

# PLANNING AND DEVELOPMENT COMMITTEE AGENDA

Wednesday, 10 May 2017 at 10.00 am in the Bridges Room - Civic Centre

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From the Chief Executive, Sheena Ramsey

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Item	Business
<b>1</b>	<b>Apologies for Absence</b>
<b>2</b>	<b>Minutes</b>  The Committee is asked to approve as a correct record the minutes of the meeting held on 19 April 2017 (copy previously circulated).
<b>3</b>	<b>Declarations of Interest</b>  Members to declare interests in any agenda items.
<b>4</b>	<b>Planning Applications</b> (Pages 3 - 10)
4i	<b>No.1 - Saltmeadows Industrial Estate</b> (Pages 11 - 32)
4ii	<b>No.2 - Coalburns Cottages, 4 Coalburns Cottages, Greenside</b> (Pages 33 - 46)
4iii	<b>No.3 - 4 High Street, Gateshead</b> (Pages 47 - 64)
4iv	<b>No.4 - Team Valley Retail Park</b> (Pages 65 - 96)
4v	<b>No.5 - Blaydon Rugby Club</b> (Pages 97 - 106)
<b>5</b>	<b>Delegated Decisions</b> (Pages 107 - 114)
<b>6</b>	<b>Enforcement Action</b> (Pages 115 - 124)  Report of Strategic Director Communities and Environment
<b>7</b>	<b>Planning Appeals</b> (Pages 125 - 130)  Report of the Strategic Director Communities and Environment
<b>8</b>	<b>Planning Obligations</b> (Pages 131 - 132)  Report of the Strategic Director Communities and Environment

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

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

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### **Purpose of the Report**

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

#### **PART ONE:**

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

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

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

### **Recommendations**

2. Recommendations are specified in the schedule.

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

## Contents

<b>Application Number</b>	<b>Site Location</b>	<b>Ward</b>
1. DC/16/01177/FUL	Saltmeadows Industrial Estate Land South Of Saltmeadows Road	Bridges
2. DC/16/01261/FUL	Coalburns Cottages 4 Coalburns Cottages	Crawcrook And Greenside
3. DC/16/01288/FUL	4 High Street Gateshead	Lamesley
4. DC/16/01335/FUL	Team Valley Retail Park Tenth Avenue West	Lamesley
5. DC/17/00189/FUL	Blaydon Rugby Club, Crowtrees Hexham Road	Whickham North

## **DEVELOPMENT PLAN**

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

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

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

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

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

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

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

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

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

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

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

## **UPDATES**

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

## **SPEAKING AT COMMITTEE**

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

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

### **SITE PLANS**

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

### **PUBLICITY/CONSULTATIONS**

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

### **SITE VISITS**

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

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

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

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

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

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

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

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

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

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**Committee Report**

<b>Application No:</b>	<b>DC/16/01177/FUL</b>
<b>Applicant</b>	<b>Langley Holdings PLC</b>
<b>Date Application Valid</b>	<b>4 November 2016</b>
<b>Site:</b>	<b>Saltmeadows Industrial Estate Land South Of Saltmeadows Road Gateshead NE8 3DA</b>
<b>Ward:</b>	<b>Bridges</b>
<b>Proposal:</b>	<b>Erection of 11 no. industrial units (Use Class B2 and/or B8) with associated access, car parking, landscaping and infrastructure/engineering works including erection of sub-station. (Amended 21.04.2017).</b>
<b>Recommendation:</b>	<b>GRANT SUBJECT TO A SECTION 106 AGREEMENT</b>
<b>Application Type</b>	<b>Full Application</b>

**1.0 The Application:**

**1.1 DESCRIPTION OF THE APPLICATION SITE**

The site is located within Saltmeadows Industrial Estate which is a Primary Employment Area (PEA) and is situated approximately 1km to the east of Gateshead Town Centre.

1.2 The site comprises approximately 3.6ha of land, bounded to the north by Saltmeadows Road and the River Tyne beyond, to the west by existing industrial units occupied by Clarke Chapman and Doosan Babcock, with the wider industrial estate beyond and to the east by a mix of established and modern industrial units with associated parking with Neilson Road and Gateshead Stadium beyond. To the south there is Stadium Road which accommodates more employment units. The A184 is beyond Stadium Road. The modern business park to the east was approved in 2005 (DC/05/00081/FUL) and includes 11 x single storey industrial units in two blocks (use Classes B1, B2 and B8)

1.3 Part of the site was previously occupied by the Baltic Business Centre and North East Innovation Centre (both of which have now been demolished subject to separate prior notification submissions). The remainder of the site has been used as an overflow car parking area for Clarke Chapman and Doosan Babcock but a large area has also established itself as a wildlife habitat. There are a cluster of trees in the north west corner of the site and a belt of trees through the centre. There are also pockets of landscaping throughout the site that has established itself over time. This includes a large grass bund in the south east corner. There is hedging and trees along the southern boundary with Stadium Road.

- 1.4 The site is accessed to the north off Saltmeadows Road and to the west off an estate road.
- 1.5 In addition, the application site also comprises vacant land/hardstanding to the south of the existing Clarke Chapman and Doosan Babcock buildings.
- 1.6 **DESCRIPTION OF THE APPLICATION**  
The development proposes the re-development of recently demolished plots and vacant brownfield land, to create 11 modern industrial units (Use Class B2 and/or B8) of varying sizes, equating to around 9,600 sqm in total (GEA). Any office space shown within the units will be required for the operation of the wider B2 or B8 use and as such should be considered ancillary.
- 1.7 The buildings proposed offer a range of floorspace for a range of businesses of varying internal sizes (from 221 sqm to 4506 sqm). As these buildings are being developed on a speculative basis, a flexible consent for both general industrial (Use Class B2) and storage and distribution (Use Class B8) purposes has been applied for. With regards to access and parking, it is proposed to utilise as much of the existing site infrastructure as possible, including the existing vehicular access on Saltmeadows Road, from the estate road to the west and via Nielson Road to the east. However, two new access points will be created in order to provide access to Units I and J.
- 1.8 The design of the units are consistent with industrial estate development and comprise metallic silver panelling with interest added to the corners through the use of coloured panels.
- 1.9 The trees in the north west corner are proposed to be retained with new landscaping, drainage features proposed to off set the loss of any tree planting.
- 1.10 Each of the units will have access to designated parking and service spaces as well as cycle and motorcycle parking bays. there are 123 parking spaces proposed across the site as well as service yards for the larger units. There are also 4 electric parking bays proposed.
- 1.11 The application has been amended to provide larger areas for drainage features, a reduction in parking numbers and improvements to the access of Saltmeadows Road.
- 1.12 As a result of the proposed development the existing parking overspill area that is currently used by Clarke Chapman and Doosan Babcock would be lost. The applicant through contractual obligations has to ensure this parking is re provided as part of their existing arrangements. As such the application proposes 86 parking spaces within neighbouring land controlled by the applicant (adjacent to Doosan Babcock).

In addition to the wider development proposals, a war memorial (unlisted) that is currently located within the development site would be re-located to a more prominent location on the corner of Saltmeadows Road. This war memorial has

been relocated a number of times previously and its proposed location will ensure easier access for remembrance. There are no works proposed to the memorial itself, rather the brick plinth that it is mounted upon will either be relocated or re-built in a more suitable location.

1.13 The following documents have been submitted with the application:

Ecological Survey  
Flood Risk Assessment  
Air Quality Assessment  
Sustainability Statement  
Transport Assessment  
Travel Plan  
Tree Survey

1.14 PLANNING HISTORY

DC/15/00270/DEM - Determination of Prior Approval for the demolition of Baltic Business Centre 13.04.2015

DC/15/00271/DEM - Determination of Prior Approval for the demolition of North East Innovation Centre 13.04.2015

**2.0 Consultation Responses:**

Coal Authority	Objection removed subject to conditions.
CE Electric UK	No Comments
Northumbria Police	No Comments
Northumbria Water	No Objections subject to approval of foul and surface water drainage.
Tyne And Wear Archaeology Officer	No Objections
Tyne And Wear Fire And Rescue Service	No Comments

**3.0 Representations:**

3.1 Neighbour notifications, press and site notices were carried out in accordance with formal procedures introduced in the Town and Country Planning (Development Management Procedure) (England) Order 2015. No representations have been made.

**4.0 Policies:**

NPPF National Planning Policy Framework  
NPPG National Planning Practice Guidance  
CS5 Employment-Economic Growth Priorities  
CS6 Employment Land  
CS13 Transport  
CS14 Wellbeing and Health  
CS15 Place Making  
CS17 Flood Risk and Waste Management  
CS18 Green Infrastructure/Natural Environment  
DC1C Landform, landscape and after-use  
DC1D Protected Species  
DC1E Planting and Screening  
DC1G Energy Conservation-Sustainable Building  
DC1J Substrata Drainage-Water Quality  
DC1P Contamination, derelict land, stability  
DC2 Residential Amenity  
ENV3 The Built Environment - Character/Design  
ENV47 Wildlife Habitats  
ENV49 Sites of Nature Conservation Importance  
ENV52 Creation of New Wildlife Habitats  
ENV54 Dev on Land Affected by Contamination  
ENV61 New Noise-Generating Developments  
JE4 Sustainable Economic Development  
JE1 Primary Employment Areas  
PO2 Planning Obligations - Emp/Training

ENV44 Wood/Tree/Hedge Protection/Enhancement

ENV46 The Durham Biodiversity Action Plan

ENV51 Wildlife Corridors

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

5.1 The main planning issues are considered to be the acceptability of the proposed development within a primary employment area, design, amenity, contamination, flood risk, highway safety and ecology.

### **5.2 PRINCIPLE**

The application site is situated within Saltmeadows Primary Employment Area (PEA) and would constitute the reuse of previously developed land within an industrial estate for an employment use. B2 and B8 uses are considered appropriate employment uses within a PEA and therefore the redevelopment of the site accords with the National Planning Policy Framework (NPPF), policy CS6 of the Core Strategy and Urban Core Plan (CSUCP) and policies JE1 and JE4 a) of the Unitary Development Plan (UDP).

### **5.3 DESIGN**

The proposed units are modern in design using composite cladding and roof panels. This style of architecture and proposed materials are considered appropriate for the area and the scale, massing and height proposed are also typical of buildings within the Saltmeadows PEA. It is acknowledged that some landscaping would be lost but it is considered this can be mitigated through an appropriate replacement landscaping scheme, the final details of which can be conditioned (CONDITIONS 20 and 21), along with the final materials to be used on site (CONDITIONS 15 AND 16). Any trees that are to be retained on site would need to be protected during construction (CONDITIONS 3 AND 4).

5.4 Subject to these conditions it is considered that the proposed development is acceptable from a design point of view and would be an improvement upon the existing appearance of the vacant site in accordance with the aims and objectives of the NPPF as well as policies CS15 of the CSUCP and policies ENV3, DC1 and ENV44 of the UDP.

### **5.5 AMENITY**

Given the proposed design and layout of the development and the type of future occupiers, it is considered that the proposal would not cause any harm to the amenity or operations of existing surrounding commercial businesses. As there are no residential properties in the immediate vicinity and the site is in an industrial location it is not considered necessary to impose restrictions on hours of construction or construction control measures.

5.6 Therefore it is considered that the proposal would not create any significant amenity concerns and does not conflict with the aims and objectives of the NPPF, policy CS14 of the CSUCP or policy DC2 of the UDP.

## 5.7 HIGHWAY SAFETY

The parking provided as amended is considered sufficient for a development of this type and scale and is within the Council's parking standards. However as the application proposes flexible uses between B2 and B8, a car park management strategy for the site would be required to allow flexibility in the use of spaces depending on which use class occupies each unit. The car park management plan can be conditioned (CONDITIONS 25 and 26).

5.8 Cycle parking has been proposed and this can be secured through a condition and included in the Travel Plan for the site (CONDITION 22). A framework Travel Plan has been submitted and while the principles set down in this document are accepted, there are currently a number of deficiencies which would need to be addressed. Therefore a more detailed Travel Plan for the site is required and this can be conditioned (CONDITIONS 27 and 28). Motorcycle parking and electric charging points can also be secured (CONDITIONS 23 and 24). These measures, along with the provision of two new bus shelters that have been secured, would encourage more sustainable modes of transport.

5.9 With regards to the re-provision of the existing car parking on site, currently used by staff from Clarke Chapman and Doosan Babcock, the Transport Assessment identifies that there would be less parking provided in the replacement car park than is currently available. This raises the question of how the parking would be managed as little information has been provided on parking requirements for Clarke Chapman and Doosan Babcock and overspill parking onto the road network would not be favourable. Travel planning would help to address this potential issue. If the site already had a Travel Plan this could be updated (CONDITIONS 29 and 30). This would be a separate Travel Plan to the site Travel Plan.

5.10 Amendments to the Saltmeadows Road access have been submitted and are now considered acceptable. The access needed to be widened to ensure there was no conflict between delivery vehicles entering or exiting the site and other vehicles, especially customer vehicles.

5.11 All other highway works would need to be approved by the Council and would be dealt with via a S278 agreement.

5.12 Subject to the conditions above, it is considered that the proposal would accord with the NPPF and policy CS13 of the CSUCP

## 5.13 CONTAMINATION AND COAL MINING

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. A land contamination assessment has been submitted with the application which has confirmed the presence of contaminants. As a result of this an outline remediation strategy has been submitted which provides officers with confidence that the site can be remediated and developed safely. However full details of the remediation



strategy will be required and this can be conditioned along with necessary verification reports (CONDITIONS 5,6,7 AND 8)

5.14 With regards to any coal mining legacies on the site there are records of a mine entry but excavations to date have failed to locate it. It has been confirmed that further investigations will be carried out should planning permission be approved and the Coal Authority are satisfied with this approach. The additional investigations and any mitigation that is required can be conditioned (CONDITIONS 9,10,11 AND 12).

5.15 Therefore subject to the recommended conditions it is considered that the proposed development satisfies the aims and objectives of the NPPF as well as policy CS14 of the CSUCP and policies DC1p) and ENV54 of the UDP.

#### 5.16 FLOOD RISK

The site is a brownfield site located within a critical drainage area and therefore in accordance with the NPPF as well as policy CS17 of the CSUCP a reduction in the run off rate of water from the site is required.

5.17 An initial Flood Risk Assessment was submitted with the application as well as a drainage strategy which has included the use of SuDS. Following revisions to the FRA and drainage proposals the run off rate has now been reduced to 27 l/s from 547 l/s which is a significant reduction and well below the necessary 50% reduction and close to the desirable 16 l/s Greenfield run off rate.

5.18 The reduction in run off rate will be achieved by incorporating a number of measures into the development including; detention basins which also have multifunctional benefits in terms of bio-diversity and visual amenity, permeable paving, and subterranean storage. Water quality would also be improved through the inclusion of petrol interceptors. Compliance with the Flood Risk and Drainage Assessment can be conditioned (CONDITION 17) as can some additional details which are also required (CONDITIONS 18 AND 19).

5.19 Final details for the discharge of foul water from the site would be required and this can be conditioned (CONDITIONS 37 AND 38).

5.20 Therefore subject to the above it is considered that the proposed development does not conflict with the aims and objectives of the NPPF or policy CS17 of the CSUCP or policy DC1 of the UDP.

#### 5.21 ECOLOGY

At its closest point the proposed development site is located within approximately 75m of Friars Goose Local Wildlife Site (LWS), 142m of the River Tyne LWS and 283m of The Kittiwake Tower LWS. The site is also situated immediately adjacent a designated Wildlife Corridor. Although a brownfield site, the site supports a variety of habitats, the most notable of which is an expanse of botanically diverse early successional brownfield grassland measuring approx. 1.2ha in area. This is owing to the presence of early successional brownfield grassland containing birds-foot trefoil (i.e. the larval food plant of the dingy skipper butterfly caterpillar), areas of bare ground

required for basking, and the presence of dingy skipper butterfly being confirmed on several close neighbouring sites.

- 5.22 Survey work also confirmed the presence of a small pipistrelle bat roost within one of the industrial buildings which has since been demolished. The demolition of the building containing the bat roost was done under a Natural England licence and involved the provision of replacement bat roost features (i.e. boxes) which were located within the tree belt which runs through the centre of the site. It is understood that this central tree belt is to be removed as part of the proposed development and as such there is a requirement for the replacement bat roost features to be relocated prior to removal of the trees. This can be conditioned (CONDITION 13).
- 5.23 With regards to the replacement of the brownfield habitat, opportunities for the retention and/or creation of botanically diverse early successional brownfield grassland within the curtilage of the proposed development site are extremely limited. As a result the development will result in a significant residual impact on a priority habitat. The near comprehensive loss of botanically diverse early successional brownfield grassland from within the site will inevitably have a significant adverse impact on its associated invertebrate assemblage including dingy skipper butterfly.
- 5.24 In response to this and in accordance with the principles of the NPPF, offsite compensatory measures are proposed and this would be delivered in the form of a financial contribution (£22,335) secured through a S106 agreement.
- 5.25 Conditions relating to breeding birds (CONDITION 14), external lighting (CONDITIONS 31 AND 32), mammals (CONDITION 35), nest boxes (CONDITIONS 33 AND 34) and the treatment of invasive plant species (included as part of condition 20) are also recommended. Plant species etc. can be included in the final landscaping scheme which is required under condition 20.
- 5.26 In light of the above it is considered the proposed development satisfies the aims and objectives of the NPPF, policy CS18 of the CSUCP and policies DC1, ENV46, ENV47, ENV49 and ENV51 of the UDP.
- 5.27 ENERGY EFFICIENCY  
Policy CS16 of the CSUCP sets out a number of requirements to ensure new developments are more energy efficient. A Sustainability Statement has been submitted with the application and it is considered compliance with this statement would adequately satisfy the aims and objectives of policy CS16. This can be conditioned (CONDITION 36).
- 5.28 Opportunities for connecting to the recently completed District Energy Scheme have been explored but it is not possible in this case.
- 5.29 OTHER MATTERS  
The relocation of the unlisted war memorial is welcomed and doesn't raise any objections.

### 5.30 CIL

On 1st January 2017 Gateshead Council became a Community Infrastructure Levy (CIL) Charging Authority. This application has been assessed against the Council's CIL charging schedule and the development is not CIL chargeable development as it is not for qualifying retail or housing related. As such no CIL charge is liable.

## 6.0 CONCLUSION

6.1 Taking all the relevant issues into account, it is recommended that planning consent be granted, as the application has demonstrated that the proposal is acceptable in principle, design and amenity terms, would not create any highway safety, contamination or ecology issues subject to conditions. Thus the proposal does accord with the NPPF, CSUCP and UDP policies and the recommendation takes account of all material planning considerations, including the information submitted by the applicant.

## 7.0 Recommendation:

### GRANT SUBJECT TO A SECTION 106 AGREEMENT

- 1) The agreement shall include the following obligations:
  - A contribution of £22335 towards off site ecology works and £6,484 for bus stops plus £1,600 for engineering works.
- 2) That the Strategic Director of Legal and Corporate Services be authorised to conclude the agreement.
- 3) That the Strategic Director of Communities and Environment be authorised to add, delete, vary and amend the planning conditions as necessary.
- 4) And that the conditions shall include:
  - 1  
The development shall be carried out in complete accordance with the approved plan(s) as detailed below -  
  
1317(S)04 T4 Proposed Site Layout (1:1250)  
1317(S)05 T4 Proposed Site Layout (1:500)  
1317 (S)06 T2 Doosan Car Park  
1317(S)08 T3 War Memorial Re-location  
1317 001 T3 Units A-D Plans & Section  
1317 021 T3 Units E-H Plans & Section  
1317 041 T3 Unit J Plans & Section  
1317 061 T3 Unit 12 Plans & Section  
1317 081 T3 Unit I Plans & Section  
1317 (90) 04 T1 Proposed Bin Store - A-H  
1317 (90) 01 T1 Proposed Bin Store I,J &12

1317 (90) 03 T1 Proposed Sub Station  
1317 (0) 62 T2 Unit 12 Proposed Elevations  
1317 (0) 63 T2 Unit 12 Proposed Roof Plan  
1317 (0) 82 T2 Unit I Proposed Elevations  
1317 (0) 83 T2 Unit I Proposed Roof Plan  
1317 (0) 42 T2 Unit J Proposed Elevations  
1317 (0) 43 T2 Unit J Proposed Roof Plan  
1317 (0) 02 T2 Unit A-D Proposed Elevations  
1317 (0) 03 T2 Unit A-D Proposed Roof Plan  
1317 (0) 23 T2 Unit E-H Proposed Roof Plan  
1317 (0) 22 T2 Unit E-H Proposed Elevations

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 development or any other operations shall commence on site until a scheme for the protection of the existing trees, shrubs and hedges growing on or adjacent to the site, that are to be retained on site as part of the development, has been submitted to and approved in writing by the Local Planning Authority. The scheme must include a plan clearly showing the location and specification of the protective fencing to be used.

Reason

To ensure the satisfactory protection of trees, shrubs and hedges in accordance with policies CS15 and CS18 of the Core Strategy and policies DC1 and ENV44 of the Unitary Development Plan.

4

The protective fencing approved under condition 3 must be installed prior to the commencement of the development and thereafter retained intact for the full duration of the construction works and there shall be no access, storage, ground disturbance or contamination within the fenced area without the prior written approval of the Local Planning Authority.

Reason

To ensure the satisfactory protection of trees, shrubs and hedges in accordance with policies CS15 and CS18 of the Core Strategy and policies DC1 and ENV44 of the Unitary Development Plan.

5

Prior to construction of the development hereby approved commencing, a detailed remediation statement, based on the recommendations of the Roberts Environmental 'Outline Remediation Statement' Ref160908. RS001' dated April 2017 shall be submitted to and approved in writing by the Local Planning Authority. The Remediation statement should detail a remedial scheme to bring the site to a condition suitable for the intended use by removing unacceptable risks to human health, buildings and other property and the natural and historical environment. The scheme must include all works to be undertaken, proposed remediation objectives and remediation criteria, timetable of works and site management procedures.

The Local Authority requires that a minimum of 1.15m of 'proven' uncontaminated 'clean cover' is provided in all soft landscape areas. Given the nature of the underlying ground (galigu) identified at the site, this cover should include 400mm of topsoil overlying 750mm of clay.

Reason

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

6

The recommendations of the detailed remediation report approved under condition 5 shall be implemented in accordance with the timescales approved under that condition.

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

Reason

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

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

7

Following completion of the remediation measures approved under condition 5, a verification report that demonstrates the effectiveness of the remediation carried out must be submitted for the written approval of the Local Planning Authority prior to first occupation of the development hereby permitted.

Reason

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

8

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

Reason

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

9

Construction of the development hereby approved shall not commence until a scheme of further intrusive investigations to establish the coal mining legacies present on the site has been submitted to and approved in writing by the Local Planning Authority.

Reason

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

10

Prior to construction of the development hereby approved commencing, the intrusive investigations shall be carried out in accordance with the details approved under condition 9.

Reason

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

11

Construction of the development hereby approved shall not commence until a report of findings arising from the intrusive site investigations approved under condition 9, including the location of the mine entry and its zone of influence if found to be present on the site and a scheme of remedial works, if necessary, has been submitted to and approved in writing by the Local Planning Authority. The remediation scheme shall include a timetable for implementation.

Reason

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

12

Any remediation works approved under condition 11 shall be implemented in accordance with the timetable approved under that condition.

Reason

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

13

The removal of the central tree belt shall not be undertaken until the replacement bat roost features have been relocated by a suitably qualified and licenced bat ecologist and having first consulted Natural England. Thereafter the relocated bat roost features will be retained in full for the life of the development.

Reason

To avoid harm to bat and their habitats in accordance with policies CS18 of the Core Strategy and policies DC1(d) and ENV46 of the UDP.

14

No vegetation and/or ground clearance works shall be undertaken during the bird breeding season (i.e. March to August inclusive). Where this is not possible a checking survey, undertaken by a suitably qualified and experienced ornithologist, will be undertaken immediately prior to the commencement of works on site. Where active nests are confirmed these must remain undisturbed until a suitably qualified and experienced ornithologist has confirmed that the young have fledged and the nest(s) is no longer in use.

Reason

To avoid harm to breeding birds and their habitats in accordance with policies CS18 of the Core Strategy and policies DC1(d) and ENV46 of the UDP.

15

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

Reason



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

16

The development shall be completed using the materials approved under condition 15 unless otherwise 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 existing building in accordance with the NPPF, Saved Policies DC2 and ENV3 of the Unitary Development Plan and Policies CS14 and CS15 of the Core Strategy and Urban Core Plan for Gateshead and Newcastle upon T

17

The development hereby permitted shall be implemented in accordance with the Flood Risk and Drainage Impact Assessment Revision B dated April 2017 and plan 100-B.pdf and the discharge rate from the site shall not exceed 27 l/s.

Reason

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

18

Notwithstanding the details approved in the Flood Risk and Drainage Impact Assessment Revision B dated April 2017 and plan 100-B.pdf, prior to the development hereby approved being first occupied final details of:

- An additional Bypass Separator to be included on south-west connection into manhole
- How access for maintenance will be achieved to southern most detention basin
- All SuDs components including inlets, outlets, manholes, connections, gullies, pipes, pipe diameters, levels, invert levels, hydro-brakes, separators, channels, volumes, discharge rates for sub-catchment areas and cross sections through detention basins.

- Details of storage cells with particular reference to measures to isolate contamination. The design of these units should also include a means of access for CCTV inspection and maintenance.
- A construction method statement to demonstrate how the SuDS components will be installed and protected during the construction phase.
- Details/Schedule of SuDs maintenance operations - including revisions where necessary to anomalies eg weekly mowing stated for detention basins when wildflower turf specified. The maintenance plan should include a schedule designed to be a working document for use by maintenance operatives. This shall include maintenance specifications and timings of inspections/maintenance for the storage units, hydro-brakes, manholes gullies and any other flow control or water treatment devices. This plan should set out clearly where responsibility lies for the maintenance of all drainage features throughout the lifetime of the development.
- Electronic copy of the Micro-drainage model.
- Timetable of when the drainage works will be implemented.

Shall be submitted to and approved in writing by the Local Planning Authority.

#### Reason

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

19

The details approved under condition 18 shall be implemented in accordance with the timetable approved under condition 18.

#### Reason

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

20

The development hereby approved shall not be first occupied until a fully detailed scheme for the landscaping of the site has been submitted to and approved in writing by the Local Planning Authority. The

landscaping scheme shall include details of all existing trees and hedges to be retained, ground preparation planting plans noting the species, plant sizes, planting densities for all new planting and a timetable for implementation. It shall also include a Method Statement detailing the eradication and removal of non-native invasive plant species, including those listed of Schedule 9 of the Wildlife and Countryside Act.

Reason

To ensure that a well laid out planting scheme is achieved in the interests of the visual amenity of the area and in accordance with policies CS15 and CS18 of the Core Strategy and policies DC1 and ENV3 of the Unitary Development Plan.

21

The landscaping scheme shall be implemented in accordance with the details approved under condition 20 within the first planting season following approval. The landscaping shall be maintained in accordance with British Standard 4428 (1989) Code of Practice for General Landscape Operations for a period of 5 years commencing on the date of Practical Completion and during this period any trees or planting which die, become diseased or are removed shall be replaced in the first available planting seasons (October to March) with others of a similar size and species and any grass which fails to establish shall be re-established.

Reason

To ensure that the landscaping scheme becomes well established and is satisfactorily maintained in the interests of the visual amenity of the area and in accordance policies CS15 and CS18 of the Core Strategy and polices DC1 and ENV3 of the Unitary Development Plan.

22

Secure and weatherproof staff parking shall be provided for each unit prior to that unit first brought into use at a ratio of 2 spaces per 500 square metres and shall be retained as such thereafter.

Reason

In order to ensure adequate provision for cyclists and in compliance with policy CS13 of the Core Strategy and the Gateshead Cycling Strategy.

23

A minimum of four motorcycle ground anchors shall be provided for the development and shall be retained as such thereafter.

Reason

In order to ensure adequate provision for motor cyclists and in compliance with policy CS13 of the Core Strategy.

24

A minimum of four electric charging points shall be provided for the development and shall be retained as such thereafter.

Reason

In compliance with policy CS13 of the Core Strategy.

25

The development hereby approved shall not be first brought into use until details of a car park management plan have been submitted to and approved in writing by the Local Planning Authority. The plan shall demonstrate how the car parking spaces allocated to this development (not including the parking for Clarke Chapman and Doosan Babcock) will be managed, taking into account the flexibility between B2 and B8 uses.

Reason

In the interests of effective use of the car parks, in accordance with policy CS13 of the Core Strategy.

26

The development shall be operated in accordance with the car park management plan approved under condition 25 unless otherwise agreed in writing by the local planning authority.

Reason

In the interests of effective use of the car parks, in accordance with policy CS13 of the Core Strategy.

27

Prior to the development hereby approved being first brought into use a Travel Plan shall be submitted to and approved in writing by the Local Planning Authority.

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

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

Reason

In order to accord with policy CS13 of the Core Strategy

28

The development hereby approved shall be operated in full accordance with the Travel Plan approved under condition 27.

Reason

In order to accord with policy CS13 of the Core Strategy

29

Prior to the replacement parking for Clarke Chapman and Doosan Babcock being brought into use a Travel Plan to assist in the reduction in car usage and increased use of public transport, walking and cycling for employees of Doosan Babcock and any subsequent users of the car park, shall be submitted to and approved in writing by the Local Planning Authority. The Travel Plan shall include a programme of continuous review of the approved details of the Travel Plan and the implementation of any approved changes to the plan.

Reason

In order to accord with policy CS13 of the Core Strategy

30

The approved parking for Clarke Chapman and Doosan Babcock shall be operated in full accordance with the Travel Plan approved under condition 29.

Reason

In order to accord with policy CS13 of the Core Strategy

31

Prior to the installation of any external on site, final details of the lighting including the number, position, specification and lux must be submitted to and approved in writing by the Council.

Reason

To avoid harm to protected and priority species in accordance with policy CS18 of the Core Strategy and policies DC1(d), ENV46 and ENV47 of the Unitary Development Plan.

32

Any external lighting installed on site shall be in accordance with the details approved under condition 31 and shall be retained as such thereafter.

Reason

To avoid harm to protected and priority species in accordance with policy CS18 of the Core Strategy and policies DC1(d), ENV46 and ENV47 of the Unitary Development Plan

33

Prior to the development hereby approved being first brought into use, full details of the nest boxes, including number, precise location and specification as well as a timetable for implementation shall be submitted to and approved in writing by the Local Planning Authority.

Reason

To provide replacement/improved opportunities for breeding birds within the site in accordance with policy CS18 of the Core Strategy and policies DC1(d), ENV46 and ENV47 of the Unitary Development Plan

34

The nest boxes approved under condition 33 shall be implemented in accordance with the approved timetable.

Reason

To avoid harm to protected and priority species in accordance with policy CS18 of the Core Strategy and policies DC1(d), ENV46 and ENV47 of the Unitary Development Plan.

35

Any excavations/trenches left open overnight during the construction phase of the development must provide a means of escape comprising of a ramp measuring no less than 300mm wide and with a slope of no greater than 450mm, for any mammals, including hedgehog, that may become trapped.

Reason

To avoid harm to wildlife, including hedgehogs, in accordance with policy CS18 of the Core Strategy and policies DC1(d) and ENV46 of the Unitary Development Plan.

36

The development hereby approved shall be constructed and operated in accordance with the Sustainability Statement that has been submitted with this application.

Reason

To ensure that the development is sustainable and reduces carbon emissions in accordance with policy CS16 of the Core Strategy.

37

The development hereby approved shall not be first brought into use until a detailed scheme for the disposal of foul water from the site has been submitted to and approved in writing by the Local Planning Authority in consultation with Northumbrian Water. The scheme shall include a timetable for implementation.

Reason

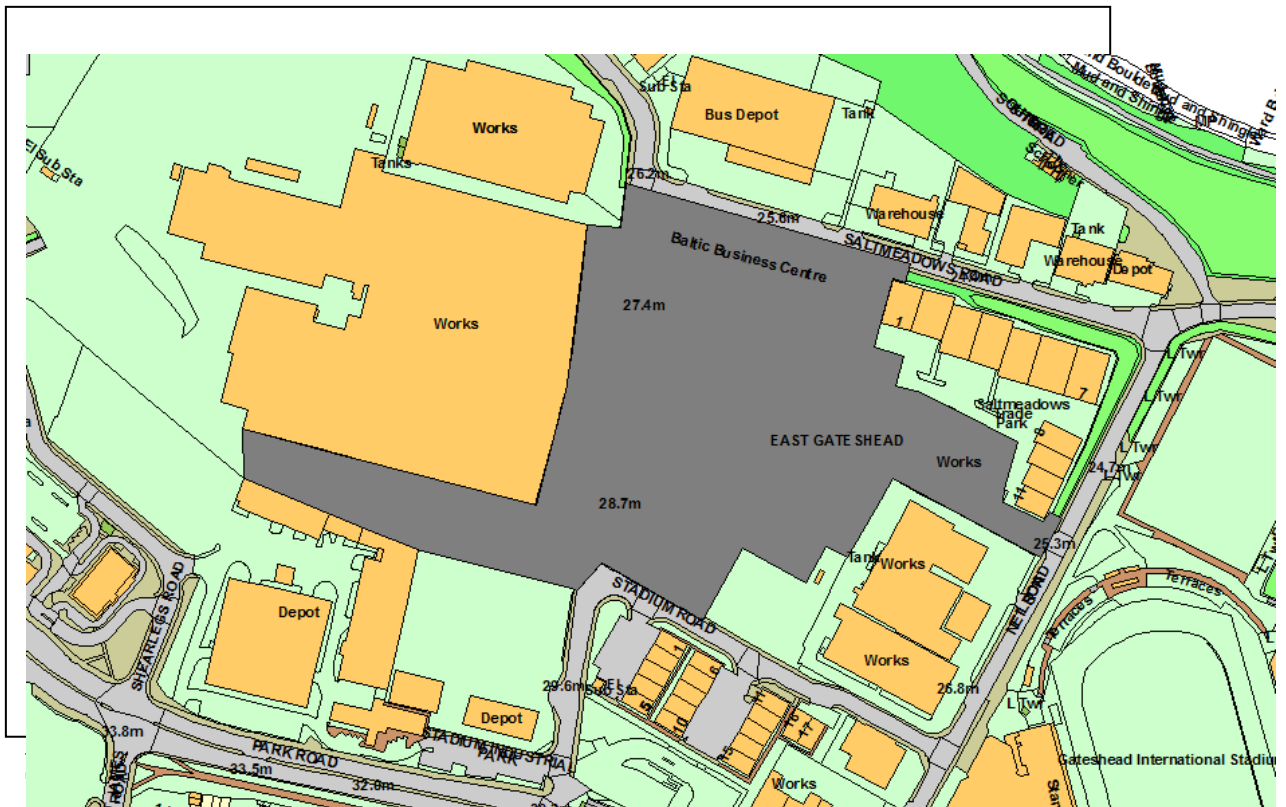
To prevent the increased risk of flooding from any sources in accordance with policy CS17 of the Core Strategy.

38

Foul water from the site shall be implemented in accordance with the details and timetable approved under condition 37.

Reason

To prevent the increased risk of flooding from any sources in accordance with policy CS17 of the Core Strategy.



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**Committee Report**

<b>Application No:</b>	<b>DC/16/01261/FUL</b>
<b>Case Officer</b>	<b>Owain Curtis</b>
<b>Date Application Valid</b>	<b>27 February 2017</b>
<b>Applicant</b>	<b>Mr Robert Carroll</b>
<b>Site:</b>	<b>Coalburns Cottages 4 Coalburns Cottages Greenside Ryton NE40 4JL</b>
<b>Ward:</b>	<b>Crawcrook And Greenside</b>
<b>Proposal:</b>	<b>Demolition of existing garage followed by erection of new dormer bungalow with four parking spaces</b>
<b>Recommendation:</b>	<b>GRANT</b>
<b>Application Type</b>	<b>Full Application</b>

**1.0 The Application:**

**1.1 DESCRIPTION OF THE SITE**

1.2 The application site is within Coalburns, a settlement of 17 properties between Greenside and High Spen in the west of the borough.

1.3 The site is accessed from Lead Road and lies at the end of a narrow lane which runs along the rear of a terrace row of properties. The plot is triangular in shape and part of a row of 4 detached garages to the north of Lead Road which are associated with the terrace row of properties.

1.4 Currently there is a single storey pitched roof detached garage and a gravel parking area on the site. Although not within the curtilage of number 4 Coalburns Cottages, the site is currently used as a private garden area for this property and has been landscaped with decking and a raised terrace. To the north of the site is open countryside whilst to the west is the boundary with the garden of number 5 Coalburns Cottages.

**1.5 DESCRIPTION OF APPLICATION**

This application is for the demolition of the existing pitched roof garage followed by the erection of a detached pitched roof dormer bungalow. The dwelling would be sited at the end of the access lane at the rear of number 5 Coalburns Cottages. The dwelling would be 6.95m high to the roof ridge and would have a dormer window in the roof slope on the principal elevation. There would also be an offshoot at the front projecting 2.6m from the principal elevation with a front facing gable. At the rear there would be a balcony looking over the agricultural fields to the north.

1.6 Vehicular access would be gained from the lane between Coalburns Cottages and the detached garages and private gardens. The gravelled area at the front of the proposed bungalow would be able to accommodate 4 vehicles.

1.7 RELEVANT PLANNING HISTORY  
None

## **2.0 Consultation Responses:**

Northumbrian Water – No issues

The Coal Authority – No objection subject to conditions

## **3.0 Representations:**

3.1 This application is referred to the Planning and Development Committee for determination as ward councillors Councillor Jack Graham and Councillor Helen Haran have submitted a joint objection to the proposal.

3.2 Councillor Graham and Councillor Haran's objection states that the site of the proposed dormer bungalow is situated in the designated Wildlife Corridor and lies within the Green Belt. The size and height of the proposed bungalow would dominate the sky line. The proposed bungalow would also be obtrusive and out of character with the existing dwellings within the hamlet. The existing narrow lane is totally unsuitable for 4 extra vehicles accessing the proposed dwelling.

3.3 Neighbour notifications were carried out and a site notice was displayed at the application site in accordance with formal procedures introduced by the Town & Country Planning (Development Management Procedure) Order 2015.

3.4 Four representations have been received. These raise the following issues:

- The site is in the Green Belt and within an area of High Landscape Quality.
- A house or bungalow added to this highest part of the ground level would have a detrimental impact on the character of the row of cottages.
- The house would close off the open aspect and views to the Cheviots
- The cottage would have an overbearing effect on my cottage and private garden.
- The proposed property would become a dominant feature with a noticeable overbearing effect upon the lower-lying lane resulting in a potential loss of quality of life.
- The property would be out character.
- Increased traffic would bring an increased risk of accidents.
- Concerns over parking arrangement.
- Water pressure has been unreliable, and this would be enhanced by an extra property drawing from the supply.

## **4.0 Policies:**

NPPF National Planning Policy Framework  
NPPG National Planning Practice Guidance  
CS1 Spatial Strategy for Sustainable Growth  
CS10 Delivering New Homes  
CS11 Providing a range and choice of housing  
CS13 Transport  
CS14 Wellbeing and Health  
CS15 Place Making  
CS18 Green Infrastructure and the Natural Environment  
CS19 Green Belt  
DC2 Residential Amenity  
H4 Windfall and Small Housing Sites  
ENV3 The Built Environment - Character/Design  
ENV38 Washed-over Settlements within the Green Belt  
ENV51 Wildlife Corridors  
ENV46 The Durham Biodiversity Action Plan  
ENV54 Dev on Land Affected by Contamination  
CFR28 Toddlers' Play Areas  
CFR29 Juniors' Play Areas  
CFR30 Teenagers' Recreation Areas

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

5.1 The main planning considerations in this case are: the principle of residential development, the appropriateness in the Green Belt, residential amenity, visual amenity, the effect on highway safety, ground conditions, play and open space provision, impact on ecology and any other matters arising.

5.2 PRINCIPLE OF RESIDENTIAL DEVELOPMENT

- 5.3 Paragraph 49 of the NPPF states that all “housing applications should be considered in the context of the presumption in favour of sustainable development”. Within this context, policy CS11 of the Core Strategy and Urban Core Plan seeks to provide a range and choice of new housing across the borough and requires of new private housing across the plan area being suitable for and attractive to families, with a minimum target of 16,000 new homes to have three or more bedrooms.
- 5.4 The proposed development of a two bedroom dwelling would not contribute to increasing the provision of larger homes in Gateshead. Development of a single dwelling would not have a significantly adverse impact on the council’s overall objectives of improving the supply of larger homes, and so the development is considered to be broadly compatible with the council’s policies regarding the range and choice of housing.
- 5.5 Further, this proposal would constitute a housing windfall site under saved policy H4 of the Gateshead Unitary Development Plan. The proposed dwelling would not be an isolated home in the countryside therefore its location is considered to be sustainable and in accordance with saved policy H4 of the UDP.
- 5.6 Overall the principle of a new dwelling can be supported subject to all other material planning considerations being satisfied.
- 5.7 WHETHER THE PROPOSAL IS INAPPROPRIATE DEVELOPMENT WITHIN THE GREEN BELT
- 5.8 The NPPF sets out national government’s approach to protecting the Green Belt. Paragraph 89 advises that the construction of new buildings in the Green Belt is inappropriate, unless the proposal meets one of a limited number of specific exceptions. The most pertinent of these in relation to this application is whether the proposal can be categorised as “limited infilling in villages”.
- 5.9 “Villages” and “limited infilling” are not defined in the NPPF and it is established in case law that the definition of these is a matter of planning judgement to be taken by the decision maker on a case-by-case basis.
- 5.10 The first issue is whether Coalburns can be described as a village for the purpose of paragraph 89 of the NPPF. Coalburns comprises of 17 dwellings. It is situated on the junction of Lead Road and Kyo Lane. To the south of Lead Road are 2 properties whilst to the north there are 12 properties. There are also 3 farmsteads to the west. There is a public house on Lead Road however there are no local shops or other facilities in the settlement. The pattern of development is that the centre of the settlement is the village green-style area which is bounded to the west by the Fox and Hounds public house and to the east by terrace row - Coalburns Cottages. Taking into account the number of dwellings, the pattern of development and the fact there is a defined centre to the settlement when seen on the ground, officers conclude that Coalburns is a village, and therefore the development is capable of being appropriate development in the Green Belt.

- 5.11 Turning to whether the proposal is “limited infilling”, saved policy ENV38 of the UDP states that “providing that it does not have an adverse effect on the character of the settlement concerned and satisfies other detailed planning considerations, infilling development will be allowed within the envelopes of certain Green Belt settlements” including Coalburns. The area in which limited infilling is permissible is outlined in green in the UDP document. Case law has established that the decision maker should form their own opinion, based on their own assessment of the village boundary on the ground, as to the village envelope rather than rely on a defined village boundary in the Local Plan. It is officers’ opinion that the proposed development is within the village boundary and therefore the proposal is capable of being infill development within the village. When seen on the ground it is clear the development site lies within the existing built up area of the village, it lies between the Coalburns Cottages terrace row and garden to the west and the domestic garages and private garden areas to the east. It is evident that the village boundary is the northern edge of the application site, after which is open countryside which contrasts with the built-up settlement. Further, when seen from Lead Road the proposed dwelling would occupy an area of land between Coalburns Cottages and the 4 properties on the north of Lead Road.
- 5.12 Overall, it is officers’ opinion that Coalburns is a village and the development can be reasonably regarded as “limited infilling”. As the development accords with the exception in paragraph 89 of the NPPF, the proposal should not be regarded as inappropriate development and would therefore accord with the NPPF and policy CS19 of the Core Strategy.
- 5.13 RESIDENTIAL AMENITY
- 5.14 The NPPF states that a core principle of planning is to always seek to secure high quality design and a good standard of amenity for all existing and future occupants of land and buildings.
- 5.15 Local policies CS14 of the Core Strategy and DC2 of the UDP require that development does not have any negative impacts on nearby residents and ensures a high quality of design and amenity for existing and future residents.
- 5.16 Residential amenity is raised as an issue in the objections received with residents citing concerns that the proposed bungalow would have an overbearing effect on the existing properties.
- 5.17 The bungalow would be located approximately 9m from number 5 Coalburns Cottages and 1.2m from the shared boundary with its garden. In terms of orientation the bungalow would be sited to the north east of the terrace row.
- 5.18 Officers do not consider the development would have an unacceptable impact on the occupiers of surrounding residential properties by virtue of overshadowing or an overbearing impact. Whilst the bungalow would cause some overshadowing of the garden of number 5 this would be for a very limited period in the morning and would only affect part of the garden. The garden of

number 5 is open from most directions thereby allowing sunlight and daylight to reach most areas. Further, as the bungalow would be north of the terrace row and set back 11.5m into the plot it would not cause unacceptable overshadowing of any habitable rooms in number 5. As a result it is concluded there would be no materially detrimental impact on the occupiers of this property.

- 5.19 With regard to overlooking, the most property which has the potential to be most affected by the development is number 5 Coalburns Cottages. This property has a large window on the northern gable elevation overlooking the garden and development plot. Officers consider the proposed dwelling would not cause undue loss of privacy to any existing occupiers given the separation distance and oblique angle between the rear elevation of Coalburns Cottages and the proposal.
- 5.20 In light of the above it is considered the proposed scheme would comply with policy CS14 of the Core Strategy and saved policy DC2 of the UDP which seek to safeguard residential amenity for existing and future occupants of land and buildings.
- 5.21 CHARACTER AND APPEARANCE OF THE AREA
- 5.22 The representations received state that the bungalow would be built on the highest part of the ground level so would have a detrimental impact on the character of the row of cottages. It is also stated that the bungalow would be a dominant feature which would be out of character with the existing dwellings in the hamlet.
- 5.23 There is no dominant house type or external finishing material amongst the properties in Coalburns. The proposed dwelling would be a dormer bungalow finished in random stone and off-white render with a grey slate roof. Officers consider that given the variety of house types and designs in the local area the design of the proposed dwelling is acceptable.
- 5.24 As the proposal is infill development, the siting of the dwelling at the end of the access lane is not considered to cause harm to the visual amenity of the area and its scale and massing mean the dwelling would integrate well into the area. It is considered the dwelling would not appear as an over-dominant feature in the street scene as the maximum height of the bungalow would be lower than the nearest property, number 5 Coalburns Cottages, and would be set back from the end of the access lane.
- 5.25 Officers consider the proposal is in accordance with policy CS15 of the Core Strategy and saved policy ENV3 of the UDP which seek to ensure a high quality design in the interests of visual amenity.
- 5.26 HIGHWAY SAFETY AND PARKING

- 5.27 Paragraph 32 of the NPPF states that “development should only be prevented or refused on transport grounds where the residual cumulative impacts of development are severe”.
- 5.28 Objections have been received which raise the issue of highway safety and an increased amount of traffic.
- 5.29 The vehicular access to the site from Lead Road is via a narrow lane, approximately 5.6m in width. This lane is the vehicular access for the existing terrace row of 5 properties. As the proposal is for a single two bedroom dwellinghouse, the additional traffic generated by one dwelling would not be significant therefore officers consider the impact on highway safety would not be severe.
- 5.30 With regard to parking, officers have worked with the applicant to ensure the proposed parking arrangement is acceptable. Parking would be within the development plot itself and the amended layout avoids the need for drivers to conduct a 7 point turn which would otherwise be required to allow cars to drive in and out of the site in a forward gear.
- 5.31 The proposed design allocates parking spaces for the proposed dwelling and for number 5 Coalburns Cottages. The design avoids the need for drivers to park on the narrow access lane which would be unacceptable and it can be conditioned that the parking spaces are for the use of the occupiers of both properties (condition 12).
- 5.32 In light of the above it is considered the amended proposal would not have a severe impact on highway safety and is therefore in accordance with the NPPF and policy CS13 of the Core Strategy.
- 5.33 LAND STABILITY / CONTAMINATION
- 5.34 The site lies within the Coal Authority High Risk Area therefore coal mining legacy potentially poses a risk to the development. In accordance with the recommendations of The Coal Authority, it is conditioned that that intrusive site investigations are conducted and a scheme for remedial works drawn up should it prove necessary to prevent coal mining legacy posing a risk to the future occupiers of the proposed dwelling (condition 4).
- 5.35 The site has not been classified as "contaminated land" as it has historically been farmland until developed however there may be the potential for some soil contamination to exist. Given the sensitive end use, it is appropriate to condition that an intrusive site investigation is conducted and a Remediation Statement, Monitoring and Verification Reports are submitted to the Local Planning Authority to ensure the development accords with saved policy ENV54 of the UDP (conditions 6 and 10).
- 5.36 PLAY AND OPEN SPACE

- 5.37 Saved UDP policies CFR20, CFR28, CFR29 and CFR30 relating to the provision of play and open space are considered to apply to the current application for the creation of new residential development.
- 5.38 The overriding national policy direction is that no tariff based S106 contributions can be required where the development relates to less than ten dwellings. Therefore, while it cannot be concluded that the proposed development would comply with saved policies CFR20, CFR28, CFR29 and CFR30 of the UDP, it is considered that other material planning considerations outweigh the UDP policies.
- 5.39 ECOLOGY
- 5.40 The application site is within a designated wildlife corridor therefore saved policy ENV51 of the UDP applies. This policy states that “a network of wildlife corridors will be protected by resisting development or recreational use which would seriously impair their integrity or value to wildlife”.
- 5.41 The scale of the proposed development means it is not considered there would be a significant adverse effect on the free movement of species in accordance with policy saved policy ENV51 of the UDP.
- 5.42 COMMUNITY INFRASTRUCTURE LEVY
- 5.43 On 1st January 2017 Gateshead Council became a Community Infrastructure Levy (CIL) Charging Authority. This application has been assessed against the Council's CIL charging schedule and the development is CIL chargeable development as it is housing related. The development is located within Charging Zone A, with a levy of £60 per square metre for this type of development. Therefore, the developer would be charged approximately £8,700 unless an exception is applied for.
- 5.44 OTHER ISSUES
- 5.45 One representation states that the bungalow would block the view residents currently enjoy of the Cheviots. Whilst it is entirely understandable that residents would prefer their views of open fields and the Cheviots to be retained, it is well established that there is no right to private views and that their loss cannot be regarded as a material planning consideration.
- 5.46 It is also acknowledged that there may be an issue with water pressure in the area. Northumbrian Water has been consulted on the application and has not raised any concerns regarding the proposed property being connected to the water supply.
- 5.47 A representation has raised concerns that if this application is approved it would encourage more ‘garden grabbing’ applications to come forward. Applications are determined on their own merits and although the site is currently used as a garden area for number 4 Coalburns Cottages, it is its own discrete planning unit entirely separate from the curtilage of number 4. Further,



paragraph 53 of the NPPF relates to development in gardens and states that “local planning authorities should consider the case for setting out policies to resist inappropriate development of residential gardens, for example where development would cause harm to the local area”. No such policy has been adopted in the Core Strategy or UDP.

- 5.48 Finally, it has been raised that the application site lies within an area of High Landscape Quality. This relates to policy ENV39 of the UDP which was not saved in 2012 following a review as it was not consistent with the NPPF. The policy is no longer part of the Local Plan and as such no weight is afforded to this.

## **6.0 CONCLUSION**

- 6.1 The application site is suitable for housing and there would be no conflict with Green Belt protection policies. The proposal would not cause unacceptable overlooking or overshadowing to the detriment of occupiers of surrounding properties and the siting, scale and design of the proposal would integrate with the wider area. Amendments have been sought which ensure there would not be an adverse impact on highway safety and ground contamination and stability issues can be resolved by planning condition. Taking all the material planning considerations into account including the objections raised, it is recommended that planning permission be granted.

## **7.0 Recommendation:**

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

1

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

Reason

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

2

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

16060/P02 Rev A dated 25.04.2017

16060/OS/01 dated 18.10.2016

16060.P05 Rev A dated 01.12.2016

16060.P03 Rev A dated 01.12.2016

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

No external materials for the development hereby approved shall be used on site until samples of all materials, colours and finishes to be used on all external surfaces have been made available for inspection and are subsequently approved in writing by the Local Planning Authority. The agreed external materials shall then be used on site.

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 street scene in accordance with the NPPF, Saved Policies DC2 and ENV3 of the Unitary Development Plan and Policies CS14 and CS15 of the Core Strategy and Urban Core Plan for Gateshead and Newcastle upon Tyne.

4

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

Reason

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

5

The remediation and monitoring measures approved under condition 4 shall be implemented in full accordance with the approved timescales and the approved details.

Reason

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

6

The development hereby approved shall not commence until a report of findings arising from intrusive site investigations for contaminated land and a Phase II Detailed Risk Assessment have been submitted to and

approved in writing by the Local Planning Authority. Where required, the Assessment shall include measures and timescales for Remediation, Monitoring and Verification Reports.

Reason

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

7

Where required, the remediation and monitoring measures approved under Condition 6 shall be implemented in accordance with the timescales approved and in full accordance with the approved details.

Reason

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

8

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

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

Reason

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

9

The amended remediation and monitoring measures approved under condition 8 shall be implemented in accordance with the approved details prior to any further works (other than those required for remediation) and maintained for the life of the development.

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

Reason

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

10

Where remediation is required (under conditions 4-9), following completion of the approved remediation and monitoring measures, the development hereby approved shall not be occupied until a verification report that demonstrates the effectiveness of the remediation carried out has been submitted to and approved in writing by the Local Planning Authority.

Reason

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

11

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

Reason

To safeguard the amenities of nearby residents and in accordance with Policies DC1, DC2 and ENV61 of the Unitary Development Plan.

12

Prior to the first occupation of the dwelling hereby approved, a scheme shall be submitted to and approved in writing by the Local Planning Authority which ensures two car parking spaces and associated

manoeuvring area (shown on plan 16060/P02 Rev A dated 25.04.2017) are available for the property known as 4 Coalburns Cottages, Greenside, Ryton, NE40 4JL.

Reason

To ensure adequate parking provision in the interests of highway safety in accordance with the National Planning Policy Framework and policy CS13 of the Core Strategy and Urban Core Plan.

13

The approved scheme under condition 12 shall be permanently implemented on site in accordance with the approved details.

Reason

To ensure adequate parking provision in the interests of highway safety in accordance with the National Planning Policy Framework and policy CS13 of the Core Strategy and Urban Core Plan.



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**Committee Report**

<b>Application No:</b>	<b>DC/16/01288/FUL</b>
<b>Case Officer</b>	<b>Graham Stephenson</b>
<b>Date Application Valid</b>	<b>20 December 2016</b>
<b>Applicant</b>	<b>Aldi Stores Ltd</b>
<b>Site:</b>	<b>4 High Street Gateshead NE9 7JR</b>
<b>Ward:</b>	<b>Lamesley</b>
<b>Proposal:</b>	<b>Erection of foodstore (1,254sqm net) landscaping, parking and associated works following demolition of existing foodstore. (Amended 02.03.2017).</b>
<b>Recommendation:</b>	<b>GRANT</b>
<b>Application Type</b>	<b>Full Application</b>

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

The application site is approximately 0.72 hectares in area and comprises the recently closed Co-Operative Food store and Council owned car park. The site is located on the corner where Old Durham Road, Springwell Road and the High Street converge and is within the Wrekenton District Centre as identified in the Core Strategy and Urban Core Action Plan (CSUCP). The eastern elevation of the store fronts onto the High Street which provided pedestrian access, with Springwell Road skirting round the northern and western boundaries, separated from the site by a highway verge. There was a secondary access from the car park with the car park accessed from Easedale Gardens at the south of the site. The car park is currently in use as a public car park with no restrictions. There is an existing delivery and service yard to the north of the site which is accessed off Springwell Road.

1.2 The existing building is flat roofed and has accommodation over 3 floors, with the ground floor providing the retail floorspace. The first floor accommodation provides office back up space and other associated uses, and the basement providing further warehouse space. The total floor space of the Co-Op store over the 3 floors is 2,624 sqm (GIA).

**1.3 DESCRIPTION OF THE APPLICATION**

The proposed development comprises demolition of the existing Co-Op store and replacing it with a new and contemporary designed Aldi store. The application area also includes the existing car park which would be reconfigured to provide 21 long stay car parking spaces (up to 4 hours) and 104 short stay parking spaces (up to 2 hours). The short stay spaces includes 8 parent and child bays and 10 accessible parking bays. There is also 1 electric charging point proposed. The short stay car park is also proposed to

incorporate a relocated recycling point towards the south-western corner. This will be serviced from within the car park, with the car park accessed off Easedale Gardens in the same way it currently does. Deliveries to the store will be made using the current service yard off Springwell Road but with the access widened and a recessed loading bay designed into the proposal along the north elevation.

- 1.4 The floor area of the store itself would be, and 1,754 sqm Gross Internal Area with 1,254 sqm net sales area.
- 1.5 In broad terms, the proposed Aldi store will be in the same location as the existing Co-Op store albeit with a slightly larger foot print and will include an access onto High Street which follows a route along the south side of the store, with the main store access being in the south-western corner, from the car park. It should be noted that although the footprint of the proposed store is slightly larger than the existing , the overall floor area of the building is less.
- 1.6 The store is proposed to be single storey with a flat roof but due to the design the building will be 5 metres high which is the same as the eaves of the adjacent two-storey buildings. The store is rectangular in shape, running east to west. Materials to be used on the store are primarily cladding and render, consistent with other new Aldi stores that have been built in the area.
- 1.7 A landscaping scheme for the site is proposed along with a new drainage system.
- 1.8 Amendments have been made to the proposal and these include the enclosure of an emergency access ramp on the north east corner and the creation of additional landscaping on that corner, the enlargement of the recycling area, the relocation of the plant compound and additional landscaping within the car park. A revised drainage strategy has also been proposed which would result in the loss of hedging around the western perimeter of the car park.
- 1.9 The following information has been submitted with the application.

Design and Access Statement  
Planning Statement  
Flood Risk Assessment  
Land Contamination Assessment  
Sustainability Statement  
Transport Assessment

- 1.10 PLANNING HISTORY  
There is no recent planning history on the site.

## **2.0 Consultation Responses:**

Northumbrian Water – No objections subject to discharge rates being reduced from current levels.



### **3.0 Representations:**

3.1 Neighbour notifications, press and site notices were carried out in accordance with formal procedures introduced in the Town and Country Planning (Development Management Procedure) (England) Order 2015. 76 letters of support have been received and no letters of objection but comments relating to the following have been made:

- Will the parking remain free for the public?
- The alley between the High Street and the car park is liable to flooding.
- Will the bus stop outside be relocated during demolition and construction?
- The actual demolition and construction will be very disruptive to daily life on the High Street.
- Disappointed that there will be no fresh fish or fresh meat counters within the store.

### **4.0 Policies:**

NPPF National Planning Policy Framework

NPPG National Planning Practice Guidance

CS5 Employment-Economic Growth Priorities

CS7 Retail and Centres

CS13 Transport

CS14 Wellbeing and Health

CS15 Place Making

CS17 Flood Risk and Waste Management

DC1C Landform, landscape and after-use

DC1E Planting and Screening

DC1G Energy Conservation-Sustainable Building

DC1J Substrata Drainage-Water Quality

DC1P Contamination, derelict land, stability

DC2 Residential Amenity

ENV3 The Built Environment - Character/Design

ENV54 Dev on Land Affected by Contamination

ENV61 New Noise-Generating Developments

RCL5 District and Local Centres

JE4 Sustainable Economic Development

PO2 Planning Obligations - Emp/Training

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

5.1 The main planning issues in this case are considered to be the principle of development and the impact on amenity, highway safety/parking and surface water management.

### **5.2 PRINCIPLE**

The principle of demolishing the existing supermarket and replacing it with a new store is considered acceptable as the site is within the Wrekenton District Centre where retail development is encouraged. It is considered the store will be compatible with the scale and nature of the centre and will enhance the vitality of viability of the centre by encouraging more people to the area and increasing the number of linked trips to the centre as a whole. The store would also employ up to 30 staff when open as well as a number of construction jobs.

5.3 Local Employment provision can be conditioned (CONDITION 3). Car parking will be addressed in more detail later in the report but the car park would continue to be available for people visiting the proposed store as well as other shops/amenities within the centre.

5.4 As such the development satisfies the aims and objectives of the relevant paragraphs in the National Planning Policy Framework (NPPF) policies CS5 and CS7 of the Core Strategy and Urban Core Plan (CSUCP) and policies RCL5 and JE4 of the Unitary Development Plan (UDP).

### **5.5 AMENITY**

The current building is now vacant and is not visually appealing. Therefore it is considered the redevelopment of the site would have a positive impact on the appearance of the site itself as well as Wrekenton District Centre. However notwithstanding this it is still important to ensure the design of the store is appropriate for this location.

5.6 In terms of scale, as highlighted earlier the footprint of the store would be increasing but the height of the building would be lower than the existing store which is 6 metres. The proposed scale is considered to be acceptable when considered in context with other properties in the area which are primarily 2 storeys and do include some flat roofed buildings. In addition although there would not be an active frontage as such onto the High Street, access to the store, from the High Street, is proposed via a walkway along the southern elevation of the building.

- 5.7 In terms of the most prominent corner (junction of High Street, Old Durham Road and Springwell Road), it was suggested that stone could be introduced to this elevation to tie in with other properties in the area. This was explored but it was considered in the context of the area generally and the range of materials that currently exist, there was no precedent for stone to be introduced into this modern development and it would be unreasonable to insist on this treatment. However the external access ramp that was originally proposed on this corner is now enclosed, with additional landscaping also proposed. The plant enclosure has also been moved further away from the prominent corner. As such the materials proposed (cladding and render) are considered acceptable and these can be conditioned (CONDITION 12).
- 5.8 It is acknowledged that some planting on the northern corner as well as along the northern edge of the site would be lost but the replacement planting on the northern boundary and within the car park is considered adequate for this District Centre location. The grass verge around the car park will remain and although it was proposed to remove some hedging around the perimeter of the site, to allow for an improved drainage system, this is now being re-visited and will be addressed later in the report. Final details of the landscaping can be conditioned (CONDITION 15 AND 16).
- 5.9 Railings have been proposed on the north east corner of the site and although these are acceptable in principle a more contemporary design would be more appropriate. Therefore final details have been requested (CONDITIONS 25 AND 26).
- 5.10 Therefore taking into account these improvements and the positive impact the new development would have on the appearance of Wrekenton as a whole, it is considered the impact on the visual amenity of the area is acceptable and in accordance with the NPPF, policies CS7 and CS15 of the CSUCP and policy ENV3 of the UDP.
- 5.11 It is also considered the proposed development would have no greater impact on the amenity of any residential properties in the area, notably the properties immediately to the south, than the existing store when it was in operation. This includes the opening hours which are proposed to be 08:00 - 22:00 Monday to Saturday and 09:00 -18:00 on a Sunday which can be conditioned (CONDITION 24). These are in line with the opening hours of the previous store. Please note even though 09:00 - 18:00 on a Sunday has been applied for and in planning terms is considered acceptable, the store would still be subject to Sunday trading laws. Hours of construction and construction control measures can be conditioned (CONDITION 5) to protect the amenity of residents and other users of the District Centre.
- 5.12 As a result it is considered the proposed development does not conflict with the aims and objectives of the relevant paragraphs in the NPPF, policy CS14 of the CSUCP and policy DC2 of the UDP.
- 5.13 HIGHWAY SAFETY/PARKING

The vehicular entrance to the car park off Easedale Gardens is proposed to largely remain the same as existing, however there are proposed changes to the configuration of the car park. On entering on the left there are 21 long stay car parking spaces proposed, with the rest of the car park given over to 104 short stay spaces which includes 10 disabled bays, 8 parent and child bays. There is also 1 electric charging point. The long stay bays would be for up to 4 hours whereas the short stay bays would be for up to 2 hours. Both areas would be free and managed and enforced by the store or by someone on their behalf under the terms of a Car Park Management Plan, which can be conditioned (CONDITIONS 22 AND 23). Minor amendments have been made to the recycling area to ensure it functions safely and overall the layout of the car park does not raise any concerns. The cycle parking proposed for visitors is considered acceptable but secure and lockable parking will be required for staff. Ideally this should be within the building. This can be conditioned (CONDITION 17). Secure fixings for motorcycles would also be required (CONDITION 18).

- 5.14 Alterations to the service access off Springwell Road are proposed, including the widening of the access and improvements to size of the yard which would help with HGV movements, allowing them to enter and exit the site in a forward gear. This arrangement is an improvement on the current situation and does not raise any significant concerns.
- 5.15 Dropped kerbs and tactile paving should be provided both across the entrance to the car park and across the junction with Easedale Gardens and all off site highway works will need to be completed prior to the store being brought into use (CONDITION 19 AND 20).
- 5.16 With regards to traffic generation data suggests there would be an increase in weekend visits to the new store, when compared to the old Co-Op store but this increase would not be significant and would not have a detrimental impact on the surrounding road network. It cannot be guaranteed there would be no impact in terms of increased queuing in and around the site but in accordance with the NPPF it is considered the impact would not be severe. The implementation of a Travel Plan (CONDITION 21) would also help to reduce traffic. As a result it is considered the proposed development does not conflict with the aims and objectives of the NPPF or policy CS13 of the CSUCP.
- 5.17 **CONTAMINATED LAND/COAL MINING**  
The application site is in an area identified as being potentially contaminated and therefore a land contamination assessment was submitted. Assessments have been carried out but further investigations are required to determine the necessary remediation works. This can be conditioned (CONDITIONS 6,7,8, 9 AND 10).
- 5.18 With regards to coal mining legacies the site is within a standing advice area and the applicant will be made aware of this.
- 5.19 Therefore providing the additional work relating to contaminated land is carried out it is considered the proposed development would comply with the relevant

paragraphs of the NPPF as well policies CS14 of the CSUCP and policies DC1 and ENV54 of the UDP.

## 5.20 SURFACE WATER MANAGEMENT

The development site has been assessed for flood risk based on the Environment, Agency flood maps, Northumbrian Water records and 3E Consulting Engineers Phase 2 Geo-Environmental Assessment and in accordance with the NPPF and policy CS17 of the CSUCP. All sources of flooding have been reviewed in accordance with the National Planning Policy Framework, including fluvial, tidal, ground water, land run-off and sewers and the risk of flooding is considered to be low.

- 5.21 However in accordance with the NPPF as well as policy CS17 of the CSCUP, where new development is proposed on brownfield sites, run off rates should be reduced, ideally to greenfield rates but as a minimum a 50% reduction and a range of measures should be considered. In this case due to the ground conditions the use of infiltration techniques will not be suitable for disposal of surface water from the proposed development. Instead surface water from the service yard and new store would be discharged to the existing public combined sewer crossing the site but would be restricted to a greenfield discharge rate. A landscaped bio retention area is also proposed to treat surface water run-off from the service yard area. These measures would result in a 85% reduction in the run off from the surface yard.
- 5.22 A filter drain is proposed to treat the run off from the existing car park to the south and cellular storage would be utilised on the site to attenuate surface water flows and reduce the peak rate of run off from the car park by 50% resulting in a 63% reduction in flow reduction from the site. However the filter drain is proposed to be in the highway verge which cannot be delivered and as a result an alternative location for this drain would be required. Therefore final details of the surface water drainage scheme would be required and this can be conditioned (CONDITIONS 13 AND 14).
- 5.23 Foul water will discharge to the combined sewer crossing the site. Part of the combined sewer would need to be diverted into the landscaped area to the north of the site which would limit tree planting above the sewer but it is considered there is ample opportunity for planting elsewhere which would help to enhance the appearance of the development. Final details of the landscaping would be covered under conditions 15 and 16.
- 5.24 Concerns have been raised about flooding in the existing alley between the High Street and the car park but this does not form part of the application site but surface water management across the site would be improved as a result of this development.
- 5.25 Consequently as a result of the significant reduction in water flows from the site it is considered surface water would be appropriately managed as a result of this proposal and would accord with the aims and objectives of the NPPF as well as policy CS17 of the CSUCP and policy DC1 of the UDP.

#### 5.26 ENERGY EFFICIENCY

Policy CS16 of the CSUCP sets out a number of requirements to ensure new developments are more energy efficient. A Sustainability Statement has been submitted with the application and it is considered compliance with this statement would adequately satisfy the aims and objectives of policy CS16. This can be conditioned (CONDITION 11).

#### 5.27 CIL

This application has been assessed against the Council's CIL charging schedule and the development is CIL chargeable development as it is retail related. The development is located within a Charging Zone with a levy of £10 per square metre for this type of development.

5.28 However the application has been accompanied by the requisite CIL forms and the charge has been calculated as £0. This is on the basis that the floor area of the proposed retail store is less than the floor area of the retail store that it is replacing.

#### 5.29 OTHER MATTERS

It is understood that if the bus stop needs to be relocated during construction a temporary stop will be provided. With regards to other disruption, conditions have been recommended to deal with noise and dust but disruption caused by construction traffic etc. to the area is not material to this application. Separate laws also cover the safe demolition and construction of buildings.

5.30 The produce sold by the retail store and how it is sold is also not material to this application.

### 6.0 CONCLUSION

6.1 Taking all relevant issues into account it is recommended that planning permission is granted, subject to conditions, as the principle of development as well as the positive impact the development would have appearance of the area ensures the development satisfies the aims and objectives of national and local planning policy. Other material considerations have also been satisfied.

### 7.0 Recommendation:

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

1

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

0359 (0) 04 Rev B, 05 Rev A, 06, 07 Rev B.

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

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

Reason

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

2

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

Reason

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

3

The development hereby approved shall not commence until a targeted employment scheme for the construction and operation of the development is submitted to and approved in writing by the Local Planning Authority.

Reason

To maximise the economic benefits of the development for local people and in accordance with policy CS5 of the Core Strategy and policies PO2 and JE4 of the Unitary Development Plan.

4

The development shall be constructed and operated in accordance with the targeted employment scheme approved under condition 3.

Reason

To maximise the economic benefits of the development for local people and in accordance with policy CS5 of the Core Strategy and policies PO2 and JE4 of the Unitary Development Plan.

5

Unless otherwise approved in writing by the local planning authority, all works and ancillary operations in connection with the demolition of the existing building and the construction of the new development, including the use of any noisy equipment or deliveries to the site, shall be carried out only between 0800 hours and 1900 hours on Mondays to Fridays and between 0900 hours and 1900 hours on Saturdays and at no time on Sundays, Bank Holidays or Public Holidays.

a) Before the development hereby permitted commences a scheme for the control of noise and dust during demolition and construction shall be

submitted to and approved by the local planning authority and development shall be carried out in accordance with this scheme.

b) No development shall commence until details of the measures to be employed on site to prevent mud and other debris being deposited on the highway(s) by demolition or construction traffic, including delivery lorries, has been submitted to and approved in writing by the Local Planning Authority. The submitted details should provide for a plan to remove any mud or debris that does become deposited on the highway. Thereafter, the approved measures shall be installed and operational before the development is first commenced. Once development commences the installed facilities shall be used at all times to prevent mud and other debris being deposited on the highway(s) during the demolition of the existing building and construction of the development. If, in exceptional circumstances, the approved measures fail and mud and debris is deposited on the highway the plan to remove it shall be implemented immediately.

c) Details of the location and layout of the compound area shall be submitted to and approved in writing by the Local Planning Authority prior to any work commencing on site and the compound shall be located in accordance with these approved details.

#### Reason

In order to protect the amenities of local residents during construction in accordance with policy CS14 of the Core Strategy and policy DC2 of the Unitary Development Plan.

6

No development approved by this Planning Permission shall be commenced until the outstanding 4 rounds of gas monitoring (identified in the 3E Phase II Geoenvironmental assessment report dated 6/9/16) have been completed, and an updated Gas Risk assessment report, with recommendations for ground gas mitigation measures and a timetable for implementation has been submitted to and approved in writing by the Local Planning Authority.

#### Reason

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

7

No development approved by this Planning Permission shall be commenced (except demolition) until the following additional Phase II site investigation works and Phase II risk assessment reporting are, undertaken:



Site investigation in the footprint of the existing building, to investigate the nature of made ground and to collect soil samples for testing and analysis, to assess contamination risks and inform foundation design.

Site investigation in the area of existing car park where the proposed footprint of new building is to extend, to investigate the nature of made ground and to collect soil samples for testing and analysis, to assess contamination matters and inform foundation design.

Further Site investigation across all areas of proposed landscaping works, approved by this Planning Permission, to assess risks from contamination.

Further investigation in areas of proposed SUDS storage and proposed drainage areas, approved by this Planning Permission, to assess risks from potential contamination.

Following the above a detailed remediation scheme to bring the site to a condition suitable for the intended use by removing unacceptable risks to human health, buildings and other property and the natural and historical environment must be prepared, and submitted for the written approval of the Local Planning Authority. The scheme must include all works to be undertaken, proposed remediation objectives and remediation criteria, timetable of works, site management procedures and proposed validation strategy

#### 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 policy CS14 of the Core Strategy and policies DC1, and ENV54 of the Unitary Development Plan.

8

The remediation measures approved under conditions 6 and 7 shall be implemented in accordance with the approved timetables.

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

#### Reason

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

9

Following completion of the remediation measures approved under condition 8 verification reports that demonstrates the effectiveness of the remediation carried out regarding ground gas and contaminated land, must be submitted and approved in writing by the Local Planning Authority prior to first occupation of the development hereby permitted.

Reason

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

10

During development works, any undesirable material observed during excavation of the existing ground should be screened and removed. If any areas of odorous, abnormally coloured or suspected contaminated ground, that had not previously been identified, are encountered during development works, then operations should cease, and it must be reported in writing immediately to the Local Planning Authority. An investigation and risk assessment must be undertaken, and where remediation is necessary a remediation scheme 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 prior to the first occupation of the development hereby approved.

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 policy CS14 of the Core Strategy and policies DC1, and ENV54 of the Unitary Development Plan.

11

The development hereby approved, including the demolition of the existing store, shall be constructed and operated in accordance with the Sustainability Statement (Aldi Developments Sustainability Statement June 2015) submitted and approved as part of this application.

Reason

To ensure that the development is sustainable and reduces carbon emissions in accordance with policy CS16 of the Core Strategy.

12

The development hereby approved shall be constructed using the materials detailed and shown on plan number 0359 - PL(0)04 Rev B and 07 Rev B.

Reason

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

13

Prior to the store being first brought into use, final details of the surface water drainage works shall be submitted to and approved in writing by the Local Planning Authority.

This shall include:

Revised location of the proposed filter drain in the car park.

Full details of the car park bio retention area. This shall include soil depths and planting specification, plus maintenance schedule for the plants and soil/ filter medium. This shall include specification for plant establishment and procedure for replacement of failed plants.

Details of the filter pit/ filtration unit and manhole/ inspection chamber to be used upstream of the geocellular tank.

Detail of how existing drainage outlet from car park to highways drain will be stopped up.

Timetable for implementation.

Final maintenance plan.

Reason

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

14

The surface water management works approved under condition 13 shall be implemented in accordance with the approved timetable.

Reason

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

15

Notwithstanding the approved plans, prior to the store being brought into use a fully detailed scheme for the landscaping of the site shall be submitted to and approved in writing by the Local Planning Authority. The landscaping scheme shall include details and proposed timing of hard landscaping, all existing trees and hedges to be retained, ground preparation and planting plans noting the species, plant sizes and planting densities for all new planting.

Reason

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

16

The landscaping scheme shall be implemented in accordance with the details approved under condition 15. The landscaping shall be maintained in accordance with British Standard 4428 (1989) Code of Practice for General Landscape Operations for a period of 5 years commencing on the date of Practical Completion and during this period any trees or planting which die, become diseased or are removed shall be replaced in the first available planting seasons (October to March) with others of a similar size and species and any grass which fails to establish shall be re-established.

Reason

To ensure that the landscaping scheme becomes well established and is satisfactorily maintained in the interests of the visual amenity of the area and in accordance policies CS15 and CS18 of the Core Strategy and polices DC1 and ENV3 of the Unitary Development Plan.

17

Visitor cycle parking shall be implemented in accordance with the details as shown on plan reference 0359 - PL(0)04 Rev B, prior to the store being brought into use and shall be retained as such thereafter. Secure and weatherproof parking for 5 staff cycles shall be provided within the building prior to the store being first brought into use and shall be retained as such thereafter.

Reason

In order to ensure adequate provision for cyclists and in compliance with policy CS13 of the Core Strategy and the Gateshead Cycling Strategy.

18

At least one motorcycle ground anchor shall be provided within the car park prior to the store being first brought into use and shall be retained as such thereafter.

Reason

In order to ensure adequate provision for motor cyclists and in compliance with policy CS13 of the Core Strategy.

19

Prior to the store being first brought into use, a final scheme of all off site highway works shall be submitted to and approved in writing by the Local Planning Authority. These works shall also include dropped kerbs and tactile paving across the entrance to the car park and across the junction with Easedale Gardens.

Reason

To ensure that off-site highway works necessary for the proposed development are implemented in the interests of highway safety and in accordance with policy CS13 of the Core Strategy.

20

The highway works approved under condition 19 shall be implemented prior to the development hereby approved being first brought into use.

Reason

To ensure that off-site highway works necessary for the proposed development are implemented in the interests of highway safety and in accordance with policy CS13 of the Core Strategy.

21

The development hereby approved shall be operated in accordance with the Travel Plan (Proposed Aldi Foodstore Travel Plan November 2016) submitted and approved as part of this application.

Reason

In order to accord with policy CS13 of the Core Strategy.

22

The store shall not be first brought into use until details of a car park management plan have been submitted to and approved in writing by the Local Planning Authority. The plan shall demonstrate how the car parking spaces will be managed and shall include a maximum stay of 2 hours in the short stay parking bays and 4 hours in the long stay parking bays.

Reason

In the interests of effective use of the car parks, in accordance with policy CS13 of the Core Strategy.

23

Once the store is open to members of the public the car park shall be operated in accordance with the car park management plan approved under condition 22 unless otherwise agreed in writing by the local planning authority.

Reason

In the interests of effective use of the car parks, in accordance with policy CS13 of the Core Strategy.

24

The opening hours of the premises shall be restricted to between 08:00 - 22:00 Monday to Saturday and 09:00 -18:00 on a Sunday.

Reason

To ensure that no disturbance is caused to neighbouring properties as a result of unreasonable trading hours at the premises in accordance with policy CS14 of the Core Strategy and policies DC2 and ENV61 of the Unitary Development Plan.

25

Notwithstanding the approved plans the railings proposed for the north east corner of the site shall not be installed until final details of their appearance 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 existing building in accordance with the NPPF, Saved Policies DC2 and ENV3 of the Unitary Development Plan and Policies CS14 and CS15 of the Core Strategy and Urban Core Plan for Gateshead and Newcastle upon Tyne.

26

The railings shall be installed in accordance with the details approved under condition 25 and shall be retained as such 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 existing building in accordance with the NPPF, Saved Policies DC2 and ENV3 of the Unitary Development Plan and Policies CS14 and CS15 of the Core Strategy and Urban Core Plan for Gateshead and Newcastle upon Tyne.



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**Committee Report**

<b>Application No:</b>	<b>DC/16/01335/FUL</b>
<b>Case Officer</b>	<b>Lois Lovely</b>
<b>Date Application Valid</b>	<b>20 December 2016</b>
<b>Applicant</b>	<b>Team Valley S.a.r.l</b>
<b>Site:</b>	<b>Team Valley Retail Park Tenth Avenue West Gateshead</b>
<b>Ward:</b>	<b>Lamesley</b>
<b>Proposal:</b>	<b>Erection of new commercial units within existing car park (use classes A1 and A3) new pedestrian walkways, landscaping and alterations to car park layout (additional information received 24/01/17, 07/03/17, 08/03/17 and 19/04/17 and amended 07/03/17 and 19/04/17).</b>
<b>Recommendation:</b>	<b>GRANT</b>
<b>Application Type</b>	<b>Full Application</b>

**1.0 The Application:**

The application site is within Team Valley Retail World and is owned by Team Valley S.à.r.l, which is managed by ARES Management L.P. (ARES). ARES is an asset manager which acquired Team Valley Retail World in late 2015 from the previous owners, Land Securities. It had been in the same ownership for over 15 years.

- 1.1 Team Valley Retail World is located on Tenth Avenue West, accessed off Kingsway which leads off the A1 motorway. Kingsway provides access to a number of branch roads within the wider Team Valley employment area.
- 1.2 The Retail Park is a well established retail destination, comprising approximately 35,117 sqm of retail floor space. It provides large format retail accommodation and performs a complementary role to the retail offer of the town and district centres by providing suitable accommodation for retailers with larger format requirements. The Park provides a good standard of retail warehouse accommodation arranged in a 'U' shaped layout facing onto a large, level car parking area for approximately 1,200 vehicles.
- 1.3 The food and drink offer is limited compared to other comparative retail destinations. The only standalone branded food and drink offer the Retail Park currently has is the McDonalds unit located off Tenth Avenue West. There is also a Starbucks coffee shop, however, that is located within the Next unit on the first floor level. Other cafes are ancillary in-house operations. There is also a burger van in the car park.

- 1.4 The immediate context of the surrounding area is predominantly made up of large metal and brick clad industrial buildings. The Retail Park was partly refurbished a few years ago with new upgraded elevations to several of the units located to the south of the Retail Park.
- 1.5 The development area for the proposed retail units is predominantly hard landscaping, consisting mainly of permeable asphalt parking areas as well as soft landscaping strips, consisting of low level vegetation.
- 1.7 DESCRIPTION OF THE PROPOSAL  
The proposal is to erect four units, one detached and three in a terrace, on an area of the existing car parking within the central area of Team Valley Retail Park, in the area between McDonald's and the row of units to the east.
- 1.8 The proposed use of the 4no new units is A1 and A3, for food and drink use to provide additional facilities for visitors to the park. The proposal also includes external seating areas for the units. The proposed GIA floor space of the units are;
- Unit 22 186 sqm;  
Unit 23 272 sqm;  
Unit 24 200 sqm; and  
Unit 25 400 sqm.
- 1.9 The proposed units are single storey with a flat roof. One unit is detached the other three are arranged in a terrace. The design of the units is contemporary with structural curtain wall glazing and Corten steel panels.
- 1.10 The proposal also includes a new vehicular access to the car parks and improved car parking areas to the Retail Park. Some existing car parking spaces will be lost due to the introduction of the new units, however new car parking spaces are proposed through the reconfiguration of some of the road layouts.
- 1.11 The current car park at Team Valley Retail Park contains a total of 1,194 car parking spaces. This parking total is comprised of 1,098 Regular Car Parking Spaces, 86 disabled Car Parking Spaces and 10 Parent and Child Car Parking Spaces.
- 1.12 The car parking area is to be reconfigured in order to accommodate the new units. As a result the number of spaces within the application site is reduced by 14 from 549 to 535.
- 1.13 It is proposed to service the new units along a newly proposed pedestrian spine route outside of shop trading hours so that there is no conflict with users of the Retail Park. Retractable bollards are proposed to allow delivery vehicle access when the Retail Park is closed to the public.
- 1.14 In addition, the proposal includes the provision of additional cycle parking and the aforementioned substantial pedestrianised spine which dissects the

southern car park connecting Tenth Avenue West with the new units and the existing retail units on southern terrace of the Retail Park, that incorporates pedestrian crossings. The proposal, whilst reconfiguring this area, includes landscaped buffers between pedestrian paths and car parking. The planting scheme includes semi mature plant specimens in order to give an established feel to the planting beds.

1.15 The application is supported by the following documents:

- A Landscape Strategy plan
- A Drainage Strategy
- A Flood Risk Assessment
- A Retail Statement
- A Transport Assessment
- A Preliminary Risk Assessment
- A Travel Plan Framework

1.16 Relevant Planning History

The Retail Park was developed pursuant to the Gateshead No.3 (Team Valley South) Enterprise Zone scheme, dated April 1986. The retail units can sell any non-food goods. The sale of food, drink and tobacco is not permitted from more than 250 sqm of floorspace in each of the retail units.

1.17 On 25 January 2012 Outline planning permission: DC/11/00934/OUT was granted for the erection of two cafe/restaurant/coffee shop units with associated parking and drive-thru facilities (use classes A1/ A3/ A5)' at the Junction Of Tenth Avenue West and Dukesway i.e. the site of the former petrol filling station which is now used as a car wash.

1.18 The 2012 food and drink scheme for two units was granted a flexible permission meaning the units could be used with Use Classes A1, A3 and A5. The Council recognised that some food and drink operators require Class A1 use consents in order to operate. This permission was never implemented and has now lapsed.

## 2.0 Consultation Responses:

Northumbria Water

NWL has no issues to raise provided the application is approved and carried out within strict accordance with the submitted document entitled "Flood Risk Assessment". In this document it states that foul flows from the proposed development will discharge to the existing foul sewer, whilst surface water will discharge to the existing surface water sewer at a restricted rate of 5l/sec.

NWL has requested that the Flood Risk Assessment form part of the approved documents as part of any planning approval and

the development to be implemented in accordance with this document.

Natural England

No Comments

Environment Agency

The Environment Agency has no objections to the proposed development but has advised the developer consider mitigation measures against extreme future flood events such as raised ground/ finished floor levels.

### **3.0 Representations:**

3.1 No letters of representation have been received.

### **4.0 Policies:**

CS1 Spatial Strategy for Sustainable Growth

CS5 Employment-Economic Growth Priorities

CS6 Employment Land

CS7 Retail and Centres

CS13 Transport

CS14 Wellbeing and Health

CS15 Place Making

CS16 Climate Change

CS17 Flood Risk and Waste Management

CS18 Green Infrastructure/Natural Environment

RCL5 District and Local Centres

JE4 Sustainable Economic Development

DC1P Contamination, derelict land, stability

ENV3 The Built Environment - Character/Design

ENV54 Dev on Land Affected by Contamination

ENV61 New Noise-Generating Developments

NPPF National Planning Policy Framework

NPPG National Planning Practice Guidance

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

The main planning issues are considered to be the principle of the development, contaminated land, flood risk implications, SuDS, impact on highway safety including traffic generation, servicing, parking provision, cycle parking provision, and sustainable travel measures, visual appearance, sustainability, landscape and biodiversity, and CIL.

### **5.1 PRINCIPLE**

The site in question is at the Retail World Retail Park located within Team Valley south of Gateshead town centre and considered as out of centre in retail policy terms.

5.2 The NPPF is in favour of sustainable development (paragraph 14).

Government expects that this presumption should run as a golden thread through all plan making and decisions on planning applications.

5.3 The NPPF places significant weight on the need to support economic growth (paragraph 19) to help achieve economic growth and in assessing and determining planning applications, LPAs should apply the presumption in favour of sustainable development (paragraph 197). This is reflected in CSUCP policy CS1; however, this policy prioritises the Urban Core as the location for, amongst other things, major retail development.

5.4 CSUCP policy CS5 states that Gateshead will play a major role in the economic growth of the North East and the Council will continue to develop a diverse economy with accessible employment and deliver significant increases in the number of businesses and jobs.

5.5 Food and drink units operated by national brands, as envisaged for the proposed development, tend to provide positions which are available to unemployed and young people, among whom unemployment levels are particularly high, due to low barriers to entry and flexible working hours etc. The provision of around 63 new jobs will contribute to the reduction in unemployment and the increase in the level of local earnings which will help to support businesses and job creation in the local area.

5.6 The application site is not within the Urban Core; however, it is an established retail destination in Gateshead which is recognised in the Core Strategy at paragraph 9.34 which explains that retail provision elsewhere is focussed on out of centre Retail Parks such as Retail World at Team Valley.

5.7 Policy CS1 also focuses economic development at a series of locations, which includes Team Valley. The application site for the proposal falls within the Retail Park area which is not specifically allocated for development for employment, however, the proposal carries significant economic benefits.

- 5.8 NPPF paragraphs 24 to 27 set out that retail development proposals which are not in accordance with the Development Plan and located outside of any centres, should be subject to the sequential test. Where out of centre retail proposals are more than 2,500 sqm of floorspace an impact test is required.
- 5.9 As the application is for 1,127 sqm of floorspace only, it follows that an impact assessment is not required in this instance, however, a proportionate assessment is provided for completeness. The scope of the assessment was agreed with officers prior to submission of the application.
- 5.10 In terms of retail policy, Policy CS7 identifies a hierarchy of retail centres to be maintained and enhanced and sets out the criteria for how applications for both retail and other town centre uses (such as facilities for food and drink) should be assessed.
- 5.11 Although retail parks perform a significant role in terms of comparison shopping, in retail policy terms they are not identified as centres and are therefore excluded from the retail hierarchy. Therefore, as with the Metro Centre, any proposals for additional provision will need to be assessed in accordance with national planning policy. Thus whilst acknowledged as an existing retail destination, Retail World is not a recognised centre in terms of the retail hierarchy set out in policy CS7 of the CSUCP, and therefore proposals for additional retail or complimentary floorspace will be subject to the requirements of the NPPF and policy CS7.
- 5.12 The proposal is for 1128sqm spread across 4 units on what is currently car park in close proximity to the existing McDonalds restaurant.
- 5.13 A previous planning permission (DC/11/00934/OUT) was granted for similar complementary uses on the adjacent Minorities site although it was not implemented. Officers concluded on that occasion that the proposal was that such the development would meet a locational need without undermining the vitality and viability of any nearby centres.
- 5.14 A sequential assessment has been submitted in support of this application which concludes that the proposal:
- Would not meet the needs of existing visitors to Retail World and Team Valley if located elsewhere;
  - Would not come forward on sites allocated for retail in the Core Strategy, or within vacant units in Gateshead Town Centre specific sites assessed include:
    - High Street South Site / Gateshead Central Sub Area (Policy GC1)
    - Old Town Hall Area (Policy GC2 )
    - High Street Area (Policy GC2)
    - Jackson Street (Policy GC2)
    - The Exemplar Neighbourhood Key Site (Policy SG2)
    - Gateshead Quays Key Site (Policy QB2)
    - Quays and Baltic Development Opportunity Sites (Policy QB3 Hudson Street/ Half Moon Lane (3) and Baltic Business Quarter (5))

346-354 High Street

- 5.15 Officers accept that there are no sequential opportunities which would be suitable or capable of meeting the needs the proposal seeks to serve.
- 5.16 The application includes a brief statement regarding the impact of the proposal on Gateshead Centre and given the scale of the proposal this is broadly in line with the requirements of policy CS7 requiring consideration of impacts where there could be adverse impacts on a designated centre (regardless of development size). Paragraph 9.32 of the CSUCP states such assessments should be proportionate and will be assessed in accordance with the criteria set out in Planning Practice Guidance in relation to scale, viability, cumulative effects, whether local town centres are vulnerable and the likely effects of development on any town centre strategy or impact on any other planned investment.
- 5.17 The assessment reports that there are no major planned investments in Gateshead Centre currently that would be affected by the proposal, given the completion of Trinity Square and the improved vitality and viability of the Primary Shopping Area. This is a modest proposal for food and drink units to serve customers at Team Valley Retail World.
- 5.18 Whilst the statement overstates the health of Gateshead Centre, given vacancy rates and the scope for further development, it is accepted that the proposal is meeting an existing need at Retail World and is unlikely to have a negative impact on Gateshead Centre.
- 5.19 Given that the demand from the proposal arises almost entirely from existing customers to Team Valley it can be concluded that the site is an appropriate location for the proposed food and drink development and therefore the proposal accords with Paragraph 17 of the NPPF.
- 5.20 Given the above the proposal is considered to be acceptable in terms of retail matters, the overall conclusion is that the proposal complies with Policy CS7 as there are no sequentially preferable sites located within or on the edge of Gateshead Town Centre. This Statement has demonstrated the comprehensive sequential assessment that has been undertaken on behalf of the applicant considering sites allocated for retail in the development plan and current vacant units in the town centre. It has shown that the application site is the most sequentially preferable site and therefore the sequential test is passed.
- 5.21 Although the amount of floorspace proposed falls well below the local and national threshold for when an impact assessment is required, a proportionate assessment has been provided. The assessment shows clearly that the proposal will not lead to a significant adverse impact on the vitality and viability of the Town Centre. There are no planned investments for retail development in the town centre. The proposal is therefore acceptable in impact terms and in accordance with CSUCP policy CS7 and the NPPF however, it is recommended that conditions are imposed to ensure the units remain

complementary and consistent with the application's supporting evidence to prevent the future amalgamation of units (CONDITION 3) and to restrict occupation of the larger stand alone unit so that it is not for A1 use in its entirety (CONDITION 4)

#### 5.22 CONTAMINATED LAND

Policy CS14 of the Core Strategy relates to Health and Wellbeing. It states that the health of communities will be maintained by preventing negative impacts on public safety arising from ground and water contamination. The application is supported by a Ground Conditions report.

5.23 The subject site was occupied by woodland and agricultural land and the majority remained as such until its current development. However, a drift mine was located to the west of the site and from the 1930s railway lines and sidings ran from the location currently occupied by the Smyths and Sports Direct stores at the western boundary of the subject site, to under the current Halfords unit on the eastern boundary of the Retail Park site passing under the vicinity of the proposed development.

5.24 There is potential for contaminated soils to exist below current hard standing areas from historic site uses, and material used in development platforms. However, the qualitative level of risk associated with any made ground contamination being present is has been assessed to be that the site is considered suitable for present use and environmental setting. Contaminants maybe present but are very unlikely to have unacceptable impact.

5.25 This status would be required to be reassessed prior to any redevelopment of the site or change of use. Any proposed development will require a full Phase 2 Risk assessment.

5.26 The development will involve the breaking of ground for the new development. Whilst the majority of the completed development will be hard cover (new buildings / roads, and pavements) that will provide protection to any underlying contamination, there will be excavation of underlying potentially contaminated soils that could potentially pose a risk to construction workers and users of the Retail Park during construction works. Additionally, there are new proposed landscaping areas to be located in current hard standing areas that may contain contaminated soils/underlying contamination, related to the existing hard cover surface. As such a phase 2 intrusive site investigation will be required to assess potential contamination risks affecting the proposed development.

5.27 Therefore considering the above, conditions are recommended relating to the provision of a Phase 2 Detailed Risk Assessment with remediation and verification of the treatment of contaminated land if necessary (CONDITIONS 5 - 10 (inclusive)).

5.28 Given the above, the proposal is considered to be acceptable subject to the recommended conditions and in accordance with CSUCP policy CS14 of the



Core Strategy and Urban Core Plan and saved policy DC1(p) of the Unitary Development Plan.

5.29 FLOOD RISK

CSUCP Policy CS17 relates to Flood Risk and Water Management. The policy requires a Flood Risk Assessment for sites over 0.5ha in Critical Drainage Areas as identified in the Council's Strategic Flood Risk Assessments.

5.30 Sequential Test

The applicant has submitted sequential test to demonstrate that there are no reasonably available alternative sites within the catchment area and within Retail World.

5.31 The sequential test does not strictly follow the Environment Agency standing advice as it has not compared the risk of flooding at the proposal site with the risk of flooding at the alternative sites which have been discounted. However, the proposed retail development can be classified as "Less Vulnerable" according to Tables 2 and 3 of the Flood Risk and Coastal Change Planning Practice Guidance (PPG) (Section 4.1). From Table 3 in the PPG, the proposed development is suitable for this site, therefore the Sequential Test is considered to be satisfied and no Exception Test is required.

5.32 Sequential Approach

In accordance with Policy CS17:1i of the Core Strategy, NPPF paragraph 103 and National PPG the layout should avoid all sources flood risk. Reflecting NPPF paragraph 103 within the site the most vulnerable development i.e. buildings, should be located in the areas of lowest flood risk unless there are overriding reasons to prefer a different location. The SuDS, green infrastructure and car parking should be located in the parts of the site with the higher risk of flooding. The layout of the development should be informed the flood risk assessment and drainage assessment: it is not clear from the FRA and the planning/design and access statements how this iterative process has informed the layout.

5.33 A Flood Risk Assessment (FRA) and drainage strategy report has been submitted in support of the application that evaluates the proposals with regard to flood risk and drainage, and identifies potential flood risk to and from the development site.

5.34 Flood Risk

The FRA identifies that the proposal is at high risk of fluvial flooding i.e. at risk during a 1 in 100 year fluvial event.

5.35 Whilst the less vulnerable uses are appropriate in flood zone 3a the high risk of fluvial flood risk still needs to be managed.

5.36 NWL has requested that the FRA be included as an approved document to ensure that finished floor levels are above the level at risk (CONDITIONS 1 and 32).

- 5.37 The FRA has been prepared in accordance with the NPPF and the NPPG. The southern section of the development site is within the Environment Agency's indicative flood envelopes and is therefore classed as being within flood zone 2. However this risk appears to be restricted to the south east section of the car parking area within the development and is outside of the areas where the units are proposed. The revised flood zone in the Strategic Flood Risk Assessment (SFRA) also indicates the risk is restricted to the existing car park. Therefore it is considered that flood risk to the units is not deemed to increase as a result of development.
- 5.38 The units that directly back onto the Lady Park Burn had internal flooding when the culvert was blocked in 2000. There are no recorded incidents of flooding from either surface water or fluvial sources which have directly affected the site within the red line boundary.
- 5.39 The Environment Agency has indicated that flooding is likely to be primarily diverted to the south of the proposed developed area of the site and consequently flood levels will be reduced. The recommendation of the FRA is that finished floor levels should be set at 13.15m AOD for the northern building (Unit 25) and 13.0m for the remainder (Units 22, 23 and 24) which is approximately 600mm above existing ground levels. A condition is recommended to secure these finished floor levels (CONDITION 32).
- 5.40 Any flooding diverted as a consequence of the proposed buildings would be accommodated in the existing car park and not impact on any adjacent buildings.
- 5.41 Permeable paving incorporated into the proposed landscaping areas should be designed to accommodate surface water runoff from the proposed development, providing treatment and consequently improving the water quality of surface water runoff from the development. The final details of hard surface treatment and SuDS features are recommended to be secured by condition (CONDITIONS 24 and 26).
- 5.42 Increased runoff from the introduction of impermeable surfaces will be attenuated on site to equivalent greenfield runoff rates to ensure no increase in flood risk occurs. Use of infiltration drainage is not suitable for this site as there are no open watercourses within the near vicinity of the site, Lady Park Burn being further away, therefore below ground storage tanks and oversized pipes are proposed. The final details of the SuDS measures are the subject of a recommended condition (CONDITION 24).
- 5.43 **Emergency Planning**  
Reflecting NPPF (paragraph 103) the FRA should demonstrate safe access and escape routes. The FRA needs to take account of the safety of people within the buildings and external areas, including people who are less mobile or who have a physical impairment. It should demonstrate how users will exit a building during a design flood (1 in 100 year fluvial event) and to evacuate before an extreme flood (1 in 1000 year). This should have informed the development layout and access and egress to the site. Due to the flood risk in

the area this deemed an obvious omission. In particular to the proposal where the main mode of transport to access the facilities is likely to be via private motor vehicle which will be parked in an area of highest flood risk within the redline boundary. In the instance of a flooding event the application does not currently show how site users will exit the site. It is recommended that a flood warning and evacuation plan be secured by condition (CONDITION 30). The evacuation plan will need to be kept up to date for the lifetime of the development.

#### 5.44 Flood risk elsewhere

Given the application site is situated within a Critical Drainage Area it is important that the proposal considers flood risk from elsewhere, in particular the land adjoining the proposal site such as the Tenth Avenue West and Dukesway roundabout. The developer should control surface water as near to source as possible including the use of SuDS to achieve greenfield runoff rates set out in the SuDS Technical Standards. This is particularly important given that the Council is working in partnership with the Environment Agency to consider strategic catchment management approach to reduce flood risk on Team Valley Trading Estate. The amended FRA reflects the requirements of C17:3 and demonstrates that consideration has been given to reducing flood risk elsewhere. This links to the important point of emergency planning and in the case of a significant storm safe access and escape routes to and from the site can be made.

#### 5.45 SUDS

The FRA lists the general proposed SuDS components that are appropriate for this development and these along with the drainage design layout and how the components will be used, are embodied in the recommended condition (CONDITION 24) and include underground storage tanks, oversized pipes, rainwater gardens, and permeable hard surface to improve water quality of surface water runoff.

#### 5.46 Water Quality

In accordance with NPPF paragraph 109, NPPG and CS17:3 regard should be had to the efforts required to improve water quality as part of new development. Particularly in the case of surface water runoff which may indirectly discharge in the River Team. The FRA proposes components for surface water runoff water quality improvements and the final detail is required by condition (CONDITION 24) as part of the overall SuDS site methodology.

5.47 Given the above the proposal, subject to the recommended conditions, is considered to be acceptable in terms of flood risk and provision of SuDS drainage and in accordance with CSUCP policy CS17.

#### 5.48 HIGHWAY ISSUES

Section 4 of the NPPF relates to promoting sustainable transport. Paragraph 32 requires all developments that generate significant amounts of movement be supported by a Transport Statement or Transport Assessment and decisions should take account of whether the opportunities for sustainable transport modes have been taken up depending on the nature and location of the site, to

reduce the need for major transport infrastructure; and that safe and suitable access to the site can be achieved for all people and improvements can be undertaken within the transport network that cost effectively limit the significant impacts of the development. Development should only be or refused on transport grounds where the residual cumulative impacts of development are severe.'

- 5.49 Policy CS13 of the Core Strategy relates to Transport. It sets out a series of measures and principles intended to achieve the enhancement and delivery of an integrated transport network to support sustainable development and economic growth.
- 5.50 Team Valley is accessible by a range of modes of transport. 34 buses per hour serve the Team Valley Employment Area. Services 93 and 94 run every 15 minutes and connect the site with Gateshead Interchange, the Maingate Centre, Felling, Beacon Lough Road and Gateshead College amongst other locations. Other services which serve Team Valley include numbers 90, 91 and the 939. Bus stops are located on Tenth Avenue West and Dukesway directly opposite Team Valley Retail World.
- 5.51 Pedestrian crossings are located in close proximity to the bus stop to provide access to the Retail Park. The Retail Park has provision for cycle parking spaces and motorcycle parking spaces. Staff have the option of a car sharing scheme run by Share Smarter which can be accessed from the Team Valley Links website.
- 5.52 Cycle routes are not widespread due to the park being bound by the A1. Cycle access can be gained from the east and from the north and south along Kingsway. New covered cycle parking is proposed adjacent to the units, which will be in addition to that already provided within the Retail Park.
- 5.53 The existing car parking area is proposed to be reconfigured. It is to be laid out with perimeter parking together with central double aisles resulting in an overall loss of 29 spaces, improved pedestrian facilities have been incorporated as part of the reconfiguration. The layout as proposed takes account of minimum space requirements to accommodate parking spaces and associated aisles. The layout enables a key central pedestrian link across the site and supplementary facilities thus seeks to markedly improve connectivity for pedestrians through the Retail Park. Given the walking distances within the Retail Park can be substantial for pedestrians the proposed units would create a respite island reducing the perceived distances and adding more interest and variety for the public.
- 5.54 The proposals retain the same number of vehicular entry/egress points from Tenth Avenue West and Dukesway as present.. Retention of existing points of access/egress and replacement of those that will be lost ensures that the current site remains recognisable, and that the access strategy as a whole will not be detrimental to the immediate highways infrastructure.

- 5.55 The Transport Statement submitted in support of the application includes surveys focussing on parking accumulation and access that have been carried out during the Friday and Saturday peak periods, the conclusion drawn by the Applicant is that these surveys have demonstrated that spare capacity exists in the TVRP on both of these days. However officers consider that, on review of the surveys, it is clear that certain parts of the overall site are operating close to capacity and in some instances over capacity, consequently it is has been vital that measures were taken to spread the parking demand across the whole site and furthermore avoid the occurrences of visitors re-parking during a single visit to the site.
- 5.56 The Transport Statement identified that over 50% of the vehicles visiting the site during the Saturday survey period entered the car parks using the access to the east of McDonalds, the traffic survey results raised concerns that the internal changes would result in additional queuing on the highway during peak periods. Queue length surveys carried out on behalf of the Applicant suggest that some additional queuing would not have a detrimental impact. This data has been provided in part and the Applicant has given an assurance that the remainder will be provided and an update report on this matter will be presented to committee.
- 5.57 Following submission of this application officers considered that the proposed layout and in particular changes to access would have an impact on the local highway in the vicinity of the site, while design changes have been incorporated to at least partly address these concerns final details of the car park layout and associated pedestrian routes are required to demonstrate landscape proposals do not impact on visibility, access to the McDonalds car park does not impact upon pedestrian movements, pedestrian routes are highlighted in a different surface colour, the pedestrian crossing at McDonalds is amended so that it does not run into the layby, details of the curtailment of pedestrian routes at the end of aisles, that cross aisle links are incorporated across the site. Additionally, final details relating to the proposed EV charging points, motor cycle parking, , long stay cycle parking the entrance to the service yard and final construction details together with materials and street furniture will be required (CONDITION 35).
- 5.58 The proposed service road will only be accessible outside retail opening hours, it does not allow two vehicles to pass one another, there is only one passing place indicated and there is a need to remove street furniture associated with unit 25 to allow access draft servicing strategy has been provided by the Applicant which sets out some key principles, however, a final servicing strategy is recommended to be secured by condition to be approved prior to first occupation, going forward any changes to the final strategy would need to be approved by the LPA prior to implementation.. (CONDITION 33).
- 5.59 The bin stores for all units and cold storage associated with unit 25 have access to the east of the units directly on to the new access road, Waste collection should be included within the servicing strategy to ensure the circulation of the car park is not hindered. A condition is required to ensure doors do not open outwards impacting on pedestrian routes. If emergency exits require outward

opening doors then measures will need to be incorporated to remove potential conflict with pedestrians (CONDITION 33).

- 5.60 A Framework Travel Plan has been submitted, however, a condition securing a final framework TP will be required and agreed prior to occupation of first new unit, the first surveys should be carried out within 3 months of first occupation and updated accordingly. The final framework travel plan should cover the full Retail Park, and it will need greater detail in relation to the measures to be included and when and how surveys will be carried out and modal split targets that reflect the measures included (CONDITION 37).
- 5.61 Given the above, and subject to the recommended conditions, it is considered that overall the proposals are acceptable and sustainable and accord with Policy CS13 of the Core Strategy and paragraph 32 of the NPPF.
- 5.62 **WASTE STORAGE AND COLLECTION**  
The internal bin stores appear to be more than adequate in terms of capacity bearing in mind businesses can specify waste collections on a daily basis if required. It is recommended that a condition be imposed to ensure that the bin stores are implemented and retained for the life of the development (CONDITION 11).
- 5.63 Given the above, subject to the recommended conditions, the proposal is considered to be acceptable and in accordance with the NPPF and CSUCP policy CS13.
- 5.64 **VISUAL APPEARANCE**  
The relevant design policy from the Core Strategy is Policy CS15 that seeks development that will contribute to good placemaking through the delivery of high quality and sustainable design.
- 5.65 The proposal to introduce small scale, high quality A1/A3 units in this location is much welcomed. The accompanying high quality public realm improvements are also greatly applauded as this type of development in this location will not just enhance the general environment (of what is essentially just a car park at present), it will also encourage more people to walk around the Retail Park rather than drive, bringing greater pedestrian activity and social interaction to the wider retail area.
- 5.66 The proposed construction of the units is single storey flat roofed structure with aluminium louvres on the roof to conceal plant. The building itself is proposed to comprise frameless structural glazing and Corten steel panels, with a glazed canopy, with service doors to be of Corten steel finish and the door to the bin store and the fire exit to be aluminium and the bin store louvred. The proposed materials are considered to be acceptable however it is recommended that the final details of the materials for use on the building and surface materials be secured by condition (CONDITIONS 13 - 16 inclusive).

- 5.67 The design and materiality of the proposed units and of the public realm demonstrates a quality that will enhance the setting of the Retail Park and hopefully raise the bar for future development/refurbishment works.
- 5.68 The interface between the new service road/main pedestrian route that is proposed to run north/south through the new development, and the drive thru aspect of the adjacent existing McDonald's outlet has had sensitive treatment. This is currently screened and segregated to some degree by a 3-3.5m wide soft landscaping strip which will be lost due to the location of the new service road/main pedestrian route being tight up against the drive thru road. In addition to the proposed line of trees further separation of these two areas will be created by the rain gardens, bench seats and litter bins however these are of limited height and further visual separation is considered to be necessary to improve this new pedestrian environment. A condition is recommended to secure an additional screen as part of the landscaping scheme, possibly an ivy screen of 1200mm to 1500mm height to provide a continuous backdrop for the rain gardens and seats along the main pedestrian route (CONDITIONS 26 and 27).
- 5.69 It has become necessary for the Applicant to relocate unit 25 to the south as the actual route of one of the NWL pipes along the northern boundary, is beneath where unit 25 was initially proposed to be sited. Unit 25 has been moved southwards and adjusted to account for this as it is not possible to build over or in close proximity to the NWL pipes.
- 5.70 Some seating is proposed to the north, west and south of unit 25 and to the west of units 22 and 23. The seating to the north of unit 25 would be located against a north facing elevation, in shadow, and could be subjected to traffic noise, however, this is not a reason for refusal. Final details of the seating can be secured by condition (CONDITIONS 17 and 18) in addition bollards are proposed to the south of Unit 22 and details can be secured by condition (CONDITIONS 19 and 20).
- 5.71 The proposed units would benefit from good visibility due to their proposed location directly on the site entrance regardless of which way you enter the Retail Park. The elevations of the units from all angles will provide visual interest through use of contemporary high quality materials and the provision of tenant signage.
- 5.72 The scale of the proposed units is in keeping with the existing fast food unit already sited within the curtilage of the main retail car park.
- 5.73 A landscaped buffer is proposed to be retained, and enhanced to soften the edge and to enhance the experience of passers-by.
- 5.74 The western side of the application boundary will form a new key pedestrian route across the site. This boundary is proposed to be treated with a planting buffer of low level shrubs which provide a physical barrier to the customer car park but still allow views through to the Retail Park beyond.

- 5.75 Given the above, and subject to the recommended conditions, the proposal is considered to be acceptable and in accordance with CSUCP policy CS15 as the design of the scheme responds well to its surroundings. The units are in keeping and complementary to the design of the surrounding retail units. It is considered the development will make a valuable contribution to improve the visual appearance of the Retail Park.
- 5.76 **SUSTAINABILITY**  
The site is highly accessible by sustainable transport modes and in accordance with CSUCP policy CS15. In addition, CSUCP Policy CS16 relates to climate change and sustainability. The proposal accords with Policy CS16 as the scheme embraces the principles of sustainable design and environmental best practice. In that the development has been designed, and will be constructed and operated in accordance with the aims of sustainable development. The site is a previously developed brownfield land and therefore the proposal accords with objectives to develop sustainably by reusing sites instead of building on green field land. The development proposes to use high quality materials to ensure a quality and lasting development. (CONDITIONS 13, 15, 17 and 19) and the scheme includes measures to encourage and increase the movement of pedestrians around the site.
- 5.77 The development proposes to use locally sourced sustainable materials and the scheme will embrace the principles of sustainable design. (CONDITIONS 13 and 15).
- 5.78 The scheme will not significantly increase the amount of impermeable areas and is an improvement on surface water run off so there will not be a significant impact on the local storm water network. (CONDITIONS 24 and 25).
- 5.79 During the construction phases the impacts of construction traffic, noise and dust will be minimised (CONDITIONS 21 - 23).
- 5.80 Given the above, and subject to the recommended conditions, the proposal is considered to accord with sustainable practices and CSUCP policies CS15 and CS16.
- 5.81 **LANDSCAPE**  
Landscape information is provided although it is not a detailed scheme that does not clearly identify new tree planting and existing trees to be retained and is not to scale.
- 5.82 It would be beneficial for the trees in the north south line of Carpinus to be planted more frequently than at 10m intervals, to provide initial impact and given the death rate on this site. A number of birch trees will be lost where the development adjoins Tenth Avenue West. There is no new tree planting shown on this frontage in particular in the wide planted verge to the east, where the existing trees are relatively successful. New and replacement trees should be located here. A condition is recommended to secure a landscape scheme to include additional tree planting (CONDITIONS 26 and 27).



- 5.83 The location and easements for drainage need to be cross referenced with the detailed landscape proposals drawing. A North-South foul sewer is close to a line of trees, and may be in conflict with them.
- 5.84 Some of the trees are in shown in proprietary pits, with root cell products. These must be sized to contain soil volumes in accordance with the manufacturer's recommendations (CONDITIONS 26 and 27).
- 5.85 However, it is acknowledged that the proposals will improve the visual appearance of the scheme, and that the final details for those trees to be removed and a landscape scheme including the replanting of trees into an east west shrub strip where they have failed in the original development. The soil in this bed should be assessed and improved as necessary to ensure the new trees establish well, and suitably resilient and vigorous species should be selected, be secured by condition (CONDITIONS 26 and 27).
- 5.86 Given the above, and subject to the recommended conditions the proposal is considered to be acceptable and in accordance with policy CS18 of the CSUCP.
- 5.87 **BIODIVERSITY**  
As the proposed development is located entirely within the existing car park, there are no concerns in relation to the likely impacts of the development on biodiversity.
- 5.88 The applicant has given an assurance that the adjacent Minorities site would not be used as a compound area or for site cabins to facilitate this development. If it were, this could damage ecological habitat and an ecological survey and potential mitigation measures would be required. A condition is recommended to ensure that the site is not used as a compound without an ecological survey having first been undertaken (CONDITIONS 37 and 38).
- 5.89 Given the above, the proposal is acceptable and in accordance with CSUCP policy CS18.
- 5.90 **COMMUNITY INFRASTRUCTURE LEVY**  
On 1st January 2017 Gateshead Council became a Community Infrastructure Levy (CIL) Charging Authority. This application has been assessed against the Council's CIL charging schedule and the development is not CIL chargeable development as it is not for qualifying retail or housing related development. As such no CIL charge is liable.

## 6.0 **CONCLUSION**

- 6.1 Taking all of the above into account, it is considered that the proposal is acceptable.
- 6.2 Team Valley Retail World is recognised in the Development Plan as an established out of centre retail destination. The site is therefore part of an

established retail destination, which is a suitable location for the proposal, and where there is existing demand for the proposal.

- 6.3 The proposal carries various significant economic benefits and therefore complies with the Council's planning policies which seek to generate sustainable economic growth through investments and job creation.
- 6.4 The scheme embraces the principles of sustainable design and environmental best practice and therefore complies with the relevant Development Plan policies relating to design and sustainability.
- 6.5 The site is suitable for continued use in its current form, the flood risk assessment confirms that the proposal will not increase the risk of flooding at the site or elsewhere.
- 6.6 The proposal complies with the relevant Development Plan policies relating to highways and transport as it will not result in a significant adverse impact on the local highway network, and although the proposal will result in a minor loss of car parking spaces by 14 there is sufficient capacity to accommodate the proposed food and drink units. The proposal includes a series of measures aimed at increasing pedestrian movement within the site, as well as cycle hoops to encourage sustainable transport modes.

## **7.0 Recommendation:**

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

1

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

URB TL[08] 00 01 Rev D03 Units 22 to 25 Site Plan  
URB TL[08] 00 02 Rev D02 Units 22 to 25 Existing Site Plan  
URB TL[08] 00 03 Rev D04 Units 22 to 25 Proposed Site Plan  
URB TL[08] 00 04 Rev D02 Unit 25 Ground Floor Plan  
URB TL[08] 00 05 Rev D02 Units 22 to 24 Ground Floor Plan  
URB TL[08] 00 06 Rev D01 No Build Zone  
URB TL[08] 20 02 Rev D02 Unit 25 Roof Plan  
URB TL[08] 20 02 Rev D02 Units 22 to 24 Roof Plan  
URB TL[08] 70 01 Rev D02 Unit 25 Proposed Elevations  
URB TL[08] 70 02 Rev D02 Units 22 to 24 Proposed Elevations  
URB TL[08] 80 01 Rev D02 Units 22 to 25 Proposed Sections  
URB TL[03] 00 03 Rev D01NWL and SW Pipe Overlay Site Plan  
116874/8001 Rev D Landscape Proposals Plan  
URB TL [SK] 0005 - Section through proposed road  
16337-SK-14 - Rigid Truck Swept Path Assessment  
16337-SK-14 - Max Legal Arctic and Rigid Swept Path Assessment

Flood Risk Assessment Prepared By Fairhurst Author Steve Dickie dated 20.1.2017

DAS prepared by Urban Edge dated December 2016, DAS addendum dated February 2017 and DAS Landscape Principles Addendum prepared by Fairhurst dated 8.3.2017

Travel Plan Framework prepared by Dougal Baillie Associates Colin Weir April 2017

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

Reason

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

2

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

Reason

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

3

No individual unit hereby permitted shall amalgamate with another unit resulting in a larger floorspace, nor subdivide resulting in more, smaller, planning units.

Reason

In order to prevent larger or smaller floor plate units being created, and to ensure that the development is complementary to Team Valley Retail Park and in accordance with Saved UDP policy RCL5 and CSUCP Policy CS7.

4

Notwithstanding the provisions of the Town and Country Planning (Use Classes) Order 1987 (as amended) and the Town and Country Planning (General Permitted Development) Order 2015 (or any order revoking and re-enacting that Order) (with or without modification), the units hereby permitted shall either operate as A3 (food and drink) or mixed A1 (retail) and A3 (food and drink) premises. For the avoidance of doubt, no units hereby permitted shall operate solely under Use Class A1 (retail) nor

shall they operate at any time or to any extent under Use Class A5 (hot food takeaways)

Reason

To ensure that the development is complementary to Team Valley Retail Park and in accordance with Saved UDP policy RCL5 and CSUCP Policy CS7, and the Hot Food Takeaway SPD.

5

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

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

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

The Risk Assessment should confirm possible pollutant linkages and should provide where applicable, which will ensure safe redevelopment.

Reason

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

6

Prior to commencement of the development hereby permitted, where required, a detailed remediation scheme to bring the site to a condition suitable for the intended use by removing unacceptable risks to human health, buildings and other property and the natural and historical environment must be prepared, and submitted for the written approval of the Local Planning Authority. The scheme must include all works to be undertaken, proposed remediation objectives and remediation criteria, timetable of works and site management procedures. The scheme must ensure that the site will not qualify as contaminated land under Part 2A of the Environmental Protection Act 1990 in relation to the intended use of the land after remediation.

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

Reason

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

7

The details of remediation measures approved under condition 6 shall be implemented prior to commencement of the development hereby permitted and maintained for the life of the development.

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

Reason

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

8

Following completion of the remediation measures approved under condition 6 a verification report that demonstrates the effectiveness of the remediation carried out must be submitted for the written approval of the Local Planning Authority prior to first occupation of the development hereby permitted.

Reason

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

9

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

Reason

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

10

The details of remediation measures approved under condition 9 shall be implemented prior to commencement of the development hereby permitted and maintained for the life of the development.

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

Reason

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

11

The bin stores as indicated on drawings URB TL 08 00 05 Rev DO2 Units 22 to 24 and URB TL 08 00 04 Rev DO2 Unit 25 shall be implemented in full accordance with the approved details prior to first occupation of the units hereby permitted and retained for the life of the development thereafter.

Reason

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

12

All vegetation clearance works will be undertaken outside the bird breeding season (March to August inclusive), and in accordance with an agreed careful working method to be submitted for consideration and written approval by the Local Planning Authority.

Where this is not possible a checking survey will be undertaken by a suitably qualified ecologist immediately prior to (no more than 48 hours) the commencement of vegetation clearance works on site. Where active nests are present these will remain undisturbed until the young have fledged and the nest is no longer in use.

Reason

To avoid/minimise harm to protected/priority species in accordance with the NPPF, Policy CS18 of the CSUCP, and saved policies of the UDP DC1(e) and ENV46.

13

Prior to the development hereby permitted progressing above damp proof level samples of materials for the buildings, including colours and finishes to be used on all external surfaces have been made available for inspection on site and subsequently approved in writing by the Local Planning Authority. The materials to be used shall be of the quality and nature described in the Design and Access Statement submitted with this application.

Reason

To ensure that the development presents a satisfactory appearance and having regard to the requirements of saved Unitary Development Plan policy ENV3 and Policies CS14 and CS15 of the Core Strategy and Urban Core Plan for Gateshead and Newcastle upon Tyne.

14

The development hereby permitted shall be constructed entirely of the materials approved under condition 13, and retained thereafter.

Reason

To ensure that the development presents a satisfactory appearance and having regard to the requirements of saved Unitary Development Plan policy ENV3 and Policies CS14 and CS15 of the Core Strategy and Urban Core Plan for Gateshead and Newcastle upon Tyne.

15

Prior to commencement of the development hereby permitted construction shall not progress above damp proof level, until final details of hard surface treatments, to include kerb edging materials, colours and finishes to be used, have been submitted for the consideration and subsequent written approval by the Local Planning Authority.

Reason

To safeguard the visual amenities of the area, in the interests of highway safety and in accordance with Policy ENV3 of the Unitary Development Plan, and in order to accord with policies CS13 and CS14 of the CSUCP.

16

The surface treatment materials approved under condition 15 shall be used to complete the development hereby permitted and retained thereafter.

Reason

To safeguard the visual amenities of the area, in the interests of highway safety and in accordance with Policy ENV3 of the Unitary Development Plan, and in order to accord with policies CS13 and CS14 of the CSUCP.

17

Prior to the development hereby permitted progressing above damp proof level details of external seating, including colours and finishes shall be submitted for the consideration and written approval of the Local Planning Authority.

Reason

To ensure that the development presents a satisfactory appearance and having regard to the requirements of saved Unitary Development Plan policy ENV3 and Policies CS14 and CS15 of the Core Strategy and Urban Core Plan for Gateshead and Newcastle upon Tyne.

18

The external seating as approved under condition 17 shall be implemented in full accordance with the approved details and retained thereafter.

Reason

To ensure that the development presents a satisfactory appearance and having regard to the requirements of saved Unitary Development Plan policy ENV3 and Policies CS14 and CS15 of the Core Strategy and Urban Core Plan for Gateshead and Newcastle upon Tyne.

19

Prior to the development hereby permitted progressing above damp proof level final details of the bollards shall be submitted for the consideration and written approval of the Local Planning Authority.

Reason

To ensure that the development presents a satisfactory appearance and having regard to the requirements of saved Unitary Development Plan policy ENV3 and Policies CS14 and CS15 of the Core Strategy and Urban Core Plan for Gateshead and Newcastle upon Tyne.

20



The bollards approved under condition 19 shall be implemented in accordance with the approved details and retained for the life of the development.

Reason

To ensure that the development presents a satisfactory appearance and having regard to the requirements of saved Unitary Development Plan policy ENV3 and Policies CS14 and CS15 of the Core Strategy and Urban Core Plan for Gateshead and Newcastle upon Tyne.

21

No development shall take place, including any works of remediation until a Construction Method Statement has been 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 including decorative displays and facilities for public viewing where appropriate
- v. wheel washing facilities
- vi. measures to control the emission of dust and dirt during construction
- vii. a scheme for the recycling/disposing of waste arising from demolition and construction works.

Reason

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

22

The construction methodology approved under condition 21 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 Saved Policy DC1 of the Unitary Development Plan and policies CS13 and CS14 of the CSUCP.

23

Unless otherwise approved in writing by the Local Planning Authority, all external works and ancillary operations in connection with the works 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 neighbouring occupants and in accordance with Saved UDP Policies DC1, and ENV61 and CSUCP Policy CS14.

24

The development hereby permitted shall not be commenced until a detailed drainage assessment in accordance with the CIRIA SuDS Manual (C753) has been submitted to and approved in writing by the Local Planning Authority. This shall assess the potential for disposing of surface water by means of a sustainable drainage system and shall consider the DEFRA Non-Technical Standards for SuDS. It shall include: detailed designs of the SuDS components, pipes, inlets and outlets; health and safety risk assessment; construction method statement; and maintenance plans.

A detailed drainage design should be submitted. This should include plans:

- showing impermeable areas used as the basis of the calculations
- showing the change in the hard and soft areas existing and proposed
- levels
- subcatchment areas, volumes/storage capacities, check dams/throttles
- discharge points
- confirmed discharge rate

And Information:

- an assessment using the simple index approach of the levels of likely pollutants entering the surface water and the stages of treatment within the SUDS scheme
- Micro drainage model and calculations
- details and cross sections
- evidence of agreed discharge rate from Northumbrian Water
- management and maintenance schedule and parties responsible
- timescales for implementation

Reason

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

25

The details of SuDS measures approved under condition 24 shall be implemented in accordance with the approved timings for implementation and maintained for the life of the development.

Reason

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

26

Notwithstanding the scheme indicated on drawing 116874/8001 Rev D full details of a landscaping scheme to include details and proposed phasing, timing of hard and soft landscaping to include replacement tree planting for all existing trees to be removed and trees and hedges to be retained, soil assessment, soil improvement measures for ground preparation, tree cells, rain gardens, a visual barrier and planting plans noting the species, plant sizes and planting densities for all new planting and details of a schedule of landscape maintenance for a minimum period of 5 years from the date of first occupation of the first unit of the development, shall be submitted to and approved in writing by the Local Planning Authority.

Reason

To ensure that a well laid out planting scheme is achieved in the interests of the visual amenity of the area in accordance with the NPPF and in accordance with Saved UDP Policy ENV3 and policies CS14 and CS18 of the CSUCP.

27

The Landscape Scheme approved under condition 26 shall be implemented in full prior to the first occupation of the development hereby permitted and maintained in accordance with the Landscape Maintenance Plan approved under condition 26.

Reason

To ensure that a well laid out planting scheme is achieved in the interests of the visual amenity of the area in accordance with the NPPF and in accordance with Saved UDP Policy ENV3 and policies CS14 and CS18 of the CSUCP.

28

No development or other operations shall commence on site until a detailed services layout and construction methodology has been submitted to and approved in writing by the Local Planning Authority. The layout shall provide for the long-term retention of the existing trees to remain on the site and demonstrate that any trenches will not cause damage to the root systems of the trees.

Reason

To ensure the satisfactory protection of trees in accordance with Saved UDP policies DC1 and ENV44 and CSUCP policies CS14 and CS18.

29

The services layout and construction methodology approved under condition 28 shall be implemented wholly in accordance with the approved details unless otherwise approved in writing by the Local Planning Authority.

Reason

To ensure the satisfactory protection of trees in accordance with Saved UDP policies DC1 and ENV44 and CSUCP policies CS14 and CS18.

30

Prior to first occupation of any individual building hereby permitted, a Flood Evacuation Plan for that building shall be submitted to the Local Planning Authority for written approval.

Reason

To ensure there is a safe egress available from the development in the event of a flood and in order to comply with NPPF and CSUCP Policy CS17.

31

The Evacuation Plan approved under condition 30 for any individual building shall be in place prior to first occupation of the building that it relates to and shall be maintained thereafter.

Reason

To ensure there is a safe egress available from the development in the event of a flood and in order to comply with NPPF and CSUCP Policy CS17.

32

The finished floor levels of the buildings hereby permitted shall be built in accordance the finished floor levels indicated in the Fairhurst Flood Risk Assessment prepared by Steve Dickie dated 13.04.2017

Reason

To reduce the risk of flooding to the development in accordance with the NPPF and Policy CS17 of the Core Strategy and Urban Core Plan for Gateshead and Newcastle upon Tyne

33

Prior to first occupation of the development hereby permitted final details relating to the servicing strategy for each of the individual units to include:

- details of how all the elements of the development will be adequately and safely serviced,
- details relating to time constraints for servicing,

- vehicle size constraints,
  - details on the numbers of deliveries and
  - how controls would be implemented
  - location of waste collection point
- in the form of a Service Management Plan for each unit.

Reason

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

34

The measures contained within the approved servicing strategy shall be implemented in accordance with the approved details under condition 33 prior to the related element of the development being occupied and maintained thereafter unless otherwise approved in writing by the Local Planning Authority.

Reason

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

35

Prior to the development hereby permitted progressing above damp proof level final details of the car park layout to include:

Electric charging points parking;

Motorbike parking;

Accessible bays;

Cycle parking

Pedestrian routes/crossings

McDonalds Car Park Access

Access into units to open off pedestrian routes

in line with the Gateshead Cycling strategy, to include for each unit hereby permitted, long stay cycle parking and short stay cycle parking located conveniently throughout the site to serve each of the units and tie in with access points and the wider network.

Reason

To ensure adequate and sustainable parking arrangements are provided for all elements of the development hereby permitted and in accordance with the NPPF and CSUCP policy CS13 and Gateshead Cycling Strategy.

36

The Car Park Layout approved under condition 35 shall be implemented in full prior to first occupation of the first occupied unit hereby permitted and retained thereafter

Reason

To ensure adequate and sustainable parking arrangements are provided for all elements of the development hereby permitted and in accordance with the NPPF and CSUCP policy CS13 and Gateshead Cycling Strategy.

37

Notwithstanding the Framework Travel Plan as submitted a final Framework Travel Plan shall be submitted prior to the occupation of the first new unit to cover the full Retail Park, the first surveys shall be undertaken within three months of the first occupation, and submitted for the consideration and written approval of the Local Planning Authority.

Reason

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

38

Evidence of the implementation of the approved Framework Travel Plan over a minimum period of 12 months shall be submitted to and approved in writing by the Local Planning Authority prior to formally discharging the condition. At all times thereafter, the Framework Travel Plan shall be implemented in accordance with the approved details or any changes made under the review process.

Reason

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

39

No plant, machinery or equipment shall be installed on or attached to the exterior of any building or part of the development without the prior written approval of the Local Planning Authority.

Reason

To safeguard the amenities of nearby occupants and to ensure that any external equipment does not have an adverse effect upon the appearance of the area and in accordance with Saved UDP Policies DC1, ENV3 and ENV61 and CSUCP policy CS14.

40

No roller shutters shall be installed on any part of the development hereby approved until a detailed scheme for the roller shutters (which shall be fitted internally and have an open lattice design) has been submitted to and approved in writing by the Local Planning Authority.

Reason

To safeguard the visual amenities of the area in accordance with Saved UDP Policy ENV3 or CSUCP policy CS15.

41

The roller shutter details approved under condition 40 shall be implemented in full accordance with the approved details and retained thereafter.

Reason

To safeguard the visual amenities of the area in accordance with Saved UDP Policy ENV3 or CSUCP policy CS15.

42

Before any A3 (food and drink) use is commenced, a detailed scheme covering the ventilation and control of cooking odours from within that building shall be submitted to and approved in writing by the Local Planning Authority.

Reason

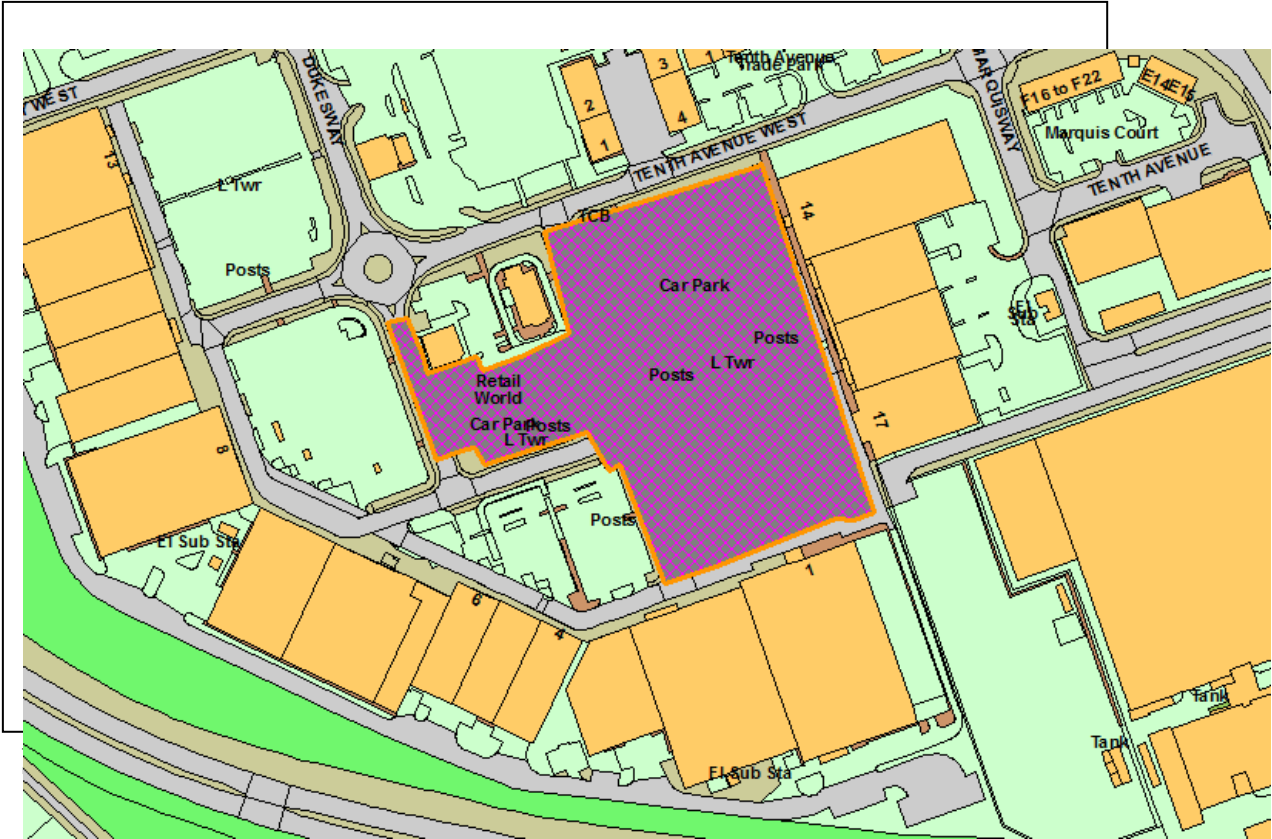
To ensure that the development is designed and adequately ventilated to control odour nuisance, in accordance with Saved UDP Policies DC1, ENV3 and ENV61 and CSUCP policy CS14.

43

The ventilation / extraction details approved under condition 42 shall be implemented in full prior to occupation of the relevant unit and retained thereafter.

Reason

To safeguard the amenities of nearby residents and to ensure that any external equipment does not have an adverse effect upon the appearance of the area and in accordance with Saved UDP Policies DC1, DC2, ENV3 and ENV61 and CSUCP policy CS14.





REPORT NO 5

**Committee Report**

<b>Application No:</b>	<b>DC/17/00189/FUL</b>
<b>Case Officer</b>	<b>Tracy Long</b>
<b>Date Application Valid</b>	<b>22 February 2017</b>
<b>Applicant</b>	<b>Rugby Football Union</b>
<b>Site:</b>	<b>Blaydon Rugby Club, Crowtrees Hexham Road Swalwell Whickham NE16 3BN</b>
<b>Ward:</b>	<b>Whickham North</b>
<b>Proposal:</b>	<b>Replacement of existing grassed playing pitch with new external 3G artificial grass sports pitch including new floodlighting, team shelters, scoreboard, 1.2m high perimeter pitch barrier, equipment storage container and new hardstanding area (additional info received 14/03/17).</b>
<b>Recommendation:</b>	<b>GRANT</b>
<b>Application Type</b>	<b>Full Application</b>

**1.0 The Application:**

**1.1 DESCRIPTION OF THE APPLICATION SITE**

The application site is Blaydon Rugby Club which is situated on Hexham Road in Swalwell. Vehicle and pedestrian access to the site is from the north eastern boundary of the site from Hexham Road. There are a number of buildings along the northern boundary of the site with Hexham Road which include a club house and a gym. There is a hard surfaced and grassed car parking area behind these buildings, there are also a number of grass pitches on the site. The main pitch is in the centre of the site and has a spectator stand. There is also a gravel car parking area to the south of the site. Land levels fall across the site from south west to north east.

1.2 The site is located in a mixed use area with housing to the north and east of the site, commercial properties to the east and south and countryside to the south and west.

1.3 The application site is within the Green Belt, is part of a wildlife corridor and is also designated as an Outdoor Sports Facility Protection Area on the Council's Local Plan Policies Map 2015. In addition parts of the application site are within Flood Zones 1, 2 and 3.

**1.4 DESCRIPTION OF PLANNING APPLICATION**

This planning application proposes to replace an existing grassed playing pitch in the centre of the site with a 3G artificial grass sports pitch, including new flooding lighting, team shelters, a scoreboard, a 1.2 metre high perimeter pitch barrier, an equipment storage container and a new hardstanding area.

1.5 This planning application has been submitted with the following supporting information

- Design and Access Statement
- Planning Statement
- Flood Risk Assessment
- Transport Information
- Lighting Details

1.6 **PLANNING HISTORY**

There have been a number of planning applications at this site – however none are considered to be relevant to the consideration of this current planning application.

**2.0 Consultation Responses:**

Environment Agency                      No objection subject to a planning condition.

Sport England                      No objection

**3.0 Representations:**

3.1 The Council sent neighbour notification letters to 108 properties surrounding the site. The Council also displayed 2 site notices at the site. In addition a notice also appeared in the Newcastle Journal on 17 March 2017. No representations have been received.

**4.0 Policies:**

NPPF National Planning Policy Framework

NPPG National Planning Practice Guidance

DC2 Residential Amenity

ENV3 The Built Environment - Character/Design

ENV51 Wildlife Corridors

CFR17 Retention of Outdoor Sports Facilities

CS1 Spatial Strategy for Sustainable Growth

CS13 Transport

CS14 Wellbeing and Health

CS15 Place Making

CS17 Flood Risk and Waste Management

CS18 Green Infrastructure/Natural Environment

CS19 Green Belt

## **5.0 Assessment of the Proposal**

5.1 The main planning issues are considered to be whether the proposal is appropriate development within the Green Belt, its impact on the living conditions of surrounding residents, its impact on highway safety in the area and any potential risks from flooding.

### **5.2 GREEN BELT**

The application site is within the Green Belt. National and local planning policies attach great importance to Green Belts. The fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land open and undeveloped.

5.3 Section 89 of the National Planning Policy Framework (NPPF) states that the construction of new buildings within the Green Belt is inappropriate save for some exceptions, which includes:

- The provision of appropriate facilities for outdoor sport and outdoor recreation, as long as it preserves the openness of the Green Belt and does not conflict with the purposes of including land within it

5.4 The proposed development is therefore considered by Council officers to be appropriate development within the Green Belt, as it is facilities for outdoor sport and recreation. It is also considered that the proposed development would not harm the openness of this Green Belt site and would not conflict within the purposes of including land within the Green Belt.

5.5 The proposal is therefore considered to be acceptable from a Green Belt point of view and accords with the aims and objectives of the NPPF and policy CS19 of the Council's Core Strategy and Urban Core Plan (CSUCP).

### **5.6 OUTDOOR SPORTS PROTECTION AREA**

The application site is allocated as an "Outdoor Sports Facility Protection" area on the Council's Local Plan Policies Map. Saved policy CFR17 of the Council's UDP seeks to protect and retain where required existing outdoor sports facilities.

5.7 This application proposes the replacement and upgrade of the existing grass sports pitch at the site. The proposal would therefore not result in the loss of any of the existing sporting facilities at this site. The proposal would in fact improve the existing sporting facilities.

5.8 Sport England has stated that they have no objections to the application and given the funding for the proposal is coming direct from the Rugby Football

Union (RFU), Sport England is satisfied that the proposal will meet the relevant technical specification without the need for planning conditions.

- 5.9 It is therefore considered that the proposed development is acceptable from a sport provision point of view and accords with the aims and objectives of the NPPF, saved policy CFR17 of the UDP and policies CS14 and CS18 of the Council's CSUCP.
- 5.10 **DESIGN ISSUES**  
The size, design and location of the proposed development is considered to be appropriate for a rugby pitch at a Rugby Club and would not have a detrimental impact on the appearance of the site or surrounding area.
- 5.11 The proposal is therefore considered to be acceptable from a design point of view and accords with the aims and objectives of the NPPF, saved policy ENV3 of the Council's Unitary Development Plan (UDP) and policy CS15 of the CSUCP.
- 5.12 **RESIDENTIAL AMENITY**  
There is already existing sporting activity and floodlighting at the site in relation to the existing grass sports pitch. It is proposed to use the new replacement pitch between 9am to 10pm Monday- Sunday.
- 5.13 The nearest housing is to the east of the site just over 110 metres away from the proposed 3G pitch. There is also housing to the north of the site beyond Hexham Road some 170 metres away.
- 5.14 Given the distance between the proposed development and the nearest housing and the fact that this proposal is replacing an existing pitch, it is considered that the proposed development would not harm the living conditions of surrounding residents. It is therefore not considered necessary in this instance to condition the days and times that the sports pitch can be used.
- 5.15 Details of the replacement flood lighting for the new pitch has been submitted as part of this application. This information shows that the proposed flood lighting would not result in light spillage to any of the surrounding residents.
- 5.16 The proposal is therefore considered to be acceptable from a residential amenity point of view and accord with the aims and objectives of the NPP, saved policy DC2 of the UDP and policy CS14 of the CSUCP.
- 5.17 **HIGHWAY ISSUES**  
No changes are proposed to the existing access arrangements at the site. The site has over 400 car parking spaces. No car parking spaces would be lost as a result of this proposal.
- 5.18 The provision of the new artificial grass pitch will enhance the quality of the existing grass pitch which will therefore provide for some increased usage, given that the artificial grass pitch surface is more durable. Any increase in the

use of the replacement pitch is considered to be negligible when compared to the existing pitch.

5.19 The proposed development is considered to be acceptable from a highway safety point of view and accords with the aims and objective of the NPPF and policy CS13 of the CSUCP.

5.20 POTENTIAL FOR CONTAMINATED LAND

The risk of contaminated soil being present on the application site is considered to be low. However a planning condition has been recommended (condition 3) to ensure that any suspected contaminated ground found during the development should be screened and removed, to ensure that the risks from land contamination to the future users of the site and neighbouring properties are minimised.

5.21 Subject to this planning condition the proposal is considered to be acceptable from a potential contaminated land point of view and accords with the aims and objectives of the NPPF, saved policy ENV54 of the UDP and policy CS14 of the CSUCP.

5.22 FLOOD RISK/DRAINAGE

The application site is partially within flood zones 1, 2 and 3. Flood zone 3 is a flooding, fluvial flooding and tidal flooding. All of the application site is within a Critical Drainage Area. A Flood Risk Assessment (FRA) which also includes a drainage strategy has therefore been submitted as part of this planning application.

5.23 The NPPF states that outdoor sport such as the proposed sports pitch is a water compatible use, which is appropriate within flood zones 1, 2 and 3.

5.24 Given that part of the application site is within flood zones 2 and 3 national planning policy states that a sequential flood risk assessment should be submitted as part of the planning application, which demonstrates that there are no alternative sites within the catchment area for the development with lower risk of flooding.

5.25 The NPPF states that a pragmatic approach should be taken with the sequential flood test. Given that this development is to improve the existing facilities at the Rugby Club it would not be possible to locate the proposed replacement pitch at an alternative site. Council officers therefore accept that due to the locational requirements of the proposal, there are unlikely to be any suitable alternative sites for this development which would fall within a lower flood zone.

5.26 The Environment Agency has stated that they have no objection to the proposed development subject to a planning condition which states that there should be no ground raising to ensure is no loss of flood plain attenuation. To address this planning condition 4 has been recommended.

- 5.27 The submitted FRA includes a drainage strategy which explains that the surface water from the development will drain to the River Derwent to the north west of the site. It is proposed that the surface water will be stored in the permeable subbase of the pitch and restricted to green field runoff rates. Four planning conditions (5 – 8) have therefore been recommended relating to the final design and implementation of the surface water drainage scheme and maintenance plan.
- 5.28 Subject to the above planning conditions the proposal is considered to be acceptable from a flood risk and drainage point of view and accord with the aims and objectives of the NPPF and policy CS17 of the CSUCP.
- 5.29 **COMMUNITY INFRASTRUCTURE LEVY**  
On 1st January 2017 Gateshead Council became a Community Infrastructure Levy (CIL) Charging Authority. This application has been assessed against the Council's CIL charging schedule and the development is not CIL chargeable development as it is not for qualifying retail or housing related. As such no CIL charge is liable.

## **6.0 CONCLUSION**

- 6.1 The proposed development would improve the existing sport provision at the Rugby Club. The development is also considered to be acceptable and in line with both national and local planning policies. It is therefore recommended that the application is approved subject to the planning conditions below.

## **7.0 Recommendation:**

That permission be GRANTED subject to the following condition(s) and that the Strategic Director of Communities and Environment be authorised to add, delete, 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 -

02 Block plan of site

04 Proposed AGP plan

05 Proposed elevations

08 Proposed Scoreboard

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

During development works, any 'undesirable' material / made ground observed during any excavation of the existing ground should be screened and removed. If any areas of odorous, abnormally coloured or suspected contaminated ground, are encountered during development works, then operations should cease, and it must be reported in writing immediately to the Local Planning Authority. An investigation and risk assessment must be undertaken, and where remediation is necessary a remediation scheme shall be submitted to and approved in writing by the Local Planning Authority. Following completion of measures identified in the approved remediation scheme a verification report shall be submitted to and approved in writing by the Local Planning Authority.

Reason

To ensure that risks from land contamination are minimised in accordance with the NPPF, saved policy ENV54 of the Unitary Development Plan and policy CS14 of the Core Strategy and Urban Core Plan.

4

No ground raising should take place as part of this development.

Reason

To ensure that there is no loss of floodplain attenuation in accordance with the NPPF and policy CS17 of the Council's Core Strategy and Urban Core Plan.

5

Notwithstanding the submitted plans, no development shall commence on site until a detailed scheme for the surface water drainage system for the development has been submitted to and approved in writing by the local planning authority.

Reason

To prevent the increased risk of flooding in accordance with the NPPF and Policy CS17 of the Core Strategy and Urban Core Plan for Gateshead and Newcastle upon Tyne.

6

The surface water drainage system approved under condition 5 shall be provided in accordance with the approved details prior to replacement sports pitch being brought into use.

Reason

To prevent the increased risk of flooding in accordance with the NPPF and Policy CS17 of the Core Strategy and Urban Core Plan for Gateshead and Newcastle upon Tyne.

7

The sports pitch hereby approved shall not be brought into use until a Surface Water Drainage Management Plan for the management and maintenance of the surface water drainage scheme of the development has been submitted to and approved in writing by the Local Planning Authority.

Reason

To prevent the increased risk of flooding in accordance with the NPPF and Policy CS17 of the Core Strategy and Urban Core Plan for Gateshead and Newcastle upon Tyne.

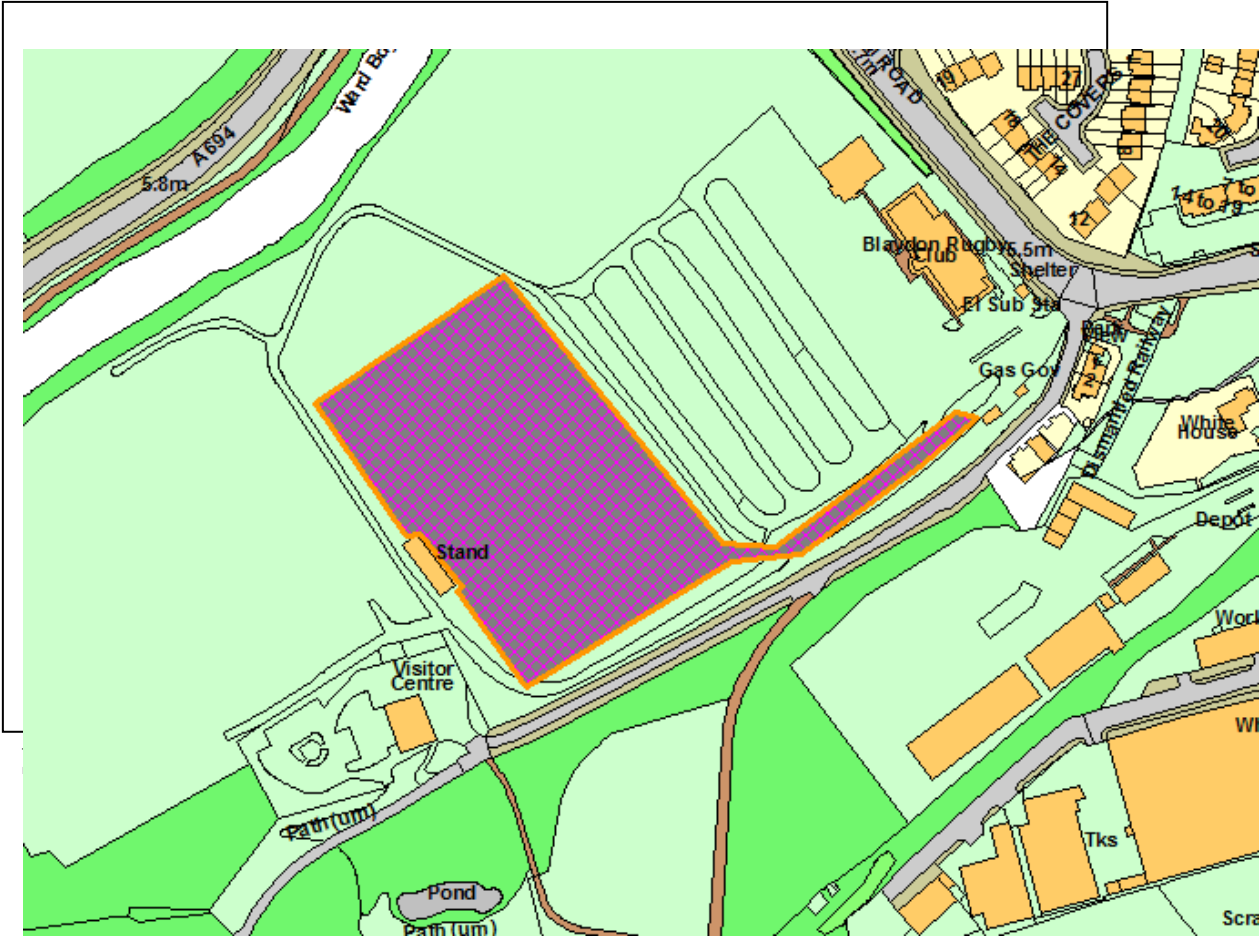
8

The Surface Water Drainage Management Plan approved under condition 7 shall be implemented in accordance with the approved details for the lifetime of the development.

Reason

To prevent the increased risk of flooding in accordance with the NPPF and Policy CS17 of the Core Strategy and Urban Core Plan for Gateshead and Newcastle upon Tyne.





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## REPORT OF THE STRATEGIC DIRECTOR COMMUNITIES AND ENVIRONMENT

### TO THE PLANNING AND DEVELOPMENT COMMITTEE ON: 10 May 2017

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

<b>Application ref.</b>	<b>Nature of proposed development</b>	<b>Location of proposed development</b>	<b>Decision</b>	<b>Ward</b>
DC/16/00136/FUL	VARIATION OF CONDITION 1 (approved plans) of 103/01 to enable alteration of facades, increase of flat numbers from 40 to 58, amendments to parking layout and bin store area (additional information received 16/02/17 and 15/03/17 and amended plans/documents received 13/02/17, 15/03/17 and 23/03/17).	Block 2, Half Moon Lane,	Granted;	Bridges
DC/16/00137/LBC	LISTED BUILDING CONSENT: Conversion of former boiler shop to 58 apartments with associated parking and external bin stores (additional information received 15/03/16, 30/09/16, 3/10/16, 12/12/16 and 13/02/17 and amended plans received 03/10/16, 12/12/16, 16/12/16 and 13/02/17).	Block 2, Half Moon Lane,	Granted;	Bridges

DC/16/01132/HHA	Single storey rear extension	4 Mansion Heights, Gateshead,	Granted;	Dunston Hill And Whickham East
DC/16/01182/FUL	Construction of three houses with parking area (amended 16/02/17 and 08/03/17 and description amended 14.03.2017).	Land At Ellison Terrace, Greenside,	Refused;	Crawcrook And Greenside
DC/16/01266/LBC	Display of vinyl decals advertising 'Kip McGrath Education Centres'on exterior of ground floor windows (retrospective)	Kip McGrath, 6 Regent Terrace,	Granted;	Bridges
DC/16/01271/ADV	Display of two internally illuminated aluminium panels size 700mm x 500mm and 5 digitally printed graphics.	Units 10-11 Allison Court , Marconi Way,	Temporary permission granted;	Whickham North
DC/16/01329/HHA	Single storey side and rear extension (as amended 31.03.2017)	9 Friarside Crescent, Rowlands Gill Central,	Granted;	Chopwell And Rowlands Gill
DC/16/01331/HHA	Replacement of existing timber framed windows with timber framed double glazed windows, insertion of new window and stone cill on side elevation and installation of 3 rooflights	7 Carlton Terrace, Gateshead,	Granted;	Low Fell

DC/16/01347/HHA	Two storey side and single storey front and rear extension (as amended 11.04.2017)	9 Riding Close, Crawcrook,	Granted;	Crawcrook And Greenside
DC/17/00047/HHA	Single storey side extension. As amended 06.03.17.	25 Neville Crescent, Birtley,	Refused;	Lamesley
DC/17/00052/HHA	Single storey rear extension	49 Wynn Gardens, Pelaw,	Granted;	Pelaw And Heworth
DC/17/00132/HHA	Conservatory to the rear	57 Knightside Gardens, Dunston,	Refused;	Dunston Hill And Whickham East
DC/17/00087/HHA	Erection of a single storey rear extension & internal reconfiguration	5 Lamesley Cottages, Lamesley,	Granted;	Lamesley
DC/17/00213/HHA	Single storey extension to side and rear (as amended 12.04.2017)	4 Burnside Close, Whickham,	Granted;	Whickham South And Sunniside
DC/17/00219/HHA	Single storey front extension (retrospective)	Hill Edge Cottage, 2 The Bungalows,	Granted;	High Fell
DC/17/00134/HHA	Single storey front extension, single and two storey side and rear extension (as amended 21.04.2017)	28 Oakridge, Fellside Park,	Granted;	Whickham North
DC/17/00141/HHA	Proposed erection of single storey rear extension	53 St Andrews Drive, Chowdene,	Granted;	Low Fell

DC/17/00143/HHA	Raise ridge height of roof. Existing extension would be enlarged, along with the widening of the existing garage.	40 Grayling Road, Gateshead,	Granted;	Lobley Hill And Bensham
DC/17/00145/HHA	Erection of single storey side and rear extension	21 Deneside Avenue, Low Fell,	Granted;	Low Fell
DC/17/00146/FUL	Proposed variation of Condition 1 (Approved plans) of approval DC/16/00200/FUL to allow alterations to proposed protective coating facility. Amendments include omission of escape stair, alteration to fenestration detailing, extension to entrance canopy and substitution of garage with cryogenic test area.	International Paint Ltd , Stoneygate Lane,	Granted;	Pelaw And Heworth
DC/17/00148/HHA	Installation of a modular metal mesh access ramp and specified path widening to allow disabled access to rear	62 Creslow, High Heworth,	Granted;	Windy Nook And Whitehills
DC/17/00149/HHA	Proposed modular steel Disabled Entrance Ramp	2 Romford Place, Deckham,	Granted;	Deckham
DC/17/00162/COU	Change of use from office to two bedroom flat	First Floor Unit 1A , Fewster Square,	Granted;	Wardley And Leam Lane

DC/17/00232/FUL	Continued siting of temporary demountable building in existing yard adj north elevation of school	Larkspur Community Primary School, Larkspur,	Temporary permission granted;	High Fell
DC/17/00166/HHA	Single storey rear extension and extend drive to front	9 Derwent Water Drive, Blaydon,	Granted;	Ryton Crookhill And Stella
DC/17/00225/FUL	Continued siting of steel storage container	Land At, Kyo Bog Lane,	Temporary permission granted;	Crawcrook And Greenside
DC/17/00174/CPL	Construction of flat roofed dormer finished using tiles of a similar appearance to the existing roof on rear elevation of property known as 14 Valley View	14 Valley View, Rowlands Gill Central,	Granted;	Chopwell And Rowlands Gill
DC/17/00187/ADV	Display of free-standing non illuminated roadside board advertising sales area.	Land North Of A695 Ryton, ,	Temporary permission granted;	Crawcrook And Greenside
DC/17/00190/HHA	Single storey extension to front and garage conversion	19 Parklands Way, Wardley,	Granted;	Wardley And Leam Lane
DC/17/00195/HHA	Two storey side and single storey front extension	29 Thornhill Close, Dunston,	Granted;	Dunston And Teams

DC/17/00197/ADV	Display of freestanding 7.5m high, internally illuminated pylon sign on Shields Road perimeter, advertising LIDL	Shirt Factory , Shields Road,	Temporary permission granted;	Pelaw And Heworth
DC/17/00200/HHA	Single storey side and rear extension	20 Morris Gardens, Wardley,	Granted;	Wardley And Leam Lane
DC/17/00201/HHA	Single storey rear extension	East Garth , Barmoor Lane,	Granted;	Ryton Crookhill And Stella
DC/17/00313/HHA	Two storey side extension	25 Sheriffs Close, Felling,	Granted;	Deckham
DC/17/00241/FUL	Provision of level disabled access with tubular handrail	Trinity Methodist Church, Shibdon Road,	Granted;	Blaydon
DC/17/00209/FUL	Construction of bay window and introduction of two flush windows on front elevation	Rose And Crown , North Street,	Granted;	Winlaton And High Spen
DC/17/00210/ADV	Display of non illuminated fascia sign reading 'High Street Tattoo' and window stickers depicting crossed tattoo guns on front elevation (amended 04/04/17).	327 High Street, Gateshead,	Temporary permission granted;	Bridges
DC/17/00211/FUL	Change of use from estate agents (A2 use) to beauty and hair salon (retrospective)	30 Station Road, Rowlands Gill Central,	Granted;	Chopwell And Rowlands Gill



DC/17/00245/TPO	Tree works at 10 Whickham Park Whickham.	10 Whickham Park, Whickham,	Granted;	Dunston Hill And Whickham East
DC/17/00334/HHA	Single storey rear extension, removal of existing garage flat roof and erection of new pitched and hipped roof over garage and extension	8 Hilldyke, Gateshead,	Granted;	Lamesley
DC/17/00221/HHA	Single storey rear extension	67 Derwent Water Drive, Blaydon,	Granted;	Ryton Crookhill And Stella
DC/17/00289/HHA	Single storey extension to rear	38 St Cuthberts Park, Marley Hill,	Granted;	Whickham South And Sunniside
DC/17/00282/TPO	Works to 1 Ash tree and 1 Beech tree in rear garden of 61A Cornmoor Road.	61A Cornmoor Road, Whickham,	Granted;	Dunston Hill And Whickham East
DC/17/00226/HHA	Demolition of existing conservatory and erection of single storey rear extension	117 Tantallon, Portobello,	Granted;	Birtley
DC/17/00233/FUL	Modular style building (situated on hardcore dolomite mound) to facilitate views of the machine demonstration area and to provide welfare facilities	Komatsu Uk Ltd , Durham Road,	Granted;	Birtley

DC/17/00296/TPO	Works to tree in gardens of Mulberry Bush Nursery, Hexham Villa, Durham Road	Mulberry Bush Nursery, Hexham Villa,	Granted;	Birtley
DC/17/00243/FUL	Erection of single storey nursery building (being an amended proposal to DC/16/00540/FUL granted on 01.09.2016)	Whickham Parochial Church Of England Primary School , Broadway,	Granted;	Whickham South And Sunnside
DC/17/00267/HHA	Proposed extension & new roof to the existing Sun room to provide a Dining room.	The Granary, Spen Lane,	Granted;	Winlaton And High Spen
DC/17/00302/DEM	DETERMINATION OF PRIOR APPROVAL: Demolition of former single storey Health Centre	Carr Hill Clinic, Carr Hill Road,	Granted;	Deckham



**PLANNING AND DEVELOPMENT  
COMMITTEE  
10 May 2017**

**TITLE OF REPORT: Enforcement Action**

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

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**Purpose of the Report**

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

**Background**

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

**Recommendations**

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

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Contact: John Bradley extension 3905

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**1. FINANCIAL IMPLICATIONS**

Nil.

**2. RISK MANAGEMENT IMPLICATIONS**

Nil.

**3. HUMAN RESOURCES IMPLICATIONS**

Nil.

**4. EQUALITY AND DIVERSITY IMPLICATIONS**

Nil

**5. CRIME AND DISORDER IMPLICATIONS**

Nil.

**6. SUSTAINABILITY IMPLICATIONS**

Nil.

**7. HUMAN RIGHTS IMPLICATIONS**

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

**8. WARD IMPLICATIONS**

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

**9. BACKGROUND INFORMATION**

Nil.

## APPENDIX 2

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

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

Item Number	Site	Ward	Alleged Breach of Planning Control	Date Approval given for Enforcement Action	Date Served	Plan App Rec'd Y/N	Appeal Rec'd Y/N	Date Notice comes into Force	End of Compliance Period	Current Status	Compliance Y/N
				2015	r 2015				2015	However, a further Section 215 notice has been served requiring a hoarding to be erected around the site.  Planning permission has now been granted for the site and discussions regarding the compliance with the notice are ongoing.	
				3 January 2017	4 January 2017			8 February 2017	8 April 2017, 8 May 2017 and 8 June 2017	A further notice has now been issued requiring the site to be tidied and a hoarding erected.	
4.	40 Whitemere Gardens Wardley	Wardley and Leam Lane	Unauthorised Change of Use of residential land	4 <sup>th</sup> April 2014	4 <sup>th</sup> April 2014	N	N	10 <sup>th</sup> May 2014	10 <sup>th</sup> July 2014	The notice has been served as the land in question is being used as a mixed use of dwelling house and vehicle repair and servicing, storage of vehicles and vehicle repair parts and equipment and vehicle recovery.  <b>A file has been prepared and the matter is being progressed with PACE interviews with those suspected of breaching the Notice</b>	
5.	21 Saltwell View	Saltwell	Unauthorised alteration to property	16 July 2014	16 July 2014	N		20 August 2014	13 September 2016	The unauthorised installation of UPVC windows without consent, -fronting the highway in an area subject to a Direction under Article 4 of the Town and Country Planning (General Permitted	

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



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

Item Number	Site	Ward	Alleged Breach of Planning Control	Date Approval given for Enforcement Action	Date Served	Plan App Rec'd Y/N	Appeal Rec'd Y/N	Date Notice comes into Force	End of Compliance Period	Current Status	Compliance Y/N
	(Known as South West Farm Site Three)	Swalwell	storage of vehicles, agricultural equipment and parts, repair and restoration of vehicles and machinery and the reception, composting and transfer of green waste.  Without planning permission the change of use of the land from agriculture to a mixed use for agriculture and the storage of vehicles, agricultural equipment and scrap metal and vehicle dismantling and repair	11 January 2016	12 January 2016	N	N	15 February 2016	14 March and 4 July 2016	respect of the requirement to carry out an Environmental Impact Assessment and provide an Environmental Statement with an subsequent appeals.  The Notices requires firstly, the cessation of the unauthorised use and secondly, the removal from the land of the scrap.  The site is to be visited following the expiration of the compliance period the visit is to be carried out imminently in conjunction with the Environment Agency.  The associated legal action is to be heard at Newcastle Crown Court in May 2017	
8.	Site of former Stella South Power Station, Stella Riverside	Ryton, Crookhill and Stella	Failure to comply with a condition attached to the planning permission in relation to play areas	18 January 2016	18 January 2016	Y	N	18 January 2016	14 March 2016 (stage 1)  9 May 2016 (stage 2)	Complaints have been received that a condition attached to the planning application for the site has not been complied with in respect of the provision of play equipment. Despite protracted negotiation the work to comply with the condition had not commenced on site. As such a notice was served requiring compliance within a specified timescale.  <b>Work on site is complete on 3 of the 4 play areas and approaching</b>	

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

Item Number	Site	Ward	Alleged Breach of Planning Control	Date Approval given for Enforcement Action	Date Served	Plan App Rec'd Y/N	Appeal Rec'd Y/N	Date Notice comes into Force	End of Compliance Period	Current Status	Compliance Y/N
			<b>Breach of Planning Conditions</b>	<b>19<sup>th</sup> April 2017</b>	<b>20<sup>th</sup> April 2017</b>	<b>Y</b>	<b>N</b>	<b>20<sup>th</sup> April 2017</b>	<b>18<sup>th</sup> May 2017</b>	<p>have significant concerns regarding highway safety. Therefore a Temporary Stop Notice was issued requiring the use to stop until the conditions are discharged.</p> <p>The conditions have still not been complied with and the Temporary Strop Notice has ceased to have effect therefor a Breach of Condition Notice has now been issued requiring the information to be submitted.</p>	

**TITLE OF REPORT:** Planning Appeals

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

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### **Purpose of the Report**

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

### **New Appeals**

2. There have been **two** new appeals lodged since the last committee:

DC/16/01316/HHA - 14 Leam Gardens, Wardley NE10 8SX  
Two storey side extension  
This was a delegated decision refused on 8 February 2017.

DC/17/00001/COU - 3/5 Beaconsfield Avenue, Gateshead NE9 5XT  
Change of use of ground floor from residential to Use Class A1 (as expansion of existing adjoining shop); relocation of dwelling entrance to rear; and residential loft conversion with hip to gable extension and new velux windows  
This was a delegated decision refused on 27 February 2017.

### **Appeal Decisions**

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

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

This was a committee decision refused on 25 April 2016

Appeal withdrawn on 6 April 2017.

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

### **Appeal Costs**

4. There have been no appeal cost decisions.

### **Outstanding Appeals**

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

## **Recommendation**

6. It is recommended that the Committee note the report

**Contact: Emma Lucas   Ext: 3747**

**FINANCIAL IMPLICATIONS**

Nil

**RISK MANAGEMENT IMPLICATIONS**

Nil

**HUMAN RESOURCES IMPLICATIONS**

Nil

**EQUALITY AND DIVERSITY IMPLICATIONS**

Nil

**CRIME AND DISORDER IMPLICATIONS**

Nil

**SUSTAINABILITY IMPLICATIONS**

Nil

**HUMAN RIGHTS IMPLICATIONS**

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

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

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

**WARD IMPLICATIONS**

Various wards have decisions affecting them in Appendix 3

**BACKGROUND INFORMATION**

Start letters and decision letters from the Planning Inspectorate



The Planning  
Inspectorate

Room 3/O  
Temple Quay House  
2 The Square  
Bristol  
BS1 6PN

Direct Line: 0303 444 5531  
Customer Services:  
0303 444 5000

Email:  
helen.skinner@pins.gsi.gov.uk

[www.gov.uk/planning-inspectorate](http://www.gov.uk/planning-inspectorate)

Emma Lucas  
Gateshead Metropolitan Borough Council  
Development & Enterprise  
Planning Dept - Civic Centre  
Regent Street  
Gateshead  
Tyne & Wear  
NE8 1HH

Your Ref: DC/15/00804/FUL  
Our Ref: APP/H4505/W/16/3160725

06 April 2017

Dear Emma Lucas,

**Town and Country Planning Act 1990**  
**Appeal by Gleeson Developments Ltd**  
**Site Address: Land at Portobello Road, Birtley, County Durham, DH3 2JW**

We have received an email withdrawing the above appeal.

I confirm no further action will be taken.

Yours sincerely,

*Helen Skinner*  
Helen Skinner

*Where applicable, you can use the internet to submit documents, to see information and to check the progress of cases through the Planning Portal. The address of our search page is - [www.planningportal.gov.uk/planning/appeals/online/search](http://www.planningportal.gov.uk/planning/appeals/online/search)*



**APPENDIX 3**

**OUTSTANDING APPEALS**

<b>Planning Application No</b>	<b>Appeal Site (Ward)</b>	<b>Subject</b>	<b>Appeal Type</b>	<b>Appeal Status</b>
<b>DC/15/00804/FUL</b>	<b>Land At Portobello Road Birtley</b>	<b>Erection of 60 x two-storey dwellings with associated works (additional information received 22/09/15, 25/09/15, 26/11/15, 02/12/15, 07/12/15, 15/12/15, and 15/04/16 and 08/03/16 and amended 26/11/15, 02/12/15, 18/02/16, 22/02/16, 06/04/16, 07/04/16 and 18/04/16).</b>	<b>Hearing</b>	<b>Appeal Withdrawn</b>
<b>DC/16/00914/COU</b>	<b>Land At Soka Wine Centre Devon House Durham Road Birtley</b>	<b>Change of use of part of existing car park for staff and part of existing side garden for residential flat to hand car-wash and car valet operation with new dropped-kerb exit point, erection and re-alignment of 1.8m high metal and timber fencing and 4x metal 1.5m high storage boxes</b>	<b>Written</b>	<b>Appeal In Progress</b>
<b>DC/16/01316/HHA</b>	<b>14 Leam Gardens Wardley Felling NE10 8SX</b>	<b>Two storey side extension</b>	<b>Written</b>	<b>Appeal In Progress</b>

DC/17/00001/COU	3/5 Beaconsfield Avenue Gateshead NE9 5XT	Change of use of ground floor from residential to Use Class A1 (as expansion of existing adjoining shop); relocation of dwelling entrance to rear; and residential loft conversion with hip to gable extension and new velux windows	Written	Appeal in Progress
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**TITLE OF REPORT:**           **Planning Obligations**

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

## **Purpose of the Report**

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

## **Background**

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

DC/08/01130/FUL - £1728.42 – payment received in respect of off-site junior play and off-site teen play contribution

92 High Street, Felling

Change of use of ground floor to cafe, conversion of upper floors into four flats (use class C3) and alterations to roof (retrospective application), as amended by plans received 8 February 2009.

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 10 May 2017.

## **Recommendations**

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

Contact: Emma Lucas Ext: 3747

**1. FINANCIAL IMPLICATIONS**

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

**2. RISK MANAGEMENT IMPLICATIONS**

Nil

**3. HUMAN RESOURCES IMPLICATIONS**

Nil

**4. EQUALITY AND DIVERSITY IMPLICATIONS**

Nil

**5. CRIME AND DISORDER IMPLICATIONS**

Nil

**6. SUSTAINABILITY IMPLICATIONS**

Nil

**7. HUMAN RIGHTS IMPLICATIONS**

Nil

**8. WARD IMPLICATIONS**

Monitoring: Various wards

**9. BACKGROUND INFORMATION**

The completed Planning Obligations