

PLANNING AND DEVELOPMENT COMMITTEE AGENDA

Wednesday, 15 November 2017 at 10.00 am in the Bridges Room - Civic Centre

From the Chief Executive, Sheena Ramsey

Item	Business
1	Apologies for Absence
2	Minutes The Committee is asked to approve as a correct record the minutes of the meeting held 25 October 2017 (copy previously circulated).
3	Declarations of Interest Members to declare interests in any agenda items
4	Planning Applications (Pages 3 - 10) Report of the Strategic Director of Communities and Environment
4i	No. 1 - Fistral, Smailes Lane, Rowlands Gill NE39 2LS (Pages 11 - 24)
4ii	No. 2 - 21 Mill Road, East Gateshead NE8 3AE (Pages 25 - 66)
4iii	No. 3 - Stampley Moss Farm, Thornley Lane, Rowlands Gill NE21 6LB (Pages 67 - 82)
4iv	No. 4 -10 Harraton Terrace, Durham Road, Birtley, DH3 2QG (Pages 83 - 94)
4v	No. 5 - The Springs Health Club, Joicey Road, Low Fell, Gateshead NE9 5AT (Pages 95 - 124)
4vi	No.6 - 1 Millfield Terrace (Site Adj Masonic Hall), Derwent Street, Chopwell NE17 7HZ (Pages 125 - 132)
4vii	Garage Site Rear of 33-43 Derwent View, Winlaton (Pages 133 - 148)
5	Delegated Decisions (Pages 149 - 158) Report of the Strategic Director, Communities and Environment
6	Enforcement Action (Pages 159 - 172) Report of the Strategic Director, Communities and Environment

7 Planning Appeals (Pages 173 - 184)

Report of the Strategic Director, Communities and Environment

8 Planning Obligations (Pages 185 - 186)

Report of the Strategic Director, Communities and Environment



PLANNING AND DEVELOPMENT
COMMITTEE
15 November 2017

TITLE OF REPORT: Planning applications for consideration

REPORT OF: Paul Dowling, Strategic Director Communities
and Environment

Purpose of the Report

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

PART ONE:

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

PART TWO: FOR INFORMATION ONLY

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

Recommendations

2. Recommendations are specified in the schedule.

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

Contents

Application Number	Site Location	Ward
1. DC/17/00623/FUL	Fistral Smailes Lane	Chopwell And Rowlands Gill
2. DC/17/00634/FUL	21 Mill Road East Gateshead	Bridges
3. DC/17/00830/FUL	Stampley Moss Farm Thornley Lane	Winlaton And High Spen
4. DC/17/00899/COU	Da Vincis 10 Harraton Terrace	Birtley
5. DC/17/00963/FUL	The Springs Health Club Joicey Road	Saltwell
6. DC/17/00971/COU	1 Millfield Terrace (Site Adj Masonic Hall)	Chopwell And Rowlands Gill
7. DC/17/01084/FUL	Garage Site Rear Of 33 - 43 Derwent View	Winlaton And High Spen

DEVELOPMENT PLAN

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

NATIONAL PLANNING POLICY FRAMEWORK (NPPF)

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

REGIONAL SPATIAL STRATEGY (RSS)

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

LOCAL PLAN (Formerly known as Local Development Framework)

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

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

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

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

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

UPDATES

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

SPEAKING AT COMMITTEE

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

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

SITE PLANS

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

PUBLICITY/CONSULTATIONS

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

SITE VISITS

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

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

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

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

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

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

Generalised Guide to Use Classes Order 1987 (as amended)

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

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

Changes allowed without planning permission

From	To
A2 (professional and financial services) when premises have a display window at ground level	A1 (shop)
A3 (restaurants and cafés)	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 IA allows change of use and some associated physical works from a small shop or provider of professional/financial services (A1 and A2 uses) to residential use (C3). This involves a 'prior approval' process and the local planning authority can consider impacts of the proposed change. Up to 150 square metres of retail space will be able to change to residential use. This new right does not apply to land protected by article 1(5) of the General Permitted Development Order.*
- **agricultural to residential** - new class MB allows change of use and some associated physical works from buildings used for agricultural purposes to residential use (C3). This involves a 'prior approval' process and the local planning authority can consider impacts of the proposed change. Up to 450 square metres of retail space will be able to change to up to three dwellings. This new right does not apply to land protected by article 1(5) of the General Permitted Development Order.*
- **commercial to childcare nurseries** - change of use from offices (B1), hotels (C1), residential (C2 and C2A), non-residential institutions (D1), and leisure and assembly (D2) to nurseries providing childcare. This involves a 'prior approval' process and the local planning authority can consider impacts of the proposed change.
- **agricultural to new schools and nurseries** - new class MA allows change of use from buildings used for agricultural purposes to a state funded school or nursery providing childcare. This involves a 'prior approval' process and the local planning authority can consider impacts of the proposed change.

Explanation of Abbreviated Terms used in Reports

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

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

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REPORT NO 1

Committee Report

Application No:	DC/17/00623/FUL
Case Officer	Owain Curtis
Date Application Valid	31 May 2017
Applicant	Broadleaf Construction Development
Site:	Fistral Smailes Lane Rowlands Gill NE39 2LS
Ward:	Chopwell And Rowlands Gill
Proposal:	Erection of two split level x three bedroom, semi-detached dwellings with gables, balconies and dormer windows on south elevations
Recommendation:	GRANT
Application Type	Full Application

1.0 The Application:

- 1.1 This application was deferred at the meeting of the Planning and Development Committee on 25 October 2017 to allow the Committee to visit the site. Members visited the site on 9 November 2017.
- 1.2 **DESCRIPTION OF THE SITE**
The application site lies to the south of Smailes Lane in Highfield, Rowlands Gill and comprises of the garden area to the side of an existing bungalow. There is a significant drop in land levels by approximately 11m between the northern boundary of the application site at Smailes Lane and the southern boundary. To the east of the site is an area of scrubland and to the south is an undeveloped housing plot.
- 1.3 Surrounding properties are a mix of various house types although all residential properties on the south of Smailes Lane at this location are bungalows.
- 1.4 **DESCRIPTION OF THE APPLICATION**
This application seeks planning permission for the erection of a pair of semi-detached dwellings. The dwellings would be 3 bedroom family homes and would be split over 3 floors. In terms of the external materials, the dwellings would be finished in red brick and the roof would be tiled with concrete roof tiles.
- 1.5 The vehicular and pedestrian access into the site would be gained from Smailes Lane at the junction with Cowell Grove and there would be a large front courtyard with 2 parking spaces and 2 visitor spaces provided.
- 1.6 **PLANNING HISTORY**

DC/10/01099/FUL - Erection of split level two-storey dwellinghouse (use class C3) with associated parking and landscaping in garden area at side of existing dwellinghouse (resubmission) (amended 17/11/10, 31/12/10 and 09/02/12). – Granted - 30.03.2012

DC/09/01786/FUL - Erection of split level two-storey dwellinghouse (use class C3) with associated parking and landscaping in garden area at side of existing dwellinghouse. – Withdrawn - 09.04.2010

1471/89 - Erection of a detached bungalow (use class C3) (amended plan dated 9/1/90) – Granted - 05.02.1990

2.0 Consultation Responses:

Northumbrian Water – no objections

3.0 Representations:

- 3.1 This application is referred to the Planning and Development Committee for determination upon the request of Councillor Bradford. Councillor Bradford made it clear that he neither supports nor objects to the application.
- 3.2 A site notice was displayed and neighbour notifications were carried out in accordance with formal procedures introduced by the Town & Country Planning (Development Management Procedure) Order 2015. A total of 3 representations have been received.
- 3.3 The representations received raise the following issues:
- Concerns regarding the highway safety risks of the proposed access
 - The proposed access will pose a significant risk to vehicles travelling past the access in both directions
 - The planned entrance/exit to this property is situated on a very dangerous bend on a very busy road and therefore constitutes a great potential hazard.
 - The main road is well known for speeding
 - Neighbours have not been consulted
 - The development is overbearing and the balconies would overlook others
 - Foundation work and piling may cause damage to surrounding properties
 - The proposal is out of character with the area as surrounding properties are detached

4.0 Policies:

NPPF National Planning Policy Framework

NPPG National Planning Practice Guidance

CS1 Spatial Strategy for Sustainable Growth

CS10 Delivering New Homes

CS11 Providing a range and choice of housing

CS13 Transport

CS14 Wellbeing and Health

CS15 Place Making

CS18 Green Infrastructure/Natural Environment

DC2 Residential Amenity

H4 Windfall and Small Housing Sites

ENV3 The Built Environment - Character/Design

ENV44 Wood/Tree/Hedge Protection/Enhancement

ENV54 Dev on Land Affected by Contamination

CFR28 Toddlers' Play Areas

CFR29 Juniors' Play Areas

CFR30 Teenagers' Recreation Areas

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 residential development on the site, residential amenity, visual amenity, highway safety, land contamination, play and open space and any other relevant considerations.
- 5.2 **PRINCIPLE OF RESIDENTIAL DEVELOPMENT**
Paragraph 49 of the NPPF states that all “housing applications should be considered in the context of the presumption in favour of sustainable development.”
- 5.3 The Newcastle Gateshead Core Strategy and Urban Core Plan seeks to increase the range and choice of housing across the plan area by improving the balance of the borough’s housing stock in terms of dwelling size, type and tenure. Accordingly, Core Strategy 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).

- 5.4 The proposed development of a pair of three bedroom dwellings would help contribute to increasing the provision of family homes in Gateshead. The proposal is therefore considered to be compatible with the Council's policies regarding the range and choice of housing.
- 5.5 Further, this site would be considered as a housing windfall site under saved policy H4 of the Gateshead Unitary Development Plan. The site is not situated in an isolated location and it is considered that the location of the proposal within an existing residential area is sustainable and will help build and sustain the community. On this basis, the proposed development is considered to be a windfall housing site that will bridge a portion of the gap in the dwelling stock within the borough.
- 5.6 Overall the principle of two dwellings on this site can be supported subject to all other material planning considerations being satisfied.
- 5.7 **RESIDENTIAL AMENITY**
The NPPF states that a core principle of planning is to always seek to secure high quality design and a good standard of amenity for all existing and future occupants of land and buildings.
- 5.8 Local policies CS14 of the Core Strategy and DC2 of the UDP require that development does not have any negative impacts on nearby residents and ensures a high quality of design and amenity for existing and future residents.
- 5.9 The application site is approximately 5.5m higher than the land level of the adjacent plot to the south – 1 Red Kite Way. Planning permission was granted for the erection of a dwelling at 1 Red Kite Way in September 2010. Whilst the construction of the dwelling has not been commenced, the permission was implemented through discharging conditions, conducting groundworks and laying foundations therefore the 2010 approval is extant.
- 5.10 It is considered that the proposed houses would not have an unacceptable impact on the future occupants of 1 Red Kite Way. 1 Red Kite Way has been designed with a fully glazed wall looking south, and on the northern elevation, which faces the application site, there would be 2 clear glazed windows serving bedrooms. These windows would be small, only 70cm in width and would not directly face onto the rear elevations of the proposed development, therefore it is considered that any overlooking from the proposed houses would not have a material impact on the living conditions of the future occupiers of 1 Red Kite Way. Further, there would be a separation distance of over 30m

between the rear elevation of the proposed houses and 1 Red Kite Way preventing both the perception of, and actual level of overlooking.

- 5.11 Officers do not consider that the proposed houses would cause harm to the living conditions of the occupiers of 2 Red Kite Way which is complete and occupied, as there would be a 35m separation distance and the development would be at an oblique angle.
- 5.12 The application site is within the garden of 'Fistral'. The side wall of the proposed development would be located approximately 14m from this bungalow. The proposed properties are likely to have a slight overshadowing effect on the side elevation of 'Fistral' however as there are no primary windows in this elevation the development would not have a material impact on the occupiers of the bungalow. With regard to overlooking, the rear elevation of the proposed dwellings would be set back by over 5m from 'Fistral'. It is considered this staggered building line would ensure the current occupiers of 'Fistral' would not suffer undue loss of privacy on account of the development, particularly, the level of privacy the occupiers currently enjoy in the rear garden.
- 5.13 Overall, it is officers' opinion that the proposed development would be acceptable in terms of its impact on residential amenity as the proposal would not cause an unacceptable loss of privacy nor would it create an overshadowing or overbearing impact on the neighbouring properties.
- 5.14 Turning to the living conditions of the future occupiers of the proposed dwellings, the internal floor area of the properties would be 112m². The internal living space the dwellings would provide would be adequate for a family home with 3 bedrooms. It is also considered that the level of outdoor amenity space would ensure the living conditions for the future occupants is acceptable.
- 5.15 In light of the above it is considered the proposed scheme would comply with policy CS14 of the Core Strategy and saved policy DC2 of the UDP which seek to safeguard residential amenity for existing and future occupants of land and buildings.
- 5.16 VISUAL AMENITY
Section 7 of the NPPF states that the Government attaches great importance to the design of the built environment and that good design is a key aspect of sustainable development, is indivisible from good planning, and should contribute positively to making places better for people. Local policies CS15 of the Core Strategy and ENV3 of the UDP reflect this.
- 5.17 One representation has raised the appearance of the dwellings as a concern stating that the proposal is out of character with the area as surrounding properties are detached.

- 5.18 Officers consider the proposed dwellings would integrate well within the established street scene. The scale and massing of the properties would be comparable to the surrounding properties when seen from Smailes Lane on the northern boundary of the site. It is considered the proposal respects the established character of the area but also positively responds to the site's topography.
- 5.19 As the site can accommodate the new dwellings whilst providing a sufficient internal floor area and an acceptable amount of outdoor amenity space, it is not considered that the proposal would appear as out-of-character or over-development.
- 5.20 In terms of external materials, the dwellings would be finished in red brick and hanging tiles and it is proposed that the roof be tiled with concrete large format flat tiles. Final details of the finishing materials can be approved via condition to ensure the materials are appropriate for the area to ensure the development integrates within the street scene. (condition 3)
- 5.21 The proposal would result in the loss of a hedge along the southern boundary of Smailes Lane which is particularly visible from the junction with Cowell Grove. The existing hedge makes a positive contribution to the area however it is considered that the removal of the hedge to facilitate the access and to create an adequate visibility for drivers would not cause significant harm to the character or appearance of the area. Full details of the replacement boundary treatment and hedge can be secured by condition to ensure that the replacement is appropriate and helps mitigate the loss of the existing hedge (conditions 6 and 7).
- 5.22 It is officers' opinion that the proposed development would respond positively to the site and would integrate well within the existing street scene. It is therefore considered that the proposal is in accordance with policy CS15 of the Core Strategy and saved policy ENV3 of the UDP.
- 5.23 **HIGHWAY SAFETY AND PARKING**
Paragraph 32 of the NPPF states that applications should only be refused on transport grounds where the residual cumulative impacts of development are 'severe'. Case law has recently clarified that the severity test over residual cumulative transport impacts, referred to in paragraph 32 does not apply to matters of highway safety.
- 5.24 Several objections raise the issue of highway safety and that the proposed access from the development onto Smailes Lane would pose a significant risk to vehicles travelling past in both directions and that the access is situated on a dangerous bend on a busy road and therefore contributes to a great potential hazard. An objection also states that in their view, vehicles on this stretch of the road often exceed the speed limit.

- 5.25 During the consideration of the application, the boundary treatment on Smailes Lane has been amended to ensure that drivers have adequate visibility at the junction. The amended plans show that the visibility at the junction would now meet the required standard for a 30mph road, subject to the removal of the hedge within the visibility splay. The removal of the hedge and other vegetation can be secured by planning condition (condition 4 and 5). The conditions require the submission, approval and implementation (along with a scheme to secure its retention) of the proposed visibility splay prior to any other part of the proposed development commencing, and would include land outside of the application site.
- 5.26 The proposed level of parking to be provided is considered to be acceptable and would be sufficient space for vehicles to manoeuvre effectively in the front courtyard.
- 5.27 Overall officers consider that the proposed development would be acceptable from a highways point of view subject to conditions (conditions 4 and 5).
- 5.28 **LAND CONTAMINATION**
The application site has not previously been developed and as such, the risk of contamination in made ground affecting the development is considered to be low. To ensure the safety of the future users of the land, it is recommended that a condition be included requiring the developer to cease works and submit a remediation scheme to the Local Planning Authority should any undesirable material be discovered. (condition 8)
- 5.29 **PLAY AND OPEN SPACE**
- 5.30 Saved UDP policies CFR20, CFR28, CFR29 and CFR30 relating to the provision of play and open space are considered to apply to the current application for the creation of new residential development.
- 5.31 The overriding national policy direction is that no tariff based S106 contributions can be required where the development relates to less than ten dwellings. Therefore, while it cannot be concluded that the proposed development would comply with saved policies CFR20, CFR28, CFR29 and CFR30 of the UDP, it is considered that other material planning considerations outweigh the UDP policies.
- 5.32 **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. The development is located within Charging Zone C, with a levy of £0 per square metre for this type of development. Therefore, this proposal would not be charged.

5.33 OTHER ISSUES

The objections received state that neighbours have not been consulted on the proposed development. As part of the formal planning application, residents have been consulted through the neighbour notification process and a site notice was posted on the junction of Smailes Lane and Cowell Grove. The council has therefore satisfied its statutory duty to advertise the planning application.

5.34 An objection also states that the foundation work and piling which will take place during construction would cause damage to the surrounding properties. Whilst it is understandable residents will wish to protect their property from damage, this is not a material consideration in the determination of planning applications.

5.35 It has also been raised that the application site is within an area in which a highways consultation is taking place to reduce the speed limit to 20mph. At the time of determination of this application, the speed limit of Smailes Lane is 30mph therefore the applicant will secure a visibility splay which would ensure traffic is safe at this speed.

6.0 CONCLUSION

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

7.0 Recommendation:

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

1

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

Reason

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

2

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

Drawing No 01 Rev C received 31.05.2017

Drawing No 02 Rev D received 06.10.2017
Drawing No 03 Rev D received 06.10.2017
Drawing No 04 Rev C received 31.05.2017
Drawing No 05 Rev C received 31.05.2017
Drawing No 06 Rev C received 31.05.2017
Drawing No 07 Rev C received 31.05.2017
Drawing No 08 Rev C received 31.05.2017
Drawing No 09 Rev C received 31.05.2017
Drawing No 16 Rev C received 31.05.2017
Drawing No 17 Rev C received 31.05.2017
Drawing No 18 Rev C received 31.05.2017
Drawing No 21 Rev D received 06.10.2017
'Visibility splays for 30mph traffic' dated 18.09.2017

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.

3

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

Reason

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

4

The development authorised by this permission shall not begin until there has been submitted and the Local Planning Authority has approved in writing full details of a scheme to provide a 2 metre x 43 metre visibility splay at the site access. The scheme must detail the position and detailed design of the visibility splay and make provision to ensure that the visibility splay will be

provided and retained free of obstruction over 0.6 metres above ground level thereafter.

Reason

In the interest of highway safety in accordance with the NPPF and policy CS13 of the Core Strategy and Urban Core Plan.

5

The development (other than that reasonably required to construct the visibility splay) shall not begin until the visibility splay has been provided in accordance with the Local Planning Authority's approval and has been certified in writing as complete by or on behalf of the Local Planning Authority.

The visibility splay must be provided in full accordance with the details approved under condition 4 prior to the commencement of any development

Reason

In the interest of highway safety in accordance with the NPPF and policy CS13 of the Core Strategy and Urban Core Plan.

6

Prior to the first occupation of the dwellings hereby approved a replacement planting scheme outside of the visibility splay to help offset the loss of the hedge and other vegetation shall be submitted to and approved in writing by the Local Planning Authority.

Reason

In the interests of visual amenity in accordance with the NPPF, policy CS15 of the Core Strategy and saved policy ENV3 of the UDP.

7

The replacement planting scheme approved under condition 6 shall be completed in full accordance with the approved details and specification within six months of the first occupation of the dwellings hereby approved or within the next available planting season following the first occupation of the dwellings, whichever is the sooner.

Reason

In the interests of visual amenity in accordance with the NPPF, policy CS15 of the Core Strategy and saved policy ENV3 of the UDP.

8

Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) England Order 2015

(as amended), Article 3, Schedule 2: Part 1 (or any subsequent order or statutory provision revoking or re-enacting that order with or without modification) no fences, walls or other means of enclosure shall be built between Smailes Lane and the principal elevation of the dwellings without prior written approval from the Local Planning Authority.

Reason

To ensure an adequate visibility splay is permanently retained and vehicles are able to manoeuvre in the interest of highway safety in accordance with the National Planning Policy Framework and policy CS13 of the Core Strategy and Urban Core Plan.

9

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

Reason

To safeguard the amenities of nearby residents and in accordance with the NPPF, policy CS14 of the Core Strategy and saved policy DC2 of the Unitary Development Plan.

10

During development works, any undesirable material observed during excavation of the existing ground should be screened and removed. If any areas of odorous, abnormally coloured or suspected contaminated ground are encountered during development works, then operations should cease until the exposed material has been chemically tested. An amended risk assessment (including a proposed timetable for implementation of works) of the development should then be undertaken, to determine whether remedial works are necessary.

Reason

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

11

Any works deemed necessary following testing shall be carried out in full in accordance with the timetable set out in Condition 10.

Reason

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

12

The development hereby permitted shall not be commenced until full details of existing and proposed ground and finished floor levels are submitted to and approved in writing by the Local Planning Authority.

Reason

Having regard to the sloping nature of the site this additional information is required to ensure a satisfactory form of development in the interests of residential/visual amenity and in accordance with Policies DC1, DC2/ENV3 of the Unitary Development Plan and policies CS14 and CS15 of the Core Strategy and Urban Core Plan for Gateshead and Newcastle upon Tyne.

13

The development shall be built in complete accordance with the land level details approved under condition 12.

Reason

Having regard to the sloping nature of the site this additional information is required to ensure a satisfactory form of development in the interests of residential/visual amenity and in accordance with Policies DC1, DC2/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

Application No:	DC/17/00634/FUL
Applicant	Primesite Developments /1Dom
Date Application Valid	9 June 2017
Site:	21 Mill Road East Gateshead Gateshead NE8 3AE
Ward:	Bridges
Proposal:	Mixed use development consisting of 386 residential units (1,2 and 3 beds) with on-site facilities, café, retail and parking (Amended Plans 06.10.2017, increase in height, 27.10.2017 to re-introduce angled windows to windows on floors 1-6 facing the hotel and 31.10.2017, minor changes to elevation).
Recommendation:	GRANT SUBJECT TO A SECTION 106 AGREEMENT
Application Type	Full Application

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

The application site sits on the upper edge of the Tyne Gorge and forms part of a major node, connecting the wider East Gateshead area and Baltic Business Quarter with Gateshead Quays and Gateshead Town Centre. The site is not located within the Baltic Business Quarter as designated in the Core Strategy and Urban Core Plan for Gateshead and Newcastle Upon Tyne (CSUCP) but is located within the Urban Core. It is also located on the edge of the Tyne Gorge and the River Tyne Wildlife Corridor. The site is bounded by Mill Road and Hawks Road and the Ramada Encore Hotel, however there is an existing pedestrian walkway which separates the site from the hotel. Gateshead College and the Northern Design Centre are in close proximity. The nearest residential development is to the north in the form of the high rise Baltic flats.

1.2 The site is currently occupied vacant, disused, brick built, office/warehouse buildings, which has partly been demolished following the approval of a previous application on part of the site DC/16/00469/FUL. The site subject to this application differs from DC/16/00469/FUL it that it also includes the warehouse building closest to the hotel. The existing buildings are three storeys in height with the highest point, due to the change in land levels being on the corner of Hawks Road and Mill Road.

1.3 DESCRIPTION OF THE APPLICATION

The application proposes the demolition of the existing buildings and the construction of a 20 storey (at its highest point), 386 unit, mixed student and residential block with commercial uses ground floor. These include a cycle cafe and a convenience store. 55 car parking spaces are proposed in two under

croft parks with one accessed off Mill Road and one off Hawks Road. Secure parking for 210 cycles is also proposed. A service bay is proposed on Mill Road with access to the commercial units provided through the car park which is accessed off Mill Road.

- 1.4 Only at its highest point on the corner of Mill Road and Hawks Road is the proposal 20 storeys in height, it steps down first to 14 storeys and then to 9 storeys as the building extends along Mill Road and Hawks Road respectively.
- 1.5 This is a revised application to the one which was approved by members of the Planning and Development Committee on the 3rd August 2016 (DC/16/00469/FUL) and granted planning permission on the 4th August 2016. That proposal was for a 15 storey, 326 bed student development which only covered part of this site. This development covers the whole of the corner block and is proposed to provide 244 student studios (consisting of 231 studio rooms and 13 Accessible DDA compliant rooms) and 142 residential apartments, consisting of 32 one bedroom, 83 two bedroom and 27 three bedroom apartments.
- 1.6 The proposed building is arranged in a U shape with a central public area. Build outs are positioned at various locations on the elevations of the building fronting onto Hawks Road and Mill Road, with additional terraces on the roof. Some balconies are proposed on the south east corner but only at the lower floors and also on the corner elevation facing up Hawks Road towards the railway bridge but only on the upper floors. Improved areas of public realm are proposed at street level and an area of enclosed, communal amenity space for the occupiers of the development is proposed within a central atrium. Green/Brown roofs are proposed as well.
- 1.7 The exterior is made up of glazing and stone cladding, with the upper floors primarily proposed to be glazed.
- 1.8 The main pedestrian access to the development is proposed to be via the doors on the corner of Hawks Road and Mill Road, into the main reception area, with secondary accesses offered via Hawks Road and Mill Road, with the Hawks Road access being solely via a stairwell, whereas the Mill Road access does offer access directly to a lift. Access to the commercial units is proposed to be via entrances off Hawks Road.
- 1.9 A central enclosed recreation/garden area is proposed.
- 1.10 As submitted, the development although providing student accommodation, does not have links to the universities.
- 1.11 The application has been amended (06.10.2017) from when it was originally submitted to increase the height of the point block to 20 storeys from 18 storeys. However this has been done to accommodate a more appropriate stepping down as the development extends along Hawks Road and Mill Road and Mill Road. Neighbours have been notified of the amendments to the design of the development but in terms of the number of units, this has

remained the same (386). Further information has also been provided showing how the units will be allocated for students and residential use and amendments have been submitted to re-introduce angled windows to the lower floors facing the hotel (27.10.2017). Minor changes to the elevations have also been made 31.10.2017. It was not considered necessary to re-notify neighbours on the amendments made on the 27.10.2017 and the (31.10.2017).

1.12 The following information has been submitted with the application:

Design and Access Statement
Coal Mining Risk Assessment
Land Contamination Assessment
Noise Assessment
Daylight/Sunlight Assessment
SuDS and Drainage Assessment
Ecology Statement
Transport Assessment
Heritage Statement
Planning Statement

1.13 PLANNING HISTORY

DC/16/00469/FUL - Planning permission granted for the erection of a 15 storey (at highest point and 1 metre higher than previously approved development DC/15/00856/FUL) 326-bed Student Development with parking and communal facilities. (Amended 11/07/2016 and 14/07/16). Granted on the 20.11.2015

DC/15/00856/FUL - Planning permission granted for the erection of 14-storey (at highest point) 265-bed student development with parking and communal facilities.(Amended 23.10.2015). Granted on the 04.08.2016

2.0 Consultation Responses:

NHS Property Services Ltd	No Comments
Coal Authority	No Objections Subject to Conditions
Arriva Plc	No Comments
Northern Electric Distribution Ltd	No Comments
Environment Agency	No Comments
The Go-Ahead Group Plc	No Comments
Gateshead Police	No Comments
Northumbria Water	No Objection Subject to Conditions

Historic England	No Objections
North Of England Civic Trust	No Comments
Port Of Tyne	No Comments
NATS	No Comments
Newcastle Airport	No Objections subject to condition for crane methodology statement
Tyne And Wear Archaeology Officer	No Objections Subject to Conditions

3.0 Representations:

3.1 Neighbour notifications (327 in total), press and site notices were first carried out on the 09.07.2017 in accordance with formal procedures introduced in the Town and Country Planning (Development Management Procedure) (England) Order 2015. One representation was made with the following issue raised:

- Hawks Road already gets congested at peak times. Is there any consideration on the traffic impact of this development, including increased pedestrian safety measures?

3.2 Neighbours were re-notified on the 23.10.2017 on the amended plans. Two letters of objection have been received and the issues raised have been summarised below:

- With the planning permission already granted for many new student flats at 21 Mill Road there will already be an increase in noise around the neighbourhood as well as increased disturbance. The additional height to the building will increase the capacity of the site, as a result there will be an increase in noise in the area.
- More flats will lead to more traffic when people are moving in and coming and going, the plot is already very small. How will they ensure there is adequate off-road parking for all residents?
- The Baltic Quay block will lose natural light as the building will over shadow the back of this block which will be at the cost of residents already living in the neighbourhood.
- There is only one road separating the two blocks and both have windows overlooking the road therefore any increase in the height of this block will also reduce the privacy of the residents already living in Baltic Quay.
- The access to the Baltic Quay area and Mill Road is already time consuming especially if entering via the Tyne Bridge cross roads. The road layout needs to be re-considered including additional filter lanes.
- This new build consisting of 386 residential units will add far more cars into this area, more traffic and noise. Through the industrial estate it is a

two lane road usually with parked cars and lorries giving one available lane.

- There are no shopping facilities in this area, no small local shops etc, this build may allow this somewhere in its design?
- Congestion and traffic into Newcastle is also limited, currently available via the Tyne Bridge or across the Swing Bridge, access should be granted for residents use.
- The construction of the building will be time consuming, the mess on the roads, the noise of building. The temporary traffic lights then will most likely will be installed during build on the crossroads.
- Where will be 150-300 extra cars go?
- Residents would like to know a) how this will inconvenience us all b) what will be done to limit disruption c) how we will be compensated?

3.3 One further representation was made stating that although they were generally supportive of the development there were concerns over parking.

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

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

DEL1 Infrastructure/Developer Contributions

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

CFR29 Juniors' Play Areas

CFR30 Teenagers' Recreation Areas

5.0 Assessment of the Proposal:

5.1 The main planning issues in this case are considered to be the principle of development as well as the impact on design, residential amenity, highway safety and other material planning considerations.

5.2 PRINCIPLE

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 proposed development would provide 244 student studios (consisting of 231 studio rooms and 13 Accessible DDA compliant rooms) and 142 general occupation residential apartments, consisting of 32 one bedroom, 83 two bedroom and 27 three bedroom apartments.
- 5.4 It is acknowledged that taking this proposal in isolation, the development would only provide a limited contribution to the provision of family housing (3 of more bedrooms) 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 for the borough.
- 5.6 However the site is also located in the Quays and Baltic Sub-Area (Policy QB1 of the CSUCP, as well as forming part of the Millennium Quay/Hawks Road Development Opportunity Site (QB3(1) of the CSUCP).
- 5.7 Policy UC4 of the CSUCP allocates mixed use sites which will include homes in the Quays and Baltic Sub Area. In addition policy CS11(6) of the CSUCP identifies that purpose built student accommodation should be focused within the Urban Core. Therefore, there is no presumption against student or residential accommodation in the Baltic and Quays Sub Area.
- 5.8 It is acknowledged that the site forms part of the Millennium Quay / Hawks Road (East, West, Central) Development Opportunity Site which states the site should encompass a mix of principal uses including Office (B1a) and Assembly and Leisure (D2). Whilst student or residential accommodation is not identified as one of the principal uses for this site, in allocating the site for mixed-use development, the policy does not go as far as to prevent other uses as inappropriate for this location. The potential for student/residential accommodation at the Millennium Quay / Hawks Road (East, West, Central) site was highlighted as a suitable use for the site during consultation on the CSUCP. Although policy QB3(1) maintains that office (B1a) and assembly and leisure (D2) are the preferred uses for this site, the Compliance Statement prepared to support the CSUCP Examination in Public does acknowledge: "other uses could be considered and a planning application will be assessed on its merits".
- 5.9 Notwithstanding this, where there is a potential conflict in policies, the National Planning Practice Guidance (NPPG), paragraph 007, does allow for conflicts to be considered in the light of all material considerations, including local priorities and needs, as guided by the National Planning Policy Framework.

- 5.10 In this case, as already highlighted, the CSUCP does allow for student and residential accommodation in this area and it is also considered the development of student and residential accommodation on this site has the potential to facilitate the wider development of the QB3 allocation to incorporate the principal uses listed in Policy. Furthermore, active ground floor uses are proposed for Hawks Road. The ground floor café and convenience store would not be exclusively for the development and would be for the benefit of the wider Quays and Baltic Area and it is considered these uses will bring vitality and vibrancy to an area which is in need of development. To ensure the ground floor frontages remain active it is recommended the uses are restricted to use class A1 (retail), A2 (financial and professional services), (A3 (restaurants and cafe) and A4 (drinking establishment). This can be conditioned (CONDITION 64).
- 5.11 It is also considered investment in the area would have added economic benefits. The creation of jobs in the area and improved confidence amongst developers looking to develop in the area, has the potential to increase prosperity and enhance the competitiveness of the urban core and the Baltic and Quays sub area.
- 5.12 As such it is considered the benefits delivered through this type of, large scale, landmark development outweigh the conflict it may have with the requirement of policy QB3(1i).
- 5.13 As a result and taking into account all of the above it is accepted that the proposed development is not strictly in accordance with all the relevant policies in the CSUCP. However taking into account the flexibility of the policy approach for the area, particularly when considered alongside the NPPF and NPPG, it is considered the development is sustainable and will deliver a number of economic benefits for the area and Gateshead as a whole which would help to build a strong, competitive and prosperous economy. This objective is in line with the aspirations of the NPPF, as well as policies UC4, QB1, CS11 and in part policy QB3 of the CSUCP. Therefore on balance it is considered the principle of a student/residential development accommodation development, with commercial uses on the ground floor, is acceptable in this location, subject to all other material planning considerations being satisfied. Furthermore the fall-back position is that a student development has already been granted for this site under applications DC/15/00856/FUL and DC/16/00469/FUL.
- 5.14 **AFFORDABLE HOUSING**
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. In this case the affordable housing would be calculated based on the 142 residential apartments proposed as Gateshead Council does not seek affordable housing on student developments.
- 5.15 Any off site contribution would need to be in accordance with guidance detailed in the 'Planning Obligations Supplementary Planning Document'.

- 5.16 The affordable housing requirements can be secured through a S106 agreement in accordance with policy PO2 of the UDP. The mix of residential to student units as proposed can also be secured through a S106 agreement and will be tied to the floor plans submitted with the application that show which units are to be allocated for students and which will be residential units.
- 5.17 **LIFETIME AND WHEELCHAIR ACCESSIBLE HOMES**
CSUCP Policy CS11 (2), and saved UDP policies H9 and H10 require 2% of dwellings to meet Wheelchair Housing Standards, and 10% Lifetime Homes, within developments of 25 or more dwellings. The Planning Statement indicates that 13 flats will meet the wheelchair standard however it would appear these flats are to be allocated to students. 2% of the 142 residential apartments should also be wheelchair accessible and 10% should be built to lifetime homes standard. This can be conditioned (CONDITION 63).
- 5.18 **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.
- 5.19 In addition the corner of Mill Road and Hawks Road is identified in policy UC11 of the CSUCP as being a gateway site. Gateways are the points where changes in the environment create a sense of moving from one district to another and this includes the requirement for a change in scale, so taller buildings in this area are actively encouraged.
- 5.20 It is acknowledged that the proposed development would be the tallest building in the area and the 2003 Urban Landscape Study of the Tyne Gorge (Tyne Gorge Study) does set out some main principles but it does not discourage tall buildings and there are already examples of tall buildings within the Tyne Gorge i.e. the Sage Gateshead and the Baltic Flats. Primarily, the aim of the Tyne Gorge Study is to ensure strategic views of key heritage assets are not compromised. It is not to safeguard all views and there is a section within the Tyne Gorge Study which advises on the development of tall buildings. The Council's Place Making Supplementary Planning Document also encourages tall buildings where appropriate.
- 5.21 As proposed, it is considered the building would provide the focal point for this Gateway area, located at the head of the main north route into the area and identified as being a gateway site in policy UC11 of the CSUCP. The palette of materials would be crisp and the development would be contemporary in appearance. The design responds to the topography of the land and the height of neighbouring buildings with the height stepped down along both Mill Road and Hawks Road in 3 blocks, to ensure a balanced relationship is maintained.

There would be an abundance of glazing, notably on the upper floors which has been provided as part of the amendments to try and reduce the scale of the development, rainscreen cladding with different colours proposed to identify the 3 blocks, glazing pods and green roofs. It is considered these design features would deliver a distinctive development that is fully suited to this prominent location.

- 5.22 The applicant has provided a number of images showing the development in context with its surroundings and the development in its amended form has been modelled using the Virtual Newcastle Gateshead software which in officer's opinion demonstrates that the development would be a positive addition to the area. It is hoped images from the model will be available in time for the Planning and Development Committee.
- 5.23 The applicant has provided some details with regards to materials and these are in line with the aspiration for cladding which incorporates stone elements, as well as aluminium frames and glazing. Final details, including details of the cladding for any structural columns, can be conditioned (CONDITIONS 20 and 21).
- 5.24 There is limited opportunity for landscaping but improvements to the highway, footpaths and public realm around the building and more prominently down Mill Road are proposed. These improvements are welcomed and accord with the design principles set out in policy QB3 of the CSUCP. There are also areas of public space within the envelope of the building which enhances the amenity of the development and the surrounding area.
- 5.25 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 51 AND 52).
- 5.26 As a result this high quality, landmark development is considered to be acceptable in design terms and the proposal would accord with the National Planning Policy Framework as well as policies QB1, QB3, UC11, UC12, UC13, UC15, UC16 and CS15 of the CSUCP and policy ENV3 of the UDP.
- 5.27 **HIGHWAY SAFETY/PARKING**
The site is located within the urban core/town centre where there is less of a reliance on car ownership and there is no requirement in the NPPF or within the CSUCP or the UDP that explicitly requires parking for town centre developments. On the contrary planning policies encourage the use of more sustainable modes of transport and students in particular tend to utilise sustainable transport rather than private cars.
- 5.28 There are a number of pedestrian links into the centre of Gateshead and Newcastle and the route from the corner of Hawks Road and Mill Road is proposed to be improved by this development in accordance with policies CS13, QB1 and QB3 of the CSUCP. In addition there are already existing bus routes and cycleways within easy access of the site. A Travel Plan would be

required to maximise the use of these links (CONDITIONS 47 AND 48) as would the installation of secure cycle parking for 210 cycles, which has been shown on the plans but extra security is required for provision within the upper car park. Final details can be conditioned (CONDITIONS 36 AND 37). In addition as per the previous approvals there is a requirement to provide new bus shelters for two of the bus stops on Mill Road and again this can be conditioned (CONDITION 30 and 31). In accordance with policy CS13 and also the NPPF, at least one electric charging point should be introduced into the development and this can be conditioned (CONDITION 40).

- 5.29 Therefore taking into account the sites sustainable location, within the Urban Core where access to pedestrian links, cycle routes and public transport is readily available, the level of parking proposed (55 spaces) is considered to be acceptable. A car park management plan has been submitted with the application and the implementation of this plan and the updates to the plan where specified, can be conditioned to ensure the car park functions properly, factoring in the mix of uses on the site i.e student units, residential units and commercial uses (CONDITION 38). The car park management plan can also ensure there is adequate parking available at the start and end of term when vehicle activity is likely to increase.
- 5.30 Should any students, residents, visitors, staff or customers arrive by car and there is no parking available then they would be expected to park in the nearby public car parks. Should any indiscriminate parking take place on the highway that would be subject to separate highway enforcement.
- 5.31 As proposed there is scope for vehicles to bump up over the footpath on Mill Road and potentially park on the area under the columns which is to be stopped up, specifically the area furthest down the hill. To discourage this it is recommended a low wall or planter is provided at the back of the footpath. Final details of this can be conditioned (CONDITIONS 34 AND 35).
- 5.32 Disabled bays are proposed within the car park but they should have the transfer zone to the right hand side and rear when entering in a forwards gear. It is also advisable that a disabled bay isn't located alongside the wall unless the size of the bay is increased to allow for this. Final details can be conditioned (CONDITIONS 45 AND 46).
- 5.33 The inclusion of a ramped pedestrian route between the car park and the main reception area is welcomed. The gradient of the ramp should ideally be 1 in 20 maximum but the absolute maximum is 1 in 12 over short distances. The longer section of ramp, which is over 10m in length should be more akin to 1 in 15 maximum. The width of the route should also be 1200mm to allow for a clear width of 1000mm between handrails to either side. Final details of this ramp can be conditioned (CONDITIONS 49 AND 50).
- 5.34 With regards to the car park access for vehicles, the locations are considered acceptable and the introduction of a loading and service bay off Mill Road would ensure deliveries to the site and bin collections could be undertaken safely. However the development is mixed use and encompasses a commercial

element on the ground floor which would generate a number of deliveries and significant volumes of waste. Therefore it is likely bins would need to be collected at least twice a week and frequent deliveries will take place. Subsequently a servicing and refuse strategy has been submitted to manage the times the bay is in use and the implementation of this can be conditioned (CONDITION 39). The bin stores have been located to ensure all collections take place off Mill Road. Although bin and delivery wagons will park in the layby, as access to the car park will be needed to collect the bins and also make deliveries, details of any barriers/shutters to the car park and how they would be operated, would be required and this can be conditioned (CONDITIONS 41 and 42).

- 5.35 It is still considered the visibility provided for vehicles egressing from the car park onto Hawks Road could be improved further and the applicant has provided some indicative suggestions, including bollards to deflect pedestrians away from the opening. In principle this is acceptable but final details would be required and this can be conditioned (CONDITIONS 43 AND 44).
- 5.36 Columns have been introduced to the Mill Road frontage, at ground floor level to support the overhang of the building but it is considered even with the necessary protection measures in place, adequate space would be available for pedestrians and wheel chair users, to safely navigate past the columns and the loading bay when the loading bay is in use. The minimum requirement for a footpath is 1.2 metres and it is considered this could be achieved.
- 5.37 In order to facilitate the development certain parts of the highway would need to be stopped up. Final details of all works within the adopted highway that is to remain would be required (CONDITIONS 32 and 33). This includes the layby, improvements to footway around development (including Hawks Road), street lighting, signs, road markings and waiting restrictions. Any legal orders associated with layby would need to be dealt with separately at the cost of the applicant.
- 5.38 As a result it is considered that due to the site's sustainable location and the measures proposed and/or that can be conditioned, the proposed development would not generate a significant increase in traffic and any parking that is required could be accommodated within the development or the surrounding public car parks. In addition pedestrian and bus links would be improved approved and facilities for cycle parking provided. As a result it is considered the proposed development would not conflict with the aims and objectives of the NPPF or policies CS13, QB1, QB3, UC5, UC6, UC7, UC12 and UC16 of the CSUCP as well as policies T1 and T7 of the UDP.
- 5.39 **RESIDENTIAL AMENITY**
In response to the potential issues of overlooking it is considered there will be little in the way of direct overlooking between the proposed development and the nearest residential development at Baltic Flats, due to the off-set relationship the two developments would have with each other. Even though the proposed development would be set higher than the Baltic Flats, it is considered the significance of any indirect overlooking would be limited as a

result of the separation distances. At the nearest point the separation distance is circa 25 metres but this increases as the development steps up the hill.

- 5.40 In terms of visual intrusion it is acknowledged that this is a substantial development and will be prominent from the south facing windows of the Baltic Flats but at the nearest point the proposed development would only be 9 storeys high, compared to the 13 storeys of the flats as the height of the development increases up the hill, so does the separation distance. In addition as mentioned above the development splays away from the flats.
- 5.41 With regards to the impact of the development on the amount of daylight and sunlight getting to the flats, it is considered the separation distances between the two developments would ensure there is no significant loss of daylight. The sunlight assessment provided using modelling from the Virtual Newcastle Gateshead (VNG) model demonstrates that there would be little or no loss of sunlight to the flats during the summer months and only short periods of loss/overshadowing during the winter months, on the occasions when the sun is shining. This is not considered to be sufficient enough to warrant refusal especially as the surrounding area has been identified for development and where elements of overshadowing etc is expected.
- 5.42 A micro-climate study has also been submitted which demonstrates the development would not have any adverse impacts in terms of downdrafts which could have affected the safety of pedestrians on footpaths around the building. Cross winds could potentially be an issue at the corner of Mill Road and Hawks Road but this would only be in extremely high winds and as it is a current issues it would continue be an issue whatever the building height. Mitigation for this has been proposed in the form of 1.5m high railings on the edge of the footpath but it is considered the adverse impact the railings would have on visual amenity and highway safety would outweigh the mitigation benefits. As such the implementation of these railings is not considered necessary in this case.
- 5.43 There are some balconies proposed but none in close relation to the existing flats. There are also roof top terraces but it is considered there would not be any direct overlooking of neighbouring properties from these terraces. In addition although the terraces could be used at night there is no evidence to suggest that the use of the terraces would result in any anti-social behaviour or noise nuisance over and above what is generally found in urban centre locations.
- 5.44 Furthermore the presumption that student accommodation will automatically give rise to illegalities is not substantiated and in any event should be balanced against the comings and goings of the existing hotel and Baltic Flats. As with the risk of anti-social behaviour at night, there is also no evidence to suggest that the influx of students into the area would have a detrimental impact on the ambiance of the area. On the contrary increased activity could have a positive impact and could draw more people into the area, benefiting existing businesses and future businesses or developers looking to relocate to the area. It should also be noted that as this development is now proposing a mix of student and residential accommodation, the number of beds specifically for

students has actually decreased from the previous approval on the site, 326 beds down to 244.

- 5.45 In terms of the impact on the neighbouring hotel, the hotel operator has not objected to the proposal but there are windows in the proposed development that would look directly into the hotel which could impact on the amenity of residents within the development and hotel guests. The plans originally submitted with this application proposed that the openings on the lower floors which directly faced the hotel would be fitted with angled windows which would have been acceptable. This arrangement was changed on some of the amended plans but the angled windows have now been re-introduced. With the angled windows the development would still have some impact on the outlook from the hotel rooms but as it exists these rooms do not benefit from a particularly open aspect so the impact would not be significant and it could be argued the outlook would actually be improved. Angling the windows also improves the outlook for future occupiers of the units facing the hotel.
- 5.46 The size of the units have also been designed to be broadly in line with the Nationally Described Space Standards and satisfy the requirements of policy CS11(4) of the CSUCP. The inclusion of a large area of communal amenity space in the central atrium is also welcomed.
- 5.47 Therefore in terms of overlooking, overshadowing and general disturbance it is considered the proposed development is acceptable and would not result in any significant issues for neighbouring residential occupiers, hotel guests or future occupiers of the development.
- 5.48 As set out in policy DC2 of the UDP and policy CS14 of the CSUCP the amenity of future residents is also a material planning consideration. The application is supported by a noise assessment and builds on previous monitoring and makes a number of recommendations in terms of acoustic measures to the proposed development. Consequently it is recommended that final glazing/ventilation details are provided and this can be conditioned (CONDITIONS 61 AND 62). As the proposed ground floor use could in the future include a bar or restaurant, final sound insulation details should also be submitted and this sound insulation should take account of all sound sources at ground floor such as air conditioning, entertainment/music levels etc. (CONDITIONS 59 AND 60).
- 5.49 Further to the recommendations in the assessment there is acknowledgement that the roof top plant on the Ramada Encore Hotel, immediately adjacent to the proposed dwellings, has not been assessed as the current building (prior to the recent part demolition) was lower in height and it was not possible to carry out any accurate measurements of plant noise levels on the on the existing site. The assessment recommends further levels are taken during the construction phase to assess noise levels. This further assessment would need to be carried out in order to inform what type of glazing/ventilation is required for the flats facing the hotel. The carrying out of this further assessment has been included as part of condition 61.

- 5.50 There are commercial uses proposed on the ground floor, potentially including restaurants. Therefore prior to occupation of these units with a use that requires mechanical ventilation/cooking equipment, final details of any mechanical ventilation/cooking equipment would be required. This can be conditioned (CONDITIONS 57 AND 58). Final details of any external air conditioning units, notably the noise levels generated, would also be required (CONDITIONS 55 AND 56). Other details to be conditioned include external lighting (CONDITIONS 53 AND 54) and hours of demolition/construction (CONDITIONS 3 AND 4). Due to the location it is not considered necessary to condition opening hours of the commercial premises.
- 5.51 Therefore it is considered the impact of the proposed development on residential amenity is acceptable and in accordance with the NPPF as well as policies CS14 of the CSUCP and policies DC2 and ENV61 of the UDP.
- 5.52 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 NO₂ air quality objective will be breached, or that the development will cause such a breach.
- 5.53 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 3.
- 5.54 FLOODING AND SUSTAINABLE URBAN DRAINAGE
The site is located in flood zone 1 and 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 unless it can be demonstrated to be inappropriate 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.
- 5.55 A drainage assessment has been submitted and has identified the introduction of green roofs as being a positive, 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 22 AND 23) 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 24 AND 25).

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

5.57 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 11-13). The Coal Authority has also been consulted and has raised no objection subject to conditions requiring further investigations (CONDITIONS 14-17).

5.58 ECOLOGY

The site is located on the edge of the River Tyne Wildlife Corridor. As such in accordance with the principles of the NPPF, new development should contribute to and enhance the natural environment by minimising impacts on biodiversity and providing net gains in biodiversity where possible. It should also contribute to the Government's commitment to halt the overall decline in biodiversity, by establishing coherent ecological networks that are more resilient to current and future pressures.

5.59 The provision of green/brown roofs is considered to be a positive feature and in addition to reducing flood risk would provide valuable opportunities for biodiversity. Final details of the roofs can be conditioned to ensure the ecological opportunities are maximised (CONDITIONS 28 AND 29).

5.60 With regards to demolition, as the site is located on the edge of the wildlife corridor there is the potential for bats and nesting birds. Information has already been submitted in relation to a bat and nesting bird assessment but 12 months has now expired. As a result an updated bat roost and nesting bird survey is required prior to demolition re-commencing. This can be conditioned (CONDITIONS 5 AND 6). Any demolition should also take place outside of the bird nesting season. (CONDITION 7)

5.61 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.

5.62 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.

5.63 Information submitted in the planning statement identifies measures that could be introduced into the building, including a Combined Heat and Power (CHP) wet system and water harvesting. 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 demonstrating compliance with policy CS16 of the CSUCP. This can be conditioned (CONDITIONS 26 AND 27).

- 5.64 Subject to this condition 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.
- 5.65 **OPEN SPACE AND PLAY**
The Saltmeadows / Gateshead Quays neighbourhood in which the site is located is not deficient in public open space and there is no requirement for any to be provided as a result of the development. Therefore, contributions should not be sought for this element in accordance with saved UDP Policy H13.
- 5.66 There are no toddler, junior or teen play areas located within the maximum distance specified by UDP policy CFR28, nor is there any evidence to suggest any will be coming forward in the near future and it is accepted that there is little or no opportunity to provide children's play facilities within the site.
- 5.67 In addition 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.
- 5.68 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 with no obvious sites available in the immediate locality any it would be unreasonable to request a contribution from this site alone to provide off site play provisions. Therefore the Council are not seeking any further obligations in respect of these matters.
- 5.69 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.
- 5.70 **ARCHAEOLOGY**
The site is immediately adjacent to the former CPS Haulage site developed from 2009, for which a Desk Based Assessment (DBA) was produced which recommended excavation of important post-medieval structures on the site.
- 5.71 Previous excavations in the area have discovered substantial structures from the former Hawk's Ironworks, which was established on the site in 1747, to process scrap iron procured in London into wrought iron for use in the manufacture of a range of objects for both civilian and military markets by the Crowley Iron Works at Winlaton Mill. In 2011, excavations on the former CPS Haulage site, while recording later 18th and early 19th century remains, did not locate any mid eighteenth century structures so these parts of the complex may be encountered during the proposed development.
- 5.72 As a consequence and in accordance with the NPPF, as well as policies ENV21 and ENV22 of the UDP trial excavations on the site, continuing the work done in

2011 should be undertaken with a programme of trial excavations and a final report submitted accordingly. This can be conditioned (CONDITIONS 8-10).

5.73 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.

5.74 OTHER MATTERS

Newcastle Airport has not objected to the application but have requested a crane method statement to ensure there is no conflict with aircraft which may be flying close by. (CONDITIONS 18 AND 19).

6.0 CONCLUSION

6.1 Taking all relevant issues into account and that the principle of such a development on the site has already been established by the previous approval, 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.
- A minimum of 60% of units hereby approved shall be for students only in accordance with submitted use class plans.

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:

1380 101G, 102G, 103F, 104F, 105F, 106F, 107F, 108F, 109F, 110F, 111F, 112F, 113E, 114E, 115E, 116E, 117E, 118B, 200F, 201B, Car Park and Servicing Management Plan, dated October 2017

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

Reason

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

2

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

Reason

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

3

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

- i. the parking of vehicles of site operatives and visitors
- ii. loading and unloading of plant and materials
- iii. storage of plant and materials used in constructing the development
- iv. the erection and maintenance of security hoarding
- 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 shall not commence until an updated Preliminary Bat Roost Assessment and Nesting Bird Survey has been undertaken, submitted to and approved in writing by the Local Planning Authority. These reports shall include recommended updated working methodologies if appropriate.

Reason

To ensure that a satisfactory balance is achieved between development of the site and the protection of nature conservation in accordance with Policies DC1 and ENV47 of the Unitary Development Plan and policy CS18 of the Core Strategy and Urban Core Plan Gateshead and Newcastle upon Tyne.

6

The demolition of the site shall take place in accordance with the Bat Roost Assessment and Nesting Bird Survey approved under condition 5. Should any evidence of bats be discovered during demolition, demolition shall cease in that area and an updated method statement to cover the demolition, submitted to and approved in writing by the Local Planning Authority prior to demolition in that area re-commencing.

Reason

To ensure that a satisfactory balance is achieved between development of the site and the protection of nature conservation in accordance with Policies DC1 and ENV47 of the Unitary Development Plan and policy CS18 of the Core Strategy and Urban Core Plan Gateshead and Newcastle upon Tyne.

7

Demolition of the existing building will be undertaken outside the bird nesting season (March to August inclusive). Where this is not possible demolition shall take place in accordance with an updated Preliminary Roost Assessment and Nesting Bird Survey.

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.

8

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.

9

The development shall not be first occupied until the final report of the results of the archaeological fieldwork undertaken in pursuance of condition 8 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

10

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

11

Development shall not commence on the construction of the development until an intrusive land contamination assessment, to assess the nature and extent of any contamination on the site and whether or not it originates on the site has been submitted to and approved 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.
- (ii) an assessment of the potential risks to,
 - land stability
 - human health,
 - property (existing or proposed) including buildings, 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 and phasing for the implementation of the remediation scheme.

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

12

The remediation and mitigation schemes must be carried out in accordance with the details approved under condition 11. 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.

13

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 updated investigation and risk assessment must be undertaken and where remediation is necessary a revised remediation scheme must be prepared in accordance with the requirements of condition 11; (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.

14

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

Reason

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

15

The intrusive investigations shall be carried out in accordance with the details approved under condition 14 prior to the construction of the development hereby approved commencing.

Reason

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

16

Construction of the development hereby approved shall not commence until a report of findings arising from the intrusive site investigations approved under condition 14, and a scheme of remedial works if necessary, including the phasing of any remedial works, has been submitted to and approved in writing by the Local Planning Authority.

Reason

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

17

Any remediation works approved under condition 16 shall be implemented in accordance with the timetable approved under that condition.

Reason

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

18

Prior to the commencement of construction on the development, a method statement for crane operation, shall be submitted to and approved in writing by the Local Planning Authority, in consultation with Newcastle International Airport.

Reason

In the interest of aerodrome safeguarding and in accordance with the National Planning Policy Framework.

19

The development shall be carried out in accordance with the crane method statement approved under condition 18.

Reason

In the interest of aerodrome safeguarding and in accordance with the National Planning Policy Framework.

20

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.

21

The materials used shall be in accordance with the details approved under condition 20 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.

22

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), electronic drainage model, 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 and a timetable of implementation for the approved SuDS components.

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.

23

The SuDS scheme shall be implemented in accordance with the details approved under condition 22, 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.

24

No part of the development shall be occupied until an emergency flood warning and evacuation plan for the development which includes:

- i- details of the flood warning procedures
- ii- details of the emergency flood access and egress routes
- iii- identified places that people could be evacuated to
- iv- flood response procedures

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

Reason

To ensure the safe evacuation of the development in the event of a flood incident in accordance with the NPPF

25

Any flood evacuation shall be carried out in accordance with the plan approved under condition 24 .

Reason

To ensure the safe evacuation of the development in the event of a flood incident in accordance with the NPPF.

26

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 has been submitted to and approved by the Local Planning Authority.

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

27

The sustainable energy measures shall be implemented in accordance with the details and timetable, submitted and approved under condition 26.

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

28

Construction of the green/brown roofs shall not commence until full details of the roofs and the area that they will cover, have been submitted to and approved in writing by the Local Planning Authority. Details shall include a timetable for implementation and a maintenance plan.

Reason

To safeguard the visual amenities of the area and to ensure that the proposed development does not have an adverse effect upon the appearance of the building, as well as providing ecological enhancement and sustainable drainage in accordance with the NPPF, saved policies DC2, ENV3, ENV46 and ENV51 of the Unitary Development Plan and policies UC10, UC12, CS14, CS15, CS17 and CS18 of the Core Strategy and Urban Core Plan for Gateshead and Newcastle upon Tyne.

29

The green/brown roofs shall be implemented in full accordance with the details approved under condition 28.

Reason

To safeguard the visual amenities of the area and to ensure that the proposed development does not have an adverse effect upon the appearance of the building, as well as providing ecological enhancement and sustainable drainage in accordance with the NPPF, saved policies DC2, ENV3, ENV46 and ENV51 of the Unitary Development Plan and policies UC10, UC12, CS14, CS15, CS17 and CS18 of the Core Strategy and Urban Core Plan for Gateshead and Newcastle upon Tyne.

30

No part of the development hereby approved shall occupied until final details of the two new bus shelters to be installed on Mill Road have been submitted to and approved in writing by the Local Planning Authority.

Reason

In order to encourage the residents and users of the commercial units to engage in sustainable travel, in accordance with policy CS13 of the Core Strategy and Urban Core Plan for Gateshead and Newcastle Upon Tyne.

31

No part of the development hereby approved shall be occupied until the two new bus shelters have been installed on Mill Road in accordance with the details approved under condition 30 and shall be retained as such thereafter unless otherwise approved in writing by the Local Planning Authority.

Reason

In order to encourage the residents and users of the commercial units to engage in sustainable travel, in accordance with policy CS13 of the Core Strategy and Urban Core Plan for Gateshead and Newcastle Upon Tyne.

32

No part of the development hereby approved shall be occupied until final details of all works within the adopted highway have been submitted to and approved in writing by the Local Planning Authority. This shall include surface materials to be used for layby and footways around development (including Hawks Road), street lighting, signs and road markings.

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.

33

No part of the development hereby approved shall be occupied until the off site, highway works have been implemented in accordance with the details approved under condition 32 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.

34

No part of the development hereby approved shall be occupied until final details of the feature to be constructed at the back of the footpath at the lower end of the development on Mill Road, has been submitted to and approved in writing by the Local Planning Authority. The feature (eg. planter, wall or other structure) shall be designed and positioned in order to prevent indiscriminate parking.

Reason

To prevent indiscriminate parking in accordance with policy CS13 of the Core Strategy and Urban Core Plan for Gateshead and Newcastle Upon Tyne.

35

No part of the development hereby approved shall be occupied until the details approved under condition 34 have been implemented. The approved details shall be retained as such thereafter unless otherwise approved in writing by the Local Planning Authority

Reason

To prevent indiscriminate parking in accordance with policy CS13 of the Core Strategy and Urban Core Plan for Gateshead and Newcastle Upon Tyne.

36

Notwithstanding the details on the submitted plans, final details of the secure enclosure for the cycle parking facilities in the upper car park, shall be submitted to and approved in writing by the Local Planning Authority, prior to the development hereby approved being first occupied.

Reason

In order to ensure adequate provision for cyclists and in compliance with policy CS13 of the Core Strategy and Urban Core Plan for Gateshead and Newcastle Upon Tyne and the Gateshead Council Cycling Strategy.

37

No part of the development hereby approved shall be occupied until the secure cycle parking facilities have been implemented in accordance with the details approved under condition 36 and the plans approved as part of the application. 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 CS13 of the Core Strategy and Urban Core Plan for Gateshead and Newcastle Upon Tyne and the Gateshead Council Cycling Strategy.

38

The car parks shall be operated and updated in full accordance with the car management plan submitted and approved as part of the application reference Car Park and Servicing Management Plan, dated October 2017.

Reason

In the interests of effective use of the car parks, in accordance with policy CS13 of the Core Strategy and Urban Core Plan for Gateshead and Newcastle Upon Tyne.

39

The servicing and refuse collection for the development shall take place in full accordance with the service management plan submitted and approved as part of this application reference Car Park and Servicing Management Plan dated October 2017.

Reason

In the interests of safe service and refuse collection, in accordance with policy MWR28 of the Unitary Development Plan and policy CS13 of the Core Strategy and Urban Core Plan for Gateshead and Newcastle Upon Tyne.

40

A minimum of one charging point for electric vehicles shall be provided within the development, prior to the development being first occupied.

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

41

No part of the car parks hereby approved shall be brought into use until details of the barrier/entrance systems to the car parks have been submitted to and approved in writing by the Local Planning Authority.

Reason

In the interests of effective use of the car parks, in accordance with policy CS13 of the Core Strategy and Urban Core Plan for Gateshead and Newcastle Upon Tyne.

42

No part of the development hereby approved shall be occupied until the barrier/entrance systems have been implemented in accordance with the details approved under condition 41. The approved details shall be retained as such thereafter unless otherwise approved in writing by the Local Planning Authority.

Reason

In the interests of effective use of the car parks, in accordance with policy CS13 of the Core Strategy and Urban Core Plan for Gateshead and Newcastle Upon Tyne.

43

No part of the car park accessed off Hawks Road shall be brought into use until details of the measures to improve visibility for vehicles exiting the car park have been submitted to and approved in writing by the Local Planning Authority.

Reason

In the interests of effective and safe use of the car parks, in accordance with policy CS13 of the Core Strategy and Urban Core Plan for Gateshead and Newcastle Upon Tyne

44

The measures to improve to improve visibility for vehicles exiting the upper car park onto Hawks Road shall be implemented in accordance with details approved under condition 43 prior to that car park being brought into use.

Reason

In the interests of effective and safe use of the car parks, in accordance with policy CS13 of the Core Strategy and Urban Core Plan for Gateshead and Newcastle Upon Tyne

45

No part of the car parks hereby approved shall be brought into use until final details of the disabled car parking bays have been submitted to and approved in writing by the Local Planning Authority. This includes the final location of the bays and the positioning of the transfer zones.

Reason

In the interests of effective and safe use of the car parks, in accordance with policy CS13 of the Core Strategy and Urban Core Plan for Gateshead and Newcastle Upon Tyne.

46

No part of the car parks hereby approved shall be brought into use until the disabled bays have been implemented in accordance with the details approved under condition 45. The approved bays shall be retained as such thereafter.

Reason

In the interests of effective and safe use of the car parks, in accordance with policy CS13 of the Core Strategy and Urban Core Plan for Gateshead and Newcastle Upon Tyne.

47

No part of the student or residential accommodation shall be occupied until a Travel Plan for those elements has been submitted to and approved in writing by the Local Planning Authority. None of the commercial units shall be occupied until the submission of a Travel Plan for each occupier(s) and successive occupier(s) has been submitted to and approved in writing by the Local Planning Authority

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

- 1) Reduction in car usage and increased use of public transport, walking and cycling;
- 2) Minimal operational requirements for car parking in accordance with the National Planning Policy Framework and Council Policy CS13;
- 3) More environmentally friendly delivery and freight movements;
- 5) A programme of continuous review of the approved details of the Travel Plan and the implementation of any approved changes to the plan.

Reason

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

48

The Travel Plan(s) shall be implemented in accordance with the details and timescales approved under condition 47 and retained as such thereafter unless otherwise first 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.

49

The lower car park accessed of Mill Road shall not be brought into use until final details of the internal, ramped pedestrian link from that car park to the reception area have been submitted to the Local Planning Authority.

Reason

In the interests of effective use of the car parks, in accordance with policy CS13 of the Core Strategy and Urban Core Plan for Gateshead and Newcastle Upon Tyne.

50

The ramped pedestrian link shall be implemented in accordance with the details approved under condition 49 prior to the lower car park accessed off Mill Road being brought into use.

Reason

In the interests of effective use of the car parks, in accordance with policy CS13 of the Core Strategy and Urban Core Plan for Gateshead and Newcastle Upon Tyne.

51

No part of the development hereby approved shall be occupied until a scheme for public art 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.

52

The public art shall be implemented in accordance with the scheme approved under condition 51, prior to the development hereby approved being first occupied. 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.

53

No part of the development hereby approved shall be occupied until full details of the method of illumination of the external areas of the development have been submitted to and approved in writing by the Local Planning Authority.

Reason

In the interests of the amenities of the neighbouring residents in accordance with policy DC2 of the Unitary Development Plan and policy CS14 of the Core Strategy and Urban Core Plan for Gateshead and Newcastle Upon Tyne.

54

Any external lighting shall be implemented in accordance with the details approved under condition 53 and shall be retained as such unless otherwise approved in writing by the Local Planning Authority.

Reason

In the interests of the amenities of the neighbouring residents in accordance with policy DC2 of the Unitary Development Plan and policy CS14 of the Core Strategy and Urban Core Plan for Gateshead and Newcastle Upon Tyne.

55

No plant, machinery or equipment shall be installed on or attached to the exterior of the development until details have first been submitted to and approved in writing by the Local Planning Authority.

Reason

To safeguard the amenities of nearby residents and in accordance with policies DC1, DC2 and ENV61 of the Unitary Development Plan and policy CS14 of the Core Strategy and Urban Core Plan for Gateshead and Newcastle Upon Tyne and to ensure that any external equipment does not have an adverse effect upon the appearance of the development in accordance with policy ENV3 of the Unitary Development Plan and policy CS15 of the Core Strategy and Urban Core Plan for Gateshead and Newcastle Upon Tyne.

56

Any plant, machinery or equipment installed on or attached to the exterior of the development shall be implemented in accordance with details approved under condition 55 and shall be retained as such thereafter unless otherwise approved in writing by the Local Planning Authority.

Reason

To safeguard the amenities of nearby residents and in accordance with policies DC1, DC2 and ENV61 of the Unitary Development Plan and policy CS14 of the Core Strategy and Urban Core Plan for Gateshead and Newcastle Upon Tyne and to ensure that any external equipment does not have an adverse effect upon the appearance of the

development in accordance with policy ENV3 of the Unitary Development Plan and policy CS15 of the Core Strategy and Urban Core Plan for Gateshead and Newcastle Upon Tyne.

57

Prior to any A3 (restaurant / café) or A4 (drinking establishment) being brought into use a detailed scheme covering the extraction and ventilation and control of the unit and cooking odours shall be submitted to and approved in writing by the Local Planning Authority.

Reason

To ensure that the development is designed and adequately ventilated to control odour nuisance, in accordance with policies DC1 and DC2 of the Unitary Development Plan and policy CS14 of the Core Strategy and Urban Core Plan for Gateshead and Newcastle Upon Tyne.

58

Any equipment for the extraction and ventilation and control of cooking odours required for A3 or A4 uses on the ground floor shall be implemented in accordance with details approved under condition 57 prior to that unit being brought into an A3 or A4 use and shall be retained as such thereafter unless otherwise approved in writing by the Local Planning Authority.

Reason

To ensure that the development is designed and adequately ventilated to control odour nuisance, in accordance with policies DC1 and DC2 of the Unitary Development Plan and policy CS14 of the Core Strategy and Urban Core Plan for Gateshead and Newcastle Upon Tyne.

59

Prior to any A3 (restaurant / café) or A4 (drinking establishment) being brought into use a detailed scheme covering the soundproofing for the floors above shall be submitted to and approved in writing by the Local Planning Authority.

Reason

To ensure that the development is designed and adequately soundproofed to avoid nuisance, in accordance with policies DC1 and DC2 of the Unitary Development Plan and policy CS14 of the Core Strategy and Urban Core Plan for Gateshead and Newcastle Upon Tyne.

60

Any soundproofing required for an A3 (restaurant / café) or A4 (drinking establishment) use shall be implemented in accordance with details approved under condition 59 prior to that unit being brought into an A3 or

A4 use and shall be retained as such thereafter unless otherwise approved in writing by the Local Planning Authority.

Reason

To ensure that the development is designed and adequately soundproofed to avoid nuisance, in accordance with policies DC1 and DC2 of the Unitary Development Plan and policy CS14 of the Core Strategy and Urban Core Plan for Gateshead and Newcastle Upon Tyne.

61

Prior to the installation of any windows serving both student and non student residential properties, in accordance with the submitted noise assessment, final details of the glazing and ventilation for the flats shall be submitted to and approved in writing by the Local Planning Authority. The details for the glazing and ventilation for the windows in the east elevation facing the hotel shall be informed by an updated noise assessment as specified in the submitted noise assessment.

Reason

To safeguard the amenities of future residents and in accordance with 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.

62

The development shall be carried out in accordance with the glazing and ventilation details approved under condition 61.

Reason

To safeguard the amenities of future residents and in accordance with 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.

63

A minimum of 2% of the non student residential units shall be built to wheelchair home standards and 10% of the non student residential 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.

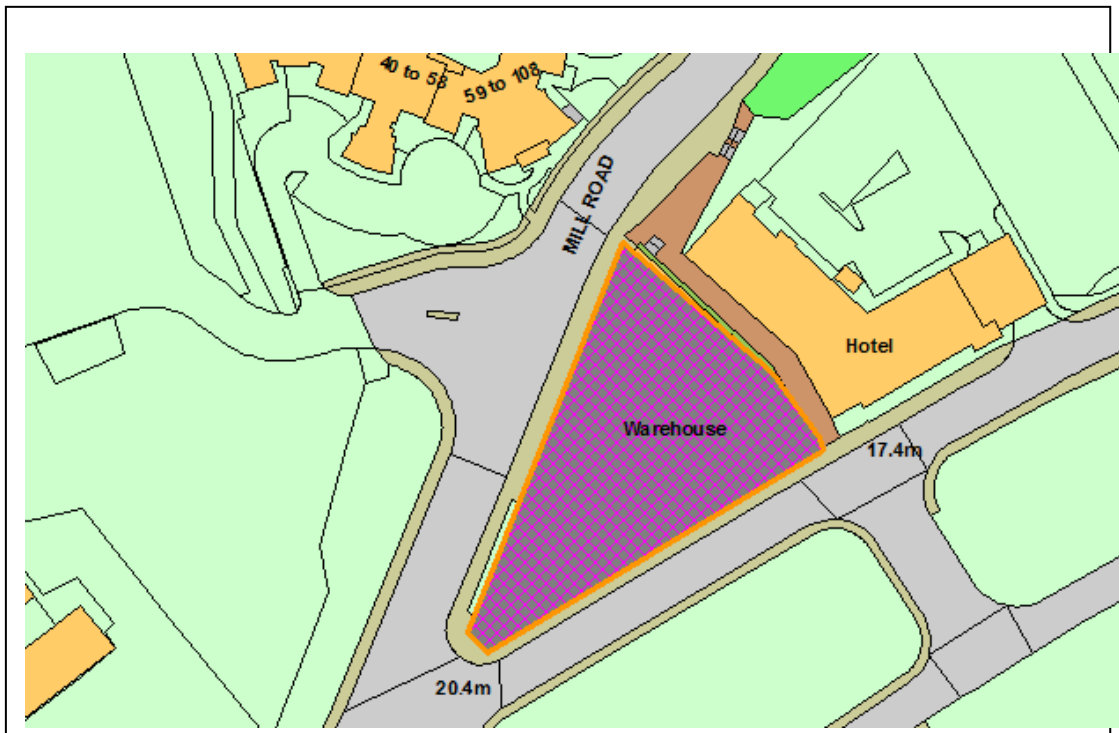
64

The ground floor commercial units hereby approved shall be first used for A1 (retail), A2 (financial and professional services), A3 (restaurant

and cafe) or A4 (drinking establishment) in accordance with The Town and Country Planning (Use Classes) (Amendment) (England) Order 2015.

Reason

To maintain an active ground floor frontage in accordance with policy QB3 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
15 November 2017**

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

MINOR UPDATE

Application No:	DC/17/00634/FUL
Site:	21 Mill Road East Gateshead Gateshead NE8 3AE
Proposal:	Mixed use development consisting of 386 residential units (1,2 and 3 beds) with on-site facilities, café, retail and parking (Amended Plans 06.10.2017, increase in height, 27.10.2017 to re-introduce angled windows to windows on floors 1-6 facing the hotel and 31.10.2017, minor changes to elevation).
Ward:	Bridges
Recommendation:	Grant subject to S106
Application Type	Full Application

Reason for Minor Update

Further representations made

A letter of support has been received from Councillor Eagle.

SEE MAIN AGENDA FOR OFFICERS REPORT.

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Committee Report

Application No:	DC/17/00830/FUL
Case Officer	Joanne Munton
Date Application Valid	8 August 2017
Applicant	Mrs Philippa Curry
Site:	Stampley Moss Farm Thornley Lane Rowlands Gill NE21 6LB
Ward:	Winlaton And High Spen
Proposal:	Proposed outdoor equestrian training arena (additional information received 20/09/17 and amended plan received 17/10/17).
Recommendation:	REFUSE
Application Type	Full Application

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

The specific application site is grazing land associated with Stampley Moss Farm and located south of the farmhouse. There is an access road to the north linking the farm dwelling with Thornley Lane, which runs north to south between Winlaton and Lockhaugh/Rowlands Gill.

1.2 The red line boundary of the application site includes Stampley Moss Farm buildings and land further north, but the proposal is located to the south of the farm buildings.

1.3 DESCRIPTION OF APPLICATION

The application is for an outdoor equestrian training arena. This would be L-shaped, with a 60m x 28m larger element orientated north west - south east lengthways and a smaller element 20m x 19m further south west at the north western end.

1.4 The all-weather arena would have a sand and rubber surface and would be surrounded by a 1.5m post and rail fence with timber kickboards at the base of the fence.

1.5 Amended plans show LED lights or lighting columns removed from the scheme.

1.6 Additionally, the proposal would result in a change of use from grazing land to land for the keeping, exercising and training of horses and equestrian coaching to members of the public.

1.7 RELEVANT PLANNING HISTORY

1204/87 - Restoration of former clay pit and council tip (retrospective application) - Granted 11.01.1988

863/95 - CERTIFICATE OF LAWFULNESS for existing garage and workshop and bays for building materials (sand, gravel etc) in yard of farmhouse, and trailer and lorry park on land south of farm and its use for sorting of materials and salvaging - Refused 02.11.1995

DC/08/01173/CPE - CERTIFICATE OF LAWFUL DEVELOPMENT FOR AN EXISTING USE OR ACTIVIITY INCLUDING THOSE IN BREACH OF A PLANNING CONDITION: Use of site for storage and collection of building aggregates, the sorting thereof and delivery of building aggregates by the use of a maximum of 10 motor vehicles and 6 trailers between the hours of 06:00 to 17:00 Monday to Friday and 06:00 to 15:00 hours Saturday only - Use considered to be lawful 20.01.2009

DC/14/00516/FUL - Demolition of existing industrial buildings and erection of two dwellings with associated landscaping works (revised scheme) - Granted 04.07.2014

2.0 Consultation Responses:

Durham Wildlife Trust No comments received

Bridleways And Horseriders Association No comments received

Bridleways And Riders Action Group No comments received

3.0 Representations:

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

3.2 No representations were received.

4.0 Policies:

NPPG National Planning Practice Guidance

NPPF National Planning Policy Framework

DC1D Protected Species

DC2 Residential Amenity

ENV3 The Built Environment - Character/Design

ENV46 The Durham Biodiversity Action Plan

ENV47 Wildlife Habitats

ENV48 Sites of Special Scientific Interest

ENV49 Sites of Nature Conservation Importance

ENV51 Wildlife Corridors

CS13 Transport

CS14 Wellbeing and Health

CS15 Place Making

CS17 Flood Risk and Waste Management

CS18 Green Infrastructure/Natural Environment

CS19 Green Belt

5.0 Assessment of the Proposal:

5.1 The key considerations to be taken into account when assessing this planning application are Green Belt, ecology, visual amenity, residential amenity, highway safety and parking, and flood risk.

5.2 GREEN BELT
The site is in the Green Belt.

5.3 NPPF paragraph 79 states that:

'the essential characteristics of Green Belts are their openness and their permanence.'

5.4 NPPF paragraph 80 sets out the five purposes of the Green Belt:

- '- to check the unrestricted sprawl of large built-up areas;
- to prevent neighbouring towns merging into one another;
- to assist in safeguarding the countryside from encroachment;
- to preserve the setting and special character of historic towns; and
- to assist in urban regeneration, by encouraging the recycling of derelict and other urban land.'

5.5 Policy CS19 of the CSUCP reflects the above.

5.6 NPPF paragraph 87 states:

'As with previous Green Belt policy, inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances.'

5.7 The application seeks consent for a) an outdoor equestrian training arena and b) the change of use of grazing land for the keeping and exercising of horses and equestrian coaching.

5.8 In relation to the physical part of the proposal (a)), Paragraph 89 of the NPPF states that:

'A local planning authority should regard the construction of new buildings as inappropriate in Green Belt. Exceptions to this are [amongst others]:

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

5.9 The proposed arena would be for outdoor sport and recreation. However, it is considered that due to the scale and extent of the proposal it would not preserve the openness of the Green Belt and would conflict with its purposes.

5.10 The proposal would result in more than 2,000sqm of open grazing land being enclosed and resurfaced and regular visitors to the site. The land is currently an open field and it is considered that the formalisation and enclosure of some of this land, the installation of new surface materials, the use of equipment and paraphernalia associated with equestrian training, and the increase in bulk resulting from vehicles/horse trailers of visitors would impact on the openness of the Green Belt and would not assist in safeguarding the countryside from encroachment.

5.11 The supporting statement states that there would be no competitions at the arena and that there would primarily only be a single horse and rider schooled in the arena, with some limited occasions where classes of up to six ponies would be present. However, it is considered that a condition prohibiting competitions would not be reasonably enforceable, particularly in terms of what kind/extent of event would be considered to be a competition, and similarly, it is possible that other types of events/projects/coaching would also result in increased numbers of visitors and vehicles on site (potentially as spectators).

5.12 Similarly, a condition restricting the number of students/participants (potentially controlled by a register) would not control the number of spectators and vehicles/horse trailers, and a condition restricting the number of vehicles used by visitors to the arena would not be reasonably enforceable, primarily as the LPA would not have detailed information of the purpose and ownership of each individual vehicle on site at any one time.

- 5.13 The applicant has suggested that instead of appropriate facilities for outdoor sport and outdoor recreation, the proposal could fall within the definition of engineering operations, which is referenced in NPPF paragraph 90:

'Certain other forms of development are also not inappropriate in Green Belt provided they preserve the openness of the Green Belt and do not conflict with the purposes of including land in Green Belt. These are:

- engineering operations'

- 5.14 However, as in the NPPF text, this form of development would also need to preserve the openness of the Green Belt and not conflict with its purposes in order to not be inappropriate development in the Green Belt. As above, it is considered that the proposal would not satisfy this provision.
- 5.15 In any event, in terms of the proposed change of use of the land (b)), this would be inappropriate development within the Green Belt. According to the Fordent Judgement (Fordent Holding Limited v Secretary of State 2013 EWHC 2844 (Admin), the lists of exceptions within paragraphs 89 and 90 of the Framework are closed and other types of development cannot be included by implication. Overall, the Fordent Judgement makes it clear that development in the Green Belt is inappropriate (and thus can only be permitted in very special circumstances) unless it falls within one of the specific exceptions identified within paragraphs 89 or 90 of the Framework.
- 5.16 Therefore, in order to not be inappropriate development in the Green Belt, very special circumstances must exist. NPPF paragraph 88 states:

'When considering any planning application, local planning authorities should ensure that substantial weight is given to any harm to the Green Belt. 'Very special circumstances' will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations.'

- 5.17 The applicant has put forward very special circumstances, namely:

- That they are a top level UK coach who has and continues to train Olympic level riders at one end of the spectrum, whilst at the other end giving up her time, without charge to help Riding for the Disabled (a UK charity) and local disadvantaged children

- 5.18 Additionally, supporting information in the submitted statement also puts forward the following:

- That locating in this area is more practical and accessible than in Northumberland as the applicant draws participants from all over the north of England;

- That the applicant owning her own arena would also have the potential to result in more flexible lesson times and to reduce costs of lessons as part of the normal cost goes towards the hire of the venue;
- That the applicant wishes to use the facility as a hub to help new and existing coaches, which would have the potential to deliver improved sessions in the area and sustained participation. The supporting information submitted with the application states that this would be a unique and innovative approach;
- That the facility would ensure that the Northumberland Academy (showjumping) can continue and would not be in jeopardy of being cancelled due to financial restraints, and that reduced rates would potentially make the Academy more accessible to local riders who cannot afford the current charges.

- 5.19 National guidance advises development is not normally justified on planning grounds because of who would benefit from the permission, save where an exceptional need has been demonstrated. Planning permission runs with the land and planning cannot control the ownership of land. Therefore, if planning permission was granted, the land could be lawfully used in the future as a training arena by an individual who did not have the same (or similar) status, students/participants, connections/affiliations and ambition/approach for the facility.
- 5.20 The approach is supported by British Showjumping and Northumberland Sport in letters in the appendices of the supporting statement. However, there is no detail submitted to give evidence (or guarantee) that an arena in this specific location would result in more flexible lessons times, reduced lesson charges and improved quality of training (all of which would not be reasonable, enforceable or necessary to require by condition).
- 5.21 No details or evidence of the financial situation of the Northumberland Academy have been submitted with the application, or how the location of the proposed arena in this specific location (as opposed to a location outside of the Green Belt) would prevent the Northumberland Academy from being cancelled due to financial restraints. Given the limited amount of participants proposed in the supporting statement and the lack of evidence submitted to demonstrate otherwise, it is considered that the sustained participation in showjumping and the financial stability of the Northumberland Academy would not hinge on the development of an arena in this specific location within the Green Belt.
- 5.22 It is considered that exceptional need, where granting planning permission for development that would not normally be permitted on the site could be justified on planning grounds because of who would benefit from the permission, has not been demonstrated on this occasion.
- 5.23 Therefore, the above proposed very special circumstances would neither individually nor cumulatively outweigh the potential harm to the Green Belt by reason of inappropriateness.

- 5.24 Therefore, the proposal would be inappropriate development in the Green Belt, would not fall within any of the exceptions of paragraphs 89 and 90 of the NPPF, and very special circumstances would not exist that would clearly outweigh the potential harm to the Green Belt by reason of inappropriateness.
- 5.25 The assessment of whether very special circumstances would exist that would clearly outweigh any other harm is provided further in the report below.
- 5.26 VISUAL AMENITY
Policy CS15 of the CSUCP requires development to contribute to good place-making through the delivery of high quality and sustainable design by responding positively to local distinctiveness and character.
- 5.27 Policy ENV3 of the UDP requires design, density and scale of new development to make a positive contribution to the established character and identity of its locality.
- 5.28 The site is an open field used for grazing land within the Green Belt, in a predominantly rural area between Lockhaugh to the south and Winlaton to the north. Public Right of Way BL/50/1 runs through the site northwest to south east, between the farm building and the proposed location of the arena.
- 5.29 It is considered that the proposed materials would not be uncommon for development of this kind. However, one of the established characteristics of the area is the openness of the Green Belt. As above, it is considered that the scale and extent of the proposal would not preserve the openness of the Green Belt.
- 5.30 Therefore, the proposal would not fully respond positively to local distinctiveness and character and would not fully make a positive contribution to the established character and identity of its locality. The proposal would not comply with the aims and requirements of saved policy ENV3 of the UDP and policy CS15 of the CSUCP.
- 5.31 ECOLOGY
The proposed equestrian training arena is located entirely within Huntley Gill Local Wildlife Site (LWS) and the Wildlife Corridor which connects Huntley Gill LWS with Thornley Wood Site of Special Scientific Interest (SSSI) and the wider Derwent Valley strategic Wildlife Corridor.
- 5.32 Paragraph 109 of the NPPF states that:
- 'The planning system should contribute to and enhance the natural and local environment by[amongst others]:
- recognising the wider benefits of ecosystem services;
 - minimising impacts on biodiversity and providing net gains in biodiversity where possible, contributing to the Government's commitment to halt the overall decline in biodiversity, including by

establishing coherent ecological networks that are more resilient to current and future pressures'

- 5.33 Saved policy DC1(d) requires development to not have an adverse impact on statutorily protected species; saved policy ENV47 of the UDP seeks to protect and enhance wildlife habitats; saved policy ENV48 of the UDP seeks to protect SSSIs where there is the potential for an adverse effect on the site; saved policy ENV49 of the UDP seeks to protect Local Wildlife Sites (formerly Sites of Nature Conservation Importance) from adverse development wherever possible; saved policy ENV51 of the UDP states:

'A network of wildlife corridors will be protected by resisting development or recreational use which would seriously impair their integrity or value to wildlife. Exceptionally, damaging developments may be allowed where habitats would be enhanced or where suitable replacement land is provided to retain the integrity of the corridor'

- 5.34 Policy CS18 of the CSUCP seeks to achieve a high quality and comprehensive framework of interconnected green infrastructure that offers ease of movement and an appealing natural environment for people and wildlife by [amongst others]:

-Maintaining, protecting and enhancing the integrity, connectivity, multifunctionality and accessibility of the Strategic Green Infrastructure Network; and

- Protection, enhancement and management of green infrastructure assets (which include Biodiversity and geodiversity assets, including designated sites, designated wildlife corridors and priority habitats and species).

- 5.35 At its closest point the equestrian training arena is located approximately 13m from woodland and approximately 7m from an established pond. The footprint of the proposed arena currently comprises semi-improved grassland which is periodically cut for hay/silage. It is anticipated that an adjacent area of hardstanding, which supports a mosaic of bare ground and ephemeral/short perennial vegetation, would be used for car parking and the loading and unloading of horses.

- 5.36 An Ecological Impact Assessment (EclA) has been submitted in support of the application, which is based on information gathered as the result of a desk study, a site visit in March 2017, and an eDNA analysis of the pond to determine the presence/likely absence of great crested newts.

- 5.37 The proposed development would result in the direct loss of approximately 2,060sqm of designated Local Wildlife Site. The survey visit/habitat assessment was undertaken outside the optimal survey period for grassland habitats (June to July inclusive), although this is not acknowledged as a constraint within the report. A site visit in October 2017 by the Council's ecologist recorded a sward height of up to 150mm and several forbs species not listed in the submitted EclA.

- 5.38 Despite undertaking a great crested newt eDNA survey of the pond in April 2017, and the habitats (including semi-improved grassland) directly affected by the proposals having the potential to support terrestrial amphibians, there is no reference in the submitted report to the presence/potential impacts of the proposal on other amphibians species, including common toad (which is a priority species). Furthermore there is no consideration in the report to the potential impacts of the drainage proposals (e.g. changes in hydrological function and water quality) on the established pond and its associated interest.
- 5.39 Similarly, there is no reference in the submitted report to the potential for the grassland habitats affected by the proposals to support foraging barn owl or kestrel (which are both priority species).
- 5.40 The submitted information does not adequately allow for the assessment of the likely impact of the proposal on biodiversity, including: designated sites, protected species, priority habitats and species and ecological connectivity.
- 5.41 Additionally, the submitted report recommends mitigation, compensation and enhancement, but this is considered to be inadequate, particularly in light of the inadequacy of the survey.
- 5.42 Paragraph 118 of the NPPF states that:
- 'When determining planning applications, local planning authorities should aim to conserve and enhance biodiversity by applying the following principles [amongst others]:
- if significant harm resulting from a development cannot be avoided (through locating on an alternative site with less harmful impacts), adequately mitigated, or, as a last resort, compensated for, then planning permission should be refused'
- 5.43 In its current form it is considered that the proposal would:
- result in the direct loss of LWS area, direct loss of potential Durham Biodiversity Action Plan (DBAP) priority habitat (i.e. Lowland Meadows and Pastures),
 - potentially have an adverse impact on DBAP priority habitat (i.e. the pond) through changes in hydrology and water quality,
 - result in the direct loss of terrestrial habitat with the potential to support a range of priority/notable species including but not limited to foraging/dispersing amphibians, foraging badger and foraging raptors (e.g. barn owl and kestrel),
 - result in a reduction in ecological connectivity between Huntley Gill LWS and Thornley Wood SSSI.

- 5.44 Therefore, there is insufficient information submitted with the application to demonstrate that the proposal would not have an unacceptable impact on green infrastructure assets in the area.
- 5.45 The proposal would not comply with the aims and requirements of saved policies DC1(d), ENV46, ENV47, ENV48, ENV49 and ENV51 of the UDP and policy CS18 of the CSUCP.
- 5.46 RESIDENTIAL AMENITY
The nearest residential property is Stampley Moss Farm House (within the red line boundary), which would be 50m to the north of the proposed arena. It is considered that the proposal would not result in an unacceptable loss of privacy, light or outlook, and would not have an unacceptable overbearing impact or increase in disturbance.
- 5.47 Therefore, the proposal would comply with the aims and requirements of saved policy DC2 of the UDP and policy CS14 of the CSUCP.
- 5.48 HIGHWAY SAFETY AND PARKING
It is considered that the existing arrangement for vehicles entering and exiting the site would accommodate a low level of trips. The supporting statement proposes a limited number of students/participants, which would be in line with this, but as above, a condition restricting the number of students'/participants' or spectators' vehicles on site at any one time would not be reasonable or enforceable.
- 5.49 The anticipated trip generation and demand for parking have not been submitted with the application, but if the application was recommended to be approved, a condition could be imposed requiring final details of parking provision and associated amended access arrangements where required.
- 5.50 Therefore, it is considered that the proposal would not have an unacceptable impact on highway safety and parking in the area and would comply with the aims and requirements of policy CS13 of the CSUCP.
- 5.51 FLOOD RISK
The supporting statement makes reference to a drainage system that would be beneath the arena and would lead any surface water to the existing pond on the site, ensuring that the arena did not become water logged during winter months.
- 5.52 However, no further drainage details are provided to support this proposal. A condition requiring further detailed drainage information could be imposed if the application was recommended to be granted.
- 5.53 The proposal would comply with the aims and requirements of policy CS17 of the CSUCP.
- 5.54 OTHER MATTERS

The applicant has put forward examples of previous permissions regarding horse arenas in Gateshead, however, each application is determined on its own merits.

6.0 CONCLUSION

- 6.1 The proposal would be inappropriate development in the Green Belt, would not fall within any of the exceptions of paragraphs 89 and 90 of the NPPF, and very special circumstances would not exist that would clearly outweigh the potential harm to the Green Belt by reason of inappropriateness.
- 6.2 Further harm has been identified in terms of the impact on ecology; the information submitted does not adequately demonstrate that the proposal would not have an unacceptable impact on green infrastructure assets in the area. It is considered that the proposed very special circumstances would also not clearly outweigh the level of harm.
- 6.3 Therefore it is considered that the proposal would not comply with the aims and objectives of saved policies DC1(d), ENV3, ENV46, ENV47, ENV48, ENV49 and ENV51 of the UDP and policies CS15, CS18 and CS19 of the CSUCP. It is recommended that planning permission be refused for the following reasons.

7.0 Recommendation:

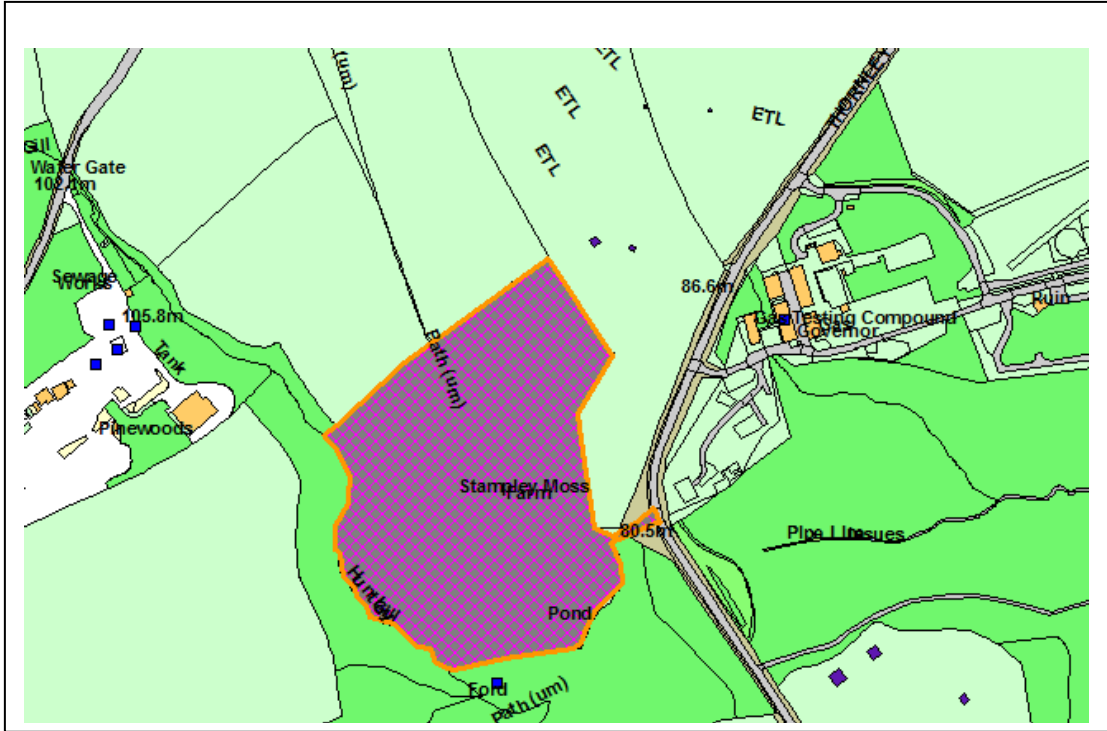
That permission be REFUSED for the following reason(s):

1

The proposal would be inappropriate development in the Green Belt, would not fall within any of the exceptions of paragraphs 89 and 90 of the NPPF, and very special circumstances would not exist that would clearly outweigh the potential harm to the Green Belt by reason of inappropriateness, and any other harm. Therefore, the proposal would not comply with the aims and requirements of saved policy ENV3 of the Unitary Development Plan, policies CS15 and CS19 of the Core Strategy and Urban Core Plan, and the National Planning Policy Framework.

2

Insufficient information has been submitted with the application to demonstrate that the proposal would not have an unacceptable impact on green infrastructure assets. The proposal would not comply with the aims and requirements of saved policies DC1(d), ENV46, ENV47, ENV48, ENV49 and ENV51 of the Unitary Development Plan, policy CS18 of the Core Strategy and Urban Core Plan and the National Planning Policy Framework.



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UPDATE

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

**TO THE PLANNING AND DEVELOPMENT COMMITTEE ON
15 November 2017**

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

MINOR UPDATE

Application No:	DC/17/00830/FUL
Site:	Stampley Moss Farm Thornley Lane Rowlands Gill NE21 6LB
Proposal:	Proposed outdoor equestrian training arena (additional information received 20/09/17 and amended plan received 17/10/17).
Ward:	Winlaton And High Spen
Recommendation:	Refuse Permission
Application Type	Full Application

Reason for Minor Update**Further representations made**

A letter of support has been received from Northumberland Sport. The representation also includes a copy of a survey explaining the general wider future intentions of the applicant at the application site and the responses received. The agent has confirmed that the document does not form part of the application in terms of the use proposed; therefore, the proposed use described in the main report has not changed.

The representation states that the applicant coaches at elite level but also works with those less fortunate. The letter claims that the proposed arena would not be used as a riding school, competition arena or livery yard, but solely as a training arena to coach riders with their own horses, exercise her private horses whilst providing some free education.

The representation lists personal qualities of the applicant and claims that the applicant is unique and is the most highly qualified Showjumping coach in the UK.

The application proposes the change of use of the land that would not fall within the exceptions in paragraphs 89 or 90 of the NPPF, so would be inappropriate development within the Green Belt in the absence of very special circumstances.

As in the main report, national guidance advises development is not normally justified on planning grounds because of who would benefit from the permission. Planning permission runs with the land and planning cannot control the ownership of land. Therefore, if planning permission was granted, the land could be lawfully used in the future as a training arena by an individual who did not have the same (or similar) status, students/participants, connections/affiliations and ambition/approach for the facility.

The representation states that due to high hire costs of the arena that the applicant currently rents in Northumberland, providing affordable lessons and voluntary work is unsustainable. The letter also states that the proposal site in Gateshead is more sustainable and accessible than the location where the applicant currently works.

There is no detail submitted with the application to give evidence (or guarantee) that an arena in this specific location (within the Green Belt) would result in reduced lesson charges and improved quality of training (neither of which would be reasonable, enforceable or necessary to require by condition). Additionally, there is no detail submitted with the representation or application to give evidence that a facility that would bring similar benefits could not be provided in a location outside of the Green Belt.

It is considered that exceptional need, where granting planning permission for development that would not normally be permitted on the site could be justified on planning grounds because of who would benefit from the permission, has not been demonstrated on this occasion.

Therefore, the above proposed very special circumstances would neither individually nor cumulatively outweigh the potential harm to the Green Belt by reason of inappropriateness, and any other harm.

The submitted letter also refers to the use of wider the site as a former aggregate haulage yard and landfill site. According to government records, any licenses for HGVs and wagons to access the site have been surrendered. Planning permission DC/14/00516/FUL was granted for two dwellings to the north of Stampley Moss farm house.

However, the assessment of the impact on the Green Belt of those dwellings has no bearing on the assessment of the impact on the Green Belt of this proposal, and each case is assessed on its planning merits. In this case it is considered that the proposal would be inappropriate development in the Green Belt (for the reasons set out in the main body of the report) and that very special circumstances would not exist that would clearly outweigh the potential harm to the Green Belt by reason of inappropriateness, and any other harm.

SEE MAIN AGENDA FOR OFFICERS REPORT.

Committee Report

Application No:	DC/17/00899/COU
Case Officer	Lois Lovely
Date Application Valid	13 August 2017
Applicant	Mr Afshin Pouresmaileh
Site:	Da Vincis 10 Harraton Terrace Durham Road Birtley Chester Le Street DH3 2QG
Ward:	Birtley
Proposal:	Change of use from A3 (food and drink) to A3/A5 to allow for home delivery (amended 05/09/17).
Recommendation:	REFUSE
Application Type	Change of Use

1.0 The Application:

1.1 DESCRIPTION OF THE SITE

The application site is the ground floor only of a two-storey red brick mid-terrace property that features a pitched tiled roof and is located on land that slopes gently downwards from north to south. The ground floor unit operated as a café from 1996 until June 2017, when a new planning permission DC/16/00343/FUL was granted for a cafe/sandwich bar with extended opening hours, 07:00 hours and 23:00 hours only Monday to Saturday and to between 11:00 hours and 23:00 hours only Sunday. The new café is known as Da Vincis.

1.2 The Applicant sells food which is predominantly freshly made pizza, but he also offers a selection of burgers, kebabs, wraps, pasta, chips and salads. There is a 25sqm space for twenty customers to sit down to consume the food on the premises. However the Applicant has indicated that currently 80% of the number of meals provided is through home delivery of the food and 2% is from traditional take-away sales of food from the premises. Consequently, under 18% of the meals are served on site as part of the A3 (café/restaurant) use. This indicates that the premises is currently trading as an A5 (hot food takeaway) and not as the authorised A3 (café/restaurant) use at present.

1.3 The building forms part of Harraton Terrace and is located within Birtley District Centre. The applicant is also in possession of the flat above the ground floor unit and the shop manager lives there. The character of the streetscene is varied, consisting of retail, commercial, industrial and residential uses of differing sizes and styles.

1.4 There is a rear lane that gives access to the rear of the application property and a parking area behind the application site.

1.5 The application form gave the site address as 10A Harraton Terrace. This is the address of the flat above the ground floor unit. The address on this planning application has been confirmed by the applicant as 10 Harraton Terrace.

1.6 DESCRIPTION OF THE APPLICATION

The proposal as described on the application form is a change of use from A3 (café/restaurant) to a mixed A3/A5 (hot food takeaway) to allow for home delivery. For the avoidance of doubt, the application is not being made to regularise or grant retrospective consent for how the premises currently trades as the current business is A5 use, not a mixed use, due to the small proportion of A3 activity currently taking place. The Applicant has not provided any information about how the operation would change to accommodate the proposed use.

1.7 The application form describes the existing use as a pizza restaurant and states that the existing floorspace is 75sqm; there is no change to the size of the premises proposed in this application.

1.8 The seating area is set out in accordance with the approved layout of DC/16/00343/FUL and comprises 5m x 5m, a total of 25sqm with a further 50sqm of food preparation area.

1.9 PLANNING HISTORY

DC/16/00881/FUL Installation of new fully glazed shop-front with central door, and installation of internal extraction flue with the exception of a high velocity cowl that exits the rear roof plane close to ridge height and exhausts above ridge height (amended 28/11/16). Granted 13.01.2017

DC/16/00343/FUL: VARIATION OF CONDITION 3 of permission 62/96 (Change of use from shop (use class A1) to cafe/sandwich bar (use class A3)) seeking extension of business opening hours from 7am until 11pm Mondays to Saturdays and 11am to 11pm Sundays, with deletion of Conditions 4 (other uses in A3 use class) and 5 (ventilation scheme). Granted 29.06.2016

140/01: Planning permission refused for variation of condition 3 of planning permission 62/96 to allow opening hours of 8am to 2am Monday to Sunday instead of 8am to 6pm Monday to Saturday only (as previously restricted).

62/96: Planning permission granted for change of use from a shop (use class A1) to a cafe/sandwich bar (use class A3).

376/91: Planning permission refused for change of use from a shop (use class A1) to a hot food take-away (use class A3).

24/84: Planning permission refused for change of use from a shop to a hot food take-away shop (ground floor only).

2.0 Consultation Responses:

None received

3.0 Representations:

- 3.1 Neighbour notifications were carried out in accordance with formal procedures introduced in the Town and Country Planning (Development Management Procedure) Order 2015.
- 3.2 A further round of Neighbour notifications were carried when it became apparent to the LPA that the applicant had provided the incorrect address.
- 3.3 A Ward Member objection has been received. The concern is that the business is trading as a hot food takeaway contrary to Council policy.
- 3.4 Seven letters of representation have been received, two from the same objector. The concerns relate to:
- Council Policy is that no new hot food takeaways would be granted due to health issues.
 - Da Vincis has permission to operate as a cafe not to deliver food but is offering a delivery service and food is being collected and delivered from the premises
 - Increase in traffic with inadequate car parking
 - Highway safety - customers and Da Vinci delivery drivers park in front of shop on double yellow lines, opposite Co-op car park access causing congestion particularly as there is a pedestrian refuge in the middle of road
 - Disturbance to residents by increase in car visits - engine noise and doors opening and closing
 - During lunchtimes Da Vincis sit in area is used but rarely used in the evening
 - Applicant sold business in Swalwell to move to Birtley
 - Address incorrect is 10 Harraton Terrace the flat above is 10A Harraton Terrace
 - Neighbours not consulted
 - Will attract vandals
 - Competition with other Hot Food Take-Aways
 - Enforcement record no longer visible online
- 3.5 A petition bearing 13 signatures has been received objecting on the grounds that the proposal is contrary to policy.

4.0 Policies:

ENV61 New Noise-Generating Developments

NPPF National Planning Policy Framework

NPPG National Planning Practice Guidance

CS7 - Retail and Centres

CS13 Transport

CS14 Wellbeing and Health

DC2 Residential Amenity

RCL5 - District and Local Centres

RCL6 Food and Drink Uses

HFTSPD Hot Food Takeaway SPD

5.0 Assessment of the Proposal:

- 5.1 The main planning considerations are the principle of the proposal as submitted, the actual operation of the business, wellbeing and health, highway safety issues, residential amenities and other matters.
- 5.2 **PRINCIPLE**
Policy RCL5 of the Unitary Development Plan (UDP) and policy CS7 of the Core Strategy and Urban Core Plan (CSUCP) set out the retail hierarchy in Gateshead and based on these policies it is determined that the proposal would lead to the retention of a town centre use in a town centre location (Birtley District Centre). Therefore, in retail policy terms, the change of use would have a neutral impact on the existing district centre.
- 5.3 Policy RCL6 states that A3 and A5 uses can be located in an existing centre provided:
a) they do not have an unacceptable impact on road safety, the environment, amenity, the character of the surrounding area or the vitality and viability of an existing centre; and
b) they would not lead to an over-concentration of such uses in any one location.
- 5.4 This policy recognises that in retail policy terms, A3 and A5 uses can be provided where they help to meet the needs of a particular locality or neighbourhood. This is supported at a broad level by the National Planning Policy Framework (NPPF) in terms of conversion of existing buildings (paragraph 17) and planning positively for local services to enhance the sustainability of communities and residential environments (paragraph 70).
- 5.5 Paragraph 9.27 of the CSUCP states that "the success of our centres is strongly influenced by the variety and choice of shops, services and other uses within them. In addition to Class A1 retail uses, a range of non-retail services will be considered provided these other uses would not harm the centres overall vitality and viability".

- 5.6 The proposal concerns the change of use of the existing ground floor of the building to a mixed café and take-away use with no alterations to the frontage of the building. The proposal can be said to retain the building's commercial use and character.
- 5.7 Furthermore, the property already has planning permission to operate as an A3 use. The change to a mixed A3 and A5 use would, in terms of policy RCL6 a), have either a negligible impact, or whatever impacts arose could be subject to appropriate conditions. However, the introduction of the A5 use would result in an overconcentration of that use contrary to RCL6 b); the Birtley ward average for A5 establishments is 1.68 per 1000 population, compared to a national average of 0.86 per 1000 population and in Birtley District Centre the percentage of A5 uses is already 11.6% of the total commercial uses. It therefore follows that this application is also contrary to CS7 as it would result in an overconcentration of A5 uses in the District Centre to the detriment of its vitality and viability.
- 5.8 Consequently, whilst this application is for a town centre use in a town centre location, it is considered to be unacceptable in retail policy terms and not in accordance with the NPPF, policy CS7 of the CSUCP and policy RCL6 b) of the UDP, as a result of the overconcentration of A5 uses that would arise.
- 5.9 Paragraph 7 of the NPPF states that the social role of the planning system in achieving sustainable development is:
"Supporting strong, vibrant and healthy communities, by providing the supply of housing required to meet the needs of present and future generations; and by creating a high quality built environment, with accessible local services that reflect the community's needs and support its health, social and cultural well-being."
- 5.10 One of the twelve core planning principles at paragraph 17 is that planning should:
"Take account of and support local strategies to improve health, social and cultural wellbeing for all, and deliver sufficient community and cultural facilities and services to meet local needs."
- 5.11 Further, paragraph 69 of the NPPF states that the planning system can play an important role in facilitating social interaction and creating healthy, inclusive communities.
- 5.12 Planning Practice Guidance (PPG) (Health and Wellbeing) also stresses the importance of the planning system in promoting healthy lifestyles:
Paragraph 001 states:
"The link between planning and health has been long established. The built and natural environments are major determinants of health and wellbeing."
And paragraph 002 states:

"The range of issues that could be considered through the plan-making and decision-making processes, in respect of health and healthcare infrastructure, include how [amongst others]:

- development proposals can support strong, vibrant and healthy communities and help create healthy living environments which should, where possible, include making physical activity easy to do and create places and spaces to meet to support community engagement and social capital;
- the local plan promotes health, social and cultural wellbeing and supports the reduction of health inequalities;
- the local plan considers the local health and wellbeing strategy and other relevant health improvement strategies in the area;
- opportunities for healthy lifestyles have been considered (e.g. planning for an environment that supports people of all ages in making healthy choices, helps to promote active travel and physical activity, and promotes access to healthier food, high quality open spaces and opportunities for play, sport and recreation)."

5.13 Finally, at paragraph 005, the PPG defines a healthy community as:

"a good place to grow up and grow old in. It is one which supports healthy behaviours and supports reductions in health inequalities. It should enhance the physical and mental health of the community and, where appropriate, encourage:

- Active healthy lifestyles that are made easy through the pattern of development, good urban design, good access to local services and facilities; green open space and safe places for active play and food growing, and is accessible by walking and cycling and public transport.
- The creation of healthy living environments for people of all ages which supports social interaction. It meets the needs of children and young people to grow and develop, as well as being adaptable to the needs of an increasingly elderly population and those with dementia and other sensory or mobility impairments."

5.14 Planning for the Future Core Strategy and Urban Core Plan 2010-2030 for Newcastle and Gateshead (CSUCP) was adopted by Gateshead Council on 26th March 2015.

Policy CS14 of CSUCP relates to the health and wellbeing of communities being maintained and improved by (amongst other things) "3. Controlling the location of, and access to, unhealthy eating outlets".

5.15 Gateshead Council's Hot Food Takeaway Supplementary Planning Document (the SPD) was adopted by Cabinet on 2 June 2015. The SPD sets out the Council's priorities and objectives in relation to planning control of hot food takeaways and elaborates upon policies relating to health and wellbeing. The SPD can be afforded full weight.

5.16 In response to national policy and guidance, policy CS14 (Wellbeing and Health) of the CSUCP states that the 'wellbeing and health of communities will be maintained and improved by:

"3. Controlling the locations of and access to unhealthy eating outlets."

- 5.17 Given the nature of the proposed mixed use and the significant element of A5 hot food takeaway, this proposal is considered to be an unhealthy eating outlet and as such should be assessed against policy CS14.
- 5.18 The Hot Food Takeaway Supplementary Planning Document (SPD), provides clarity on the CSUCP in relation to the locations in which hot food takeaway (A5) premises are not appropriate. In this case, the development in respect of which permission is sought comprises the change to or increase in significance of the hot food takeaway element of use. Accordingly, Planning consideration 1 of the SPD states that A5 uses will not be granted within a 400m radius of an entry point to secondary schools, youth centres, leisure centres and parks. The application site is located less than 400m from Lord Lawson School and Joseph RC Schools and is therefore not considered an appropriate location.
- 5.19 Planning consideration 2 of the SPD states that A5 uses will not be granted in wards where more than 10% of year 6 pupils are classified as obese. Birtley ward has a year 6 obesity level of 25% (2015/16), which is higher than the aspirational target of 10% set by the Council.
- 5.20 Planning consideration 3 of the SPD states that planning permission will not be granted for an A5 use where the number of approved A5 establishments, within the ward, equals or exceeds the UK national average, per 1000 population.
- 5.21 The current national average for A5 establishments is 0.86 per 1000 population and, for Birtley ward, the number of A5 uses per 1000 population is 1.68. This is almost double the national average and as referred to above, UDP Policy RCL6 states that planning permission will be granted for A3 and A5 uses where it would not lead to an overconcentration of such uses.
- 5.22 Planning consideration 4 of the SPD states that an A5 use will not be permitted where, in Local Centres the percentage of A5 uses exceeds 5% of commercial uses, and there should be no more than two consecutive A5 uses in any one length of frontage. Where A5 uses already exist in any one length of frontage, a gap of at least two non A5 use shall be required before a further A5 use will be permitted in the same length of frontage.
- 5.23 In Birtley District Centre the percentage of A5 uses is already 11.6% of the total commercial uses. Therefore any mixed use which includes an A5 element should not be permitted on these grounds. In terms of clustering, Yummy Yummy (an A5 use) is the end terrace business and there are six units between this business and Da Vinci's along this frontage. The position of the premises in relation to neighbouring A5 premises therefore complies with the 'clustering' criteria referred to above.
- 5.24 It is considered that the application complies with planning consideration 11 (transport), and that the issues raised in planning considerations 5 - 10 (residential amenity, hours of opening, extraction and noise, anti-social behaviour, waste disposal, and litter) could be dealt with by conditions, should the application be approved.

- 5.25 Planning consideration 12 states that applications for A5 uses will be required to include a health impact assessment, as part of the application. Where an unacceptable adverse impact on health is established, permission should not be granted. No such assessment has been submitted as part of this application.
- 5.26 It is considered that the change of use is contrary to the objectives of maintaining and improving the health and wellbeing of local communities and is contrary to the SPD, policy CS14 of the CSUCP and the NPPF. Additionally, it is considered that planning conditions could not overcome the objections to the development.
- 5.27 Even if it were argued that as this is an application for a mixed use i.e. a sui generis use and therefore that the application should not be tested against the SPD criteria, it is reasonable for the LPA to consider the evidence base of the SPD when deciding whether the impact of the proposed development in terms of "access to unhealthy eating outlets" is unacceptable in accordance with Saved Policy CS14 of CSUCP. The evidence of obesity levels, the proximity to schools and the concentration of A5 premises already in Birtley coupled with the added convenience of a home delivery option for hot takeaway food leads, the LPA to conclude that this development would result in increased access to an unhealthy eating outlet, contrary to CSUCP policy CS14 and the NPPF.
- 5.28 MATERIAL CONSIDERATIONS
The Town and Country Planning Act 1990, s70 requires a LPA dealing with a planning application to have regard to the provisions of the development plan, if it is material to the application, as well as any other material considerations. The Planning and Compulsory Purchase Act 2004, s38(6) requires that if the LPA refers to the development plan for the purpose of any determination to be made under the planning acts, then the LPA's decision must be made in accordance with the plan unless there are material considerations that indicate otherwise.
- 5.29 The Applicant argues that there are special circumstances to his proposal which amount to the 'material considerations' mentioned in these Acts.
- 5.30 Firstly, the Applicant states in his application that his A5 request is only to allow him to offer a home delivery service.
- 5.31 The Applicant has said that if planning permission is approved, then the sit in dining area (the A3 element) would be preserved. The Applicant does not want to offer a takeaway service in the traditional sense of customers entering the shop, ordering food, and then consuming it off site.
- 5.32 The Applicant considers that the change of use to allow the provision of a delivery service would not cause harm to residential amenities or highway safety for the following reasons:
- the LPA has already accepted the principle of the consumption of pizza and similar hot food on the premises by virtue of planning permission DC/16/00343/FUL, with the sale of such food being permitted until 11pm at

night. The Applicant states that the LPA has concluded that there would have been no harmful impact on neighbouring occupiers' amenity during the evening, or any unacceptable effect on any environmental concerns arising from the operation of the business as a café. The Applicant feels that the addition of a delivery service would not create an additional material impact in relation to these points.

- the Applicant states that unlike other eateries in the area his café opens at lunchtime from 11am which would encourage passing trade during the day and help support the retail district. There would be no dead frontage for the majority of the day.

- the Applicant has said his three delivery drivers would collect ordered pizzas in batches at the car park to the rear of the site. The van would not be parked on Durham Road. The Applicant therefore feels that any additional traffic generated by these actions would therefore be minimal and it would not compromise highway safety or create issues such as significant noise from car doors opening and closing, engines being started and so on which would be above the typical background noise levels for the area.

- the Applicant believes the delivery service would ensure that additional problems over littering, anti-social behaviour or disturbances would not occur.

- the Applicant has said he would be selling the same type of food as at present and as the current range is presumably acceptable to the LPA, then it would be inequitable to prevent a delivery service of such foodstuffs.

5.33 Officers are of the opinion that the business as it is operating currently does not reflect the description of the proposal for which this application is seeking permission.

5.34 However, regardless of the actual current operation this planning application is seeking a mixed A3/A5 use to allow for delivery only which means that at least a quarter of trade should come from each use. The proposal under consideration therefore has to be that proposed by this planning application. If permission were granted for the proposed mixed use, then the Applicant would be required to ensure that the operation complied with the uses granted. As in any situation, if premises are used without the necessary planning permission, then the LPA has the option of using its enforcement powers.

5.35 In the opinion of the LPA, the material considerations put forward by the Applicant do not outweigh the harm identified above and consequently the application is to be determined in accordance with the relevant development plan policies.

5.36 HIGHWAY SAFETY

The proposed change of use is not considered to pose any concerns in terms of harming highway safety. Durham Road has double yellow lines in front of the premises. Therefore, it is considered that the proposal accords with the NPPF and policy CS13 of the CSUCP in that regard. Should planning permission be

granted a condition could be imposed to ensure that delivery drivers collected the meals for delivery from the rear of the premises.

5.37 BIN STORAGE

The property has a rear yard that would provide adequate bin storage for the proposed development. Therefore, the proposal would accord with the NPPF and saved policy DC1h of the UDP in that regard.

5.38 RESIDENTIAL AMENITY

Whilst the application property is located within Birtley District Centre, it is located in close proximity to residential properties, such as the upper floor flats of the application site and adjacent properties either side. The potential impacts on the amenity of residents are likely to be through general comings and goings to the premises additional to the café use for example the drivers collecting food orders for delivery. The effect of cooking odours and the visual impact of the extraction equipment was considered previously under planning approval DC/16/00881/FUL.

5.39 The hours are not proposed to be extended beyond those already approved for the café use by DC/16/00343/FUL Monday to Saturday 7am to 11pm, Sunday 11am to 11pm and therefore it is considered there would be not be a significant increase in the impact on amenity.

5.40 It is considered residential amenity could be maintained to a reasonable level through appropriate mitigation by way of attenuation of noise from delivery vehicles and retention of odour mitigation equipment and appropriate conditions if planning permission was to be granted. This would accord with the NPPF, policy CS14 of the CSUCP and policies ENV61 and DC2 of the UDP in that regard.

5.41 OTHER MATTERS

The address as submitted by the Applicant was given as 10A Harraton Terrace which is incorrect as this is the upper floor flat. However neighbour notifications were sent out prior to this error being realised. Further letters were sent out with the correct address as 10 Harraton Terrace.

5.42 In addition, neighbours complained that they had not received letters. This was as a consequence of letters being returned by the Post Office. Replacement letters were sent to the nearby businesses.

5.43 Owners of nearby similar businesses have objected on the grounds of additional competition although this would not be a material planning consideration.

6.0 CONCLUSION

6.1 Taking all the relevant issues into account, it is therefore recommended that planning permission be refused, as the proposal would represent inappropriate development given that it would lead to increased access to an unhealthy eating outlet, and an overconcentration of such uses in an area where there is

already a significantly greater number of such outlets per thousand people than the average for England and where there are significant local obesity issues.

6.2 It is considered that the proposed mixed A3 and A5 use does not accord with national and local planning policies and as a result it is recommended that planning permission be refused. In coming to this conclusion, whilst the mitigating factors put forward by the applicant have been taken into account, they are insufficient to outweigh the harm identified above.

7.0 Recommendation:

That permission be REFUSED for the following reason(s) and that the Strategic Director of Communities and Environment be authorised to add, vary and amend the refusal reasons as necessary

1

The proposal would represent inappropriate development given that it would lead to increased access to an unhealthy eating outlet and an overconcentration of such uses, and is therefore contrary to the NPPF, Core Strategy and Urban Core Plan policy CS14, Saved Unitary Development Plan policy RCL6 and the Hot Food Takeaway Supplementary Planning Document



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Committee Report

Application No:	DC/17/00963/FUL
Case Officer	Graham Stephenson
Date Application Valid	31 August 2017
Applicant	Mr Prime
Site:	The Springs Health Club Joicey Road Low Fell Gateshead NE9 5AT
Ward:	Saltwell
Proposal:	Demolition of the existing health club building (structure remaining following fire damage) and redevelopment to provide 22 apartments, associated car parking area and landscaping (Amended 24.10.2017).
Recommendation:	GRANT
Application Type	Full Application

1.0 The Application:

1.1 DESCRIPTION OF THE APPLICATION SITE

The application site is part of a wider site which is occupied by Ashfield House (now a nursery), a vacant sports centre, a large area of woodland as well as hardstanding which provided parking for both the nursery and the sports centre. Both the nursery and the sports centre are accessed via a one-way, shared road which enters off Joicey Road and exits onto East Park Road. The area specific to this application only includes the shared access road, the area currently occupied by the sports centre and part of the hardstanding. The red line boundary does not extend into the woodland or include any part of Ashfield House. The area of the site within the red line is 0.4 hectares.

1.2 The former sports centre is a flat roofed building which was originally a squash club but had been extended and developed over the years (see planning history below). It is now vacant and has fallen into disrepair with a recent fire causing further damage. Although the building has been developed in the grounds of Ashfield House it has not resulted in any sub-division of the gardens.

1.3 Ample parking was available for both the sports centre and the nursery.

1.4 The trees within the woodland are protected as a result of them being located within the Saltwell Conservation Area but also through Tree Preservation Orders which are in place on the site.

1.5 The site is within Saltwell Conservation Area which was designated in 1990 and covers an area of Gateshead which was developed as a 'leafy' suburb for the upper middle classes. A strong characteristic of the conservation area is the low density development and the relationship between the buildings and

landscape, with large plots with mature tree cover and high-density boundary treatments that reinforce the seclusion of each development.

- 1.6 Much of the development along Durham Road, and East Park Road consisted of large villas set within large, mature landscaped grounds. Good, surviving examples of this period of development includes Whinney House; Heathfield House; Ashfield House and Forres Villa (the former Musgrave School). The extensive mature tree cover is another significant characteristic of the area.
- 1.7 Though many changes have taken place since the area was developed, it retains an impressive Arcadian feel.
- 1.8 The wider site primarily follows this characteristic and Ashfield House which is included on the Council's Local List of Buildings of Architectural or Historic Interest, which was adopted by the Council in 2004, is an attractive brick house with large stone bay windows, hipped slate roof brick and central brick chimney detail. Historically, the whole of the site formed the garden setting to Ashfield House, and included the lodge which faces onto East Park Road.
- 1.9 Land levels on site generally slope down in an east to west direction with Ashfield House located at a higher level than the sports centre.
- 1.10 To the north and east of the wider site there are residential properties, to the south beyond Joicey Road there is Saltwell Business Park and allotments and to the west beyond East Park Road there is Saltwell Park.
- 1.11 **DESCRIPTION OF THE APPLICATION**
The application proposes the demolition of the existing sports centre and the construction of a new apartment building in its place. The development is proposed to be four storeys and constructed using brick, clay cladding and stone with a sarnafill roof. The footprint of the building is proposed to be 690 sqm which is less than 50% of the existing building. The gross internal floor area of the building is 2366 sqm.
- 1.12 The development is proposed to provide a total of 22 x 2 bed apartments ranging in size from 83 sqm to 104 sqm.
- 1.13 The building has followed a contemporary design in the form of a pavilion block set within a formal landscaped garden and wider natural woodland. The main block is three storeys high with an additional fourth storey set back to form external terraces. Projecting balconies and ground floor terraces would provide private amenity space for the other floors. Large windows and areas of glazing are proposed as is a formal garden which would provide communal amenity space for residents.
- 1.14 Vehicular access is proposed off Joicey Road, which would continue to be shared with the nursery. Within the site the road system would be retained as one way with the exit onto East Park Road. A new pedestrian access/route is proposed off Joicey Road and a new footpath to the side of the internal road is proposed from East Park Road.

- 1.15 Some trees are proposed to be removed to accommodate the new pedestrian access off Joicey Road.
- 1.16 Formal parking bays are primarily proposed to be laid out on the existing hardstanding although some of the area of hardstanding is to be reduced by the side of the access road of Joicey Road, with the parking bays re-configured to provide parallel parking bays. In total 34 bays are proposed to be allocated to the development. Separate parking will be retained for the nursery.
- 1.17 Secure cycle parking and bin stores are proposed for the development in a detached storage shed.
- 1.18 Amended plans were received on the 24th October 2017 to address some minor issues which were raised as part of the application. This included the use of natural stone rather than cast stone, amendments to the stone banding around the top of the brickwork, the introduction of an extended footpath and dropped kerb on East Park Road, the introduction of a chicane on pedestrian access off Joicey Road and the inclusion of signage for the one way system.
- 1.19 The following information has been submitted with the application:

Design and Access Statement
Phase 1 Land Investigation Report
Drainage Assessment
Heritage Assessment
Tree Survey
Ecology Survey
Bat/Barn Owl Survey
Planning Statement
Transport Statement/Travel Plan
Coal Mining Risk Assessment

1.20 PLANNING HISTORY

DC/15/00339/FUL - Planning permission refused for the residential development of the site, comprising 11 x three storey dwellings located in three terraced blocks. 28.08.2015.

1111/01 - Approval for the pruning of one sycamore tree (T17) protected by TPO No.76. 25.10.2001

1010/00 - Planning approval for alterations to and extension of car park at rear of health club and alterations to vehicular entrance/egress arrangements (revision of previous approval ref. 1027/96)(amended 20/10/00). 23.11.2000

1027/96 - Planning approval for alterations and extensions to car park at rear of health club and alterations to vehicular entrance/egress arrangements (amended 24/4/97). 01.12.1997

1030/89 - Planning approval for the extension to existing leisure club to provide entrance lobby, office, shop, reception and bar facilities - 05.10.1989

784/85 - Planning approval for the erection of extension to provide exhibition squash court and installation of spiral staircase on south-west elevation of squash club with associated paved/childrens play area. 05.09.1985

903/72 - Planning approval for the erection of building to contain 6 squash courts and parking. Granted 28.11.1972

2.0 Consultation Responses:

Northumbria Water No Objections

Coal Authority No Objection subject to Conditions

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. and the Planning (Listed Building and Conservation Areas) Act 1990. 4 letters of objection have been received and the issues raised have been summarised below:

- During construction and then as a result of the development there will be an increase in vehicle movements from the development onto East Park Road, which could have an impact on the state of the road surface and the highway drainage.
- The developer is only proposing to fix the current wrought iron railings along the perimeter of its development. This needs to be a more adequate fencing to stop the Council owned land from being used as a dumping ground
- East Park Road is on a single lane road and has some double yellow lines, some are missing and need replacing. Construction vehicles could park here and block the road and also on Heathfield Place
- The proposed development is 4 storeys high, which will take it above the tree level.
- The size and scale of the development is out of proportion to the surrounding buildings.
- The privacy of neighbouring properties will be compromised as the flats will overlook the garden to the west and will allow direct sight through the entirety of the living room and kitchen which is comprised of glass walls
- The plans appear to claim the sites road is a one way system, this is untrue as the site was blocked at the East park road end until very recently.
- The plans appear to call for some additional land around the flats which is outside the previous development boundary.

- The car park area also appears to be using land outside the permitted development area and will greatly impinge on Ashfield House an important local building.
- The lack of proposals for remainder of site which attracts vandals, has had problems with arsonists setting fires in the grounds surrounding the health club, rough sleepers, and a number of reports made by the council which have noted it as overgrown with diseased trees and subject to people dumping rubbish and garden waste
- The development will destroy nature, increase traffic causing chaos on already very narrow, East Park road, which will negatively influence the safety of vulnerable adults on nearby estates as well as similar residents on adjoining estate/ care home .
- The development would affect the privacy of neighbours who share a boundary with Spring Health club site .

3.2 An additional representation was also made stating that the previous application was more appropriate than this one but that they would prefer to have the current derelict building replaced and this proposal would achieve that without too much inconvenience.

4.0 Policies:

ENV61 New Noise-Generating Developments

IPA17 Conservation Area Character Statements

NPPG National Planning Practice Guidance

NPPF National Planning Policy Framework

SPG4 Play Areas

DC1C Landform, landscape and after-use

DC1D Protected Species

DC1J Substrata Drainage-Water Quality

DC2 Residential Amenity

ENV3 The Built Environment - Character/Design

ENV7 Development within Conservation Areas

ENV10 Dev in Gdns/Grounds in Conservation Area

ENV18 Locally Listed Buildings

ENV44 Wood/Tree/Hedge Protection/Enhancement

ENV46 The Durham Biodiversity Action Plan

ENV47 Wildlife Habitats

ENV54 Dev on Land Affected by Contamination

H1 Rate of Housing Provision

H2 Five Year Supply Figures

H4 Windfall and Small Housing Sites

H5 Housing Choice

H15 Play Areas in Housing Developments

T1 Transport req for New Developments

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 main planning issues in this case is the principle of development and the impact on the conservation area, amenity, highway safety, flooding and other material planning considerations.
- 5.2 **PRINCIPLE**
The site is not allocated in the Core Strategy and Urban Core Plan for Gateshead and Newcastle Upon Tyne (CSUCP) and is therefore considered as windfall housing in accordance with policy H4 of the Unitary Development Plan (UDP).
- 5.3 Policy CS11(1) of the 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 UDP also seeks to improve the choice of housing in Gateshead.

- 5.4 In this case the proposal includes the demolition of the existing sports centre and the construction of a 4 storey residential development for 22 x 2 bed residential apartments.
- 5.5 It is acknowledged that taking this proposal in isolation, the provision of 22, 2 bed apartments would not directly contribute to the provision of family housing but the policy (CS11) is area wide and with a number of family dwellings being brought forward through other developments, there is scope to deliver developments which are made up solely of apartments. In addition given that the flats will range in size, from 83m² to 104m² gross internal floor areas, exceeding the Nationally Described Space Standards (NDSS), (NDSS requires min gross internal of 70m²), and level access is to be provided to all flats, this development could provide accommodation that would be attractive to those looking for a retirement living product, or to down size, so releasing family accommodation in the area.
- 5.6 Saved Unitary Development Plan (UDP) policy H5 also 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) and developments containing small flats or apartments will be acceptable where there is a shortfall in such accommodation, and it is in keeping with the character of the area". The site is 0.6 hectares in size and there is a high proportion of family housing in Low Fell. There are also other developments for flats being built along Durham Road, which does suggest there is a demand for such accommodation. Whether the development is in keeping with the area will be considered in more detail later in the report.
- 5.7 Therefore in light of the above, 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) policy CS11 of the CSUCP or policy H5 of the UDP.
- 5.8 As a result it is considered that subject to all other material planning considerations being satisfied, the principle of apartments in this location is considered acceptable.
- 5.9 **AFFORDABLE HOUSING**
In accordance with the NPPF and policy CS11 of the CSUCP the provision of affordable housing is subject to viability. In this case a robust viability assessment has been submitted and concludes that 0% affordable housing should be provided. This has been independently assessed on behalf of the Council and the conclusions of the viability assessment have been accepted. Therefore the Local Planning Authority is not seeking any affordable housing on this site.
- 5.10 **LIFETIME AND WHEELCHAIR HOMES**
Whilst the proposal falls below the criteria of saved UDP policies H9 and H10 for Wheelchair Housing and Lifetime Homes, the provision of lift access to all flats is welcomed, and supports the wider objectives of CSUCP Policy CS11

(2). Given that this form of non-family accommodation would be very suited to those looking for retirement living, as well as smaller economically active households it is also considered that the proposed development satisfies the aims and objectives of CS11 (3) as well, which aims to increase the choice of suitable accommodation for the elderly population.

5.11 DESIGN/IMPACT ON THE CONSERVATION AREA

As previously highlighted the site is typical of the Saltwell Conservation Area in that it consists of a large house set within its own grounds. The special architectural and historic quality of Saltwell Conservation Area is based on prestigious suburban development of the 19th century, which would have, in contrast to much of its surroundings, appeared opulent and exclusive. The low density of development and the importance of green spaces, whether public or private, were integral to this sense of status.

5.12 Inevitably as a result of changes to social patterns, these large and sparsely developed plots have been subject to infill development and the success of this has been mixed. The sports centre which has been built on the site is far from sympathetic and is a poor example of infill development. Consequently the demolition of the sports centre is welcomed and presents an opportunity to enhance the conservation area which is encouraged by the NPPF.

5.13 The proposal is for a four storey, 22 apartment development block on the site of the former Springs gym. The height exceeds that of the building to be cleared by 4 metres, but is considerably smaller in built footprint and a single block development is preferred as it would not result in any sub-division of the plot, in line with the aims and objectives of UDP policy ENV10.

5.14 The existing building contributes nothing to either the locally listed Ashfield House, or the Saltwell Conservation Area and in fact is harmful, particularly since its closure and the subsequent damage it has suffered. As such it is considered that the clearance of this building would be an enhancement to the associated heritage assets.

5.15 A thorough Heritage Assessment has been submitted with the application, which acknowledges the most pertinent aspects of the heritage assets in relation to this application. The statement notes the high historic value through the association with significant families and the intensity of development at the time it was built. The aesthetic value and the communal value is judged to be moderate the judgement that the significance of this site to the Conservation Area is in the mature trees and the sense of Ashfield House as a former large Villa is supported.

5.16 The benefits of the newly proposed residential use is well articulated within the submission; this being that the immediate area will benefit from natural surveillance and a much improved sense of ownership, which should ultimately result in a better maintained and more attractive area, that will help to improve the setting of the heritage assets.

5.17 Layout, Scale and Massing

In terms of layout the proposed building sits generally within the footprint of the gym to be demolished. The location is acceptable and appropriate so as not to impact unnecessarily on the rest of the site. The position also allows for some level of privacy for the future occupants from the main access road and helps to nestle the building further into the site.

- 5.18 Generally it is considered the site is able to comfortably accommodate the development whilst leaving an abundance of open space and woodland, with only a limited number of trees proposed for removal, mainly to accommodate the new footpath onto Joicey Road.
- 5.19 As the development is not proposed to encroaching beyond the existing hardstanding, the direct impact on the trees will be limited and would not conflict with the aims and objectives of policy CS18 of the CSUCP in that regard or policy ENV44 of the UDP.
- 5.20 The trees to be retained on site will need to be protected in accordance with the submitted details and this can be conditioned (CONDITION 5). Permeable paving is proposed to be introduced in parts of the car park which is currently hardstanding. No roots have been detected in the area proposed for the paving, a construction methodology for the paving has been submitted and is considered to be acceptable. Compliance with this method statement can be conditioned (CONDITION 16).
- 5.21 The footpath that connects Joicey Road into the site is viewed positively. This would help to make the site more inviting for a pedestrian and particularly for any users of the neighbouring nursery in Ashfield House arriving on foot. The construction of this footpath should also be in accordance with the arboricultural method statement.
- 5.22 Although the proposed development would be higher than the existing building, the footprint would be smaller, which means in terms of scale and massing the impact, it is considered the impact would not be significant. It is acknowledged that due to the increase in height the upper floors of the development may be more visible from outside of the site but this does not necessarily mean the impact is unacceptable or fails to enhance the significance of the conservation area.
- 5.23 Efforts have also been made to reduce any impact caused by the increase in height. This includes setting the fourth floor back from the main block at the front and rear. It would have been preferred if it was set back at the sides as well but after discussing this with the applicant it is considered this could be dealt with in a different way by providing a small lip to the banding above the brickwork.
- 5.24 A plan has also now been submitted which also demonstrates the building in context with Ashfield House and the relationship is considered to be acceptable.
- 5.25 Materials and Appearance

Overall the appearance of the proposed development is considered to be simple but effective and proposes to use a range of materials, including contrasting bricks to add interest to some of the elevations. The use of aluminium windows is also welcomed. However cast stone could not be supported, especially in a conservation area and in terms of the development's setting within the grounds of Ashfield House. The use of natural materials that are appropriate to the established vernacular is specifically referred to in the Conservation Area Character Statement for the area in IPA17. As such the applicant has agreed to the use of natural stone although final details of materials would be required and this can be conditioned (CONDITIONS 17 AND 18). The use of natural stone would also act as a better break between the brick used for the main block and the more lightweight materials used for the top floor and along with the proposed lip, would alleviate the need for a setback on the side elevations. Some materials such as the bricks, cladding and aluminium downpipes are considered acceptable and the use of these materials can be secured as part of conditions 17 and 18.

- 5.26 The reveals on windows should also be a minimum of 85mm (CONDITION 31). The clean lines of the building currently works in its favour as a contemporary design but large reveals will further strengthen this appearance.
- 5.27 Final details of the landscaping for the site can also be conditioned (CONDITIONS 29 AND 30).
- 5.28 However subject to conditions, it is considered the design of the proposed development and the impact on the character of the conservation area which includes the woodland setting and the setting of the Locally Listed Building, is acceptable and in accordance with the aims and objectives of the NPPF as well as policy CS15 of the CSUCP and policies ENV7, ENV10 and ENV18 of the UDP.
- 5.29 HIGHWAY SAFETY
The development is in an accessible location being close to bus and cycle routes on Durham Road. Low Fell local centre is also within walking distance and the transport statement shows that the vehicular trip generation will be lower for the proposed use than that of the former health club. Ample secure cycle parking is also proposed for residents, the implementation of which can be conditioned (CONDITION 19) and this will encourage the use of sustainable modes of transport. In terms of car parking each apartment is proposed to have 1 allocated space, with the remaining 12 spaces remaining unallocated for visitors and additional parking. This includes at least one accessible parking bay. This level of parking is considered to be appropriate for a development of this size and in this location. However a car park management plan is required to ensure the development does not impact on the parking for the nursery and vice versa and that indiscriminate parking is prevented. This can be conditioned (CONDITIONS 20 AND 21).
- 5.30 The pedestrian route onto Joicey Road is welcomed and as the path will be used by young children attending nursery a small chicane is proposed at the southern end of the path to stop children running straight out into the road.

- 5.31 A footpath has also been proposed alongside the exit road onto East Park Road to improve safety and this has been extend alongside part of East Park Road itself and includes a dropped kerb to enable pedestrians to cross the carriageway. The implementation of these highway works would be required prior to the development being first occupied. This can be conditioned (CONDITION 32). The land either side of the exit is within the applicant's ownership and a low level planting scheme of shrubs not exceeding 600mm in height when fully grown would help protect the visibility splay. This can be conditioned (CONDITION 33).
- 5.32 Details of some of the signage and road marking scheme referred to in the Design and Access Statement relating to the one way system has been submitted as part of the application but final details will be required for approval and this can be conditioned (CONDITIONS 27 AND 28).
- 5.33 The original plans showed that the vehicular access from Joicey Road had a kerbed radii whereas the existing arrangement has a simple dropped kerb. The plans have now been amended to show a dropped kerb.
- 5.34 Lighting of the footpaths and car parking areas will be required but the lighting provided will need to be sympathetic to the surrounding woodland habitat. Therefore a low level lighting scheme would be appropriate and final details can be conditioned (CONDITION 23 AND 24).
- 5.35 Refuse collection arrangements are acceptable and swept path drawings provided show how a refuse vehicle could move through the site.
- 5.36 The submitted Travel Plan is acceptable for the scale of development proposed and the implementation of this Travel Plan can be conditioned (CONDITION 22).
- 5.37 Concerns have been raised that during construction there will be an increase in construction vehicle movements from the development onto East Park Road, which will damage the road. Should the road be damaged by any construction vehicles, the Highway Authority, in this case the Council could pursue the developer for the repairs. However if the road is damaged as a result of traffic from the development when occupied, as the road is adopted it would just come under general repairs which would be undertaken by the Highway Authority. In this case the potential damage to the road from either construction vehicles or residents is not considered to be a material planning consideration.
- 5.38 The potential issue of construction vehicles parking on East Park Road and Heathfield Place has also been raised but should this take place it would be subject to the usual enforcement powers exercised by the Council's Parking Enforcement teams or the police.
- 5.39 Construction Control measures can be conditioned to reduce the risk of mud on the roads (CONDITIONS 3 AND 4).

- 5.40 Therefore in terms of highway safety is considered the proposed development satisfies the aims and objectives of the NPPF and policy CS13 of the CSUCP.
- 5.41 AMENITY
Due to the size of the wider site and the topography of the land, it is considered the impact on the amenity of neighbouring residents would be acceptable. The nearest property on Chesters Park would be 30 metres away at the nearest point and set at a higher level and there would be no direct overlooking due to the off set relationship the proposed apartment block would have with the rear of properties on Chesters Park.
- 5.42 The separation distance between Ashfield Lodge to the west and the north west the corner of proposed development which is the nearest point, would be 50 metres and due to the positioning of the block, which angles away, this distance only increases which means the impact on Ashfield Lodge, which is set at a lower level, is considered to be acceptable. The woodland also provides further screening between Ashfield Lodge and the proposed development and already causes some loss of light and overshadowing of Ashfield House.
- 5.43 The separation distance between the north facing elevation and the properties on Heathfield Place would be in excess of 60 metres which significantly reduces any risk of overlooking, overshadowing, loss of light and visual intrusion.
- 5.44 Hours of work could be conditioned to protect the amenity of neighbouring residents. This can be included as part of condition 3.
- 5.45 With regards to anti-social behaviour it is considered the proposed development will have a positive impact as increased activity on the site, seven days a week and both during the day and night will, provide natural surveillance for the site and the woodland which should deter, people congregating there.
- 5.46 As a result it is considered the impact on the amenity of existing and future occupiers is acceptable and satisfies the aims and objectives of the NPPF, policy CS14 of the CSUCP and policy DC2 of the UDP.
- 5.47 FLOOD RISK AND DRAINAGE
In accordance with the ministerial statement from Department for Communities and Local Government (DCLG), dated December 2014 the use of SuDS is now a material consideration for major development (developments of 10 dwellings or more). In addition the NPPG, paragraph 7-079-20150415 states that when considering major development, as defined in the Town and Country Planning (Development Management Procedure) (England) Order 2015, sustainable drainage systems should be provided unless demonstrated to be inappropriate.
- 5.48 The Strategic Flood Risk Assessment identifies that the site is located within a Critical Drainage Area (CDA). Within a CDA, an increase in the rate of surface water runoff and /or volume from new development may exacerbate the degree of flood risk to areas downstream or to the surrounding area. The Strategic Flood Risk Assessment (SFRA) advises that development proposals should

look to reduce the runoff to greenfield levels on brownfield sites. Surface water should be controlled as near to sources as possible including the use of SuDS.

- 5.49 In accordance with the Core Strategy, surface water should be managed following the drainage hierarchy as set out in 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.
- 5.50 A drainage strategy has been submitted with the application and overall the approach is considered to be acceptable and does demonstrate compliance with the drainage hierarchy, which includes the use of permeable paving and raingardens. However further details relating to the final scheme, such as an infiltration assessment, scheme design assessment, detailed drawings, a maintenance plan and an electronic drainage are required and this can be conditioned (CONDITIONS 14 AND 15).
- 5.51 **ECOLOGY**
The footprint of the development itself is not proposed to encroach into the main body of the surrounding woodland and therefore it is considered there would be limited direct impact on the woodland habitat. However there is the potential for the development to have an indirect impact on the woodland as a result of occupiers using the woodland for recreation and there is also an issue of woodland management. A woodland management framework has been submitted and as the woodland is in the control of the applicant, final details of a woodland management scheme, which builds on the objectives set out in the framework can be conditioned (CONDITIONS 25 AND 26).
- 5.52 Final details of lighting for the external areas will be required under condition 23 to ensure there is no adverse impact on the woodland habitats.
- 5.53 The building which is to be demolished does have the potential to provide roosts for bats and other wildlife species and as a result ecological surveys have been carried out.
- 5.54 Generally the findings of these surveys are considered acceptable and the implementation of the conclusions and recommendations as set out in the reports would be sufficient to satisfy the aims and objectives of the NPPF, policy CS18 of the CSUCP and policies ENV44, ENV46 and ENV47 of the UDP. (CONDITION 6)
- 5.55 **OPEN SPACE AND PLAY**
The neighbourhood in which the site is located is not deficient in public open space, and there is no requirement for the development to provide any.

- 5.56 There are no toddler or junior play areas within the maximum distances specified by saved UDP policies CFR29 and CFR30. There is teenage recreation provision in Saltwell Park but it is insufficient to serve the catchment population.
- 5.57 Therefore, in accordance with saved UDP policy H15, toddler and junior play area/equipment, should be installed within the site. However due to the constraints of the site it would be difficult to provide a space which satisfies the requirements of Supplementary Planning Guidance 4 and saved policies H15, CFR20, CFR28 and CFR29 of the UDP. Saying that there is plenty of external amenity space provided within the development. Potentially the woodland could also provide some informal play and recreation space but this would need to be included in the woodland management plan.
- 5.58 With regards to the junior and teen facilities this would normally be secured through a financial contribution. However the Council has already exceeded the five obligation maximum in respect of these types of play in the 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 with regards to these matters.
- 5.59 **CONTAMINATED LAND/COAL MINING**
The site is identified as being potentially contaminated and also in a coal mining high risk referral area. Therefore a phase II land contamination assessment and an intrusive coal mining assessment is required. A full asbestos survey would also be required prior to demolition. In accordance with the NPPF, policy CS14 of the CSUCP and policy ENV54 of the UDP these details can be conditioned (CONDITIONS 7-13).
- 5.60 **CIL**
Gateshead Council is a Community Infrastructure Levy (CIL) Charging Authority. This application has been assessed against the Council's CIL charging schedule and the development is CIL chargeable development as it is housing related. The development is located within a Charging Zone with a levy of £30 per square metre for this type of development. The application has been accompanied by the requisite CIL forms.

6.0 CONCLUSIONS

- 6.1 Taking all relevant planning issues into consideration it is recommended that planning permission is granted, as it is considered the development would enhance the significance of the heritage asset, whilst satisfying all other material planning considerations and therefore accords 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:

15/038 104 B, 105 A, 106 A, 107 A, 108 B, 109 B, 110 B, 111 A, 786-05, 2017011-04, Arboricultural Method Statement Reference 786, Residential Travel Plan, 2nd Issue, dated August 2017

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

Reason

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

2

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

Reason

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

3

No 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, including construction vehicles 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 Demolition and Construction 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

The tree protection measures set out in the submitted Tree Survey provided by AJT and dated August 2017 , must be installed prior to the demolition of the building commencing and thereafter retained intact for the full duration of the demolition and construction works and there shall be no access, storage, ground disturbance or contamination within the fenced area without the prior written approval of the Local Planning Authority.

Reason

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

6

The demolition of the existing building and the construction of the new development shall be carried out in accordance with the Tree, Habitat and Protected Species Survey prepared by AJT and dated August 2017. Should active nests or roosts be discovered during works these must remain undisturbed until a suitably qualified and experienced ecologist has inspected the nest/roost and provided a report, which is subject to approval by the Local Planning Authority.

Reason

To avoid harming breeding birds and roosting bats 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.

7

Construction of the new development shall not commence until an intrusive land contamination assessment, 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 which exist under the site. The investigation and risk assessment must be undertaken by competent persons and a written report of the findings shall be submitted to the Local Planning Authority for approval.. The report of the findings must include-

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

(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 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

8

The remediation and mitigation schemes approved under Condition 7 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 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.

9

In the event that contamination is found at any time when carrying out the approved development that was not previously identified it must be reported in writing immediately to the Local Planning Authority. An updated 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 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

10

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

Reason

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

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

11

Prior to construction of the development hereby approved commencing, the intrusive investigations shall be carried out in accordance with the details approved under condition 10.

Reason

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

12

Construction of the development hereby approved shall not commence until a report of findings arising from the intrusive site investigations approved under condition 10 and a scheme of remedial works if necessary, including the phasing of any remedial works, has been submitted to and approved in writing by the Local Planning Authority.

Reason

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

13

Any remediation works approved under condition 12 shall be implemented in accordance with the timetable approved under that condition.

Reason

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

14

The construction of the development hereby approved shall not be commenced above foundation level 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), electronic drainage model, 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 and a timetable of implementation for the approved SuDS components.

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.

15

The SuDS scheme shall be implemented in accordance with the details approved under condition 14, 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.

16

The areas of permeable paving as well as the footpath link off Joicey Road and the footpath from East Park Road shall be constructed in accordance with the Rootplate Protection Porous Surface Detail, reference 786-05, plan 2017011-04 and the Arboricultural Method Statement reference 786.

Reason

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

17

Construction of the new development hereby approved shall not commence above foundation level until samples of all outstanding 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. The use of the following materials has been approved:

Creaton Pearl Grey Tile
Linear Ochre Brick
Ibstock Northern Buff Brick

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, ENV3 and ENV7 of the Unitary Development Plan and Policies CS14 and CS15 of the Core Strategy and Urban Core Plan for Gateshead and Newcastle upon Tyne.

18

The materials used shall be in accordance with the details approved under condition 17 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, ENV3 and ENV7 of the Unitary Development Plan and Policies CS14 and CS15 of the Core Strategy and Urban Core Plan for Gateshead and Newcastle upon Tyne.

19

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 15/038 104B and 111A. 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 CS13 of the Core Strategy and Urban Core Plan for Gateshead and Newcastle Upon Tyne and the Gateshead Council Cycling Strategy.

20

No part of the development shall be occupied until a car park management plan has been submitted to and approved in writing by the Local Planning Authority. The plan shall demonstrate how the car

parking spaces allocated to this development will be managed and indiscriminate parking prevented.

Reason

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

21

The car park shall be operated in full accordance with the management plan approved under condition 20 unless otherwise approved in writing by the Local Planning Authority.

Reason

In the interests of effective use of the car parks, in accordance with policy CS13 of the Core Strategy and Urban Core Plan for Gateshead and Newcastle Upon Tyne.

22

The development hereby approved shall be implemented in accordance with the Travel Plan approved as part of this application, reference Residential Travel Plan, 2nd Issue, dated August 2017.

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.

23

No part of the development hereby approved shall be occupied until full details of the method of illumination of the external areas of the development have been submitted to and approved in writing by the Local Planning Authority.

Reason

In the interests of the amenities of the neighbouring and future residents in accordance with policy DC2 of the Unitary Development Plan and policy CS14 of the Core Strategy and to harming the woodland habitat 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.

24

No part of the development hereby approved shall be occupied until the illumination of the external areas, approved under condition 23 has been implemented.

Reason

In the interests of the amenities of the neighbouring and future residents in accordance with policy DC2 of the Unitary Development Plan and

policy CS14 of the Core Strategy and to harming the woodland habitat 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

25

Prior to the development hereby approved being first brought into use, a Woodland Management Plan shall be submitted to and approved in writing by the Local Planning Authority. The plan shall include long term objectives, management responsibilities and maintenance schedules for all woodland areas within the site.

Reason

To ensure that the woodland areas are satisfactorily managed and maintained in the long term in the interests of the visual amenity of the area and in accordance with policies DC1 and ENV44 of the Unitary Development Plan and policy CS18 of the Core Strategy.

26

The Woodland Management Plan shall be implemented in accordance with the details approved under condition 25.

Reason

To ensure that the woodland areas are satisfactorily managed and maintained in the long term in the interests of the visual amenity of the area and in accordance with policies DC1 and ENV44 of the Unitary Development Plan and policy CS18 of the Core Strategy.

27

Notwithstanding the approved plans no part of the development hereby approved shall be occupied until final details of the signage and the road markings for the one way system has been submitted to and 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 CS13 of the Core Strategy and Urban Core Plan for Gateshead and Newcastle Upon Tyne.

28

No part of the development hereby approved shall be occupied until the signage and the road markings for the one way system have been implemented in accordance with the details approved under condition 27 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 CS13 of the Core Strategy and Urban Core Plan for Gateshead and Newcastle Upon Tyne.

29

Prior to the development hereby approved being first occupied full details of the landscaping proposals for the site, including details of new trees, shrubs and plant species 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

30

The landscaping scheme shall be implemented in accordance with the timetable approved under condition 29 and shall be retained as such for a minimum of 5 years.

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

31

The reveals to the windows on the development hereby approved shall be a minimum depth of 85mm.

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, ENV3 and ENV7 of the Unitary Development Plan and Policies CS14 and CS15 of the Core Strategy and Urban Core Plan for Gateshead and Newcastle upon Tyne.

32

Prior to the development hereby approved being first brought into use the extended footpath and dropped Kerb on East Park Road shall be implemented in accordance with the details shown on plan 15/038 104B.

Reason

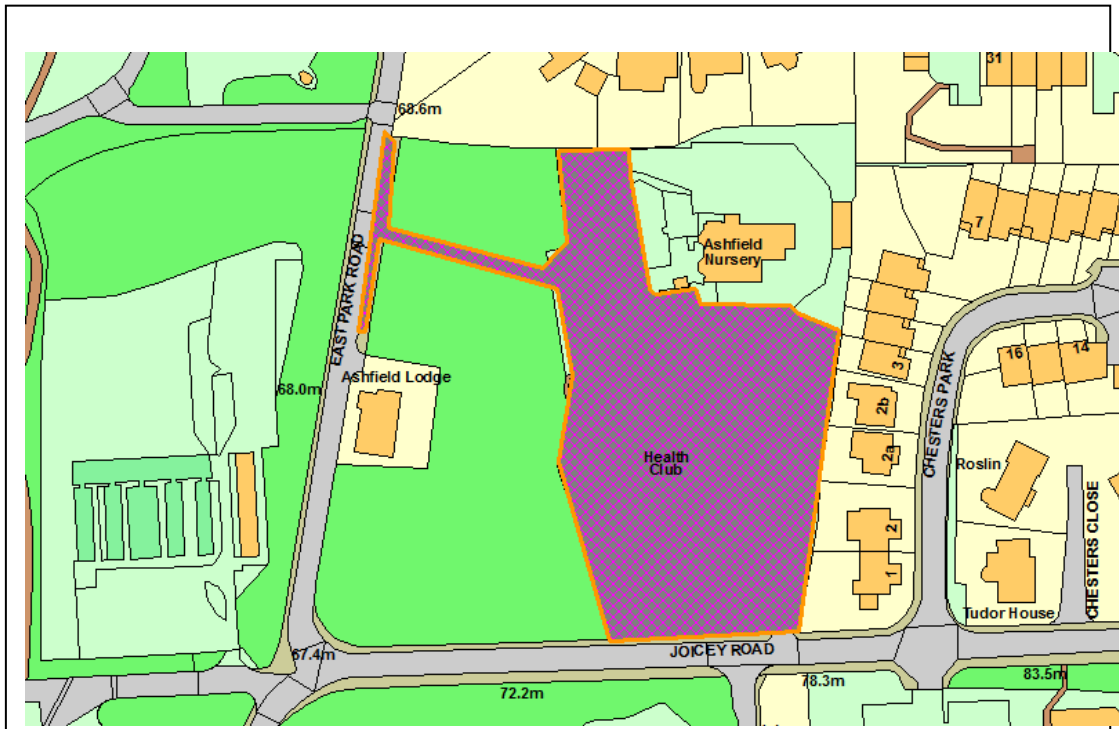
In the interests of highway safety and having regard to the requirements of policy CS13 of the Core Strategy.

33

No structure or planting exceeding 600mm metres in height shall be placed within the area within the applicants ownership, either side of the exit onto East Park Road as shown on plan reference 15/038 104B

Reason

In the interests of highways safety in accordance with Policy DC4 of the Unitary Development Plan.



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UPDATE

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

**TO THE PLANNING AND DEVELOPMENT COMMITTEE ON
15 November 2017**

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

MINOR UPDATE

Application No:	DC/17/00963/FUL
Site:	The Springs Health Club Joicey Road Low Fell Gateshead NE9 5AT
Proposal:	Demolition of the existing health club building (structure remaining following fire damage) and redevelopment to provide 22 apartments, associated car parking area and landscaping (Amended 24.10.2017).
Ward:	Saltwell
Recommendation:	Grant Permission
Application Type	Full Application

Reason for Minor Update

Further representations made

A letter of support has been received from Councillor Adams.

SEE MAIN AGENDA FOR OFFICERS REPORT.

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Committee Report

Application No:	DC/17/00971/COU
Case Officer	David Morton
Date Application Valid	2 October 2017
Applicant	Mr Joseph McNestry
Site:	1 Millfield Terrace (Site Adj Masonic Hall) Derwent Street Chopwell NE17 7HZ
Ward:	Chopwell And Rowlands Gill
Proposal:	Change of use from Retail (A1 use) to Micropub (A4)
Recommendation:	GRANT
Application Type	Change of Use

1.0 The Application:

1.1 DESCRIPTION OF THE SITE

The application site is located on Millfield Terrace, Derwent Street, Chopwell. The property is a two-storey, brick built, vacant unit; the previous use was as a shop (Use Class A1). The remainder of the unit is used as a Masonic Hall. The only attached neighbour, to the south, is in residential use.

1.2 The front elevation of the property faces west onto a small forecourt area, with residential properties located on the other side of Derwent Street. There is a small external area located to the north of the site which is accessed via side door. As reference above, there is a residential property located to the south of the site; this property is located at a marginally lower land level.

1.3 The application site is not located within an existing commercial centre.

1.4 DESCRIPTION OF THE APPLICATION

The application seeks full planning permission for the change of use of the premises from a shop (Use Class A1) to a micro-pub (Use Class A4). The application proposes minimal external alterations; the works would be limited to the introduction of a cellar hatch to the front elevation and the creation of an external smoking area. The application also references the introduction of signage (no signage application has yet been forthcoming).

1.5 The unit subject to the application is 27 square metres. It is proposed that the premises will operate between the hours of 1100 and 2200 seven days a week.

1.6 All deliveries and waste servicing will take place to the front of the premises via the proposed cellar access.

1.7 It is estimated that the change of use, would create approximately 2 part-time posts.

1.8 The following documents have been submitted in support of the application:

- Design and Access Statement
- Noise Information

1.9 RELEVANT PLANNING HISTORY

The planning history relevant to the current planning application is summarised as follows:

- 376/97; Planning permission granted for 'Conversion of shop (use class A1) to utility room for adjoining masonic hall including alterations to front elevation.' Date; 02 June 1997.

2.0 Consultation Responses:

None

3.0 Representations:

3.1 Neighbour notifications were carried out in accordance with the formal procedures introduced in the Town and Country Planning (Development Management Procedure) Order 2015. A single letter of support has been received and is summarised as follows:

- The proposal will give residents a pub to visit and;
- Other micro-pubs in the area are successful and proposal is a good idea.

4.0 Policies:

NPPF National Planning Policy Framework

NPPG National Planning Practice Guidance

DC2 Residential Amenity

ENV3 The Built Environment - Character/Design

ENV61 New Noise-Generating Developments

RCL1 Retail Hierachy

RCL5 District and Local Centres

CS7 Retail and Centres

CS13 Transport

CS14 Wellbeing and Health

CS15 Place Making

GPGSPD Gateshead Placemaking Guide SPG

5.0 Assessment:

5.1 The main planning issues are considered to be principle of the development, highways, impact on visual amenity and residential amenity.

5.2 PRINCIPLE

The application site is located outside of a defined retail centre.

5.3 Policy CS7 of the Core Strategy states that the vitality and viability of centres in the retail hierarchy will be maintained and enhanced. These centres will form the focal point for uses, services and facilities serving the surrounding population. In addition to meeting local needs, the role of the retail sector in attracting visitors and contributing to the economy will be supported.

5.4 It is considered, given the site is in an edge-of-centre location and that the proposed development would replace an existing town centre use, it could not be considered that the proposal would be prejudicial to the vitality and viability of Chopwell Local Centre (or any other defined centres). Further, the proposal would bring a vacant building back into permanent use, provide a community facility for local residents and provide employment opportunities.

5.5 It is considered that the development would comply with the aims and objectives of the NPPF, saved UDP Policy RCL5 and Policy CS7 of the CSUCP and the principle of the change of use is supported subject to all other material considerations being satisfied.

5.6 HIGHWAYS

Within the surrounding area, there is access to public transport and a large catchment area within walking distance. While there is no parking associated with the application site, there is some limited on-street parking within the surrounding area. It is considered that the level of traffic generated by patrons is unlikely to lead to any significant impact on the wider highway network.

5.7 The applicant has indicated that all deliveries and refuse collections would take place to the front of the premises using the proposed cellar hatch. Again, it is considered that the vehicle movements associated with these actions are unlikely to significantly impact on the wider highway network.

5.8 Based on the above assessment, it is considered that the proposal would comply with the aims and objectives of the NPPF and policy CS13 of the CSUCP.

5.9 VISUAL AMENITY

It is considered that the proposed development would not have an unacceptable visual impact on the streetscene given the limited external alterations proposed.

- 5.10 The proposal is considered to fully achieve the aims and objectives of the NPPF, saved policy ENV3 of the Council's UDP and policy CS15 of the CSUCP.
- 5.11 RESIDENTIAL AMENITY
The NPPF states that planning decisions should "avoid noise from giving rise to significant adverse impacts on health and quality of life as a result of new development" and that decisions should "mitigate and reduce to a minimum other adverse impacts on health and quality of life arising from noise from new development, including through the use of conditions."
- 5.12 It gives guidance to local authorities on the use of their planning powers to minimise the adverse impact of noise and outlines the considerations to be taken into account in determining planning applications both for noise-sensitive developments and for those activities which will generate noise.
- 5.13 As a reflection of the national planning policies and specific guidance of noise generating development, saved UDP policy ENV61 (new noise-generating development) states that new noise generating development will not be permitted if it causes an unacceptable increase in noise levels.
- 5.14 It is considered that the levels of coming and going associated with the development, in addition to the general operations of premises are unlikely to significantly impact on sensitive noise receptors. The applicant proposes that the premises will operate between the hours of 1100 and 2200 seven days a week and can accommodate (based on the size of the unit) a limited number of patrons.
- 5.15 The applicant has also provided additional information in regard to noise transfer between the application site and neighbouring property. While the information submitted by the applicant is not an accepted method to determine the sound reduction it is considered that it provides sufficient comfort that the proposal would not result in an unacceptable level of noise transference. As such, it is considered that the general operation of the proposed micro-pub would be unlikely to have any significant amenity impact, subject to the conditioning of the proposed opening hours (Condition 3).
- 5.16 However, the applicant has indicated their intention to use the external area (to the north) of the site as a smoking area; the applicant has indicated their intention for this area to include a table and seating. Officers have concerns about the introduction of furniture into this smoking area as it could encourage use of the area as a 'beer garden' increasing noise and disturbance to neighbouring properties. It is therefore considered necessary to condition that no furniture be installed outside of the premises (Condition 4).

- 5.17 In addition to the concerns regarding the proposed smoking area, Officers have some concern regarding the congregation of patrons to the front of the premises (while either smoking and/or drinking). On this basis, it is considered that the final details of the forecourt area including (where appropriate) details of the cellar access, planters and boundary treatments should be secured via planning condition (Conditions 5 and 6). The view being that the design of the forecourt area could reduce potential congregation of patrons adjacent to the boundary with the property to the south (Braeheads) thus reducing any impact (or perceived impact) on residential amenity.
- 5.18 Given the hours of operation proposed by the applicant it is not inconceivable that disposal of waste from the premises and deliveries could take place early in the morning or late into the evening, either of which have the potential to have some impact on amenity. To this end it is considered necessary to condition both the hours of deliveries and waste disposal (servicing) i.e. servicing of the premises should not take place between the hours of 1900 and 0900. It is considered that the imposition of such a planning condition (Condition 7) would adequately protect the amenities of noise sensitive receptors.
- 5.19 The applicant has also indicated their intention is to keep those patrons seeking '*... live sports, music and other entertainments within the area of existing bars.*' Therefore, it is considered the imposition of a planning condition restricting the playing of amplified music (or noise) within the premises (Condition 8) would be necessary and reasonable in this instance.
- 5.20 Subject to the conditions cited above, it is considered that the development would not result in a noise impact which would impact to an unacceptable degree on residential premises, therefore the proposal would achieve the aims and objectives of the NPPF and saved policies ENV61 and DC2 of the Unitary Development Plan and Policy CS14 of the CSUCP.

6.0 Conclusion:

- 6.1 Taking into account all the relevant material planning considerations into account, including the benefits of the scheme i.e. the re-use of a vacant building, the creation of a community facility and job creation it is considered that the proposed change of use is acceptable in the context of both Local and National planning policy.
- 6.2 It is therefore recommended that planning permission be granted subject to the planning conditions below.

7.0 Recommendation:

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

The development shall be carried out in complete accordance with the approved plan(s) as detailed below -
OS Plan (1:1250) - Millfield Terrace
OS Plan (1:500) - Millfield Terrace

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 use hereby approved shall be restricted to between the hours of 1100 and 2200 seven days a week and at no other times.

Reason

To ensure that no disturbance is caused to neighbouring properties as a result of unreasonable trading hours at the premises in accordance with the NPPF, saved Policies, DC2 and ENV61 of the Unitary Development Plan and Policy CS14 of the CSUCP.

4

No seating, tables or any other furniture shall be introduced into the proposed smoking area (as identified to the north of the site on approved plan OS Plan (1:1250)).

Reason

To ensure that no disturbance is caused to neighbouring properties as a result of noise in accordance with the NPPF, saved Policies, DC2 and ENV61 of the Unitary Development Plan and Policy CS14 of the CSUCP.

5

The use hereby permitted shall not commence until final details of the forecourt layout including cellar access details, boundary treatment

details and planting feature details have been submitted to and subsequently approved in writing by the LPA.

Reason

To ensure that no disturbance is caused to neighbouring properties as a result of unreasonable noise levels at the premises in accordance with the NPPF, saved Policies, DC2 and ENV61 of the Unitary Development Plan and Policy CS14 of the CSUCP.

6

The forecourt layout details approved under condition 5 shall be implemented in full prior to the commencement of the use hereby permitted and shall be retained as approved for the lifetime of the development.

Reason

To ensure that no disturbance is caused to neighbouring properties as a result of unreasonable noise levels at the premises in accordance with the NPPF, saved Policies, DC2 and ENV61 of the Unitary Development Plan and Policy CS14 of the CSUCP.

7

No deliveries and/or refuse disposal (servicing) shall take place between the hours of 1900 and 0900.

Reason

To ensure that no disturbance is caused to neighbouring properties as a result of unreasonable trading hours at the premises in accordance with the NPPF, saved Policies, DC2 and ENV61 of the Unitary Development Plan and Policy CS14 of the CSUCP.

8

No amplified sound system or similar equipment shall be installed or used on the premises at any time.

Reason

To ensure that no disturbance is caused to neighbouring properties as a result of unreasonable noise levels at the premises in accordance with the NPPF, saved Policies, DC2 and ENV61 of the Unitary Development Plan and Policy CS14 of the CSUCP.



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Committee Report

Application No:	DC/17/01084/FUL
Case Officer	Owain Curtis
Date Application Valid	26 September 2017
Applicant	Gateshead Council
Site:	Garage Site Rear Of 33 - 43 Derwent View Winlaton
Ward:	Winlaton And High Spen
Proposal:	Creation of four assisted living flats and associated parking (revised application).
Recommendation:	GRANT
Application Type	Full Application

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

The application site is an area of land which lies to the rear of properties on Derwent View and Gibside View in Winlaton. Previously, there were 8 garages on the site however the site has now been cleared. Access into the site is gained from Derwent View and consists of a single track in a gap between two houses. The site itself is mostly level although the properties on Gibside View are at a higher land level than the application site. Surrounding properties are semi-detached and are all of a similar style and age.

1.2 DESCRIPTION OF THE APPLICATION

This revised application seeks planning permission for the erection of a block of 4 flats. The flats are intended to be assisted living accommodation and would allow people with disabilities or social care needs to live independently with support staff available if needed.

1.3 In terms of how the accommodation would operate, the applicant states that it is anticipated that support staff are likely to come and go during the day and it is likely that some tenants will have minimal support needs and may not require daily visits but have one or two weekly visits.

1.4 The previous application was refused by the Planning and Development Committee on 22nd June 2017 as it was concluded *“The proposed development would represent overdevelopment of the site and by virtue of the proximity of the proposed development to surrounding properties, would create an overbearing sense of enclosure causing material harm to the living conditions of the occupants of surrounding properties, particularly number 26 Gibside View.”*

- 1.5 The revised building has been decreased in scale with the height reduced from 9.1m to 8.5m and the overall width of the building has been reduced from 11.4m to 9.3m to reduce the impact of the building on the surrounding residents. The siting of the building has also been amended to increase the separation distance from the properties to the south including 26 Gibside View. The building has been designed to appear as similar as possible to the surrounding semi-detached houses with a pitched roof and side facing gables. The external materials would be red brick, render and grey roof tiles. The application also proposes the erection of a 2m high fence along the boundary to fully enclose the application site.
- 1.6 A total of 5 parking spaces would be provided for the flats and the access road would provide a passing place on the junction with Derwent View.

1.7 PLANNING HISTORY

DC/17/00259/FUL – Refused - Erection of assisted living accommodation (4 units) and associated development on former garage site (additional information received 19/05/17 and amended 10/05/17, 19/05/17, 31/05/17 and 12/06/07) - 22.06.2017.

2.0 Consultation Responses:

The Coal Authority – No objection

Northumbrian Water – No objection

3.0 Representations:

This application is referred to the Planning and Development Committee for determination given the number of objections received.

- 3.1 Neighbour notifications were carried out in accordance with formal procedures introduced by the Town & Country Planning (Development Management Procedure) Order 2015.
- 3.2 43 neighbouring properties have been notified of the application. A total of 13 objection letters from 11 people have been received raising the following issues:
- None of the previous comments have been taken into consideration
 - The building would cause a loss of privacy and intrusive
 - The proposed fence will interfere with the existing fences
 - The measurements on the plan are incorrect
 - The bin store will attract vermin and spread disease
 - There will be a loss of parking on Derwent View meaning an already congested bus route will become busier
 - The development will reduce property values

- The building will block the views over the site where wildlife can be seen
- Emergency vehicles will not be able to enter the site
- The development will cause noise and disturbance
- The garage site is higher than the surrounding houses so will be overbearing and be an extreme breach of privacy
- The proposal will result in a loss of trees and wildlife.

4.0 Policies:

NPPF National Planning Policy Framework

NPPG National Planning Practice Guidance

CS1 Spatial Strategy for Sustainable Growth

CS10 Delivering New Homes

CS11 Providing a range and choice of housing

CS13 Transport

CS14 Wellbeing and Health

CS15 Place Making

DC2 Residential Amenity

H4 Windfall and Small Housing Sites

ENV3 The Built Environment - Character/Design

ENV54 Dev on Land Affected by Contamination

CFR28 Toddlers' Play Areas

CFR29 Juniors' Play Areas

CFR30 Teenagers' Recreation Areas

5.0 Assessment of the Proposal:

5.1 The key considerations to be taken into account when assessing this planning application are: the principle of residential development on the site, the effect on the living conditions of the future occupiers and the occupiers of surrounding properties, the impact on the character and appearance of the area, whether there would be any unacceptable highway safety issues and any other relevant planning considerations.

5.2 PRINCIPLE OF RESIDENTIAL DEVELOPMENT

Paragraph 49 of the NPPF states that all “housing applications should be considered in the context of the presumption in favour of sustainable development”. Paragraph 50 goes on to state that to create sustainable, inclusive and mixed communities councils should plan for a mix of housing based on, amongst other things, the needs of different groups in the community such as people with disabilities.

- 5.3 Policy CS11 of the Core Strategy and Urban Core Plan seeks to provide a range and choice of new housing across the borough. The proposal relates to specialist supported accommodation to satisfy an identified need and the flats would have a positive impact on the supply of housing in Gateshead. This is in accordance with the NPPF and policy CS11 of the Core Strategy.
- 5.4 Further, this site would be considered as a housing windfall site under saved policy H4 of the Gateshead Unitary Development Plan. The site is not situated in an isolated location and it is considered that the location of the proposal within an existing residential area is sustainable and will help build and sustain the community. On this basis, the proposed development is considered to be a windfall housing site that will bridge a portion of the gap in the dwelling stock within the borough.
- 5.5 Overall the principle of residential development on this site can be supported subject to all other material planning considerations being satisfied.
- 5.6 RESIDENTIAL AMENITY
The NPPF states that a core principle of planning is to always seek to secure high quality design and a good standard of amenity for all existing and future occupants of land and buildings.
- 5.7 Local policies CS14 of the Core Strategy and DC2 of the UDP require that development does not have any negative impacts on nearby residents and ensures a high quality of design and amenity for existing and future residents.
- 5.8 Representations have been received which raise residential amenity as a concern – particularly with regard to overlooking and loss of privacy.
- 5.9 As the plot is surrounded by residential properties to all sides, the site is highly constrained. The applicant’s solution is to use obscure glazed windows at first floor level.
- 5.10 The northern elevation of the proposed flats would face onto the rear elevations and gardens of the properties to the north of the site on Derwent View. The revised application has reduced the number of windows on the northern elevation from 5 to 3. The windows would serve a bedroom, bathroom and kitchen. The windows would be obscure glazed and would open a maximum of 100mm. The separation

distance from this elevation of the proposed building to the nearest property on Derwent View would be 13.8m.

- 5.11 The southern elevation of the building would face onto the rear elevations and gardens of the properties on Gibside View to the south of the application site. On this elevation there would be four windows at first floor level serving the stairwell, bedroom, bathroom and kitchen. As with the northern elevation, the windows would be obscure glazed with the exception of the stairwell window. At its closest point, the building would be 13m from the rear extension of 26 Gibside View and 16m from its main rear elevation thereby addressing the previous refusal reason in relation to this property.
- 5.12 On this issue, the obscure glazing on these elevations would prevent any undue loss of privacy to the existing residents of surrounding properties on Derwent View and Gibside View as it would prevent all direct overlooking from window to window. It is officers' view that the proposed clear glazed windows serving the stairwell and hall would not cause harm to the living conditions of residents as, unlike the habitable rooms, the occupiers of the flats would not have a lasting presence in this area of the building.
- 5.13 On the east elevation the first floor windows would not be obscure glazed. The windows on this elevation would serve the living rooms of the first floor flats. The nearest properties to this elevation are numbers 31 and 33 Derwent View. Due to the siting and orientation of the proposed building and the distance from the boundary, the separation distance between the flats and the side elevation of number 31 Derwent View would be adequate (approximately 17m at its closest and 19.8m at its furthest). Officers consider that there will be a degree of overlooking from the first floor windows towards number 33 Derwent View however the orientation of the properties would prevent any direct views into the rear windows of number 33 given the oblique angle. As this would not be back-to-back overlooking officers do not consider the level of overlooking would warrant the refusal of this application.
- 5.14 Due to the large separation distance of over 25m and siting of the proposed building, it is not considered there would be any adverse impact on the privacy the residents on the western boundary of the site currently enjoy.
- 5.15 At ground floor level, officers do not consider the proposal would cause unacceptable overlooking to surrounding residential properties as the application proposes the erection of a 2m high boundary fence which would enclose the application site. The erection of this fence would be permitted development in its own right. The applicant has submitted a site section showing the relationship between the proposed building and number 26 Gibside View and 41 Derwent View which are most likely to be affected at ground floor level owing to the land levels and previous extensions. Officers are satisfied that the proposed boundary

fence would prevent any overlooking which could otherwise have a detrimental impact on the occupiers of these properties.

- 5.16 Turning to overshadowing, the building would be sited north of Gibside View and there is an adequate separation distance between properties to the east and west of the application site to ensure no unacceptable overshadowing would occur. The properties which would be the most susceptible would be those on Derwent View to the north of the application site. The proposed building would not cause a material loss of light into any habitable rooms in surrounding properties nor would it unreasonably darken the garden areas by virtue of the separation distance.
- 5.17 Several objections have stated that the proposed building would be overbearing. It is considered that the scale of the proposal on the site and land levels would prevent the development from leading to an overbearing impact resulting in oppressive living conditions seen from the neighbours' gardens. Number 33 Derwent View would be the closest property to the flats however the proposed siting would ensure the building would not occupy the area of land along the side boundary of the property thereby avoiding a harmful sense of enclosure or an oppressive outlook.
- 5.18 Overall, officers consider the proposed development would not result in material harm to the living conditions of the occupiers of surrounding residential properties on account of overlooking, overshadowing or the proposal being over-dominant.
- 5.19 Turning to the living conditions of the future residents of the flats, the proposal has been designed in order to overcome privacy concerns with regard to neighbouring occupants. As a result of this, as discussed above, many of the windows on the first floor would be obscure glazed. Two flats are proposed on the first floor. Windows serving the kitchen area would be obscure glazed on the northern and southern elevations. Whilst this is somewhat unusual in primary living accommodation, fully clear glazed windows would serve these rooms on the eastern elevation therefore it is considered the windows would afford the future occupants an acceptable outlook.
- 5.20 Obscure glazing is also proposed in the bedrooms of the two first floor flats. As with the living area, although views to the north and south will be prevented, the occupants would have an acceptable outlook to the west through clear glazed windows.
- 5.21 All windows on the ground floor, excluding bathroom windows, would be clear glazed. As the 2m high fence would prevent direct window-to-window overlooking from surrounding properties the development would be acceptable in this regard.

- 5.22 Lastly, the internal space standards and provision of outdoor amenity space are considered to be sufficient for the proposed use.
- 5.23 Overall, officers conclude that as there would be no material harm to existing and future occupiers the development accords with the NPPF, policy CS14 of the Core Strategy and DC2 of the UDP which seek to protect living conditions.
- 5.24 **VISUAL AMENITY**
Section 7 of the NPPF states that the Government attaches great importance to the design of the built environment and that good design is a key aspect of sustainable development, is indivisible from good planning, and should contribute positively to making places better for people. Local policies CS15 of the Core Strategy and ENV3 of the UDP reflect this.
- 5.25 The siting of the proposed building means it would not be a highly visible addition to the area from any public vantage point. The section plan submitted in support of the application shows the height of the building is comparable to the surrounding two-storey semi-detached properties therefore the building would not appear as overbearing or out-of-character with the area.
- 5.26 In terms of external appearance, the main finishing materials would be red brick with accents of render and the building would have a pitched, tiled roof.
- 5.27 Officers consider the development would respond positively to local distinctiveness and its scale, massing and design would integrate within the local area. The proposal is therefore in accordance with policy CS15 of the Core Strategy and saved policy ENV3 of the UDP.
- 5.28 **HIGHWAY SAFETY AND PARKING**
Paragraph 32 of the NPPF states that applications should only be refused on transport grounds where the residual cumulative impacts of development are 'severe'. Case law has recently clarified that the severity test over residual cumulative transport impacts, referred to in paragraph 32 does not apply to matters of highway safety.
- 5.29 Concerns have been raised by local residents about the displacement of car parking. Residents of surrounding properties currently use the site as an informal car park. The site is not a designated car park and the landowner may, at any time, prevent members of the public accessing the site. This can be achieved without planning permission therefore limited weight is given to the displacement of the existing cars. Furthermore, there is unrestricted on-street parking available on the surrounding streets.

- 5.30 The scheme proposes 4 flats and a total of 5 parking spaces. It is considered the scheme provides adequate parking provision for the number of flats proposed.
- 5.31 The applicant has included a tracking diagram for the largest vehicle which would enter the site which is an ambulance. This demonstrates an ambulance and cars can enter the site, turn and leave in a forward gear onto Derwent View. This arrangement is considered to be acceptable as no long-distance reversing would be required. With regard to bin wagons, these would not enter the site itself. The refuse arrangement would be that the bins would be moved from the communal bin store on collection day to the kerb on Derwent View.
- 5.32 Access into the site is gained from the 3.1m wide road from Derwent View. In order to improve highway safety, the plans show the access road would be widened to 5.5m in width at the junction with Derwent View before reducing to 3.1m.
- 5.33 It is considered the development would have no adverse impact on highway safety or on parking in the area and is therefore in accordance with the NPPF and policy CS13 of the Core Strategy.
- 5.34 **CONTAMINATED LAND**
The application site is situated on 'potentially contaminated land' based on its previous historic uses as a garages site. Contamination may exist in any made ground imported as a development platform or from the sites usage as garages.
- 5.35 It is therefore appropriate to condition the submission of a Remediation Statement, and Remediation Verification Reports following the completion of any remediation, if necessary (conditions 7 to 9). An additional condition is also required that if unexpected contamination is found during the build, an investigation and risk assessment must be undertaken, and where remediation is necessary a remediation scheme shall be submitted.(conditions 10 and 11).
- 5.36 **PLAY AND OPEN SPACE**
Saved UDP policies CFR20, CFR28, CFR29 and CFR30 relating to the provision of play and open space are considered to apply to the current application for the creation of new residential development.
- 5.37 The overriding national policy direction is that no tariff based S106 contributions can be required where the development relates to less than ten dwellings. Therefore, while it cannot be concluded that the proposed development would comply with saved policies CFR20, CFR28, CFR29 and CFR30 of the UDP, it is considered that other material planning considerations outweigh the UDP policies.
- 5.38 **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. The development is located within Charging Zone C, with a levy of £0 per square metre for this type of development. Therefore, this proposal would not be charged.

5.39 OTHER ISSUES

Several objection letters state that the proposal would be dangerous as emergency services would not be able to enter the site, particularly fire engines. The applicant has provided tracking diagrams for a fire appliance and ambulance which demonstrate it is possible for both types of vehicle to enter and exit the site. Following a discussion between the Fire Service and Building Control, it was stated that in practice the Fire Service would likely attend the building by parking the fire appliance in the 5.5m wide section of the access road and using a 60m long hose to combat any fire from ground floor level. Furthermore, sprinkler systems would be installed in the building to ensure the risk from fires would be mitigated and the future occupants of the building would be safe.

5.40 It is also alleged that the measurements on the site plan are incorrect. The applicant has checked this and is satisfied that the site plan is correct. Officers are also satisfied the site plan is accurate and the development could be built in accordance with this plan. If there were any deviation from the approved plan then it would be necessary for the applicant to submit a further application to the Local Planning Authority for full consideration.

5.41 Representations state that the proposed bin store will attract vermin and spread disease. Officers consider that the siting of the bin store is acceptable and there is no evidence that incidence of encountering vermin would increase as a result of the development and would be harmful to the living conditions of the surrounding properties.

5.42 Representations were received which state there is wildlife on the site including rabbits and bats and the proposal would result in the loss of trees. The scheme has been assessed by the council's Ecologist in terms of the impact of the development on protected species and ecology. It was concluded that "the site is considered to be of very low ecological value. Habitats within the site are limited to small areas of coarse grassland/ruderal vegetation, several small self-seeded sycamore and birch saplings and a very short length of hedge/shrub planting towards the eastern boundary/neighbouring property". The proposed development would therefore be acceptable from an ecological point of view.

5.43 Noise levels have also been highlighted as an issue by surrounding residents – particularly noise during the construction and noise from

the future residents. To prevent the construction of the building having an unacceptable adverse impact on surrounding residents, the hours of construction are conditioned (condition 4). Regarding noise from the future occupants, there is no evidence that the occupants of the proposed flats would create more noise than a dwellinghouse therefore officers consider this to be acceptable.

- 5.44 Finally, it has been raised that the development will reduce property values in the area. Property values are not a material planning consideration therefore no weight is given to this.

6.0 CONCLUSION

- 6.1 Taking all the material planning considerations into account, including the objections raised, it is recommended that planning permission be granted.
- 6.2 The development would increase the range and choice of housing in Gateshead and would provide specialist supported accommodation to meet an identified need whilst helping to support an inclusive and mixed community. Officers also consider the development would be acceptable in terms of residential amenity, highways and parking as well as all other material planning considerations.
- 6.3 It is officers' opinion that the previous reasons for refusal have been addressed and, given the relevant conditions suggested to be imposed, it is considered the revised proposal accords with relevant national and local planning policies.

7.0 Recommendation:

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

1

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

Reason

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

2

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

AL(20)100 Rev C dated September 2017

AL(20)101 Rev G dated October 2017
AL(90)102 Rev E dated September 2017
AL(20)102 Rev D dated September 2017
AL(00)100 Rev A dated March 2015

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

Reason

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

3

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

Reason

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

4

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 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

5

Before the first occupation of the building hereby permitted, windows indicated on plan AL(20)101 Rev G annotated with "OG" shall be permanently obscure to a level of obscurity to Pilkington level 3 or above or its technical equivalent by other manufactures and shall open inwards only and by a maximum of 100mm. The windows shall be permanently retained in that condition thereafter.

Reason

To ensure the protection of privacy for neighbouring occupiers in the interests of residential amenity, in accordance with 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.

6

Prior to the first occupation of the building hereby permitted, the 2m high close-boarded perimeter fence shown on plan AL(90)102 Rev E shall be installed on site and shall be permanently retained thereafter.

Reason

To ensure the protection of privacy for neighbouring occupiers in the interests of residential amenity, in accordance with 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.

7

Prior to commencement of the development hereby permitted, a detailed remediation scheme (based on the recommendations of the Atkins intrusive site investigation and Phase 2 Risk Assessment Report dated April 2017) to bring the site to a condition suitable for the intended use by removing unacceptable risks to human health, buildings and other property and the natural and historical environment shall be submitted to and approved by the Local Planning Authority.

The scheme must ensure that the site will not qualify as contaminated land under Part 2A of the Environmental Protection Act 1990 in relation to the intended use of the land after remediation. NB The Local Authority requires that a minimum of 1.15m of 'proven' uncontaminated 'clean cover' is provided in all soft landscape and garden areas.

Reason

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

unacceptable risks to workers, neighbours and other offsite receptors in accordance with the National Planning Policy Framework, policy CS14 of the Core Strategy and Urban Core Plan and saved policy DC1(p) of the Unitary Development Plan.

8

The details of the remediation measures approved under condition 7 shall be fully 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.

9

Prior to first occupation of the development hereby permitted and following completion of the remediation measures approved under condition 8, a verification report that demonstrates the effectiveness of the remediation carried out must be submitted to and approved in writing by the Local Planning Authority.

Reason

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

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 amended remediation and monitoring measures and a timetable for implementation 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

Where required, the amended remediation and monitoring measures approved under condition 10 shall be implemented in accordance with the approved details and timetable for implementation prior to any further works (other than those required for remediation) and maintained for the life of the development.

Reason

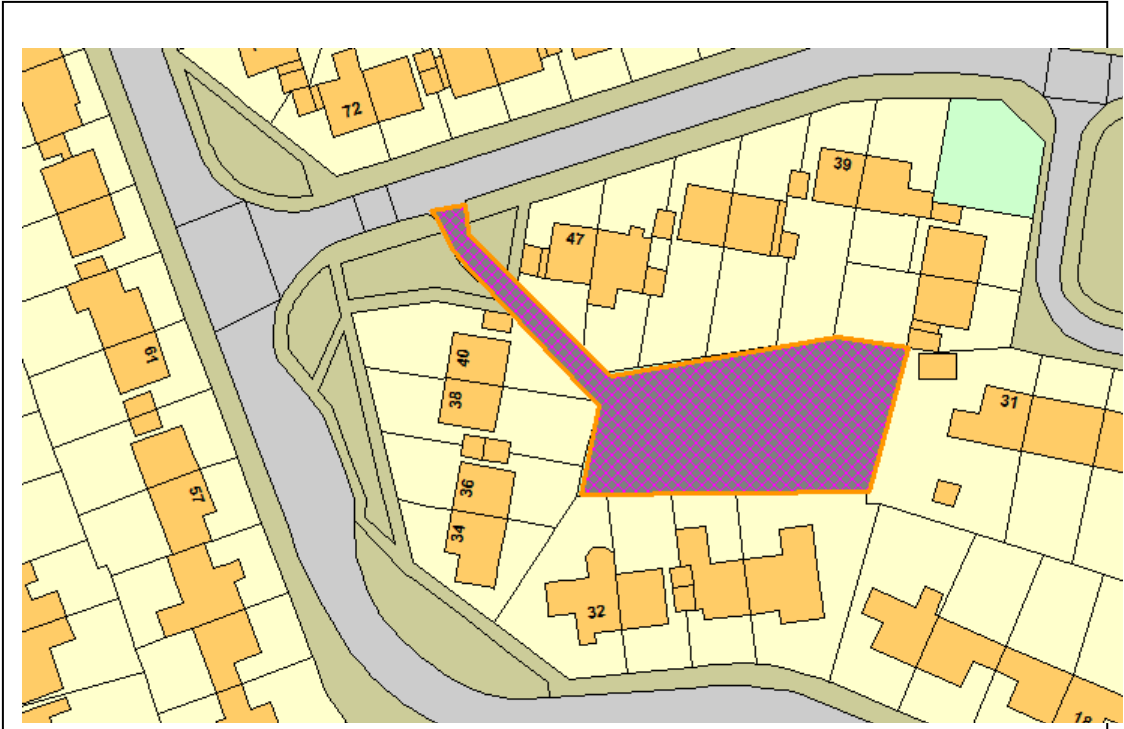
To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors, in accordance with 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 additional remediation is required (under conditions 10 and 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 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.



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REPORT OF THE STRATEGIC DIRECTOR COMMUNITIES AND ENVIRONMENT

TO THE PLANNING AND DEVELOPMENT COMMITTEE ON 15 NOVEMBER 2017:

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

Application ref.	Nature of proposed development	Location of proposed development	Decision	Ward
DC/17/00214/HHA	Erection of part two storey / part single storey pitched roof extension to side of semi-detached house	Rydal, 11 Axwell Park Road,	Granted;	Blaydon
DC/17/00185/HHA	Two storey side extension as amended 18.10.17.	101 Dominies Close, Rowlands Gill,	Granted;	Chopwell And Rowlands Gill
DC/17/00521/ADV	Display of externally illuminated fascia sign.	17 Princes Park, Gateshead,	Temporary permission granted;	Lobley Hill And Bensham
DC/17/00556/FUL	Erection of detached five bedroom dwelling	Land At Chopwell West Farm , Hall Road,	Granted;	Chopwell And Rowlands Gill
DC/17/00627/FUL	Creation of nine residential apartments on ground floor and external alterations including re-cladding and reconfiguration of fenestration (additional information received 10/08/17 and 04/10/17 and amended 22/09/17).	Chad House Tynegate Precinct, Sunderland Road,	Granted;	Bridges

DC/17/00636/FUL	Erection of industrial facility (Use Class B1(c) and/or B2 and/or B8) with associated parking, landscaping and access arrangements (additional information received 11/07/17, 12/07/17 and 18/07/17).	Land North Of Follingsby Lane And East Of, White Rose Way,	Granted;	Wardley And Leam Lane
DC/17/00768/HHA	Single storey side extension, raised patio and wall to rear, widening of driveway and new wall to front (amended 5/9/2017).	23 Ivanhoe View, Gateshead,	Granted;	Chowdene
DC/17/00724/HHA	Drop kerb from classified road to allow access to drive	26 Colegate, Leam Lane Estate,	Refused;	Windy Nook And Whitehills
DC/17/00744/FUL	Continued operation of a mortar and screed batching plant over an extended site area with amendments to the site layout (part retrospective).	Marshalls Premier Mortar Batching Plant , Derwenthaugh Industrial Estate,	Granted;	Blaydon
DC/17/00751/ADV	Display of non-illuminated fascia sign and four internally illuminated logo signs on the roof, all advertising 'Cafe Meo'	17 Bankside , The Watermark,	Temporary permission granted;	Dunston And Teams

DC/17/00757/COU	Change of use from hot food takeaway to hot food takeaway and retail shop including shop front on the western elevation (amended plans received 22.10.17 and description amended 30.10.2017).	ANGLO PIZZA, 1 Fewster Square,	Granted;	Wardley And Leam Lane
DC/17/00771/HHA	Single storey side and rear extension (amended plans received 06.10.2017)	2 Pennyfine Road, Sunnyside,	Granted;	Whickham South And Sunnyside
DC/17/00780/HHA	Proposed two storey side extension, single storey rear extension, and front extension.	122 Marian Drive, Bill Quay,	Granted;	Pelaw And Heworth
DC/17/00833/FUL	Variation of condition 1 of DC/15/00276/FUL to allow alterations to approved house, including new bay window to lounge to front elevation and relocation of bedroom window from side to front elevation.	2 Popplewell Gardens, Lyndhurst,	Granted;	Low Fell
DC/17/00868/FUL	Demolition of farmhouse and erection of 1 x 4-bedroom 2-storey house (Plot 3), 2 x 3-bedroom houses (Plot 4 and 5) with associated car ports and courtyard area and carport and larger garden for Plot 1 pursuant to application DC/15/01077/FUL.	Fell Farm, Hookergate Lane,	Granted;	Winlaton And High Spen

DC/17/00873/FUL	Change of use from retail use (A1) to fitness studio (D2) (amended 3.10.2017 and 5.10.2017)	2 Sunderland Road, Gateshead,	Granted;	Felling
DC/17/00870/HHA	Proposed two-storey side extension and single storey rear extension (amended 19.10.2017)	1 Cromwell Road, Whickham,	Granted;	Dunston Hill And Whickham East
DC/17/00871/HHA	Single storey rear extension and alterations to canopy roof on side elevation.	1 Clavering Way, Axwell Park,	Granted;	Blaydon
DC/17/00892/FUL	Change of use from boarding house to three dwelling houses involving construction of new dormers to front elevations and extensions to rear	65, 67, 69 Bewick Road, Gateshead,	Refused;	Saltwell
DC/17/00884/FUL	Installation of electric vehicle charging station with bay (as amended 05.10.2017)	Four Aces Filling Station, White Mare Pool,	Granted;	Wardley And Leam Lane
DC/17/00888/HHA	Retrospective application for decking in rear garden	11 Ilfracombe Gardens, Chowdene,	Granted;	Chowdene
DC/17/01020/HHA	Two storey side extension	28 Celandine Way, Gateshead,	Granted;	Windy Nook And Whitehills
DC/17/00911/HHA	The installation of a modular metal mesh access ramp to front door.	6 Helmsley Green, Harlow Green,	Granted;	Chowdene

DC/17/00915/COU	To use a portacabin as a sandwich shop (A1 use)	Rix Classic Vehicle Specialist , Penshaw Way,	Granted;	Birtley
DC/17/00916/HHA	Extend & convert the existing garage to habitable room to front of property, construct a part covered decking area to rear of property and the repositioning of the existing stone wall at the front of the property (amended 21.09.2017).	4 Struddars Farm Court, Blaydon,	Granted;	Blaydon
DC/17/00928/FUL	External alterations to existing building, painted brickwork and boarded timber cladding to main facade, enlarging windows with painted timber frames to the front elevation and the main lobby, replacing single doors with painted timber frame double doors on the east elevation with a flat roof over one of the doors	Coachmans Inn , Burnthouse Lane,	Granted;	Whickham South And Sunniside
DC/17/00930/HHA	Proposed single storey REAR extension	70 Bensham Avenue, Bensham,	Granted;	Lobley Hill And Bensham
DC/17/00933/HHA	Proposed Bedroom over existing Garage and single storey rear extension.	27 Haswell Close, Felling,	Granted;	Wardley And Leam Lane
DC/17/01049/HHA	Dormer to the rear and new pitched roof to garage	37 Broadbank, Felling,	Granted;	Pelaw And Heworth

DC/17/00938/HHA	Single storey rear extension to accommodate disabled accessible shower room	11 Milton Square, Sunderland Road,	Granted;	Bridges
DC/17/00940/HHA	The installation of a modular metal mesh access ramp to front door (retrospective).	18 Cedars Green, Lyndhurst,	Granted;	Chowdene
DC/17/00950/ADV	Display of internally illuminated intermittent LED fascia sign and two externally illuminated shutter stickers, all advertising 'Tariq's Barber' (retrospective)	1 Harriet Street, Blaydon On Tyne,	Split decision;	Blaydon
DC/17/00942/HHA	Installation of a modular metal mesh access ramp and new paved pathway/base area to allow disabled access to and from front door	104 South Sherburn, Rowlands Gill,	Granted;	Chopwell And Rowlands Gill
DC/17/00945/HHA	Single storey side and rear extension	126 Dryden Road, Low Fell,	Granted;	Low Fell
DC/17/00964/TPO	Works to Oak tree in garden of 52 Woodlands Park Drive.	52 Woodlands Park Drive, Blaydon On Tyne,	Granted;	Blaydon
DC/17/01078/HHA	Replacement of glass conservatory roof to tiled roof with 2 velux windows	19 Belle Vue Bank, Gateshead,	Granted;	Low Fell
DC/17/00965/HHA	Single Storey Side, Front and Rear Extension	16 Oakwood Avenue, Lyndhurst,	Granted;	Chowdene

DC/17/00970/FUL	Erection of building for the storage of cardboard and plastic packaging, situated on concrete hard standing	GB Lubricants, Albany Road,	Granted;	Bridges
DC/17/01068/HHA	Single storey front and rear extension to garage	3 Hazelwood Close, Gateshead,	Granted;	Lamesley
DC/17/00978/LBC	Erection of five storage cabins	Land Adj Stable Yard, Saltwell Park,	Granted;	Saltwell
DC/17/00979/FUL	Construction of single-storey store room with a 1200mm wide roller shutter door adjoined to existing garage block adjacent to 4 Hillfield Street (amended 20.10.2017 and 27.10.2017).	Garage Block Adjacent 4, Hillfield Street,	Granted;	Bridges
DC/17/00982/HHA	Installation of a modular metal mesh access ramp to allow disabled access to and from front door of domestic residence. The laying of new concrete to widen existing footpath to full width of access ramp from the ramp end to the gateway.	28 Beverley Drive, Winlaton,	Granted;	Winlaton And High Spen
DC/17/00983/HHA	Demolition of out buildings, single storey rear extension with decking, improved access with vehicle hardstanding to front	38 Keir Hardie Avenue, Wardley,	Granted;	Pelaw And Heworth

DC/17/00995/FUL	Form new external doorway adjacent to existing doorway, brick up existing doorway to cill height and reinstate window.	Gateshead Arms , 569 Durham Road,	Granted;	Low Fell
DC/17/01076/HHA	Two storey side extension and single storey front extension	29 Thornhill Close, Gateshead,	Granted;	Dunston And Teams
DC/17/01075/HHA	Detached garage to side of dwelling	25 Broom Lane, Whickham,	Granted;	Dunston Hill And Whickham East
DC/17/01009/HHA	Single storey rear extension	51 Bewicke View, Northside,	Granted;	Lamesley
DC/17/01028/LBC	LISTED BUILDING CONSENT: Alterations to rectify mis-spelled name of fallen soldier involving removal, followed by replacement of, existing enamelled initial	War Memorial At Monument Court, Hall Road,	Granted;	Chopwell And Rowlands Gill
DC/17/01021/FUL	Proposed change of use from retail (Use Class A1) and service corridors (Sui Generis) to centre facilities and mall space (Sui Generis) including external alterations.	62 The Galleria, Metrocentre,	Granted;	Whickham North
DC/17/01094/HHA	Single storey side extension	13 Northcote, Whickham,	Granted;	Whickham North

DC/17/01038/HHA	Installation of a modular metal mesh access ramp plus new paving to widen existing pathway	3 Broom Close, Winlaton,	Granted;	Winlaton And High Spen
DC/17/01045/FUL	Installation of two rapid electric vehicle charging stations	Durham Road Filling Station, Durham Road,	Granted;	Birtley
DC/17/01046/FUL	Installation of two rapid electric vehicle charging stations with associated equipment.	Rapid Service Station , Durham Road,	Granted;	Chowdene
DC/17/01062/AGR	DETERMINATION OF PRIOR APPROVAL FOR AGRICULTURAL DEVELOPMENT: Proposed siting of portacabin	Gateshead Community Farm, Fellside Road,	Prior Approval not required	Whickham South And Sunnside
DC/17/01064/AGR	DETERMINATION OF PRIOR APPROVAL FOR AGRICULTURAL DEVELOPMENT: Proposed siting of wood-clad shipping container for storage of tools and tractor	Gateshead Community Farm, Fellside Road,	Prior Approval not required	Whickham South And Sunnside
DC/17/01066/OHL	Replacement of existing pole with new wooden 'H' pole.	Land West Of Highfield Road, Rowlands Gill,	Observations	Chopwell And Rowlands Gill
DC/17/01065/COU	Change of use of land from local amenity use to private garden enclosed by 1.8m high wooden fence	6 Well Close Walk, Whickham,	Granted;	Whickham North

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**REPORT TO PLANNING AND
DEVELOPMENT COMMITTEE
15th November 2017**

TITLE OF REPORT: Enforcement Action

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

Purpose of the Report

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

Background

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

Recommendations

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

Contact: John Bradley extension 3905

1. FINANCIAL IMPLICATIONS

Nil.

2. RISK MANAGEMENT IMPLICATIONS

Nil.

3. HUMAN RESOURCES IMPLICATIONS

Nil.

4. EQUALITY AND DIVERSITY IMPLICATIONS

Nil

5. CRIME AND DISORDER IMPLICATIONS

Nil.

6. SUSTAINABILITY IMPLICATIONS

Nil.

7. HUMAN RIGHTS IMPLICATIONS

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

8. WARD IMPLICATIONS

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 st September	21 st September	N	N	21 st October 2015	16 th 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	<p>However, a further Section 215 notice has been served requiring a hoarding to be erected around the site.</p> <p>Planning permission has now been granted for the site and discussions regarding the compliance with the notice are ongoing.</p> <p>A further notice has now been issued requiring the site to be tidied and a hoarding erected.</p> <p>Work to erect the hoarding is now complete.</p>	
4.	40 Whitemere Gardens Wardley	Wardley and Leam Lane	Unauthorised Change of Use of residential land	4 th April 2014	4 th April 2014	N	N	10 th May 2014	10 th July 2014	<p>The notice has been served as the land in question is being used as a mixed use of dwelling house and vehicle repair and servicing, storage of vehicles and vehicle repair parts and equipment and vehicle recovery.</p> <p>A file has been prepared and the matter is being progressed with PACE interviews with those suspected of breaching the Notice</p> <p>A Community Protection Warning Notice was served, owner at present has complied with the notice and removed the vehicles from 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
										road and the garden	
5.	21 Saltwell View	Saltwell	Unauthorised alteration to property	16 July 2014	16 July 2014	N		20 August 2014	13 September 2016	<p>The unauthorised installation of UPVC windows without consent, -fronting the highway in an area subject to a Direction under Article 4 of the Town and Country Planning (General Permitted Development) Order 1995. Contrary to contrary to Policy ENV7 of the Unitary Development Plan.</p> <p>Enforcement Notice has been served which requires the replacement of the windows with white painted timber sliding sash windows identical to the windows which were in place when the Article 4 Direction was applied</p> <p>Decision issued, notice upheld as varied. Notice to be complied with by the 13th September 2016</p> <p>A planning application has been approved to retain an amended version of the windows.</p> <p>To date the windows have not been amended as per 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
										approved planning permission DC/16/01203/HHA. The owners have confirmed that the alterations will take place in January 2018. Files are being prepared for prosecution if works are not undertaken in January.	
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 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.	11 January 2016	12 January 2016	N	N	15 February 2016	14 March and 4 July 2016	As such the original Notices (which were all being appealed) were withdrawn and further Notices have now been issued including those in respect of the requirement to carry out an Environmental Impact Assessment and provide an Environmental Statement with an subsequent appeals.	
	(Known as South West Farm Site Three)	Swalwell	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	11 January 2016	12 January 2016	N	N	15 February 2016	14 March and 4 July 2016	The Notices requires firstly, the cessation of the unauthorised use and secondly, the removal from the land of the scrap. The site is to be visited following the	

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
			metal and vehicle dismantling and repair							<p>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 completed a further hearing at Gateshead Magistrates Court has been listed for the 3rd November 2017.</p>	
7.	Tynedale House, Main Street, Crawcrook	Crawcrook and Greenside	Unightly Building	13 th January 2017	14 th February 2017	Y	N	20 th March 2017	15 th May 2017	<p>Complaints have been received regarding the appearance of the front elevation of the property which is a former butchers shop.</p> <p>Whilst the site is noted to be under renovation the works have not substantially progress and the matter has become protracted.</p> <p>Therefore the Notice has been issued to ensure the façade is brought up to an acceptable standard within a specified period.</p> <p>The majority of the requirements of the notice have been complied with and further discussions with the owner have taken place</p> <p>The owner is now actively marketing the property in the hope the unit will be brought back into</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
										use .	
8.	Site of Station House, Green Lane, Gateshead	Pelaw and Heworth	Breach of Planning Condition	16 th March 2017	16 th March 2017	Y	N	16 th March 2017	10 th April 2017	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. The use has commenced without the conditions being discharged. Adjacent to the site a new supermarket is under construction as a result Officers have significant concerns regarding highway safety. Therefore a Temporary Stop Notice was issued requiring the use to stop until the conditions are discharged. A Breach of Condition Notice was issued and the required information has been submitted. Whilst the information is being considered complaints have been received regarding activity on site and the	
			Breach of Planning Conditions	19 th April 2017	20 th April 2017	Y	N	20 th April 2017	18 th May 2017		

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
										owners have been warned that further, formal, action is being considered. The submitted details are generally acceptable however there is some clarification required in regards to cycle parking and layout. Once these issues have been resolved and the conditions discharged, immediate implementation will be sought.	
9.	Lidl, Hexham Road, Swalwell, NE16 3AF	Whickham North	Breach of Condition	4 th May 2017	5 th May 2015	Y	N	5 th May 2017	2 nd June 2017	The development of the Lidl Supermarket was subject to planning permission including a range of planning conditions. One of these conditions restricts the hours that deliveries and servicing can be carried out. Complaints have been received that this has been breached including multiple breaches on Easter Sunday. As such a notice has been issued requiring compliance with the delivery and servicing condition (no. 15)h	
10.	Land to the rear of 17 Flexbury Gardens, Gateshead, NE9 7TH	Chowdene	Unightly Land	19 May 2017	19 May 2017	N	N	23 June 2017	4 August 2017	The land which is not attached to any property has been overgrown for a long period and is unsightly. Officers have made enquiries as to the	

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>owner of the site and have now issued a Notice requiring it to be tidied within a specific timescale.</p> <p>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.</p> <p>A prosecution file has been prepared. The first hearing is listed at Gateshead Magistrates Court on 20.12.17</p>	
11.	Land adjacent to Wilson's Auctions, Shadon Way, Birtley, DH3 2SA	Birtley	Unauthorised Change of Use	27 July 2017	28 July 2017	Y	Y	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 issues identified which resulted in the refusal of the application</p> <p>An appeal against the Enforcement Notice has now been received. The Council</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
										are awaiting a start date from The Planning Inspectorate The start date is 25.10.17. The appeal is written representations, neighbours have now been notified.	
12.	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>	
13.	Site of Former Collinson Brothers Garage, Derwent Street, Chopwell	Rowlands Gill and Chopwell	Unightly Land	31 August 2017	1 September 2017	N	N	4 October 2017	29 November 2017	<p>The land is derelict and complaints have been received regarding its condition on what is a prominent site.</p> <p>A notice has been issued to require improvements, particularly relating to the boundary treatment.</p> <p>However, the site owners appear to have gone into liquidation which may cause problems is securing compliance with the notice</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
14.	47 Heathfield Road Gateshead NE9 5HH	Lowfell	Unauthorised Development	12 th October 2017	12 th October 2017	N	N	16 th November 2017	16 th December 2017	Erection of wooden fencing and raised platform area which has facilitated the use of the garage roof as a terrace area Complaints have been received in relation to the development. An Enforcement Notice has been issued to resolve the issues identified The Notice has been issued to require the removal of the wooden fencing and raised platform.	
15.	23 Hopedene Felling Gateshead NE10 8JA	Wardley And Leam Lane	Unightly Land	19 th October 2017	19 th October 2017	N	N	23 rd November 2017	4 th January 2018	Complaints have been received regarding the condition of the garden. The property has been overgrown for a long period and is unsightly. A notice has been served requiring the garden be cut back, trimmed and all waste removed.	

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TITLE OF REPORT: Planning Appeals

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

Purpose of the Report

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

New Appeals

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

DC/16/01261/FUL - Coalburns Cottages, 4 Coalburns Cottages, Greenside, Ryton NE40 4JL

Demolition of existing garage followed by erection of new dormer bungalow with four parking spaces (as amended 16.05.2017)

This was a committee decision refused on 5 June 2017.

DC/16/01319/FUL - Former Bling Bling Car Wash, Durham Road, Birtley DH3 1LS

Erection of building to provide a shop and car valeting area on ground floor with storage above; Use of forecourt for parking and as a car wash.

This was a committee decision refused on 31 March 2017.

DC/17/00156/COU - Site Of Scottish Motor Auctions Group, Shadon Way, Birtley DH3 2SA

Change of use from unused land to a hardstanding parking area with drive through route and enclosure by means of a new perimeter security fence.

This was a committee decision refused on 18 July 2017.

DC/17/00252/HHA - 37 Cromwell Ford Way, Blaydon On Tyne NE21 4FH

Garage door to front and construction of wall to rear with timber doorset to the rear (retrospective).

This was a delegated decision refused on 17 May 2017.

Appeal Decisions

3. There have been **two** new appeal decisions received since the last Committee:

DC/16/01162/FUL - 30A Broom Lane, Whickham, NE16 4QP.

Erection of three bedroom house with associated off street parking.

This was a delegated decision refused on 20 December 2016.

Appeal dismissed on 19 October 2017.

DC/17/00047/HHA - 25 Neville Crescent, Birtley, Chester Le Street, DH3 1NF
Single storey side extension. As amended 06.03.17.
This was a delegated decision refused on 28 April 2017.
Appeal dismissed on 12 October 2017.

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

Appeal Costs

4. There have been no appeal cost decisions.

Outstanding Appeals

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

Recommendation

6. It is recommended that the Committee note the report

Contact: Emma Lucas Ext: 3747

FINANCIAL IMPLICATIONS

Nil

RISK MANAGEMENT IMPLICATIONS

Nil

HUMAN RESOURCES IMPLICATIONS

Nil

EQUALITY AND DIVERSITY IMPLICATIONS

Nil

CRIME AND DISORDER IMPLICATIONS

Nil

SUSTAINABILITY IMPLICATIONS

Nil

HUMAN RIGHTS IMPLICATIONS

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

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

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

WARD IMPLICATIONS

Various wards have decisions affecting them in Appendix 3

BACKGROUND INFORMATION

Start letters and decision letters from the Planning Inspectorate



The Planning Inspectorate

Appeal Decision

Site visit made on 19 September 2017

by **Graeme Robbie BA(Hons) BPI MRTPI**

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

Decision date: 19 October 2017

Appeal Ref: APP/H4505/W/17/3178144

30a Broom Lane, Wickham NE16 4QP

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
- The appeal is made by Mr D Spinks against the decision of Gateshead Council.
- The application Ref DC/16/01162/FUL, dated 29 October 2016, was refused by notice dated 20 December 2016.
- The development proposed is a new three bedroom house with associated off street parking.

Decision

1. The appeal is dismissed.

Procedural Matters

2. I note that the initial planning application form and the Council's subsequent decision notice refer to the appellant's name as 'Mr D Spinxs'. However, subsequent documents provide confirmation of the correct spelling of the appellant's name and I have adopted that spelling here.
3. The appellant has referred to a recently approved proposal¹ to re-develop the existing property at No 30a to create an additional dwelling, the details² of which I have subsequently been provided with. I return to this matter below.

Main Issues

4. The main issues are the effect of the proposed development on:
 - The character and appearance of the surrounding area; and
 - The living conditions of existing occupiers of neighbouring properties and future occupiers of the proposed dwelling, with particular regard to outlook and privacy.

Reasons

Character and appearance

5. Broom Lane is a pleasant, tree-lined road in a residential setting that lies towards the edge of an 'area of important character' as identified in 'The Gateshead Placemaking Guide' Supplementary Planning Document (SPD). To the north of the appeal site, on the eastern side of Broom Lane, lie modest semi-detached dwellings. To the west, situated within well stocked and

¹ DC/17/00324/FUL

² Application form, decision notice, officer report and plans and elevations

maturely landscaped gardens lie larger detached dwellings. Together with the broad swathe of open green space and mature trees that lie between Broom Lane and Broom Green / Southfield Green, the area around the appeal site on Broom Lane has a pleasingly verdant, sylvan and spacious setting. The SPD's description of the Broom Lane area of Whickham is, I find, accurate in this respect.

6. However, I saw at my site visit that the appeal site lies at something of a point of transition from lower density, larger detached and semi-detached houses on Broom Lane and the higher density semi-detached and terraced properties of Broom Green, Southfield Green and Broadpool Green. The appeal site, however, is something of an anomaly. It sits comfortably forward of the semi-detached dwellings further to the north on Broom Lane. Because it is set forward within its generous corner plot it has a large rear garden. As a consequence, it also has a greater stand-off distance to the flank wall of the adjacent property on Lansbury Road than is found at other properties with a similar relationship, such as at the junction of Lansbury Road and Southfield Gardens.
7. Whilst the garden size of No. 30a relative to those around may set it at odds with those properties, it does not follow that it should be deemed out of keeping with the surrounding area. Rather, I find that its relative openness (notwithstanding its substantial boundary hedge) and the visual buffer that it provides between Broom Lane and Lansbury Road contributes positively to the character and appearance of the surrounding area, and reflects the pleasantly verdant setting of Broom Lane and the broad swathe of open land opposite the appeal site.
8. Although the proposed dwelling would occupy almost the entire width of the available plot, its flank elevations would be approximately equidistant from the rear of No. 30a and the side of 1 Lansbury Road. In isolation, spacing around the dwelling would be broadly reflective of the prevailing spacing between the flank walls of dwellings within the block formed by Broom Lane, Lansbury Road and Southfield Gardens.
9. However, to reach such a conclusion would be to ignore the context of setting. In views towards and across the site from Lansbury Road, the limited space around the dwelling would be immediately recognisable. The limited space to the west, between its flank elevation and the rear elevation of No. 30a would be clear to see, as would the closely-sited backdrop of the flank wall of No. 30b. Moreover, the substantial gabled flank elevations of the proposed dwelling would contrast markedly with the prevailing hipped roof form of surrounding dwellings. The additional bulk and massing of these elevations, particularly with regard to its relationship with No. 30a would, in my judgement, serve to compound the scale of the proposal and its proximity to the rear of that property.
10. Thus, I conclude that the proposal would appear cramped within its site and in the context of the surrounding properties. It would also fail to respond positively to the locally distinctive and prevailing style of hipped roof semi-detached dwellings with curved two storey bays that define the immediate character of this part of Broom Lane, Lansbury Road and Southfield Gardens. The proposed fenestration may be simple, the surrounding architecture unexceptional. However, there is a distinct and, I find a pleasingly and broadly

consistent, character and appearance amongst dwellings within this particular block. The proposal would fail to respond positively to that in terms of its scale, space around the dwelling and design. It would therefore be at odds with saved policy ENV3 of the Unitary Development Plan for Gateshead (UDP) and policy CS15 of the Core Strategy and Urban Core Plan for Gateshead and Newcastle (CSUCP). Together these policies seek to ensure that development contributes to successful place making through high quality design. It would fail to realise these aims, and in so doing, it would also fail to achieve the high quality design sought by the National Planning Policy Framework (the Framework).

11. I note that the appellant is agreeable to the reduction in garden depth and outlook from the rear of No. 30a that would arise as a result of the proposal. I note too, the appellant's 'buyer-beware' argument in respect of future occupiers. However, these factors do not address the effect of the proposal on the character and appearance of the area and do not outweigh the harm that would arise from the proposed development and that I have identified above.

Living conditions

12. In my experience there tends inevitably to be a degree of inter-visibility between the rears of properties within residential blocks such as that formed by Broom Lane, Lansbury Road and Southfield Gardens. This often becomes particularly so at the junctions of such blocks.
13. Whilst the current arrangement around Nos. 30a and 30b, and 1 Lansbury Road is no exception, the introduction of an additional dwelling into this context would, in my judgement, harmfully intensify inter-visibility in this location. The area of private amenity space at the rear of the proposed dwelling would be directly overlooked, across a relatively short distance, from upper floor windows at the rear of No. 30a. So too, without any significant need to crane one's neck, from the rear of No. 30b. Similarly, such are the limited distances between the properties, the upper floor windows at the rear of the proposed dwelling would enjoy an elevated position overlooking the rear of No. 30B and its garden area.
14. I have been referred to various separation and stand-off distances between the proposed dwelling and surrounding dwellings. I accept that these are guidelines. However, it is disingenuous to suggest that the proposal would only 'partially' compromise these distance guidelines. The distances shown on the submitted plans would fall significantly below the guideline figures set out in the SPD. Whether these are designed to provide adequate outlook, or to avoid unacceptable overlooking arising from excessively close elevations, the proposal would fall short on both counts.
15. The cramped nature of the development that I have identified above would also therefore manifest itself in the intensified and harmful extent of inter-visibility between the appeal proposal and surrounding properties and their respective private outdoor spaces. This would also be felt in the looming presence of the proposed dwelling's gable elevation close to the rear of No. 30a, and the side of No. 30b from the rear of the proposed dwelling. That a wall or fence would mitigate the height and bulk of the gable and its proximity to the rear of No. 30a or, as the appellant also suggest, otherwise render it as being 'not so abhorrent', are not points with which I agree and they carry little weight.

16. The proposal is therefore contrary to the aims and provisions of UDP saved policy DC2. Insofar as saved policy ENV3 requires the spaces around and between buildings to be handled in a sensitive manner, and CSUCP policy CS14 to prevent negative impacts on residential amenity, I find that the proposal would also be contrary to those policies. It would also therefore fail to secure the good standard of amenity for existing and future occupiers that the Framework seeks as a core planning principle.

Other Matters

17. The Framework states³ that housing applications should be considered in the context of the presumption in favour of sustainable development⁴. Although the appellants suggest that modest housing schemes 'now have to be approved' where there has been a shortfall in housing supply, no arguments have been advanced to support a claim of any such shortfall. Nor has it been demonstrated that the development plan is either absent, silent or relevant policies out of date. As I have found that the proposal would not accord with the development plan, I give these matters limited weight. The Council accept that the proposal would provide a unit of family accommodation and even if there were to be a shortfall in housing supply generally, or for family homes more specifically, the proposal is only for a single dwelling. These factors are not sufficient therefore to outweigh the harm that I have identified above.
18. I note the reference to the Written Ministerial Statement (WMS) of 23 March 2011. However, the Framework and the Guidance are more up to date statements of Government policy, the CSUCP has been prepared since the publication of the Framework and the Guidance and the saved policies of the UDP referred to above are broadly consistent with the aims of the Framework in seeking to secure high quality design and good standards of amenity. The WMS is not therefore a material consideration to which I can give any significant weight.
19. My attention has also been drawn to a recently approved proposal for the alteration and extension of No 30a to create an additional dwelling. The appellant has stated that it would be his preference to develop both the approved scheme and the scheme currently before me. Whilst I have considered the current appeal on the basis of the proposals before me, and the site and its surroundings as they currently exist, I have noted the content of that approved scheme. However, whilst not decisive, that proposal confirms my concerns regarding the main issues I have set out above and adds weight to my conclusion in respect of the effect of the proposed development upon the character and appearance of the surrounding area and living conditions.

Conclusion

20. For the reasons set out, and having considered all other matters raised, I conclude that the appeal should be dismissed.

Graeme Robbie

INSPECTOR

³ Paragraph 49

⁴ Defined at paragraph 14



Appeal Decision

Site visit made on 26 September 2017

by Caroline Jones BA (Hons) DipTP MTP MRTPI

Decision date: 12 October 2017

Appeal Ref: APP/H4505/D/17/3178491

25 Neville Crescent, Birtley, Tyne and Wear DH3 1NF

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by Mr Tony Rand against the decision of Gateshead Council.
 - The application Ref DC/17/00047/HHA, submitted to the Council on 12 January 2017, was refused by notice dated 28 April 2017.
 - The development proposed is single storey side extension to provide garage and lounge.
-

Decision

1. The appeal is dismissed.

Main Issue

2. The main issue is the effect of the proposal on the character and appearance of the host property and surrounding area.

Reasons

3. 25 Neville Crescent is an end of terrace two storey red brick property. It sits perpendicular to and forward of the attached terrace with its gable fronting the road. The property lies within a generous plot with a spacious side garden bounding the adjacent footpath, a characteristic which is mirrored by all four properties sitting north and south of the footpath on both sides of Neville Crescent. I noted at my site visit that this pattern of development is repeated elsewhere within the estate. These gaps provide a visual break and welcome relief to the densely developed character of the street scene and positively contribute to the character and appearance of the local area.
4. I agree with the Council that the proposal would constitute a side extension with the principal elevation being that which fronts the road, despite its lesser width. In this regard, the Council's 'Household Alterations and Extensions' Supplementary Planning Document (SPD) states that an extension should be designed to maintain the character of the existing property and street scene and as a general rule be of a size which is no more than 50% of the overall width of the original dwelling in order to ensure that the extension remains subordinate.
5. The proposed extension would be a large structure, measuring some 5 metres in width and 3.8 metres at its highest point terminating just below the sills of the first floor windows. It would occupy almost the full depth of the house. Due to its width, depth and height, the extension would appear

<https://www.gov.uk/planning-inspectorate>

disproportionate in scale to the modest nature of the property and would dominate this elevation. Thus the extension would be a discordant and obtrusive addition to the property.

6. Whilst I acknowledge that a small gap would be retained to the side of the extension, to my mind this would be insufficient to maintain the open nature of the site. As a consequence, built development would significantly erode the spacious visual break which is an important feature of the street scene.
7. I agree with the appellant that the existing hedge would screen the extension to a degree from the footway. However by virtue of its height, the extension would be clearly visible from the road and from neighbouring properties.
8. I therefore conclude that the proposed extension would have a detrimental impact on the character and appearance of the host property and the surrounding area and find conflict with Policy CS15 of the Core Strategy and Urban Core Plan for Gateshead and Newcastle upon Tyne (2015) and saved Policy ENV3 of the Gateshead Unitary Development Plan (2010) as well as the guidance within the SPD. These seek, amongst other things, development of high quality design that responds positively to local distinctiveness and character and to recognise established design principles such as scale, massing and height.
9. In reaching my decision I have had regard to the numerous alterations and additions to properties in the locality, including those fronting the highway. However, I do not know the circumstances or background which led to their construction which limits the weight that I can attach. In any case each appeal must be considered on its own merits. The appellant submits that garden structures could be constructed under permitted development which would have more of an impact than the proposed extension. However, I have been given no examples of such structures and I must reach a decision on the proposal in front of me. I acknowledge that the extension would be constructed in matching materials and has been set back from the principal elevation with a recessed garage door. I have also taken into consideration the slope of the land. Nonetheless, these matters do not alter my view of the harm that the proposal would have on the character and appearance of the host property and surrounding area.

Conclusion

10. For the above reasons and taking all other matters into account I conclude that the appeal should be dismissed.

Caroline Jones

INSPECTOR

APPENDIX 3

OUTSTANDING APPEALS

Planning Application No	Appeal Site (Ward)	Subject	Appeal Type	Appeal Status
DC/14/01160/FUL	Land At Wellington Road Cross Lane Gateshead	Erection of a car supermarket consisting of a concourse building with an adjoining workshop and associated vehicle storage, vehicle display and car parking areas (additional info received 07/01/15 and 30/05/16 and amended plans received 15/01/15, 30/05/16 and 01/08/16).	Written	Appeal In Progress
DC/16/01162/FUL	30A Broom Lane Whickham NE16 4QP	Erection of three bedroom house with associated off street parking.	Written	Appeal Dismissed
DC/16/01182/FUL	Land At Ellison Terrace Greenside Ryton NE40 4BL	Construction of three houses with parking area (amended 16/02/17 and 08/03/17 and description amended 14.03.2017).	Written	Appeal In Progress
DC/17/00047/HHA	25 Neville Crescent Birtley Chester Le Street DH3 1NF	Single storey side extension. As amended 06.03.17.	Written	Appeal Dismissed
DC/16/01261/FUL	Coalburns Cottages 4 Coalburns Cottages Greenside Ryton NE40 4JL	Demolition of existing garage followed by erection of new dormer bungalow with four parking spaces (as amended 16.05.2017)	Written	Appeal In Progress

DC/16/01319/FUL	Former Bling Bling Car Wash Durham Road Birtley DH3 1LS	Erection of building to provide a shop and car valeting area on ground floor with storage above; Use of forecourt for parking and as a car wash	Written	Appeal In Progress
DC/17/00156/COU	Site Of Scottish Motor Auctions Group Shadon Way Birtley DH3 2SA	Change of use from unused land to a hardstanding parking area with drive through route and enclosure by means of a new perimeter security fence	Written	Appeal In Progress
DC/17/00252/HHA	37 Cromwell Ford Way Blaydon On Tyne NE21 4FH	Garage door to front and construction of wall to rear with timber doorset to the rear (retrospective)	Written	Appeal In Progress

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REPORT TO PLANNING AND DEVELOPMENT COMMITTEE

15 November 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 has been one new planning obligation:

DC/17/00036/FUL – Mark out staff parking spaces and erect staff parking signs, issue staff parking permits.

Former Queens Head Hotel , Birtley Lane, Birtley DH3 2PR

Variation of condition 1 (approved plans) of application DC/16/00523/FUL to allow for various changes to the layout and elevations and the provision of six staff car parking spaces at The Grove as amended by plans received 27/02/17.

4. Since the last Committee there have been no new payments received in respect of planning obligations.
5. Details of all the planning obligations with outstanding covenants on behalf of developers and those currently being monitored, can be found at Appendix 2 on the Planning Obligations report on the online papers for Planning and Development Committee for 15 November 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