensham
DC/21/01445/NPA	Installation of roof mounted 255kWp solar photovoltaic equipment.	Reflex Labels Ltd, Queensway South,	Granted;	Lamesley
DC/21/01450/HHA	first floor extension over existing single storey side extension to same footprint plus addition of front porch (Resubmission of DC/21/00957/HHA) (as amended 06/03/22)	5 Warrens Walk, Winlton,	Granted;	Winlton And High Spen
DC/21/01457/TPO	Works to Trees in garden of (8 Lilac Gardens).	8 Lilac Gardens, Gateshead,	Granted;	Low Fell

DC/21/01461/FUL	Demolition of existing bungalow to be replaced by 1.5 storey bungalow with central core and two gable end extensions (previous application granted October 2021 ref. DC/21/00996/HHA).	2 Cornmoor Road, Whickham,	Granted;	Dunston Hill And Whickham East
DC/21/01476/ADV	Installation of 4x Fascia Signs (Including 2x Externally Illuminated Signs), 2x Externally Illuminated Projecting Signs & 6x Vinyls (Description Amended. Revised Plans received on 28.03.2022)	Tesco Express, Carr Hill Road,	Temporary permission granted;	Windy Nook And Whitehills
DC/21/01492/HHA	Proposed single storey rear and side extension, proposed porch to front	13 Ravenscar Close, Fellside Park,	Granted;	Whickham South And Sunnyside
DC/21/01495/CPL	CERTIFICATE OF PROPOSED LAWFUL USE: Use of office 115a on the second floor, as a Private Hire Operating Centre; with the only activities to take place there being small scale administrative tasks during normal business hours Mon-Fri.	The Axis Building Maingate, Second Floor , Kingsway North,	Granted;	Lobley Hill And Bensham
DC/22/00003/HHA	Proposed erection of single storey, rear extension	216 Alexandra Road, Bensham,	Granted;	Bridges

DC/22/00005/COU	Change of use of public open space to side/rear of nos. 8-16 Stanton Close to private garden land and enclosure with 2m high fencing (amended plan 16.02.2022)	Land To Side/rear Of 8 - 16 Stanton Close, Wardley,	Granted;	Wardley And Leam Lane
DC/22/00020/FUL	Proposed extension to an existing Pharmacy to the rear of the premises (north of the site) and new shop front to Brookfield Terrace elevation (Amended plans received on 08.03.2022)	5 Brookfield Terrace, Bill Quay,	Granted;	Pelaw And Heworth
DC/22/00022/HHA	Single storey side extension	20 North Dene, Northside,	Granted;	Lamesley
DC/22/00036/FUL	Retention of single storey extension to replace that of an existing open patio area with seasonal marquee (retrospective).	Michaelangelo Restaurant, Hedgefield Country House Hotel,	Granted;	Ryton Crookhill And Stella
DC/22/00042/HHA	Proposed front porch and single-storey side/rear extension.	16 Corrofell Gardens, Heworth,	Granted;	Pelaw And Heworth
DC/22/00052/HHA	Proposed infill side extension and rear extension to existing garage.	5 Leafield Close, Northside,	Granted;	Lamesley

DC/22/00056/TPO	Works to tree(s) in rear garden of (Limecroft Brackendene Drive).	Limecroft, Brackendene Drive,	Granted;	Low Fell
DC/22/00057/HHA	Single storey rear and side infill extension with glass sunroom attached to the back of the existing garage. Front bay wall tiles to be replaced with brickwork to match existing and a new entrance canopy (as amended 10/03/22).	23 Leaffield Close, Northside,	Granted;	Lamesley
DC/22/00091/HHA	Single storey side extension	19 Roxburgh Close, Winlton,	Granted;	Winlton And High Spen
DC/22/00092/HHA	Proposed single storey front & gable extension.	23 Festival Park Drive, Gateshead,	Granted;	Lobley Hill And Bensham
DC/22/00064/TPO	Works to tree(s) in garden of Favells Gate Galloping Green Road.	Favells Gate , Galloping Green Road,	Granted;	Lamesley
DC/22/00075/HHA	Demolition of outbuildings and erection of car port and storage building	Winlton Old Rectory , Rectory Lane,	Granted;	Winlton And High Spen

DC/22/00081/ADV	Display of 3no. externally illuminated fascia signs on south elevation facing red car park advertising the names of occupiers within the Metrocentre and 1no. non-illuminated printed graphic sign; the content of which will change over time.	Metrocentre, St Michaels Way,	Temporary permission granted;	Whickham North
DC/22/00094/HHA	Proposed garage conversion	22 Lilac Avenue, Sunnyside,	Granted;	Whickham South And Sunnyside
DC/22/00097/HHA	Proposal of new porch and extension over garage to include pier wall and adaption / rebuild of existing garage. New roof over extension to hip into existing roof.	7 Lyndhurst Crescent, Lyndhurst,	Granted;	Chowdene

TITLE OF REPORT: Enforcement Team Activity

REPORT OF: Anneliese Hutchinson, Service Director – Climate Change, Compliance, Planning and Transport

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 03.03.22 and ending 30.03.22 the enforcement team has received 120 new service requests.

Type of complaint	New complaints received	Cases allocated to officer	Cases resolved	Pending prosecutions
PLANNING	39	23	66	1
HIGHWAYS	21	13	45	0
ABANDONED VEHICLES	45	18 active cases remain	45	0
WASTE	15	9	4	2
TOTALS	120	63	160	3

COURT HEARINGS

There have been no court hearings during this monitoring period.



**REPORT TO PLANNING AND
DEVELOPMENT COMMITTEE**
13th April 2022

TITLE OF REPORT: Enforcement Action

REPORT OF: Anneliese Hutchinson, Service Director – Climate
Change, Compliance, Planning and Transport

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 landowner 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	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 New castle 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	waste to a mixed 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. Without planning permission the change of use of the land from agriculture to a mixed use for agriculture and the storage of vehicles, agricultural equipment and scrap metal and vehicle dismantling and repair	11 January 2016	12 January 2016	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 Council's 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> <p>The Court date has been adjourned until 24th June at 10am, discussions are to take place with the landowner prior to the court date to progress with the clearance of the land.</p> <p>A site visit was undertaken on the 29th June, two of the areas of land have been significantly cleared, efforts are being made by the owners to clear the third piece of land prior to the court date.</p> <p>The trial date has been arranged for the 24th September 2019</p> <p>On the 20th January Mr J Tate and Mr M Tate pleaded guilty to failing to comply with the enforcement notices. The Magistrates fined both Tate's £500.00 each with cost of £300.00 each and a victim surcharge of £50.00 each. A total of £850.00 each.</p> <p>Update requested by Councillor Ord at planning committee 16 February 2022 as problem recurring</p> <p>Allocated to enforcement officer and investigations ongoing.</p>
4.	Blaydon Quarry , Lead Road, Gateshead	Craw crook and Greenside	Breach of Planning Conditions	27 th March 2018	28 th March 2018	28 th March 2018	28 th April 2018	<p>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 or 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.</p> <p>A site visit was undertaken on the 20th 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.</p>
5.	Blaydon Quarry Lead Road, Gateshead	Craw crook and Greenside	Breach of Planning Conditions	22 nd May 2019	24 th May 2019	28 th June 2019	28 th December 2019	<p>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.</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
								<p>A site visit was undertaken on the 4th June, where drainage works had commenced. Officers are working closely with the Operator of the quarry to ensure compliance.</p> <p>A discharge of condition application has been submitted in relation to condition 23 for the Council to assess.</p> <p>An appeal has been submitted in relation to the enforcement notice.</p>
6.	Blaydon Quarry Lead Road, Gateshead	Craw crook and Greenside	Breach of Planning Conditions	22 nd May 2019	24 th May 2019	28 th June 2019	28 th October 2019	<p>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.</p> <p>A discharge of condition application has been submitted in relation to condition 24 for the Council to assess.</p> <p>An appeal has been submitted in relation to the enforcement notice.</p> <p>Wardell Armstrong on behalf of the Operator has withdrawn the Enforcement Appeal.</p>
7.	81 Dunston Road, Gateshead NE11 9EH	Dunston and Teams	Untidy Land	25 th July 2019	25 th July 2019	22 nd August 2019	03 rd October 2019	<p>Complaints have been received regarding the condition of the property which is considered to have a detrimental impact on the visual amenity of the area. A Notice has been issued pursuant to section 215 of the Town and Country Planning Act requiring the hedge be cut, all boarding removed from windows and the windows and frames made good. It also required that all the guttering and down pipes be re attached to the building.</p> <p>Estimates have been received for the council to do the works in default if the Notice is not complied with by the 1st May.</p> <p>Given the current Covid19 situation, the works in default have been delayed and an extension given to the homeowner.</p>
8.	High Spen Excelsior Social Club Ramsay Street Rowlands Gill NE39 2EL	Winlaton and High Spenn	Untidy Land	10 th February 2020	10 th February 2020	13 th March 2020	13 th April 2020	<p>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 all rubbish and debris removed from the site.</p> <p>The notice has been withdrawn. Officers are currently working with the owners to compile a schedule of repairs and dates for completion.</p> <p>A revised notice was re-served, on the 4th August. The notice was not appealed. The site owners have until the 1st November to demolish the building and clear the land. Notice not complied with. A Demolition method statement is being prepared by construction services. Demolition isn't</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
								straight forward due to structural integrity of building and presence of asbestos containing materials. 02 March 2022 NEDL have disconnected the electrical supply to the building. No further update on progress to provide.
9.	Dynamix Albany Road Gateshead	Bridges	Unauthorised change of use	13 th October 2020	13 th October 2020	17 th November 2020	18 th May 2021	Complaints have been received regarding the change of use from a vacant warehouse to a mixed use comprising skate park, residential planning unit and storage of building and scrap materials therefore, an Enforcement Notice has been issued requiring the unauthorised use of the land to cease and all materials and vehicles be removed from the land The occupier of the site has appealed the notice to the planning inspectorate The Appeal has been determined and the Notice has been upheld.
10.	Dynamix Albany Road Gateshead	Bridges	Untidy Land	27 th August 2021	27 th August 2021	27 th September 2021	27 th December 2021	Complaints have been received regarding the condition of the land. A Notice has been issued pursuant to section 215 of the Town and Country Planning Act requiring all waste be removed from the land, the mounds of rubble be removed to ground level and all the graffiti cleaned from the building.



REPORT TO PLANNING AND DEVELOPMENT COMMITTEE 13 April 2022

TITLE OF REPORT: Planning Appeals

REPORT OF: Anneliese Hutchinson, Service Director, Climate Change, Compliance, Planning and Transport

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:

DC/21/00559/FUL - 25 Cornmoor Road, Newcastle Upon Tyne
Erection of dwellinghouse with detached double garage in rear garden of existing dwellinghouse.

This was a delegated decision refused on 27 October 2021

DC/21/00879/FUL - Site West Of Worley Avenue / South Of Earls Drive
Earls Drive (Opposite Numbers 42-62), Low Fell
Erection of two dwellinghouses (Use Class C3) with associated accesses, with surrounding gardens, and curtilage areas across remaining parts of site with felling of 5 trees (description amended 05/01/22, amended plans received 05/01/22 and additional information received 06/01/22 and 12/01/2022).

This was a committee decision refused on 17 February 2022

DC/21/01173/HHA - 47 Cedar Crescent, Low Fell
Proposed flat roof rear dormer and 2 rooflights to front elevation
This was a delegated decision refused on 19 January 2022

Appeal Decisions

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

Appeal Costs

4. There have been **no** appeal cost decisions.

Outstanding Appeals

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

Recommendation

6. It is recommended that the Committee note the report

Contact: Emma Lucas Ext: 3747

FINANCIAL IMPLICATIONS

Nil

RISK MANAGEMENT IMPLICATIONS

Nil

HUMAN RESOURCES IMPLICATIONS

Nil

EQUALITY AND DIVERSITY IMPLICATIONS

Nil

CRIME AND DISORDER IMPLICATIONS

Nil

SUSTAINABILITY IMPLICATIONS

Nil

HUMAN RIGHTS IMPLICATIONS

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

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

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

WARD IMPLICATIONS

Various wards have decisions affecting them in Appendix 2.

BACKGROUND INFORMATION

Start letters and decision letters from the Planning Inspectorate

APPENDIX 2

OUTSTANDING APPEALS

Planning Application No	Appeal Site (Ward)	Subject	Appeal Type	Appeal Status
DC/20/00093/COU	Blaydon Butchers 15 Clavering Road Blaydon NE21 5HH	Change of use from cafe (Use Class A3) to a mixed use of cafe and hot food takeaway (mixed uses A3/A5)	Written	Appeal in Progress
DC/20/00752/FUL	York Road Fish Shop 28 York Road Birtley DH3 2BD	Erection of a single storey extension to the existing hot food unit and the formation of new vehicle access to the South of the site (amended description and plans received 16.09.2020).	Written	Appeal in Progress
DC/21/00525/CPL	Hillcrest Stannerford Road Ryton	CERTIFICATE OF LAWFULNESS FOR PROPOSED USE OR DEVELOPMENT: Erection of two single-storey buildings within curtilage of existing dwelling to be used as games room and garden store.	Written	Appeal in progress
DC/21/00559/FUL	25 Cornmoor Road Newcastle upon Tyne	Erection of dwellinghouse with detached double garage in rear garden of existing dwellinghouse.	Written	Appeal in progress
DC/21/00879/FUL	Site West Of Worley Avenue / South Of Earls Drive Earls Drive (Opposite Numbers 42-62) Low Fell	Erection of two dwellinghouses (Use Class C3) with associated accesses, with surrounding gardens, and curtilage areas across remaining parts of site with felling of 5 trees (description amended 05/01/22, amended plans received 05/01/22 and additional information received 06/01/22 and	Written	Appeal in progress

		12/01/2022).		
DC/21/01173/HHA	47 Cedar Crescent Low Fell	Proposed flat roof rear dormer and 2 rooflights to front elevation	Written	Appeal in progress

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REPORT TO PLANNING AND DEVELOPMENT COMMITTEE

13 April 2022

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 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 13 April 2022.

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