

# PLANNING AND DEVELOPMENT COMMITTEE AGENDA

Wednesday, 13 September 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 23 August 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 - Shibdon House, Shibdon Road, Blaydon on Tyne, NE21 5AE (Pages 11 - 26)</b>
4ii	<b>No. 2 - Derwentside APH, Woodhouse Lane, Swalwell, Whickham NE16 3JL (Pages 27 - 40)</b>
4iii	<b>No. 3 - Contex Office Supplies Ltd, Hopper Street, Gateshead NE8 3JJ (Pages 41 - 68)</b>
4iv	<b>No. 4 - 26, Hollinhill, Rowlands Gill, NE39 1AZ (Pages 69 - 76)</b>
4v	<b>No. 5 - Nursery Lane, Gateshead (Pages 77 - 84)</b>
4vi	<b>No. 6 - Site of the former Vigo PH, Hartside, Vigo, Birtley DH3 2EW (Pages 85 - 102)</b>
<b>5</b>	<b>Delegated Decisions (Pages 103 - 110)</b>
<b>6</b>	<b>Enforcement Action (Pages 111 - 122)</b>  Report of the Strategic Director, Communities and Environment
<b>7</b>	<b>Planning Appeals (Pages 123 - 126)</b>  Report of the Strategic Director, Communities and Environment

**8** | **Planning Obligations** (Pages 127 - 128)

Report of the Strategic Director, Communities and Environment



PLANNING AND DEVELOPMENT  
COMMITTEE  
**13 September 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/16/01346/FUL	Shibdon House Shibdon Road	Blaydon
2. DC/17/00095/FUL	Derwentside Woodhouse Lane	Whickham North
3. DC/17/00536/FUL	Contex Office Services Ltd Hopper Street	Bridges
4. DC/17/00610/HHA	26 Hollinhill Lockhaugh	Winlaton And High Spen
5. DC/17/00673/FUL	Nursery Lane Gateshead	Deckham
6. DC/17/00742/FUL	The Vigo Hartside	Birtley

## **DEVELOPMENT PLAN**

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

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

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

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

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

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

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

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

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

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

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

## **UPDATES**

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

## **SPEAKING AT COMMITTEE**

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

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

### **SITE PLANS**

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

### **PUBLICITY/CONSULTATIONS**

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

### **SITE VISITS**

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

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

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

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

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

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

Generalised Guide to Use Classes Order 1987 (as amended)

<b>A1 Shops</b>	Shops, retail warehouses, hairdressers, undertakers/funeral directors, travel and ticket agencies, post offices, pet shops, sandwich shop, showrooms, domestic hire shops.	<b>C1 Hotels</b>	Hotels, boarding and guest houses
<b>A2 Financial and Professional Services</b>	Banks, building societies, estate and employment agencies, professional and financial services.	<b>C2 Residential Institutions</b>	Residential schools and colleges convalescent homes/nursing homes
<b>A3 Restaurants and Cafes</b>	Restaurants, snack bars, cafes.	<b>C2A Secure Residential Institutions</b>	Secure residential accommodation including detention centres, young offenders institutions, prisons and custody centres.
<b>A4 Drinking Establishments</b>	Public Houses and Wine bars etc	<b>C3</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 dwellings/houses 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>B3 Storage and Distribution</b>	Wholesale warehouses repositories, including open air storage	<b>Sui generis</b>	Any use not included within any of the above use classes, such as theatres, nightclubs, taxi businesses, motor vehicle sales, betting shops.

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

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 use classes	State-funded school, subject to prior approval covering highways and transport impacts and noise
B1(a) office use	C3 residential use, subject to prior approval covering flooding, highways and transport issues and contamination.
A1, A2, A3, A4, A5, B1, D1 and D2 uses	change use to A1, A2, A3 and B1 uses for a single period of up to two years

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

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



- **retail to residential** - new class 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/16/01346/FUL</b>
<b>Case Officer</b>	<b>Joanne Munton</b>
<b>Date Application Valid</b>	<b>17 May 2017</b>
<b>Applicant</b>	<b>Mr Tim Shearing</b>
<b>Site:</b>	<b>Shibdon House Shibdon Road Blaydon On Tyne NE21 5AE</b>
<b>Ward:</b>	<b>Blaydon</b>
<b>Proposal:</b>	<b>Change of use from office (use class B1) to ten flats (use class C3) including demolition of existing porch and creation of lightwell, Erection of four storey rear extension and provision of roof lights, replacement windows, bin store, smoking shelter, cycle store and associated parking (amended 10/07/17).</b>
<b>Recommendation:</b>	<b>GRANT</b>
<b>Application Type</b>	<b>Full Application</b>

**1.0 The Application:**

**1.1 DESCRIPTION OF THE SITE**

The application property comprises of a three storey semi-detached building of Georgian proportions, being brick built with stone window heads and cills, and feature bay windows. It is set back (to the north east) from Shibdon Road, and lies adjacent (to the east of), St Cuthbert's Church (which is Grade II Listed) and its Rectory. The Rectory, which is of a modern design, is accessed through the car park which forms part of the application site.

1.2 The land slopes down from Shibdon Road to the north, and further north of the site lies the Blaydon Precinct at a much lower level than the application site.

1.3 The adjoining property to the east is a mix commercial uses, with beauty salon uses, retail units including hairdressers and barbers, and a vets. The site faces St Joseph's Church, Presbytery (both Grade II listed) and church hall on the opposite side of Shibdon Road, and next to this, a residential apartment block (Shibdon Court).

1.4 The site is within the Blaydon Bank Conservation Area and within the District Retail Centre.

1.5 Permission DC/15/00998/COU (detailed below) for the change of use from office to 6 flats and associated external works appears to have been commenced.

**1.6 DESCRIPTION OF THE APPLICATION**

The application proposes the change of use from Office (B1) to residential (C3) and the formation of 10 flats (6 with two bedrooms and 4 flats with 1 bedroom each). The following works are also proposed to accommodate this change of use:

- demolition of the existing porch;
- formation of a lightwell on the south west elevation;
- erection of a four storey rear extension on the south east elevation;
- provision of roof lights;
- replacement windows;
- formation of associated parking;
- formation of bin store, smoking shelter and cycle store.

## 1.7 RELEVANT PLANNING HISTORY

44/91 - Change of use from dwellinghouse (use class C3) (St Cuthbert's Rectory) to offices (use class B1) - Granted 05.03.1991

DC/12/00726/FUL - Change of use from Use Class B1 (Business) to C3 (Dwellinghouses) involving conversion of office to three no. flats with associated parking and bin storage (amended 24.09.12) - Granted 01.10.2012

DC/15/00998/COU - Proposed conversion from office space (Use Class B1) use to six flats (Use Class C3) including demolition of existing porch, erection of first floor extension, alteration to fenestration detailing, associated parking and bin storage. (Amended plan recd 6.1.16) - Granted 26.01.2016

## 2.0 Consultation Responses:

Northumbria Water      No comments

Coal Authority          Conditions recommended

## 3.0 Representations:

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

No representations were received.

## 4.0 Policies:

NPPG National Planning Practice Guidance

NPPF National Planning Policy Framework

H4 Windfall and Small Housing Sites

H5 Housing Choice

RCL5 District and Local Centres

ENV3 The Built Environment - Character/Design

ENV7 Development within Conservation Areas

DC1D Protected Species

DC1P Contamination, derelict land, stability

DC2 Residential Amenity

ENV21 Sites of Archaeological Imp - Known

ENV22 Sites of Archaeological Imp - Potential

ENV46 The Durham Biodiversity Action Plan

ENV47 Wildlife Habitats

ENV54 Dev on Land Affected by Contamination

CFR20 Local Open Space

CFR28 Toddlers' Play Areas

CFR29 Juniors' Play Areas

CFR30 Teenagers' Recreation Areas

CS7 Retail and Centres

CS10 Delivering New Homes

CS11 Providing a range and choice of housing

CS13 Transport

CS14 Wellbeing and Health

CS15 Place Making

CS17 Flood Risk and Waste Management

CS18 Green Infrastructure/Natural Environment

**5.0 Assessment of the Proposal:**

- 5.1 The key considerations to be taken into account when assessing this planning application are the principle of the proposal, visual amenity and the impact on the heritage assets, residential amenity, highway safety and parking, ground conditions, archaeology, ecology, flood risk and open space/play.
- 5.2 PRINCIPLE
- 5.3 Retail Policy  
The proposal site is located within Blaydon District Retail Centre, as defined by saved policy RCL5 of the UDP and policy CS7 of the CSUCP. However, the property is on the periphery of the centre and not within the Precinct area. It is considered that given this location, a change of use to residential would not impact on the vitality and viability of the retail centre and would not conflict with the aims and requirements set out in the above policies.
- 5.4 Housing Policy  
Paragraph 14 of the NPPF states that:  
  
'At the heart of the NPPF is a presumption in favour of sustainable development. For decision making this means:  
-approving development proposals that accord with the development plan without delay, and  
-where the development plan is absent, silent or relevant policies are out-of-date, granting permission unless:  
-any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework as a whole; or  
-specific policies in this Framework indicate development should be restricted.'
- 5.5 Policy CS10 of the CSUCP states that 11,000 new homes (excluding purpose built student accommodation) will be built in Gateshead over the period April 2010 to March 2030.
- 5.6 The site would be considered as a housing windfall site under policy H4 of the UDP. Given the choice of nearby local amenities and that the site is not in an isolated location, it is considered that the location of the proposal is sustainable.
- 5.7 Saved policy H5 of the UDP requires a range of housing choice and policy CS11(1) of the CSUCP requires that 60% of new private housing across the plan area being suitable for and attractive to families, with a minimum target of 16,000 new homes to have three or more bedrooms.
- 5.8 The scheme proposes 6 flats with 2 bedrooms and 4 flats with 1 bedroom each. The proposal is therefore not in accordance with the aims of CSUCP policy CS11(1) and saved UDP policy H5.
- 5.9 Given that this proposal is for the conversion of an existing building it is understood that the building does not lend itself to the sub-division of mainly 3 bed apartments. Whilst Council officers accept that the proposal would not

contribute to the policy requirement for the totality of development across Gateshead to provide 60% family housing (i.e. homes with three or more bedrooms), it does however contribute to the provision of housing in the Borough on a smaller site (a site less than 1 hectare in size).

- 5.10 Weight is also given to the previous permissions DC/12/00726/FUL (which found 3 flats with 2 bedrooms each acceptable at this location) and DC/15/00998/COU (which found 6 flats with 2 bedrooms each acceptable at this location).
- 5.11 Policy CS11(4) of the CSUCP requires that new residential development provides "adequate space inside and outside of the home to meet the needs of residents." With regard to this requirement, specific policy regarding this issue is expected to be contained within the emerging 'Making Spaces for Growing Places' document. However, notwithstanding this policy position, it is considered that the proposal provides appropriate space internally and externally.
- 5.12 Therefore, it is considered that the principle of the development is acceptable and the proposal does not conflict with saved policies H4 and H5 of the UDP, policy CS10 of the CSUCP and the NPPF. Although policy CS11 is not fully satisfied, it is considered that the building does not lend itself to the sub-division of mainly 3 bed apartments and the proposal would contribute to the provision of housing in the Borough on a smaller site (a site less than 1 hectare in size).
- 5.13 Therefore, it is considered that the proposal is acceptable in principle.

5.14 **HERTIAGE ASSETS/DESIGN**

The proposal site is within the Blaydon Bank Conservation Area and within the setting of both Grade II listed St Cuthbert's Church (to the north west) and Grade II listed St Joseph's Church and Presbytery (to the south west). NPPF paragraph 131 states:

'In determining planning applications, local planning authorities should take account of:

- the desirability of sustaining and enhancing the significance of heritage assets and putting them to viable uses consistent with their conservation;
- the positive contribution that conservation of heritage assets can make to sustainable communities including their economic vitality; and
- the desirability of new development making a positive contribution to local character and distinctiveness.'

5.15 Paragraph 132 of the NPPF continues:

'When considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation. The more important the asset, the greater the weight should be. Significance can be harmed or lost through alteration or destruction of the heritage asset or development within its setting. As heritage assets are

irreplaceable, any harm or loss should require clear and convincing justification.'

- 5.16 Saved policies ENV7 and ENV9 of the UDP require that the development preserves or enhances the area's special architectural or historic character and protects or enhances the setting of a Conservation Area.
- 5.17 Policy CS15 of the CSUCP states that officers should take a proactive approach to sustaining the historic environment in a manner appropriate to the significance of the relevant heritage asset and requiring development to support and safeguard the historic environment.
- 5.18 IPA17 sets out the Character Statement for Blaydon Conservation Area, which has a fairly long and thin boundary and is primarily located on the steep hill rising south from Blaydon centre. Shibdon House is located on the north eastern periphery of the Conservation Area and IPA17 states that the central area of terraced housing to the south of the proposal site is the Conservation Area's dominant feature. The Statement goes on to note the segregation of the northern part, where the host property is located:
- "With the exception of some of the buildings at the north end of the Conservation Area the area displays an outstanding coherence of form and feel."
- 5.19 It is considered that Shibdon House makes less of a contribution to the significance of the Conservation Area than the central, uniform terraces to the south.
- 5.20 Paragraph 134 of the NPPF states:
- 'Where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal, including securing its optimum viable use.'
- 5.21 The proposal would not cause harm to the significance of the heritage assets.
- 5.22 The materials are proposed to match those existing, which is considered to be acceptable and Condition 3 is recommended to ensure this. This condition is also recommended to ensure that the proposed rooflights are flush fitting conservation style.
- 5.23 Further, it is considered that the proposed extension to the rear, demolition of the porch, fenestration alterations and the creation of a lightwell would be appropriate provided that materials used match those existing. Additionally, the change of use itself would not impact on the heritage assets, given the primarily residential uses within the Conservation Area boundary.
- 5.24 Therefore, the proposal would preserve the special character of the Conservation Area and does not conflict with the aims and requirements of



saved policies ENV7 and ENV9 of the UDP, policy CS15 of the CSUCP or the NPPF.

#### 5.25 RESIDENTIAL AMENITY

The property faces north west onto the associated car park, with St Cuthbert's Church and the Rectory beyond. Attached neighbours to the south east at 20 Shibdon Road do not appear to be in residential use.

5.26 With Blaydon Shopping Centre to the north and St Joseph's RC Church to the south west, the nearest residential properties are the Rectory to the north west and accommodation at Shibdon Court to the south, across Shibdon Road. These are 27m and 20m away from the host property, respectively. It is considered that the proposal would not result in an unacceptable loss of outlook, loss of privacy, loss of light or overshadowing at these properties.

5.27 In terms of future occupiers of the proposed flats, it is considered that the proposal would generally provide an appropriate living environment. Although the popularity of Blaydon Shopping Centre to the north and Shibdon Road to the south/south west may result in noise generation, the applicant has stated that windows will be retained where possible. The retention of these windows in the Conservation Area is considered to outweigh the alleviation of potential noise, which could result in the replacement of all windows.

5.28 Additionally, should future residents wish to install new windows to reduce noise, provided they do not materially affect the external appearance of the building, this would not require planning permission. Therefore, it is considered that a condition requiring noise mitigation measures would be neither reasonable nor necessary in this instance.

5.29 The proposal would meet the aims and requirements set out in policy DC2 of the UDP and policy CS14 of the CSUCP and the NPPF.

#### 5.30 HIGHWAY SAFETY AND PARKING

The site is within a highly sustainable location, with Blaydon Shopping Centre (including a supermarket) and the bus station both within 160m.

5.31 The scheme proposes one additional car parking space, resulting in 8 spaces serving 10 flats. It is considered that sufficient car parking is proposed and that the residential use would not result in a significant change in the impact on parking demand or on the adopted highway than the office use.

5.32 Additionally, there whilst an area for cycle parking is shown on the layout plan, Conditions 5 and 6 are recommended to be imposed requiring final details of secure and weatherproof cycle parking to be submitted for LPA consideration and the implementation of the approved details.

5.33 Finally, it is considered that there is ample storage space for wheeled bins and there would not be an issue wheeling them out for collection. Condition 7 is recommended requiring the gates to the bin store to open inwardly to avoid potential obstruction to vehicular movements on site.

- 5.34 Therefore it is considered that the proposal would comply with the aims and requirements of policy CS13 of the CSUCP.
- 5.35 **GROUND CONDITIONS**  
The site is within the Coal Authority defined Development High Risk Area. The Coal Authority concurs with the recommendations of the Coal Mining Risk Assessment Report, and it is recommended that Conditions 8, 9 and 12 be imposed requiring site investigation and remediation where required.
- 5.36 Whilst the applicant has not submitted a recognised Phase 1 Contaminated Land Assessment, it is considered that the risk of contamination impacting on end users is very low. It is recommended that conditions 10, 11 and 12 be imposed requiring remediation where necessary.
- 5.37 Therefore, it is considered that the proposal would comply with the aims and requirements of saved policies DC1(p) and ENV54 of the UDP.
- 5.38 **ARCHAEOLOGY**  
The host property sits within the Blaydon Conservation Area within the post-medieval village of Blaydon, and Shibdon House is a non-designated heritage asset. In terms of below ground archaeology, it is considered that it would not be necessary to require any information to be submitted. However, it is recommended that Condition 13 is imposed requiring the submission of a report of building recording to the LPA for consideration.
- 5.39 The proposal would comply with the aims and requirements of saved policies ENV21 and ENV22 of the UDP and policy CS15 of the CSUCP.
- 5.40 **ECOLOGY**  
Bats and their roosts are protected under the Conservation of Habitats and Species Regulations 2010 and the Wildlife and Countryside Act 1981, (as amended).
- 5.41 As a result of the ongoing works to the roof of the host property (i.e. the removal and replacement of the roof tiles, ridge tiles, rainwater tables and lead flashing) it is considered likely that the building poses a negligible risk for roosting bats. It is recommended that an informative be attached to the permission providing advice on the protection of bats.
- 5.42 The proposal would comply with the aims and requirement of saved policies DC1(d), ENV46 and ENV47 of the UDP and policy CS18 of the CSUCP.
- 5.43 **FLOOD RISK**  
The site is within a critical drainage area and drainage detail would normally be required to be submitted given the application proposes the creation of 10 dwellings. No drainage assessment has been submitted with the application.
- 5.44 The change of use is likely to increase water usage/demand on drainage. New planting is proposed at the south eastern part of the site and it is considered that this could be used as rainwater gardens.

- 5.45 It is recommended that Conditions 14-17 are imposed requiring the submission of a drainage assessment exploring the potential for sustainable drainage components, particularly rainwater gardens, on site and a maintenance plan to the LPA for consideration and the implementation of the approved details.
- 5.46 Additionally, it is recommended that Conditions 19 and 20 are imposed requiring the submission of details for the disposal of foul and surface water to the LPA for consideration and implementation of the approved details.
- 5.47 The proposal would comply with the aims and requirements of policy CS17 of the CSUCP.
- 5.48 **OPEN SPACE/PLAY**  
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.
- 5.49 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.
- 5.50 **COMMUNITY INFRASTRUCTURE LEVY**  
On 1st January 2017 Gateshead Council became a Community Infrastructure Levy (CIL) Charging Authority. This application has been assessed against the Council's CIL charging schedule and the development is CIL chargeable development as it is for qualifying housing related development. The site is within residential zone C, which has a charge of £0 per sqm. As such no CIL charge is liable.

## **6.0 CONCLUSION**

- 6.1 Taking all the relevant issues into account, it is considered that the proposed development is acceptable in principle, visual amenity and the impact on the heritage assets, residential amenity, highway safety and parking, ground conditions, archaeology, ecology, flood risk and open space/play, 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 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:

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

Location Plan 16042-S100  
1642-S101  
16042-P101 rev A  
16042-S102  
R4182-P102 rev B

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

Reason

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

2

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

Reason

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

3

The development hereby permitted shall be constructed entirely of the materials detailed in the application form received 22.12.2016.

For the avoidance of doubt rooflights shall be flush fitting conservation style.

Reason

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

4

The development hereby approved shall not commence until the Local Planning Authority has been notified by the applicant of the date of commencement, which shall be two weeks prior to the commencement of the development.

Reason

To clarify the commencement of the development approved under this permission.

5

The dwellings hereby approved shall not be occupied until final details of secure and weatherproof cycle storage within the site have been submitted for written approval of the Local Planning Authority.

Reason

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

6

The details approved under Condition 5 shall be implemented in full accordance with the approved details before the dwellings hereby approved are occupied and retained as such for the lifetime of the development.

Reason

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

7

Notwithstanding the approved plans, the gates to the bin store shall not open out into the car parking area.

Reason

To avoid potential obstruction to vehicular movements on site in accordance with policy CS13 of the Core Strategy and Urban Core Plan.

8

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

9

The remediation and monitoring measures approved under condition 8 shall be implemented in full accordance with the approved timescales and the approved details.

Reason

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

10

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.

11

The remediation and monitoring measures approved under condition 10 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.

12

Where remediation is required (under conditions 8-11), 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 adequate land stability and 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.

13

No development/alterations hereby approved shall take place until a report of the results of a programme of archaeological building recording has been submitted to and approved in writing by the Local Planning Authority.

Reason

To provide an archive record of the historic building or structure and to accord with paragraph 141 of the NPPF and saved Unitary Development Plan Policy ENV23

14

The development hereby approved shall not commence until a drainage assessment, exploring the potential for sustainable drainage components and with particular reference to the potential for rainwater gardens within the new planted areas on site, has been submitted to and approved in writing by the Local Planning Authority.

Reason

To manage flood risk in accordance with policy CS17 of the Core Strategy and Urban Core Plan and the National Planning Policy Framework.

15

The details approved under Condition 14 shall be implemented in accordance with the approved details before the new dwellings are occupied and retained as such for the lifetime of the development.

Reason

To manage flood risk in accordance with policy CS17 of the Core Strategy and Urban Core Plan and the National Planning Policy Framework.

16

Where sustainable drainage components are installed, the dwellings hereby approved shall not be occupied until a management plan

(including measures for maintenance and timescales) has been submitted to and approved in writing by the Local Planning Authority.

Reason

To manage flood risk in accordance with policy CS17 of the Core Strategy and Urban Core Plan and the National Planning Policy Framework.

17

Where required, the details approved under Condition 16 shall be implemented in accordance with the approved details and timescales, and retained as such for the lifetime of the development.

Reason

To manage flood risk in accordance with policy CS17 of the Core Strategy and Urban Core Plan and the National Planning Policy Framework.

18

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, in consultation with the Lead Local Flood Authority.

Reason

To manage flood risk in accordance with policy CS17 of the Core Strategy and Urban Core Plan and the National Planning Policy Framework.

19

The details approved under Condition 18 shall be implemented in accordance with the approved details before the new dwellings are occupied and retained as such for the lifetime of the development.

Reason

To manage flood risk in accordance with policy CS17 of the Core Strategy and Urban Core Plan and the National Planning Policy Framework.

20

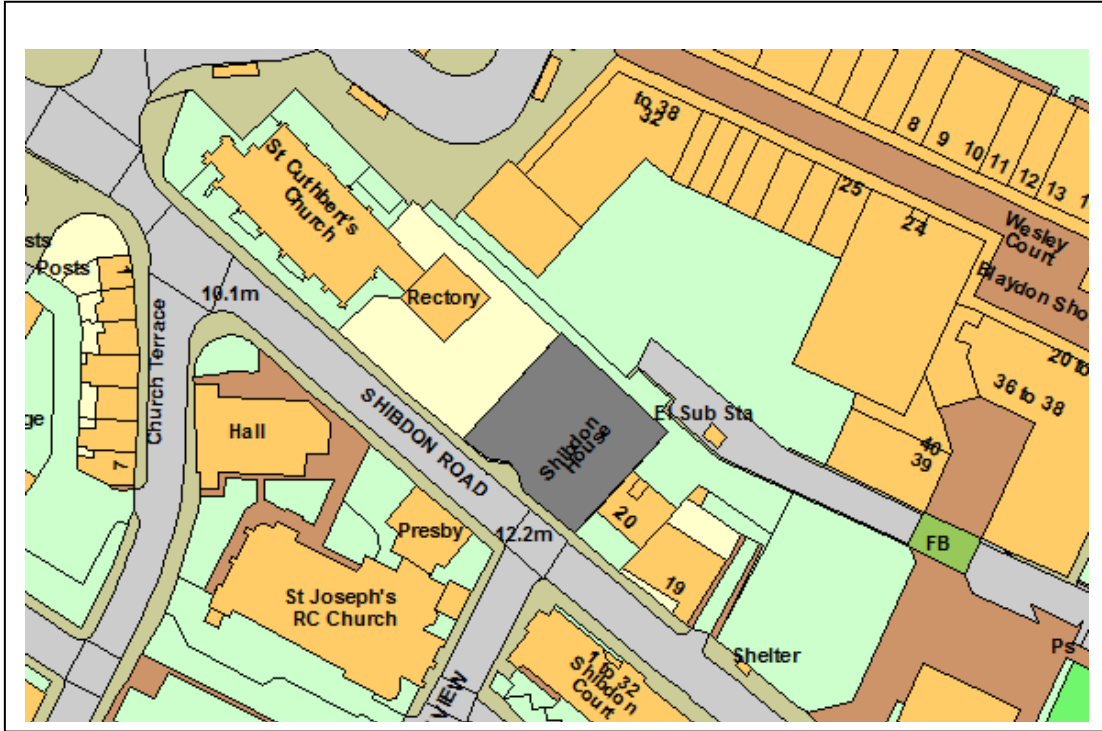
Unless otherwise approved in writing by the Local Planning Authority, all external works and ancillary operations in connection with the construction of the development, including deliveries to the site, shall be carried out only between 0800 hours and 1700 hours on Mondays to Saturdays and at no time 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/17/00095/FUL</b>
<b>Case Officer</b>	<b>Tracy Long</b>
<b>Date Application Valid</b>	<b>16 March 2017</b>
<b>Applicant</b>	<b>Gateshead Council</b>
<b>Site:</b>	<b>Derwentside Woodhouse Lane Swalwell Whickham NE16 3JL</b>
<b>Ward:</b>	<b>Whickham North</b>
<b>Proposal:</b>	<b>Conversion of Former Aged Persons Unit into 22 no. residential apartments (amended 13/07/2017 and 04/08/2017).</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 application site is the former Derwentside Aged Person Unit (APU) on Swalwell Bank in Whickham. The site measures around 0.47 hectares. The APU is a part two, part three storey building, built of buff brick and brown tiles and is currently vacant and boarded up. Vehicle access to the site is off Woodhouse Lane, which leads to an area of hardstanding used for car parking in front of the building. Land levels fall from South to North along Swalwell Bank. The site is situated within a mainly residential area.

**1.2 DESCRIPTION OF APPLICATION**

This planning application proposes to refurbish the existing building and convert it into 22 residential apartments (comprising of 5 x 1 bed, 14 x 2 bed and 3 x 3 bed apartments). The application also includes the following elements

- increasing the width of the vehicle access to 5.0 metres to allow two way traffic
- an extension to the hardstanding area to provide increased car parking provision within the site.
- improving the external facades of the building with render, cedar weatherboarding, coloured PVCu windows and french doors and a new roof covering

**1.3** The plans originally submitted included 25 car parking spaces within the site (22 for the apartments, 2 visitor spaces and 1 disabled space). Amended plans have been submitted in August 2017 which increase the car parking provision at the site to 28 spaces (22 for the apartments, 5 visitor spaces and 1 disabled space).

- 1.4 This planning application has been submitted with the following supporting documents
- Bat survey
  - Flood risk assessment
  - Land contamination report
  - Design and access statement (incorporating an Affordable housing statement and Transport statement).

- 1.5 PLANNING HISTORY  
No relevant planning history

## **2.0 Consultation Responses:**

Tyne And Wear Archaeology Officer      There are no archaeological implications.

## **3.0 Representations:**

- 3.1 The Council sent out neighbour notification letters to properties surrounding the site and also displayed two notices at the site. In addition a notice appeared in the Newcastle Journal on 5 April 2017.

- 3.2 Two representations have been received from local residents in response to the plans originally submitted.

- 3.3 One letter from 47 Whickham Bank supports the development but raises the following concerns :

- noise, mess and disturbance from the construction works
- the construction works may cause problems with the electricity, gas and water in the area
- construction workers may park outside residents homes

- 3.4 One letter has been received from a planning consultant on behalf of South West Farm on Woodhouse Lane, which is located to the North West of the application site. This letter states that they do not oppose the redevelopment of the site but have concerns about the level of parking to be provided. They consider the level of visitor parking to be inadequate.

- 3.5 Following these comments amended plans have been received which increased the parking provision at the site

## **4.0 Policies:**

NPPF National Planning Policy Framework

NPPG National Planning Practice Guidance

DC1D Protected Species

DC1H Pollution

DC1P Contamination, derelict land, stability

DC2 Residential Amenity

ENV3 The Built Environment - Character/Design

ENV44 Wood/Tree/Hedge Protection/Enhancement

ENV46 The Durham Biodiversity Action Plan

ENV47 Wildlife Habitats

ENV21 Sites of Archaeological Imp - Known

ENV22 Sites of Archaeological Imp - Potential

ENV54 Dev on Land Affected by Contamination

H5 Housing Choice

H4 Windfall and Small Housing Sites

H13 Local Open Space in Housing Developments

H15 Play Areas in Housing Developments

CFR20 Local Open Space

CFR28 Toddlers' Play Areas

CFR29 Juniors' Play Areas

CFR30 Teenagers' Recreation Areas

CS11 Providing a range and choice of housing

CS13 Transport

CS14 Wellbeing and Health

CS15 Place Making

CS17 Flood Risk and Waste Management

CS18 Green Infrastructure/Natural Environment

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

- 5.1 The main planning issues are considered to be the principle of housing development, design, residential amenity, highway safety and ecology.
- 5.2 **NPPF**  
The National Planning Policy Framework (NPPF) sets out the Government's planning policies for England and how these are expected to be applied. Paragraph 14 states that there is a presumption in favour of sustainable development, unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits when assessed against NPPF policies as a whole. Paragraph 49 of the NPPF also states that housing applications should be considered in the context of the presumption in favour of sustainable development.
- 5.3 **WINDFALL HOUSING**  
The application site is not allocated for any specific purpose on the Council's Local Plan Policies Map 2015. As such it is considered that the principle of developing this site for housing should be assessed against saved policy H4 in the Council's Unitary Development Plan (UDP), which relates to windfall housing sites. Given that this site is situated within an existing residential area, and is well located in terms of access to public transport, shops and services, Council officers consider that the principle of developing this site for housing is acceptable, subject to all other material planning considerations being satisfied.
- 5.4 **TYPE OF HOUSING**  
Saved policy H5 of the UDP seeks to improve the choice of housing in Gateshead, and states that a "limited range of dwelling sizes and types may be acceptable on smaller sites [sites that are less than one hectare in size] but development containing small flats or apartments only will not generally be accepted unless there is a local shortfall in such accommodation, and it is in keeping with the character of the area". Policy CS11(1) of the CSUCP requires that a minimum of 60% of new private housing across the plan area is suitable and attractive for families (i.e. homes with three or more bedrooms).
- 5.5 This proposal is for the conversion of a vacant Aged Persons Unit into 22 residential apartments including 5 x 1 bed flats , 14 x 2 bed flats, and 3 x 3 bed flats. The proposal is therefore not in accordance with the aims of CSUCP policy CS11(1) and saved UDP policy H5.
- 5.6 Given that this proposal is for the conversion of an existing building it is understood that the building does not lend itself to the sub-division of mainly 3 bed apartments. Whilst Council officers accept that the proposal would not contribute to the policy requirement for the totality of development across Gateshead to provide 60% family housing (i.e. homes with three or more bedrooms), it does however contribute to the provision of housing in the Borough on a smaller site ( a site less than 1 hectare in size).
- 5.7 **AFFORDABLE HOUSING**  
Policy CS11 (5) of the CSUCP states that there should be a provision of 15% affordable homes on developments of 15 or more houses, subject to viability.

The submitted Design and Access Statement explains that 3 of the 22 units (15%) are to be retained as affordable in accordance with policy CS11. A condition (condition 3) has been recommended to approve the final details of the 3 affordable housing units in terms of their location and tenure. Subject to this planning condition the development is considered to accord with the NPPF and policy CS11 of the CSUCP.

#### 5.8 DESIGN ISSUES

The refurbishment of the existing building will improve the appearance of the site and surrounding area. Two planning conditions (4 and 5) have been recommended to approve the external materials of the building in the interests of good design. Subject to these planning conditions the development is considered to be acceptable from a design point of view and accords with the aims and objectives of the NPPF, saved policy ENV3 of the UDP and policy CS15 of the CSUCP.

#### 5.9 RESIDENTIAL AMENITY

Given the distances between the existing adjacent houses and the proposed development it is considered that the development would not cause any significant harm to the living conditions of adjacent residents or the future residents of the apartments through loss of light / overshadowing, visual intrusion or overlooking.

5.10 Council officers consider that the construction works associated with the development could impact on the living conditions of adjacent neighbours. It is however considered that this could be controlled by a planning (condition 6) which restricts the days and hours of the construction works. A local resident has raised concerns that construction works may cause problems with the electricity, gas and water in the area and that construction workers may park outside resident's homes. These are not planning considerations.

5.11 Subject to the planning condition which controls the times of the construction works, the development is considered to be acceptable from a residential amenity point of view and accords with the aims and objectives of the NPPF, saved policy DC2 of the Council's UDP and policy CS14 of the Council's CSUCP.

#### 5.12 HIGHWAY ISSUES

In terms of traffic movements, it is considered that there would be a small increase in the number of vehicles going to and from the site, given the number of units proposed. However it is considered that this small increase in vehicle movements would not have an unacceptable impact on the local road network.

5.13 The existing vehicle access to the site from Woodhouse Lane is to be widened to 5 metres to allow two way flow of traffic into and out of the site, which is considered to be an improvement. Two conditions (conditions 7 and 8) have been recommended to approve the details/provide dropped kerbs at the vehicle access and into the bin storage area. The existing hardstanding area within the site is to be extended towards Woodhouse Lane to the North to provide additional car parking space. The development will provide a total of 28 car

parking spaces within the site. This is based on 22 spaces for residents (1 space per apartment), 5 spaces for visitors and 1 disabled parking space. The proposed car parking provision is considered to be appropriate for the development, given that the Council's minimum car parking guidelines set out in the Council's Transport Technical Appendices recommends 1 space per dwelling and 1 space per 4 dwellings for visitors.

- 5.14 Secure, weatherproof cycling parking (22 spaces) are to be provided for residents in the lower ground floor area of the building. Cycle parking (4 spaces) is also to be provided for visitors to the north of the building. Two conditions (conditions 9 and 10) have been recommended to approve the final detail/provide the cycle parking provision.
- 5.15 Subject to the above planning conditions the proposed development is considered to be acceptable from a highway point of view and accords with the aims and objectives of the NPPF and policy CS13 of the Core Strategy and Urban Core Plan.
- 5.16 **ECOLOGY**  
The building was assessed as posing a moderate risk for roosting bats. A Bat Survey has therefore been submitted as part of this application. No bats were recorded entering or exiting the building although bats were seen foraging and commuting on the site. It is therefore considered that the proposed development is unlikely to impact on roosting bats. However given the risk of bats taking up occupancy in the building prior to the development starting on site a condition (condition 11) has been recommended which requires that the development is undertaken in accordance with the bat method statement in the bat survey. Two planning conditions (conditions 12 and 13) have also been recommended requiring bat boxes to be incorporated into the development. Subject to these planning conditions the development is considered to be acceptable from an ecology point of view and accords with the aims and objectives of the NPPF, saved policies DC1(d), ENV46 and ENV47 of the UDP and policy CS18 of the CSUCP.
- 5.17 **TREES/LANSCAPING**  
There are a number of existing trees on the site. Three trees along Woodhouse Lane are to be removed to allow the hardstanding area to be extended to provide an increased parking provision within the site. Replacement tree planting is proposed along Swalwell Bank. A number of planning conditions (conditions 14-18) have been recommended relating to the protection of the trees that are to be retained during construction, approving details of the proposed landscaping scheme including the replacement tree planting and the provision and maintenance of the landscaping scheme. Subject to these planning conditions, the development is considered to be acceptable from a tree/landscaping point of view and accords with the NPPF, saved policy ENV44 of the UDP and policy CS18 of the CSUCP.
- 5.18 **CONTAMINATED LAND**  
A Land Contamination Phase 1 Preliminary Risk Assessment (PRA) has been submitted as part of this planning application. Based on the findings of the PRA



and the limited excavation works proposed at the site, Council officers do not consider that it is necessary to undertake any further contamination assessment or site investigations for the site. A condition (condition 19) has been recommended which sets out the procedure for dealing with any unidentified contamination during the development. Subject to this planning condition the development is considered to be acceptable from a contaminated land point of view and accords with the aims and objectives of the NPPF, saved policies DC1(p) and ENV54 of the UDP and policy CS14 of the CSUCP.

#### 5.19 FLOOD RISK /DRAINAGE

A Flood Risk Assessment (FRA) has been submitted as part of the application. The FRA reviews all sources of flooding and the risk of flooding at the site is considered to be low. The FRA identifies that storm water should be managed in order that the sewers can accommodate the 1:100 year event plus 20% climate change year storm event without flooding.

5.20 Due to the ground conditions at the site the use of infiltration techniques will not be suitable for disposal of surface water from the development. There are no recorded watercourses in the area of the site to which surface water flows could be discharged to. It is therefore proposed to discharge the surface water flows to the existing public combined sewers using the existing outfalls from the site. Surface water from the site will be restricted to provide a greater than 50% reduction in existing flows rates to the existing public sewer network.

5.21 Surface water attenuation is required within the site. SuDS techniques have been reviewed. Landscape rain gardens are to be provided to the rear of the building to provide treatment of the existing roof water. Perma Channel units are to be provided within the car park to provide treatment of the run off from the existing/new car park area. Attenuation will be provided in the form of cellular storage to reduce the peak flows from the site.

5.22 The FRA explains that the building is to be maintained by Gateshead Council and all drainage features within the site will therefore be maintained by the Council as part of the development. All off site public sewers will be maintained by Northumbrian Water.

5.23 The proposed development is therefore not considered to be at risk of flooding and would not increase flooding elsewhere. The proposed drainage for the development is considered to be appropriate for the site. The development is therefore considered to be acceptable from a flood risk and drainage point of view and accords with the aims and objectives of the NPPF and policy CS17 of the CSUCP.

#### 5.24 ARCHAEOLOGY

The site is identified as a site of archaeological importance on the Council's Local Plan Policies Map 2015. The County archaeologist has however stated that there are no archaeological implications with regards to this development. The development is therefore considered to be acceptable from an archaeological point of view and accord with the aims and objectives of the

NPPF, saved policies ENV21 and ENV22 of the UDP and policy CS15 of the CSUCP.

#### 5.25 OPEN SPACE/PLAY PROVISION

Saved UDP Policies H13, H15, CFR20, CFR28, CFR29 and CFR30, relating to the provision of play facilities and open space in housing developments are considered to apply to this application. 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. The Council has already exceeded the five obligation maximum in respect of all three types of play and for open space. The LPA therefore cannot seek any further obligations in respect of these matters.

5.26 While it cannot be concluded that the proposed development would comply with saved policies H13, H15, CFR20, CFR28, CFR29 and CFR30 of the Council's UDP, it is considered that it would be unreasonable to require any contribution for either play or open space provision in this case, based on the above assessment.

#### 5.27 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 located within Residential CIL zone C where there is a levy of £0 for housing. As such no CIL charge is liable.

### 6.0 CONCLUSION

6.1 Taking all the relevant planning issues into account, including the comments made by local residents, it is considered that the development is acceptable and accords with both national and local planning policies. It is therefore recommended that planning permission be granted subject to the conditions below.

### 7.0 Recommendation:

7.1 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) and documents as detailed below -

AL(90)001 C	Site location plan
AL(00)001 E	Lower ground floor plan
AL(00)002 F	Ground floor plan
AL(00)003 F	First floor plan
AL(00)004 D	Elevations

Flood Risk Assessment by 3E (dated June 2017)

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

Reason

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

2

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

Reason

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

3

Prior to any of the residential units hereby approved being occupied details of an affordable scheme for the development which identifies

- which 3 units in the development will be affordable
- what type of subsidised home ownership they will be, and
- the selection criteria to live in the units

shall be submitted to and approved in writing by the Local Planning Authority. The approved affordable housing units shall be provided on site in accordance with the approved scheme and retained in perpetuity.

Reason

To ensure affordable housing provision in accordance with the NPPF and policy CS11 of the Core Strategy and Urban Core Plan.

4

No external facing materials shall be installed on the existing building until details of those materials including the material, colour and finish has been submitted to and approved in writing by the Local Planning Authority.

Reason

To safeguard the visual amenities of the area and to ensure that the proposed development does not have an adverse effect upon the appearance of the existing building in accordance with the NPPF, saved

policy ENV3 of the Unitary Development Plan and Policy CS15 of the Core Strategy and Urban Core Plan.

5

The existing building shall be refurbished in accordance with the external facing building materials approved under condition 4

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 policy ENV3 of the Unitary Development Plan and Policy CS15 of the Core Strategy and Urban Core Plan.

6

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 policy DC2 of the Unitary Development Plan and Policy CS14 of the Core Strategy and Urban Core Plan for Gateshead and Newcastle upon Tyne

7

No apartments hereby approved shall be occupied until details of dropped kerbs to be provided over the vehicle access to the site and into the bin store have been submitted to and approved in writing by the Local Planning Authority.

Reason

To improve the safety of the access in accordance with the NPPF and policy CS13 of the Core Strategy and Urban Core Plan.

8

The dropped kerbs over the vehicle access and into the bin store approved under condition 7 shall be provided prior to any of the apartments hereby approved being occupied.

Reason

To improve the safety of the access in accordance with the NPPF and policy CS13 of the Core Strategy and Urban Core Plan.

9

Notwithstanding the details on the submitted drawings no apartments hereby approved shall be occupied until details for the provision of secure and weatherproof cycle parking facilities for each dwelling and

visitor cycle parking has been submitted to and approved in writing by the Local Planning Authority.

Reason

To ensure adequate provision for cyclists in accordance with the NPPF and policy CS13 of the Council's Core Strategy and Urban Core Plan and the Council's Cycling Strategy.

10

The cycle parking provision approved under condition 9 shall be provided in accordance with the approved details prior to any of the apartments being occupied.

Reason

To ensure adequate provision for cyclists in accordance with the NPPF and policy CS13 of the Council's Core Strategy and Urban Core Plan and the Council's Cycling Strategy.

11

The development hereby approved shall be undertaken in accordance with the measures set out in Section E3 of the Bat Risk Assessment dated July 2017 by Dendra.

Reason

To protect bats in accordance with the NPPF, saved policies DC1(d), ENV46 and ENV47 of the Unitary Development Plan and policy CS18 of the Core Strategy and Urban Core Plan.

12

Prior to the occupation of the building a detailed scheme for the provision of a bat boxes (2no. Schwegler 1QW Summer and Winter Bat Roost to be fitted at an appropriate location/height with one installed to each of the southwest and southeast elevations of the building) shall be submitted to and approved in writing by the Local Planning Authority.

Reason

To provide replacement potential bat roost features in accordance with the NPPF, saved policies DC1(d), ENV46 and ENV47 of the Unitary Development Plan and policy CS18 of the Core Strategy and Urban Core Plan.

13

The bat boxes approved under condition 12 shall be fully provided in accordance with the approved details prior to the development being occupied and retained thereafter.

Reason

To provide replacement potential bat roost features in accordance with the NPPF, saved policies DC1(d), ENV46 and ENV47 of the Unitary

Development Plan and policy CS18 of the Core Strategy and Urban Core Plan.

14

No development or any other operations shall commence on site until a scheme for the protection of the existing trees, shrubs and hedges growing on or adjacent to the site has been submitted to and approved in writing by the Local Planning Authority. The scheme must include a plan clearly showing the location and specification of the protective fencing to be used.

Reason

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

15

The tree protective fencing approved under condition 14 must be installed prior to the commencement of the development and thereafter retained intact for the full duration of the construction works and there shall be no access, storage, ground disturbance or contamination within the fenced area without the prior written approval of the Local Planning Authority.

Reason

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

16

The apartments hereby approved shall not be occupied until a fully detailed scheme for the landscaping of the site has been submitted to and approved in writing by the Local Planning Authority. The landscaping scheme shall include details and proposed timing of hard landscaping, all existing trees and hedges to be retained, ground preparation and planting plans noting the species, plant sizes and planting densities for all new planting.

Reason

To ensure that a well laid out planting scheme is achieved in the interest of visual amenity in accordance with the NPPF, saved policy ENV3 of the Unitary Development Plan and policy CS15 of the Core Strategy and Urban Core Plan.

17

The landscaping scheme approved under condition 16 shall be provided in full accordance with the approved plans during the first planting season (October to March) following occupation of the development.

Reason

To ensure that the approved landscaping scheme is completed within a reasonable time scale in the interest of visual amenity in accordance with the NPPF, saved policy ENV3 of the Unitary Development Plan and policy CS15 of the Core Strategy and Urban Core Plan.

18

The landscaping scheme approved under condition 16 shall be maintained in accordance with British Standard 4428 (1989) Code of Practice for General Landscape Operations for a period of 5 years commencing on the date of Practical Completion and during this period any trees or planting which die, become diseased or are removed shall be replaced in the first available planting seasons (October to March) with others of a similar size and species and any grass which fails to establish shall be re-established.

Reason

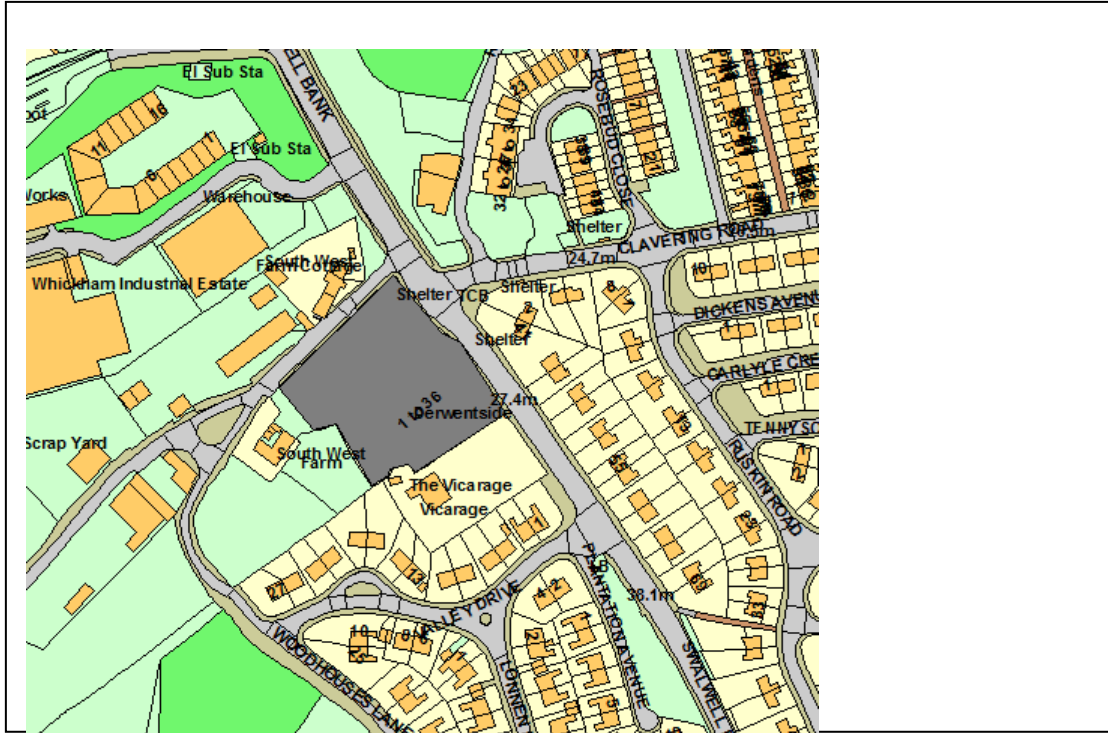
To ensure that the landscaping scheme becomes well established and is satisfactorily maintained in the interests of the visual amenity of the area and in accordance with the NPPF, saved policy ENV3 of the Unitary Development Plan and policy CS15 of the Core Strategy and Urban Core Plan.

19

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

Reason

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



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**Committee Report**

<b>Application No:</b>	<b>DC/17/00536/FUL</b>
<b>Applicant</b>	<b>Linmari Group Ltd</b>
<b>Date Application Valid</b>	<b>9 June 2017</b>
<b>Site:</b>	<b>Contex Office Services Ltd Hopper Street Gateshead NE8 3JJ</b>
<b>Ward:</b>	<b>Bridges</b>
<b>Proposal:</b>	<b>Demolition of existing warehouse and construction of part 8, part 7 storey residential development including 82no. residential studios and ancillary facilities. (Amended 23.08.2017 Relocation of loading bay onto Hopper Street)</b>
<b>Recommendation:</b>	<b>GRANT SUBJECT TO A SECTION 106 AGREEMENT</b>
<b>Application Type</b>	<b>Full Application</b>

**1.0 The Application:**

**1.1 DESCRIPTION OF THE APPLICATION SITE**

The application site is located within the Urban Core of Gateshead, commonly referred to as the Town Centre. The site is on the corner of Hopper Street and Nuns Lane between the Trinity Square development/High Street and the A167 (Gateshead Highway) and covers approximately 540 sq metres and includes a vacant two-storey, brick built building which has previously been used as a showroom for office equipment and ancillary offices.

1.2 Immediately to the west and abutting the site is a terrace of two-storey commercial properties which continue to run along the High Street. To the south there is a Home Bargains store and beyond that there is the Grade I Listed St Edmunds Chapel. To the east on the opposite side of Hopper Street there are three, 8 storey residential blocks, known as Park Court, Priory Court and Pereath Court.

1.3 The character of the surrounding area includes a mix of residential, commercial, shopping, leisure and employment uses.

**1.4 DESCRIPTION OF THE APPLICATION**

The application proposes the demolition of the existing building and the re-development of the site with a residential scheme comprising 82 studio apartments in a 7-8 storey building. The studio apartments are proposed to be open plan with double beds, small kitchen and lounge area and shower room. The proposal also includes various communal facilities for the benefit of residents including a lounge, laundry, sauna, steam room and spa. An enclosed landscaped, external courtyard is proposed to the south west of the site.

- 1.5 The proposed accommodation is arranged over 8 floors. Level access to the building would be off Hopper Street with 7 studio apartments on the ground floor, as well as a manned reception desk, communal lounge, cycle store for 50 cycles, laundry room, refuse storage room and plant room. Access to all floors is via a centrally located lift and staircase. Floors 1-5 are proposed to be identical with 13 apartments on each floor. 6 apartments are proposed the 6th floor with 4 of the studios proposed to have east facing balconies. In addition the communal sauna, steam room and spa are located on this floor which also benefits from a balcony. The remaining 4 studio apartments are accommodated within the top floor of the proposed development.
- 1.6 The development is proposed to be car free with servicing proposed to be off Hopper Street. A loading bay was originally proposed down the alleyway off Hopper Street but this has since been amended and a loading bay is now proposed to the front of the building on Hopper Street.
- 1.7 Other amendments include a re-configuration of the ground floor to provide a larger cycle store and a more attractive communal area.
- 1.8 There are 5 wheel chair accessible apartments proposed as part of the development.
- 1.9 The external appearance of the building has been designed to create strong vertical elements with double height glazed units and projecting bands of brickwork and cladding.
- 1.10 The top two, recessed floors are proposed to be mainly glazed to reduce the scale and massing of the development. Glazed Juliette balconies have also been incorporated into the scheme.
- 1.11 The following documents have been submitted with the application:
- Design and Access Statement
  - Planning Statement
  - Heritage Statement
  - Flood Risk and Drainage Assessment
  - Phase 1 Land Contamination and Coal Mining Risk Assessment
  - Daylight and Sunlight Assessment
  - Ecology Statement
  - Transport Statement
- 1.12 PLANNING HISTORY
- 1.13 The following application is relevant to this case:
- 26/93 - Planning permission granted for a change of use from Social Club to office equipment showroom and ancillary offices. 27.02.1992

## **2.0 Consultation Responses:**

Newcastle Airport	Details required for cranes
Historic England	Do not object to the proposal.
Coal Authority	No Objections subject to conditions.
Northumbria Water	No Objection subject to conditions.
Tyne And Wear Archaeology Officer	Potential Archaeological remains which will require further investigation.

## **3.0 Representations:**

3.1 Neighbour notifications, press and site notices were carried out in accordance with formal procedures introduced in the Town and Country Planning (Development Management Procedure) (England) Order 2015. 45 letters of objection have been received from neighbouring residents as well as objections from Councillor Eagle and Councillor Douglas. The issues raised have been summarised below:

- \* The new build will be taller than Priory Court which will have a detrimental impact on the amount of daylight reaching those properties.
- \* The Tesco development has already reduced the amount of light and this development will only be 18 metres away.
- \* Overlooking will be an issue.
- \* Lack of parking proposed which will lead to problems on the surrounding streets.
- \* The commercial building close by receives a daily delivery of stock using an articulated lorry. This development will cause more disruption.
- \* Design and appearance
- \* Proximity of building to well established residential properties
- \* Adverse impact on current residential amenity
- \* Possible Environmental impact.

## **4.0 Policies:**

NPPF National Planning Policy Framework

NPPG National Planning Practice Guidance

CS5 Employment-Economic Growth Priorities

CS11 Providing a range and choice of housing

CS13 Transport

CS14 Wellbeing and Health

CS15 Place Making

CS16 Climate Change

CS17 Flood Risk and Waste Management

CS18 Green Infrastructure/Natural Environment

CS21 Waste

UC4 Homes

UC12 Urban Design

UC15 Urban Green Infrastructure

UC17 Public Art

DC1G Energy Conservation-Sustainable Building

DC1J Substrata Drainage-Water Quality

DC1P Contamination, derelict land, stability

DC2 Residential Amenity

ENV3 The Built Environment - Character/Design

ENV21 Sites of Archaeological Imp - Known

ENV22 Sites of Archaeological Imp - Potential

ENV47 Wildlife Habitats

ENV54 Dev on Land Affected by Contamination

ENV61 New Noise-Generating Developments

T1 Transport req for New Developments

PO2 Planning Obligations - Emp/Training

H5 Housing Choice

H9 Lifetime Homes

H10 Wheelchair Housing

H15 Play Areas in Housing Developments

H2 Five Year Supply Figures

H4 Windfall and Small Housing Sites

CFR20 Local Open Space

CFR28 Toddlers' Play Areas

CFR30 Teenagers' Recreation Areas

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

5.1 The main planning issues in this case are considered to housing choice, design, impact on heritage assets, residential amenity and highway safety.

### **5.2 HOUSING CHOICE**

Policy CS11(1) of the Core Strategy and Urban Core Plan (CSUCP) aims to ensure that 60% of new private housing across the plan area is suitable and attractive for families with a minimum of 16,000 new homes to have three or more bedrooms. Policy H5 of the Unitary Development Plan (UDP) also seeks to improve the choice of housing in Gateshead.

5.3 In this case the proposal includes the demolition of an existing warehouse and the construction of a part 8, part 7 storey residential development for 82 x 1 bed residential studios and ancillary facilities.

5.4 It is acknowledged that taking this proposal in isolation, it wouldn't contribute to the provision of family housing but it would deliver housing in the urban core, where residential development is supported. Policy UC4 aims to deliver 3740 homes in the urban core and taking into account the nature of sites within the Urban Core it is reasonable to expect that a large proportion of residential units in the Urban Core will be one or two bed studios/apartments.

5.5 On this basis it is considered the proposed development would deliver desired housing, does not conflict with the housing targets set out in the Local Plan and does not conflict with the aims and objectives of the relevant paragraphs in the National Planning Policy Framework (NPPF) policies CS11 and UC4 of the CSUCP or policy H5 of the UDP.

5.6 As a result it is considered that subject to all other material planning considerations being satisfied, the principle of studio apartments in this location is considered acceptable.

Affordable Housing

5.7 Policy CS11 (5) of the CSUCP requires the provision of 15% affordable homes on all developments of 15 or more dwellings, subject to viability. This can be provided on site or in schemes like this where it may be more difficult to provide on site affordable units and where an alternative site is available elsewhere

(part of the Exemplar Neighbourhood development) through an off-site contribution.

- 5.8 Any off site contribution would need to be in accordance with guidance detailed in the 'Planning Obligations Supplementary Planning Document'.
- 5.9 The affordable housing requirements can be secured through a S106 agreement in accordance with policy PO2 of the UDP.

Lifetime Homes and Wheelchair accessible homes

- 5.10 The proposal aims to deliver 5 wheelchair accessible apartments which would satisfy policy H10 of the UDP and this can be secured via a condition (CONDITION 28). However in accordance with policy H9 of the UDP, 10% of units would be required to meet Lifetime Homes standards and this can also be conditioned (CONDITION 29).

#### 5.11 DESIGN

The importance of good design in new development is recognised in the NPPF. Policy UC12 of the CSUCP seeks to deliver the highest possible quality of urban design within the Central Gateshead area and policy CS15 of the CSUCP aims to ensure development contributes to good place making through the delivery of high quality urban design. Both policies set out other various urban design principles. Policy ENV3 of the UDP also states the importance of design in relation to new development and the established character and identity of its locality.

- 5.12 It is acknowledged that the proposed development would be significantly higher than the properties immediately adjacent the site to the west but at two-storey these properties are unusually low for a Town Centre location. A more realistic comparison is the Trinity Square development and the residential blocks to the east. In relation to these properties the proposed eight storey development would be the same height as the residential blocks and lower than the highest parts of the Trinity Square development.
- 5.13 The massing of the development proposed has also been reduced through the introduction of large amounts of glazing on the top floors which helps to better integrate the development into its surroundings.
- 5.14 The palette of materials is proposed to be crisp and contemporary in appearance, utilising bricks, cladding, aluminium frames and glazing. Final details, including details of the cladding for any structural columns, can be conditioned (CONDITIONS 14 and 15).
- 5.15 There is limited opportunity for landscaping but a landscaped courtyard is proposed and there are some opportunities to improve the footpaths around the development.
- 5.16 To enhance the character and local distinctiveness of the development and in accordance with policy UC17 of the CSUCP, the development is expected to

include some public art. Details of this can be conditioned (CONDITIONS 22 AND 23).

- 5.17 Overall this proposal is considered to be high quality in its design and would have a positive impact on the appearance and aspirations for Gateshead's Town Centre/Urban Core. It is subsequently considered that the proposal would accord with the National Planning Policy Framework as well as policies UC12, UC13, UC15, UC16, UC17 and CS15 of the CSUCP and policy ENV3 of the UDP.
- 5.18 **IMPACT ON HERITAGE ASSETS**  
The development falls with the setting of St Edmund's Chapel, a Grade I listed building of exceptional importance as it is a rare 13th century survival.
- 5.19 Although the chapel's context has altered vastly, the surrounding development has, for the majority, responded to the scale and alignment of the heritage asset, allowing it to retain some of the stature and dignity that has defined its character over the years.
- 5.20 As previously highlighted the proposed block is a noticeable departure from the general scale of properties on the east side of the High Street and will challenge the setting of historic building. However it is recognised that scale of properties within the Town Centre are varied and that the site of the new development fills an important transition point between the taller tower blocks behind and the lower scale of the street. As such, although a gentler stepping down towards the street and the chapel would be preferred the impact on the setting of the Listed Building is considered to be acceptable and Historic England has not objected to the proposal.
- 5.21 Therefore it is considered the proposed development does not conflict with the aims and objectives of the relevant paragraphs in the NPPF, policies UC14 and CS15 of the CSUCP and policy ENV11 of the UDP.
- 5.22 **RESIDENTIAL AMENITY**  
A number of objections have been received from residents of Priory, Park and Pereath Courts to the east of the application site, concerned that the proposed development will block their light and impact on their privacy.
- 5.23 In terms of privacy, it is considered there would be no direct overlooking between any of properties within the residential blocks and the proposed development, due to the angle and which the residential blocks are positioned in relation to the application site. The closest windows which appear to serve habitable rooms and which face in the general direction of the development, are those in Park Court. However as highlighted above they would not directly face any windows in the proposed development and they would be in excess of 21 metres away from those windows. This is on the basis that the closest point (corner to corner) would be 21 metres so with the angle at which the properties would be set the distance between windows and windows would be in excess of the recommended 21 metres and at an obscure angle.

- 5.24 It is noted that there are open balconies proposed on the 7th floor and Juliette balconies proposed for the other floors but taking into account the urban and town centre location, where more close quarter living is expected, as well as the separation distances proposed, the impact of these balconies and the significance of any overlooking would be limited.
- 5.25 With regards to the loss of light to the neighbouring residential properties, a daylight and sunlight assessment has been submitted with the application. The assessment concludes that due to a number of factors, including separation distances, the relationship between the existing and proposed developments and the orientation of the rooms within the existing residential blocks, the impact on neighbouring properties would not be significant and officers accept this conclusion.
- 5.26 Therefore although it is accepted that the outlook from some of the neighbouring properties to the east would be affected, due to the separation distances proposed and the urban character of the area, the impact the proposed development would have in respect of overlooking, loss of light, visual intrusion and overshadowing is not considered significant enough to justify refusing the application.
- 5.27 To protect the amenity of residents during demolition and construction, control methods can be conditioned and this will include dust suppression and hours of work (CONDITIONS 3 AND 4).
- 5.28 To protect the amenity of future occupiers further noise testing will be required to inform appropriate mitigation measures. This can be conditioned (CONDITIONS 18 AND 19).
- 5.29 Consequently it is considered the impact of the proposed development on amenity is acceptable and in accordance with the NPPF as well as policy CS14 of the CSUCP and policies DC2 and ENV61 of the UDP.
- 5.30 AIR QUALITY  
An Air Quality Assessment for the proposed development has been submitted and officers agree with the conclusions put forward that residents will not be placed in a location where the NO<sub>2</sub> air quality objective will be breached, or that the development will cause such a breach.
- 5.31 However in accordance with policy CS14 of the CSUCP the developers would need to put forward a dust management plan for the demolition and construction phases as sensitive receptors are very close by. This has been included as part of condition 4.
- 5.32 HIGHWAY SAFETY/PARKING  
The sustainable location of the application site, close to shops and services and with numerous sustainable transport options nearby, means that a zero parking provision is acceptable. Visitors arriving by car are able to park in the many on street bays and car parks in the Town Centre.



- 5.33 The amount of cycle parking has also been increased to allow for the secure storage of up to 50 cycles which is considered acceptable. The implementation of the cycle parking can be conditioned (CONDITION 21)
- 5.34 However given the Town Centre location and lack of car parking it is important that a high quality Travel Plan is created for the development. The Travel Plan Framework provided includes a range of good measures but the full Travel Plan should build on this to ensure that the proposed measures are in place from the outset. This can be conditioned (CONDITIONS 24 AND 25).
- 5.35 The location of the bin store is considered acceptable but the existing no loading and no waiting restrictions on Hopper Street and the surrounding side streets would mean that parking for the purposes of loading, dropping off and picking up would be restricted.
- 5.36 In response to this a loading bay is now proposed to the front of the building off Hopper Street and in close proximity to the main entrance and this is considered to be acceptable. The implementation of this bay will be necessary prior to the development being first occupied and this can be conditioned (CONDITION 20).
- 5.37 Any works within the adopted highway would be subject to the necessary agreements.
- 5.38 Given the tight location of the site and the waiting and loading restrictions on the adjacent streets, should permission be granted, the developer will be advised to contact the Council's Network Management team to discuss the ways in which construction traffic and parking will be managed. Due to the existing one way system Nuns Lane is the only vehicular access to the adjacent blocks of flats and access will need to be maintained during construction.
- 5.39 Therefore it is considered that subject to conditions, the proposed development would not generate a significant increase in traffic and any parking that is required could be accommodated within the surrounding streets where permitted and public car parks.
- 5.40 As a result it is considered the proposed development would not conflict with the aims and objectives of the NPPF or policies CS13, UC5, UC6 and UC7, of the CSUCP as well as policy T1 of the UDP.
- 5.41 **FLOODING AND SUSTAINABLE URBAN DRAINAGE**  
The site is located in flood zone 1 but due to the size of the site a flood risk assessment is not required. However the use of SuDS is a material consideration for major development and in accordance with the Core Strategy Policy CS17:4, surface water should be managed following the drainage hierarchy as set out in the Core Strategy Policy CS17:4 which states that development should: separate, control and minimise surface water runoff, discharging in order of priority to:
- i. Infiltration based Sustainable Drainage Systems

- ii. A watercourse
- iii. A surface water sewer
- iv. A combined sewer.

5.42 A drainage assessment has been submitted however the assessment fails to cover all the key issues. Therefore in order to satisfy the requirements of the NPPF, the NPPG and policy CS17 of the CSUCP, a more comprehensive drainage assessment and details of the surface water drainage scheme would be required. This can be conditioned (CONDITIONS 13 and 14) as the measures would be incorporated into the fabric of the building and would not need to be adopted by the Council. Due to the potential for surface water flooding in the area a flood evacuation plan would also be required (CONDITIONS 12 and 13).

5.43 Therefore subject to conditions it is considered that the development would be in accordance with policy CS17 of the CSUCP and the NPPF.

#### 5.44 CONTAMINATED LAND AND COAL MINING LEGACY

The site is located on land identified as being potentially contaminated and a phase 1 land contamination assessment has been submitted which concludes further investigations are required. This can be conditioned in accordance with policy CS14 of the CSUCP and policy ENV54 of the UDP (CONDITIONS 9, 10 and 11). The Coal Authority has also been consulted and has raised no objection subject to a condition requiring further investigations which can be encompassed in conditions 9, 10 and 11.

#### 5.46 ECOLOGY

The submitted Preliminary Bat Roost Assessment undertaken by Middlemarch Environmental recommends that the building/proposed development poses a low risk to bats and their roosts. In accordance with good practice guidelines the report recommends that a single activity survey is undertaken to determine the level of bat activity associated with the site/confirm the presence/likely absence of a bat roost(s). This has now been undertaken and it has been confirmed there are no bat roosts.

5.47 The Preliminary Ecological Appraisal submitted in support of the application considers that the site is generally of low ecological value, and that its redevelopment is unlikely to have an adverse impact on protected and non protected species. It also concludes that no invasive plant species were recorded on site. It does, however, make a number of recommendations consistent with national and local planning policy including:

\* The incorporation of biodiversity enhancement measures incorporated into the landscaping scheme to maximise the ecological value of the site post development. This could involve, for example, the planting of shrubs or herbaceous plants in the courtyard which could provide nectar sources to invertebrates and/or berries for birds. Consideration could also be given to the installation of bird and bat boxes and

\* Vegetation and building clearance should be undertaken outside the nesting bird season (i.e. March to August inclusive) unless a checking survey is undertaken.

- 5.48 In light of the above it is recommended that conditions can be attached requiring full details of the landscaping proposals incorporating trees, shrubs and herbaceous species that are particularly beneficial to wildlife and that all vegetation, site clearance and demolition works are undertaken outside of the bird nesting season, unless a bird breeding checking survey is undertaken. These requirements can be conditioned (CONDITIONS 5, 26 AND 27).
- 5.49 As a result it is considered subject to conditions, the proposed development would not conflict with the aims and objectives of the NPPF, policies CS18 of the CSUCP and policies ENV46 and ENV51 of the UDP.
- 5.50 **SUSTAINABILITY**  
Section 10 of the NPPF seeks to reduce the impact of climate change with policies CS16 of the CSUCP and policy MWR35 of the UDP setting local requirements.
- 5.51 Information submitted in the planning statement identifies measures that could be introduced into the building, including a Combined Heat and Power (CHP) system. These measures are considered reasonable but there is an opportunity for the development to connect to the District Energy Centre. Therefore it is recommended that this option is investigated further and a sustainability statement is submitted which includes final details of the measures to be implemented in the building and demonstrating compliance with policy CS16 of the CSUCP. This can be conditioned (CONDITIONS 16 and 17).
- 5.52 Subject to these conditions it is considered the proposed development does not conflict with the aims and objectives of the NPPF, policy CS16 of the CSUCP and policy MWR35 of the UDP.
- 5.53 **ARCHAEOLOGY**  
The proposed development site lies within the supposed boundary of the medieval Chapel and Chapel/Hospital of St Edmund, King and Martyr (HER287) and within the historic core of Gateshead. It may also have been part of the Hospital of Holy Trinity (HER288) later the Chapel/Hospital of St Edmund, King and Martyr. The exact relationship between the Chapel of St Edmund and Holy Trinity is unclear. Nevertheless, the area around Nuns Lane/Hopper Street was clearly part of a large religious medieval site.
- 5.54 In addition the proposed development site appears on historic maps to have been developed between 1819-1831. An 1819 plan shows a hospital to the north of the extant St Edmunds Chapel towards the High St frontage.
- 5.55 An excavation on the site on the other side of Nuns Lane in 1992 following the demolition of a garage revealed that the site had been heavily truncated by 19th century development however, there was one burial found on the site in a wooden coffin which is assumed to be associated with St Edmunds Chapel.

- 5.56 Therefore it is considered proposed development site at Hopper Street has the potential to contain significant archaeological deposits from at least the medieval period onwards.
- 5.57 An archaeological evaluation will subsequently be required to determine whether any structural features of the hospital survive or whether the proposed development will impact upon any burials or other archaeological deposits which may have survived previous site development. This can be conditioned (CONDITIONS 6, 7 AND 8).
- 5.58 This would ensure the proposed development does not conflict with the aims and objectives of the NPPF, policy UC14 of the CSUCP and policies ENV21 and ENV22 of the UDP.
- 5.59 **OPEN SPACE AND PLAY**  
The proposed development site is located in the Central Gateshead North neighbourhood which is not identified as deficient in open space provision. However, the scale of the proposed development would result in a deficiency of open space. Therefore, contributions for this element should be secured for the provision of open space in accordance with saved policy H13 of the UDP.
- 5.60 There are no toddler play areas located within the maximum distance specified by UDP policy CFR28. The site is extremely small and it is accepted that there is little or no opportunity to provide children's play facilities within the site.
- 5.61 There are junior play facilities at Trinity Court but they are insufficient to provide for the catchment population. On this basis contributions should be secured for junior play facilities in accordance with policies H15 and CFR29.
- 5.62 There are teenage play facilities at Argyle Street, Five Bridges Skate Park, Sunderland Road and Kidstown but they are insufficient to provide for the catchment population. On this basis contributions should be secured for teenage play facilities in accordance with saved UDP policies H15 and CFR30.
- 5.63 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.
- 5.64 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.
- 5.65 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.

#### 5.66 COMMUNITY INFRASTRUCTURE LEVY

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 is housing related. However the development is located within a Charging Zone with a levy of £0 per square metre for this type of development.

#### 5.67 OTHER MATTERS

Concerns have been raised by Newcastle International Airport about the height of cranes which may be required as part of construction. However this is not considered to be a material planning consideration and will be covered by separate legislation. However an informative can be attached to the decision notice.

### 6.0 CONCLUSION

6.1 Taking all relevant issues into account, it is recommended that planning permission is granted, subject to conditions, as the principle of development is acceptable as is the impact on design, highways, amenity, sustainability and other material planning considerations. Thus the proposed development is considered to satisfy the aims and objectives of the NPPF and the NPPG as well as relevant policies in the CSUCP and UDP.

### 7.0 Recommendation:

#### GRANT SUBJECT TO A SECTION 106 AGREEMENT

1) The agreement shall include the following obligations:

- To provide 15% affordable housing subject to viability

2) That the Strategic Director of Legal and Corporate Services be authorised to conclude the agreement.

3) That the Strategic Director of Communities and Environment be authorised to add, delete, vary and amend the planning conditions as necessary.

4) And that the conditions shall include:

1

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

SP-01 A, P-01 B, 02 A, 03 B, 04 A, 05

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

Reason

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

2

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

Reason

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

3

No development shall take place, including any works of demolition, until a Construction and Demolition Method Statement has been submitted to, and approved in writing by, the Local Planning Authority. The Statement shall provide for:

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

In addition all works and ancillary operations in connection with the demolition, remediation of the site and the construction of the new development, including the use of any equipment or deliveries to the site, shall be carried out only between 0800 hours and 1800 hours on Mondays to Saturdays and at no time on Sundays, Bank Holidays or Public Holidays, unless otherwise approved in writing by the Local Planning Authority.

Reason

To safeguard the amenities of nearby residents and in accordance with policy CS14 of the Core Strategy and Urban Core Plan and policies DC1, DC2 and ENV61 of the Unitary Development Plan.

4

The development shall be carried out in accordance with the Method Statement approved under condition 3.

Reason

To safeguard the amenities of nearby residents and in accordance with policy CS14 of the Core Strategy and Urban Core Plan and policies DC1, DC2 and ENV61 of the Unitary Development Plan.

5

Demolition of the existing building will be undertaken outside the bird nesting season (March to August inclusive). Where this is not possible a breeding bird checking survey of all features within the site must first be undertaken immediately prior (i.e. no more than 48hrs) to the commencement of works on site by a suitably qualified and experienced ecologist. Where active nests are confirmed these must remain undisturbed until a suitably qualified and experienced ecologist has confirmed that the young have fledged and the nest(s) is no longer in use.

Reason

To avoid harming breeding birds in accordance with policy CS18 of the Core Strategy and Urban Core Plan for Gateshead and Newcastle Upon Tyne and policies DC1 and ENV46 of the Unitary Development Plan.

6

Following demolition no further groundworks or construction of the development shall commence until a programme of archaeological fieldwork (to include evaluation and where appropriate mitigation excavation) has been completed. This shall be carried out in accordance with a specification provided by the Local Planning Authority.

Reason

The site is located within an area identified as being of potential archaeological interest. The investigation is required to ensure that any archaeological remains on the site can be preserved wherever possible and recorded, in accordance with policy CS14 of the Core Strategy and Urban Core Plan for Gateshead and Newcastle Upon Tyne and policies: ENV21 & ENV22 of the saved Unitary Development Plan.

7

The development shall not be first occupied/brought into use until the final report of the results of the archaeological fieldwork undertaken in pursuance of condition 6 has been submitted to and approved in writing by the Local Planning Authority.

Reason

The site is located within an area identified as being of potential archaeological interest. The investigation is required to ensure that any archaeological remains on the site can be preserved wherever possible and recorded, in accordance with policy CS14 of the Core Strategy and

Urban Core Plan for Gateshead and Newcastle Upon Tyne and policies: ENV21 & ENV22 of the saved Unitary Development Plan.

8

No part of the development shall be occupied until a report detailing the results of the archaeological fieldwork undertaken has been produced in a form suitable for publication in a suitable and agreed journal and has been submitted to and approved in writing by the Local Planning Authority prior to submission to the editor of the journal.

Reason

The site is located within an area identified as being of potential archaeological interest. The investigation is required to ensure that any archaeological remains on the site can be preserved wherever possible and recorded, in accordance with policy CS14 of the Core Strategy and Urban Core Plan for Gateshead and Newcastle Upon Tyne and policies: ENV21 & ENV22 of the saved Unitary Development Plan.

9

Development shall not commence on the construction of the development until an intrusive land contamination assessment and coal mining assessment, in addition to any assessments provided with the planning application, has been completed in accordance with a scheme to assess the nature and extent of any contamination on the site and whether or not it originates on the site and any coal mining legacies which exist under the site. The contents of the scheme are subject to the approval in writing of the Local Planning Authority. The investigation and risk assessment must be undertaken by competent persons and a written report of the findings must be produced. The written report is subject to the approval in writing of the Local Planning Authority. The report of the findings must include-

(i) a survey of the extent, scale and nature of contamination and coal mining legacy

(ii) an assessment of the potential risks to,

- land stability
- human health,
- property (existing or proposed) including buildings, pets, service lines and pipes,
- adjoining land,
- groundwaters and surface waters,
- ecological systems,
- archaeological sites and ancient monuments,

(iii) an appraisal of remedial options, and proposal of the preferred option(s) including a timeline for implementation.



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 and coal mining legacies to the future users of the land and neighbouring land are minimised, together with those to be controlled in accordance with policy CS14 of the Core Strategy and Urban Core Plan for Gateshead and Newcastle Upon Tyne and policies DC1 and ENV54 of the Unitary Development Plan.

**10**

The remediation and mitigation schemes approved under Condition 9 must be carried out in accordance with its terms prior to the commencement of development other than that required to carry out demolition and remediation, unless otherwise approved in writing by the Local Planning Authority. The Local Planning Authority must be given two weeks written notification of commencement of the remediation scheme works.

Following completion of measures identified in the approved remediation scheme, a verification report that demonstrates the effectiveness of the remediation carried out must be produced, and is subject to the approval in writing of the Local Planning Authority.

**Reason**

To ensure that risks from land contamination and coal mining legacies to the future users of the land and neighbouring land are minimised, together with those to be controlled in accordance with policy CS14 of the Core Strategy and Urban Core Plan for Gateshead and Newcastle Upon Tyne and policies DC1 and ENV54 of the Unitary Development Plan.

**11**

In the event that contamination is found at any time when carrying out the approved development that was not previously identified it must be reported in writing immediately to the Local Planning Authority. An investigation and risk assessment must be undertaken in accordance with the requirements of condition 9 and where remediation is necessary a remediation scheme must be prepared in accordance with the requirements of condition 10; (Submission of Remediation Scheme), 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 in accordance with condition (Implementation of Approved Remediation Scheme).

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 policy CS14 of the Core Strategy and Urban Core Plan for Gateshead and Newcastle Upon Tyne and policies DC1 and ENV54 of the Unitary Development Plan.

12

The construction of the development hereby approved shall not be commenced until a detailed drainage assessment and SuDS scheme, in accordance with the CIRIA SuDS Manual (C697) and Update has been submitted to and approved in writing by the Local Planning Authority. The assessment and scheme shall consider the DEFRA Non Technical Standards for SuDS and shall include: infiltration testing, detailed designs of the SuDS components (green roof, soakaways, rainwater harvesting), flow controls; health and safety risk assessment; construction method statement (refer to CIRIA guidance - Construction Method Statements RP992/22)); a maintenance plan (refer to CIRIA guidance on maintenance plan RP992/21) and evidence to demonstrate that there is adequate foul and surface water public sewerage capacity based on NWL's agreed discharge volumes and rates before connecting to the public sewerage system.

The maintenance plan should include the arrangements to secure the operation of the drainage scheme (including tanks, pumps, flow control, soakaways and green roof) throughout the lifetime of the development.

Reason

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

13

The SuDS scheme shall be implemented in accordance with the details approved under condition 12, prior to the development hereby approved being first occupied and shall be retained as such thereafter.

Reason

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

14

Construction of the new development hereby approved 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 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.

15

The materials used shall be in accordance with the details approved under condition 14 unless otherwise approved in writing by the Local Planning Authority.

Reason

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

16

Construction of the new development hereby approved shall not commence above foundation level until an updated sustainability statement which demonstrates the sustainable measures that will be implemented in the development and how the development will comply with policy CS16 of the Core Strategy and Urban Core Plan for Gateshead and Newcastle Upon Tyne and a timetable for implementation.

Reason:

To ensure that the development is sustainable and reduces carbon emissions in accordance with Policy MWR35 in the Unitary Development Plan and policy CS16 of the Core Strategy and Urban Core Plan for Gateshead and Newcastle Upon Tyne

17

The sustainable energy measures shall be implemented in accordance with the details and timetable, submitted and approved under condition 16.

Reason

To ensure that the development is sustainable and reduces carbon emissions in accordance with Policy MWR35 in the Unitary Development Plan and policy CS16 of the Core Strategy and Urban Core Plan for Gateshead and Newcastle Upon Tyne

18

Before the development hereby approved is first occupied an updated noise assessment which covers the rear (west facing facade) of the development along with final details of a noise control scheme shall be submitted to and approved in writing by the Local Planning Authority.

Reason

In the interests of the amenity of nearby occupiers and in accordance with policy CS14 of the Core Strategy and policies DC1, DC2 and ENV61 of the Unitary Development Plan.

19

The development hereby approved shall be implemented in accordance with the updated noise control scheme approved under condition 18.

Reason

In the interests of the amenity of nearby occupiers and in accordance with policy CS14 of the Core Strategy and policies DC1, DC2 and ENV61 of the Unitary Development Plan.

20

No part of the development hereby approved shall be first occupied until the loading bay on Hopper Street has been implemented in accordance with the details shown on the approved plan SP-01Rev A and shall be retained as such thereafter unless otherwise approved in writing by the Local Planning Authority.

Reason

To ensure a satisfactory standard of development, in the interests of visual amenity and highway safety in accordance with policy ENV3 of the Unitary Development Plan and policy, UC12, UC16 and CS13 of the Core Strategy and Urban Core Plan for Gateshead and Newcastle Upon Tyne.

21

No part of the development hereby approved shall be occupied until the secure cycle parking facilities have been implemented in accordance with the details shown on approved plan SP-01 Rev A. The approved facilities shall be retained as such thereafter unless otherwise approved in writing by the Local Planning Authority.

Reason

In order to ensure adequate provision for cyclists and in compliance with policy DC4 of the Unitary Development Plan, policy CS13 of the Core

Strategy and Urban Core Plan for Gateshead and Newcastle Upon Tyne and the Gateshead Council Cycling Strategy.

22

No part of the development hereby approved shall be occupied until a scheme for public art, including a timetable for its implementation has been submitted to and approved in writing by the Local Planning Authority.

Reason

In the interests of amenity and accordance with policy UC17 of the Core Strategy and Urban Core Plan for Gateshead and Newcastle Upon Tyne.

23

The scheme for public art shall be implemented in accordance with the scheme approved under condition 22. The approved artwork shall be retained as such thereafter unless otherwise approved in writing by the Local Planning Authority.

Reason

In the interests of amenity and accordance with policy UC17 of the Core Strategy and Urban Core Plan for Gateshead and Newcastle Upon Tyne.

24

No part of the development hereby approved shall be first occupied until a Travel Plan has been submitted to and approved in writing by the Local Planning Authority.

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

- 1) Reduction in car usage and increased use of public transport, walking and cycling;
- 2) A programme of continuous review of the approved details of the Travel Plan and the implementation of any approved changes to the plan.
- 3) A review of the travel plans implementation over a minimum period of 12 months.

Reason

In order to accord with policy CS13 of the Core Strategy and Urban Core Plan for Gateshead and Newcastle Upon Tyne and policy T1 of the Unitary Development Plan.

25

The Travel Plan shall be implemented in accordance with the details and timescales approved under condition 24 and retained as such thereafter unless otherwise approved in writing by the Local Planning Authority.

Reason

In order to accord with policy CS13 of the Core Strategy and Urban Core Plan for Gateshead and Newcastle Upon Tyne and policy T1 of the Unitary Development Plan.

26

Prior to the development hereby approved being first occupied full details of the landscaping proposals within the private courtyard, incorporating trees, shrubs and herbaceous species that are particularly beneficial to wildlife shall be submitted to and approved in writing by the Local Planning Authority. The details shall include a timetable for landscaping to be implemented.

Reason

To ensure that the approved landscaping scheme is completed in the interests of the visual amenity of the area and in accordance with policies CS15 and CS18 of the Core Strategy and policies DC1, ENV3 and ENV47 of the Unitary Development Plan.

27

The landscaping scheme shall be implemented in accordance with the timetable approved under condition 26.

Reason

To ensure that the approved landscaping scheme is completed in the interests of the visual amenity of the area and in accordance with policies CS15 and CS18 of the Core Strategy and policies DC1, ENV3 and ENV47 of the Unitary Development Plan.

28

A minimum of 2 % of the units shall be wheelchair accessible.

Reason

To ensure an appropriate supply of housing to wheelchair homes standards in accordance with Policy H10 of the Unitary Development Plan and policy CS11 of the Core Strategy and Urban Core Plan for Gateshead and Newcastle upon Tyne.

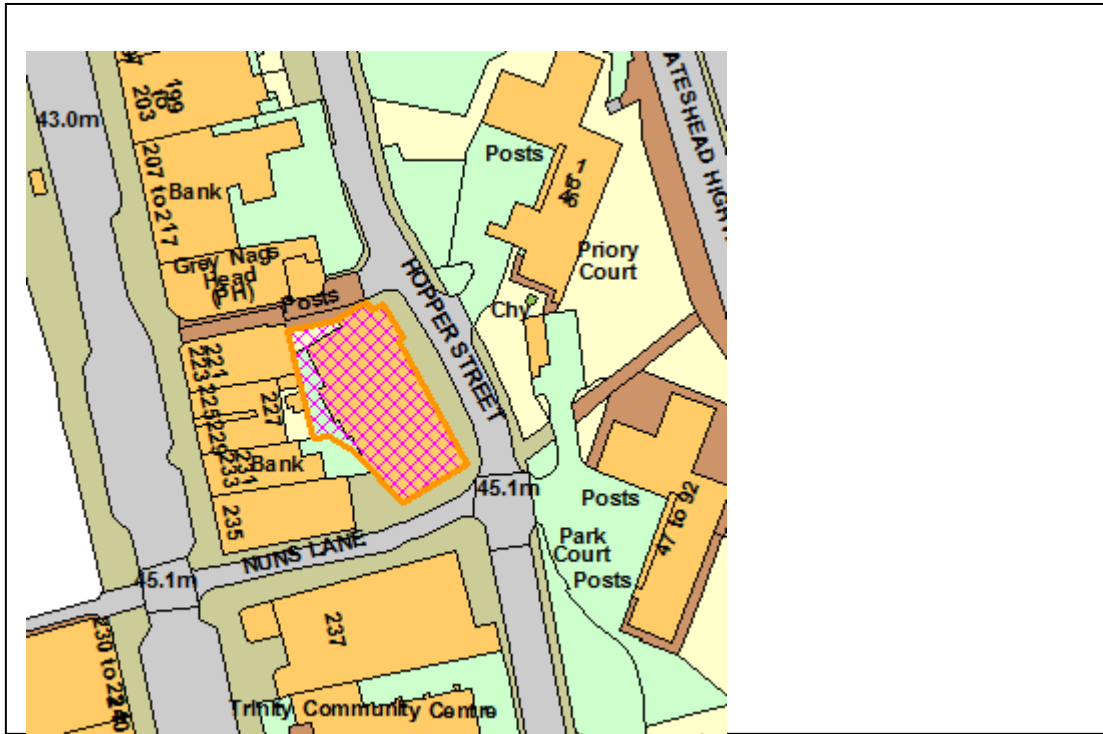
29

A minimum of 10% of the units shall be built to lifetime homes standards and shall be retained as such thereafter.

Reason

To ensure an appropriate supply of housing to lifetime homes standards in accordance with Policy H9 of the Unitary Development Plan and

policy CS11 of the Core Strategy and Urban Core Plan for Gateshead and Newcastle upon Tyne.



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# **UPDATE**

**REPORT OF THE  
STRATEGIC DIRECTOR, COMMUNITIES AND ENVIRONMENT**

**TO THE PLANNING AND DEVELOPMENT COMMITTEE ON  
13 September 2017**

Please note this document should be read in conjunction with the main report of the Strategic Director, Communities and Environment.

**MINOR UPDATE**

<b>Application No:</b>	<b>DC/17/00536/FUL</b>
<b>Site:</b>	<b>Contex Office Services Ltd Hopper Street Gateshead NE8 3JJ</b>
<b>Proposal:</b>	<b>Demolition of existing warehouse and construction of part 8, part 7 storey residential development including 82no. residential studios and ancillary facilities. (Amended 23.08.2017 Relocation of loading bay onto Hopper Street)</b>
<b>Ward:</b>	<b>Bridges</b>
<b>Recommendation:</b>	<b>Grant subject to S106</b>
<b>Application Type</b>	<b>Full Application</b>

**Reason for Minor Update****Further representations made**

Following amendments made to the proposal, neighbouring residents were re-notified on the amendments, which included the re-location of the loading bay onto Hopper Street.

A further 12 letters of objection have been received. In addition to the issues previously raised and set out in the officer's report, new issues that have been raised are summarised below:

- The building is too high and is contrary to the recommendations provided by the Urban Design Officer.
- The daylight and sunlight assessment does not take into account kitchens.
- The development will limit access to fresh air and people's allergies would be exasperated by dust and debris from demolition and construction work.
- Erection of scaffolding and the use of machinery in this location would pose a health and safety risk.
- The works will disrupt vermin and overnight the site if left unattended would could be used for fly tipping. Alternatively the site will have security and a generator running to provide services for the security people, which would cause disruption to neighbours.

In response to the issues raised above, whilst the urban design officer had some concerns about the height of the building at pre-application stage, he considered that the building as submitted, has been well designed to minimise its visual prominence to give the perception of a lower building and the carefully considered choice of façade materials, finishes and colours assists in breaking up the building mass even further. As a result and taking into account the height of surrounding

**buildings and for the reasons set out in the officers report, it is considered the height of the proposed building is acceptable.**

**With regards to the impact on daylight and sunlight it is considered the submitted report provides an accurate assessment and for the purpose of assessing daylight and sunlight the size of the kitchens in Priory, Park and Peareth Courts are not large enough to constitute habitable rooms.**

**The concern over dust and debris has been addressed through condition 4 and although it cannot be guaranteed there will be no dust in the air, it is considered dust and debris can be kept to an acceptable level.**

**Issues such as the safety of scaffolding etc. would be dealt with through separate legislation as would the safety of the site, amenity issues caused by the security and any vermin issues.**

**SEE MAIN AGENDA FOR OFFICERS REPORT.**

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**Committee Report**

<b>Application No:</b>	<b>DC/17/00610/HHA</b>
<b>Case Officer</b>	<b>Joanne Munton</b>
<b>Date Application Valid</b>	<b>6 June 2017</b>
<b>Applicant</b>	<b>Mr Russell Urwin</b>
<b>Site:</b>	<b>26 Hollinhill Lockhaugh Rowlands Gill NE39 1AZ</b>
<b>Ward:</b>	<b>Winlaton And High Spen</b>
<b>Proposal:</b>	<b>Two storey side extension and dormer window to rear (amended plans received 03.08.2017)</b>
<b>Recommendation:</b>	<b>GRANT</b>
<b>Application Type</b>	<b>Householder Application</b>

**1.0 The Application:**

**1.1 DESCRIPTION OF SITE**

The application relates to a 2 storey brick built semi-detached property with pitched tiled roof. The dwelling faces south east and is attached to neighbours at no.28 to the south west. There is a single storey garage attached and a walkway between this and the garage serving no.24 to the north east.

1.2 Existing additions to the property comprise a single storey rear extension spanning the width of the main dwelling (excluding the garage) and a first floor element above this on the north eastern side of the rear elevation.

1.3 Land levels slope gently downwards from the northeast to the southwest.

1.4 The application site lies in the Green belt within the Lockhaugh Settlement Envelope as designated in the UDP.

**1.5 DESCRIPTION OF APPLICATION**

The application proposes a first floor extension above the garage and a two storey extension to the rear of the garage as a continuation of this element. The proposal is also for a dormer on the rear roof slope.

**1.6 RELEVANT PLANNING HISTORY**

DC/06/00294/FUL - Erection of part single-storey/part two-storey extension at rear of dwellinghouse - granted 26.04.2006

**2.0 Consultation Responses:**

None

**3.0 Representations:**

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

An objection has been received from Councillor Charlton:

The proposed extension is large and will affect the light coming into the neighbouring property;  
The proposed extension would affect the privacy of the neighbouring property.

Councillor Charlton has requested to speak at Planning Committee.

Three objections have been received from residents regarding the scheme initially submitted:

Inaccurate description of proposal as it includes a loft conversion;  
Proposal is out of character with the area;  
Loss of light at neighbouring properties and gardens;  
Loss of privacy in neighbouring gardens;  
Overdevelopment and proposal out of scale with the surrounding properties.

Three further objections have been received from residents regarding the amended plans that have been submitted:

Inaccurate description of proposal as it includes a loft conversion;  
The site plan cannot be scaled in the absence of a scale line or dimensions and the west elevation drawing does not provide all dimensions;  
The site plan does not show property boundaries correctly;  
The site plan does not show the footprint of adjacent properties correctly;  
The 3D image does not show the adjacent properties or boundary fence correctly;  
The proposal would be out of keeping with the character of the street scene, would be visually intrusive and would reduce light/result in overshadowing at neighbouring properties;  
Impact on the Green Belt;  
The proposal would have an overbearing and oppressive effect;  
Loss of privacy at neighbouring properties;  
Impact on access to the rear of neighbouring properties;  
Previous reasons for objection have not been addressed in amended plans.

#### **4.0 Policies:**

NPPG National Planning Practice Guidance

NPPF National Planning Policy Framework

DC2 Residential Amenity

ENV3 The Built Environment - Character/Design

CS13 Transport

CS14 Wellbeing and Health

CS15 Place Making

CS19 Green Belt

ENV38 Washed-Over Settlements in Green Belt

HAESPD Householder Alterations- Extensions SPD

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

- 5.1 The key considerations to be taken into account when assessing this planning application are Green Belt, visual amenity and residential amenity.
- 5.2 **GREEN BELT**  
The site is in the Green Belt and part 9 of the NPPF sets out the national policy for development within the Green Belt. Policy CS19 of the CSUCP reflects the NPPF.
- 5.3 The site is also within the Lockhaugh Green Belt settlement envelope as defined by saved policy ENV38 of the UDP, which states that providing that it does not have an adverse effect on the character of the settlement concerned and satisfies other detailed planning considerations, infilling development within the envelopes will be allowed.
- 5.4 The development is not considered to have a detrimental impact on the openness of the Green Belt, nor would it have an adverse effect on the character of Lockhaugh as a settlement; in addition, as the proposed dormer could be provided in isolation under permitted development rights, the applicant would have this fall back position.
- 5.5 It is therefore considered that the development accords with policy CS19 of the Core Strategy and Urban Core Plan, policy ENV38 of the UDP and the National Planning Policy Framework.
- 5.6 **VISUAL AMENITY**  
The first floor extension above the garage would be widely visible. There are examples of extensions over garages along the street and it is considered that the proposal would not have an unacceptable impact on the streetscene.
- 5.7 The proposed dormer and projection from the rear of the garage are elements typical of a rear elevation in the area. For example, there are rear dormers at properties along Hollinhill and Deneway (to the south) and there are rear extensions on Hollinhill, with some joined to first floor extensions over garages, for example at no.22.

- 5.8 The first floor extension over the garage would not result in a terracing effect as the existing space between the host property's garage and the garage to no.24 would be retained. It is considered that the proposal would not be out of character with the street scene and would not result in overdevelopment of the property. In any event, the dormer in isolation could be installed under permitted development rights.
- 5.9 The proposal would respect local distinctiveness and character and it would comply with the aims and requirements of saved policy ENV3 of the UDP and policy CS15 of the CSUCP and The Householder Alterations and Extensions SPD.
- 5.10 RESIDENTIAL AMENITY  
The host property is attached to neighbours at no.28 to the south west and there are detached neighbours to the north east at no.24.
- 5.11 The projection of the proposed extension to the rear of the garage would reflect that of the single storey extension to the garage of neighbours at no.24. The proposed first floor extension over the garage would bring the two storey part of the host dwelling closer to the boundary with neighbours with no.24. However, given the retention of the walkway between the two properties and the limited projection to the rear, it is considered that the proposed two storey element would not have an unacceptable overbearing impact on neighbouring properties.
- 5.12 Additionally, given the orientation of the properties, the proposed two storey element would result in additional overshadowing in the afternoon at neighbouring properties to the north east. However, consideration is given to the existing situation as a result of the orientation of properties on the street and it is considered that the proposed first floor/two storey extension would not result in an unacceptable loss of light at neighbouring properties.
- 5.13 The window in the side elevation of the proposed first floor extension (which would serve a bedroom) would be high level. It is understood that the window on the side elevation of the neighbouring property at no.24 serves a stairwell (which is not a habitable room), as a result it is considered the first floor/two storey extension would not result in an unacceptable loss of privacy at neighbouring properties.
- 5.14 Furthermore, as above, the dormer in isolation could be installed under permitted development rights without planning permission. Notwithstanding this, it is considered that the proposed dormer would not result in an unacceptable loss of light or privacy, or an overbearing impact at neighbouring properties.
- 5.15 The proposal would not conflict with the aims and requirements of saved policy DC2 of the UDP and policy CS14 of the CSUCP and The Householder Alterations and Extensions SPD.
- 5.16 OTHER MATTERS



Internal works to a property to create a loft conversion are not within the definition of development. External works such as dormers and rooflights are development and those features that exceed the limitations of the permitted development require planning permission. Therefore, the proposal description is considered to be accurate.

- 5.17 The application plans are at a correct scale and can be measured accurately.
- 5.18 A site visit has been made and officers are aware of the features of neighbouring properties and the relationships with the application site.

## **6.0 CONCLUSION**

- 6.1 Taking all the relevant issues into account, it is considered that the proposed development is acceptable in terms of Green Belt, visual and residential amenity, and would comply with the aims and objectives of the NPPF, and the relevant policies of the UDP and the CSUCP and The Householder Alterations and Extensions SPD.
- 6.2 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

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

Location Plan 1518/AG(00)01  
1518/AG(02)02 revB  
1518/AG(02)06  
1518/AG(03)03 revA  
1518/AG(03)04 revD  
1518/AG(03)05 revC  
1518/AG(03)07 revC  
1518/AG(03)08 revD

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

Reason

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

2

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

Reason

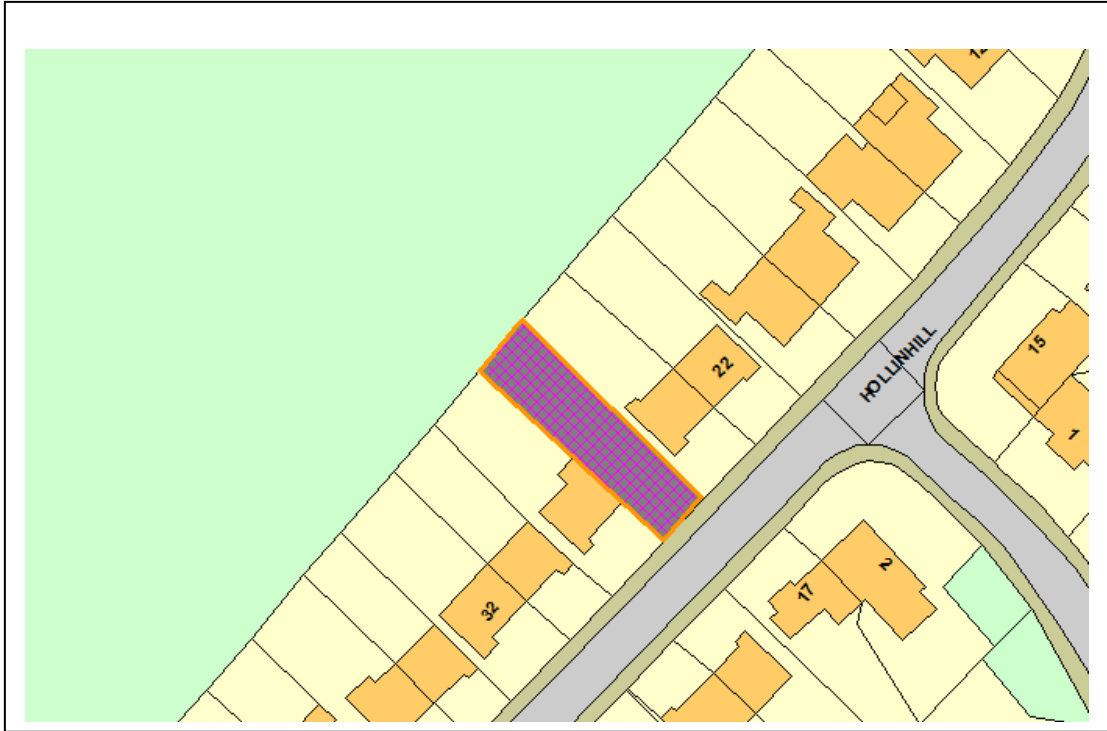
To comply with section 91 of the Town and Country Planning Act 1990 as amended by section 51 of the Planning and Compulsory Purchase Act 2004.

3

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

Reason

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



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**Committee Report**

<b>Application No:</b>	<b>DC/17/00673/FUL</b>
<b>Case Officer</b>	<b>Graham Stephenson</b>
<b>Date Application Valid</b>	<b>11 July 2017</b>
<b>Applicant</b>	<b>Mr Andrew Brough</b>
<b>Site:</b>	<b>Nursery Lane Gateshead</b>
<b>Ward:</b>	<b>Deckham</b>
<b>Proposal:</b>	<b>Erection of two flats on vacant land (Amended 23.08.2017)</b>
<b>Recommendation:</b>	<b>GRANT</b>
<b>Application Type</b>	<b>Full Application</b>

**1.0 The Application:**

**1.1 DESCRIPTION OF THE APPLICATION SITE**

The application site is an irregular shaped parcel of land at the southern end of an existing row of terraced houses on Nursery Lane. The site is currently a vacant area of wasteland which measures approx. 177m<sup>2</sup>. The site, with a narrow frontage onto Nursery Lane, gradually increases in width towards the rear lane.

1.2 The site is roughly grassed and bound to the south by the rear lane of properties along Carr Hill Road and west by rear lane of properties along Iona Road. The land has a frontage onto Nursery Lane to its east and is bound by the gable of the two storey end of terrace property at 3 Nursery Lane.

1.3 Although there is no history for the site on the planning records it is understood that the site historically comprised of a residential property that has since been demolished. It is thought that the now demolished building may have been two Tyneside flats which completed the existing terrace of properties although this has not been confirmed.

**1.4 DESCRIPTION OF THE APPLICATION**

The application proposes the construction of two flats in a Tyneside Flat arrangement which will form an end of terrace property. The ground floor flat is proposed to be 2 bedrooms with the upstairs flat 3 bedrooms. To the rear there is proposed to be a two-storey off shot providing kitchens and bathrooms for the flats and a shared yard.

1.5 Due to the shape of the land, the south facing gable elevation is angled in line with the back lane, however the boundary wall of the rear yard has been chamfered to provided better visibility for pedestrians and vehicles. The chamfering of the wall is an amendment but it wasn't considered necessary to re-notify neighbours.

1.6 Materials are proposed to match the existing terrace.

1.7 **PLANNING HISTORY**

There is no planning history available for the site but it is understood there has previously been a dwelling on the site.

**2.0 Consultation Responses:**

Northumbria Water

No Objections but advise to 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. A 119 name petition has been received objecting to the application but no reasons have been given. Councillor Gannon has also requested the application is referred to the Planning and Development Committee.

**4.0 Policies:**

NPPF National Planning Policy Framework

NPPG National Planning Practice Guidance

CS11 Providing a range and choice of housing

CS13 Transport

CS14 Wellbeing and Health

CS15 Place Making

DC2 Residential Amenity

ENV3 The Built Environment - Character/Design

ENV54 Dev on Land Affected by Contamination

ENV61 New Noise-Generating Developments

DC1P Contamination, derelict land, stability

H2 Five Year Supply Figures

H4 Windfall and Small Housing Sites

H5 Housing Choice

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

- 5.1 The main planning issues in this case are the principle of development and the impact on amenity and highway safety.
- 5.2 **PRINCIPLE OF DEVELOPMENT**  
CSUCP policy CS11(1) requires that a minimum of 60% of new private housing across the plan area is suitable and attractive for families (i.e. homes with three or more bedrooms). The proposal is for the development of one ground floor, 2 bedroom (3 person) flat, and one first floor, 3 bedroom (4 person) flat, which contributes to this policy objective. The proposal also provides windfall housing which will help towards achieving housing targets for the area.
- 5.3 As a result it is considered the proposed development is in accordance with the aims and objectives of the relevant paragraphs in the National Planning Policy Framework (NPPF) as well as policy CS11 of the Core Strategy and Urban Core Action Plan (CSUCP) and policies H2, H4 and H5 of the Unitary Development Plan (UDP).
- 5.4 **AMENITY**  
The scale and design of the proposed development, all be it for two flats rather than a single terrace dwelling, is considered to be in keeping with the scale and appearance of surrounding properties and subject to matching materials (CONDITION 3) would not detract from the visual amenity of the area. It is accepted that the development would result in an area of green space being lost but the space does not add any value to the area and there are a number of examples in the area where properties are built right up to the edge of the lane. In addition it is understood that the land was previously built on.
- 5.5 Taking this into account it is considered the proposed development would not conflict with the aims and objectives of the NPPF, policy CS15 of the CSUCP or policy ENV3 of the UDP.
- 5.6 With regards to the amenity of neighbouring residents, where the arrangement is terrace streets with tight back lanes a level of close quarter living and mutual overlooking is to be expected. This development would have the same relationship with the properties on Iona Road as the existing properties along Nursery Lane do and this is considered acceptable.
- 5.7 In terms of more specific impacts, the property on Iona Road, immediately to the rear of the application has a two storey off shot which projects to the rear lane but there are no windows in the rear elevation of that off shot. The next property down which appears to be two flats, has a smaller off shot but with a bathroom window and which then obscures the main windows at first floor. The ground floor windows are already obscured by the high boundary treatment. It is acknowledged the back door of the first floor flat would be at the end of the proposed two-storey off shot but there are other examples of this arrangement on the street and is not considered to be unacceptable.

- 5.8 As the neighbouring property to the north on Nursery Lane has already been extended and has no windows serving habitable rooms to the rear, it is considered the projection of the proposed off shot is acceptable. Two storey off shots along the back of Nursery Lane are also common place.
- 5.9 The same applies to the rear of Carr Hill Road where windows serving habitable rooms are already obscured by off shots and are set sufficiently far enough away from the blank gable end of the proposed development for the impact on residential amenity to be considered acceptable.
- 5.10 Hours of construction can be controlled through a condition (CONDITION 6).
- 5.11 Therefore on balance, taking into account the established relationship between properties in the area and the benefit of bringing this vacant piece of land back into use, the proposed development is not considered to conflict with the aims and objectives of the NPPF, policy CS14 of the CSUCP and policy DC2 of the UDP.
- 5.12 **HIGHWAY SAFETY**  
The absence of dedicated off-street parking is undesirable however on-street space is available and it is typical of other terraced properties in this street not to have private parking facilities.
- 5.13 As no footpath is proposed the line of the wall around the rear yard has been amended to allow better visibility for vehicles and pedestrians egressing from the back line.
- 5.14 Secure cycle storage should be provided within the back yard and this can be conditioned (CONDITION 4).
- 5.15 In light of the above it is considered the proposed development does not conflict with the aims and objectives of the NPPF or policy CS13 of the CSUCP.
- 5.16 **CONTAMINATED LAND**  
In accordance with policy CS14 of the CSUCP and policy ENV54 of the UDP, the risk of contamination is considered to be low and no further investigations are required. However should any new contamination be discovered appropriate investigations would be required and this can be conditioned (CONDITION 5).
- 5.17 **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.
- 5.18 There are no toddler 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.



- 5.19 There are junior and teenage recreation facilities on Carr Hill Road but 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.
- 5.20 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 site referred to above or provide new facilities. Therefore the Council cannot seek any further obligations in respect of these matters.
- 5.21 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.
- 5.22 **COMMUNITY INFRASTRUCTURE LEVY**  
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. However the development is located within a Charging Zone with a levy of £0 per square metre for this type of development.

## **6.0 CONCLUSION**

- 6.1 Taking all relevant issues into account it is recommended that planning permission is granted, subject to conditions as the principle of development and the impact on amenity and highway safety is considered to be acceptable and in accordance with national and local planning policy.

## **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 -

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

Reason

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

2

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

Reason

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

3

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

4

Prior to the first occupation of each property, secure cycle parking facilities shall be provided for that property within the site and thereafter permanently retained.

Reason

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

5

In the event that contamination is found at any time when carrying out the approved development that was not previously identified it must be reported in writing immediately to the Local Planning Authority. An investigation and risk assessment must be undertaken and where remediation is necessary a remediation scheme 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**

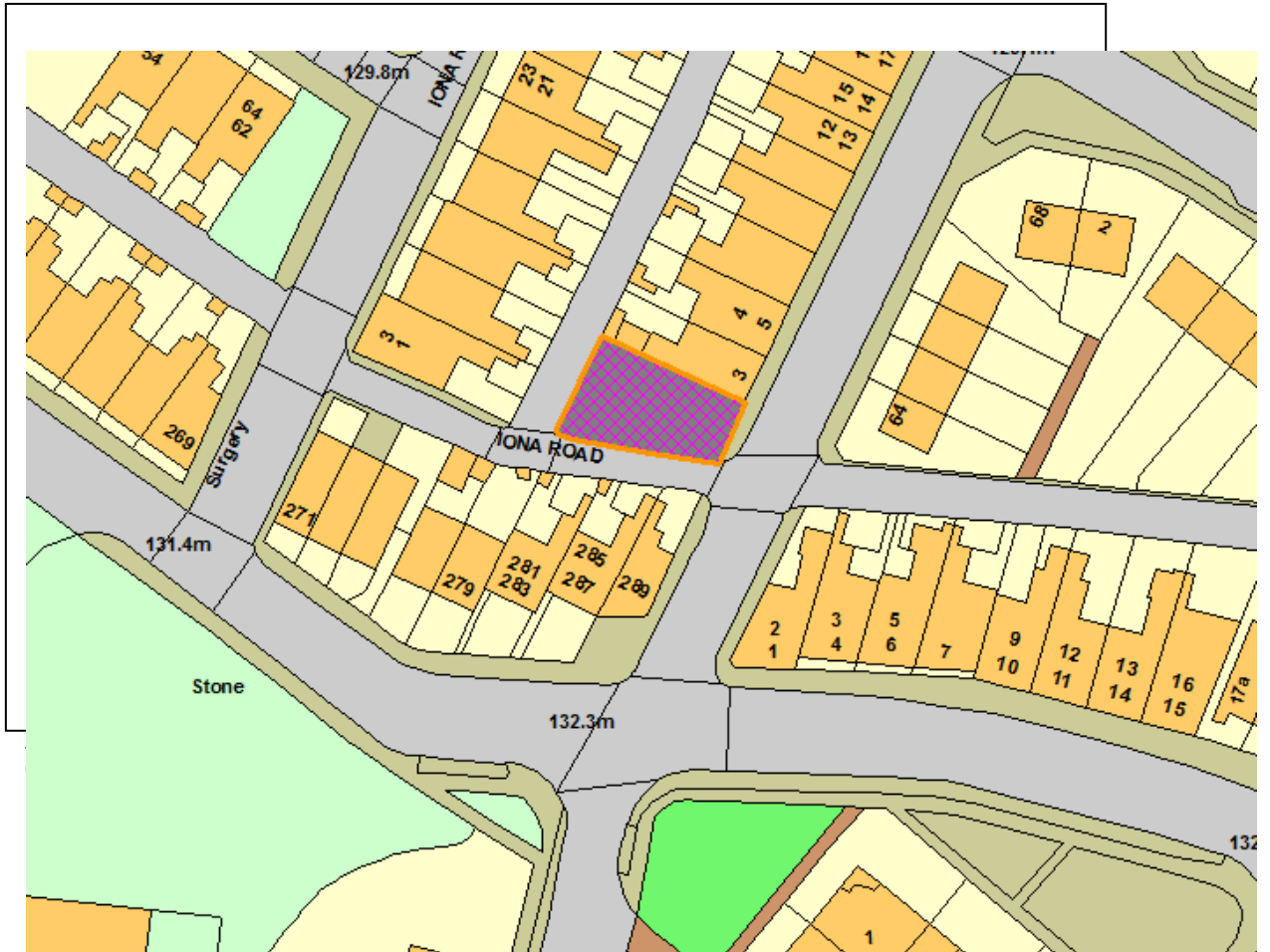
To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and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

6

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



**Committee Report**

<b>Application No:</b>	<b>DC/17/00742/FUL</b>
<b>Case Officer</b>	<b>Lois Lovely</b>
<b>Date Application Valid</b>	<b>7 July 2017</b>
<b>Applicant</b>	<b>North East Prestige Homes</b>
<b>Site:</b>	<b>The Vigo Hartside Vigo Birtley DH3 2EW</b>
<b>Ward:</b>	<b>Birtley</b>
<b>Proposal:</b>	<b>Erection of 10 dwellinghouses including 4 pairs of semi-detached houses and 2 detached houses (amended plans and additional information received 01/08/17, 09/08/17 and 22/08/17).</b>
<b>Recommendation:</b>	<b>GRANT</b>
<b>Application Type</b>	<b>Full Application</b>

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

The application site is the vacant site of the former Vigo Public House located on the junction of Langdale and Eskdale in Birtley. The pub was vacant for some time and the building and site became untidy and a target for flytipping. It was demolished some years ago to address numerous complaints about the condition of the building and site.

1.2 A parade of 4 shops with residential accommodation above continues the former building frontage to Eskdale to the north and is separated from the application site by a footway running along the gable end of the southern most shop. To the south, east and western boundaries of the site is existing two storey residential development. To the northern boundary to the rear of the parade of shops is a large car park accessed from Hartside which forms the western boundary of the site. The car park is bounded to north and west by two blocks of eleven lock up garages in each block. Servicing of the shop units occurs from the car park. A footway links the north eastern corner of the car park to the front of the properties on Hartside and the open space beyond.

1.3 There is a strip of land, approximately 2.5m wide, running along the western boundary of the development site. At present there is a low level wall with poor quality shrubbery within this area. The land is not registered therefore the applicant has publicised the application in the press and provided evidence that the appropriate procedure for when a planning application includes land where the owner is not known has been followed.

1.4 A sewer crosses the site along the eastern and southern boundaries which is a constraint on the layout of this scheme. There is an easement over the sewer

such that there can be no fixed buildings or structures over or close to it, and any landscaping or parking areas must comply with this easement.

#### 1.5 DESCRIPTION OF THE PROPOSAL

The proposal is to erect 10 dwellinghouses, as four pairs of semi detached two storey three bedroomed dwellings and two detached two storey three bedroomed dwellings all with off street parking on drives and one with an integral single garage.

1.6 Three pairs of the semi detached dwellings face onto Langdale and they all have a drive onto Langdale. A detached dwelling faces Hartside with a garage and a drive. A detached dwelling on the corner of Langdale and Eskdale has a drive onto Langdale and a pair of semi detached dwellings faces Eskdale with drives.

1.7 The following documents have been submitted with the application:  
A Preliminary Risk Assessment,  
A Design and Access Statement.

#### 1.8 PLANNING HISTORY

DC/11/00758/FUL Erection of 2 semi detached, 1 detached, a terrace of 4 and a terrace of 3 dwellinghouses (use class C3) and associated work (amended 21/10/11). Granted subject to a S106 re play areas 23 May 2012.

#### **Consultation Responses:**

Northumbria Water

Northumbrian Water received a pre application enquiry from the applicant to ascertain suitable connection points and discharge rates to the public sewer network. The response to this enquiry, was submitted with the planning application, and stated that a restricted surface water discharge rate of 10l/sec would be permitted to discharge to the existing 225mm diameter surface water sewer at manhole 9202.

NWL notes that the proposed drainage plan submitted with the application includes the discharge of surface water to the combined sewer within the site. As the planning application does not include a drainage strategy that has been agreed with Northumbrian Water, NWL have requested imposition of a condition.

Tyne And Wear  
Archaeology Officer

The application site is not considered to be an area of archaeological interest. Therefore, no archaeological conditions are required for this scheme.

Tyne And Wear Fire And Rescue Service      No objections

### **3.0 Representations:**

No representations have been received.

### **4.0 Policies:**

NPPF National Planning Policy Framework

NPPG National Planning Practice Guidance

CFR20 Local Open Space

CFR21 Neighbourhood Open Spaces

CFR22 Area Parks

CFR28 Toddlers' Play Areas

CFR29 Juniors' Play Areas

CFR30 Teenagers' Recreation Areas

DC1C Landform, landscape and after-use

DC1P Contamination, derelict land, stability

DC2 Residential Amenity

ENV3 The Built Environment - Character/Design

ENV54 Dev on Land Affected by Contamination

ENV61 New Noise-Generating Developments

H4 Windfall and Small Housing Sites

H9 Lifetime Homes

H10 Wheelchair Housing

MWR35 Micro-Renewables, Energy Efficiency

CS11 Providing a range and choice of housing

CS13 Transport

CS14 Wellbeing and Health

CS15 Place Making

CS16 Climate Change

CS17 Flood Risk and Waste Management

CS18 Green Infrastructure/Natural Environment

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

5.1 The main planning considerations are the principle of residential development, play provision and open space, land contamination, flood risk, layout and design and impact on the appearance of the area, renewable energy, residential amenity, and highway safety.

### **5.2 PRINCIPLE**

Residential development on this site was granted through the previous planning permission DC/11/00758/FUL in 2011 although this consent was not implemented. Since that time the NPPF and the Core Strategy have become adopted policy and therefore the principle of residential development must be considered in the new policy context.

### **5.3 NPPF**

The National Planning Policy Framework (NPPF) sets out the Government's planning policies for England and how these are expected to be applied. Paragraph 14 states that there is a presumption in favour of sustainable development, unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits when assessed against NPPF policies as a whole. Paragraph 49 of the NPPF also states that housing applications should be considered in the context of the presumption in favour of sustainable development.

5.4 As the application site is not specifically allocated for housing in the UDP, proposals for housing need to be considered in terms of windfall housing, under Saved policy H4 of the UDP. Policy H4 gives a number of criteria that need to be assessed.

5.5 It is considered that the proposed development would comply with the requirements of (a) and (b) of the policy; it is considered that the proposal would not lead to a significant impact on housing numbers. In regard to criterion (c) the application site has access to regular bus services to shops and services.

5.6 In regard to criterion (d), there is no known problem with the capacity of infrastructure for utilities. In regard to criterion (e) it is considered that the size of the development would have the ability to sustain or build the local community.

5.7 In regard to criterion (f), it is not considered that there would be significant other potential planning benefits of the development.



- 5.8 The proposal therefore complies with the criteria in Saved UDP policy H4.
- 5.9 Relevant policies for the supply of housing should not be considered up-to-date if the local planning authority cannot demonstrate a five-year supply of deliverable housing sites. However, in Gateshead this is demonstrated and therefore our policies are considered up to date.
- 5.10 NPPF paragraph 50 states to deliver a wide choice of high quality homes, widen opportunities for home ownership and create sustainable, inclusive and mixed communities, local planning authorities should:
- plan for a mix of housing based on current and future demographic trends, market trends and the needs of different groups in the community (such as, but not limited to, families with children, older people, people with disabilities, service families and people wishing to build their own homes);
  - identify the size, type, tenure and range of housing that is required in particular locations, reflecting local demand.
- 5.11 Range and choice of housing  
The Local Plan seeks to increase the range and choice of housing across Gateshead by improving the balance of the Borough's housing stock in terms of dwelling size, type and tenure. Accordingly:
- 5.12 Family Homes  
CSUCP policy CS11(1) requires that a minimum of 60% of new private housing across the plan area is suitable and attractive for families (i.e. homes with three or more bedrooms). The proposal is for the development of eight, 3 bedroom semi-detached houses, and two, 3 bedroom detached houses, which satisfies this policy objective.
- 5.13 Affordable Homes  
This proposal falls below the policy threshold within CSUCP CS11 (5).
- 5.14 Lifetime Homes and Wheelchair accessible homes  
This proposal falls below the policy threshold within CSUCP CS11 (2) and saved UDP policies H9 and H10.
- 5.15 Suitable accommodation for the elderly  
Policy CS11(3) relates to increasing the choice of suitable accommodation for the elderly population. No specific provision has been made in relation to this policy on this proposed development, it would therefore be desirable to request that some of the proposed dwellings are designed to Lifetime Homes Standard in lieu of the policy requirement however it is not a requirement of the policy.
- 5.16 Residential space standards  
CSUCP Policy CS11(4) requires that new residential development provides "adequate space inside and outside of the home to meet the needs of residents". In March 2015 DCLG published nationally described space standards (NDSS) for new housing whilst the total floorspace of the proposed dwellings does not satisfy NDSS. However, without an evidence base for local floorspaces the national space standards cannot be insisted upon.

- 5.17 Given the above, the principle of the development would be acceptable in terms of windfall housing Saved UDP policy H4 and CSUCP policy CS11.
- 5.18 **PUBLIC OPEN SPACE/PLAY**  
In accordance with policy H13, an area of public recreational open space, and a financial contribution for its maintenance, or equivalent alternative arrangement, proportionate to the anticipated population of the development, should be secured within the site, as the standard set by saved policy CFR20 of the UDP is not met in this neighbourhood.
- 5.19 The proposed dwellings would amount to a projected population of 26 people. This would result in the need for 118sq m of toddler play space. No play area has been indicated onsite in accordance with saved policy H15 of the UDP.
- 5.20 There are no toddler or junior play areas within the maximum distances from the site set by policies CFR28 and CFR29. There is a teenage recreational facility at the Lydford Way five-a-side area but it is insufficient to serve the catchment population. In accordance with saved policy H15 of the UDP, a toddler play area, which may be unequipped, should be provided within the site and a financial contribution, or alternative acceptable arrangement, proportionate to the anticipated population of the development, should be secured towards its maintenance. A financial contribution, or alternative acceptable arrangement, proportionate to the anticipated population of the development, should also be secured towards the provision and maintenance of junior play and teenage recreation facilities to be provided off-site on the basis of this and other pooled contributions.
- 5.21 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, unless specific projects can be identified.
- 5.22 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 therefore cannot seek any further obligations in respect of these matters. Therefore, whilst the proposal is considered to be unacceptable in terms of on-site open space and play space provision and does not accord with saved UDP policies CFR 20, CFR21, CFR22, CFR28, CFR29 and CFR30, it is also not possible to require any contribution for either play or open space provision in this case, based on the above assessment.
- 5.23 Given the above the proposal does not accord with the requirements of the play space policies however due to the pooling restrictions this is considered to be acceptable.
- 5.24 **LAND CONTAMINATION**  
The site was undeveloped until 1974 when it was developed as a public house with surrounding car parks. The Public House has been demolished but foundations and relic hardstanding remain. There is a potential for contamination to exist in any imported made ground used as a development

platform and from any contamination present in the ground (eg asbestos) from building materials / demolition arisings.

- 5.25 The site is not located in a Coal Authority Development High Risk area. The application is supported by a Preliminary Risk Assessment report that recommends a Phase II site investigation and risk assessment be undertaken comprising hand dug trial pits, a series of small percussive boreholes, a series of machine excavated trial pits, gas/groundwater monitoring wells, chemical testing and geotechnical testing.
- 5.26 The conclusions and recommendations of the submitted PRA are considered to be acceptable and a number of conditions are required to ensure an intrusive site investigation with a Phase II Detailed Risk Assessment, including gas monitoring and gas risk assessment, are undertaken where required and requiring a Remediation Strategy, Remediation and Remediation Verification Reports (CONDITIONS 3 - 7).
- 5.27 Given the above, the proposal would be acceptable in terms of contaminated land and could, subject to the recommended conditions, be in accordance with Saved policy ENV54, CSUCP policy CS14 and the NPPF.
- 5.28 **FLOOD RISK AND DRAINAGE**  
Flood Risk  
The application site is located within Flood Zone 1 and therefore has a low probability of flooding. The site is located within the Birtley Critical Drainage Area however the site area is less than 0.5ha so a flood risk assessment is not required.
- 5.29 **SuDS**  
In accordance with the December 2014 Ministerial Statement, Sustainable Drainage Systems should be considered for all developments of 10 dwellings or more unless demonstrated to be inappropriate. Although above ground vegetated SuDS systems are preferred given their benefits to water quality, amenity and biodiversity, given the confined nature of the site and the agreed number of dwellings, an underground surface water attenuation system such as the proposed oversized pipes is considered acceptable.
- 5.30 The developer has not submitted a drainage impact assessment. This is required to demonstrate that the drainage design controls surface water runoff in accordance with the NPPF, Core Strategy Policy CS17, and the DEFRA Non-Statutory Technical Standards for SuDS and can be secured by condition (CONDITIONS 14 and 15). The latter requires that for brownfield sites, the peak runoff rate for the 1:1 year and 1:100 year (plus 30% climate change) rainfall event should be as close as reasonably possible to the greenfield runoff rate from the development for the same rainfall event, but should never exceed the rate of discharge from the development prior to redevelopment for that event. The drainage impact assessment is also required to demonstrate that exceedance is managed in safe routes that pose no risk to people or property in events exceeding the 1:100 year plus 40% climate change event.

- 5.31 The site lies within a Critical Drainage Area (CDA) as identified by the Gateshead Strategic Flood Risk Assessment. Within a CDA, an increase in the rate of surface water runoff and/ or volume from a new development may exacerbate the degree of flood risk to areas downstream or to the surrounding community. Within a CDA, developers should look to reduce to greenfield runoff for a brownfield site. This would also be in accordance with the DEFRA Standards.
- 5.32 Northumbrian Water has requested a condition be imposed to secure a drainage strategy (CONDITIONS 14 and 15).
- 5.33 Notwithstanding the above, subject to the recommended conditions, the proposal is considered to be acceptable and completely in accordance with CSUCP Policy CS17 and the NPPF.
- 5.34 DESIGN AND LAYOUT  
The proposed layout responds to the established building lines determined by adjacent perimeter blocks and the need for a sewer easement parallel to Eskdale and a part of Langdale. The dwellings are outward facing onto Eskdale, Langdale and Hartside and have the rear gardens of properties back to back creating private amenity space for the occupants.
- 5.35 The orientation of the dwelling at the junction of Eskdale and Langdale creates a landmark at the corner of the scheme with a planting strip between the back of footpath and the boundary treatment to soften the impact and a detailed gable creating interest to the elevation.
- 5.36 The house types proposed include detached and semi detached dwellings providing 3 bedroomed properties. The proposed house types would provide family housing with private gardens to the rear.
- 5.37 The proposed materials include brick, render and roof tiles. These are all traditional materials found within the near vicinity however it is considered that the final materials should be subject to a condition requiring submission of materials (CONDITIONS 8 and 9).
- 5.38 Given the above and subject to the recommended conditions, it is considered the proposal accords with saved UDP policy ENV3 and CSUCP policy CS15.
- 5.39 A variety of boundary treatments are proposed for public and private areas. The curtilages of the proposed dwellings are not proposed to be defined by boundary treatments to the front of properties and as they will be open plan will allow natural surveillance from properties of the activity on the street.
- 5.40 A 1.8m high close boarded fence is proposed to the east side of plot 3 and to the northern edge of the site running alongside the footpath link from Eskdale to the car park. A 1.1m high fence is proposed between rear gardens of properties which would not provide privacy but clearly shows boundaries to properties.

- 5.41 Given the above, it is considered that subject to conditions, the proposed boundary treatments for the development are considered to be acceptable and comply with Policy CS15 of the CSUCP, saved UDP Policy ENV3 and the NPPF.
- 5.42 **RESIDENTIAL AMENITY**  
**Existing Dwellings**  
There are surrounding properties to the development, located at Eskdale, Langdale and Hartside. It is not considered that the proposed use of the development would result in any disturbance to surrounding properties. The construction of development would inevitably have some disturbance to surrounding properties due to the very nature of construction. However, such impact would be for only a temporary period and various measures to limit the impact, such as hours of construction could ensure that it would not have an unacceptable impact on amenity (CONDITION 10).
- 5.43 The built form of the development in relation to surrounding properties has also been considered. The layout now being considered reflects the approved 2011 layout (DC/11/00758/FUL).
- 5.44 In regard to surrounding properties the proposed dwellings on the southern boundary of the proposed development facing onto Langdale would have a clear minimum separation of 21m. The proposed plot 9 on the corner on the southern and western boundaries of the proposed development would have a clear minimum separation of 14m gable to front elevation of the existing property on Hartside and would have a clear minimum separation of 21.7m from the front elevation to the existing property 22 Langdale.
- 5.45 The proposed dwelling facing onto Hartside is located facing the existing garages therefore offset from 30 Hartside and as such there are no directly opposing windows which might result in any overlooking or loss of privacy.
- 5.46 Given the distances involved it is not considered that the proposed development would appear overbearing or visually intrusive when viewed from these facing properties. It is also not considered that the proposal would reduce the privacy to these properties. It is not considered that the proposal would lead to a detrimental impact on the amenity of surrounding properties.
- 5.47 Given all of the above the proposal is considered to be acceptable in terms of residential amenity, health and well-being and it is not contrary to the NPPF, Saved UDP policy DC2 and policy CS14 of the CSUCP.
- 5.48 **Future Occupants**  
The built form of the development has been considered in terms of the potential future occupants.
- 5.49 The layout of the dwellings accommodates acceptable separation distances and does not give rise to concerns of overlooking or loss of privacy for future occupants. The scale and massing of the house types and their juxtaposition

would not give rise to concerns of overshadowing or of any overbearing impact of one dwelling upon another.

- 5.50 The dwellings are all outward facing embracing the public domain enhancing the sense of community. The scheme is well located for pedestrian links to the local services.
- 5.51 Each dwelling has a private rear garden and a small garden area to the front. All dwellings have a drive and one also has a single integral garage. The properties have an on balance adequate and acceptable separation distance from each other. The proposed layout is considered to be acceptable in terms of access for moving wheelie bins to the street on bin collection day, useable external amenity space, quality of materials and landscaping.
- 5.52 Although the properties are modest they provide an acceptable level of residential amenity for potential occupants.
- 5.53 Given the above, subject to imposition of a condition restricting the hours of construction (CONDITION 10), it is not considered that the proposal would lead to detrimental impact on the amenity of the future occupants of the proposed properties and is therefore in accordance with CSUCP policy CS14 and Saved UDP policy DC2.
- 5.54 **RENEWABLE ENERGY EFFICIENCY MEASURES**  
The planning system has an important part to play in tackling climate change through the requirement for the incorporation of energy efficiency and renewable energy measures in new development.
- 5.55 The proposals include provision of eight solar panels per dwelling on the south facing roof plane of six of the eight semi detached properties and on the west roof plane of two of the semi detached properties in line with Saved UDP policy MWR35.
- 5.56 Given the above it is considered that the proposal complies with Policy MWR35 of the UDP and CSUCP policy CS18.
- 5.57 **HIGHWAYS AND PARKING**  
The final site layout plan approved for the planning permission DC/11/00758/FUL was acceptable in highway terms. The layout as amended now under consideration maintains the 2.4m x 43m visibility splay at the junction of Langdale and Eskdale, the main estate road that has a speed cushion/road narrowing by setting back the boundary treatments associated with plot 3.
- 5.58 The 2.4m x 43m visibility splay at the junction of Hartside with Langdale is protected by the location of the parking for the corner unit on plot 9 to the rear of the property and accessed via Hartside, as with the previously approved plans.

- 5.59 The drives for plots 1 and 2 are individual driveway spaces accessed directly from the public road at 90 degrees.
- 5.60 As part of the 2011 approval it was agreed that most visitor parking could take place to the north of unit 10 (the large asphalt area to the rear of the shops). The provision of some double driveways was also considered appropriate to offset the lack of visitor parking available along Langdale and Eskdale. It was agreed that accommodating visitor parking along Langdale and Eskdale would be extremely difficult due to the proximity of both existing and proposed driveways, the nearby junctions and the traffic calming pinch point. It has been considered acceptable for a similar approach to be taken with the current application.
- 5.61 The parking provision is acceptable. All of the properties are to be provided with at least a single parking space. One property is to have a single drive plus a single garage. Visitor parking for the houses will primarily be available in the area of public highway to the north of plot 10. Indiscriminate visitor parking is unlikely to occur on Eskdale as the traffic calming pinch point and shared driveway access should deter this. The properties that are accessed from Langdale are proposed to have a double length driveway to accommodate visitor parking. The latter was deemed an acceptable compromise on this occasion in the absence of appropriate on-street visitor space due to existing junctions and existing/proposed driveways.
- 5.62 Secure and weatherproof cycle storage is proposed for each dwelling in the form a wooden shed secured with a latch and padlock. A condition is recommended to ensure that the cycle sheds are installed (CONDITION 13).
- 5.63 Given the above, and subject to the recommended condition, it is considered the proposal is in accordance with CSUCP policy CS13.
- 5.64 **LANDSCAPE**  
The proposed layout is open plan with grassed lawns and drives to the front of the properties. The exception to this is plot 3 on the corner of Langdale and Eskdale that has a strip of planting in front of a 1.8m boundary fence to soften the impact of the fence. It is considered that the details of the planting, to ensure it does not impinge on driver visibility, should be secured and maintained for the life of the development by condition (CONDITIONS 11 and 12).
- 5.65 Given the above subject to the recommended condition, the proposal is considered to be acceptable and in accordance with Saved UDP policy ENV3 and CSUCP policy CS15.
- 5.66 **COMMUNITY INFRASTRUCTURE LEVY**  
On 1st January 2017 Gateshead Council became a Community Infrastructure Levy (CIL) Charging Authority. This application has been assessed against the Council's CIL charging schedule and the development is CIL chargeable development as it is housing related however the charge is zero as it lies within CIL Zone C.

## 6.0 CONCLUSION

6.1 The proposal to locate housing on this site is acceptable in principle. The proposal as submitted is acceptable, and subject to relevant conditions it complies with the requirements of the NPPF and policies in both the UDP and the CSUCP and can be recommended for 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 -

8454/03C proposed site plan

8454/04A Type A proposed floor plans and elevations

8454c/05B Type B Proposed Floor plans and elevations

8454c/06A Type C Proposed Floor Plans and elevations

8454c/07A Proposed Cycle Store details

17N1140-100 rev P1 Proposed Drainage Layout

17N1140-101 rev P1 Private Drainage Details

17N1140-102 rev P1 Adoptable Drainage Details

17N1140-103 rev P1 Sewer Diversion

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

Reason

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

2

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

Reason

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

3

No development approved by this Planning Permission shall be commenced until an intrusive site investigation, (as recommended in the Solmek Desk study report S170403 dated April 2017), is undertaken,



and a Phase 2 Risk Assessment report of the findings submitted to the Local Authority for written approval.

The site investigation will consist of a series of boreholes / trial pits, insitu testing, groundwater and ground gas monitoring, soil sampling and chemical and geotechnical laboratory testing of samples to assess potential contamination issues and inform foundation design. The site investigation and Phase 2 Risk Assessment report shall identify potential contamination, and possible areas which may require remedial works in order to make the site suitable for its proposed end use to ensure that no contamination is present that poses a risk to future users of the site and construction workers. Reference should be made to CLR 11 - Model Procedures for the Management of Land Contamination and BS 10175:2011 - Investigation of Potentially Contaminated Sites - Code of Practice.

The Risk Assessment should confirm possible pollutant linkages and should provide, where applicable, recommendations with regard to an appropriate remediation scheme, which will ensure safe redevelopment.

Ground gas monitoring shall be undertaken at the site and a Gas Risk assessment report produced and submitted to the Local Authority with recommendations for ground gas mitigation measures.

Reason

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

4

The recommendations of the intrusive site investigation and the Phase 2 Risk Assessment Report approved under condition 3 shall be implemented in full prior to commencement of the development hereby permitted.

Reason

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

5

Following completion of the remediation measures approved under condition 3 a verification report that demonstrates the effectiveness of the remediation carried out must be submitted for the written approval of the Local Planning Authority prior to first occupation of the development hereby permitted and maintained for the life of the development.

Reason

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

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, and where remediation is necessary a remediation scheme shall be submitted to and approved in writing by the Local Planning Authority.

Reason

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

7

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

Reason

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

8

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

Reason

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

9

The development shall be completed using the materials approved under Condition 8, 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 area in accordance with the NPPF, Saved Policies DC2 and ENV3 of the Unitary Development Plan and Policies CS14 and CS15 of the Core Strategy and Urban Core Plan for Gateshead and Newcastle upon Tyne.

10

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 on the site, shall be carried out only between 0800 hours and 1800 hours on Mondays to Fridays and between 0900 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 CS14 of the CSUCP.

11

No development shall commence on site 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 and soft landscaping, ground preparation and planting plans noting the species, plant sizes and planting densities for all new planting.

N.B. Height of planting within the visibility splay adjacent to Plot 3 shall not exceed 600mm in height.

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 Saved Policies DC1(c) and ENV3 of the Unitary Development Plan and CSUCP policy CS18.

12

The landscaping scheme approved under condition 11 shall be implemented in accordance with the approved timescales and retained thereafter

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 Saved Policies DC1(c) and ENV3 of the Unitary Development Plan and CSUCP policy CS18.

13

The lockable cycle sheds indicated on drawing 8454c 07A shall be installed prior to first occupation of each relevant dwelling

Reason

In the interests of promoting sustainable modes of travel and in accordance with CSUCP policy CS13 and Gateshead Cycling Strategy.

14

Development shall not commence until a drainage impact assessment (DIA) has been submitted that demonstrates that the surface water drainage scheme controls runoff in accordance with the NPPF, the DEFRA Non-Statutory Technical standards for SuDS, and Policy CS17, and poses no increased flood risk to people or property on or off site. The DIA should demonstrate that surface water discharge is controlled in accordance with DEFRA Standards S3 and S5, and shall avoid flood risk in accordance with Standards S7, S8 and S9.

The drainage system shall incorporate components that will remove urban diffuse pollutants and vehicular pollutants from all surface water runoff in accordance with the Simple Index Approach. SuDS components should be prioritised but proprietary systems will also be considered.

The DIA and drainage design shall demonstrate that the site layout will not be contributing increased surface water flows onto the surrounding adopted highway areas. This is to mitigate against the loss of the existing perimeter wall and raised shrub border that helps to retain surface water within the site.

The DIA shall include confirmation of who will be responsible for maintenance and upkeep of any surface water attenuation components, flow controls and water treatment devices. In addition, a management and maintenance plan shall be submitted to demonstrate that any water attenuation or treatment component will be maintained for the lifetime of the development

Reason

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

15

The mitigation measures included in the DIA approved under condition 14 shall be implemented in full prior to occupation of the development hereby permitted and maintained for the lifetime of the development

Reason

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



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## REPORT OF THE STRATEGIC DIRECTOR COMMUNITIES AND ENVIRONMENT

### TO THE PLANNING AND DEVELOPMENT COMMITTEE ON 13 SEPTEMBER 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/16/00983/HHA	Two storey side extension	The Cottage, Shibdon Bank,	Granted;	Blaydon
DC/16/01022/HHA	Two storey side extension, single storey rear extension, front porch, detached garage and creation of driveway and new access.	16 Cowen Gardens, Allerdene,	Granted;	Lamesley
DC/17/00524/FUL	Reduction of rear garden level and associated boundary retaining wall to Plot 112 and construction of 10 x 5m external deck with timber steps down to reduced level	Former Gateshead College Site, Durham Road,	Granted;	Saltwell
DC/17/00568/HHA	Replacement porch to front of property	8 Walmer Terrace, Eighton Banks,	Granted;	Lamesley
DC/17/00569/HHA	Single Storey Rear Extension	Firdene , High Heworth Lane,	Granted;	Pelaw And Heworth

DC/17/00584/ADV	Display of three internally illuminated box signs on front and side elevations	Unit 3, Metro Riverside Park,	Temporary permission granted;	Dunston And Teams
DC/17/00765/HHA	Two dormers, sun terrace with balustrading and stepped access to front, first floor side extension, two windows in east elevation to first and one new window to second floor, two dormers and single storey extension to rear (Amended Plans received 10.08.2017)	1 Woodbine Place, Gateshead,	Granted;	Bridges
DC/17/00575/HHA	Erection of single storey rear extension, insertion of dormer window to rear and 2 velux windows to front of property	18 Keswick Street, Gateshead,	Granted;	Saltwell
DC/17/00577/FUL	Variation of Condition 1 of DC/15/00951/FUL to create a steeper pitched hipped roof and amended valley plus omission of a bedroom in the roof space of unit 33 to be replaced with storage and allow alterations to elevations (amended 11/08/17).	33 - 37 Deckham Terrace, Gateshead,	Granted;	Deckham
DC/17/00710/HHA	Erection of fence to rear	8 Percy Gardens, Gateshead,	Granted;	Dunston Hill And Whickham East



DC/17/00622/HHA	Creation of vehicular hardstanding area to front	10 Trimdon Grove, Springwell Estate,	Granted;	High Fell
DC/17/00624/FUL	Single storey flat roofed rear extension and removal/re-positioning of existing first floor external fire escape (amended 10.08.2017 and 16.08.2017).	Pelaw Inn , Shields Road,	Granted;	Pelaw And Heworth
DC/17/00632/FUL	Proposed siting of storage container (amended 09/08/17).	Felling Magpies FC, Wardley Park,	Granted;	Wardley And Leam Lane
DC/17/00650/FUL	VARIATION OF CONDITION 1 to approved plans of application DC/15/00964/FUL to create a single storey kitchen extension to the rear.	121 Kingston Road, Deckham,	Granted;	Deckham
DC/17/00649/FUL	Installation of extraction flue on rear elevation.	Lambs Arms Buildings, Crawcrook,	Granted;	Crawcrook And Greenside
DC/17/00657/COU	Change of use from preparation and delivery (Use Class B2) to storage of motor vehicles associated with undertaking business (Use Class B8).	Unit 3, Lloyd Court,	Granted;	Dunston And Teams
DC/17/00656/HHA	Erection of two storey side extension (as amended 16.08.2017)	24 Greenford, Kibblesworth,	Granted;	Lamesley
DC/17/00663/HHA	Two storey side and rear extension	40 Grayling Road, Festival Park,	Granted;	Lobley Hill And Bensham

DC/17/00672/FUL	Erection of single storey rear extension, first floor side extension and window modifications to front elevation	21 Hunstanton Court, Chowdene,	Granted;	Low Fell
DC/17/00702/COU	Change of use to mixed use for Brewery (including tours and tasting), retail shop, drinking establishment and events space, including live music and food sales (description amended 26.06.2017)	Contract House, Wellington Road,	Granted;	Dunston And Teams
DC/17/00684/COU	Change of use from art studio and gallery into Micro Pub, removal of two existing front doors and creation of one single door.	Art Studio Of Glass, Abel House,	Granted;	Chopwell And Rowlands Gill
DC/17/00721/FUL	Proposed demolition of outbuilding at rear of premises	Duke Of Cumberland Hotel, Sunderland Road,	Granted;	Felling
DC/17/00694/HHA	Single storey rear/side extension	12 Laurel Way, Meadowfield Park,	Granted;	Crawcrook And Greenside
DC/17/00697/ADV	Display of four externally illuminated and non illuminated signs on front and side elevations, all advertising 'Railway Tavern'	Abel House , Station Road,	Temporary permission granted;	Chopwell And Rowlands Gill
DC/17/00701/HHA	Two storey side extension	50 Briarsyde Close, Fellside Park,	Granted;	Whickham South And Sunnyside

DC/17/00795/HHA	Proposed single storey side and rear extension.	86 Valley Dene, Chopwell,	Granted;	Chopwell And Rowlands Gill
DC/17/00711/HHA	Demolition of outbuildings and single storey side extension	74 Valley Dene, Chopwell,	Granted;	Chopwell And Rowlands Gill
DC/17/00737/TPO	Work to fell trees in garden of 18 Cornmoor Road.	18 Cornmoor Road, Whickham,	Granted;	Dunston Hill And Whickham East
DC/17/00719/HHA	Proposed deconstruction of structurally unsound gable wall (currently masonry stonework) and construction of new masonry brickwork gable wall to replace. (Retrospective)	108 Kells Lane, Low Fell,	Granted;	Low Fell
DC/17/00720/HHA	Two storey side extension	40 Salkeld Gardens, Gateshead,	Granted;	Deckham
DC/17/00723/HHA	Single storey side and rear extension	96 Gosforth Terrace, Pelaw,	Granted;	Pelaw And Heworth
DC/17/00726/HHA	Single storey side and rear extension	20 Sunderland Road Villas, Heworth,	Granted;	Pelaw And Heworth
DC/17/00747/FUL	Siting of storage container	Clara Vale Village Hall, South View,	Granted;	Crawcrook And Greenside
DC/17/00727/HHA	First floor side extension above garage and single storey rear extension	Beechdale, Strathmore Road,	Granted;	Chopwell And Rowlands Gill

DC/17/00728/FUL	Construction of one x one bedroom house (revised application)	15 Holyoake Gardens, Gateshead,	Refused;	Deckham
DC/17/00732/HHA	Two storey and single storey rear extension	37 Hardwick Court, Sunderland Road,	Granted;	Bridges
DC/17/00743/COU	Change of use from hairdressers (use class A1) to coffee shop (use class A3) (amended 25/07/17).	64 Derwent Street, Chopwell,	Granted;	Chopwell And Rowlands Gill
DC/17/00733/HHA	Fence to front of property	86 Barkwood Road, Rowlands Gill,	Granted;	Chopwell And Rowlands Gill
DC/17/00739/HHA	Modular metal mesh and paved access ramp to allow disabled access to and from rear door to public footpath to the front of house	49 Pensher Street East, Nest Estate,	Granted;	Felling
DC/17/00741/FUL	Erection of 1 new substation measuring 3m x 3m located to the west of Follingsby Way and 1 new substation measuring 3m x 3m to the south of White Rose Way.	Follingsby Business Park , Follingsby Avenue,	Granted;	Wardley And Leam Lane
DC/17/00745/HHA	Single storey rear extension	2 Crossfield Park, Felling,	Granted;	Windy Nook And Whitehills

DC/17/00749/ADV	Display of two illuminated fascia signs, two illuminated gable boards, one transom panel, a lantern, with nine floodlights, also refurbishment of existing name board, all on front and side elevations	Three Tuns Hotel , Sheriffs Highway,	Temporary permission granted;	Low Fell
DC/17/00750/HHA	Dormer window to front and rear	20 Cromwell Terrace, Bill Quay,	Granted;	Pelaw And Heworth
DC/17/00758/COU	Change of use from two bedroomed ground floor flat (Use Class C3) to office use (Use Class B1(a))	3A Elvaston Road, Ryton Central,	Granted;	Ryton Crookhill And Stella
DC/17/00760/COU	Change of use from Retail/Shop (A1) to Non-Residential Institutional (D1)use and replacement shopfront	614 - 620 Durham Road, Gateshead,	Refused;	Low Fell
DC/17/00762/TPO	Works to fell tree in garden of 8 Whickham Lodge Rise.	8 Whickham Lodge Rise, Whickham,	Granted;	Dunston Hill And Whickham East
DC/17/00763/TPO	Works to tree in garden of 55 Grange Estate.	55 Grange Estate, Kibblesworth,	Granted;	Lamesley
DC/17/00764/HHA	Modular metal mesh access ramp and new low access front door to allow disabled access to and from front of property	30 Millbrook, High Heworth,	Granted;	Windy Nook And Whitehills

DC/17/00767/TPO	Works to tree in garden of 6 Ivy Lane.	6 Ivy Lane, Gateshead,	Granted;	Chowdene
DC/17/00775/FUL	Refurbishment of shopfront to include new automated sliding doors, the redecoration of the window frames and the installation of 1 no. LCD promotional screen sited behind the shopfront glazing	Mcdonalds Restaurant, Units 51 _52 72-74 Cameron Walk,	Granted;	Whickham North
DC/17/00781/HHA	Replacement of window to doorway at rear, excavation of existing grassed area and new paved pathway, installation of a modular metal mesh access ramp to allow disabled access to and from property.	52 Moorfoot Gardens, Lobley Hill,	Granted;	Lobley Hill And Bensham
DC/17/00791/COU	Change of use from A1 retail use to C3 residential	60 Front Street, Winlaton,	Granted;	
DC/17/00822/ADV	Display of non-illuminated fascia sign on west elevation	Kingsway , Kingsway North,	Temporary permission granted;	Lobley Hill And Bensham
DC/17/00877/ADV	Display of two internally illuminated light boxes within bus shelter	Advertising Hoarding ADSHEL LTD 0501 0047 CORNER , Opposite 117 Durham Road, Gateshead,	Temporary permission granted;	Deckham



**REPORT TO PLANNING AND  
DEVELOPMENT COMMITTEE  
13 September 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	Winlaton and High Spen	Change of use from agricultural to mixed use for keeping of horses, breaking, dismantling of vehicles, storage and burning of waste and the storage of caravans and vehicle bodies.	25 March 2013	25 March 2013	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	Winlaton 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	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'.	
			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	A planning application is expected to be submitted soon.	

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	2015  4 January 2017			8 February 2017	2015  8 April 2017, 8 May 2017 and 8 June 2017	However, a further Section 215 notice has been served requiring a hoarding to be erected around the site.  Planning permission has now been granted for the site and discussions regarding the compliance with the notice are ongoing.  A further notice has now been issued requiring the site to be tidied and a hoarding erected.  <b>Work to erect the hoarding is now complete.</b>	
4.	40 Whitemere Gardens Wardley	Wardley and Leam Lane	Unauthorised Change of Use of residential land	4 <sup>th</sup> April 2014	4 <sup>th</sup> April 2014	N	N	10 <sup>th</sup> May 2014	10 <sup>th</sup> July 2014	The notice has been served as the land in question is being used as a mixed use of dwelling house and vehicle repair and servicing, storage of vehicles and vehicle repair parts and equipment and vehicle recovery.  A file has been prepared and the matter is being progressed with PACE interviews with those suspected of breaching the Notice	
5.	21 Saltwell View	Saltwell	Unauthorised alteration to property	16 July 2014	16 July 2014	N		20 August 2014	13 September 2016	The unauthorised installation of UPVC windows without consent, -fronting the highway in an area subject to a Direction under Article 4 of the	

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	14 March 2016 (stage 1) 9 May 2016 (stage 2)	Complaints have been received that a condition attached to the planning application for the site has not been complied with in respect of the provision of play equipment. Despite protracted negotiation the work to comply with the condition had not commenced on site. As such a notice was served requiring compliance within a specified timescale.	

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>A Breach of Condition Notice was issued and the required information has been submitted.</p> <p><b>Whilst the information is being considered complaints have been received regarding activity on site and the owners have been warned that further, formal, action is being considered.</b></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</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
										delivery and servicing condition (no. 15)h	
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	<p>The land which is not attached to any property has been overgrown for a long period and is unsightly.</p> <p>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.</p> <p><b>The specified time period has elapsed and while some work has been carried out it is not satisfactory. The owner now has until 17 August to complete the work otherwise further action will be taken.</b></p>	
12.	Land adjacent to Wilson's Auctions, Shadon Way, Birtley, DH3 2SA	Birtley	Unauthorised Change of Use	27 July 2017	28 July 2017	Y	N	4 September 2017	27 November 2017	<p>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.</p> <p>The planning application to retain the development ref. DC/17/00156/COU was refused by Planning and Development Committee on</p> <p>An Enforcement Notice has been issued to resolve 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
										issues identified which resulted in the refusal of the application	
13.	8 Thirlmere, Birtley, DH3 2JY	Birtley	Unauthorised Change of Use	27 July 2017	28 July 2017	Y	N	4 September 2017	2 October 2017	<p>The property is been used as a mixed use involving residential, dog grooming and dog boarding.</p> <p>The planning application to retain the development ref. DC/17/00428/FUL was refused by Planning and Development Committee on</p> <p>An Enforcement Notice has been issued to resolve the issues identified which resulted in the refusal of the application</p>	
14.	Site of Former Collinson Brothers Garage, Derwent Street, Chopwell	Rowlands Gill and Chopwell	Unsightly Land	31 August 2017	1 September 2017	N	N	4 October 2017	29 November 2017	<p><b>The land is derelict and complaints have been received regarding its condition on what is a prominent site.</b></p> <p><b>A notice has been issued to require improvements, particularly relating to the boundary treatment.</b></p> <p><b>However, the site owners appear to have gone into liquidation which may cause problems is securing compliance with the notice</b></p>	

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**REPORT TO PLANNING AND  
DEVELOPMENT COMMITTEE  
13 September 2017**

**TITLE OF REPORT:** Planning Appeals

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

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**Purpose of the Report**

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

**New Appeals**

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

**Appeal Decisions**

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

**Appeal Costs**

4. There have been no appeal cost decisions.

**Outstanding Appeals**

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

**Recommendation**

6. It is recommended that the Committee note the report

**Contact: Emma Lucas Ext: 3747**

**FINANCIAL IMPLICATIONS**

Nil

**RISK MANAGEMENT IMPLICATIONS**

Nil

**HUMAN RESOURCES IMPLICATIONS**

Nil

**EQUALITY AND DIVERSITY IMPLICATIONS**

Nil

**CRIME AND DISORDER IMPLICATIONS**

Nil

**SUSTAINABILITY IMPLICATIONS**

Nil

**HUMAN RIGHTS IMPLICATIONS**

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

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

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

**WARD IMPLICATIONS**

Various wards have decisions affecting them in Appendix 3

**BACKGROUND INFORMATION**

Start letters and decision letters from the Planning Inspectorate

**APPENDIX 2**

**OUTSTANDING APPEALS**

<b>Planning Application No</b>	<b>Appeal Site (Ward)</b>	<b>Subject</b>	<b>Appeal Type</b>	<b>Appeal Status</b>
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/16/01162/FUL	30A Broom Lane Whickham NE16 4QP	Erection of three bedroom house with associated off street parking.	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 Allowed

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## REPORT TO PLANNING AND DEVELOPMENT COMMITTEE

13 September 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/12/01133/FUL - £1666.92 – full payment received in respect of off-site junior play, off-site teen play and open space  
Land To The Rear, 6 Landscape Terrace, Greenside  
Erection of detached 4/5 bedroom dwelling with attached double garage to east elevation (amended 03/12/12).

5. Details of all the planning obligations with outstanding covenants on behalf of developers and those currently being monitored, can be found at Appendix 2 on the Planning Obligations report on the online papers for Planning and Development Committee for 13 September 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