

# PLANNING AND DEVELOPMENT COMMITTEE AGENDA

Wednesday, 2 August 2017 at 10.00 am in the Bridges Room - Civic Centre

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From the Chief Executive, Sheena Ramsey

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Item	Business
<b>1</b>	<b>Apologies for Absence</b>
<b>2</b>	<b>Minutes</b>  The Committee is asked to approve as a correct record the minutes of the meeting held on 12 July 2017 (copy previously circulated).
<b>3</b>	<b>Declarations of Interest</b>  Members to declare interests in any agenda items
<b>4</b>	<b>Planning Applications (Pages 3 - 10)</b>
4i	<b>No. 1 - 45, Cornmoor Road, Whickham NE16 4PU (Pages 11 - 22)</b>
4ii	<b>No. 2 - 2, Planesway, Whitehills, Felling, NE16 4PU (Pages 23 - 28)</b>
4iii	<b>No. 3 - Land between Retail Unit and Social Club Dunston (Pages 29 - 42)</b>
4iv	<b>No. 4 - Site at Valley View, Tanfield Place, Gateshead NE9 7AS (Pages 43 - 56)</b>
<b>5</b>	<b>Delegated Decisions (Pages 57 - 64)</b>
<b>6</b>	<b>Enforcement Action (Pages 65 - 76)</b>  Report of the Strategic Director, Communities and Environment
<b>7</b>	<b>Planning Appeals (Pages 77 - 82)</b>  Report of the Strategic Director, Communities and Environment
<b>8</b>	<b>Planning Obligations (Pages 83 - 84)</b>  Report of the Strategic Director, Communities and Environment

Contact: Helen Conway - Email: [HelenConway@gateshead.gov.uk](mailto:HelenConway@gateshead.gov.uk), Tel: 0191 433 3993,  
Date: Tuesday, 25 July 2017

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PLANNING AND DEVELOPMENT  
COMMITTEE  
**2 August 2017**

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

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

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### **Purpose of the Report**

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

#### **PART ONE:**

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

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

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

### **Recommendations**

2. Recommendations are specified in the schedule.

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

## Contents

<b>Application Number</b>	<b>Site Location</b>	<b>Ward</b>
1. DC/17/00363/FUL	45 Cornmoor Road Whickham	Dunston Hill And Whickham East
2. DC/17/00557/HHA	2 Planesway Whitehills	Windy Nook And Whitehills
3. DC/17/00643/FUL	Land Between Retail Unit And Social Club Dunston	Dunston And Teams
4. DC/17/00658/FUL	Site At Valley View Tanfield Place	Lamesley

## **DEVELOPMENT PLAN**

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

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

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

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

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

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

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

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

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

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

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

## **UPDATES**

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

## **SPEAKING AT COMMITTEE**

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

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

### **SITE PLANS**

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

### **PUBLICITY/CONSULTATIONS**

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

### **SITE VISITS**

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

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

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

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

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

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

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

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

In many cases involving similar types of use, a change of use of a building or land does not need planning permission. Planning permission is not needed when both the present and proposed uses fall within the same 'class', or if the Town and County 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)
B2 (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 useclasses	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 1A 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

<b>Application No:</b>	<b>DC/17/00363/FUL</b>
<b>Case Officer</b>	<b>David Morton</b>
<b>Date Application Valid</b>	<b>23 May 2017</b>
<b>Applicant</b>	<b>Mr Daron Hodgson</b>
<b>Site:</b>	<b>45 Cornmoor Road Whickham Whickham NE16 4PU</b>
<b>Ward:</b>	<b>Dunston Hill And Whickham East</b>
<b>Proposal:</b>	<b>Proposed Detached Dwelling on the land to the rear of 45 Cornmoor Road (amended 04/07/17).</b>
<b>Recommendation:</b>	<b>REFUSE</b>
<b>Application Type</b>	<b>Full Application</b>

#### 1.0 The Application:

##### 1.1 DESCRIPTION OF THE SITE

The application site is currently a garden to the rear of the single storey dwelling 45 Cornmoor Road.

1.2 The site is located within the Whaggs Lane/Broom Lane Area of Special Character, as identified by saved UDP Policy ENV25. The site was typical of the original layout of plots in the area where properties have large elongated rear gardens with dense landscaping, albeit a large part of the curtilage has been annexed off through the introduction of a boundary treatment across the garden.

1.3 The site remains relatively well planted and there is dense planting along the common boundary with 47a Cornmoor Road.

1.4 The rear elevations of the property to the rear of the plot 34a Whaggs Lane is approximately 18 metres from the common boundary to the rear (west) of the site. 47a Cornmoor Road is located 1.6 metres from the southern boundary.

##### 1.5 DESCRIPTION OF THE APPLICATION

The application seeks planning consent for the erection of a single detached dwellinghouse, the application proposes that the dwelling has two levels of accommodation with one level being provided within the roofspace.

1.6 The separation distance between the proposed dwelling and the existing bungalow at 47a (to the south) is 3.5 metres. The distance to the rear elevation of 34a Whaggs Lane is in excess of 40 metres. The garage of the proposed dwelling is 27 metres from the rear elevation of 25 Cornmoor Road.

1.7 The dwelling would have a maximum width of 9.8 metres and a maximum depth of 25.6 metres, this would result in a separation distance of 3.6 metres between the habitable rooms in the closest part of the side elevation of 47a Cornmoor

Road to the south and the side elevation of the proposed scheme. The application proposes two living room windows, a study window and a lobby window within the southern elevation of the proposed dwelling (at ground floor level) in addition to two rooflights at first floor level.

1.8 The applicant has not indicated the proposed boundary treatment which would surround the application site.

1.9 The following documents were submitted with the application;

- Coal Mining Risk Assessment

1.10 **PLANNING HISTORY**

The relevant planning history associated with the application site is summarised as follows:

- DC/14/01096/CPL was an application for a certificate of lawfulness for Demolition of existing garage and extension followed by erection of detached garage, swimming pool building and area of hard standing (amended 07/07/16).' The application was approved on 17 August 2016.

**2.0 Consultation Responses:**

Coal Authority                      No objection subject to conditions.

**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 single letter of objection to the proposal has been received, in addition to a request for the application to be considered by Planning and Development Committee from a Ward Councillor (Councillor Peter Maughan). The letter of objection is summarised as follows:

- Works have already been undertaken on site;
- The proposed development is two-storey and not single storey as suggested by the applicant and;
- The development would impact on residential amenity.
- The proposal would restrict access.
- The proposal would cause issues with the maintenance of the site access.

**4.0 Policies:**

NPPF National Planning Policy Framework

NPPG National Planning Practice Guidance

H2 Five Year Supply Figures

H4 Windfall and Small Housing Sites

H12 Housing Density

H13 Local Open Space in Housing Developments

H14 Neighbourhood Open Space-New Housing Dev

H15 Play Areas in Housing Developments

ENV3 The Built Environment - Character/Design

ENV25 Areas of Special Character

ENV44 Wood/Tree/Hedge Protection/Enhancement

ENV54 Dev on Land Affected by Contamination

CFR28 Toddlers' Play Areas

CFR29 Juniors' Play Areas

CFR30 Teenagers' Recreation Areas

DC2 Residential Amenity

CS10 Delivering New Homes

CS11 Providing a range and choice of housing

CS14 Wellbeing and Health

CS15 Place Making

CS18 Green Infrastructure/Natural Environment

GPGSPD Gateshead Placemaking Guide SPG

## **5.0 Assessment:**

- 5.1 The key planning considerations are whether the development would comply with relevant national, regional and local housing policies, the principle of the development in an Area of Special Character, the impact on the visual amenity of the site, the residential amenity of neighbouring properties, density, any impact on trees, any highway safety implications, open space and play provision, land conditions and any other issues arising.
- 5.2 PRINCIPLE OF THE DEVELOPMENT
- 5.3 Housing demand and policy

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. Policy H4 of the UDP gives a number of criteria that need to be assessed.

- 5.4 The site forms a windfall site. The NPPF states that "... *housing applications should be considered in the context of the presumption in favour of sustainable development.*"
- 5.5 It is considered that the site meets the saved criteria set out in policy H4 in relation to its sustainable location within an established housing area, close to local services and public transport routes, and it would help to sustain the local community. As a result the principle of developing this site for residential use is considered acceptable should all other material planning considerations be satisfied.
- 5.6 Housing choice  
Policy CS11 of the Core Strategy and Urban Core Plan requires 60% of new private housing across the Plan area to be suitable for and attractive to families, defined as dwellings of three or more bedrooms. The application proposes the erection of a single family home and as such the development is considered appropriate in the context of the NPPF, saved policy H4 of the UDP and policies CS10 and CS11 of the CSUCP.
- 5.7 Residential space standards  
Policy CS11(4) requires that new residential development provides "adequate space inside and outside of the home to meet the needs of residents". It is considered based upon the submitted information that the application meets the above requirements, providing an acceptable level of internal and external space for existing and proposed properties.
- 5.8 AREA OF SPECIAL CHARACTER  
The application site is within the Broom Lane/Whaggs Lane Area of Special Character and therefore saved policy ENV25 of the UDP applies. This policy states that certain areas of the borough have '*...a distinctive built character deriving from their buildings and spaces, which are worthy of recognition.*' Specifically referring to the Broom Lane/Whaggs Lane area, the policy identifies low density housing, a dense coverage of mature trees and long, well established gardens as the key characteristics of the area.
- 5.9 The supporting text of this policy states that the detrimental development allowed in the 1980's and 1990's, namely small housing estates and single dwellings on infill and rear garden plots has had an adverse impact on the established character of the area and that 'The area's protection under this policy will control similar damaging development in the future.'
- 5.10 The current UDP was adopted in 2007. The previous UDP was adopted in 1998 and had a policy relating specifically to the Broom Lane/Whaggs Lane area alone. This policy (E12) identified specific blocks within the area where single residential developments at the rear of properties would be unacceptable but

that 'elsewhere, they will be permitted at the rear of properties' but only if new dwellings were not '*visually intrusive*' and that new access arrangements were linked to existing access into the site and that parking capacity and any trees were not detrimentally affected.

- 5.11 The two policies are considered to be fundamentally different. The 1998 policy focuses on the design of backland development as opposed to the principle, except within very specific parts of the Broom Lane/ Whaggs Lane area where it was clear such development was not acceptable. The current UDP policy adopted in 2007 focuses on the principle and states that backland development damages the character of the area and should be resisted.
- 5.12 Whilst eight backland developments have been granted permission within the Area of Special Character since 2007, all of these have been revised and resubmitted versions of schemes originally determined under the previous UDP (adopted in 1998) or have been significantly different from the one currently proposed. Where original schemes had been approved, the principle of development had been established as acceptable, under policy E12 of the 1998 UDP. Where schemes had been refused, the refusal reasons were not based on the principle of backland development, due to the more relaxed nature of the policy in the previous UDP policy (adopted in 1998) and were refused on design.
- 5.13 Where extant permissions existed which could be implemented and were approved prior to 2007 the Council took a pragmatic approach to resubmissions of schemes where it was considered these were an improvement on the extant permissions that could be implemented.
- 5.14 Schemes that were refused permission under the former Policy E12 (1998 UDP) were refused due to the design considerations of the scheme rather than the principle of developing in rear gardens and in those cases if resubmissions were made post adoption of the 2007 policy these would need to be considered against the current development plan in force which resists the principle of backland development in this area unless there are material considerations of significant weight to outweigh that policy (ENV25).
- 5.15 The three most recent approvals for a backland development within the area were at 35A Broom Lane, 36A Cornmoor Road and 25 Cornmoor Road. The application at 35A Broom Lane was not considered to be further detrimental to the character of the area due to an existing tandem arrangement of dwellings on that specific plot where one dwelling sat behind the other (albeit linked) and where the elongated garden was already subdivided and also where important mature trees and landscaping were being retained. In assessing the application at 36A Cornmoor Road significant weight was offered to the fall back position of a previously approved detached granny annex - it was concluded, given the proposed dwelling was "*... almost identical [to the annex] except for the ground floor window arrangement...[,] that the effect of the proposed bungalow on the character and appearance of the area would not be different from that of the previously approved granny annex.*" The same view was taken in approving the development at 25 Cornmoor Road given the existence of a certificate of

proposed lawful development which allowed the erection of a swimming pool building. In approving the application Officers concluded *'It is considered that the fallback position open to the application is of such material weight that the non-compliance with Policies ENV25 and ENV3 are outweighed in this instance.'*

5.16 It is therefore considered that a precedent has not been set for the approval of new schemes submitted since 2007 and although backland development has been allowed, the policy acknowledges this and aims to prevent further detriment to the character of the area.

5.17 In assessing previous planning applications for housing development within the Broom Lane/Whaggs Lane Area of Special Character, Policy ENV25 has been viewed as, and applications determined on the basis of it being a restrictive policy. In considering the previous appeal (DC/10/01349/FUL) at 25 Cornmoor Road the Planning Inspector concluded;

*"The proposal does not strictly conflict with the wording of policy ENV25 which seeks to encourage development that maintains and/or enhances Areas of Special Character. However, when read in conjunction with the supporting justification, it is clear that the intention of the policy is to control development which would damage the character and appearance of the Broom Lane/Whaggs Lane area"*

5.18 Further to the above, the Gateshead Placemaking Supplementary Planning Document which has been prepared as an accompaniment to the Local Plan makes specific reference to Broom Lane within Appendix B - Local Character Guidance - 'Place Portraits'. It is stated within the Design Guidance for Broom Lane that the aims of the LPA should be to;

*"Resist backland development within the gardens of existing properties to protect the character and setting of existing properties."*

5.19 It is considered that the proposal for the dwelling at the rear in a tandem arrangement would not accord with Policy ENV25 of the current development plan.

5.20 In assessing the current application, consideration must be offered to a certificate of lawful development which currently exists on the application site (DC/16/00621/CPL). The application sought a Certificate of Proposed Lawful Development, pursuant to s.192 Town and Country Planning Act 1990 (the Act), for the provision within the curtilage of 45 Cornmoor Road of two buildings required for purposes incidental to the enjoyment of the dwellinghouse and the creation of a hardstanding associated with 45 Cornmoor Road.

5.21 The larger of the two detached structures was to be used as a swimming pool structure. It was proposed for the swimming pool structure to be single storey with a footprint of 7.4 metres by 37.4 metres, an eaves height of 2.25 metres and ridge height of 4 metres. It was proposed for the building to be located 2.5 metres from both the northern and southern boundaries while being 7.796



metres from the western boundary. The applicant has identified the footprint of this building on the submitted layout plan.

5.22 It must be noted that a Certificate of Lawfulness application is determined not on the basis of planning policies or material planning considerations, but in accordance with the specific factual matrix and in accordance with all relevant legal principles. Therefore, while it is considered that the erection of such a detached building would undoubtedly have a significant detrimental impact on the application site and the wider area in direct conflict with saved UDP Policy ENV25 this was not material in determining the application for the swimming pool structure.

5.23 Once granted, a certificate of lawfulness remains valid for the use or development described in it, on the land it describes, provided there is no subsequent material change in the circumstances. This is clearly set out in Section 192 of the Town and Country Planning Act 1990;

*"The lawfulness of any use or operations for which a certificate is in force under this section shall be conclusively presumed unless there is a material change, before the use is instituted or the operations are begun, in any of the matters relevant to determining such lawfulness."*

5.24 Following the grant of the Certificate of Lawfulness significant changes have been undertaken on site; a fence has been erected on site effectively separating the application site from the dwellinghouse and its curtilage. Further, an access has been created to the south of the application site onto an existing private access and drainage works have been undertaken. Based on these facts and based upon the fact the property (45 Cornmoor Road) is being marketed for sale separately from the application site Officers are now of the view that the application site is no longer within the curtilage of 45 Cornmoor Road. On this basis, the swimming pool structure would no longer benefit from a deemed planning permission by virtue of Article 3, Schedule 2, Part 1, Class E of the Town and Country Planning (General Permitted Development) Order 2015 (the GPDO) as amended.

5.25 It is, therefore, considered that no fallback position exist on the site despite this assertion being forwarded by the application. It is suggested (based on the submitted plans) that the applicant believes that were the current application to be refused then the detached swimming pool building could be erected.

5.26 It is accepted by officers that the subdivision of the land could be reversed and as such a fallback could be re-established. The Case Law on the issue of fallbacks (R (on the application of Zurich Assurance Ltd) v North Lincolnshire Council [2012] EWHC 3708 (Admin)) is clear.

5.27 The judgement states;

*"The prospect of the fallback position does not have to be probable or even have a high chance of occurring; it has to be only more than a merely theoretical prospect. Where the possibility of the fallback position*

*happening is "very slight indeed", or merely "an outside chance", that is sufficient to make the position a material consideration (see Samuel Smith Old Brewery (Tadcaster) v Secretary of State for Communities and Local Government [2009] EWCA Civ 333 at [20]-[21] per Sullivan LJ). Weight is, then, a matter for the planning committee."*

5.28 Therefore, even if a fallback position does exist, as set out above the weight attached to such a fallback is a matter for the decision maker.

5.29 In this instance, it is considered that such a fallback position should be attributed little weight, given that it is considered that there is no genuine prospect of the (swimming pool building) development coming forward. This view is taken given the clear intention shown by the applicant to subdivide the land and sell the property (45 Cornmoor Road) separately from its former curtilage.

5.30 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.'*

5.31 As set out above, it is considered that the proposed development would conflict directly with the requirements of saved UDP Policy ENV25. In the absence of a fallback position no material considerations exist which would outweigh the presumption to refuse the application based upon its non-compliance with saved Policy ENV25.

5.32 **IMPACT ON THE STREETSCENE AND APPEARANCE OF THE AREA**  
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.

5.33 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.

5.34 The NPPF requires that development should 'make a positive contribution to local character and distinctiveness' (paragraphs 126 and 131). This is reinforced by paragraphs 58, 60, 61 and 64. These require development to respond to local character by promoting or reinforcing local distinctiveness, reflect the identity of local surroundings and materials and promote good architecture and appropriate landscaping. Development of poor design which

fails to respond to opportunities for improving the character and quality of an area should be refused.

- 5.35 The Gateshead Placemaking SPD amplifies Saved UDP Policy ENV3 and the emerging CSUCP Policy CS15 Place Making. This sets out a series of key design principles which will be used to assess development proposals.
- 5.36 The proposed dwelling is considered to be of a much larger scale (in terms of its footprint) to the adjacent properties to the east and south of the application site, resulting in an incongruous appearance. Further, while it is considered that while the proposed dwelling would not be visible, in the large part, from the public domain it would still be prominent and cause a visual intrusion when seen from surrounding properties. Further, it is considered that the proposal would not maintain the essential spacious distinctiveness of the Area of Special Character, contrary to the objectives of the NPPF, saved policy ENV3 of the Council's UDP and policy CS15 of the CSUCP.
- 5.37 It is considered that the proposed development would conflict directly with the requirements of the NPPF saved UDP Policy ENV3 and policy CS15 of the CSUCP.
- 5.38 RESIDENTIAL AMENITY  
It is considered that the separation distances afforded to those properties located to the east, west and north would ensure that no unacceptable impact on residential amenity would occur in regard to these properties.
- 5.39 It is, however, considered that the proposed development would result in significant harm to the occupiers of 47a Cornmoor Road, as referenced previously the proposed development would be located 3.6 metres to the north of the neighbouring property. The proposal would also project almost 13 metres beyond the front elevation of 47a Cornmoor Road. It is considered that the projection beyond the front elevation combined with the scale and mass of the proposed development would result in an unacceptable loss of outlook and would create an opportunity for looking; both to the detriment of the occupiers of 47a Cornmoor Road.
- 5.40 It is considered that the proposal would have an adverse impact on the amenity of the occupiers of 47 Cornmoor Road and as a result it would fail to comply with the aims and objectives of the NPPF, saved policy DC2 of the Council's UDP and policy CS14 of the CSUCP.
- 5.41 HIGHWAY SAFETY  
The application proposes that an existing access (which is in the ownership of the applicant) be used to access the site. It is considered that the small number additional trips created by the development would not result in any unacceptable impact on the access or the wider highway network. Further, the development allows for turning within the site and therefore allows cars to leave the site in forward gear.
- 5.42 The application allows for the storage of cycles within the proposed garage.

- 5.43 Given the above, it is considered that the proposal would comply with the aims and objectives of the NPPF and policy CS13 of the CSUCP.
- 5.44 LAND CONDITIONS
- 5.45 Contaminated Land  
As the applicant proposes a sensitive end use on the site, a Preliminary Risk Assessment (PRA) was submitted with the application. The historical use of the land was for agricultural purposes prior to residential development on the site and that the site is not within an area identified as potentially contaminated, the Local Planning Authority is satisfied that no further investigation would be required prior to the commencement of development. It is not considered necessary to condition further investigative works beyond those that would be required under the Building Control regime. The development complies with policy CS15 of the CSUCP and policy ENV54 of the UDP.
- 5.46 Land Stability  
The application site falls within the defined Development High Risk Area and therefore within the application site and surrounding area there are coal mining features and hazards which need to be considered in relation to the determination of this planning application. As a result, the applicant has submitted a Coal Mining Risk Assessment, which has been assessed by the Coal Authority.
- 5.47 The Coal Authority is satisfied with the broad conclusions of the report, informed by the site investigation works; that coal mining legacy issues are not significant within the application site and do not pose a risk to the proposed development. Accordingly, The Coal Authority does not object to the proposed application, however it is considered necessary to condition that site investigation works should be undertaken prior to the commencement of any works.
- 5.48 The proposed development is therefore considered to be in accordance with the NPPF and policy DC1 of the UDP.
- 5.49 PLAY AND OPEN SPACE  
The NPPG (Paragraph: 031 Reference ID: 23b-031-20160519) is clear that tariff style contributions should not be sought from developments of 10-units or less, and which have a maximum combined gross floorspace of no more than 1000sqm.
- 5.50 While it cannot be concluded that the proposed development would comply with saved Policies CFR20, CFR28, CFR29 and CFR30 of the UDP it is considered that it is not possible to require any contribution for either play or open space provision in this case, based on the above assessment.
- 5.51 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 development is located within a Charging Zone with a levy of £30 per square metre for this type of development.

#### 5.52 OTHER MATTERS

It is considered all material planning considerations raised by objectors have been addressed within the main body of the report.

### 6.0 CONCLUSION

6.1 The fundamental issue in determining this application is the principle of back land development in this location. Policy ENV25 clearly states that the character of the area is defined by long garden plots and that this character has been damaged by schemes approved prior to the adopted UDP or schemes where an extant permission existed prior to adoption.

6.2 All of the arguments forwarded by the applicant have been afforded appropriate weight but it is not considered that none of the reasons forwarded would outweigh the harm it would cause as a result of its inappropriate nature.

6.3 It is considered that the proposed development remains in conflict with the NPPF and saved policies ENV3 and ENV25. The proposal would therefore have a detrimental impact on the area of special character. The overriding issue is the fact that policy ENV25 of the UDP seeks to control and presumes against further backland development within the Whaggs Lane/Broom Lane Area of Special Character.

6.4 Further to the above, it is considered that the proposed development would have a significant impact on the occupiers of 47a Cornmoor Road as it would lead to overlooking and an oppressive outlook to existing occupiers. The development would fail to comply with the NPPF, saved policy DC2 of the Council's UDP and policy CS14 of the CSUCP.

### 7.0 Recommendation:

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

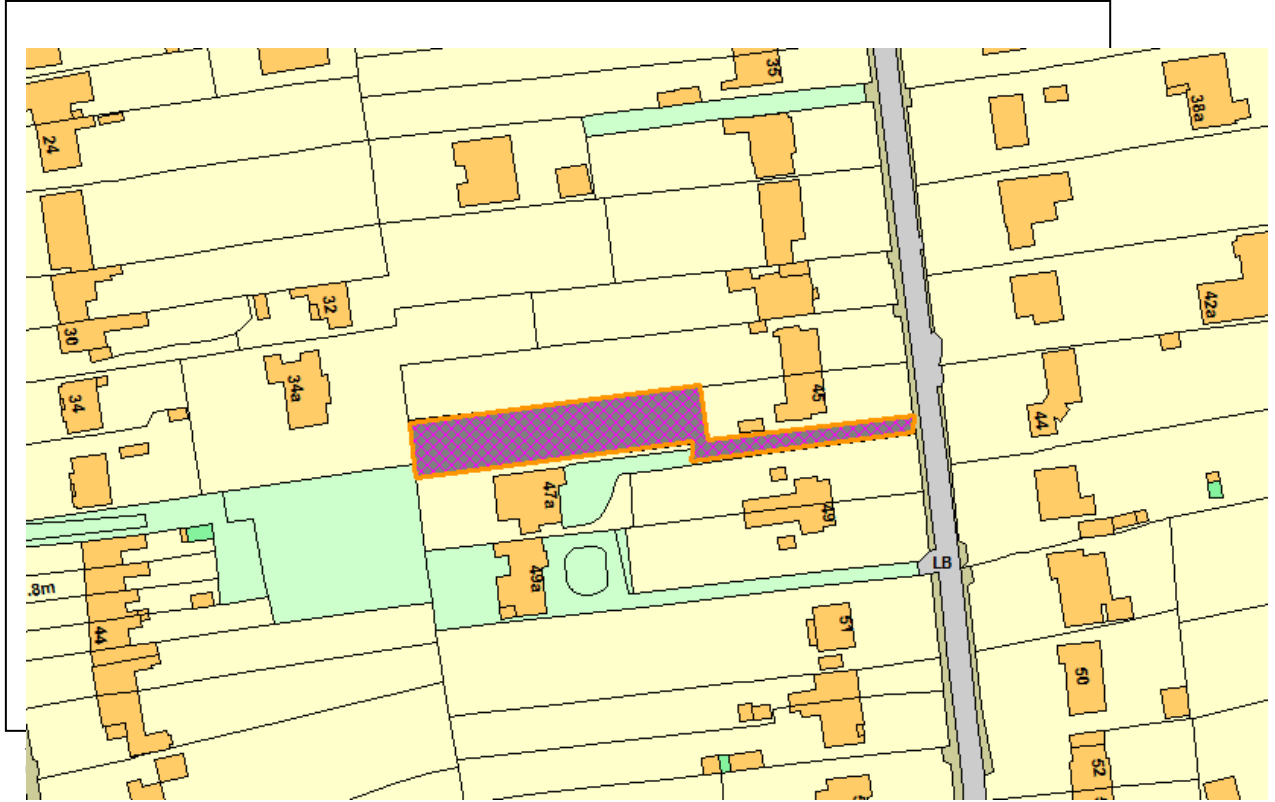
1

The proposed dormer bungalow would result in back land development and the subdivision of the existing plot. This would have a detrimental impact on the area of special character, the development would therefore fail to comply with aims and objectives of the NPPF, saved Policies ENV3 and ENV25 of the Unitary Development Plan and the Gateshead Placemaking SPD.

2

The proposed development would have an unacceptable adverse impact on the living conditions of neighbouring property (47a Cornmoor Road) by virtue of its overbearing/dominating nature

while also creating an unacceptable level of overlooking. The proposal would therefore fail to accord with the NPPF, Policy CS14 of the Core Strategy and Urban Core Plan, and DC2 of the Unitary Development Plan.



## REPORT NO 2

**Committee Report**

<b>Application No:</b>	<b>DC/17/00557/HHA</b>
<b>Case Officer</b>	<b>Owain Curtis</b>
<b>Date Application Valid</b>	<b>21 June 2017</b>
<b>Applicant</b>	<b>Mr Barry Turnbull</b>
<b>Site:</b>	<b>2 Planesway Whitehills Felling NE10 8LG</b>
<b>Ward:</b>	<b>Windy Nook And Whitehills</b>
<b>Proposal:</b>	<b>Erection of single storey side extension</b>
<b>Recommendation:</b>	<b>GRANT</b>
<b>Application Type</b>	<b>Householder Application</b>

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

The application site is a two storey semi-detached property in Whitehills, Felling. The property has a pitched roof with side facing gables and is finished in brickwork and weatherboard cladding. At the front of the property is a dropped curb giving access to a 7.5m long driveway. Surrounding properties are similar in terms of age and design.

**1.2 DESCRIPTION OF THE APPLICATION**

This application is being presented before the Planning and Development Committee as the applicant, Mr Barry Turnbull, is a family member of Councillor Jim Turnbull who is the Elected Member for Windy Nook and Whitehills.

1.3 This application is for the enlargement of an existing single storey side extension. At present the property has a flat roof side extension comprising of a garage at the front and enlarged kitchen at the rear. The proposed extension would bring the principal elevation of the extension in line with the main elevation of the property. The extension would match the appearance of the existing in terms of finishing materials and would have a flat roof.

1.4 Internally, the garage would be converted into a study and bathroom however the internal conversion does not require planning permission.

**1.5 PLANNING HISTORY**

No relevant history.

**2.0 Consultation Responses:**

None

### **3.0 Representations:**

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

3.2 No representations have been received.

### **4.0 Policies:**

NPPF National Planning Policy Framework

NPPG National Planning Practice Guidance

CS13 Transport

CS14 Wellbeing and Health

CS15 Place Making

DC2 Residential Amenity

ENV3 The Built Environment - Character/Design

HAESPD – Householder Alterations and Extensions SPD

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

5.1 The key considerations to be taken into account when assessing this planning application are: the effect of the proposal on the living conditions of neighbouring occupiers, the effect on the character and appearance of the street scene, and whether there would be any unacceptable highway safety issues.

#### **5.2 RESIDENTIAL AMENITY**

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.

5.3 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.

5.4 The proposed extension would not cause unacceptable overlooking of any neighbouring property. No windows would be located on the side elevation as it adjoins the existing side extension attached to number 3 Planesway. There is a distance of 29m to the nearest property at the front of the property therefore there would be no loss of privacy to the occupiers of this property.



- 5.5 With regard to overshadowing, the small scale of the extension and the fact it adjoins with an existing neighbouring extension means there would be no unacceptable overshadowing caused to the occupiers of the surrounding properties.
- 5.6 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.
- 5.7 **VISUAL AMENITY**  
Section 7 of the NPPF states that the Government attaches great importance to the design of the built environment and that good design is a key aspect of sustainable development, is indivisible from good planning, and should contribute positively to making places better for people. Local policies CS15 of the Core Strategy and ENV3 of the UDP reflect this.
- 5.8 The proposed development is considered to respond to local distinctiveness and character and would be a sympathetic addition to the host property. Many other properties in the street have similar single storey flat roof side extensions therefore the proposed development would not appear as an alien feature in the street scene. In terms of external materials, the extension would be finished in matching brickwork and a UPVC window to match the existing frames.
- 5.9 The development would therefore accord with policies CS15 of the Core Strategy and ENV3 of the UDP.
- 5.10 **HIGHWAY SAFETY AND PARKING**  
The existing driveway is 7.5m in length and following the erection of the extension this would be reduced to 5.4m. The Gateshead Householder Alterations and Extensions SPD states that driveways should not be less than 5m in length in the interests of highway safety and to avoid parked cars from overhanging the footway.
- 5.11 As the length of the driveway would be longer than that advised in the Householder Alterations and Extensions SPD and the development would not impact on the wider adopted highway network, officers consider the proposal to be acceptable from a highways point-of-view. The proposal would therefore be in accordance with the NPPF and policy CS13 of the Core Strategy.
- 5.12 **COMMUNITY INFRASTRUCTURE LEVY**  
On 1st January 2017 Gateshead Council became a Community Infrastructure Levy (CIL) Charging Authority. Due to its scale, nature and location this proposal would not be charged.
- 6.0 CONCLUSION**

6.1 Taking all the material planning considerations into account it is recommended that planning permission be granted. Given the relevant conditions suggested to be imposed, it is considered the proposal accords with relevant national and local planning policies.

**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 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

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

Reason

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

3

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

Proposed extension Drg No 1 received 21.06.2017

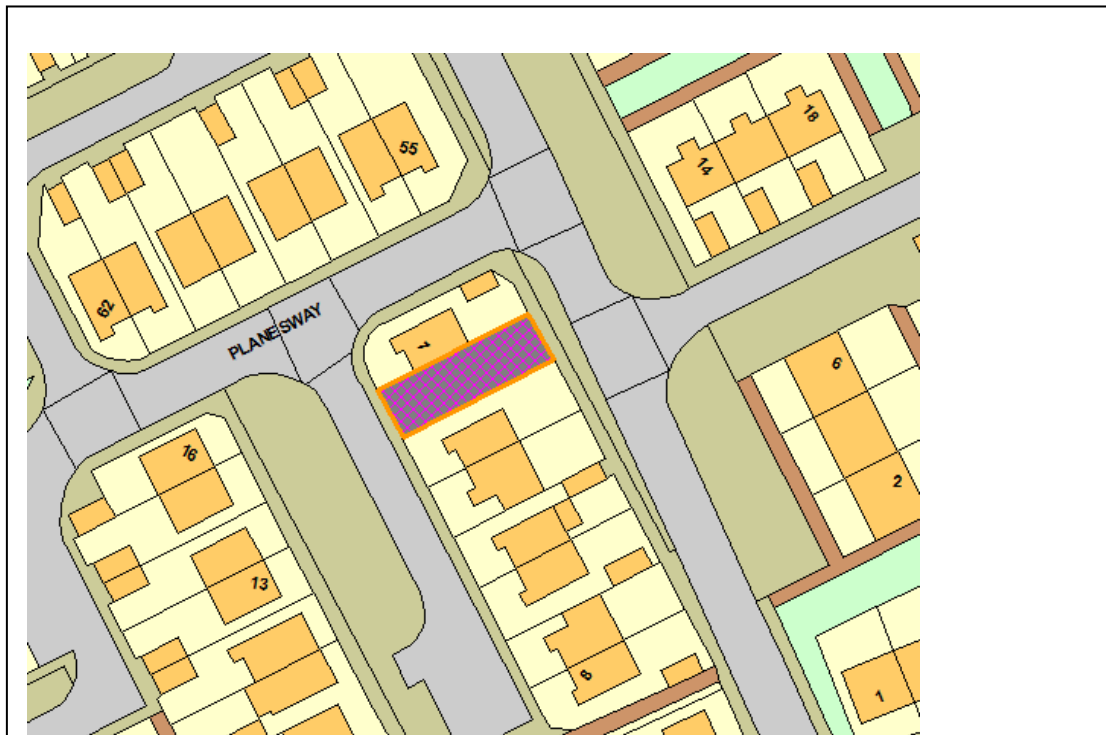
Site / Roof Plan Proposed received 21.06.2017

Location Plan received 18.07.2017

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.



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**Committee Report**

<b>Application No:</b>	<b>DC/17/00643/FUL</b>
<b>Case Officer</b>	<b>Joanne Munton</b>
<b>Date Application Valid</b>	<b>23 June 2017</b>
<b>Applicant</b>	<b>Keepmoat Regeneration</b>
<b>Site:</b>	<b>Land Between Retail Unit And Social Club Dunston</b>
<b>Ward:</b>	<b>Dunston And Teams</b>
<b>Proposal:</b>	<b>Erection of medical centre including car park and footpath to the east (description amended 21.06.2017 and plans amended 19/07/17).</b>
<b>Recommendation:</b>	<b>GRANT</b>
<b>Application Type</b>	<b>Full Application</b>

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

The site is land on the eastern side of Ravensworth Road in Dunston, between Dunston Social Club to the north and the over 55s flats at Clavering Court to the south. There is an existing pharmacy building immediately south west of the application site.

1.2 The wider area of the former Ravensworth Road Estate includes the site of the former Derwent Tower (more commonly known as the Dunston Rocket), now demolished, to the north east of the application site. Additionally, there is a supermarket with associated car park to the east of the application site (which is accessed by vehicles from Ellison Road to the south).

**1.3 DESCRIPTION OF APPLICATION**

The application proposes the erection of a medical centre to replace the existing doctors surgery (Glenpark Medical Centre) located further north on the opposite side of Ravensworth Road.

1.4 This application follows a planning permission for a pharmacy (detailed below) immediately south west of the application site. This permission has been implemented and the medical centre would be attached to the northern elevation of the existing pharmacy so the buildings would be linked.

1.5 The proposed medical centre would be L-shaped, joining with the pharmacy and continuing north, with the second 'limb' then projecting east. The proposed building would be two storeys high at the central north western corner, with each limb reducing to single storey further south (to meet the pharmacy) and east.

1.6 The ground floor, for the most part would be constructed of brick and the two storey element would be rendered (appearing as a rendered first floor when viewed from the north, south and west).

- 1.7 Access would be via the existing access road off Ravensworth Road, which is located to the south of the application site (and pharmacy). This proposal would continue the existing road to access the proposed car park at the eastern part of the application site.
- 1.8 The application proposes 24 car parking spaces including 3 disabled bays.
- 1.9 Additionally, the application proposes a footpath further east of the car park, which would run north to south and would link up with the existing footpath that runs between the application site boundary and Ellison Road to the south (between Clavering Court to the west and the supermarket to the east). The continuation of the footpath further north of the application site would be dealt with under a different scheme for the site further north.

#### 1.10 RELEVANT PLANNING HISTORY

Wider site:

DC/13/00959/OUT - Outline planning application with some reserved matters (including access) for residential dwellings, medical centre and pharmacy to the east of Ravensworth Road and retail units on the west side of Ravensworth Road (site of existing Glenpark Medical Centre) - Granted 14.10.2013

DC/15/00817/REM - Submission of Reserved Matters:(Access, Layout, Appearance, Landscaping and Scale) pursuant to DC/13/00959/OUT to provide 45 dwellings including 4 lifetime compliant dwellings and 1 wheelchair designed dwelling, alongside associated hard and soft landscaping works on site to the north of Dunston Social Club off Ravensworth Road (amended plans and red line 21.10.15 and 24/11/15) - granted 08.01.2016

DC/16/00618/REM - Variation of condition 1 of application DC/15/00817/REM to replace approved drawing 200-02 9 to 200-02 Rev B which shows a proposed footpath link between Ravensworth Road and the internal highway/footpath adjacent the gable of plot 19 - Granted 31.08.2016

DC/16/01130/NMA - Proposed non-material amendment of application DC/13/00959/OUT to allow amendments to conditions 6, 7, 23 and 26 and removal of Conditions 8, 9, 10, 19 and 20 - Granted 09.11.2016

DC/17/00271/NMA - Proposed non-material amendment of application DC/15/00817/REM to allow repositioning of plots 43-45 (move back by approx. 700mm) - Granted 05.04.2017

Site of pharmacy building:

DC/14/01183/FUL - Erection of new retail unit and associated parking and landscaping (amended 07.01.2015) - Granted 07.01.2015

DC/15/00104/FUL - Variation of condition 1 of DC/14/01183/FUL to allow amendment to the position of the building, amendments to the roof of the

proposed development and removal of glazing from south façade - Granted 17.03.2015

DC/16/00499/NMA - NON MATERIAL AMENDMENT to DC/15/00104/FUL to allow repositioning of external door and louvre vent on rear (eastern) elevation (description amended 20.06.2016) - Granted 27.06.2016

## **2.0 Consultation Responses:**

Tyne And Wear Archaeology      No requirements.  
Officer

## **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 A petition of objection has been received of 34 signatures representing local residents. The petition has the following heading:

- Indiscriminate parking in the area impacting on emergency services' access to Clavering Court;
- Issue of visitors to the existing supermarket and pharmacy using parking spaces at Clavering Court;
- Concern that visitors to the medical centre would park in spaces at Clavering Court.

3.3 A petition of objection has been received of 15 signatures representing local residents. The petition has the following heading:

- Impact on parking provision at Clavering Court during construction phase;
- Issue of visitors to the existing supermarket and pharmacy using parking spaces at Clavering Court;
- Indiscriminate parking in the area impacting on emergency services' access to Clavering Court.

3.4 A letter of objection has been received from local residents, the main points raised are summarised below:

- Indiscriminate parking in the area impacting on emergency services', support workers', community passenger ambulances' access to Clavering Court;
- Increased noise levels from traffic accessing the medical centre;
- Impact on health and safety during the construction phase.

3.5 Councillor Clelland has requested to speak at Planning Committee.

## **4.0 Policies:**

NPPG National Planning Practice Guidance

NPPF National Planning Policy Framework

DC1P Contamination, derelict land, stability

DC2 Residential Amenity

ENV3 The Built Environment - Character/Design

ENV54 Dev on Land Affected by Contamination

CS13 Transport

CS14 Wellbeing and Health

CS15 Place Making

CS17 Flood Risk and Waste Management

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

5.1 The key considerations to be taken into account when assessing this planning application are the principle of the proposal, visual amenity, residential amenity, highway safety and parking, ground conditions and flood risk.

### **5.2 PRINCIPLE**

Aforementioned permission DC/13/00959/OUT granted outline planning permission for residential dwellings, a medical centre and pharmacy to the east of Ravensworth Road and retail units on the west side of Ravensworth Road. This current application seeks full planning permission for the medical centre in isolation, but the previously accepted principle of a new medical centre in this location is afforded significant weight.

5.3 The site is not within the Ravensworth Road local retail centre, which is located further north. However, the site is part of a wider site of the former Ravensworth Road Estate, which, at this stage has been partially redeveloped including the development of a supermarket and over 55s flats to the east and south of the application site, respectively.

5.4 It is considered that the proposed development would be acceptable in principle and would work well alongside the existing and planned development on the wider site.

### **5.5 VISUAL AMENITY**

The proposed design is sympathetic to its surrounding streetscene and that the medical centre would sit comfortably with other buildings in the area, both in terms of scale/massing and architectural style. The car parking would be to the rear of the new building, screening it from the main street and it is considered that the layout would good access for visitors who arrive either on foot or by vehicle.



- 5.6 It is recommended that a condition be imposed that would require the submission and approval of materials prior to being used.
- 5.7 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.
- 5.8 **RESIDENTIAL AMENITY**  
The medical centre would be approximately 24m from residential properties to the west across Ravensworth Road and would be in excess of 30m from the northernmost part of Clavering Court to the south.
- 5.9 Given the location of the site on Ravensworth Road, just south of the retail centre and the existing pharmacy and supermarket, it is considered that the proposal would not result in an unacceptable increase in noise during operation.
- 5.10 It is recommended that a condition be imposed restricting construction hours so noise during the construction phase would not cause an unacceptable level of disturbance.
- 5.11 It is considered that the operation of the medical centre would not have an unacceptable impact on the residential amenity of these neighbours.
- 5.12 The proposal would not conflict with the aims and requirements of saved policy DC2 of the UDP and policy CS14 of the CSUCP.
- 5.13 **HIGHWAY SAFETY AND PARKING**  
The proposal would not result in a significant increase in traffic. The site is also well served by bus services and Dunston Railway Station lies less than 250m to the south.
- 5.14 The application proposes 24 car parking spaces including 3 disabled bays, and proposes the implementation of a Travel Plan and associated measures to promote sustainable travel, which would help reduce the demand for car parking.
- 5.15 It is considered that the proposed parking provision and the submitted Travel Plan are acceptable and it is recommended that conditions be imposed requiring compliance with that Travel Plan and the submission of survey data to the LPA for the purposes of monitoring and review
- 5.16 In terms of the car park being used by people visiting other shops and services in the area, it is recommended that a condition be attached requiring the submission of a car park management strategy for LPA consideration.
- 5.17 A 20mph scheme is proposed in the area as part of the Council's 20mph Zone programme, and this would be implemented separately. This would help assist road safety and improve the environment for those who need to cross the road.

- 5.18 Additionally, it is recommended that conditions be imposed requiring final details of visitor and staff cycle parking to be submitted to the LPA for consideration.
- 5.19 The existing access road is intended to be adopted but the proposed new car park and road specifically associated with the medical centre would be private. It is recommended that conditions be imposed requiring final details of the transition between the road be submitted to the LPA for consideration.
- 5.20 Therefore it is considered that the proposal would comply with the aims and requirements of policy CS13 of the CSUCP.
- 5.21 **GROUND CONDITIONS**  
A site investigation report has been submitted with the application. Contamination (asbestos) was encountered in made ground at the site and the submitted report recommends that remediation should take place in all proposed soft landscaping areas.
- 5.22 No detailed landscaping information has been submitted with the application, and it is recommended that conditions be imposed requiring final details of levels, a landscaping scheme and measures for remediation (which should refer to each other) to be submitted to the LPA for consideration, and implementation of those approved details.
- 5.23 The proposal would not pose an unacceptable risk in terms of land contamination or stability and would comply with the aims and requirements of saved policies DC1(p) and ENV54 of the UDP and policy CS14 of the CSUCP.
- 5.24 **FLOOD RISK**  
To ensure that foul and surface water are appropriately addressed it is recommended that a condition be imposed requiring final details of their disposal to be submitted for LPA consideration.
- 5.25 Subject to the aforementioned conditions, it is considered that the proposal would be acceptable in terms of flood risk and would comply with the aims and requirements of policy CS17 of the CUSCP.
- 5.26 **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.
- 5.27 **OTHER MATTERS**  
Issues arising from the construction period relating to construction traffic parking in the surrounding area and, health and safety, and mud on the road are not a material planning consideration.

- 5.28 Indiscriminate/unlawful parking in relation to the existing pharmacy and/or supermarket is not a relevant material planning consideration.
- 5.29 It is considered that all other matters are addressed in 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 is acceptable in principle and terms of visual and residential amenity, highway safety and parking, ground conditions and flood risk, and would comply with the aims and objectives of the NPPF, and the relevant policies of the UDP and the CSUCP.
- 6.2 Therefore, 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, vary and amend the planning conditions as necessary:

1

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

A1-00-01 rev B  
A1-00-02 rev D  
A2-00-10 rev A  
A3-00-10 rev C

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 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 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 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 details approved under condition 3 shall be implemented before the development is brought into operation 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 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.

5

The Travel Plan (Second issue) by SAJ Transport Consultants dated May 2017 shall be implemented at all times in full accordance with the approved details or any changes made under the review process.

The monitoring and review survey data and targets shall be submitted to the council's online system (I Trace), or any other successive system, in accordance with the timescales in the approved Travel Plan.

Reason

To encourage sustainable travel in accordance with the NPPF and Policy CS13 of the Core Strategy and Urban Core Plan for Gateshead and Newcastle upon Tyne.

6

No development relating to the car park and access road hereby approved shall commence until final details of the transition between the

existing turning head and the new car park and road have been submitted to and approved in writing by the Local Planning Authority.

Reason

To ensure an appropriate transition between the two roads in accordance with the NPPF and Policy CS13 of the Core Strategy and Urban Core Plan for Gateshead and Newcastle upon Tyne.

7

The details approved under condition 6 shall be implemented before the development is brought into operation and retained as such in accordance with the approved details thereafter.

Reason

To ensure an appropriate transition between the two roads in accordance with the NPPF and Policy CS13 of the Core Strategy and Urban Core Plan for Gateshead and Newcastle upon Tyne.

8

The development hereby approved shall not be brought into operation until a car park management strategy (including timescales) has been submitted to and approved in writing by the Local Planning Authority.

Reason

To ensure appropriate use of the car park in accordance with the NPPF and Policy CS13 of the Core Strategy and Urban Core Plan for Gateshead and Newcastle upon Tyne.

9

The details approved under condition 8 shall be implemented before the development is brought into operation and retained as such in accordance with the approved details thereafter.

Reason

To ensure appropriate use of the car park in accordance with the NPPF and Policy CS13 of the Core Strategy and Urban Core Plan for Gateshead and Newcastle upon Tyne.

10

The development hereby approved shall not be brought into operation until details of staff cycle parking have been submitted to and approved in writing by the Local Planning Authority.

There should be at least 3 staff cycle parking spaces and these should be secure and weatherproof.

Reason

To ensure there is adequate cycle parking on site in accordance with the NPPF and Policy CS13 of the Core Strategy and Urban Core Plan for Gateshead and Newcastle upon Tyne.

11

The development hereby approved shall not be brought into operation until details of at least 4 visitor cycle parking spaces have been submitted to and approved in writing by the Local Planning Authority.

Reason

To ensure there is adequate cycle parking on site in accordance with the NPPF and Policy CS13 of the Core Strategy and Urban Core Plan for Gateshead and Newcastle upon Tyne.

12

The details approved under conditions 10 and 11 shall be implemented before the development is brought into operation and retained as such in accordance with the approved details thereafter.

Reason

To ensure there is adequate cycle parking on site in accordance with the NPPF and Policy CS13 of the Core Strategy and Urban Core Plan for Gateshead and Newcastle upon Tyne.

13

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

Reason

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

14

The details approved under Condition 13 shall be implemented before the building is brought into operation and retained in accordance with the approved details for the lifetime of the development.

Reason

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

15

The development hereby approved shall not be brought into operation 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, planting densities for all new planting and confirmation of final land levels.

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 NPPF, Policies DC1 and ENV3 of the Unitary Development Plan and Policies CS14 and CS15 of the Core Strategy and Urban Core Plan for Gateshead and Newcastle upon Tyne.

16

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

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

Reason

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

17

The development hereby approved shall not commence until an amended remediation statement (in relation to contaminated land and with reference to landscaping and land levels) has been submitted to and approved in writing by 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

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.

18

Where required, the remediation and monitoring measures approved under Condition 17 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.

19

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.

20

The amended remediation and monitoring measures approved under condition 19 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.

21

Where remediation is required in relation to contaminated land, 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.

22

The development hereby approved shall not be brought into operation until final details of measures to protect cars where bins would be wheeled along the path on the eastern side of the building have been submitted to and approved in writing by the Local Planning Authority.

Reason

To ensure appropriate manoeuvring within the site in accordance with the NPPF and Policy CS13 of the Core Strategy and Urban Core Plan for Gateshead and Newcastle upon Tyne.

23

The details approved under Condition 22 shall be implemented before the building is brought into operation and retained in accordance with the approved details for the lifetime of the development.

Reason

To ensure appropriate manoeuvring within the site in accordance with the NPPF and Policy CS13 of the Core Strategy and Urban Core Plan for Gateshead and Newcastle upon Tyne.

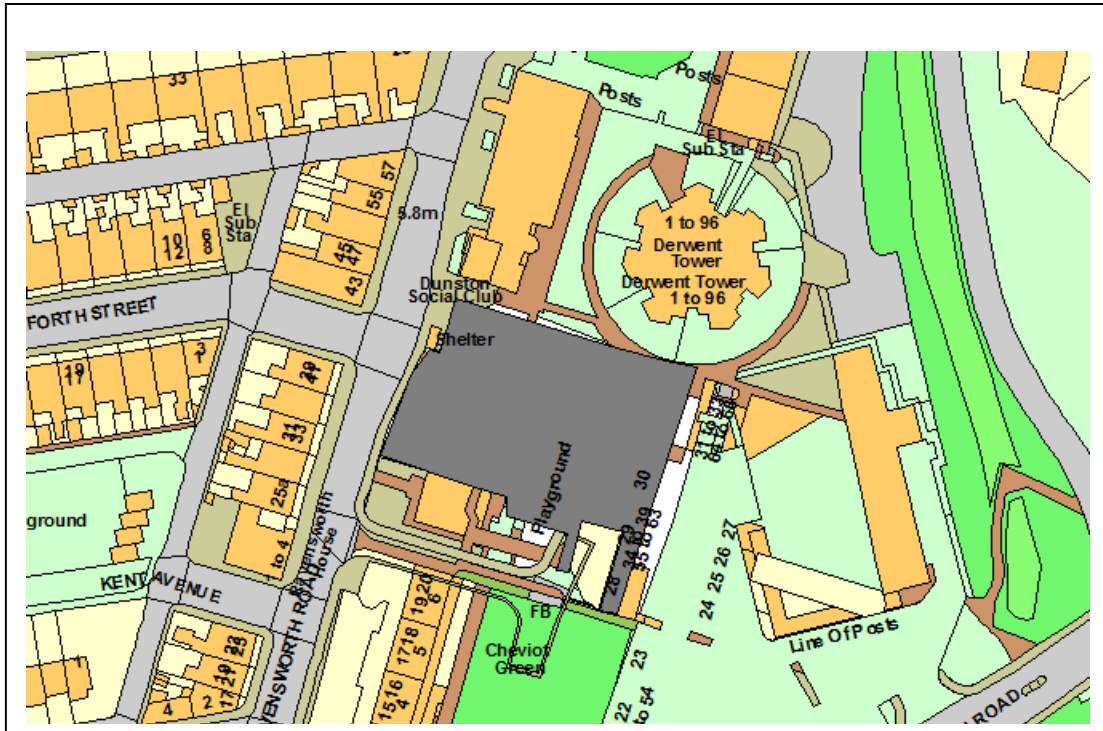
24

Unless otherwise approved in writing by the Local Planning Authority, all external works and ancillary operations in connection with the construction of the development, including deliveries to the site, shall be

carried out only between 0800 hours and 1700 hours on Mondays to Saturdays and at no time on Sundays, Bank Holidays or Public Holidays.

**Reason**

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



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**Committee Report**

<b>Application No:</b>	<b>DC/17/00658/FUL</b>
<b>Case Officer</b>	<b>Graham Stephenson</b>
<b>Date Application Valid</b>	<b>8 June 2017</b>
<b>Applicant</b>	<b>Mr Lawrence Dinning</b>
<b>Site:</b>	<b>Site At Valley View Tanfield Place Gateshead NE9 7AS</b>
<b>Ward:</b>	<b>Lamesley</b>
<b>Proposal:</b>	<b>Erection of two bedroom house (Resubmission)</b>
<b>Recommendation:</b>	<b>GRANT</b>
<b>Application Type</b>	<b>Full Application</b>

**1.0 The Application:**

**1.1 DESCRIPTION OF THE APPLICATION SITE**

The application site is the garden area of the property known as Valley View which is directly to the south of the garden. Valley View was a self build, split level property granted planning permission in 2003. The site is set down from the access road to the east, which is a private unadopted road and is separated from the site by a stone wall. Due to the significant difference in land levels a retaining structure was built as part of the Valley View development, to support the access road.

1.2 To the north there is another split level property which responds to the significant difference in land levels and to the west there are further residential properties located on Rockcliffe Way. These properties are set down from the site and due to the drop in land levels the eaves of the properties directly to the west, which are three storey townhouses only just come above the ground level of the application site.

1.3 Opposite the site on the other side of the access road is an attractive terrace of stone built properties.

1.4 The character of the area is residential although a large amount of infill development has taken place in recent years which has changed the appearance of the area.

**1.5 DESCRIPTION OF THE APPLICATION**

The application is therefore a re-submission of a previously approved application and proposes the erection of a modest, two bedroom, split level dwelling accessed off the unadopted road to the east of the site.

1.6 The proposal is of a contemporary design which incorporates a flat roof to ensure the scale is kept to a minimum. This means from road level to the east, the property is proposed to be single storey. The position of the dwelling has

been designed so no elevations face directly towards any neighbouring properties.

1.7 Planning permission was granted in 2015 for the erection of a new dwelling (DC/14/00844/FUL), with the design the same as is proposed as part of this application and the permission remains extant until the 12.01.2018.

1.8 The following information has been provided with the application:

Land Contamination Assessment  
Design and Access Statement

1.9 RELEVANT PLANNING HISTORY

DC/04/01266/OUT - Planning permission refused for the erection of detached split level dwellinghouse (use class C3) on the site subject to this application. 15.09.2004

DC/13/00478/FUL - Planning permission refused for the erection of split level dwellinghouse with integral garage.01.07.2013

DC/14/00844/FUL - Planning permission approved for the erection of a new dwelling 12.01.2015

## 2.0 Consultation Responses:

Northumbria Water

Advise applicant should follow drainage hierarchy.

## 3.0 Representations:

Neighbour notifications were carried out in accordance with formal procedures introduced in the Town and Country Planning (Development Management Procedure) (England) Order 2015. 4 letters of objection have been received and Councillor Bradley has requested that the application is referred to the Planning and Development Committee. The issues raised have been summarised below:

\* Applications have previously been refused on the site and the area has remained as it was intended, as a garden. There does not appear to be any significant difference between the applications that were refused and this proposal.

\* Access to the proposed site - The site is only accessible via the entrance to Valley View, past the Bainbridge Buildings. This is a narrow unadopted road that may not be suitable to access an additional dwelling.

\* Construction Access and General Disturbance - The access road is only sufficient to accommodate light domestic traffic. The use by construction traffic would cause damage and erosion to this road and the extra noise and dust will cause a disturbance.

- \* There is insufficient space for large vehicles to turn which is potentially unsafe. Even the Council refuse and recycling vehicles stop before reaching the Bainbridge Buildings.
- \* There is a grassed rear back lane that provides private access behind the Bainbridge Buildings. Neighbours would not be happy if construction vehicles used this to turn, potentially causing damage.
- \* Additional Domestic Road Traffic - There are only 4 houses on Bainbridge Buildings and two have recently been sold and occupied by people with at least two cars. This along with the potential for additional traffic creates extra noise and disturbance.
- \* Impact on Utilities and Facilities - Considering there have been a number of extra properties built in this area, there could be an impact on the supply of gas, electric, water, waste and sewerage.
- \* Loss of Natural Light - The construction of the dwelling would result in the loss of light from the front of properties on Bainbridge Buildings, especially in the afternoon and early evenings.
- \* Presents a fire risk to neighbouring properties.
- \* The proposed fence would be out of character with the area.
- \* The proposed design of the dwelling is out of character with the area.
- \* The development will impact on views.
- \* The development will result in overlooking.
- \* The development will deny neighbouring properties solar gain.
- \* Intrusion of Privacy - The privacy of residents who occupy the Bainbridge Buildings would be compromised if the proposed development was built.
- \* Outlook and Views - The unique view and aspect the Bainbridge Buildings benefit from should be protected as it provides a great asset and enjoyment to people who live there.
- \* Devaluation of Property - The value of the Bainbridge Buildings would be reduced as a result of this development.

#### **4.0 Policies:**

NPPF National Planning Policy Framework

NPPG National Planning Practice Guidance

CS10 Delivering New Homes

CS11 Providing a range and choice of housing

CS13 Transport

CS14 Wellbeing and Health

CS15 Place Making

H4 Windfall and Small Housing Sites

H5 Housing Choice

H13 Local Open Space in Housing Developments

H14 Neighbourhood Open Space-New Housing Dev

H15 Play Areas in Housing Developments

CFR20 Local Open Space

CFR28 Toddlers' Play Areas

CFR29 Juniors' Play Areas

CFR30 Teenagers' Recreation Areas

DC2 Residential Amenity

ENV3 The Built Environment - Character/Design

ENV54 Dev on Land Affected by Contamination

ENV61 New Noise-Generating Developments

MWR28 Prov of Facilities in new Developments

GPGSPD Gateshead Placemaking Guide SPG

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

- 5.1 The main planning issues in this case are considered to be the principle of development and the impact on amenity and highway safety.
- 5.2 **PRINCIPLE OF THE DEVELOPMENT**  
As the application site is not specifically allocated for housing in the Unitary Development Plan (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 the site is located within an established residential area which is well served by local amenities and public transport links. 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 On this basis, the proposed development is considered to be a windfall housing site that will bridge a portion of the gap in the dwelling stock within the borough. In addition planning permission has already been granted for residential development on this site, establishing the principle of this type of development.

- 5.6 The application is therefore considered appropriate in the context of the NPPF, saved policy H4 of the UDP and policies CS10 and CS11 of the Core Strategy and Urban Core Plan (CSUCP).
- 5.7 **VISUAL AMENITY/DESIGN**  
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 and materials while not preventing or discouraging appropriate innovation. The Gateshead Local Plan reflects the general aims of the NPPF encouraging economic growth and identifying the importance of quality of place. Policy CS15 of the CSUCP 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 adopted Gateshead Placemaking SPD.
- 5.8 The Gateshead Placemaking SPD amplifies Saved UDP Policy ENV3 and Draft Policy CS15. This sets out a series of key design principles which will be used to assess development proposals. Of particular relevance to this proposal are the following:
- 5.9 The site sits on a plateau, set down from the properties accessed off the unadopted road to the east and stepped up from the properties located on Rockcliffe Way. As such the property has been designed so it is split level so access can be gained from the road to the east but takes advantage of the site levels. This means that when viewed from the east the property appears relatively small in scale and would be partially screened by the stone wall. The dwelling has also been sited at the southern end of the site which means it is much better screened by the properties on Rockcliffe Way. This also ensures the break between properties on Rockcliffe Way and the Bainbridge Buildings, when viewed from Rockcliffe Way is better maintained.
- 5.10 With regards to the design of the dwelling it proposes a contemporary detached villa house, with a flat roof, that utilise the changes in level with living accommodation on first floor level and sleeping accommodation at ground (basement) level.
- 5.11 The proposed dwelling is simple in form and it is considered the design has taken into account the character and context of the locality and has identified a need for a design solution which is contemporary in design but which reflects materials found in the locality. The simple crisp detailing will create a high quality development which although different in form and style to surrounding properties will sit well within the site and provide high quality residential accommodation. The proposed development also seeks to incorporate photovoltaic panels to the roof and create a genuinely sustainable property with triple glazing to all windows.

- 5.12 It is acknowledged that the proposal would result in the development of the last bit of open space in the area, all be it private open space but it is considered the quality of the development proposed would subsequently enhance the appearance of the site rather than detract from it. As highlighted the main function of the garden, in the context of the surrounding development, is to provide a break. The development as proposed would maintain this function.
- 5.13 To ensure the quality of the materials used on the property matches the quality of the design, details of materials will be required and this can be conditioned (CONDITION 7 and 8).
- 5.14 It is considered there may be some scope to accommodate a better and or lower boundary treatment along the access road and as a result final details are required. This can be conditioned (CONDITIONS 9 AND 10).
- 5.15 Therefore it is considered the scale and appearance of the development is acceptable. This is in accordance with the aims and objectives of the relevant paragraphs in the NPPF, policy ENV3 of the UDP, policy CS15 of the CSUCP and the Gateshead Placemaking Supplementary Planning Document (SPD).
- 5.16 HIGHWAYS  
Off street parking is proposed which is welcomed and the length of the driveway is sufficient to safely accommodate vehicles. Concerns have been raised about the ability of vehicles to manoeuvre onto and off the drive. However the width of the lane exceeds 6 metres which should give ample space to safely access and egress the drive, even if other vehicles are parked on the lane. It has also been confirmed that the Council have no concerns with regards to bin collection.
- 5.17 In terms of traffic generation it is acknowledged that the access road isn't in a very good state but it is unadopted and it is considered the additional traffic generated by one, two bedroom dwelling will not be significant.
- 5.18 Subsequently it is considered the proposed development will not result in any harm to highway safety and accords with the aims and objectives of the relevant paragraphs in the NPPF, policies DC4 and MWR28 of the UDP and policy CS13 of the CSUCP.
- 5.19 RESIDENTIAL AMENITY  
With regards to the amenity of neighbouring residents, the 12 metre separation distance (at the closest point) between the proposed dwelling and the terrace properties to the east (Bainbridge Buildings), taking into account the single storey height of the proposal in relation to those properties and the angle at which it is set, is considered acceptable. This design solution as well as the separation distance will ensure the potential for overshadowing, loss of light, visual intrusion and overlooking is limited.
- 5.20 The proposed development may cast a shadow towards the Bainbrigde Buildings during the early evening but with it being only single storey in relation



to the terrace, it is unlikely the shadow will have a significant impact on those properties and any impact would not be sufficient to warrant refusal.

- 5.21 There is no right to a view, therefore although the proposed development may obscure some of the view from the Bainbridge Buildings, this is not a material planning consideration.
- 5.22 In terms of the impact on the property to the north, the separation distance between the two properties would be 13.45 metres, however the property to the north does not appear to have any windows in the gable elevation that serve habitable rooms. In addition as the proposed dwelling is now proposed for the southern end of the site which further reduces any impact on the property to the north.
- 5.23 The same applies to the property to the north west (Flag Villa).
- 5.24 The remaining properties that could be affected by the proposed development are the three townhouses to the west and the split level property to the south.
- 5.25 The townhouses (The Fleurs) do not have any windows facing the application site and are set at a significantly lower level but they do have the slightly strange arrangement in that they are built into the bank so the eaves area at a similar height as the ground level of the application site. Within the roofplane facing the application site there are rooflights which provide valuable natural light to the neighbouring properties.
- 5.26 However it appears these rooflights serve stairwells and any opportunity for overlooking into these properties from the proposed development, would be limited.
- 5.27 The proposed development is also set back from the property to the south and as there are no windows in the north facing elevation of that property, the impact on this property is also considered to be limited.
- 5.28 Hours of construction can be conditioned to limit the impact on neighbouring properties (CONDITION 11)
- 5.29 Therefore taking all relevant issues into account and the revisions made to the proposed development, in terms of residential amenity it is considered the proposed development satisfies the aims and objectives of the relevant paragraphs in the NPPF as well as policy DC2 of the UDP and policy CS14 of the CSUCP.
- 5.30 **CONTAMINATED LAND**  
It is considered in accordance with the Preliminary Risk Assessment submitted with the application, further intrusive investigative work is required.
- 5.31 Therefore an intrusive site investigation with a Phase II Detailed Risk Assessment is required, which will set out whether any further remediation works are necessary.

- 5.32 Following completion of any remediation works required, a 'Verification Report' must be submitted demonstrating that the works have been carried out satisfactorily and remediation targets have been achieved. The Post Remediation Verification Report should provide a summary of remedial works carried out together with relevant documentary evidence and post remediation test results.
- 5.33 These details can be conditioned (CONDITIONS 3, 4, 5 AND 6).
- 5.34 Subject to the above planning conditions, the application is considered to accord with Policies DC1 and ENV54 of the UDP and the aims and objectives of NPPF with regards to contaminated land.
- 5.35 OPEN SPACE AND PLAY  
Saved UDP Policies CFR20, CFR28, CFR29 and CFR30, relating to the provision of play facilities and open space are considered to apply to the current application.
- 5.36 There are no toddler play or junior play areas located within the maximum distance of this site as specified in saved UDP policy CFR28. However it is unlikely there will be the opportunity to provide any on the basis of pooled contributions from this and other developments, and contributions towards these elements are not required.
- 5.37 There are three teenage recreation facilities, on Long Bank but these are insufficient to meet the needs of the catchment population of this site and a contribution should therefore be secured in accordance with policy H15.
- 5.38 However pooling restrictions were introduced by the Community Infrastructure Levy Regulations 2010 which means that no more than 5 obligations can be pooled in respect of an infrastructure type or infrastructure project.
- 5.39 The Council has already exceeded the five obligation maximum in respect of all three types of play and for open space in this area and the contribution generated by this development would not be sufficient to fund the improvements required at the sites referred to above or provide new facilities. Therefore the Council cannot seek any further obligations in respect of these matters.
- 5.40 Consequently while it cannot be concluded that the proposed development would comply with saved Policies CFR20, CFR28, CFR29 and CFR30 of the UDP it is considered that it is not possible to require any contribution for either play or open space provision in this case, based on the above assessment.
- 5.41 CIL  
Gateshead Council is a Community Infrastructure Levy (CIL) Charging Authority. This application has been assessed against the Council's CIL charging schedule and the development is CIL chargeable development as it

housing related. The development is located within a Charging Zone and however the levy for this area is £0.

#### 5.42 OTHER MATTERS

Issues such as the loss of views, as well as the devaluation of properties cannot be considered as part of the planning process.

With regards to any damage caused to the highway, this would need to be put right by the developer and any issues of parking would likely be a private matter.

Northumbria Water has been consulted on the application and do not object to the application although do advise that when developing their drainage strategy for the site the drainage hierarchy should be followed.

Concerns have been raised about the proposed development posing a fire risk by virtue of its proximity to other properties. With regards to this it is considered there is no evidence to suggest this development would pose any greater risk than other properties in the area and it would be required to meet the relevant Building Regulations.

### 6.0 CONCLUSION

6.1 Taking all the relevant issues into account, including the application that was approved for the same development in 2015 and remains extant until the 12th January 2018, it is recommended that planning permission is approved as the impact on amenity, highway safety and other material planning considerations are considered to be acceptable. As such the development is considered to comply with the aims and objectives of relevant national and local planning policy with no change in policy or local circumstances since the previous approval.

### 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 -

583 01, 02, 03, 04, 06, 07, 08, 09,

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

Reason

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

2

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

Reason

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

3

Prior to the commencement of the development hereby approved a scheme to deal with the risks associated with contamination of the site shall be submitted to and approved, in writing, by the local planning authority. This shall include.

- 1) A Phase II Detailed Risk Assessment which has identified:
  - all previous uses
  - potential contaminants associated with those uses
  - a conceptual model of the site indicating sources, pathways and receptors
  - potentially unacceptable risks arising from contamination at the site.

- 2) A site investigation scheme, based on (1) to provide information for a detailed assessment of the risk to all receptors that may be affected, including those off site.

- 3) The results of the site investigation and detailed risk assessment referred to in (2) and, based on these, an options appraisal and remediation strategy giving full details of the remediation measures required and how they are to be undertaken.

This must be conducted in accordance with DEFRA and the Environment Agency's Model Procedures for the Management of Land Contamination, CLR 11.

Reason

To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to be controlled in accordance with Policies DC1 and ENV54 of the Unitary Development Plan and policy CS14 of the Core Strategy.

4

The remediation of the site shall be carried out in accordance with the remediation strategy approved under condition 3.

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 in accordance with Policies DC1 and ENV54 of the Unitary Development Plan and policy CS14 of the Core Strategy.

5

Prior to the development hereby approved being first occupied a verification report that demonstrates the effectiveness of the remediation 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 in accordance with Policies DC1 and ENV54 of the Unitary Development Plan and policy CS14 of the Core Strategy.

6

In the event that contamination is found at any time when carrying out the approved development that was not previously identified it must be reported in writing immediately to the Local Planning Authority. An investigation and risk assessment must be undertaken in accordance with the requirements of condition 3, and where remediation is necessary a remediation scheme must be prepared, which is subject to the approval in writing of the Local Planning Authority.

Following completion of measures identified in the approved remediation scheme a verification report must be prepared, which is subject to the approval in writing of the Local Planning Authority.

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

Reason

To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled in accordance with Policies DC1 and ENV54 of the Unitary Development Plan and policy CS14 of the Core Strategy.

7

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

Reason

To safeguard the visual amenities of the area and to ensure that the proposed development does not have an adverse effect upon the appearance of the existing building in accordance with Policies DC2 and ENV3 of the Unitary Development Plan and policy CS15 of the Core Strategy.

8

The development shall be carried out in accordance with the materials approved under condition 7.

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 Policies DC2 and ENV3 of the Unitary Development Plan and policy CS15 of the Core Strategy.

9

The development shall not be occupied until a fully detailed scheme for the boundary treatment of and within the site has been submitted to and approved in writing by the Local Planning Authority. The scheme shall include details of the type, position, design, dimensions and materials of the boundary treatment.

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 policies DC2 and ENV3 of the Unitary Development Plan and policy CS15 of the Core Strategy.

10

The boundary treatment shall be implemented in accordance with the details approved under condition 9 and shall be retained 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 in accordance with policies DC2 and ENV3 of the Unitary Development Plan and policy CS15 of the Core Strategy.

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 and policy CS14 of the Core Strategy.



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## REPORT OF THE STRATEGIC DIRECTOR COMMUNITIES AND ENVIRONMENT

### TO THE PLANNING AND DEVELOPMENT COMMITTEE ON 2 AUGUST 2017:

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

<b>Application ref.</b>	<b>Nature of proposed development</b>	<b>Location of proposed development</b>	<b>Decision</b>	<b>Ward</b>
DC/16/00321/FUL	Change of use of land (former concrete batching plant) to the storage and distribution of recovered waste (Use Class B8) in connection with adjoining waste site, with three covered storage bays and new hardstanding (amended 05/09/16 and 30/11/2016) (additional information received 15/05/2017).	Land Adj Admec Municipal Service Ltd, Station Lane,	Granted;	Lamesley
DC/16/01177/FUL	Erection of 11 no. industrial units (Use Class B2 and/or B8) with associated access, car parking, landscaping and infrastructure/engineering works including erection of sub-station. (Amended 21.04.2017).	Saltmeadows Industrial Estate , Land South Of Saltmeadows Road,	Granted;	Bridges

DC/17/00007/ADV	Display of six identical free-standing pole-mounted signs at Eastern Avenue/Kingsway Roundabout and Kingsway South/Tenth Avenue West Roundabout,Kingsway South (retrospective)	Eastern Avenue/Kingsway Roundabout, And Kingsway South/Tenth Avenue West Roundabout Kingsway South, Gateshead ,	Temporary permission granted;	Lobley Hill And Bensham
DC/16/01341/FUL	Erection of 3 storage units (use class B8) and the re-roof of an existing storage unit (as amended 06.07.2017)	Unit 1 , Renwick Court,	Granted;	Dunston And Teams
DC/17/00046/HHA	Two storey side and rear extension, porch to front with pitched roof over bay window and detached garage to side	60 Wardley Drive, Wardley,	Granted;	Wardley And Leam Lane
DC/17/00163/HHA	Garage conversion and extension at the front of the property.	8 Dockendale Lane, Whickham,	Refused;	Dunston Hill And Whickham East
DC/17/00253/ADV	Display of various non-illuminated sales area adverts including sales centre fascia, 3m high totem sign to the entrance of the sales area, 2 leader board signs, 3 panel signs, 6 x 6m high flag poles and 2 flat boards (amended 26/06/17).	Land North Of The A695, Crawcrook,	Temporary permission granted;	Crawcrook And Greenside

DC/17/00299/HHA	Replace existing pitched roof with a hipped roof on existing single storey rear extension and construction of decking to the rear (amended 19.07.2017).	3 Grayling Road, Festival Park,	Granted;	Lobley Hill And Bensham
DC/17/00401/HHA	Erection of Porch (Retrospective)	32 Klondyke Walk, Blaydon,	Granted;	Ryton Crookhill And Stella
DC/17/00408/HHA	Proposed single storey front, single storey side and two storey rear extension.	49 Rothbury Gardens, Gateshead,	Granted;	Lobley Hill And Bensham
DC/17/00423/FUL	Erection of extension to school to provide two additional classrooms, a studio, breakout area and toilets (as amended 10.07.2017)	Emmaville Primary School, Main Street,	Granted;	Crawcrook And Greenside
DC/17/00424/HHA	Porch to front, single storey extension and pergola to rear and raised lawn	Norton House , 22 Cornmoor Road,	Granted;	Dunston Hill And Wickham East
DC/17/00440/HHA	Two storey side and rear extension	4 Mitford Gardens, Lobley Hill,	Granted;	Lobley Hill And Bensham
DC/17/00451/HHA	Proposed single storey rear extension (amended 06.07.2017)	9 Long Row Close, Greenside,	Granted;	Crawcrook And Greenside
DC/17/00458/HHA	Single storey front extension	1 Meadow Rise, Beacon Lough,	Granted;	High Fell

DC/17/00480/HHA	Two storey side and single storey rear extension	24 Firwood Gardens, Lobley Hill,	Granted;	Lobley Hill And Bensham
DC/17/00527/HHA	Single storey rear extension (amended 28.06.2017)	8 Knowledge Hill, Winlaton,	Granted;	Winlaton And High Spen
DC/17/00490/HHA	Single storey side and rear extension and decking with stepped access	32 Monkridge Gardens, Dunston Hill,	Granted;	Dunston Hill And Whickham East
DC/17/00491/HHA	First floor extension to the rear	26 Westfield Avenue, Crawcrook,	Granted;	Crawcrook And Greenside
DC/17/00497/HHA	Single storey rear extension	28 Connolly Terrace, Blackhall Mill,	Granted;	Chopwell And Rowlands Gill
DC/17/00505/HHA	Single storey side and rear extension	20 Morris Gardens, Wardley,	Granted;	Wardley And Leam Lane
DC/17/00508/OUT	Outline application for erection of one detached dormer bungalow with detached single garage in the existing rear garden of No. 15 Newcastle Bank, access off Newcastle Bank road sharing existing driveway with No. 15.	15 Newcastle Bank, Northside,	Granted;	Lamesley
DC/17/00639/HHA	Two storey side extension	10 Marsh Court, Gateshead,	Granted;	Lobley Hill And Bensham

DC/17/00511/HHA	Single storey side extension	8 Plantation Grove, Bill Quay,	Granted;	Pelaw And Heworth
DC/17/00517/HHA	Proposed part single-storey/part two-storey extension to the rear of dwellinghouse.	20 Southfield Gardens, Whickham,	Granted;	Dunston Hill And Whickham East
DC/17/00526/ADV	Display of internally illuminated fascia sign on front elevation, reading 'Honeycomb'	Television House , The Watermark,	Temporary permission granted;	Dunston And Teams
DC/17/00528/LBC	Refurbishment of all original windows, including repairs, draught stripping, ironmongery repairs/replacement and window decoration. Refurbishment of two sets of external doors (infant block), including repairs to stone surround	Blaydon West Primary School , Blaydon Bank,	Granted;	Blaydon
DC/17/00529/HHA	Proposed modular steel disabled ramp to front and side	40 Pinewood Gardens, Lobley Hill,	Granted;	Lobley Hill And Bensham
DC/17/00644/HHA	Enlarge driveway and installation of modular ramp to side and rear (amended 10.07.2017)	9 East View, Rowlands Gill,	Granted;	Chopwell And Rowlands Gill
DC/17/00542/HHA	Proposed porch to the front entrance of the property	13 Cooperative Terrace, High Spenn, High Spenn,	Granted;	Winlaton And High Spenn

DC/17/00543/HHA	Single storey extension to the front to provide a new porch and allow for the conversion of the garage to living accomodation.	35 North Dene, Northside,	Granted;	Lamesley
DC/17/00551/HHA	Erection of detached garage to rear of property	104 Dryden Road, Low Fell,	Granted;	Low Fell
DC/17/00555/HHA	The Supply and installation of a modular metal mesh access ramp to allow disabled access to and from the front door of property	22 Dixon Street, Teams,	Granted;	Dunston And Teams
DC/17/00564/TPO	Tree works at Ryton Tower Ryton.	Ryton Tower, Whitewell Lane,	Granted;	Ryton Crookhill And Stella
DC/17/00566/TPO	Tree works at 2 Woodlands Park Drive Axwell Park	2 Woodlands Park Drive, Axwell Park,	Granted;	Blaydon
DC/17/00571/HHA	Existing upvc conservatory roof replaced with metal Guardian Warmroof	29 L'Arbre Crescent, Whickham,	Granted;	Whickham North
DC/17/00572/AGR	Erection of straw shed.	Trench Hall Farm , Ravensworth Park Access Road,	Prior Approval not required	Whickham South And Sunnside
DC/17/00619/TPO	Works to Sycamore trees in garden of 18 Lady Park.	18 Lady Park, Lamesley,	Granted;	Lamesley

DC/17/00629/ADV	Display of temporary internally illuminated signs to be erected on the Tyne Bridge reading, ' Simply Health, Great North Run'	The Tyne Bridge, High Street,	Temporary permission granted;	Bridges
DC/17/00630/LBC	Display of temporary internally illuminated lettering to be erected on the Tyne Bridge reading ' Simply Health, Great North Run'	The Tyne Bridge, High Street,	Granted;	Bridges
DC/17/00635/HHA	Lowering and widening of ramped path to the front (retrospective)	28 Derwent Water Drive, Blaydon,	Granted;	Ryton Crookhill And Stella
DC/17/00713/HHA	Single storey side/rear extension	8 Silverwood Gardens, Gateshead,	Granted;	Lobley Hill And Bensham
DC/17/00734/HHA	Erection of single storey extension to front of property	16 Hambleton Green, Gateshead,	Granted;	Lamesley
DC/17/00692/FUL	Refurbishment of existing offices, laboratories and research and development facilities, including provision of new entrance from car park, curtain wall glazing to office block, application of insulated render finish, construction of entrance ramp and steps with handrails and addition of a new external fire escape	Domnick Hunter Parker Hannifin, Durham Road,	Granted;	Birtley







**REPORT TO PLANNING AND  
DEVELOPMENT COMMITTEE  
2 August 2017**

**TITLE OF REPORT: Enforcement Action**

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

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**Purpose of the Report**

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

**Background**

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

**Recommendations**

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

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Contact: John Bradley extension 3905

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**1. FINANCIAL IMPLICATIONS**

Nil.

**2. RISK MANAGEMENT IMPLICATIONS**

Nil.

**3. HUMAN RESOURCES IMPLICATIONS**

Nil.

**4. EQUALITY AND DIVERSITY IMPLICATIONS**

Nil

**5. CRIME AND DISORDER IMPLICATIONS**

Nil.

**6. SUSTAINABILITY IMPLICATIONS**

Nil.

**7. HUMAN RIGHTS IMPLICATIONS**

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

**8. WARD IMPLICATIONS**

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

**9. BACKGROUND INFORMATION**

Nil.

## APPENDIX 2

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

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

Item Number	Site	Ward	Alleged Breach of Planning Control	Date Approval given for Enforcement Action	Date Served	Plan App Rec'd Y/N	Appeal Rec'd Y/N	Date Notice comes into Force	End of Compliance Period	Current Status	Compliance Y/N
				2015          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><b>Work to erect the hoarding is now complete.</b></p>	
4.	40 Whitemere Gardens Wardley	Wardley and Leam Lane	Unauthorised Change of Use of residential land	4 <sup>th</sup> April 2014	4 <sup>th</sup> April 2014	N	N	10 <sup>th</sup> May 2014	10 <sup>th</sup> July 2014	<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 13<sup>th</sup> September 2016</p> <p>A planning application has been approved to retain an amended version of the windows.</p>	
6.	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	11 January 2016	12 January 2016	N	N	15 February 2016	14 March and 4 July 2016	As such the original Notices (which were	

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	<p>agriculture and reception, composting and transfer of green waste to a mixed use for agriculture and the storage of vehicles, agricultural equipment and parts, repair and restoration of vehicles and machinery and the reception, composting and transfer of green waste.</p> <p>Without planning permission the change of use of the land from agriculture to a mixed use for agriculture and the storage of vehicles, agricultural equipment and scrap metal and vehicle dismantling and repair</p>	11 January 2016	12 January 2016	N	N	15 February 2016	14 March and 4 July 2016	<p>all being appealed) were withdrawn and further Notices have now been issued including those in respect of the requirement to carry out an Environmental Impact Assessment and provide an Environmental Statement with an subsequent appeals.</p> <p>The Notices requires firstly, the cessation of the unauthorised use and secondly, the removal from the land of the scrap.</p> <p>The site is to be visited following the expiration of the compliance period the visit is to be carried out imminently in conjunction with the Environment Agency.</p> <p>The associated legal action at Newcastle Crown Court has been adjourned.</p>	
7.	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	<p>14 March 2016 (stage 1)</p> <p>9 May 2016 (stage 2)</p>	<p>Complaints have been received that a condition attached to the planning application for the site has not been complied with in respect of the provision of play equipment. Despite protracted negotiation the work to comply with the condition had not commenced on site. As such a notice was served requiring compliance within a specified timescale.</p>	

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
										Work on site is complete on 3 of the 4 play areas and approaching completion on the one remaining area.	
8.	Tynedale House, Main Street, Crawcrook	Crawcrook and Greenside	Unsightly Building	13 <sup>th</sup> January 2017	14 <sup>th</sup> February 2017	Y	N	20 <sup>th</sup> March 2017	15 <sup>th</sup> May 2017	<p>Complaints have been received regarding the appearance of the front elevation of the property which is a former butchers shop.</p> <p>Whilst the site is noted to be under renovation the works have not substantially progress and the matter has become protracted.</p> <p>Therefore the Notice has been issued to ensure the façade is brought up to an acceptable standard within a specified period.</p> <p><b>Work is well underway on site.</b></p>	
9.	Site of Station House, Green Lane, Gateshead	Pelaw and Heworth	Breach of Planning Condition	16 <sup>th</sup> March 2017	16 <sup>th</sup> March 2017	Y	N	16 <sup>th</sup> March 2017	10 <sup>th</sup> April 2017	<p>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</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 <sup>th</sup> April 2017	20 <sup>th</sup> April 2017	Y	N	20 <sup>th</sup> April 2017	18 <sup>th</sup> May 2017	<p>to the site a new supermarket is under construction as a result Officers have significant concerns regarding highway safety. Therefore a Temporary Stop Notice was issued requiring the use to stop until the conditions are discharged.</p> <p>The conditions have still not been complied with and the Temporary Stop Notice has ceased to have effect therefor a Breach of Condition Notice has now been issued requiring the information to be submitted.</p>	
10.	Lidl, Hexham Road, Swalwell, NE16 3AF	Whickham North	Breach of Condition	4 <sup>th</sup> May 2017	5 <sup>th</sup> May 2015	Y	N	5 <sup>th</sup> May 2017	2 <sup>nd</sup> 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>	

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
11.	Land to the rear of 17 Flexbury Gardens, Gateshead, NE9 7TH	Chowdene	Unightly Land	19 May 2017	19 May 2017	N	N	23 June 2017	4 August 2017	The land which is not attached to any property has been overgrown for a long period and is unsightly.  Officers have made enquiries as to the owner of the site and have now issued a Notice requiring it to be tidied within a specific timescale.	
12.	Land adjacent to Wilson's Auctions, Shadon Way, Birtley, DH3 2SA	Birtley	Unauthorised Change of Use	Pending	Pending	Y	N	Pending	Pending	<b>The land has been covered with a hard standing and is being used for the storage of cars connected to the adjacent car auction use.</b>  <b>The planning application to retain the development ref. DC/17/00156/COU was refused by Planning and Development Committee on</b>  <b>An Enforcement Notice has been issued to resolve the issues identified which resulted in the refusal of the application</b>	
13.	8 Thirlmere, Birtley, DH3 2JY	Birtley	Unauthorised Change of Use	Pending	Pending	Y	N	Pending	Pending	The property is been used as a mixed use involving residential, dog grooming and dog boarding.  The planning application to retain the development ref. DC/17/00428/FUL was refused by Planning 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
										<b>Development Committee on</b>  <b>An Enforcement Notice has been issued to resolve the issues identified which resulted in the refusal of the application</b>	

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**TITLE OF REPORT:** Planning Appeals

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

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## **Purpose of the Report**

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

## **New Appeals**

2. There has been **one** new appeal lodged since the last committee:

DC/14/01160/FUL.- Land At Wellington Road, Cross Lane, Gateshead  
Erection of a car supermarket consisting of a concourse building with an adjoining workshop and associated vehicle storage, vehicle display and car parking areas (additional info received 07/01/15 and 30/05/16 and amended plans received 15/01/15, 30/05/16 and 01/08/16).

This was a committee decision refused on the 27<sup>th</sup> October 2016.

## **Appeal Decisions**

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

DC/16/01278/HHA - 19 Queen Elizabeth Avenue, Sheriff Hill, Gateshead  
Erection of dormer window at the front of the property.

This was a delegated decision refused on the 27<sup>th</sup> February 2017  
Appeal dismissed on 3 July 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

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## Appeal Decision

Site visit made on 20 June 2017

by Philip Lewis BA (Hons) MA MRTPI

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

Decision date: 03 July 2017

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**Appeal Ref: APP/H4505/D/17/3171585**

**19 Queen Elizabeth Avenue, Sheriff Hill, Gateshead NE9 6RE**

- 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 Jim Rodden against the decision of Gateshead Council.
  - The application Ref DC/16/01278/HHA, dated 1 December 2016, was refused by notice dated 27 February 2017.
  - The development proposed is described as 'proposed dormer window to front elevation'.
- 

### Decision

1. The appeal is dismissed.

### Main Issue

2. The main issue for the appeal is the effect of the proposed development on the character and appearance of the area.

### Reasons

3. The two storey appeal property is one of a number of buildings arranged around a green on Queen Elizabeth Avenue. Whilst I saw at my site visit that there is some variety in terms of the scale and design of buildings around the green, there is also some uniformity derived from the red brick walls and steep tiled roofs. Additionally, the building types are repeated on two sides of the green, with the buildings rising in scale to the three storey flats to the west. I observed that there are few additions to roofs of dwellings on Queen Elizabeth Avenue, with the occasional front rooflight having been inserted.
  4. The host dwelling and the attached 17 Queen Elizabeth Avenue display some articulation in design with two storey elements to either end, and prominent deep roofs extending down over the centrally positioned front projections.
  5. The proposed ridge dormer would due to its position and scale, be a prominent addition to the roof of the host property set down appreciably below the ridgeline. It would be visible along Queen Elizabeth Avenue in views across the green. The proposed dormer would unbalance the pair of dwellings, detracting from the appearance of symmetry with No 17 and the similar buildings opposite across the green. The provision of the dormer would also introduce a new discordant and uncharacteristic element into the roofscape of the street. Whilst I have had regard to the appellant's comments that a front dormer window would refresh the exterior of the building and bring it up to 2017 standards, I nevertheless find that the appeal proposal would give rise to harm to the character and appearance of the area.
-



6. Of the policies cited by the Council, the appeal scheme would be contrary to saved Policy EN3 of the Gateshead Council Unitary Development Plan 2007 which is concerned with design and amongst other things includes that new development should make a positive contribution to the established character and identity of its locality. It also conflicts with the guidance set out in the Council's Household Alterations and Extensions Supplementary Planning Document which, amongst other things, includes that dormer windows should normally be confined to the rear of the property and that exceptions may be made in some areas where front dormer windows are a common feature of the street scene.

**Other matters**

7. I have had regard to the comments that the proposed dormer window would enable the existing sloping cupboard to be usable space for the main bedroom and would allow natural light in and that other neighbours have expressed an interest in such an extension. However, these matters do not lead me to a different conclusion.

**Conclusion**

8. For the above reasons and having considered all matters raised, I conclude that the appeal should be dismissed.

*Philip Lewis*

INSPECTOR

## APPENDIX 3

### OUTSTANDING APPEALS

Planning Application No	Appeal Site (Ward)	Subject	Appeal Type	Appeal Status
DC/14/01160/FUL	Land At Wellington Road Cross Lane Gateshead	Erection of a car supermarket consisting of a concourse building with an adjoining workshop and associated vehicle storage, vehicle display and car parking areas (additional info received 07/01/15 and 30/05/16 and amended plans received 15/01/15, 30/05/16 and 01/08/16).	Written	Appeal In Progress
DC/17/00001/COU	3/5 Beaconsfield Avenue Gateshead NE9 5XT	Change of use of ground floor from residential to Use Class A1 (as expansion of existing adjoining shop); relocation of dwelling entrance to rear; and residential loft conversion with hip to gable extension and new velux windows	Written	Appeal in Progress
DC/16/01278/HHA	19 Queen Elizabeth Avenue Sheriff Hill Gateshead NE9 6RE	Erection of dormer window at the front of the property.	Written	Appeal Dismissed



## REPORT TO PLANNING AND DEVELOPMENT COMMITTEE

2 August 2017

**TITLE OF REPORT:** Planning Obligations

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

### **Purpose of the Report**

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

### **Background**

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

DC/14/00183/FUL – Final payment in respect of off-site junior play, off-site open space and off site teenage play  
10 Woodmans Way,Whickham, Newcastle Upon Tyne  
Two storey split level dwelling with access

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 2 August 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