

PLANNING AND DEVELOPMENT COMMITTEE AGENDA

Wednesday, 31 May 2017 at 10.00 am in the Council Chamber - Civic Centre

From the Chief Executive, Sheena Ramsey

Item	Business
1	Apologies for Absence
2	Constitution (Pages 3 - 4) Report of the Chief Executive.
3	Minutes The Committee is asked to approve as a correct record the minutes of the meeting held on 10 May 2017 (copy previously circulated).
4	Declarations of Interest Members to declare interests in any agenda items
5	Planning Applications (Pages 5 - 12)
5i	No.1 - Marley Hill Primary School (Pages 13 - 34)
5ii	No.2 - 4 Coalburns Cottages, Ryton (Pages 35 - 48)
5iii	No.3 - Ravenside Bungalow (Pages 49 - 56)
5iv	No.4 - Mount Pleasant Road, Birtley (Pages 57 - 60)
5v	No.5 - Alters Jewish Girls High School, Felling (Pages 61 - 72)
5vi	No.6 - Barmoor Lane, Ryton (Pages 73 - 76)
5vii	No.7 - 12 Lintzford Road, Rowlands Gill (Pages 77 - 80)
	Delegated Decisions (Pages 81 - 94)

Continues...

- 6** | **Enforcement Action** (Pages 95 - 104)
Report of the Strategic Director, Communities and Environment
- 7** | **Planning Appeals** (Pages 105 - 110)
Report of the Strategic Director, Communities and Environment
- 8** | **Planning Obligations** (Pages 111 - 112)
Report of the Strategic Director, Communities and Environment

Contact: Neil Porteous - Email: neilporteous@gateshead.gov.uk, Tel: 0191 433 2149,
Date: Monday, 22 May 2017

TITLE OF REPORT: Constitution

REPORT OF: Sheena Ramsey, Chief Executive

Purpose

To note that the constitution of the Committee and the appointment of the Chair and Vice Chair as approved by Council for the 2017/18 municipal year is as follows:-

Chair Councillor B Goldsworthy
Vice Chair Councillor M Hood

Councillors J Adams
L Caffrey
S Dickie
P Dillon
K Ferdinand
A Geddes
M Hall
L Kirton
J Lee
K McCartney
C McHugh
E McMaster
P Mole
J Turnbull
N Weatherley
A Wheeler
K Wood
S Craig
J McClurey
C Ord
I Patterson

Recommendation

The Committee is asked to note the report.

CONTACT: Neil Porteous

Extension 2149

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TITLE OF REPORT: Planning applications for consideration

REPORT OF: Paul Dowling, Strategic Director Communities
and Environment

Purpose of the Report

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

PART ONE:

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

PART TWO: FOR INFORMATION ONLY

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

Recommendations

2. Recommendations are specified in the schedule.

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

Contents

Application Number	Site Location	Ward
1. DC/16/01079/FUL	Marley Hill Primary School Church Street	Whickham South And Sunnyside
2. DC/16/01261/FUL	Coalburns Cottages 4 Coalburns Cottages	Crawcrook And Greenside
3. DC/17/00358/FUL	Ravenside Bungalow U8116 County Boundary To Woodhead	Chopwell And Rowlands Gill
4. 15/00154/DOC4	Mount Pleasant Road Birtley	Birtley
5. DC/17/00405/FUL	Alteres Jewish Girls High School Willow Grove	Felling
6. TREE/17/024	Moorside Barmoor Lane Ryton	Ryton Crookhill And Stella
7. TREE/17/032	Heathfield 12 Lintzford Road Rowlands Gill	Chopwell and Rowlands Gill

DEVELOPMENT PLAN

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

NATIONAL PLANNING POLICY FRAMEWORK (NPPF)

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

REGIONAL SPATIAL STRATEGY (RSS)

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

LOCAL PLAN (Formerly known as Local Development Framework)

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

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

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

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

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

UPDATES

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

SPEAKING AT COMMITTEE

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

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

SITE PLANS

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

PUBLICITY/CONSULTATIONS

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

SITE VISITS

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

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

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

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

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

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

Generalised Guide to Use Classes Order 1987 (as amended)

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

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

Changes allowed without planning permission

From	To
A2 (professional and financial services) when premises have a display window at ground level	A1 (shop)
A3 (restaurants and cafes)	A1 or A2
A4 (drinking establishments)	A1 or A2 or A3
A5 (hot food takeaways)	A1 or A2 or A3
B1 (business) (permission limited to change of use relating to not more than 500 square metres of floor space)	B8 (storage and distribution)
B2 (general industrial)	B1 (business)
B8 (general industrial) (permission limited to change of use relating to not more than 500 square metres of floor space)	B8 (storage and distribution)
B8 (storage and distribution) (permission limited to change of use relating to not more than 500 square metres of floor space)	B1 (business)
C3 (dwellinghouses)	C4 (houses in multiple occupation)
C4 (houses in multiple occupation)	C3 (dwellinghouses)
Casinos (sui generis)	D2 (assembly and leisure)

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



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

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

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

- **retail to residential** - new class IA allows change of use and some associated physical works from a small shop or provider of professional/financial services (A1 and A2 uses) to residential use (C3). This involves a 'prior approval' process and the local planning authority can consider impacts of the proposed change. Up to 150 square metres of retail space will be able to change to residential use. This new right does not apply to land protected by article 1(5) of the General Permitted Development Order.*
- **agricultural to residential** - new class MB allows change of use and some associated physical works from buildings used for agricultural purposes to residential use (C3). This involves a 'prior approval' process and the local planning authority can consider impacts of the proposed change. Up to 450 square metres of retail space will be able to change to up to three dwellings. This new right does not apply to land protected by article 1(5) of the General Permitted Development Order.*
- **commercial to childcare nurseries** - change of use from offices (B1), hotels (C1), residential (C2 and C2A), non-residential institutions (D1), and leisure and assembly (D2) to nurseries providing childcare. This involves a 'prior approval' process and the local planning authority can consider impacts of the proposed change.
- **agricultural to new schools and nurseries** - new class MA allows change of use from buildings used for agricultural purposes to a state funded school or nursery providing childcare. This involves a 'prior approval' process and the local planning authority can consider impacts of the proposed change.

Explanation of Abbreviated Terms used in Reports

EVA	Economic Viability Assessment	UDP	Unitary Development Plan
DPD	Development Plan Document	SPD	Supplementary Planning Document
EIA	Environmental Impact Assessment	NPPF	National Planning Policy Framework
TA	Transport Assessment	RIA	Retail Impact Assessment
SHLAA	Strategic Housing Land Availability Assessment	SHMA	Strategic Housing Market Assessment
CSUCP	Core Strategy and Urban Core Plan		

On 6 March 2014 the Department for Communities and Local Government (DCLG) launched a planning practice guidance web-based resource. This was accompanied by the cancellation of previous planning practice guidance documents. Now planning practice guidance is now available entirely online in a usable and accessible way with links between the National Planning Policy Framework and relevant planning practice guidance, as well as between different categories of guidance. The guidance can be accessed through this link <http://planningguidance.planningportal.gov.uk/>

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Committee Report

Application No:	DC/16/01079/FUL
Case Officer	Andrew C Softley
Date Application Valid	14 October 2016
Applicant	Buckley Burnett Development Ltd
Site:	Marley Hill Primary School Church Street Marley Hill Newcastle Upon Tyne
Ward:	Whickham South And Sunnyside
Proposal:	Conversion of main school building to include partial demolition to create two residential properties and the erection of 20 dwellings to the rear, to include two x 2 bed semi-detached properties, three x 3 bed terraced properties, four x 3 bed detached properties and eleven x 4 bed detached properties with associated landscaping, parking, services and highway works (amended 22/11/16, 03/02/17, 17/02/17 and 10/05/2017 and additional information received 03/02/17, 09/02/17, 17/02/17 and 12/05/2017).
Recommendation:	GRANT
Application Type	Full Application

1.0 The Application:

1.1 DESCRIPTION OF THE SITE

The application site is the former Marley Hill Primary School and the school field associated with the building, which has overall dimensions of approximately 105m by 83m. The school was built, with the adjoining school house, in 1895 and just pre-dates the pit village housing that began to be developed around that time. The former school building is a typical, though attractive, tall single-storey stone and slate Board School. It is symmetrical with wings projecting forward. Windows are mullioned and transomed, with some breaking the eaves line to form half-dormers. There is a central cupola housing the school bell and capped by an ogee roof. There are several later extensions to the rear of the school, which are unsympathetic flat roof brick building that are in a poor state. There is also a separate prefabricated building to the side/rear of the main school building. To the rear of the buildings (south/south-east) is the school field, with a mature landscaped boundary to define the site from the surrounding land. The site is also defined with fencing along all boundaries.

1.2 The former school site is towards the western end of Marley Hill Village, the whole of which forms Marley Hill Conservation Area. The village and surrounding areas are all within Green Belt, however, the village itself, which

includes the whole school site is also within the settlement envelope of Marley Hill. The site has a vehicular access point and a second combined vehicular/pedestrian access point to the front of the site from the A692 Church Street.

1.3 DESCRIPTION OF THE APPLICATION

This application proposes the conversion of main school building to include partial demolition to create two residential properties and the erection of 20 dwellings to the rear, to include two x 2 bed semi-detached properties, three x 3 bed terraced properties, four x 3 bed detached properties and eleven x 4 bed detached properties with associated landscaping, parking, services and highway works. The access road would be at the western edge of the site and would lead to the rear of the school building where the 20 new houses would be laid out in three linear rows of 5, 7 and 8 houses respectively. The first row of 5 houses would replace the existing prefabricated building that would be removed and would be made up of smaller 2 and 3 bed houses in a semi-detached and terrace of 3 layout. The next row would replace the existing unsympathetic extensions that would be demolished and would be made up of detached houses.

1.4 PLANNING HISTORY

There is no planning history pertaining to this proposed development.

2.0 Consultation Responses:

Coal Authority	No objection, subject to conditioning further intrusive site investigation works.
Northumbria Police	No comments.
Northumbria Water	No objections, subject to conditions.
Sport England	Object to the loss of the playing field on a non-statutory basis.
Tyne And Wear Archaeologist	No further archaeological work is required on the field. The former school building is of high historic interest and thus a programme of building recording should be conditioned to take place prior to its conversion.
Tyne & Wear Fire & Rescue Service	No objections.

3.0 Representations:

- 3.1 Two letters of objection have been received from local residents and raise the following concerns:
- Adding this number of dwellings to Marley Hill will have a detrimental impact upon highway safety, as Marley Hill already suffers from congestion.
 - Building the new houses will create overlooking concerns to residents living on the edge of St Cuthberts Park, which will result in a loss of privacy.
 - This would be an overdevelopment of the site, which would be to detriment of Marley Hill Conservation Area and the former school building.
 - Marley Hill does not need any more houses, as there are always houses for sale in the area.
 - The development would harm the surrounding green belt land, e.g. increased footfall.
 - Extra houses in the village would place further strain on already overstretched public services, such street sweeping, road maintenance, etc.
 - This development could cause drainage issues and result in flooding in lower parts of the village.
 - It would create a precedent for further house building schemes.
 - It would infill green belt land.
 - These houses are likely to be out of reach of local people due to anticipated prices.

4.0 Policies:

NPPF National Planning Policy Framework

NPPG National Planning Practice Guidance

CS11 Providing a range and choice of housing

CS13 Transport

CS14 Wellbeing and Health

CS15 Place Making

CS17 Flood Risk and Waste Management

CS18 Green Infrastructure/Natural Environment

CS19 Green Belt

H4 Windfall and Small Housing Sites

H5 Housing Choice

CFR28 Toddlers' Play Areas

CFR29 Juniors' Play Areas

CFR30 Teenagers' Recreation Areas

ENV3 The Built Environment - Character/Design

ENV7 Development within Conservation Areas

ENV23 Building Recording

ENV38 - Washed-Over Settlements in Green Belt

ENV44 Wood/Tree/Hedge Protection/Enhancement

ENV54 Dev on Land Affected by Contamination

DC1C Landform, landscape and after-use

DC2 Residential Amenity

MWR28 Prov of Facilities in new Developments

5.0 Assessment of the Proposal:

5.1 ASSESSMENT

The main planning issues to be considered are the principle of the development, loss of the playing field, CIL, viability, play and open space provision, green belt, design/conservation area, landscape, highway safety, drainage, contaminated land, coal mining legacy, refuse and residential amenity.

5.2 PRINCIPLE

As the application site is not specifically allocated for housing in the UDP, proposals for housing would need to be considered in terms of windfall housing under policy H4 of the UDP.

5.3 The site forms a windfall site. The National Planning Policy Framework (NPPF) states that "... housing applications should be considered in the context of the presumption in favour of sustainable development."

5.4 With regards to sustainable development, this is a largely residential area, albeit towards the edge of the village. However, there are retail and other service facilities nearby. It is considered that this proposal would not be at odds with the established character of the area and the amenity of future residential occupiers can be safeguarded. This will be discussed in more detail later in the report. As a result the principle of developing this site for residential use is considered acceptable should all other material planning considerations be satisfied.

- 5.5 Range and choice of housing
The Local Plan seeks to increase the range and choice of housing across Gateshead by improving the balance of the borough's housing stock in terms of dwelling size, type and tenure. Accordingly, policy CS11 of the Core Strategy and Urban Core Plan (CSUCP) requires that a minimum of 60% of new private housing across the plan area is suitable and attractive for families (i.e. homes with three or more bedrooms). Saved Unitary Development Plan (UDP) policy H5 also seeks to improve the choice of housing in Gateshead. This proposal seeks to provide a range of housing in which over 60% will be suitable and attractive to families. Overall this application is in accordance with the Council's objectives regarding improving the range and choice of housing.
- 5.6 Policy CS11 of the CSUCP requires that new residential development provides "adequate space inside and outside of the home to meet the needs of residents". This proposal is considered to accord with policy CS11 in this regard.
- 5.7 LOSS OF FORMER PLAYING FIELD
The land in question has not been used as a playing field for more than five years. The Council has recently prepared an up-to-date Playing Pitch Strategy (PPS), which was approved by Gateshead Council's Cabinet at their meeting of 13th December 2016 along with an Indoor and Built Sports Facilities Strategy and Football Plan document. These documents comply with Sport England's requirements for assessing needs and opportunities for sports facilities, while the Football Plan provides a strategic framework for the future provision of facilities for football in Gateshead. The audit of pitches carried out for the PPS Assessment Report does not identify the former Marley Hill School playing fields, either as a pitch currently in use, or as a lapsed/disused site. The former Marley Hill School playing fields have not been maintained since the school was closed in 2010; the fields provide a small site in a relatively isolated location and there is no prospect of them being brought into use as playing fields in the foreseeable future. Therefore, officers are confident that this proposal does not result in the loss of a valid playing field and hence accords with the NPPF and policy CS14 of the CSUCP.
- 5.8 Nonetheless, Sport England has chosen to object to the loss of the former playing field but on a non-statutory basis.
- 5.9 COMMUNITY INFRASTRUCTURE LEVY (CIL)
On 1st January 2017 Gateshead Council became a CIL Charging Authority. This application has been assessed against the Council's CIL charging schedule and the development is CIL chargeable development, as it is housing related. The area of the site that comprises the former school building and the first row of houses (plots 16-20) fall within Charging Zone C, which has a levy of £0 per square metre for this type of development and as such no CIL charge is liable. However, plots 1-15 fall within charging Zone A, which has a levy of £60 per square metre for this type of development and as such a CIL charge is liable and is chargeable at the decision date.

5.10 VIABILITY

There are two key factors when considering viability for this proposed development. The first is the impact of CIL, as set out above, and the second is the drainage requirement from Northumbrian Water for the developer to pay for a new surface water sewer to connect the new development into the existing sewer system at St Cuthberts Park. These two factors add a considerable amount of expense and are non-negotiable. The applicant has submitted a comprehensive viability statement, which has been assessed by officers, that demonstrates that the scheme is marginal at best due to the CIL and drainage requirements. Additional requirements in respect of affordable housing and play space provision make the scheme unviable. Officers are therefore satisfied in this case that the scheme could not realistically proceed with an affordable housing element included or play area provision.

5.11 PLAY AREA PROVISION

Saved UDP policies CFR28, CFR29 and CFR30 relating to the provision of play areas apply to the current application. Based on viability grounds, it is considered in this case that requiring the developer to provide an on-site toddler play area or providing an off-site contribution towards junior and teenage provision would make the scheme unviable. Therefore, while it cannot be concluded that the proposed development would comply with saved policies CFR28, CFR29 and CFR30 of the UDP, it is considered that other material planning considerations outweigh the UDP policies.

5.12 OPEN SPACE

The application site is not located within a neighbourhood that is deficient in open space provision; therefore there would be no requirement for this development to provide any.

5.13 GREEN BELT

The fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open; the essential characteristics of Green Belts are their openness and their permanence.

5.14 The application site is located within the area of Green Belt that helps to prevent Gateshead merging with County Durham and also looks to safeguard the countryside in this area from encroachment, as set out in paragraphs 79 and 80 of the NPPF and policy CS19 of the CSUCP.

5.15 That said, paragraph 85 of the NPPF covers how Local Planning Authorities (LPA) define Green Belt boundaries and sets out, amongst other things, not to include land which is unnecessary to keep permanently open and Green Belt boundaries should follow physical features that are readily recognisable and likely to be permanent.

5.16 Paragraph 86 of the NPPF goes on to say that villages that fall within Green Belt areas should not be covered by Green Belt policy unless the settlement has a specific open character that contributes to the openness of the Green Belt. Otherwise, if the character of a settlement needs to be protected for other

reasons, other means should be used, such as a conservation area for example.

- 5.17 In this case, the entire application site falls within the settlement boundary of Marley Hill village, which is classified as a "washed-over settlement within the green belt", as per saved policy ENV38 of the UDP. Policy ENV38 represents Gateshead Council's interpretation of paragraphs 85 and 86 of the NPPF in that the special character of Marley Hill villages relates to historic value, as a former coal mining village, and hence it is unnecessary to keep land within the village permanently open and the washed over settlement boundary follows clear and defined physical boundaries that make up the outer perimeter of the village.
- 5.18 Therefore, whilst Marley Hill village, and hence the application site, is not out with the Green Belt boundary, it is within the washed over settlement of Marley Hill. Saved policy ENV38 of the UDP sets out that infill residential development is acceptable within a washed over settlement providing that it does not have an adverse effect on the character of the settlement concerned and satisfies other detailed planning considerations. The other material considerations will be addressed later in the report but subject to them the proposal is considered to accord with national and local Green Belt policy.
- 5.19 **ARCHAEOLOGY**
An archaeological assessment and geophysical survey have been submitted as part of this application. The geophysical survey across the rear field was undertaken due to the supposed line of an early 18th waggonway crossing the site. No archaeological anomalies were identified; therefore no further archaeological work is required on the field to the rear of the former school.
- 5.20 The school building is an early example of a board school and is of high historic significance. Therefore, it is considered necessary that a building recording exercise takes place prior to its conversion (condition 3). Subject to the condition the proposal accords with the NPPF and saved policy ENV23 of the UDP.
- 5.21 **LANDSCAPE/TREES**
The site is visible within the landscape due to the topography of the surrounding area. However, the rear boundary of the site has a significant landscaping strip, which is mature but in need of attention. It is considered that maintaining and improving the existing landscaping strip would help to soften the development and the linear arrangement and simplified house types would follow the visual theme of housing in Marley Hill. It is also considered that the school site is viewed as an enclave within the wider landscape and the new dwellings would replace the existing extensions to the rear of the main school building. As a result, it is considered that the site would still be viewed as an enclave within the wider landscape. Therefore, subject to conditioning a final landscaping scheme and providing tree protection measures for the existing landscaping to be retained, it is considered that the proposal would accord with the NPPF, policy CS15 and CS18 of the CSUCP and saved policies DC1(c), ENV3 and ENV44 of the UDP (conditions 4 and 5 - tree protection and conditions 6, 7 and 8 - landscaping).

5.22 CONTAMINATED LAND/COAL MINING LEGACY

Ordnance Survey plans indicate that the site was agricultural land prior to being developed into its current form as Marley Hill Community Primary School, in Victorian times and further extensions / buildings have been added over the years. The open land to the rear has remained undeveloped, being used for play areas / sports pitches. However, the site is classified by the Coal Authority as being in a Development High Risk Area and this is supported by the fact that a former colliery shaft is located in the north east corner of the site, indicating that the site was a historical colliery site with potential associated made ground and potential contamination.

5.23 The site has been assessed as part of the Local Authority's obligations under Part IIA of the Environmental Protection Act of 1990 and the site has not been classified as "contaminated land". However, the site has been assessed as being situated on "potentially contaminated land" based on the fact that the site has historically been a colliery and thus there is a possibility that 'potentially contaminated' made ground may exist on the site from its use as a colliery site, and historic imported materials associated with the previous development /materials (e.g. asbestos) used in construction materials.

5.24 The findings of the submitted Phase 1 Land Contamination assessment and the Coal Mining Risk Assessment are considered to be acceptable and both recommend that further intrusive site investigation works (Phase 2) should be conditioned if planning permission is granted to ensure that the development accords with the NPPF, policy CS14 of the CSUCP and saved policy ENV54 of the UDP (conditions 9-14).

5.25 DRAINAGE

The principle of the revised drainage strategy is considered to be acceptable and hence it is considered acceptable to condition the final details, including maintenance provision, to ensure that the development accords with the NPPF and policy CS17 of the CSUCP (conditions 15-20).

5.26 DESIGN/CONSERVATION AREA

The design, scale, layout, height, density and appearance of the proposed houses are considered to be sympathetic to the surrounding area and would not appear out of keeping with the existing housing stock and other buildings as a result. Furthermore, the design of the properties would safeguard visual amenity and the character and appearance of the conservation area. This is based on the proposed linear arrangement of the proposed new dwellings, and the simple pitched roof layouts, in rows that reflect the appearance of the terraced houses that characterise Marley Hill. It is also proposed to use a sympathetic red brick for the elevations and natural slate for the roof coverings, which would also be complementary to the visual amenity of the streetscene.

5.27 With regard to the conversion of the former school, the works are considered to be sympathetic, including the addition of a modest number of rooflight windows and ultimately the main character and appearance of the building would be preserved. Furthermore, the removal of the unsympathetic extensions and

modular building would also be to the betterment of the conservation area. It is also worth noting that allowing for the development of the new dwellings underpins the conversion of the former school, which will safeguard its position within Marley Hill for another 100 years.

- 5.28 That said, officers consider it is necessary to condition the final approval of materials, including the type of hardstanding for the driveway and footpaths (conditions 21 and 22) the proposals to safeguard visual amenity and preserve the character and appearance of the conservation area.
- 5.29 Furthermore, the boundary treatments proposed are considered to be acceptable and hence it is considered appropriate to condition that the development be implemented in accordance with the submitted information (condition 23).
- 5.30 On that basis the design of the proposal would safeguard visual amenity and the character and appearance of Marley Conservation Area and thus accord with the NPPF, policy CS15 of the CSUCP and saved policies ENV and ENV7 of the UDP.
- 5.31 HIGHWAY SAFETY
The internal layout of the site has been revised in consultation with the Council's Transport Planning section, while many requirements dealing with the location of calming features, carriageway and footway widths, visitor parking and pedestrian links have now been agreed there are other elements that the applicant has chosen not to address at this stage and consequently conditions will be required.
- 5.32 The access and access road into the site has been subject to significant review due to concerns surrounding its geometry and how it ties in with the existing highway at the A692. Given these concerns, a stage 1 road safety audit (RSA) has been undertaken by independent road safety auditors, the issues raised in the audit have been addressed by the applicants design team and the access arrangement have now been deemed acceptable, subject to detailed design including street lighting being agreed. This can be dealt with by condition (conditions 24 and 25).
- 5.33 Design changes associated with the access road and in particular forward visibility have been made, however, the applicant has yet to clarify the final position in respect of forward visibility through the internal bend. Therefore, it is considered that further information is required in relation to forward visibility through the internal bend and to ensure that the agreed visibility splay is kept clear of obstruction (conditions 26 and 27).
- 5.34 Given the constraints of the access road it is necessary to ensure that there is no entrance point associated with the units within the former school building directly onto the access road and this can be secured through condition (condition 28).
- 5.35 There are insufficient reversing aisles for the driveways off the shared drives, with the exception of plots 19-20, and the 7 bays adjacent to plot 16. Where a

2.4m bay is used a reversing aisle of 6m is generally required. In order to overcome this issue the bays and double drives can be widened, while some revised tracking has been received, this does not correspond with the submitted layout drawings. Therefore, it is considered necessary to condition amendments to the driveways, parking bays and aisle widths to ensure that vehicles can manoeuvre acceptably within the site; this will be demonstrated using tracking (conditions 29 and 30).

- 5.36 Final details of the internal traffic calming features and how this ties in with visitor parking bays should be provided to ensure highway safety is maintained. This can be addressed by condition (conditions 31 and 32).
- 5.37 Cycle parking has been indicated for each of the individual units but final details have not been submitted. Such details can be addressed by condition (conditions 33 and 34).
- 5.38 Internal footpaths linking from the parking bays to the school building and the footpath link to the north of plots 16-18 have been widened to 1.8m and hence are acceptable.
- 5.39 As part of the scheme delivery there is a requirement for offsite highway works to be carried out, details relating to these works and a timetable for delivery will need to be secured under a condition (conditions 35 and 36), the works include:
- Realignment of kerb line
 - Footway widening/carriageway narrowing
 - Changes to road markings
 - Removal of guardrail
 - Removal of scholars bus stops
 - Revoking/creation of TRO's
 - Making good of redundant access's
 - 20MPH zone signage.
 - Pedestrian crossing on A692 linking the site with existing bus infrastructure.
 - Measures to tie the pedestrian/cycle link into existing infrastructure.
- 5.40 A travel plan for the site is yet to be agreed, inadequacies were identified within the original submission which will need to be addressed and agreed prior to occupation of any of the units and include clear timetables for implementation of measures, surveys and monitoring and review. Identification of a travel plan co-ordinator and funding proposals will also be required as a minimum (conditions 37 and 38).
- 5.41 Subject to the above conditions it is considered that the proposal would accord with the NPPF and policy CS13 of the CSUCP.
- 5.42 RESIDENTIAL AMENITY

It is considered that the orientation of windows, the layout of the site, including car parking, and the drop in land level from north to south should help to safeguard residential amenity to neighbouring properties, both existing and proposed. Furthermore, the separation distances to the nearest properties in St Cuthberts Park are in excess of 100m and therefore a loss of privacy is not considered to be an issue. Therefore, the proposal would accord with the NPPF, policy CS14 of the CSUCP and saved policy DC2 of the UDP.

5.43 In addition to the comments above, it is considered reasonable to condition that construction works should only take place during typical daytime hours of 8am-5pm Monday to Friday in order to safeguard residential amenity. Subject to that condition the proposal would accord with the NPPF, policy CS14 of the CSUCP and policy DC2 of the UDP (condition 39).

5.44 REFUSE

Each plot has sufficient rear garden space for the storage of wheeled bins with easy access to wheel them out for collection and the road layout is good and reduces the need for reversing for the 26 tonne HGV waste collection vehicles. Therefore, it is considered that the proposal accords with the NPPF and saved policy MWR28 of the UDP.

6.0 CONCLUSION

6.1 Taking all the relevant issues into account, it is recommended that planning permission be granted, as the proposal has been able to demonstrate that it would be acceptable, subject to conditions. It is considered that the proposal does accord with national and local planning policies and the recommendation is made taking into account all material planning considerations including the information submitted by the applicant and third parties.

7.0 Recommendation:

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

1

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

- 311 001 - Location/Boundary Plan
- 311 002 Rev L - Proposed Site Layout
- 311 003 Rev E - Proposed Hard Landscape and Boundary Treatment Plan
- 311 004 Rev B - Proposed External Material Plan
- 311 005 - Proposed Block Plan
- 311 006 - Boundary Treatment Details
- 311 007 - Proposed Site Sections A-A and B-B.
- 311 001 Rev A Proposed Floor Plans and Elevations - House Types 1-5.

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 demolition/development shall take place until a programme of archaeological building recording has been completed. A report of the results shall be submitted to and approved in writing by the Local Planning Authority prior to any development or demolition work taking place.

Reason

To provide an archive record of the historic building and to accord with the National Planning Policy Framework and saved policy ENV23 of the Unitary Development Plan.

4

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 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 the National Planning Policy Framework, policy CS18 of the Core Strategy and Urban Core Plan and saved policies DC1(c) and ENV44 of the Unitary Development Plan.

5

The protective fencing approved under condition 4 must be installed prior to the commencement of the development and thereafter retained intact for the full duration of the demolition and 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 the National Planning Policy Framework, policy CS18 of the Core Strategy and Urban Core Plan and saved policies DC1(c) and ENV44 of the Unitary Development Plan.

6

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 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 the National Planning Policy Framework, policies CS14 and CS15 of the Core Strategy and Urban Core Plan and saved policies DC1(c), DC2 and ENV3 of the Unitary Development Plan.

7

The landscaping scheme approved under condition 6 shall be implemented in accordance with the approved details within the first available planting season following the approval of details.

Reason

To ensure the satisfactory appearance of the development upon completion in the interests of the visual amenity of the area and in accordance with the NPPF, saved policies DC2 and ENV3 of the Unitary Development Plan and policies CS14 and CS15 of the Core Strategy and Urban Core Plan for Gateshead and Newcastle upon Tyne.

8

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

Reason

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

accordance with the NPPF, saved policies DC2 and ENV3 of the Unitary Development Plan and policies CS14 and CS15 of the Core Strategy and Urban Core Plan for Gateshead and Newcastle upon Tyne.

9

Prior to any demolition works and prior to the commencement of the development hereby permitted, with the exception of the tree protection measures and the archaeological building recording, an intrusive site investigation with a Phase 2 Detailed Risk Assessment shall be submitted to and approved in writing by the Local Planning Authority.

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 policies DC1(p) and ENV54 of the Unitary Development Plan.

10

The details of the intrusive site investigation and the details of the Phase 2 Risk Assessment Report approved under condition 9 shall be implemented prior to commencement of the development hereby permitted, with the exception of the tree protection measures.

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 policies DC1(p) and ENV54 of the Unitary Development Plan.

11

Prior to any demolition works and prior to the commencement of the development hereby permitted, with the exception of the tree protection measures and the archaeological building recording, and subject to condition 9 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 and site management procedures. The scheme must ensure that the site will not qualify as contaminated land under Part 2A of the Environmental Protection Act 1990 in relation to the intended use of the land after remediation.

Reason

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

National Planning Policy Framework, policy CS14 of the Core Strategy and Urban Core Plan and saved policies DC1(p) and ENV54 of the Unitary Development Plan.

12

The details of remediation measures approved under condition 11 shall be implemented prior to the first occupation 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 policies DC1(p) and ENV54 of the Unitary Development Plan.

13

Following completion of the remediation measures approved under condition 11 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 policies DC1(p) and ENV54 of the Unitary Development Plan.

14

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.

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 policies DC1(p) and ENV54 of the Unitary Development Plan.

15

Prior to the commencement of the development hereby permitted, with the exception of the tree protection measures, the archaeological building recording and any demolition works, full details of the drainage of all vehicular areas including roadways, parking bays and driveway areas shall be submitted to and approved in writing by the Local Planning Authority. Road gullies alone will not be acceptable in terms of mitigation of pollutants.

Reason

To ensure that the drainage of these areas includes the necessary treatment to mitigate against vehicle pollutants in accordance with the National Planning Policy Framework, the SuDS Manual and policy CS17 of the Core Strategy and Urban Core Plan.

16

The details of drainage of vehicular areas approved under condition 15 shall be implemented prior to the first occupation of the development hereby permitted and maintained for the life of the development.

Reason

To ensure that the drainage of these areas includes the necessary treatment to mitigate against vehicle pollutants in accordance with the National Planning Policy Framework, the SuDS Manual and policy CS17 of the Core Strategy and Urban Core Plan.

17

Development shall not commence in respect of the soakaway system until full details of the geocellular storage or soakaway system have been provided, including details of pollutant mitigation measures to treat runoff from all hard surfaces to the soakaway feature, CCTV and maintenance access into the structure.

Reason

To ensure appropriate drainage so as to prevent the risk of flooding in accordance with the National Planning Policy Framework and Policy CS17 of the Core Strategy and Urban Core Plan.

18

The details of the soakaway feature approved under condition 17 shall be implemented prior to the first occupation of the development hereby permitted and maintained for the life of the development.

Reason

To ensure appropriate drainage so as to prevent the risk of flooding in accordance with the National Planning Policy Framework and Policy CS17 of the Core Strategy and Urban Core Plan.

19

Prior to the first occupation of the development hereby approved a drainage maintenance plan, including specification and schedule, and designed to be a working document for use by maintenance operatives, shall be submitted to and approved in writing by the Local Planning Authority. This shall include maintenance specification and timings for the geocellular storage devices, hydrobrakes, manholes, gullies, and any other flow controls or water treatment devices. The plan shall also set out details of the arrangements for the ongoing maintenance of the drainage system over the lifetime of the development, and set out clearly where responsibility lies for the maintenance of all drainage features including underground storage, oversize pipes, permeable paving, flow control and water treatment devices.

Reason

To ensure appropriate drainage so as to prevent the risk of flooding in accordance with the National Planning Policy Framework and Policy CS17 of the Core Strategy and Urban Core Plan.

20

The details of the drainage maintenance plan approved under condition 19 shall be implemented prior to the first occupation of the development hereby permitted and maintained for the life of the development.

Reason

To ensure appropriate drainage so as to prevent the risk of flooding in accordance with the National Planning Policy Framework and Policy CS17 of the Core Strategy and Urban Core Plan.

21

Development shall not commence 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.

22

The development shall be completed using the materials approved under Condition 21, and retained as such in accordance with the approved details thereafter.

Reason

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

23

The boundary treatment details shown on plan references 003 Rev E and 006 shall be provided on site as per the developer's construction timetable and maintained as such thereafter.

Reason

To ensure the satisfactory appearance of the development upon completion in the interests of the visual amenity of the area and the character and appearance of Low Fell Conservation Area, in accordance with the NPPF, saved policies DC2, ENV3 and ENV7 of the Unitary Development Plan and policies CS14 and CS15 of the Core Strategy and Urban Core Plan for Gateshead and Newcastle upon Tyne.

24

Prior to the first occupation of the development hereby approved full details of the proposed street lighting scheme shall be submitted to and approved in writing by the Local Planning Authority.

Reason

In the interests of highway safety and in order to accord with the NPPF and policy CS13 of the CSUCP.

25

The street lighting details approved by condition 24 shall be provided on site as per the developer's construction timetable and maintained as such thereafter.

Reason

In the interests of highway safety and in order to accord with the NPPF and policy CS13 of the CSUCP.

26

Prior to the construction of the internal road within the site hereby approved, final details to demonstrate that forward visibility can be

achieved through the internal bend to ensure that the agreed visibility splay is kept clear of obstruction shall be submitted to and approved in writing by the Local Planning Authority.

Reason

In the interests of highway safety and in order to accord with the NPPF and policy CS13 of the CSUCP.

27

The forward visibility details approved by condition 26 shall be provided on site prior to the first occupation of the development and maintained as such thereafter.

Reason

In the interests of highway safety and in order to accord with the NPPF and policy CS13 of the CSUCP.

28

No entrance point associated with the "Unit 1" within the former school building shall open directly onto the access road.

Reason

In the interests of highway safety and in order to accord with the NPPF and policy CS13 of the CSUCP.

29

Prior to the construction of the reversing aisles for the driveways off the shared drives and the 7 bays adjacent to plot 16, final details showing amendments to the driveways, parking bays and aisle widths to ensure that vehicles can manoeuvre acceptably within the site shall be submitted to and approved in writing by the Local Planning Authority.

Reason

In the interests of highway safety and in order to accord with the NPPF and policy CS13 of the CSUCP.

30

The revised aisle and parking bay widths approved by condition 29 shall be provided on site as per the developer's construction timetable and maintained as such thereafter.

Reason

In the interests of highway safety and in order to accord with the NPPF and policy CS13 of the CSUCP.

31

Prior to the construction of the internal road final details of the internal traffic calming features and how this ties-in with visitor parking bays should be submitted to and approved in writing by the Local Planning Authority.

Reason

In the interests of highway safety and in order to accord with the NPPF and policy CS13 of the CSUCP.

32

The internal traffic calming measures approved by condition 31 shall be provided on site as per the developer's construction timetable and maintained as such thereafter.

Reason

In the interests of highway safety and in order to accord with the NPPF and policy CS13 of the CSUCP.

33

Notwithstanding the details of the submitted application and prior to the first occupation of the development hereby approved, a scheme for the provision of secure and weather resistant cycle parking facilities for each property shall be submitted to and approved in writing by the Local Planning Authority.

Reason

In order to ensure adequate provision for cyclists and in compliance with the NPPF and policy CS13 of the CSUCP.

34

The cycle parking details approved by condition 33 shall be provided on site as per the developer's construction timetable and maintained as such thereafter.

Reason

In the interests of highway safety and in order to accord with the NPPF and policy CS13 of the CSUCP.

35

Prior to any off-site highway works commencing in respect of the development hereby approved full details of the following points, including a timetable for delivery shall be submitted to and approved in writing by the Local Planning Authority:

- Realignment of kerb line
- Footway widening/carriageway narrowing
- Changes to road markings
- Removal of guardrail
- Removal of scholars bus stops
- Revoking/creation of TRO's
- Making good of redundant access's
- 20MPH zone signage.
- Pedestrian crossing on A692 linking the site with existing bus infrastructure.

- Measure to tie the pedestrian/cycle link into existing infrastructure.

Reason

In the interests of highway safety and in order to accord with the NPPF and policy CS13 of the CSUCP.

36

The off-site highway works approved by condition 35 shall be provided on site as per the developer's construction timetable and maintained as such thereafter.

Reason

In the interests of highway safety and in order to accord with the NPPF and policy CS13 of the CSUCP.

37

No buildings hereby approved shall be occupied until the submission of a Travel Plan for the application site has been 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 in accordance with the NPPF and policy CS13 of the CSUCP;
- 3) Reduced traffic speeds within the site and improved road safety and personal security for pedestrians and cyclists;
- 4) A programme of continuous review of the approved details of the Travel Plan and the implementation of any approved changes to the plan.

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

Reason

In the interests of highway safety and in order to accord with the NPPF and policy CS13 of the CSUCP.

38

The travel plan approved by condition 37 shall be implemented on site as per the developer's construction timetable and maintained as such thereafter.

Reason

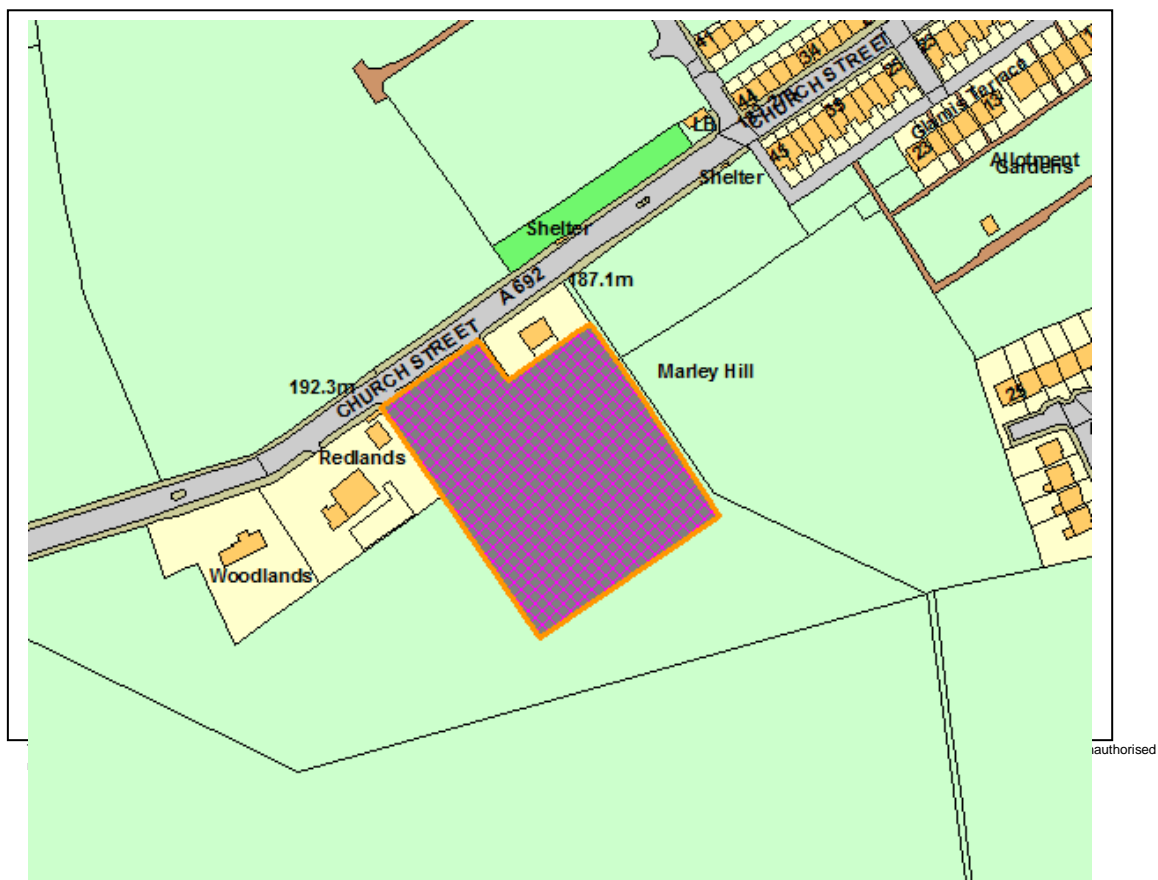
In the interests of highway safety and in order to accord with the NPPF and policy CS13 of the CSUCP.

39

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

Reason

To safeguard the amenities of nearby residents and in accordance with the NPPF, saved policies DC1(h), DC2 and ENV61 of the Unitary Development Plan and Policy CS14 of the Core Strategy and Urban Core Plan for Gateshead and Newcastle upon Tyne.



Committee Report

Application No:	DC/16/01261/FUL
Case Officer	Owain Curtis
Date Application Valid	27 February 2017
Applicant	Mr Robert Carroll
Site:	Coalburns Cottages 4 Coalburns Cottages Greenside Ryton NE40 4JL
Ward:	Crawcrook And Greenside
Proposal:	Demolition of existing garage followed by erection of new dormer bungalow with four parking spaces (as amended 16.05.2017)
Recommendation:	GRANT
Application Type	Full Application

1.0 The Application:

1.1 This application was deferred at the meeting of the Planning and Development Committee on 10 May 2017 to allow the Committee to visit the site. Members visited the site on 26 May 2017.

1.2 DESCRIPTION OF THE SITE

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

1.4 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.

1.5 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 and the garden of 2-3 Coalburns Cottages to the east.

1.6 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.

- 1.7 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.

1.8 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 gardens 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 Turning to the living conditions of the occupiers of number 4 Coalburns Cottages and the new dwelling, the applicant proposes to subdivide the existing garden area to ensure private outdoor amenity space is retained for the existing dwelling. Taking into account the village green-style area at the front of number 4 Coalburns Cottages, which allows space for outdoor play and recreation, and the private garden space allocated to the property at the rear, which provides space for hanging out washing etc., officers consider that sufficient amenity space would be provided.
- 5.21 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.
- 5.22 CHARACTER AND APPEARANCE OF THE AREA
- 5.23 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.
- 5.24 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.
- 5.25 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.

5.26 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.

5.27 HIGHWAY SAFETY AND PARKING

5.28 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”.

5.29 Objections have been received which raise the issue of highway safety and an increased amount of traffic.

5.30 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.

5.31 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.

5.32 The proposed design allocates parking spaces for the proposed dwelling and for number 4 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).

5.33 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.

5.34 LAND STABILITY / CONTAMINATION

5.35 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).

- 5.36 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).
- 5.37 PLAY AND OPEN SPACE
- 5.38 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.
- 5.39 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.
- 5.40 ECOLOGY
- 5.411 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".
- 5.42 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.
- 5.43 COMMUNITY INFRASTRUCTURE LEVY
- 5.44 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 unless an exception is applied for.
- 5.45 OTHER ISSUES
- 5.46 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.

- 5.47 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.
- 5.48 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.
- 5.49 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 D dated 16.05.2017

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 that two car parking spaces, the associated manoeuvring area and private garden space (as shown on plans 16060/P02 Rev B dated 04.05.2017 and 16060/P02 Rev D dated 16.05.2017) are available for the property known as 4 Coalburns Cottages, Greenside, Ryton, NE40 4JL.

Reason

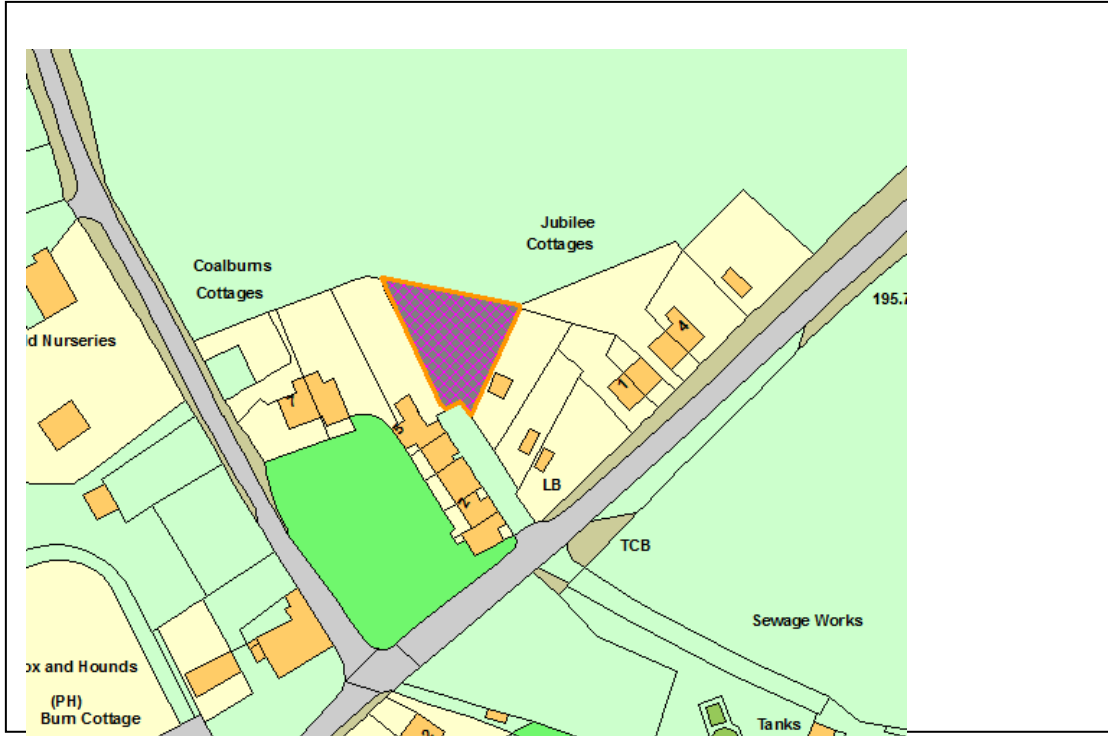
To ensure adequate parking provision in the interests of highway safety in accordance with the National Planning Policy Framework and policy CS13 of the Core Strategy and Urban Core Plan and to prevent an adverse impact on residential amenity in accordance with the National Planning Policy Framework, policy CS14 of the Core Strategy and saved policy DC2 of the Unitary Development 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 and to prevent an adverse impact on residential amenity in accordance with the National Planning Policy Framework, policy CS14 of the Core Strategy and saved policy DC2 of the Unitary Development Plan.



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Committee Report

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

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

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

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

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

1.4 The land generally inclines from south to north.

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

1.6 DESCRIPTION OF APPLICATION

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

1.7 Supporting information submitted with the application confirms that the building would be for agricultural use, specifically, equipment storage and winter fodder/bedding storage to free up the existing barn for overwintering animals, calving and lambing.

1.8 The proposed building would be constructed of concrete panels and timber Yorkshire boarding, with corrugated fibre cement and clear plastic roof panels.

1.9 The applicant has also provided additional information in support of their application.

1.10 RELEVANT PLANNING HISTORY

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

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

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

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

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

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

2.0 Consultation Responses:

None

3.0 Representations:

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

3.2 An objection has been received from Councillor Caffrey:

Impact on visual amenity as the area is of an open nature;

Loss of views;

Proposal out of proportion with the existing buildings;

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

3.3 Eight objections from local residents have been received:

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

3.4 Two objectors have also requested to speak at Planning Committee.

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

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

4.0 Policies:

NPPF National Planning Policy Framework

DC2 Residential Amenity

NPPG National Planning Practice Guidance

ENV3 The Built Environment - Character/Design

ENV51 Wildlife Corridors

CS13 Transport

CS14 Wellbeing and Health

CS15 Place Making

CS18 Green Infrastructure/Natural Environment

CS19 Green Belt

5.0 Assessment of the Proposal:

- 5.1 The key considerations to be taken into account when assessing this planning application are the appropriateness of the development in the Green Belt, amenity, highway safety and parking and ecology.
- 5.2 **GREEN BELT**
The site is located in the Green Belt.
Paragraph 89 of the NPPF states that:

'A local planning authority should regard the construction of new buildings as inappropriate in Green Belt. Exceptions to this are [amongst others]:
- buildings for agriculture and forestry.'
- 5.3 It is considered that the proposal to erect an agricultural barn falls within the above exception and therefore would not be inappropriate development within the Green Belt. As such, it is considered that the proposal would comply with the aims and requirements of policy CS19 of the CSCUP and the NPPF.
- 5.4 **RESIDENTIAL AMENITY**
The proposed building would be located east of residential neighbours at Ravenside Farm, North House and Stable House, and would be a minimum of 17.2m away from the nearest dwelling, Stable House.
- 5.5 Given the orientation and the proposed distance from these neighbours, it is considered that the proposal would not result in an unacceptable loss of light or privacy, or an overbearing impact.
- 5.6 Additionally, given the existing agricultural use of the land, it is considered that the proposed additional building would not result in an unacceptable increase in noise, vermin or smell.
- 5.7 It is recommended that condition 4 be imposed restricting the use of the building so it could not be used for the accommodation of livestock or for the storage of slurry or sewage sludge, housing a biomass boiler or an anaerobic digestion system, storage of fuel or waste from that boiler or system, or housing a hydro-turbine.
- 5.8 The proposal would not conflict with the aims and requirements of saved policy DC2 of the UDP and policy CS14 of the CSUCP.
- 5.9 **VISUAL AMENITY**
There are no public rights of way within the immediate vicinity, but the site is visible from the road. This area is generally rural and agricultural in nature and it is considered that the proposed design and materials are typical of agricultural buildings. The proposed building would be a typical size for an agricultural barn and would not constitute overdevelopment on the site.
- 5.10 The proposal would respond positively to local distinctiveness and character and it would not conflict with the aims and requirements of saved policy ENV3 of the UDP and policy CS15 of the CSUCP.

5.11 HIGHWAY SAFETY AND PARKING

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

5.12 ECOLOGY

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

5.13 OTHER MATTERS

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

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

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

5.15 Whilst the above decision by Planning Committee to refuse the previous application is noted, the current application has been assessed on its own merits in the report above. It is considered that this proposal would not have an unacceptable impact on visual amenity or the other material planning considerations above.

5.16 Additionally, whilst alternative locations for the proposal are suggested by objectors, it is considered that the location proposed in this application is not unacceptable.

5.17 It is considered that all other matters have been addressed in the main body of the report.

5.18 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

Taking all the relevant issues into account, it is considered that the proposed development is acceptable in terms of Green Belt, residential amenity, visual amenity, highway safety and parking, ecology, and all other matters arising, and would comply with the aims and objectives of the NPPF and the relevant policies of the UDP and the CSUCP.

6.1 It is recommended that planning permission be granted, subject to the below conditions.

7.0 Recommendation:

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

Ravenside Location Plan January 2017 received 09.05.2017

Ravenside Site Plan January 2017 received 09.05.2017

Elevations received 22.05.2017

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

Reason

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

2

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

Reason

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

3

The development hereby permitted shall be constructed entirely of the materials detailed on the application form received 03.04.2017.

Reason

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

4

The building shall not be used for:

- the accommodation of livestock (except in the case where no other suitable building or structure is available to accommodate the livestock and that the need to accommodate the livestock arises from quarantine requirements, or an emergency due to another building or structure in which the livestock could otherwise be accommodated being unavailable because it has been damaged or destroyed by fire, flood or storm; or in the case of animals normally kept out of doors, they require temporary accommodation in a building or other structure because they are sick or giving birth or newly born, or to provide shelter against extreme weather conditions. In these instances, the applicant shall notify the Local Planning Authority in writing within 7 days of the new temporary use of the building starting and the temporary use shall cease as soon as is practicably possible.);
- the storage of slurry or sewage sludge;
- housing a biomass boiler or an anaerobic digestion system;
- storage of fuel or waste from that boiler or system;
- housing a hydro-turbine.

Reason

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



REPORT NO 4

Committee Report

Application No:	15/00154/DOC4
Case Officer	Lois Lovely
Date Application Valid	11 April 2017
Applicant	Gateshead Council
Site:	Mount Pleasant Road Birtley Gateshead
Ward:	Birtley
Proposal:	Discharge of condition 19 (Highway Layout Details) of planning application DC/15/00154/FUL.
Recommendation:	CONDITION IS DISCHARGED
Application Type	Discharge of Condition

1.0 The Application:

1.1 BACKGROUND

This application relates to the replacement Ravensworth Terrace School currently under construction on Mount Pleasant Road in Birtley. The development is under construction anticipated to be completed by 11th August ready to be occupied in the Autumn 2017 term.

1.2 Members will recall that planning application DC/15/00154/FUL was reported to the Planning and Development Committee on 24th June 2015, following a site visit, when Members resolved to grant planning permission subject to conditions for the erection of two-storey primary school (420 pupil capacity) with Multi Use Games Area, playing field and car park.

1.3 This is an application to discharge condition 19 of that permission, that relates to the highway measures to ensure the safe operation of the school as, at the time of determination the necessary highway measures to address concerns over the impact of the school had not been designed or consulted upon with residents.

1.4 At the Committee meeting on 24th June 2015 Members resolved that the detail in relation to condition 19 (Highway Layout Details) be considered by Committee to determine as to whether it could be discharged.

1.5 Condition 19 states:

"Prior to occupation of the development hereby permitted final details of the highway layout of surrounding streets shall be submitted for the written approval of the Local Planning Authority. The final details shall include waiting restrictions, School zig zags, traffic calming features, pedestrian crossings on Mount Pleasant Road and Fell Bank and the extension of the existing 20MPH zone.

Reason

To ensure highway safety and residential amenity are protected in accordance with the NPPF, policy DC2 of the UDP and Policy CS13 of the Core Strategy and Urban Core Plan for Gateshead and Newcastle upon Tyne."

1.6 DESCRIPTION OF THE SITE

The site comprises 2.8 hectares and is located between Fell Bank and Mount Pleasant Road in Birtley. The site is to the north of the current Ravensworth Terrace School, south of Mount Pleasant Road and north of Fell Bank. It is centrally located in the school's catchment area, and has good connections with existing bus routes, with stops on Mount Pleasant Road and Fell Bank.

1.7 The first phase of the Gateshead Regeneration Partnership (GRP) housing development, The Sycamores is substantially completed and sits directly opposite the proposed school site on the other side of Mount Pleasant Road and is also accessed from Mount Pleasant Road. To the east of the site is Portmeads Road. West of the site are two storey terraced properties on Primrose, Jasmine and Woodbine Terraces.

1.8 The properties that abut the site on the southern boundary lie within Birtley Conservation Area. There are five terraces aligned with the road and one at right-angles to it, and Daisy Cottages. The other older terraces are regular and functional and together with boundary walls create a sense of enclosure. There are two terraces built or rebuilt in recent years on Fell Bank. Two stone built residential farm houses (Grange Farm Cottage and The Grange) are located directly to the south of the site, one of which is screened by a tall Leylandii hedge, the second dwelling is visibly related more closely to the site, with a new extension overlooking the site.

1.9 DESCRIPTION OF THE PROPOSED HIGHWAY MEASURES

The scheme as submitted has been developed by the Council's engineering design team in consultation with local residents and Ward Members. The scheme proposes to deliver the following measures:

- Waiting restrictions
- School zig zags
- Traffic calming
- Pedestrian crossings on Mount Pleasant Road and Fell Bank
- Extension of existing 20MPH zone

1.10 PLANNING HISTORY

DC/15/00154/FUL Erection of two-storey primary school (420 pupil capacity) with Multi Use Games Area, playing field and car park (additional info received 09/03/15, 11/03/15, 12/03/15 and 02/06/15 and amended 11/03/15, 02/06/15 and 10/06/15). Granted 29.06.2015.

2.0 Consultation Responses:

None

3.0 Representations:

No formal publicity has been undertaken given the nature of the application to discharge a condition however, consultation has taken place as described below, as part of the Traffic Regulation Order process.

4.0 Policies:

NPPF National Planning Policy Framework

NPPG National Planning Practice Guidance

CS13 Transport

5.0 Assessment of the Proposal:

In line with the Committee request that officers continue to undertake consultation with the residents of the Terraces, in closest proximity to the new School, the dates when consultations were carried out are as below:

5.1 Legal Consultations

- 27th May 2016 to 27th June 2016 (Initial resident consultation)
- 6th February 2017 to 3rd March 2017 (Initial Legal Consultation)
- 27th March 2017 to 10th April 2017 (Legal consultation of revised proposals)

5.2 A summary of the objections received in response to these consultations is:

- Humps causing pollution
- Parking restrictions on gable end of properties
- Speed humps would not reduce speeding and wide wheel based vehicles are unaffected
- Extent of waiting restrictions and 24 hour times not required
- Time limited restriction outside New South Terrace requested
- People ignore the existing 20 MPH zone
- Unable to park outside property
- Proposals will worsen parking situation outside property
- 24 Hour 20MPH Zone not required
- Cars will still park around the memorial (Parking restrictions to be introduced as part of a different scheme)
- Location of speed humps
- Waiting restrictions will not be enforced
- Humps unnecessary & may cause issues to cycles and other two wheeled vehicles
- Closure of the lane at the side of 18 Jasmine Terrace will result in cars being damaged by the hump at the rear of 2/3 Jasmine Terrace

5.3 The scheme as submitted includes design changes that have been included in the final scheme to address the objections received and these are:

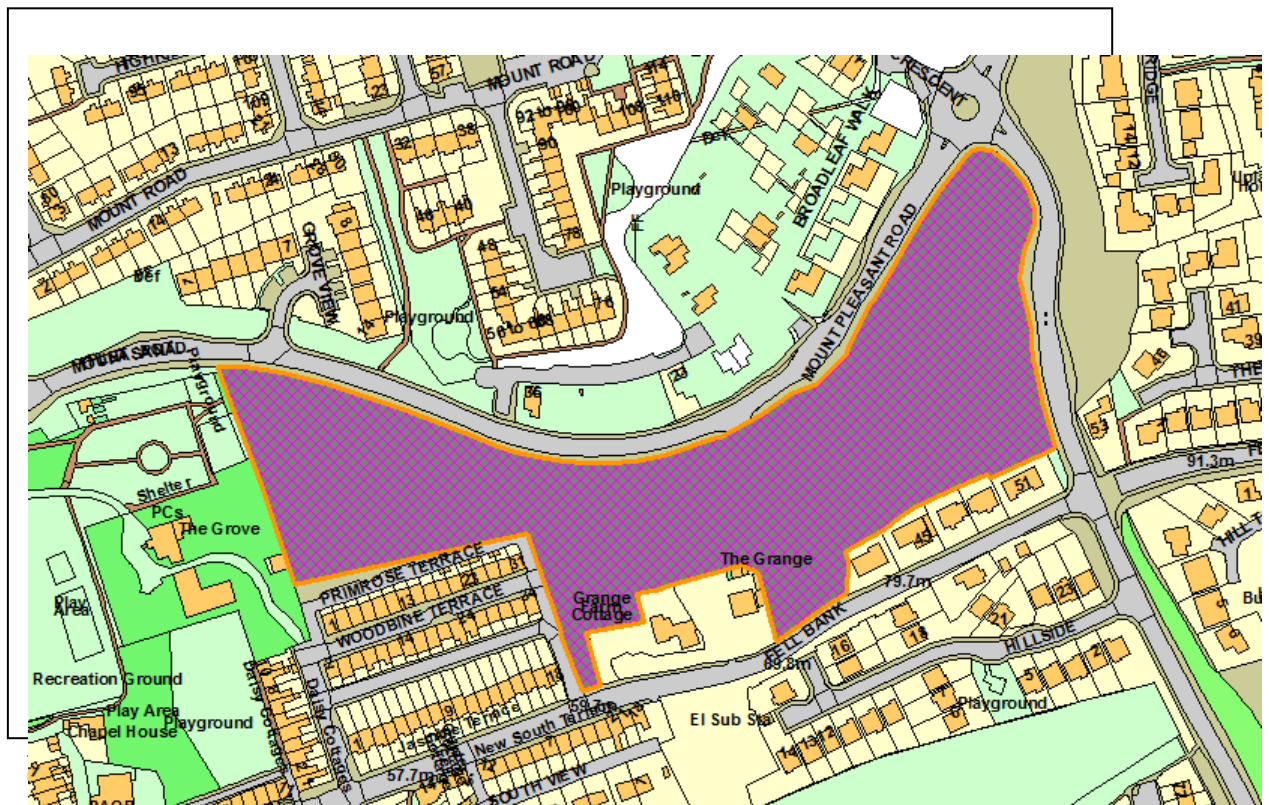
- Removal of No Loading restriction on Mount Pleasant Road, Grove View, Mount Road & New South Terrace

- Restriction on Kateregina shortened
- Removal of No Loading restriction on the North Side of Fell Bank and second School Zig-Zag introduced
- Second school zig zag introduced on Mount Pleasant Road

6.0 CONCLUSION

6.1 It is considered that the scheme as proposed offers the best possible solution for managing the impacts of the school and promoting road safety, in particular during school drop off and pick up, whilst balancing the concerns of neighbours, therefore the proposals are considered to be acceptable and it is recommended that the details are approved in relation to condition 19.

7.0 **Recommendation:**
That the condition be discharged



Committee Report

Application No:	DC/17/00405/FUL
Case Officer	David Morton
Date Application Valid	11 April 2017
Applicant	Mr David Schleider
Site:	Alteres Jewish Girls High School Willow Grove Felling Central Felling NE10 9PQ
Ward:	Felling
Proposal:	Erection of two storey annexe to create eight additional classrooms, support spaces and associated external works
Recommendation:	GRANT
Application Type	Full Application

1.0 The Application:

1.1 DESCRIPTION OF THE SITE

Alteres Girls' High School is an independent, secondary school for girls aged from 11 to 16 years of age. The school opened in September 2011 and is located in a former primary school building in Felling.

1.2 The existing school of split-level construction (single and two-storey) while being of a traditional brick and slate construction.

1.3 The application site is bound by residential properties to all sides and the wider area is predominately residential in nature. The school site is bound to all side by planting in order to offer screening.

1.4 Access to the application site is taken to the south via Rowlandson Crescent, there are currently 235 pupils attending the school and there are approximately 75 members of staff (in total, i.e. full and part-time). The applicant has advised that all pupils are brought to the school by bus and a shuttle bus service operates between Bensham and Felling for the benefit of all staff.

1.5 The applicant has indicated that over the next five years, pupil numbers are expected to peak at 269 by 2020 (the school currently accommodates 234 pupils). The applicant has indicated that there is no proposed increase in staffing levels.

1.6 More specifically, the building is proposed for an area to the north side of the existing school building. The site is currently grassed and there is a fall of approximately 3 metres from south to north.

1.7 DESCRIPTION OF THE APPLICATION

The application seeks full planning approval for the erection of a two storey building. It is proposed that the building would be detached from the school building but adjacent to it so that level access, via an external space can be achieved between the existing and the new parts of the school.

- 1.8 It is proposed that the building has a separate lower floor entrance, overlooked by the staffroom/school office and lift access between the two floors. The lower floor has a smaller floor area than the upper floor so that the building can sit into the sloping site.
- 1.9 It is proposed that the building would accommodate the following:
- 8 classrooms (two of which are large enough for specialist art/ICT or Science Lab teaching and one that can be used alternatively as a school office/staff room.
 - Associated lockers/cloaks/WC/plant/storage facilities.
- 1.10 It is proposed that the development would be constructed in red brick and render. Red brick is proposed for the majority of the building with render used at just the southern end of the building. There would be a canopy over the proposed building entrance and one providing shelter between the existing building and the first floor exit of the new building.
- 1.11 There are no proposals to amend the existing vehicle and pedestrian access to the school. Pupils and most of the staff are brought to the school by bus and the applicant has indicated that this pattern would continue. A new path will provide level access to the new building from the existing parking area to the north west of the school.
- 1.12 The following documents have been submitted with the planning application:
- Design and Access Statement
 - Land Contaminated (Preliminary Risk Assessment)
 - Planning Statement
 - Transport Statement
 - Travel Plan
- 1.13 **PLANNING HISTORY**
There is no relevant planning history associated with the current application

2.0 Consultation Responses:

Sport England No objection.

3.0 Representations:

- 3.1 Neighbour notifications were carried out in accordance with the formal procedures introduced in the Town and Country Planning (Development Management Procedure) Order 2015. A petition of 24 signatures has been received in objection to the proposal, the reasons for objection are summarised as follows;

- The block paved road used for access is not suitable for regular traffic;
- The proposed development would lead to an increase in pupil numbers and as a result an increase in traffic;
- The building of the extension would result in delivery traffic and noise issues attached and
- An alternative assess could be sought.

4.0 Policies:

NPPF National Planning Policy Framework

NPPG National Planning Practice Guidance

DC1P Contamination, derelict land, stability

DC2 Residential Amenity

CFR5 Loss of School Playing Fields to Dev

ENV3 The Built Environment - Character/Design

ENV27 Greening the Urban Area

ENV54 Dev on Land Affected by Contamination

ENV61 New Noise-Generating Developments

CS13 Transport

CS14 Wellbeing and Health

CS15 Place Making

GPGSPD Gateshead Placemaking Guide SPG

5.0 Assessment:

5.1 The main planning issues are considered to be the principle of the development and its acceptability in terms of design, highway safety, the amenity of adjacent businesses and residents, as well as the potential for impact on contaminated land.

5.2 PRINCIPLE

The proposed development would result in some encroachment onto an area defined as Education Playing Field by saved Policy CFR5 of the UDP which states that;

"The loss of educational playing fields, without replacement, to built or other sterilising development will only be permitted if there is, or would

be as a result of the development, no identified deficiency of outdoor recreation facilities or public open space in the area."

- 5.3 On the basis of the above, Sport England have been consulted on the planning application. Sport England have raised no objection to the proposal on the basis that the development only affects land which is incapable of forming part of a playing pitch and would lead to no loss of ability to use/size of playing pitch. This view is taken given the gradient of the land owing to significant changes in land levels.
- 5.4 Further to the above, the application site is identified as Urban Green Space by saved UDP Policy ENV27, the policy relates to the safeguarding, improving and increasing urban green spaces. The policy refers in particular to important major areas of green space.
- 5.5 The site of the proposed development forms part of an approximately 2.7 hectare green area to the north (within the school's ownership) and east of the school (mostly outside the school's ownership). The proposed development footprint will take up 1.8% of this green area.
- 5.6 It is evident that the proposal would result in the loss of a small area of Urban Green Space; however, Officers are of the view that this does not constitute non-compliance with Policy ENV27. This view is taken given the fact that the majority of the green area offers minimal amenity value to the local community as it is not accessible by the public, the green space has very limited ecological value, the areas of enhanced value (trees and hedgerows) are unaffected by the proposals and that the amount of green space lost by the proposals at less than 2%, is negligible.
- 5.7 Based on the above assessment, it is considered that the development would not result in any deficiency of outdoor recreation facilities or public open space in the area and as such the proposal is considered to comply with the requirements of saved UDP Policies CFR5 and ENV27.
- 5.8 **HIGHWAYS**
The school currently has a contract with Go-Ahead to provide three (return) bus services each day, the applicant has indicated that all pupils arrive via this service. This arrangement is likely to have little traffic impact on the public highway during drop-off and pick-up times, certainly when compared to other schools of this size where car drop-offs/collection typically form a significant percentage of the trips generated. The applicant has indicated that the existing school building is operating at/above capacity and that much of the new classroom space is to accommodate existing students rather than generate new students. Further, it has been indicated that some of the classrooms are specialist rooms (such as a laboratory) and not every room will be occupied and/or be at capacity at the same time.
- 5.9 Over the next five years, pupil numbers are expected to peak at 269 by 2020. This is a modest increase on the current number of 234 pupils and should have little impact upon the existing traffic situation, particularly as it has been

indicated that pupils will be accommodated within the existing bus service. The applicant has advised that if pupil numbers push the bus services beyond capacity, a fourth bus service would need to be considered. Were a fourth bus service required, it is considered this would not be detrimental to the operation of the public highway.

- 5.10 The applicant has indicated that staff numbers are not expected to increase. A site visit undertaken (during school times) showed significant capacity within the car park and little parking along Rowlandson Crescent.
- 5.11 It is not clear what cycle storage the school has at present and while it is stated within the submitted Transport Statement that 'Due to religious sensitivities, the girls school students do not cycle.' It is considered appropriate to 'future proof' the site and require (through conditions) that cycle parking be provided (Conditions 5 and 6).
- 5.12 The three buses that service the school are in principle able to enter the site in forward gear, turn, and then exit in a forward gear. In order to maintain the ability to turn within the car park, it is considered appropriate that the car park be formally marked out with 2.5m x 5m parking bays along with a turning head for buses, this can be secured via planning conditions (Conditions 15 and 16).
- 5.13 Further to the above, the Travel Plan submitted as part of the application is generally sound but lacks targets. The uptake of sustainable modes of transport is already good thanks to the bus service, but the Travel Plan should consider in greater detail how this can be sustained and how the additional pupil numbers can be accommodated. It is therefore considered necessary to require an amended travel plan be submitted to the LPA for consideration (Conditions 3 and 4).
- 5.14 Based on the above assessment and subject to conditions, it is considered that the proposal would comply with the aims and objectives of the NPPF and policy CS13 of the CSUCP.
- 5.15 **DESIGN AND VISUAL AMENITY**
The NPPF encourages design quality and sets the scene for building a strong and competitive economy. Good design is identified specifically as being important in establishing a strong sense of place. New development should optimise the potential of a site to accommodate development, create and sustain an appropriate mix of uses and support local facilities and transport networks. The NPPF states that new development should respond to local character and history, reflecting the identity of local surroundings.
- 5.16 The CSUCP reflects the general aims of the NPPF encouraging economic growth and identifying the importance of quality of place. Policy CS15 refers specifically to Place Making and the need for new development to demonstrate high and consistent design standards in line with the Council's design guidance contained in the Gateshead Placemaking SPD.

- 5.17 The Gateshead Placemaking SPD amplifies Saved UDP Policy ENV3 and CSUCP Policy CS15 Place Making. This sets out a series of key design principles which will be used to assess development proposals.
- 5.18 The form of the new building is intended to allow the form of the existing building to remain intact and to remain the dominant feature on the site. It is considered that the development's location, scale and the material choice achieves this aim.
- 5.19 The choice to design the building to 'sit' into the slope of the site in order to keep a low roofline, limiting the building's visual impact when viewed against the existing school.
- 5.20 The proposed materials (red brick and a lighter render) are considered appropriate. Further, the use of red brick for the majority of the building reflects the existing school buildings and it is this material that will dominate views of the building from the north, east and west. The use of lighter coloured render on just the southern end of the building will be less visible from afar and will reflect light into the main school building, this is considered appropriate in the context of the site.
- 5.21 It is considered necessary to condition that samples of the final materials be submitted and approved by the Local Planning Authority (Conditions 7 and 8).
- 5.22 Subject to the above conditions, it is considered that the development would comply with the aims and objectives of the NPPF, saved policy ENV3 of the Council's UDP and policy CS15 of the CSUCP.
- 5.23 RESIDENTIAL AMENITY
The proposed building would be located almost directly behind the existing school, within the wider school site; as such the development would be set significantly off all boundaries of the application site.
- 5.24 The nearest property to the north of the site (Bondene Avenue West) is located in excess of 85 metres from the proposed development and those located to the east and west are located even further away from the proposal. The properties to the south, would be screened from the development by the existing school.
- 5.25 Given such separation distances the proposal would not adversely affect the amenity of adjacent residents
- 5.26 Further, the site is already a school and so residents will be subjected to an element of noise and activity during school hours. It is not considered that either the school, as redeveloped, or the additional numbers of pupils proposed, would have any greater impact on residents than at present.
- 5.27 Although a basic construction compound layout has been submitted with the application, this does not include much detail or any working method statements which are required to ensure that the construction process will seek

to minimise short term impact on the amenity of nearby residents. Therefore, it is recommended that conditions be imposed to require such details (Conditions 9 and 10).

5.28 Given the above, the proposal would not have an adverse impact on the amenity of nearby residents subject to planning conditions and as a result it would comply with the aims and objectives of the NPPF, saved policy DC2 of the Council's UDP and policy CS14 of the CSUCP.

5.29 GROUND CONDITIONS

5.30 Contaminated Land

A Phase 1 Geoenvironmental Assessment report was submitted with the application. The report recommends that 'a soils investigation should be undertaken.' It is considered that an intrusive site investigation with resultant report is required, along with any remediation deemed to be necessary, this can be secured by condition (Conditions 11, 12, 13 and 14).

5.31 Subject to the above conditions, it is considered that the development would comply with policy CS15 of the CSUCP and policy ENV54 of the UDP.

5.32 OTHER MATTERS

Concerns raised in regard the highway integrity are not material as any repairs required would be undertaken by the Council as the highway is adopted.

5.33 The use of an alternative access and construction traffic/logistics are not material planning considerations and as such are not offered any weight in the assessment. However, some aspects of site management (within the site) will be controlled through conditions.

5.34 It is considered that all other matters raised have been addressed within the main body of the report.

6.0 Conclusion:

6.1 Taking all the relevant issues into account it is considered that the proposed development accords with national and local planning policies. It is therefore recommended that planning permission be granted 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 -
3615 100 01 – Site Location
Elevation/Section Survey (Layout 1 of 2)

Existing Floor & Roof Plans
Topographic Survey
3615 10 01 – Proposed Site Plan
3615 20 01 – Proposed Plan
3615 30 01 – Proposed Elevations
3615 40 01 – Proposed Sections

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 extension hereby approved shall not be occupied until a Travel Plan has been 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) 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 the interests of highway safety and to promote sustainable travel in accordance with the NPPF and policy CS13 of the CSUCP.

4

The Travel Plan approved in Condition 3 shall be implemented in full upon occupation of the extension. Further, evidence of the travel plans implementation over a minimum period of 12 months shall be submitted to and approved in writing by the Local Planning Authority. At all times

thereafter, the Travel Plan shall be implemented in accordance with the approved details or any changes made under the review process.

Reason

In the interests of highway safety and to promote sustainable travel in accordance with the NPPF and policy CS13 of the CSUCP.

5

Notwithstanding the details of the submitted application, the development hereby approved shall not be occupied until a scheme for the provision of secure cycle parking facilities within the site has been submitted to and approved in writing by the Local Planning Authority.

Reason

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

6

The cycle parking approved under condition 5 shall be implemented in full accordance with the submitted information prior to the occupation of the development hereby approved and retained as such in accordance with the approved details thereafter.

Reason

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

7

No individual external materials shall be installed on site until a sample of the material to be used has been made available for inspection on site and 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.

8

The development shall be completed using the materials approved under Condition 7, and retained as such in accordance with the approved details thereafter.

Reason

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

9

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

Reason

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

10

The construction control plan approved under condition 9 shall be implemented and complied with in full during all stages of construction, until completion.

Reason

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

11

No development approved by this planning permission shall be commenced until a site investigation is undertaken and a Phase II Risk Assessment report of the findings submitted to the Council for approval. The site investigation will consist of a series of boreholes and trial pits, in situ testing, groundwater and ground gas monitoring, soil sampling and chemical and geotechnical laboratory testing of samples to assess potential contamination issues and inform foundation design.

The site investigation and Phase II 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 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 recommendations with regard to an appropriate remediation scheme, which will ensure safe redevelopment.

Reason

In order to ensure the safety of site operatives and to ensure that the land is suitable for its end use in accordance with the National Planning

Policy Framework, policy CS14 of the Core Strategy and Urban Core Plan and saved policy DC1(p) of the Unitary Development Plan.

12

Following completion of the site investigation and Phase II Risk assessment site investigation works (condition 11), and following approval by the Council, if the findings of the Phase II investigation require remediation works to be undertaken then a 'Remediation Strategy' statement document is required to be produced and submitted to the Council for approval. The 'Remediation Strategy' (including timescales) must detail objectives, methodology and procedures of the proposed remediation works. This must be submitted to the Council, for approval, before any remediation works commence.

Reason

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

13

The remediation works detailed in the 'Remediation Strategy' submitted and approved by the Council in respect of Condition 12, shall be wholly undertaken within the timescales set out within the approved strategy.

Reason

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

14

Upon completion of the remediation works detailed in the approved remediation statement and prior to the use of the development hereby permitted, under condition 11, a detailed Remediation Verification report shall be submitted to the Local Planning Authority for approval. The report should provide verification that the required works regarding contamination have been carried out in full accordance with the approved Remediation Strategy Statement, and should provide a summary of remedial works carried out together with relevant documentary evidence and post remediation test result to demonstrate that the required remediation has been fully met.

Reason

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

15

Prior to occupation of the development hereby approved, final details of parking arrangements (including parking areas and a bus turning area) shall be submitted to and approved in writing by the Local Planning Authority.

Reason

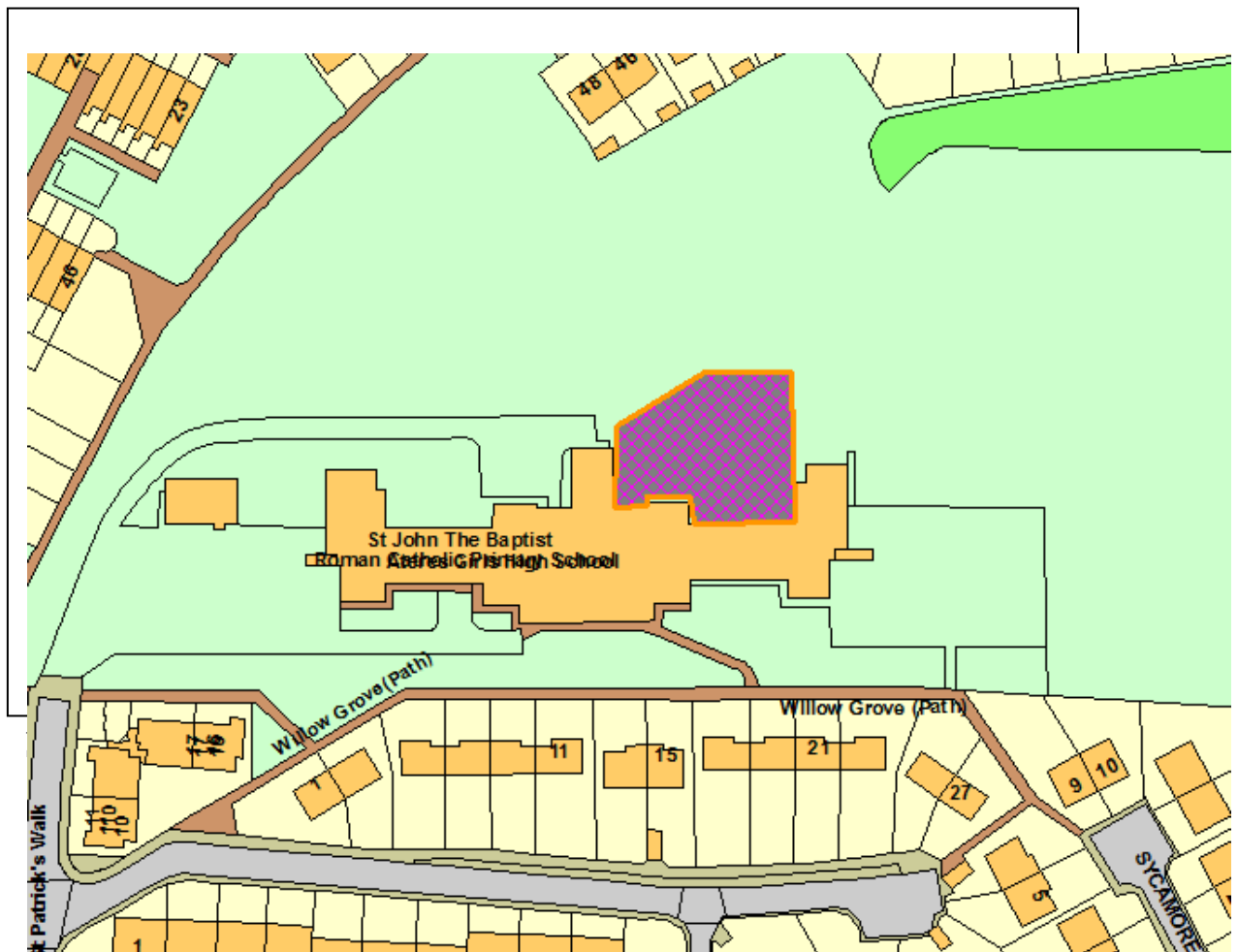
In the interests of highway safety in accordance with the NPPF and policy CS13 of the CSUCP.

16

The final parking arrangement approved as part of Condition 18 shall be implemented in full prior to the occupation of the development hereby approved.

Reason

In the interests of highway safety and sustainable travel in accordance with the NPPF and policy CS13 of the CSUCP.



Committee Report

Application No:	TREE/17/024
Case Officer	Chris Redfern
Date Application Valid	28 February 2017
Applicant	Mrs Geddes
Site:	Moorside Barmoor Lane Ryton Central Ryton NE40 3AN
Ward:	Ryton Crookhill And Stella
Proposal:	Tree works at Moorside Barmoor Lane Ryton.
Recommendation:	NO OBJECTION
Application Type	Conservation Area Tree Works Licence

1.0 The Application:

1.1 The application relates to an Ash tree in the rear garden and two large shrubs located in the front garden. Trees in a conservation area that are not protected by a Tree Preservation Order are protected by the provisions in section 211 of the Town and Country Planning Act 1990. These provisions require people to notify the local planning authority, using a 'section 211 notice', 6 weeks before carrying out the work. This notice period gives the authority an opportunity to consider whether to make an Order on the tree.

1.2 The application is to be considered by the Committee as the application site is Councillor Geddes' home.

1.3 DESCRIPTION OF THE APPLICATION

The applicant proposes to reduce the canopy of the Ash tree back to the previous pruning point (approximately 30% of the canopy will be removed). The applicant also proposes to reduce, reshape and balance the two large shrubs located in the front garden

1.4 RELEVANT PLANNING HISTORY

There is no planning history

2.0 Consultation responses

Not Applicable

3.0 Representations:

3.1 No publicity is undertaken for this type of application.

4.0 Policies:

NPPF National Planning Policy Framework

5.0 Assessment of the Proposal:

5.1 When considering applications for works to protected trees the assessment is made on the basis of the amenity value of the trees and the likely impact of the proposal on the amenity of the area. In the light of this assessment it is then necessary to consider whether or not the proposal is justified, having regard to the reasons put forward in support of the works by the applicant. In general terms the higher the amenity values of the trees and the greater the impact of the application on the amenity of the area, the stronger the reasons need to be for consent to be granted.

5.2 PROPOSED TREE WORKS

5.3 Ash tree T1

The canopy is to be reduced by 30%, reshaped and lifted

5.4 REASON FOR THE PROPOSAL

The tree is a multi-stemmed specimen, each limb has developed included bark close to the base of the tree. The proposal is to make the tree safe.

5.5 PROPOSED TREE WORKS

5.6 Group of shrubs T2

The shrubs are to be reduced and the canopies balanced evenly

5.7 REASON FOR THE PROPOSAL

The shrubs have developed a leggy untidy appearance that dominates the small front garden. The pruning of the shrubs will tidy things up and allow more sunlight and natural light enter the garden area

5.8 APPRAISAL OF THE PROPOSED WORKS

T1 Ash Tree

5.9 Included bark is a defect that affects the structural integrity of the tree. It is therefore important that the canopy of the tree is not allowed to develop otherwise there is an increased risk of failure. Failure could mean damage to persons or property in this setting.

5.10 Reducing the canopy of the tree will limit the forces of the wind on the canopy. This will allow the tree to be retained in a safe condition

5.11 Shrubs T2

Reducing and balancing the canopy of the shrubs will allow more light to enter the garden and will not have a detrimental effect on the health and amenity provided by the shrubs

6.0 Conclusion

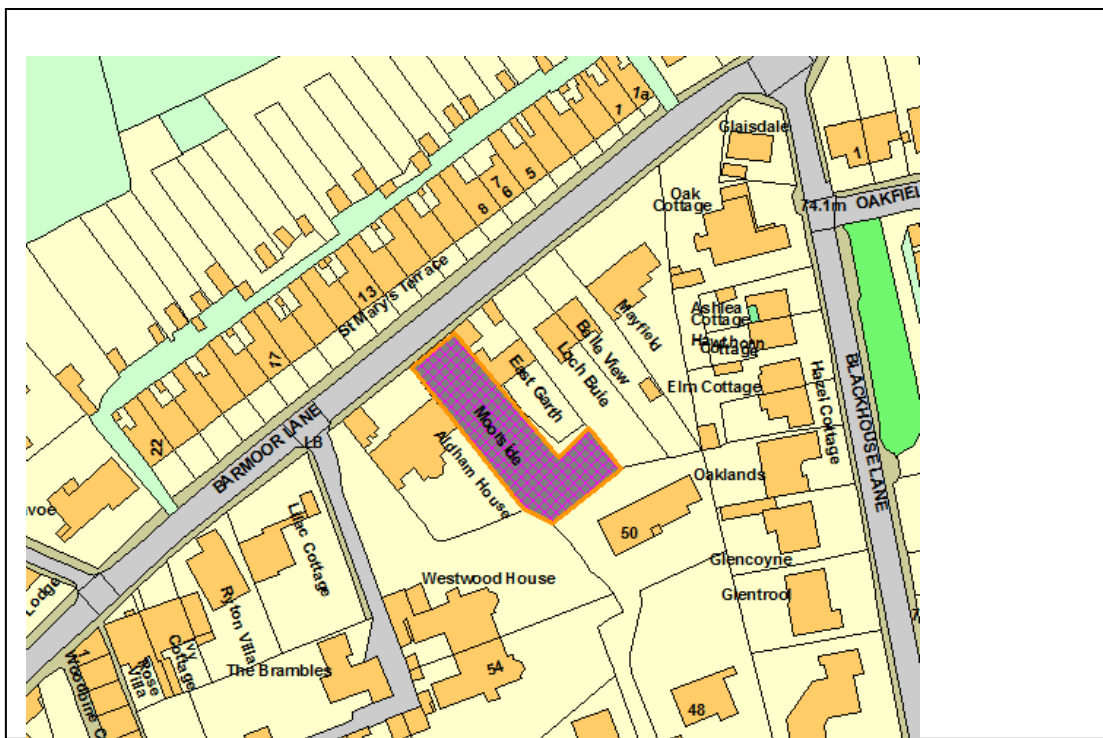
6.1 Therefore taking all of the relevant issues into account, it is considered that the works to prune the Ash tree T1 and shrubs T2 identified in the proposal are acceptable.

7.0 Recommendation:

The Council does not consider that it is appropriate to make a Tree Preservation Order in this instance as it has no objections to the following works:

Ash tree T1 reduce the canopy of the tree by 30% and raise the crown in order to balance the canopy.

Reduce canopy of the shrubs evenly by no more than 1 to 1.5 metres.



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Committee Report

Application No:	TREE/17/032
Case Officer	Chris Redfern
Date Application Valid	1 April 2017
Applicant	Mrs Christina Best
Site:	Heathfield 12 Lintzford Road Lintzford Rowlands Gill NE39 1DE
Ward:	Chopwell And Rowlands Gill
Proposal:	Tree works at Heathfield 12 Lintzford Road Rowlands Gill.
Recommendation:	NO OBJECTION
Application Type	Conservation Area Tree Works Licence

1.0 The Application:

- 1.1 The application relates to a Cherry tree located in the front garden of Heathfield, 12 Lintzford Road Rowlands Gill. The property is a semi detached property which fronts onto a busy main road.
- 1.2 Trees in a conservation area that are not protected by a Tree Preservation Order are protected by the provisions in section 211 of the Town and Country Planning Act 1990. These provisions require people to notify the local planning authority, using a 'section 211 notice', 6 weeks before carrying out the work. This notice period gives the authority an opportunity to consider whether to make an Order on the tree.
- 1.3 The application is to be considered by the Committee as the applicant is a relative of the Council's Service Director of Development and Public Protection.
- 1.3 **DESCRIPTION OF THE APPLICATION**
The applicant proposes to reduce and raise the canopy by 2 metres, in order to balance the canopy and thin the canopy by no more than 10 to 15%.
- 1.4 **RELEVANT PLANNING HISTORY**
There is no planning history

2.0 Consultation Responses

Not applicable

3.0 Representations:

- 3.1 No publicity is undertaken for this type of application.

4.0 Policies:

NPPF National Planning Policy Framework

CS18 Green Infrastructure/Natural Environment

ENV44 Wood/Tree/Hedge Protection/Enhancement

5.0 Assessment of the Proposal:

5.1 When considering applications for works to protected trees the assessment is made on the basis of the amenity value of the trees and the likely impact of the proposal on the amenity of the area. In the light of this assessment it is then necessary to consider whether or not the proposal is justified, having regard to the reasons put forward in support of the works by the applicant. In general terms the higher the amenity values of the trees and the greater the impact of the application on the amenity of the area, the stronger the reasons need to be for consent to be granted.

5.2 In this instance the amenity value of the tree is modest as it is a relatively small tree with a relatively short safe useful lifespan.

5.3 Proposed Tree Works

5.4 Cherry tree T1

Reduce and raise the canopy by 2 metres in order to balance and thin it by no more than 10 to 15%.

5.5 REASON FOR THE PROPOSAL

The tree has a relatively large sprawling canopy that dominates the garden to the extent that it extends over the highway and is growing very close to the dwelling. This has the effect of preventing a significant amount of light reaching the habitable rooms of the property and is beginning to obstruct the safe passage of pedestrians using the footpath.

5.6 APPRAISAL OF THE PROPOSED WORKS

T1 Cherry Tree

5.7 The canopy of the tree would benefit from some improved Arboricultural management.

5.8 Thinning and lifting of the canopy would allow pedestrians to pass on the pavement safely and allow more light to reach the property. The Councils Arboricultural Officer considers that the proposal will not have a detrimental effect on the long term health and amenity of the tree.

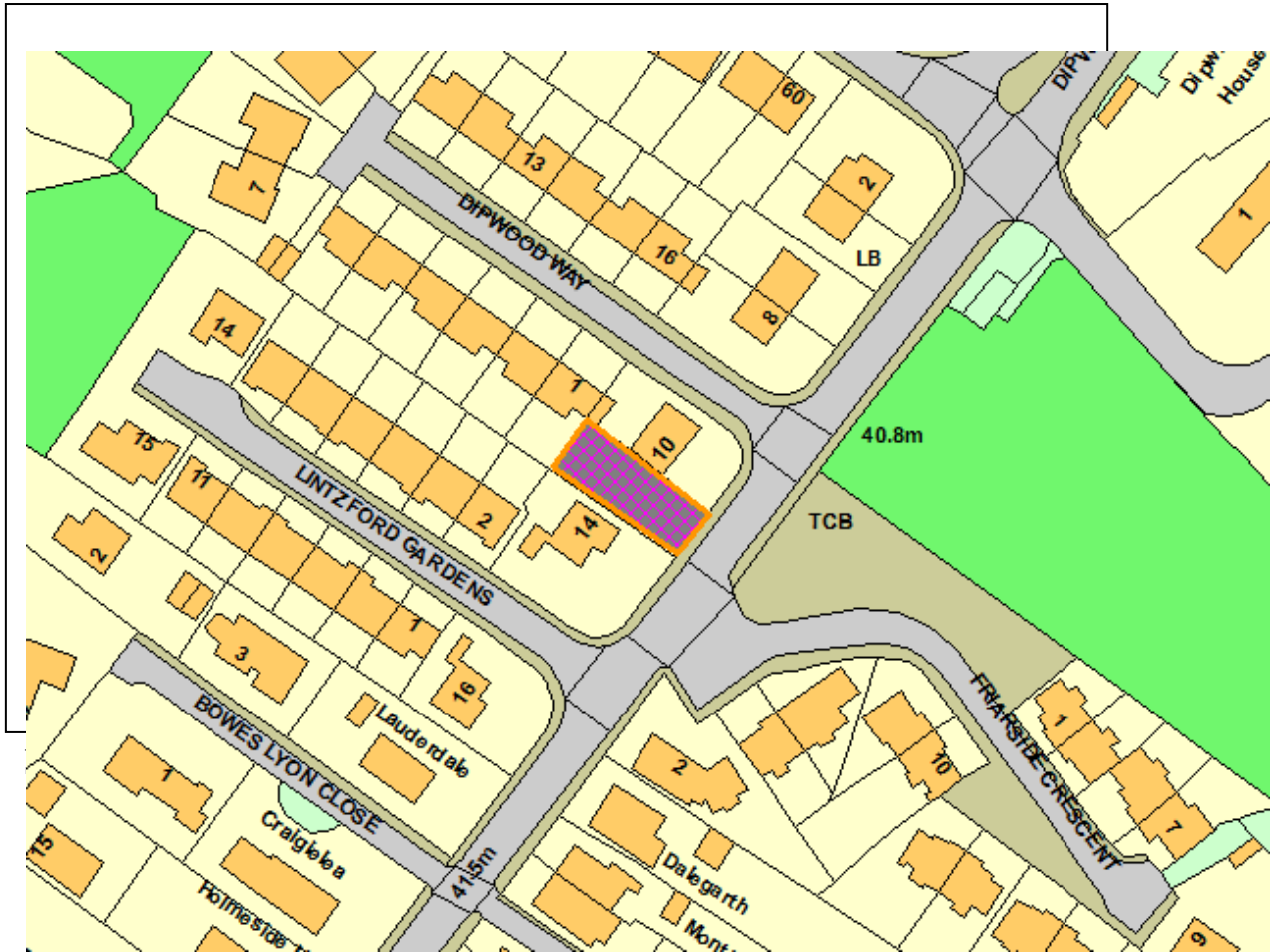
6.0 Conclusion

6.1 Therefore taking all of the relevant issues into account above it is considered that the works to prune Cherry tree T1 identified in the proposal are acceptable.

7.0 Recommendation:

The Council does not consider it is appropriate to make a Tree Preservation Order in this instance as it has no objection to the following works:

Reduce and raise the canopy by 2 metres and thin the canopy evenly by no more than 10 to 15%.



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REPORT OF THE STRATEGIC DIRECTOR COMMUNITIES AND ENVIRONMENT

TO THE PLANNING AND DEVELOPMENT COMMITTEE ON 31 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.

Application ref.	Nature of proposed development	Location of proposed development	Decision	Ward
DC/17/00040/HHA	Two storey and single storey rear extension (As amended 19.04.2017)	112 Church Road, Gateshead,	Granted;	Low Fell
DC/16/01326/HHA	Landscaping of rear garden area. As amended 06.03.16.	Park View Lodge , The Drive,	Granted;	Saltwell
DC/17/00025/HHA	Erection of single storey rear extension with decking area, renewal of flat roof and velux window to existing kitchen, installation of dormer window on rear, 2 velux roof windows to the front (as amended 24.04.2017)	15 Cedar Crescent, Low Fell,	Granted;	Low Fell
DC/17/00075/FUL	Change of use from storage/distribution (use class B8) to leisure (use class D2)	Unit 7 Derwenthaugh Marina , Derwenthaugh Road,	Granted;	Blaydon
DC/17/00080/HHA	Log cabin to rear	25 Coldwell Park Drive, Felling Central,	Granted;	Felling

DC/17/00064/FUL	Conversion of a former Public House and manager's maisonette into a single residence, including installation of balcony and balustrade on south elevation and insertion of roof light in north elevation (part retrospective) (Amended 29/03/17).	Fellows House , Ryton Village,	Granted;	Ryton Crookhill And Stella
DC/17/00099/COU	Change of use of vacant land to car parking and landscaping.	Shirt Factory , Shields Road,	Granted;	Pelaw And Heworth
DC/17/00104/HHA	Erection of single storey flat roof extension and two storey pitched roof extension to rear of terraced house (as amended 21.04.2017)	88 Durham Road, Gateshead,	Granted;	Saltwell
DC/17/00220/HHA	Drop kerb to allow vehicle access to drive	2 Long Bank, Gateshead,	Granted;	Lamesley
DC/17/00110/HHA	proposed first floor and ground floor extension to the rear of the existing dwelling and replacement detached garage with room over. As amended 05.04.17.	Darling House , 17 Lambton Avenue,	Granted;	Dunston Hill And Whickham East
DC/17/00161/FUL	Extension to the rear of the building connecting to the existing workshop.	Ground Floor Bishops Court , Rectory Lane,	Granted;	Whickham North

DC/17/00173/HHA	Demolition of existing single storey rear/side extension and replace with part single and part two-storey side and rear extension with integral garage.	Glen Dhu , St Agnes Gardens,	Granted;	Crawcrook And Greenside
DC/17/00179/HHA	Proposed single storey rear extension.	5 Beverley Gardens, Ryton,	Granted;	Ryton Crookhill And Stella
DC/17/00175/HHA	Demolish existing conservatory and build a ground floor extension in its place	40 Haswell Close, Wardley,	Granted;	Wardley And Leam Lane
DC/17/00224/CPE	CERTIFICATE OF EXISTING LAWFUL USE: Use of ground floor as Chinese take-away business (A5 use).	Thai Wah Chop Suey, Durham Road,	Granted;	Lamesley
DC/17/00181/HHA	Erection of a single-storey rear extension and knocking the current garage down to erect a two-storey side extension and extension to existing porch.	20 Frome Gardens, Chowdene,	Granted;	Chowdene
DC/17/00183/ADV	Display of non illuminated lettering to existing fascia and two vinyl logo window stickers, all reading 'Block and Bottle'.	14 High Level Parade , Wellington Street,	Temporary permission granted;	Bridges

DC/17/00184/HHA	Garage extension to side and demolition of existing garage	49 Lambton Avenue, Whickham,	Granted;	Whickham North
DC/17/00196/ADV	Display of two fascia signs mounted on the building, two. single-sided, free-standing billboards at the site perimeters (all internally illuminated) and one non illuminated poster display	Shirt Factory , Shields Road,	Temporary permission granted;	Pelaw And Heworth
DC/17/00231/COU	Change of use from vacant industrial unit to gymnasium	Units 10 11 And 12, Brewery Lane,	Granted;	Felling
DC/17/00203/HHA	Single storey side and rear extension,access improvements including ramp to front elevation and raised platform to rear (as amended 04.05.2017)	6 Barkwood Road, Rowlands Gill Central,	Granted;	Chopwell And Rowlands Gill
DC/17/00208/HHA	Single storey rear extension with additional bedroom and bathroom over existing garage to the side and porch with extended garage to front of property.	389 Durham Road, Gateshead,	Granted;	Low Fell
DC/17/00248/COU	Change of use of first floor of social club from function room (sui generis) to a fitness studio (use class D2)	Vale Of Derwent Social Club, Burnopfield Road,	Granted;	Chopwell And Rowlands Gill

DC/17/00236/COU	Change of use from Village Hall (D1 use) to Village Hall and offices (Sui Generis)	Clara Vale Village Hall, South View,	Granted;	Crawcrook And Greenside
DC/17/00215/HHA	Single storey rear extension, and erection of dormer.	1 Team Vale Villas, Festival Park,	Granted;	Lobley Hill And Bensham
DC/17/00250/HHA	Single storey front and side extension (as amended 06.04.2017)	22 Jobling Avenue, Winlaton,	Granted;	Blaydon
DC/17/00246/COU	Change of use from retail (A1) to Hot food takeaway (A5) involving installation of ventilation flue on rear elevation	6 Coldwell Street, Felling,	Refused;	Felling
DC/17/00255/COU	Change of use from residential home (C2 use) to dwelling (C3 use)	53A Eden Dale, Ryton,	Granted;	Crawcrook And Greenside
DC/17/00222/FUL	Single storey rear extension including balcony over, replace existing rear first floor Juliette balcony and new entrance door to front elevation	33 Heathfield Place, Low Fell,	Granted;	Saltwell
DC/17/00227/HAZ	HAZARDOUS SUBSTANCES CONSENT: Storage of 18000 tonnes of Flammable liquid (P5c) and 1,500 tonnes of Flammable Aerosols (P3a)	Land At White Rose Way, Follingsby Park, Follingsby Lane,	Granted;	Wardley And Leam Lane

DC/17/00338/HHA	Demolition of existing garage and replacement with larger garage. Part demolition of side off shot.	Cestria, St Cuthberts Road,	Granted;	Whickham South And Sunnside
DC/17/00339/HHA	Two storey and part single storey side extension	24 Whinlatter Gardens, Gateshead,	Granted;	Low Fell
DC/17/00229/FUL	New shop fronts, windows and doors to south west and south east elevations and removal of chimneys (description amended 25.04.2017 and 04.05.2017)	1-6A, Ravensworth View,	Granted;	Dunston And Teams
DC/17/00230/HHA	Proposed single storey, rear, side and front extension.	28 South Hill Road, Gateshead,	Granted;	Lobley Hill And Bensham
DC/17/00234/HHA	Two storey side extension	16 Cedars Green, Lyndhurst,	Granted;	Chowdene
DC/17/00340/HHA	Rear single storey extension	25 St Cuthberts Park, Marley Hill,	Granted;	Whickham South And Sunnside
DC/17/00237/HHA	Installation of 2 Velux Sun Tunnels to front and rear roof	17 St Cuthberts Park, Marley Hill,	Granted;	Whickham South And Sunnside
DC/17/00287/COU	Change of use from former bookmakers (sui generis) to sandwich shop (A1 retail use).	Former Bookmakers Adjacent The Norwood, Malvern Gardens,	Granted;	Lobley Hill And Bensham

DC/17/00239/HHA	Single storey rear extension.	231 Prince Consort Road, Gateshead,	Granted;	Saltwell
DC/17/00240/HHA	Single storey rear extension	38 Wynbury Road, Sheriff Hill,	Granted;	Low Fell
DC/17/00251/HHA	Replacement of hedge with a max 2 metre high brick wall with iron railing infills on boundary with Tanfield Place.	1 Linden Way, Eighton Banks,	Granted;	Lamesley
DC/17/00252/HHA	Garage door to front and construction of wall to rear with timber doorset to the rear (retrospective)	37 Cromwell Ford Way, Blaydon On Tyne,	Refused;	Ryton Crookhill And Stella
DC/17/00343/LBC	Installation of 'slimlight' glass within existing wooden frames.	3 Heathfield House, Durham Road,	Granted;	Saltwell
DC/17/00254/HHA	Garage conversion with the erection of a tiled pitch roof over, erection of porch to south and erection of boundary fence to enclosing northern garden (amended 28/04/17).	8 Lumley Avenue, Swalwell,	Granted;	Whickham North
DC/17/00260/HHA	Installation of a modular metal mesh access ramp to allow disabled access to and from front of property	2 Almond Crescent, Teams,	Granted;	Dunston And Teams

DC/17/00261/HHA	Single storey rear extension (amended plans received 08.05.2017)	41 Belgrave Terrace, Felling,	Granted;	Felling
DC/17/00262/HHA	Single storey side extension	45 Otterburn Gardens, Low Fell,	Granted;	Low Fell
DC/17/00264/HHA	Two storey side extension with single storey rear extension	19 Derwent View, Winlaton,	Granted;	Winlaton And High Spen
DC/17/00323/LBC	Installation of Slimlite double glazing (within existing frames) to four windows	5 Heathfield House, Durham Road,	Granted;	Saltwell
DC/17/00269/HHA	Single storey rear extension (Amended 16.05.2017).	34 Angel Way, Birtley,	Granted;	Lamesley
DC/17/00270/HHA	Proposed Modular Steel Disabled Access Ramp	9 Ash Grove, Dunston,	Granted;	Dunston And Teams
DC/17/00272/TPO	Felling of 1 Fir tree (not protected) and works to 1 protected Oak tree in garden of Aisling, 11 High Horse Close.	Aisling , 11 High Horse Close,	Granted;	Winlaton And High Spen

DC/17/00273/FUL	Refurbishment and reconfiguration of restaurant, drive thru lane and patio area including alterations to elevations and extensions, construction of folded roof incorporating cladding, replacement drive thru booths and one additional booth and installation of height restrictor (additional information received 20/04/17 and amended 03/05/17).	McDonalds Restaurant, Team Valley Retail Park,	Granted;	Lamesley
DC/17/00274/ADV	Display of eight fascia signs, wall/roof mounted lettering, and icon signs, all internally illuminated.	McDonalds Restaurant, Team Valley Retail Park,	Temporary permission granted;	Lamesley
DC/17/00275/HHA	Single storey rear extension	92 Durham Road, Gateshead,	Granted;	Saltwell
DC/17/00280/ADV	Display of free-standing double sided, road side post sign on site boundary and various amenity boards, lettering and logo signs to the building, all externally illuminated	Maiden Over , Low Heworth Lane,	Temporary permission granted;	Pelaw And Heworth
DC/17/00284/HHA	Installation of a modular metal mesh access ramp to allow disabled access to front of property	5 Cemetery Road, Sunderland Road,	Granted;	Bridges

DC/17/00367/HHA	Erection of two storey side extension	1 Parkfield, Ryton,	Granted;	Ryton Crookhill And Stella
DC/17/00285/ADV	Display of one free standing post sign, two sets of lettering and logo signs, various amenity/menu boards and directional signs	The Huntsman , Blaydon Bank,	Temporary permission granted;	Blaydon
DC/17/00290/HHA	Installation modular metal access ramp and the widening of the existing paved pathway to allow disabled access from the rear of dwelling.	41 Fallowfeld, Leam Lane Estate,	Granted;	Pelaw And Heworth
DC/17/00294/FUL	Removal of external signage and external ATMs.	LLOYDS TSB BANK PLC, 490 Durham Road,	Granted;	Low Fell
DC/17/00295/ADV	Display of various (illuminated and non illuminated) fascia, logo, directional, board and totem signs	Crawcrook Filling Station, Main Street,	Temporary permission granted;	Crawcrook And Greenside
DC/17/00375/HHA	Two storey side extension over existing garage. Single storey front and rear extension.	18 Laburnum Avenue, Felling,	Granted;	Pelaw And Heworth
DC/17/00404/HHA	Ramp to front of property	77 Marian Court, Gateshead,	Granted;	Lobley Hill And Bensham

DC/17/00310/HHA	Single storey side and rear extension and french doors to rear	24 Oakridge, Fellside Park,	Granted;	Whickham North
DC/17/00311/HHA	Erection of single storey pitched roof extension to rear of property and raised patio to side and rear (as amended 16.05.2017)	Brierley House , Lead Road,	Granted;	Crawcrook And Greenside
DC/17/00345/LBC	Installation of 'slimlight' double glazing within existing wooden frames	2 Heathfield House, Durham Road,	Granted;	Saltwell
DC/17/00315/FUL	0Conversion of boarding house to three dwellinghouses including installation of dormers windows in roofspace to the front of nos 65 and 67, additional windows to the front elevation of no 69 and erection of part single-storey/part three-storey extensions at rear (to include basement at no 69) (amended 26 April 2017).	Bewick House , 65, 67 And 69 Bewick Road,	Granted;	Saltwell
DC/17/00319/HHA	Porch to front of property	58 The Cedars, Whickham,	Granted;	Whickham South And Sunnside
DC/17/00329/TPO	Works to various trees in garden of 12 Leaffield Glade.	12 Leaffield Glade, Portobello,	Granted;	Birtley

DC/17/00371/HHA	Erection of two storey pitched roof extension to side of detached property	30 Parklands Court, Felling,	Granted;	Wardley And Leam Lane
DC/17/00321/FUL	Continued siting of a container to provide external storage.	Depot West Of 18, Lenin Terrace,	Granted;	Chopwell And Rowlands Gill
DC/17/00335/HHA	Single storey rear extension	12 Watermill Lane, Bog House Estate,	Granted;	Felling
DC/17/00373/HHA	Single storey rear extension	3 Mendham Close, Felling,	Granted;	Windy Nook And Whitehills
DC/17/00376/HHA	Part two storey and single storey side extension	23 Barnton Road, Gateshead,	Granted;	Windy Nook And Whitehills
DC/17/00386/FUL	Installation of one additional window in east elevation and three additional windows in south elevation of industrial unit.	Kratos, 17 Princes Park,	Granted;	Lobley Hill And Bensham
DC/17/00336/HHA	Single storey side extension	20 Alderley Road, Low Fell,	Granted;	Low Fell
DC/17/00346/HHA	Single storey rear extension	27 Moss Crescent, Meadowfield Park,	Granted;	Crawcrook And Greenside
DC/17/00347/HHA	First floor side and single storey rear extension, pitched roof over porch and garage	37 Harewood Close, Whickham,	Granted;	Whickham South And Sunnyside

DC/17/00350/HHA	Erection of two storey rear extension	35 Derwent Water Drive, Blaydon,	Granted;	Ryton Crookhill And Stella
DC/17/00378/HHA	Proposed garage conversion	16 Blencathra Way, Winlaton,	Granted;	Blaydon

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**REPORT TO PLANNING AND
DEVELOPMENT COMMITTEE
31 May 2017**

TITLE OF REPORT: Enforcement Action

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

Purpose of the Report

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

Background

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

Recommendations

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

Contact: John Bradley extension 3905

1. FINANCIAL IMPLICATIONS

Nil.

2. RISK MANAGEMENT IMPLICATIONS

Nil.

3. HUMAN RESOURCES IMPLICATIONS

Nil.

4. EQUALITY AND DIVERSITY IMPLICATIONS

Nil

5. CRIME AND DISORDER IMPLICATIONS

Nil.

6. SUSTAINABILITY IMPLICATIONS

Nil.

7. HUMAN RIGHTS IMPLICATIONS

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

8. WARD IMPLICATIONS

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

9. BACKGROUND INFORMATION

Nil.

APPENDIX 2

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

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

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

Item Number	Site	Ward	Alleged Breach of Planning Control	Date Approval given for Enforcement Action	Date Served	Plan App Rec'd Y/N	Appeal Rec'd Y/N	Date Notice comes into Force	End of Compliance Period	Current Status	Compliance Y/N
										<p>Town and Country Planning (General Permitted Development) Order 1995. Contrary to contrary to Policy ENV7 of the Unitary Development Plan.</p> <p>Enforcement Notice has been served which requires the replacement of the windows with white painted timber sliding sash windows identical to the windows which were in place when the Article 4 Direction was applied</p> <p>Decision issued, notice upheld as varied. Notice to be complied with by the 13th September 2016</p> <p>A planning application has been approved to retain an amended version of the windows.</p>	
6.	14 Gunn Street	Dunston Hill and Whickham East	Unightly property	8 th Aug 2014	9 th Aug 2014	N		8 th Sept 2014	7 th Nov 2014	<p>Complaints have been received regarding an unsightly property. Despite attempts to resolve the matter amicably no substantive improvement was made in the condition of the property. A notice has been served requiring the owner to carry out works to remedy the condition.</p>	

Item Number	Site	Ward	Alleged Breach of Planning Control	Date Approval given for Enforcement Action	Date Served	Plan App Rec'd Y/N	Appeal Rec'd Y/N	Date Notice comes into Force	End of Compliance Period	Current Status	Compliance Y/N
										<p>The notice has not been complied with.</p> <p>An initial prosecution case went to Court on 15th January 2015. The District Judge granted an absolute discharge and advised the Council would need to take further action in 3 months in the event of further non-compliance.</p> <p>In the absence of compliance a second Court date has been was for the 10th September when the Owner received a £200 fine with £200 costs and £25 victim surcharge.</p> <p>The notice has still not been complied with.</p> <p>Work has started on site and is well underway.</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	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	

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	for agriculture and the storage of vehicles, agricultural equipment and parts, repair and restoration of vehicles and machinery and the reception, composting and transfer of green waste. Without planning permission the change of use of the land from agriculture to a mixed use for agriculture and the storage of vehicles, agricultural equipment and scrap metal and vehicle dismantling and repair	11 January 2016	12 January 2016	N	N	15 February 2016	14 March and 4 July 2016	including those in respect of the requirement to carry out an Environmental Impact Assessment and provide an Environmental Statement with an subsequent appeals. The Notices requires firstly, the cessation of the unauthorised use and secondly, the removal from the land of the scrap. The site is to be visited following the expiration of the compliance period the visit is to be carried out imminently in conjunction with the Environment Agency. The associated legal action is to be heard at Newcastle Crown Court in May 2017	
8.	Site of former Stella South Power Station, Stella Riverside	Ryton, Crookhill and Stella	Failure to comply with a condition attached to the planning permission in relation to play areas	18 January 2016	18 January 2016	Y	N	18 January 2016	14 March 2016 (stage 1) 9 May 2016 (stage 2)	Complaints have been received that a condition attached to the planning application for the site has not been complied with in respect of the provision of play equipment. Despite protracted negotiation the work to comply with the condition had not commenced on site. As such a notice was served requiring compliance within a specified timescale. Work on site is complete on 3 of the 4 play areas and	

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
										approaching completion on the one remaining area.	
9.	Tynedale House, Main Street, Crawcrook	Crawcrook and Greenside	Unsightly Building	13 th January 2017	14 th February 2017	Y	N	20 th March 2017	15 th May 2017	<p>Complaints have been received regarding the appearance of the front elevation of the property which is a former butchers shop.</p> <p>Whilst the site is noted to be under renovation the works have not substantially progress and the matter has become protracted.</p> <p>Therefore the Notice has been issued to ensure the façade is brought up to an acceptable standard within a specified period.</p>	
10.	Site of Station House, Green Lane, Gateshead	Pelaw and Heworth	Breach of Planning Condition	16 th March 2017	16 th March 2017	Y	N	16 th March 2017	10 th April 2017	<p>Complaints have been received regarding the use of the site which has planning permission to change to a scaffolding yard. The permission was granted subjected to a number of conditions many of which related to highway safety and which required discharge prior to the new use being commenced.</p> <p>The use has commenced without the conditions being discharged. Adjacent to the site a new supermarket is under construction as a result Officers have significant concerns regarding highway</p>	

Item Number	Site	Ward	Alleged Breach of Planning Control	Date Approval given for Enforcement Action	Date Served	Plan App Rec'd Y/N	Appeal Rec'd Y/N	Date Notice comes into Force	End of Compliance Period	Current Status	Compliance Y/N
			Breach of Planning Conditions	19 th April 2017	20 th April 2017	Y	N	20 th April 2017	18 th May 2017	<p>safety. Therefore a Temporary Stop Notice was issued requiring the use to stop until the conditions are discharged.</p> <p>The conditions have still not been complied with and the Temporary Stop Notice has ceased to have effect therefor a Breach of Condition Notice has now been issued requiring the information to be submitted.</p>	
11.	Lidl, Hexham Road, Swalwell, NE16 3AF	Whickham North	Breach of Condition	4 th May 2017	5 th May 2015	Y	N	5 th May 2017	2 nd June 2017	<p>The development of the Lidl Supermarket was subject to planning permission including a range of planning conditions. One of these conditions restricts the hours that deliveries and servicing can be carried out. Complaints have been received that this has been breached including multiple breaches on Easter Sunday. As such a notice has been issued requiring compliance with the delivery and servicing condition (no. 15)</p>	



TITLE OF REPORT: Planning Appeals

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

Purpose of the Report

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

New Appeals

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

Appeal Decisions

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

DC/16/01316/HHA - 14 Leam Gardens, Wardley

Two storey side extension

This was a delegated decision refused on 8 February 2017

Appeal Dismissed on 9 May 2017

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

Appeal Costs

4. There have been no appeal cost decisions.

Outstanding Appeals

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

Recommendation

6. It is recommended that the Committee note the report

Contact: Emma Lucas Ext: 3747

FINANCIAL IMPLICATIONS

Nil

RISK MANAGEMENT IMPLICATIONS

Nil

HUMAN RESOURCES IMPLICATIONS

Nil

EQUALITY AND DIVERSITY IMPLICATIONS

Nil

CRIME AND DISORDER IMPLICATIONS

Nil

SUSTAINABILITY IMPLICATIONS

Nil

HUMAN RIGHTS IMPLICATIONS

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

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

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

WARD IMPLICATIONS

Various wards have decisions affecting them in Appendix 3

BACKGROUND INFORMATION

Start letters and decision letters from the Planning Inspectorate



Appeal Decision

Site visit made on 2 May 2017

by Jason Whitfield BA (Hons) DipTP MRTPI

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

Decision date: 9th May 2017

Appeal Ref: APP/H4505/D/17/3169225 14 Leam Gardens, Wardley, Felling NE10 8SX

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by Mr and Mrs Salvage against the decision of Gateshead Council.
 - The application Ref DC/16/01316/HHA, dated 12 December 2016, was refused by notice dated 8 February 2017.
 - The development proposed is double storey side extension to form kitchen and bedroom over.
-

Decision

1. The appeal is dismissed.

Main Issue

2. The main issue is the effect of the proposal on the living conditions of the occupiers of 16 Leam Gardens with particular regard to outlook.

Reasons

3. The appeal relates to a two-storey, semi-detached dwelling. The property has a side garden which adjoins the side garden of the neighbouring dwelling, 16 Leam Gardens. No 16 contains a kitchen window in its flank wall which faces the appeal site.
 4. It is proposed to construct a two-storey extension to the side of the appeal property. The extension would be around 2.2m in width at the front, stepping in to around 1.8m towards the rear due to the angled nature of the plot. It would have a total depth of around 5.7m and would project close to the shared boundary with No 16. It would also have a height of around 7m and the flank wall would contain no windows.
 5. Whilst the kitchen window of No 16 faces the appeal property at an angle, the extension would nevertheless appear as a significant mass of unrelieved built form in particularly close proximity to the kitchen window of No 16. As a result, I find the proposal would appear as an unduly overbearing and dominant feature in the outlook of the kitchen window of No 16.
 6. I conclude, therefore, that the proposal would have a harmful effect on the living conditions of the occupiers of 16 Leam Gardens with particular regard to outlook. Consequently, the proposal would conflict with Policies CS14 of the Planning for the Future Core Strategy and Urban Core Plan for Gateshead and Newcastle upon Tyne 2010-2030, 2015 which states that development should
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prevent negative impacts on residential amenity. It would also conflict with Saved Policy DC2 of the Gateshead Unitary Development Plan 2007 which states that planning permission will be granted for development which ensures a high quality of amenity for existing residents and National Planning Policy Framework which seeks to secure a good standard of amenity for the occupiers of land and buildings. Finally, it would fail to accord with the guidance set out in the Gateshead Household Alterations and Extensions Supplementary Planning Document (SPD) which states that any extension to the side of the property should have minimal impact on the residential amenity of neighbours.

Other Matters

7. I note that the extension would utilise a hipped roof and that the distances between the properties would not result in a terracing effect. However, the lack of harm in respect of the character and appearance of the area would not outweigh the harm I have identified in respect of the living conditions of the occupiers of No 16.
8. I recognise the appellants' concerns relating to the Council's handling of the planning application and that they were willing to amend and adjust the scheme. However, such concerns would not outweigh the harm I have identified.

Conclusion

9. For the reasons given above I conclude that the appeal should be dismissed.

Jason Whitfield

INSPECTOR

APPENDIX 3

OUTSTANDING APPEALS

Planning Application No	Appeal Site (Ward)	Subject	Appeal Type	Appeal Status
DC/16/00914/COU	Land At Soka Wine Centre Devon House Durham Road Birtley	Change of use of part of existing car park for staff and part of existing side garden for residential flat to hand car-wash and car valet operation with new dropped-kerb exit point, erection and re-alignment of 1.8m high metal and timber fencing and 4x metal 1.5m high storage boxes	Written	Appeal In Progress
DC/16/01316/HHA	14 Leam Gardens Wardley Felling NE10 8SX	Two storey side extension	Written	Appeal Dismissed
DC/17/00001/COU	3/5 Beaconsfield Avenue Gateshead NE9 5XT	Change of use of ground floor from residential to Use Class A1 (as expansion of existing adjoining shop); relocation of dwelling entrance to rear; and residential loft conversion with hip to gable extension and new velux windows	Written	Appeal in Progress

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TITLE OF REPORT: Planning Obligations

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

Purpose of the Report

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

Background

2. To comply with the report of the District Auditor "Probity in Planning" it was agreed that a progress report should be put before the Committee to enable the provision of planning obligations to be monitored more closely.
3. Since the last Committee meeting there have been no new planning obligations.
4. Since the last Committee there have been no new payments received in respect of planning obligations.
5. Details of all the planning obligations with outstanding covenants on behalf of developers and those currently being monitored, can be found at Appendix 2 on the Planning Obligations report on the online papers for Planning and Development Committee for 31 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