

PLANNING AND DEVELOPMENT COMMITTEE AGENDA

Wednesday, 3 January 2018 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 6 December 2017 (copy previously circulated).

3 Declarations of Interest

Members to declare interests in any agenda items

4 Planning Applications (Pages 3 - 10)

4i No 1 - Gills Superfry, 23 The Crescent Dunston, Gateshead (Pages 11 - 18)

4ii No 2 - Former Rowlands Gill Infant and Nursery School, Sherburn Green, Rowlands Gill (Pages 19 - 44)

4iii No 3 - Long Acre Farm, Lamesley, Birtley, DH3 1RQ (Pages 45 - 74)

4iv No 4 - 24 Wilsons Lane, Low Fell, Gateshead, NE9 5EQ (Pages 75 - 80)

4v No 5 - Jomast Accommodation Ltd, 321 and 323 Rectory Road, Bensham, Gateshead, NE8 4RS (Pages 81 - 90)

4vi No 6 - Follingsby International Enterprise Park Limited (Pages 91 - 130)

4vii No 7 - The One Eyed Stag Micro Pub, 5 The Square, Whickham, Newcastle, NE16 4JB (Pages 131 - 138)

Delegated Decisions (Pages 139 - 146)

5 Enforcement Action (Pages 147 - 162)

Report of the Strategic Director, Communities and Environment

6 Planning Appeals (Pages 163 - 166)

Report of the Strategic Director, Communities and Environment

7 | **Planning Obligations** (Pages 167 - 168)

Report of the Strategic Director, Communities and Environment



PLANNING AND DEVELOPMENT
COMMITTEE
3 January 2018

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/17/00900/FUL	Gills Super Fry 23 The Crescent	Dunston Hill And Whickham East
2. DC/17/00946/FUL	Former Rowlands Gill Infant And Nursery School Sherburn Green	Chopwell And Rowlands Gill
3. DC/17/01054/FUL	Long Acre Farm Lamesley	Lamesley
4. DC/17/01109/HHA	24 Wilsons Lane Low Fell	Low Fell
5. DC/17/01110/COU	321 And 323 Rectory Road Bensham	Saltwell
6. DC/17/01117/OUT	Follingsby Park South Follingsby Lane	Wardley And Leam Lane
7. DC/17/01160/FUL	The One Eyed Stag Micro Pub 5 The Square	Whickham North

DEVELOPMENT PLAN

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

NATIONAL PLANNING POLICY FRAMEWORK (NPPF)

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

REGIONAL SPATIAL STRATEGY (RSS)

The RSS was revoked on 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.

Seven Supplementary Planning Documents 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 the day prior to 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 submitted a request to speak at least a week, in advance of the meeting, and subsequently confirmed their intention to speak.

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

SITE PLANS

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

PUBLICITY/CONSULTATIONS

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

SITE VISITS

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

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

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

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

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

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

Generalised Guide to Use Classes Order 1987 (as amended)

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

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



Changes allowed without planning permission

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

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

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

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

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



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

Explanation of Abbreviated Terms used in Reports

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

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

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Committee Report

Application No:	DC/17/00900/FUL
Case Officer	David Morton
Date Application Valid	9 August 2017
Applicant	Mr Graham Gill
Site:	Gills Super Fry 23 The Crescent Dunston Gateshead NE11 9SJ
Ward:	Dunston Hill And Whickham East
Proposal:	Proposed variation of Condition 3 (opening hours) of planning approval reference DC/12/01065/COU to allow opening hours between 1100hrs and 2300hrs Monday to Saturday, between 1700 and 2300 on a Sunday and Bank Holidays (currently restricted to between 0800 and 1700 on Monday to Saturday and at no other times) (additional information received 20/11/17).
Recommendation:	REFUSE
Application Type	Full Application

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

The application site is a two-storey end terrace property, situated within a local shopping parade on Ellison Road and surrounded by residential properties to the rear on Ede Avenue. The ground floor was formally a fruit and vegetable shop with a residential flat at first floor. Adjacent at ground floor is a sandwich bar with residential flat above.

1.2 The application property is located within the defined Ellison Road District Centre.

1.3 DESCRIPTION OF THE APPLICATION

Planning permission was granted under application DC/12/01065/COU to change the use of the ground floor fruit and vegetables shop to a hot food takeaway to be used as a fish and chip bar. The application was granted with opening hours between 0800 and 1700 Mondays to Saturdays and closed on Sundays.

1.4 A number of planning applications were submitted seeking to vary the operating hours associated with the premises (as set out in the planning history section); these permissions were either refused or granted temporarily. All temporary permissions associated with the site have now lapsed and the site has reverted back to the original hours of operation.

1.5 The latest application seeks to vary the operating hours associated with the application site. The application seeks hours of between 1100 and 2300 Monday to Saturday and between 1700 and 2300 on a Sunday and Bank Holidays.

1.6 PLANNING HISTORY

The planning history associated with the site is set out below;

- DC/12/01065/COU; Planning permission granted for 'Change of use from fruit shop (use class A1) to fish and chip shop (use class A5).' Date; 04 April 2013.
- DC/13/00542/COU; Planning permission refused for 'Variation of condition 3 of DC/12/01065/COU to allow opening hours of 10.30am - 11.00pm Monday to Saturday, 10.30am - 8.00pm Bank Holiday (Good Friday) and no Sunday opening (previously restricted to 8.00am - 5pm Monday to Saturday and at no time on a Sunday).' Date; 01 July 2013.
- DC/13/00878/FUL; Planning permission granted temporarily (12 months) for 'Variation of condition 3 of DC/12/01065/COU to allow opening hours of 10.30am to 09:30pm Monday to Saturday, no Sunday opening and 10.30am to 8.00pm on Good Friday (previously restricted to 8.00am - 5pm Monday to Saturday and at no time on a Sunday) together with details of extraction equipment to discharge condition 4 (revised application) (additional info received 04/09/13). Part Retrospective.' Date; 21 November 2013.
- DC/14/01281/FUL; Planning permission granted temporarily (12 months) for 'VARIATION OF CONDITION 3 (opening hours) of DC/13/00878/FUL (to allow opening hours between 11am and 23:00 Monday to Saturdays and 17:00 to 23:00 on Sundays and bank holidays).' Date; 29 January 2015.

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. Three objections to the proposal (including a single objection from a Ward Councillor (Councillor Allison Thompson)) have been received. The letters are summarised as follows:

- The proposal would lead to an increased level of traffic.
- The proposal would lead to an increase in litter within the area.
- The development is not consistent with the Hotfood Takeaway SPD.
- The neon signage in the window of the takeaway leads to disturbance.

4.0 Policies:

NPPF National Planning Policy Framework

NPPG National Planning Practice Guidance

ENV3 The Built Environment - Character/Design

ENV61 New Noise-Generating Developments

DC2 Residential Amenity

RCL6 Food and Drink Uses

CS13 Transport

CS14 Wellbeing and Health

Hot Food Takeaway SPD

5.0 Assessment:

- 5.1 This is a Section 73 application for a variation of an approved condition of planning permission DC/12/01065/COU. Therefore, the principle of the scheme does not require assessment again, but is instead a re-examination of certain elements within the approved scheme, namely the opening hours of the take away.
- 5.2 The main planning considerations are: whether the opening hours condition is necessary and reasonable, in the interests of living conditions of neighbouring occupiers, with particular reference to noise and disturbance and the impact on the proposal on the health and wellbeing of the local population.
- 5.3 **IMPACT ON RESIDENTIAL AMENITY**
The original planning application DC/12/01065/COU granted planning permission with opening hours between 0800 and 1700 on Monday to Saturday and at no other times.
- 5.4 The National Planning Policy Framework 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".
- 5.5 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.

- 5.6 Opening until 2300 at night has been considered against the existing trading hours of other premises within the local centre and from this assessment, it is apparent that retailers (Co -Op, Costcutters, bookmakers) open until 2200 at night, therefore there is already activity within the location up until this time. Dunston Hill Chinese Takeaway at 2 King George Avenue is within 40 metres of the application site and currently opens until approximately 2300 seven days a week (there are no restricted hours of opening for this take-away from a planning perspective as the use is historic and not subject to a planning approval). This unit is located within a parade of shops with residential accommodation above and adjacent. There have been no complaints received in regard to the take-away in either planning or statutory nuisance terms.
- 5.7 There is residential accommodation above the application site at 22 The Crescent; the residential unit above the site is not within the control of the applicant.
- 5.8 It is considered when the application is considered in the context of the above and the fact that the site is within a commercial area, it is considered that the proposal would not result in any unacceptable impact on residential amenity.
- 5.9 Based on the above, it is considered that the extension of operating hours would not give rise to significant adverse impacts on residential amenity and on that basis the variation of Condition 3 is considered to be acceptable in accordance with the NPPF, UDP Policies ENV3 and ENV61 and Policy CS14 of the Core Strategy and Urban Core Plan for Gateshead and Newcastle upon Tyne (CSUCP).
- 5.10 HEALTH AND WELLBEING
One of the 12 core planning principles outlined at paragraph 17 of the NPPF is that the planning system 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 Furthermore, section 7 of the NPPF stresses the role of the planning system in promoting healthy communities. Specifically, paragraph 69 advises that the planning system can play an important role in creating healthy, inclusive communities.
- 5.12 In response to this national policy agenda, policy CS14 of the CSUCP aims to ensure that the wellbeing and health of communities is maintained and improved by controlling the location of, and access to, unhealthy eating outlets.
- 5.13 The Council, in its role as Local Planning Authority, recognises that one of the ways in which planning can have the greatest impact on health, and in particular obesity levels, is to restrict access to hot food takeaways. To this end the Council's Hot Food Takeaway Supplementary Planning Document (SPD) is one component in the wider Council Health and Wellbeing.
- 5.14 Planning consideration 2 of the SPD states that wards where there are high levels of obesity, defined as more than 10% of the year six pupils, are not

appropriate locations for A5 uses. In this case the application site is located in the Dunston Hill and Whickham East Ward which has a year 6 obesity level of 17%. This is significantly higher than the SPD limit and therefore is not an appropriate location to increase access to an unhealthy eating outlet.

- 5.15 SPD planning consideration 12 states that applications for A5 uses will be required to include a health impact assessment as part of their application. Where an unacceptable adverse impact on health is established, permission should not be granted. No such assessment has been submitted as part of the application but given the shop operated as a fish and chip shop it is likely that the standard food types on sale would be deep fried fish and chips, kebabs, pizzas, burgers, etc. it is therefore considered that it could not be argued that the food offer would support a healthy lifestyle - no Health Impact Assessment having been submitted to provide evidence to the contrary.
- 5.16 In this case the application proposes to vary the opening times of the existing A5 premises, which is currently restricted by a planning condition. If approved, this would result in an increase of opening times and subsequently increased access to an unhealthy eating establishment contrary to policy CS14 of the CSUCP and not satisfying the criteria set out in the Hot Food Takeaway SPD, nor would the proposal comply with the relevant policies of the NPPF.
- 5.17 In this regard the proposal to vary the planning condition is considered to be unacceptable as it does not comply with the relevant policy framework and would likely result in demonstrable harm to the health and wellbeing of the residents of Gateshead through greater access to unhealthy food.
- 5.18 OTHER ISSUES
The applicant has submitted a supporting statement in support of their application, in which they state;
"The introduction of the SPD is a new material consideration, however given that the proposals are not for a new A5 premises the weight attributed to the SPD should be restricted to the tests set out by criteria 6, which as demonstrated above has already indirectly been tested by the Council who have in the past concluded that the proposals accord with the guidance."
- 5.19 Officers disagree with the stance of the applicant and are of the view that the SPD should be applied as set out above.
- 5.20 In regard to the objections received officers have the following comments to make;
- It is considered that the proposal would have a minimal impact on the wider highway network given it does not propose a new use and the proposed additional hours are not significant in highway terms.
 - Signage or proposed signage does not form part of the planning application and therefore cannot be afforded weight.
- 5.21 It is considered that all other material considerations have been addressed within the main body of the report.

5.22 COMMUNITY INFRASTRUCTURE LEVY

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

6.0 CONCLUSION

6.1 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 is therefore contrary to the NPPF, CS14 and the Hot Food Takeaway SPD. The mitigating factors put forward by the applicant are not sufficient to outweigh the harm identified above.

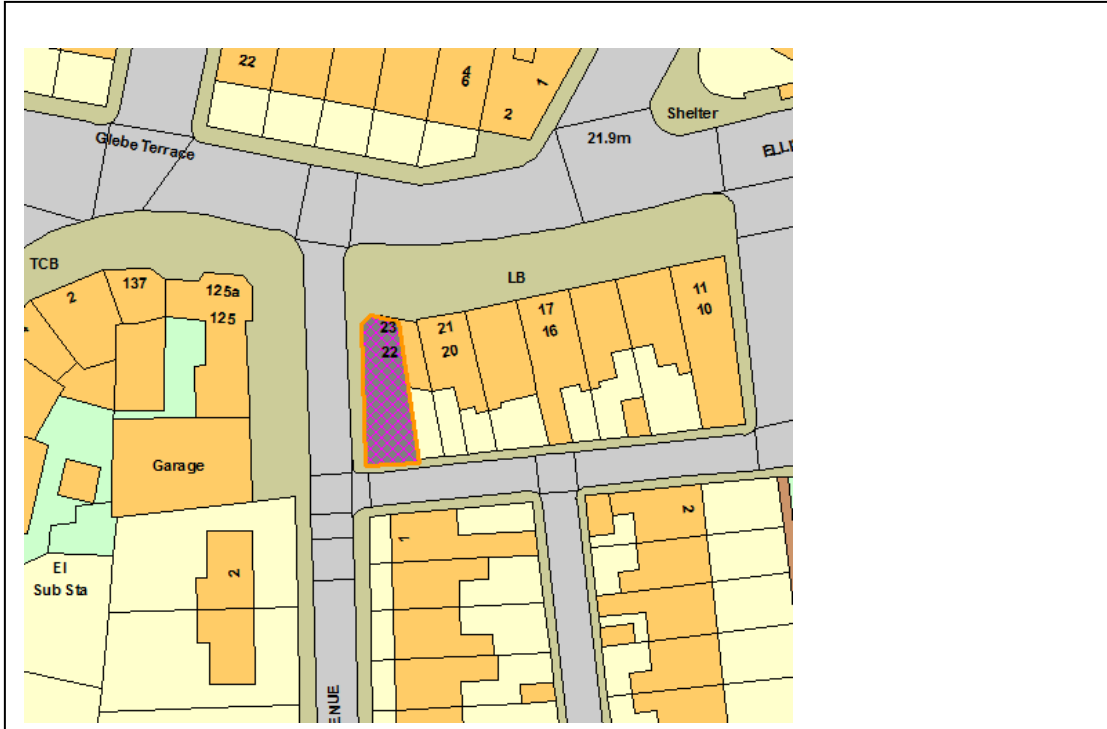
6.2 It is considered that the proposed extension of operating hours does not accord with national and local planning policies and as a result it is recommended that planning permission be refused.

7.0 Recommendation:

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

1

The proposal would represent inappropriate development given that it would lead to increased access to an unhealthy eating outlet and is therefore contrary to the NPPF, the Hot food Takeaway SPD and CSUCP policy CS14.



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Committee Report

Application No:	DC/17/00946/FUL
Case Officer	David Morton
Date Application Valid	23 August 2017
Applicant	Gateshead Regeneration Partnership
Site:	Former Rowlands Gill Infant And Nursery School Sherburn Green Rowlands Gill NE39 1QS
Ward:	Chopwell And Rowlands Gill
Proposal:	Proposed erection of 23 dwellings with associated garages, parking, boundary details and landscaping (amended and additional information received 03/11/17, 29/11/17 and 15/12/17).
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 06 December 2017 to allow the Committee to visit the site. Members visited the site on 21 December 2017.
- 1.2 Following the consideration of the application by Planning and Development Committee the applicant has submitted amended plans to the Council. The amended plans propose the reduction in the width of the external stair between plots 22 and 23; this amendment allows an increase in the separation distances between plot 23 and 27 and 29 Sherburn Park Drive to 14.61 metres and 13.24 metres respectively.
- 1.3 **DESCRIPTION OF THE SITE**
The application relates to the former infant school and the associated land located on Sherburn Green, Rowlands Gill. The site sits within an established residential area, enclosed on three sides by housing located on Sherburn Green, Sherburn Park Drive and Dominies Crescent. The site is approximately 0.71 hectares in size and has two vehicular access points, the original school access off Sherburn Green and roadside access off Sherburn Park Drive.
- 1.4 Land levels within the site slope from north to south. The northern part of the site severely sloping down from Sherburn Park Drive, the lower portion is gently sloping on what was the site of the former school building.
- 1.5 The brown field site has been undeveloped since the closure and demolition of the former school. The existing site boundary to the existing housing is a mixture of trees, hedges and fencing.

- 1.6 The application site is allocated in the Local Plan as a housing site.
- 1.7 DESCRIPTION OF THE PROPOSAL
The application seeks consent for the erection of 23 dwellinghouses and associated works. The development would be split into two 'plateaus' with a retaining structure running east to west across the site.
- 1.8 The application proposes the erection of 14 three-bedroom properties and nine four-bedroom properties. The application proposes a development with a density of 32.3 units per hectare.
- 1.9 The application proposes nine split-level dwellings (two-storey to the front and three-storey to the rear) on the upper portion of the site off Sherburn Park drive. The lower portion of the site is accessed via Sherburn Green and proposes 14 dwellings of a more traditional two-storey nature; this portion of the development proposes a number of shared surfaces and private drives. Given the change in land levels there is no connection between those properties accessed via Sherburn Park Drive and those accessed via Sherburn Green.
- 1.10 The proposed materials to be used are traditional in nature with a contemporary element; this is delivered in the use of a mixture of two colour types of brick and grey coloured windows, soffits and fascias together with black rainwater goods. Roofs will be pitched and it is proposed they be finished in grey tiles. It is proposed that external doors would be timber.
- 1.11 The application proposes a number of areas of landscaping within the application site, although a number of trees are to be removed. In addition, the application proposes the formation of a pedestrian link to the south of the site linking it to the wider area.
- 1.12 It is proposed that the development be brought forward by Gateshead Regeneration Partnership (GRP) - a joint venture initiative between Galliford Try, Gateshead Council and Home Group to deliver homes on sites that would previously have been very difficult to deliver in terms of site constraints and viability issues.
- 1.13 The application is accompanied by the following documents:
- Affordable Housing Statement
 - Drainage Assessment
 - Ecological Appraisal
 - Flood Risk Assessment
 - Ground Investigation Reports
 - Planning/Design and Access Statement
 - Statement of Community Involvement
 - Transport Assessment
 - Code for Sustainable Home Preliminary Assessment.
- 1.14 PLANNING HISTORY
The site has no relevant planning history.

2.0 Consultation Responses:

Tyne and Wear Archaeology	There are no archaeological requirements relating to this application.
Go-Ahead Group Plc	No response.
The Coal Authority	No objection, subject to conditions.
Northumbria Police	No response.

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. 36 individual objections (2 from Ward Councillors (Councillor Dave Bradford and Councillor Michael McNestry) and 34 from neighbouring residents), a petition of 232 signatures and two letters of support have been received.

3.2 The Councillor objections are summarised as follows:

- Three storey houses are not in keeping with the estate.
- Traffic has not been taken into account.
- No indication if drainage infrastructure studies have taken place.
- The dwellings on Sherburn Park Drive would create an overbearing impact and out of character brick wall giving the appearance of over-development.
- The proposal will lead to further impact on the junction with the A694.

3.3 The petition of 232 signatures is summarised as follows:

- The split level properties are not in keeping with the area.
- The density of the development is not in keeping with the area.
- The level of parking associated with the development is not adequate.

3.4 The individual objections are summarised as follows:

- The proposed dwellings on Sherburn Park Drive would block the views of existing residents.
- The proposed houses on Sherburn Park Drive are going to be social housing.
- The location of the properties on Sherburn Park Drive would lead to an increase in noise and air pollution.
- The development would result in additional road congestion.

- Issues were raised in regard to the neighbour notification process.
- The development would not allow for adequate car parking.
- The design of the proposed development is out of character with the streetscene and its overbearing.
- The drainage within the area is overcapacity and the development will worsen the situation.
- The development does not match the 1970s and 80s architecture and would be an eyesore.
- A single drive for a seven person dwelling is inadequate.
- The development would make leaving the estate by car more difficult.
- A pedestrian access to the south of the site is not being included as part of the development.
- Two trucks would not be able to pass each other within the estate roads.
- The street lights and traffic movements would be harmful to elderly residents.
- The development should supply bungalows and not 'townhouses'.
- 23 dwellinghouses is too many for the site.
- When properties were bought in the area it was understood that only nine dwellings would be built on the site.
- The construction of the proposal has not been considered e.g. access, portacabins and parking.
- The development would impact on medical services.
- The proposed bin store is ineffective.
- The proposal would lead to a loss of property value.
- Due process has not been applied correctly.
- There are not any plans for the proposed construction phase.
- The proposal would be located close to the rear of 27 Sherburn Park Drive and would lead to a loss of light, overshadowing and a loss of privacy.
- The density of development on the site is not the same as the rest of the estate and is too high.
- The proposal would have a negative impact on the health and wellbeing of residents.
- The development would impact on the ability of farm equipment to be moved via the A694.
- The existing schools within the area would not be able to cope with additional pupils.
- The proposal would result in noise during the construction phase.
- The development would prevent children playing in the streets.
- The emergency services will not be able to access the estate during the construction period.
- The development does not allow for play provision.
- The difference in roof heights is not marginal as suggested by the applicant.
- The development would have an unacceptable impact in regard to loss of sunlight and daylight on 27 and 29 Sherburn Park Drive and;
- No sunlight/daylight assessment has been submitted as part of the application and;

- Separation distances between the above properties are less than 13 metres.

3.5 The letters of support are summarised as follows:

- The development would not lead to any increase in traffic compared to the former school.
- The site is unsightly and the proposal would fit into the existing estate.
- The proposal would offer an opportunity for young people to get on the housing ladder.

4.0 Policies:

NPPF National Planning Policy Framework

NPPG National Planning Practice Guidance

H3 Sites for New Housing

H5 Housing Choice

H9 Lifetime Homes

H13 Local Open Space in Housing Developments

H15 Play Areas in Housing Developments

H10 Wheelchair Housing

DC1D Protected Species

DC1J Substrata Drainage-Water Quality

DC1P Contamination, derelict land, stability

DC2 Residential Amenity

ENV3 The Built Environment - Character/Design

ENV44 Wood/Tree/Hedge Protection/Enhancement

ENV46 The Durham Biodiversity Action Plan

ENV47 Wildlife Habitats

ENV54 Dev on Land Affected by Contamination

CFR20 Local Open Space

CFR28 Toddlers' Play Areas

CFR29 Juniors' Play Areas

CFR30 Teenagers' Recreation Areas

CS11 Providing a range and choice of housing

CS13 Transport

CS14 Wellbeing and Health

CS15 Place Making

CS17 Flood Risk and Waste Management

CS18 Green Infrastructure/Natural Environment

GPGSPD Gateshead Placemaking Guide SPG

5.0 Assessment:

5.1 The detailed planning considerations are the principle of the proposed development, open space and play area provision, flood risk, drainage, land contamination, affordable housing, highway safety, visual and residential amenity, contamination, land stability, CIL and ecology.

5.2 PRINCIPLE

5.3 Allocation

The majority of the application site is allocated for housing under saved UDP Policy H3. The NPPF states that "... *housing applications should be considered in the context of the presumption in favour of sustainable development*" and that proposals which accord with the development plans should be approved "*without delay*".

5.4 Policy H3 suggests a capacity of 20 units for the site within the supporting text; this figure is not defined as a maximum housing level within the policy. The application area is larger than that of the policy H3 housing allocation as it extends beyond the allocation to the south. The application proposes a density of 32.3 units per hectare; this complies with saved UDP Policy H12 which states '*residential development should be at a density of between 30 and 50 dwellings per hectare net.*'

5.5 Therefore, subject to satisfying other material considerations, the principle of erecting 23 housing on the site would be acceptable.

5.6 Family Homes

CSUCP policy CS11(1) requires that a minimum of 60% of new private housing across the plan area is suitable and attractive for families (i.e. homes with three

or more bedrooms). Saved UDP policy H5 also seeks to improve the choice of housing in Gateshead.

5.7 The proposed development would provide 100% family homes. Therefore, the proposal is in accordance with CSUCP policy CS11(1) and saved UDP policy H5, contributing to the requirement for the totality of development across the plan area to provide 60% family housing.

5.8 Affordable Housing

Policy CS11 requires that where there is evidence of a need for affordable housing, the Council will seek the provision of a proportion of affordable housing on all housing developments on sites of 0.5 hectares or more in size or with the potential for the development of 15 or more dwellings.

5.9 In the case of the GRP redevelopment, it has been agreed that the total of affordable housing to be provided will be calculated holistically with reference to the total provided across the GRP portfolio in order to satisfy Core Strategy policy CS11. The applicant has indicated that;

"Schemes at Avon Street, Saltwell Trilogy I and Birtley have already yielded 69no. homes for affordable rent/shared ownership so far. Birtley Phase II will continue to produce affordable homes in the coming months and years. Our site yet to commence at Kelvin Grove will deliver six homes for Home Group in 2018/19 and a greater number on Hyde Park later in the projected programme."

5.10 Therefore, while the application site is located within a ward which has a lower than average social housing stock and no affordable units are to be delivered directly as part of this scheme, it is considered that the GRP schemes, as a whole, respond positively to policy CS11 and provides a range of schemes which will exceed a total of 25% affordable homes.

5.11 Residential space standards

Policy CS11(4) requires that new residential development provides *"adequate space inside and outside of the home to meet the needs of residents"*. It is considered based upon the submitted information that the application meets the above requirements as all dwellings on site would exceed the Government's nationally described space standards.

5.12 Suitable accommodation for the elderly

Policy CS11(2 and 3) relates to increasing the choice of suitable accommodation for the elderly population and encourages the provision of lifetime and wheelchair homes. In response to CS11 the development provides for homes which have been designed to the criteria of Lifetime Homes.

5.13 It is considered that the principle of residential development of this site is acceptable, subject to all other material planning considerations being satisfied and would be in accord with saved UDP policies H5 and H9 of the UDP, policy CS11 of the CSUCP as well as the NPPF.

5.14 DESIGN ISSUES

The NPPF encourages design quality and sets the scene for building a strong and competitive economy. Good design is identified specifically as being important in establishing a strong sense of place. New development should optimise the potential of a site to accommodate development, create and sustain an appropriate mix of uses and support local facilities and transport networks. The NPPF states that new development should respond to local character and history, reflecting the identity of local surroundings.

- 5.15 The CSUCP reflects the general aims of the NPPF encouraging economic growth and identifying the importance of quality of place. Policy CS15 refers specifically to Place Making and the need for new development to demonstrate high and consistent design standards in line with the Council's design guidance contained in the Gateshead Placemaking SPD.
- 5.16 The NPPF requires that development should '*make a positive contribution to local character and distinctiveness*' (paragraphs 126 and 131). This is reinforced by paragraphs 58, 60, 61 and 64. These require development to respond to local character by promoting or reinforcing local distinctiveness, reflect the identity of local surroundings and materials and promote good architecture and appropriate landscaping. Development of poor design which fails to respond to opportunities for improving the character and quality of an area should be refused.
- 5.17 It is considered that the layout, scale and access points of the proposed development are appropriate in the context of the wider area. Further, it is considered that the contemporary architectural style of the proposed dwellings is considered to be of good design quality and will achieve a positive impact on local character.
- 5.18 The development looks outwards to the north demonstrating an effort to engage positively with the surrounding areas while interacting positively with the assets surrounding the site, including the wider footpath network, open space and amenities.
- 5.19 The design demonstrates a hierarchical approach to highway layout and uses a range of surface materials to assist in creating a more visually rich and interesting public realm, and rightly aimed more towards pedestrian users.
- 5.20 Consideration has been given to the form and location of boundary treatments and a range of solutions has been offered, some incorporating soft landscaping, to deliver an intelligent and flexible approach to this important issue.
- 5.21 The use of the materials and boundary treatments submitted by the applicant are considered appropriate. The use of these materials and boundary treatment can be secured on site though the imposition of conditions (Conditions 4 and 5).
- 5.22 A number of residents have raised issues regarding the proposed split-level properties. While it is accepted that these properties would sit higher than those properties on Sherburn Park Drive (by between 3.68 metres (in the case of 29

Sherburn Park Drive) and 2 metres (in the case of 52 Sherburn Park Drive)) it is considered that the proposal offers an appropriate design response to the context of the area. While important for the development to respect the wider area, it is also important for the development to have its own character and not simply duplicate previous development within the area; it is considered that the development strikes an appropriate balance between creating its own identity and fitting in with the wider estate.

5.23 It is considered that the proposed development has successfully demonstrated that it has achieved a high standard of design that will contribute positively to the site and its surrounding context. It is acceptable from a design point of view and subject to the recommended conditions accords with the design aims and objectives of the NPPF, saved policy ENV3 of the Council's UDP and policy CS15 of the Council's CSUCP.

5.24 RESIDENTIAL AMENITY ISSUES

5.25 Existing Residents

The dwellings proposed on Sherburn Park Drive would be located a minimum of 21 metres from the front elevation of those properties located to the north of Sherburn Park Drive (44 - 58 (even)). While these properties have a ridge height slightly less than the proposed dwellings (by approximately 1.9 metre) it is considered that the separation distance is adequate to ensure that no unacceptable overlooking could take place and would ensure that no unacceptable loss of light, overshadowing or visual intrusion would occur.

5.26 The neighbouring property of 25 Sherburn Park Drive would have a gable-to-gable arrangement with plot 15 (a split level property). Taking into consideration this arrangement and the fact only a single non-habitable room window would be located above lower-ground floor level it is considered that residential amenity impact would be minimal.

5.27 The rear elevation of number 27 Sherburn Park Drive (to the west) would be located a minimum of 14.61 metres from the side elevation of plot 23 and 29 Sherburn Park Drive would be located a minimum of 13.24 metres from the side elevation of plot 23. While it is acceptable some level of impact would occur on numbers 27 and 29, it is considered this separation distance combined with proposed window arrangements would be adequate to ensure that no unacceptable loss of privacy, loss of light, overshadowing or visual intrusion would occur.

5.28 In response to issues raised in regard to sunlight/daylight impact the developer has submitted a 'Sun Path and Shading Report'. In the view of Officers, the assessment demonstrates that the proposed development would have limited impact on the amenity of 27 and 29 Sherburn Park Drive and that further assessment in regard to this matter is not necessary.

5.29 The properties located adjacent to the properties on the lower (southern) part of the site (14 and 15 Sherburn Green) would have a gable to gable relationship with plots 1 and 14; as such it is considered that the proposal would not allow

for any unacceptable loss of privacy, loss of light, overshadowing or visual intrusion.

5.30 It is considered the separation distances and offset relationships with properties on Dominies Close would be such that there would be no unacceptable loss of amenity.

5.31 The construction works associated with the development have the potential to impact on the living conditions of adjacent neighbours. To mitigate any such impacts, it is recommended that conditions be imposed that would require the submission and approval of appropriate details in regard to hours of operation, location of the site compound (including locations for site vehicles and materials) and controls over dust and noise (Conditions 5 and 6).

5.32 Future Residents

It is considered that the internal separation distances within the site strike an appropriate balance between ensuring an acceptable level of residential amenity and encouraging an appropriate design solution. The internal layout is considered to be acceptable, would not cause any significant harm to the living conditions of the future occupiers of the proposed houses in terms of loss of light, overshadowing or visual intrusion.

5.33 Subject to the conditions set out above, officers consider that the proposed development would not harm the living conditions of adjacent residential properties and the occupiers of the proposed houses. It is therefore considered that the development is acceptable from a residential amenity point of view and accords with the aims and objectives of the NPPF, saved policy DC2 of the Council's UDP and policy CS14 of the Council's CSUCP.

5.34 TRANSPORT ISSUES

5.35 Access

Those properties located on Sherburn Park Drive will be accessed to the front (north) straight onto Sherburn Park Drive, this would mirror the arrangement of existing properties on Sherburn Park Drive and this is considered to be entirely appropriate.

5.36 The application proposes that the remainder of the properties would be accessed via the re-opened former entrance to the school. This arrangement is acceptable subject to the removal of the existing school road markings (Condition 9).

5.37 In addition to the proposed shared site access (via Sherburn Green) a pedestrian accesses are proposed to the southern (lower) part of the site east connecting to Sherburn Green and one to the south which connects to the existing footpath network. An extension of the footpath to the front of the substation to the east of plot 14 is required to provide a continuous footway; the final detail of this can be conditioned (Condition 8 and 9).

5.38 Layout

The layout of the scheme is considered to be acceptable in highways terms offering a legible layout. The use of low kerb heights provides for continuity between the existing road layout and the application site. However, the proposed final hard landscaping scheme would need to be submitted to an approved in writing by the LPA (Conditions 10 and 11).

5.39 Traffic Generation

The site is located within an established residential area and lies close to the A694, which is well served by buses. There are however few amenities within walking distance and Rowlands Gill local centre is almost a mile away, which may encourage car trips.

5.40 Paragraph 32 of the NPPF states:

“Development should only be prevented or refused on transport grounds where the residual cumulative impacts of development are severe.”

5.41 Whilst concerns have been submitted by local residents over the transport impacts of the development officers do not consider this to be severe based on the size, location and nature of the development. It is considered that the numbers of vehicular movements generated could not be seen as significant in highway terms. Whilst additional movements would occur meaning it may be more difficult to exit onto the A694 from Sherburn Park (at certain times of day) this is an existing situation which the proposed development could not be expected to improve due to its limited scale and impact and the former use of the site as a school. Significant alterations such as junction signalisation or road widening would not be proportionate and there are no issues around visibility for vehicles emerging from the junction.

5.42 It is, however, considered reasonable and proportionate that the re-marking of white lining on the junction between Sherburn Park and the A694 be undertaken as part of the development. It is considered that this would encourage drivers to utilise the right turn pocket, which assists in maintaining flow on the A694 and alleviate any limited increase in vehicle movements caused as a result of the development, this requirement can be conditioned (Condition 12).

5.43 Car Parking Provision

The Council's Transport Technical Appendices (Transport Appendices) sets out the levels of car parking for new residential developments. This states that new housing development should provide a minimum of 1 space per house and a maximum of 2 spaces per house for residents on or off street. Visitor parking should also be provided on street at a ratio of a minimum of 1 space per 4 houses and a maximum of 1 space per 3 houses. Garages are counted as 0.5 of a space in the overall car parking provision.

5.44 The layout provides a total of 42.5 car parking spaces, comprising of 38.5 spaces off street resident parking spaces and 4 on street visitor car parking spaces. The level of parking provided for residents is considered to be appropriate falling between the minimum and maximum levels set out in the Transport Appendices.

- 5.45 It is considered the a level of existing offstreet parking could be utilised by those properties on Sherburn Park Drive, further some of the proposed residents parking could be utilised by visitors given the levels are higher than the minimum levels set out in the Transport Appendices.
- 5.46 On the basis of the above, it is therefore considered that sufficient car parking spaces have been provided as part of this development.
- 5.47 **Cycle Parking Provision**
Cycle parking will either be provided within a storage shed or a garage associated with each dwelling. The provision of the cycle storage will be secured through an appropriate planning condition (Condition 13).
- 5.48 **Bin Storage/Collection**
Each property has sufficient space within their rear gardens to store refuse bins with space to wheel the bins to the street for bin collection day. The proposed road layout within the site allows sufficient space for a bin collection lorry to collect the bins and turn around within the site.
- 5.49 **Travel Plan Measures**
To help promote sustainable travel choices it is considered that each house should be provided with a travel welcome pack that should include bus timetables along with information on the walking and cycling options available in the area. Council officers consider that this issue can be covered by a planning condition (Condition 14).
- 5.50 It is therefore considered that subject to the above conditions the proposed development is acceptable in highways terms and would accord with the aims and objectives of the NPPF and policy CS13 of the Council's CSUCP.
- 5.51 **TREES/LANDSCAPING**
A Tree Survey and Arboricultural Impact Assessment have been submitted as part of this planning application. The report indicated that a total of 49 individual trees are to be removed (38 of those removals are necessitated by the development the remainder being removed due to poor health/growing limitations) along with the removal of four groups of trees. The report identifies that the loss of the specimens will only be significant at site level. Officers agree with this conclusion.
- 5.52 It is proposed that the 13 remaining trees within and abutting the application site would be protected through the use of the protective fencing, to this end a tree protection plan has been submitted as part of the application. The installation of the protective fencing and the display of the tree protection plan on site could be secured through planning conditions (Conditions 15 and 16).
- 5.53 The loss of the trees would need to be compensated for through the provision of appropriate landscaping on the site. The applicant has provided an indicative landscape plan, however a fully detailed scheme (including a schedule of

maintenance) could be secured through planning conditions (Conditions 17, 18 and 19).

5.54 Subject to these tree/landscaping related planning conditions, it is considered that the proposed development is acceptable in terms of impact on the existing trees and accords with the aims and objectives of the NPPF, saved policies ENV44 of the Council's UDP and policy CS18 of the CSUCP.

5.55 ECOLOGY ISSUES

In considering the above application in regard to ecological impact regard is offered to the NPPF, Policy CS18 of the CSUCP and saved UDP Policies DC1, ENV46 and ENV47.

5.56 Paragraph 118 of the NPPF sets out the ecology 'mitigation hierarchy' as follows;

- Avoidance – can significant harm to wildlife species and habitats be avoided for example through locating on an alternative site with less harmful impacts?
- Mitigation – where significant harm cannot be wholly or partially avoided, can it be minimised by design or by the use of effective mitigation measures that can be secured by, for example, conditions or planning obligations?
- Compensation – where, despite whatever mitigation would be effective, there would still be significant residual harm, as a last resort, can this be properly compensated for by measures to provide for an equivalent value of biodiversity?

5.57 The proposed development would lead to the loss of;

- 0.18ha of non-DBAP semi-natural woodland;
- 0.12ha of ephemeral/short perennial grassland and;
- 0.2ha of semi-improved grassland, etc.

5.58 Based on the nature of the development and the size of the site it is considered not possible to avoid biodiversity harm. It is considered that the proposal would have a harmful impact on the biodiversity and ecology of the area, without any compensation or mitigation measures.

5.59 The applicant has sought to mitigate for the proposed loss of habitat through the production of a Planting Strategy and Planting Plans, this plan comprises:

- The creation of an area of 'wildflower grassland';
- The creation of three discreet sections of 'native hedgerow' and;
- The provision of 5no. Schwegler 1SP house sparrow terrace nest boxes.

5.60 It is considered by officers that the proposed mitigation is not adequate to conclude that the proposal would not result in a net loss of biodiversity as the areas offered in compensation are inadequate. Furthermore the potential biodiversity value and functionality of those measures proposed may be limited owing to their scale, ecological connectivity and levels of disturbance to which they could be subject.

- 5.61 Based on the above, it is considered it that the proposal would fail to comply with the aims and objectives of the NPPF, saved policies DC1(d), ENV46 and ENV47 of the Council's UDP and policy CS18 of the Council's CSUCP.
- 5.62 **FLOOD RISK/DRAINAGE**
A Flood Risk Assessment (FRA) which includes a drainage strategy has been submitted as part of this planning application.
- 5.63 The application site is situated within Flood Zone 1 (a flood risk area at lowest risk of flooding). The Gateshead Strategic Flood Risk Assessment (SFRA) records historic surface water flooding immediately to the northwest of the site. The SFRA also shows the potential for flooding in a 1:100 rainfall event along the line of the existing storm sewer to the south west of the site, plus some potential ponding in front of proposed plots 3 & 4 and 5 & 6. Further, the Environment Agency Flood Risk from Surface Water Mapping and the Council's Strategic Flood Risk Assessment both show that a flow route passes through the application site.
- 5.64 The application proposes the installation of appropriate drainage, the existing flow routes are accommodated within the design for the layout of the scheme and site levels deal with issues of groundwater, sewer flooding and overland flow respectively.
- 5.65 In accordance with the NPPF and Policy CS17 of the CSUCP, surface water should be managed following the drainage hierarchy as set out, 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.
- 5.66 The applicant has assessed the potential for infiltration and discharge to watercourse; it has been concluded that owing to site circumstance neither option is possible. The applicant therefore intends to discharge to the public sewer. In addition, the applicant has design appropriate levels of water attenuation and water quality treatments into the proposed drainage system.
- 5.67 It is, however, considered necessary to condition the provision of a Construction Method Statement and a Management Plan for the drainage works (Conditions 20, 21, 22 and 23).
- 5.68 Subject to these planning conditions the proposal is considered to be acceptable from a flood risk and drainage point of view and would accord with the aims and objectives of the NPPF, saved policy DC1 (j) of the Council's UDP and policy CS17 of the Council's Core Strategy and Urban Core Plan.
- 5.69 **LAND CONTAMINATION**
The site is considered to be situated on potentially contaminated land based on previous historic uses. A Contaminated Land Risk Assessment and

Remediation Strategy have been submitted in support of the application. Further to the submitted report, it is considered that the contamination on site can be dealt with through the imposition of conditions requiring the submission of an appropriate remediation strategy and subsequent verification report (Conditions 24, 25 and 26).

5.70 Further, it is considered necessary to condition that if any previously unidentified contamination is found it should be screened, removed and disposed of appropriately (Conditions 27 and 28).

5.71 These planning conditions will ensure that the proposed development is acceptable from a contaminated land point of view and accord with the aims and objectives of the NPPF, saved policies DC1(p) and ENV54 of the Council's UDP and policy CS14 of the CSUCP.

5.72 LAND STABILITY

The application site falls within the defined Development High Risk Area and therefore within the application site and surrounding area there are coal mining features and hazards which need to be considered in relation to the determination of this planning application. As a result, the applicant has submitted a Coal Mining Risk Assessment, which has been assessed by the Coal Authority.

5.73 The Coal Authority is satisfied with the broad conclusions of the report, informed by the site investigation works; however it is considered necessary to condition that an intrusive investigation is undertaken to identify any potential remedial works required. Subject to appropriate conditions (Conditions 29 and 30), The Coal Authority does not object to the proposed application.

5.74 The development is, therefore, considered to comply with policy CS15 of the CSUCP and saved policy ENV54 of the UDP.

5.75 OPEN SPACE

The site is located within a residential neighbourhood that is not deficient in open space provision. Further, the proposed layout includes the provision of amenity space within the application site and provides pedestrian links to the wider area. It is considered that this meets the requirements of saved UDP policies CFR20, CFR21, CFR22.

5.76 PLAY SPACE

It is considered that the proposed amenity/open space within the application site provides for an acceptable level of toddler play space for future residents in accordance with Policy CFR28. In regard to junior and teenage play provision it is considered that the delivery on site is unachievable; policies CFR28 and CFR29 suggest that developments should contribute towards offsite provision.

5.77 However, pooling restrictions were introduced by the Community Infrastructure Levy (CIL) Regulations 2010 which means that no more than 5 obligations can be pooled in respect of an infrastructure type or infrastructure project, unless specific projects can be identified.

5.78 The Council has already exceeded the five obligation maximum in respect of all three types of play (toddler, junior and teen) and for open space in this area and therefore cannot seek any further obligations in respect of these matters. Whilst it cannot be concluded that the proposal would accord with saved UDP policies CFR28, CFR29 and CFR30, it is not possible to require any contribution for either play or open space provision in this case, due to the CIL Regulations considered above.

5.79 COMMUNITY INFRASTRUCTURE LEVY

On 1st January 2017 Gateshead Council became a Community Infrastructure Levy (CIL) Charging Authority. This application has been assessed against the Council's CIL charging schedule and the development is CIL chargeable development as it is for housing related development. The development is located within a charging zone with a levy of £0 per square metre for this type of development.

5.80 OTHER ISSUES

A number of objections have been raised by objectors, the issues of design (including the introduction of split-level dwellings), highway impact, drainage infrastructure, density, residential amenity, bin storage and play provision have considered within the main body of this report.

5.81 The proposed tenure of the development (all private market), loss of view and property value are not material planning considerations and therefore have not been afforded weight in the assessment of the application.

5.82 The remaining issues raised are considered below;

- Neighbour notification process; the planning application process has been conducted in full accordance with the requirements of the Town and Country Planning (Development Management Procedure) Order 2015 and the Council's Notifying the Public document.
- Air and noise pollution; given the scale of the development it is considered that the development (as a result of vehicle movements) would be unlikely to result in any significant increase in noise and/or air pollution.
- General construction impact and impact on health/wellbeing; conditions are proposed requiring the applicant to provide a construction methodology including details of hours of operation, location and layout of the compound area, a scheme for the control of noise and dust and vehicle access location(s). Further, the applicant has indicated their intention to lease land from the Council for the use of parking for site operatives; although this cannot be secured through the permission.
- New streetlights; the introduction of streetlights is considered to have a minimal impact on amenity given they would create a similar amount of light as existing streetlights.
- Medical services and schools; given the scale of the proposed development it is unlikely to result in any significant impact on medical or school service. This is borne out in the fact the site is allocated for housing.

6.0 CONCLUSION

- 6.1 It is considered that the development would bring about a number of benefits such as the provision of additional family housing in Gateshead and the housing growth required in the Local Plan. The development would also have economic benefits from construction jobs and the bringing back into use a currently vacant site.
- 6.2 It is the view of officers that the benefits of the proposed development, namely the provision of 23 family properties (which exceed the Government's internal space standards and achieve wheelchair and lifetime homes standards), the economic benefits delivered by such a development, the re-development of an (allocated) brown field site which has been derelict following the demolition of the school and improvements to pedestrian connections to the wider area, would outweigh the harm to biodiversity/ecology.
- 6.3 The site is allocated in the Local Plan for residential development and therefore the principle of housing development on the site is clearly acceptable. Taking all other relevant issues into account, including the comments made by local residents, it is considered that the proposed development is acceptable; the proposal (subject to conditions) is considered to accord with the aims and objectives of both national and local planning policies.
- 6.4 Given the above, it is recommended that planning permission be granted subject to the planning conditions set out 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:

1

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

QD1053-300-01 Location Plan 1_1000 (A4)

QD1053-301-01 Existing Site Plan 1_500 (A2)

QD1053-160-01 Construction Site Layout Rev B (A0)

QD1053-103-01 - Rev A - Garage Working Drawing (A1)

Sold-Secure-2014-Approved-Catalogue

Wall Mounted 2 Bike Bicycle rack

QD1053-101-02 House Type BL Construction Sheet 1 (A1)

QD1053-100-02 House Type DI Construction Sheet 1 (A1)

QD1053-102-02 House Type JK Construction Sheet 1 (A0)

QD1053-316-01 Roof Layout

ENE 8 SHEDS - autopa secure fixing tech sheet

QD1053-337-01 Shed Details 1_20 (A2)

QD1053-308-01 Existing Site Sections (A0)

QD1053-319-01 Proposed Site Sections (A0)

QD1053-345-01 Vehicle Tracking Layout

QD1053-344-01 Critical Distances Plan Rev A
 QD1053-353-01 Parking Provision Plan
 QD1053-162-01 Construction Enclosures Layout Rev C (A0)
 QD1053-162-02 Enclosure Details Rev A (A1)
 QD1053-349-01 POS LAYOUT
 Rowlands Gill Infant School Topo 1-250 on A1
 QD1053-161-01 Construction Materials Layout Rev B (A0)
 L-1532-DOC-001 Landscape Strategy Re02
 Galliford Sherburn Grn AIA1_1: Tree Assessment
 Rowlands Gill DS BFL12
 Drainage Layout QD1053-04-02-D and External Levels QD1053-04-01-D
 QD1053-00-05 Flow Path (1)
 QD1053-00-04 suds matrix (1)
 QD Coal Mining Assessment
 QD1053 Flood Risk
 5149685 - Former Infant Sch Redev_Rowlands Gill_Rev 01_incl
 Appendices: GI Report
 Final SI Report - Dec 2010
 QD1053 Remediation Strategy Report Rev B
 Bin Stores 18 10 17 A1 Sheet
 Materials Palette for House Types 15 09 17
 NWL email confirming downstream defender
 QD1053 SW 01 11 17: Micro Drainage calculations
 QD1053-08-01 Adoptable Drainage Details Rev A
 QD1053-08-02- Hydrobrake Detail Rev B
 QD1053-08-03 Typical Downstream Defender GA
 QD1053-08-04 Private Attenuation Typical Details Rev B
 Road & Sewer Sections QD1053-05-01-B
 QD1053-EX1-02 Site Sections at plot 23 (A2)
 QD Sun Path Report 29 11 17

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

Reason

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

2

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

Reason

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

3

The development hereby permitted shall be constructed entirely of the materials detailed and shown on plan numbers QD1053-161-01 Construction Materials Layout Rev A (A0) and Materials Palette for House Types 15 09 17. Unless otherwise approved in writing by the Local Planning Authority.

Reason

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

4

All boundary treatments hereby permitted shall be constructed entirely in accordance with details shown on plan numbers QD1053-162-01 Construction Enclosures Layout Rev B (A0) (A0) and QD1053-162-02 Enclosure Details Rev A (A1). Unless otherwise approved in writing by the Local Planning Authority.

Reason

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

5

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

Reason

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

6

The construction control plan approved under condition 5 shall be implemented and complied with in full during all stages of construction, until completion.

Reason

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

7

The school keep clear markings on the Sherburn Green access to the site shall be fully removed prior to the occupation of the any unit hereby permitted.

Reason

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

8

Prior to commencement of the development hereby approved details of a footpath extension to the northern footway (adjacent to the substation on Sherburn Green) shall be submitted for the consideration and written approval of the Local Planning Authority.

Reason

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

9

The footway extension details approved under condition 8 shall be implemented in full accordance with the approved details prior to first occupation of any unit hereby permitted

Reason

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

10

No individual hard landscaping material shall be used on site until a detailed hard landscaping plan (including a timescale of implementation) has been submitted to and subsequently approved in writing by the Local Planning Authority.

Reason

To safeguard the visual amenities of the area in accordance with the NPPF, Saved Policies DC2 and ENV3 of the Unitary Development Plan and Policies CS14 and CS15 of the Core Strategy and Urban Core Plan for Gateshead and Newcastle upon Tyne.

11

All hard landscaping shall be completed in full accordance with the details approved under Condition 10 (including timescales for implementation), and retained as such in accordance with the approved details thereafter.

Reason

To safeguard the visual amenities of the area in accordance with the NPPF, Saved Policies DC2 and ENV3 of the Unitary Development Plan and Policies CS14 and CS15 of the Core Strategy and Urban Core Plan for Gateshead and Newcastle upon Tyne.

12

Prior to the occupation of any unit hereby approved the re-marking of white lining on the junction between Sherburn Park and the A694 shall be completed in full.

Reason

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

13

The cycle parking facilities associated with each individual property (shown on approved plan QD1053-160-01 Construction Site Layout Rev B (A0), Wall Mounted 2 Bike Bicycle rack and QD1053-337-01 Shed Details 1_20 (A2)) shall implemented in full accordance with the submitted details prior to first occupation of each respective unit hereby permitted. Thereafter, the cycle parking shall be retained as approved for the lifetime of the development.

Reason

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

14

At the point of occupation of any unit hereby approved, a Travel Plan, or 'Welcome Pack' shall be provided to the occupants of each dwelling, to encourage the use of alternative modes of travel to the site other than by private vehicle. This must include local cycle maps, bus stop locations, bus timetables and maps showing pedestrian routes to local amenities.

Reason

To encourage sustainable travel to and from the development in accordance with the NPPF and CSUCP policy CS13.

15

No development shall commence on site until the tree protection measures contained within Galliford Sherburn Grn AIA1_1: Tree Assessment have been installed in the locations identified. The approved scheme shall remain in situ until completion of the development.

Reason

To ensure the satisfactory protection of trees, shrubs and hedges in accordance with the National Planning Policy Framework, policy CS18

of the CSUCP and saved policy ENV44 of the Unitary Development Plan.

16

The approved tree protection plan (contained within Galliford Sherburn Grn AIA1_1: Tree Assessment) shall be displayed at all times outside the site office or in a location visible to all contractors and site personnel. Once implemented the tree protection scheme shall be checked daily with a record of the daily checks being kept on file in the site office. The record shall include the date, time and name of the person carrying out the checks together with any problems identified and action taken. If at any time tree protection is missing or deficient without the prior written approval of the LPA being obtained all construction operations should stop until the protection is correctly in place. Details of this should also be recorded in the tree protection record file.

Reason

To ensure the satisfactory protection of trees, shrubs and hedges in accordance with the National Planning Policy Framework, policy CS18 of the CSUCP and saved policy ENV44 of the Unitary Development Plan.

17

Notwithstanding the submitted plans, no unit hereby approved shall be occupied until a fully detailed scheme for the landscaping of the site (including areas identified for SuDS components) has been submitted to and approved in writing by the Local Planning Authority. The landscaping scheme shall include a fully detailed landscaping scheme (ground preparation and planting plans noting the species, plant sizes and planting densities for all new planting), proposed timings for implementation and a scheme and maintenance of the landscaping (for a period of 5 years following planting).

Reason

To ensure that a well laid out planting scheme is achieved in the interests of the visual amenity of the area and in accordance with the NPPF, saved policies DC2 and ENV3 of the Unitary Development Plan and policies CS14 and CS15 of the CSUCP.

18

The landscaping details approved under Condition 17 shall be implemented in accordance with the timings approved under Condition 17.

Reason

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

19

The approved landscaping scheme shall be maintained in accordance with the details approved under condition 17.

Reason

To ensure that the landscaping scheme becomes well established and is satisfactorily maintained in the interests of the visual amenity of the area and in accordance with the NPPF, saved 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.

20

No work in relation to any proposed drainage features shall take place until a construction management plan for the approved drainage scheme has been submitted to and approved in writing by the LPA.

Reason

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

21

The approved drainage scheme shall be constructed in full accordance with the construction management plan approved under condition 20.

Reason

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

22

No unit hereby approved shall be occupied until a maintenance plan for the approved drainage scheme has been submitted to and approved in writing by the LPA.

Reason

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

23

The approved drainage scheme shall be maintained in full accordance with the maintenance plan approved under condition 22.

Reason

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

24

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

Reason

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

25

The details of remediation measures approved under condition 26 shall be implemented in accordance with the timescale approved under condition 24 and shall be 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.

26

Following completion of the remediation measures approved under condition 24 a verification report that demonstrates the effectiveness of

the remediation carried out must be submitted for the written approval of the Local Planning Authority prior to first occupation of any unit hereby permitted.

Reason

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

27

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. A risk assessment of the development should then be undertaken, to determine whether remedial works are necessary. The risk assessment (including a remediation strategy and timescale for implementation) shall be submitted to and approved in writing by the Local Planning Authority.

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.

28

Any remediation works deemed to necessary by the LPA following testing (as part of Condition 29) shall be carried out in full within in the timescales approved under Condition 27.

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.

29

Prior to the commencement of the development hereby approved intrusive site investigation works shall be undertaken in order to establish coal mining legacy issues on site. The findings of the intrusive site investigations works in relation to coal mining legacy issues along with details of any remedial works (and timescales) required shall be submitted and approved by the LPA prior to the commencement of the development hereby approved.

Reason

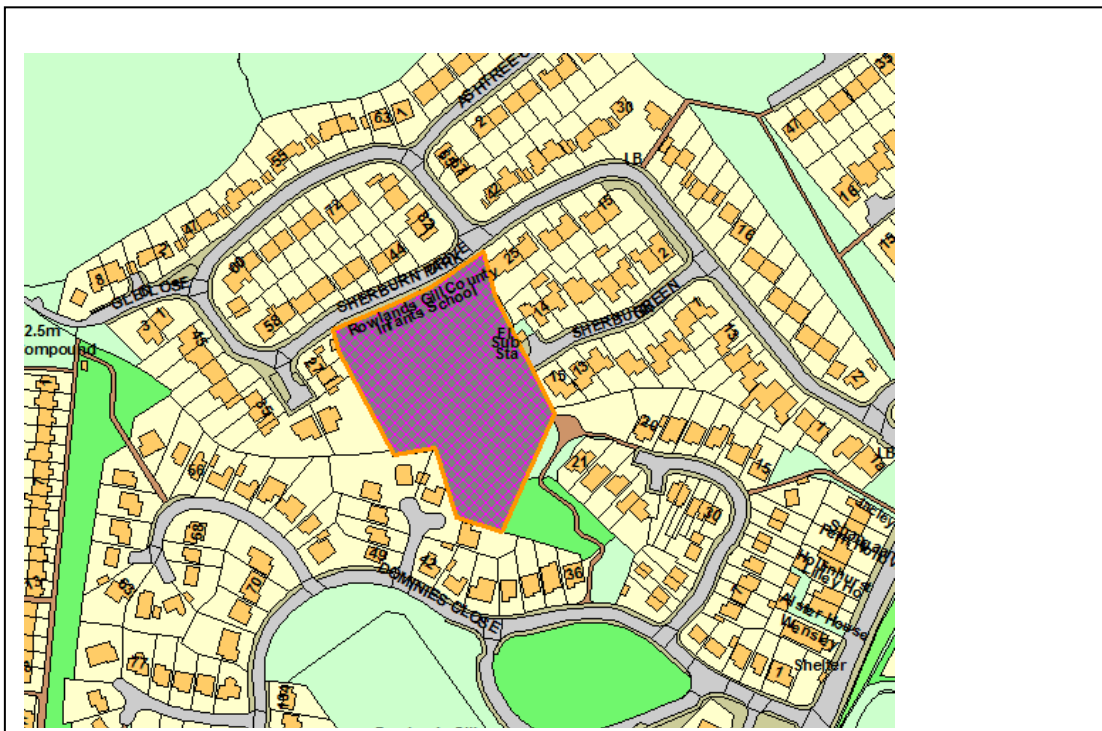
To ensure that risks from coal mining legacy issues to the future users of the land and neighbouring land are minimised and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors in accordance with the NPPF and Policy DC1 of the Unitary Development Plan.

30

Any remedial works identified under Condition 29 shall be implemented in accordance with the timescale set out in the approved findings.

Reason

To ensure that risks from coal mining legacy issues to the future users of the land and neighbouring land are minimised and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors in accordance with the NPPF and Policy DC1 of the Unitary Development Plan.



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Committee Report

Application No:	DC/17/01054/FUL
Case Officer	Graham Stephenson
Date Application Valid	2 October 2017
Applicant	Miss Kirsty Cassie
Site:	Long Acre Farm Lamesley Birtley DH3 1RQ
Ward:	Lamesley
Proposal:	Development of a 49.99 MW Gas Fired Electricity Generating Facility, with associated infrastructure and landscaping. (Amended on the 30.11.2017. Amendments include revised siting of attenuation pond, reduction in the number of stacks from 11 to 4 and a reduction in the height of the stacks from 15 metres to 8 metres).
Recommendation:	GRANT TEMPORARY PERMISSION
Application Type	Full Application

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

The application site covers approximately 1.93 ha in area and takes up a large proportion of existing agricultural land to the south of an existing substation. The site is wholly located in the Green Belt.

1.2 To the west there is the East Coast Mainline and the Tyne Marshalling Yards, to the south Lamesley Road and beyond there the Bowes Railway. To the east there is a Public Right of Way/Bridleway (PRW) which leads to Long Acre Wood Local Wildlife Site which is to the north. The PRW is screened on each side by well-established hedging. Beyond the PRW there are more fields and Long Acre Dene Local Wildlife Site.

1.3 Access to the field is via an existing gate off Lamesley Road.

1.4 The nearest residential properties are at Long Acre Farm which has been converted into a number of cottages. The closest property is in the region of 220 metres away.

1.5 Birtley is to the south with Kibblesworth approximately 1.5 km to the west.

1.6 The land on site slopes up gently from west to east. However on the opposite side of the PRW the land levels increase more sharply as you go towards the A1.

1.7 DESCRIPTION OF THE APPLICATION

The planning application is for a Gas Fired Electricity Generating Service (GFEGS) facility, which will generate electricity for the regional distribution network in times of generation shortfall and/or high demand.

- 1.8 The Plant will have a maximum electrical capacity of 49.99MW. The GFEGS will comprise of 11 x 4.5 MW gas engine units in a broadly linear configuration. Each gas engine is housed within a concrete case. Air cooling fans will be positioned on the side of the concrete cases.
- 1.9 Each engine will have an exhaust but the exhausts are now proposed to be grouped together in clusters so rather than 11 individual stacks 4 stacks are proposed. The height of each stack has been reduced from 15 m to 8 m from ground level. The facility is also proposed to include a 66kV substation and two control and metering kiosks. The electrical equipment within the substations will be up to 6m high. The concrete containers and substation will sit on a porous gravel surface and swales and an attenuation pond is proposed to try and ensure that there will be no increase in the amount of water that flows into the surrounding ditches. The facility will run automatically and staff are only required for routine maintenance. The separation distance between the proposed attenuation pond and the boundary with the railway has been increased to 20 metres.
- 1.10 To accommodate the development the area will need to be levelled creating a cut and fill profile. Once completed the compound is proposed to be protected with a 2.5 m high steel mesh fence and a 4-5m high acoustic fence.
- 1.11 An abundance of planting is also proposed to screen the development.
- 1.12 The development is initially proposed to have a lifespan of 25 years. A temporary car park is also proposed for the construction phase which is expected to take up to 6 months.
- 1.13 When operational the GFEGS facility would cover periods when there is a shortage of electricity generation and peaks in demand and provide ancillary services to National Grid to help it manage both frequency and voltage on the Grid system. The gas engines would be one of a total extra capacity of approximately 1.5GW (1500MW) that the National Grid is looking to be deployed over the next 4 years.
- 1.14 The facility is designed to provide back-up power at very short notice. The facility would not operate continuously, but would run as a flexible back up supply to meet periods of peak demand up to 2750 hours a year. The plant would be able to reach full load in less than three minutes from cold.
- 1.15 For the majority of the time the station would be switched off, waiting for an instruction from National Grid to generate electricity. These instructions would typically require the facility to generate electricity for no more than a couple of hours between 7am-11pm, generally on weekdays.

- 1.16 Outside of these hours, it is only likely to be required during a major power shortage or system stress event, where National Grid may require the facility to step-in and support in an emergency situation.
- 1.17 The operation of the facility would also be subject to an Environment Agency Permit.
- 1.18 In terms of identifying this specific site the applicant embarked on an exercise to investigate the largest substations for spare export capacity in England that could serve either battery storage facilities or GFEGS.
- 1.19 For site identification there are a number of technical criteria that need to be met before substations can be considered to have the potential to work for this scale of facility (49.99MW). For GFEGS critically there has to be a viable gas supply within a reasonable distance (considered to be 1-2km at most). Intermediate pressure distribution gas pipes are ideal, as they are most likely to be able to provide the correct volume and pressure of gas for a scheme of this size (49.99MW). The site at Ravensworth has an intermediate pressure gas pipe in the public highway next to the site.
- 1.20 A large proportion of the potential substations are therefore necessarily close to conurbations if not in urban locations and approximately 20-30% of the substations are located in Green Belt.

Design and Access Assessment
 Planning Statement
 Air Quality Assessment
 Ecology Assessment
 Landscape and Visual Impact Assessment
 Flood Risk Assessment and Drainage Plan

- 1.21 A screening request was submitted on the 29.08.2017 and a response was provided on the 27.09.2017 confirming that the Local Planning Authority did not consider the proposal to be EIA Development.

1.22 PLANNING HISTORY

EIA/17/03, 27.09.2017, Environmental Statement not required.

2.0 Consultation Responses:

Tyne and Wear Archaeology Officer No Objections subject to conditions

Northumbria Water No Objections

Network Rail Object due to the proximity of the attenuation pond. Amended plans received to address the concerns.

Environment Agency	No Objections as the EA will be the Competent Authority in relation to amenity issues such as noise, odour and dust.
Coal Authority	No Objections subject to conditions
National Grid Property Holding Ltd	Support the scheme.
Northern Gas Networks	No Objections

3.0 Representations:

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 on the 04.10.2017. 7 letters of objection have been received. The issues raised have been summarised below:

- The land is in the Green Belt and a landscape character area and should not be built on.
- It would be inappropriate development in the Green Belt
- Despite the screening proposed the development will still be visible.
- This development would be more dominant than the existing substation.
- A 30 year life span for the development would be akin to a permanent development.
- The noise generated by the development will result in a disturbance.
- The access road is close to the marshalling road and will be unsafe due to the number of lorries that leave the yard.
- The cumulative effect of the development along with the sewage works, marshalling yard including the crushing plant and concrete plant on Longshanks Lane would result in industrial creep.
- The development would be invasive in the countryside
- The attractiveness of the access to Long Acre Woods would be compromised by this development.
- What is the demand? No attempt has been made to determine whether there is a local shortage of power.
- Does demand ever peak close to the current supply available?
- Is this development actually required.
- The development is not sustainable. It requires gas which is in short supply.
- The development will increase the potential risk of explosion.
- The Landscape and Visual Impact Study is vague and doesn't provide a meaningful assessment.
- Will the equipment be removed after the lifetime of the development.
- The potential ground works required in relation to any coal mining legacies could impact on wildlife habitats. The assessment is inadequate.
- The scheme is not worth the compromises it causes.

- This development would be contradictory to the to Gateshead Councils own district heating scheme.
- The process of using waste heat is not uncommon and should not impede the development but instead make it beneficial the local community, and attractiveness to business and industry to operate from Team Valley area.
- The plant will discharge toxins and smoke and there will be times when the wind direction will blow all of this towards residential properties. direction although in general we will suffer from an increased background level.
- Scientific studies conclude that the toxins from this type of generating facility are harmful to children and old people.
- There will be a loss of privacy and the site will attract interest from undesirable characters.
- The development would not generate any local jobs.
- The existing industrial products and processes in the area means there is a huge increase of heavy goods vehicles back and forth at least 5 days a week with a constant flow all day from 6am. Lamesley Road has also become a rat run for cars and commercial vehicles which means construction traffic will cause queuing.

3.1 Neighbours were re-notified about the amendments to the scheme on the 4.12.2017. Two further letters have been received confirming their concerns still stand. Any additional representations will be provided in an update report.

4.0 Policies:

NPPF National Planning Policy Framework

NPPG National Planning Practice Guidance

DC1C Landform, landscape and after-use

DC1D Protected Species

DC1E Planting and Screening

DC1G Energy Conservation-Sustainable Building

DC1J Substrata Drainage-Water Quality

DC1P Contamination, derelict land, stability

DC2 Residential Amenity

ENV3 The Built Environment - Character/Design

ENV44 Wood/Tree/Hedge Protection/Enhancement

ENV46 The Durham Biodiversity Action Plan

ENV47 Wildlife Habitats

ENV49 Sites of Nature Conservation Importance

ENV51 Wildlife Corridors

ENV54 Dev on Land Affected by Contamination

CS13 Transport

CS14 Wellbeing and Health

CS15 Place Making

CS16 Climate Change

CS17 Flood Risk and Waste Management

CS18 Green Infrastructure/Natural Environment

CS19 Green Belt

ENV21 Sites of Archaeological Imp - Known

ENV22 Sites of Archaeological Imp - Potential

5.0 Assessment of the Proposal:

5.1 The main planning issues in this case are considered to be development in the Green Belt, impact on visual amenity, residential amenity and ecology.

5.2 **DEVELOPMENT IN THE GREEN BELT**
The site is located wholly in the Green Belt and therefore any development needs to be assessed against the relevant paragraphs in the National Planning Policy Framework (NPPF).

5.3 As set out in paragraph 89 of the NPPF development within the Green Belt will be inappropriate except for:

* outbuildings for agriculture and forestry;

* 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;

* the extension or alteration of a building provided that it does not result in disproportionate additions over and above the size of the original building;

* the replacement of a building, provided the new building is in the same use and not materially larger than the one it replaces;

* limited infilling in villages, and limited affordable housing for local community needs under policies set out in the Local Plan; or

* limited infilling or the partial or complete redevelopment of previously developed sites (brownfield land), whether redundant or in continuing use (excluding temporary buildings), which would not have a greater impact on the openness of the Green Belt and the purpose of including land within it than the existing development.

- 5.4 In this case it is considered none of the above exceptions apply and therefore in order for the development to be considered acceptable, very special circumstances must exist, for which the test is strict.
- 5.5 Paragraph 88 of the NPPF states that in considering any planning application, Local Planning Authority's should ensure that substantial weight is given to any harm to the Green Belt. Furthermore, '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. Therefore, whilst the proposal is by definition inappropriate development in the Green Belt, if it can be demonstrated that other considerations exist which outweigh the harm (both from inappropriateness and other harm), very special circumstances may exist.
- 5.6 The Green Belt serves five purposes as defined in the NPPF and this is backed up by policy CS19 of the CSUCP. They are:
- * To check the unrestricted sprawl of large built up areas;
 - * To prevent neighbouring towns from 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.
- 5.7 With regards to the first and second purpose, although the site is located next to an existing electricity sub-station and the railway, the site is primarily located in an open area of the countryside. However due to the separation distance to Birtley and Kibblesworth and the surrounding fields and woodland, the development would not contribute to un-restricted urban sprawl or the merging of towns. The site is also not within an historic town or adjacent any historic assets therefore satisfying the fourth purpose site.
- 5.8 Therefore in this case it is considered points three and five are most relevant as the development would result in some encroachment into the countryside and potentially the development could be located on other urban land.
- 5.9 Consequently by virtue of the development's inappropriateness that is by definition harmful and the potential for other harm, very special circumstances are required to outweigh the harm.

- 5.10 The overarching argument provided by the applicant for very special circumstances is the critical need for this type of development.
- 5.11 The supporting information submitted claims that over the last 10 years the Government have implemented policies to respond to climate change threat. Renewable generation has been deployed and coal power plants closed. In the last 10 years 8 major power plants have closed and the contribution from nuclear power has been declining.
- 5.12 From this the margin between the amount of electricity the country needs in the winter and what is likely to be available in the coming years has narrowed and this presents a risk of power interruption in cold winter evenings, when there is little wind and solar. There is therefore a need to provide back up at different response times, some of which can only be provided by developments such as the one proposed, where supply can be switched on quickly.
- 5.13 Currently the main method for balancing the power market in this country is to bring online a new power station at half capacity, back another power station down to half capacity and to then use the upside available margin created at the two power stations to fill any requirements for increased generation in the market if required during the peak period.
- 5.14 This can act successfully as a means for balancing in the market, but incurs increased levels of carbon emissions on start-up, increased levels of carbon emissions by not generating at the optimal output point and incurs these higher emission rates even when no additional balancing is required.
- 5.15 The development proposed as part of this application can start in minutes (normally 2-5 minutes), run for 1 or 2 minutes and be used to provide upwards generation as required, with no requirement to back down large power stations which in turn safeguards the overall capacity.
- 5.16 This ability to run over short periods has been driving the interest in these assets as larger plants face increased challenges due to the changeable nature of renewables in the market.
- 5.17 This approach is supported by the National Grid as well as local providers with Northern Powergrid providing comments in support of the scheme.
- 5.18 This need for flexible and decentralised energy generating facilities is also well established within the national planning policy context.
- 5.19 The NPPF sets out in paragraph 93 the importance of the planning system in minimising vulnerability and providing resilience in energy generation and supply and the National Policy Statement for Energy (EN - 1) states 'it is critical that the UK continues to have secure and reliable supplies of electricity as we make the transition to a low carbon economy.' It too recognises that a flexible approach to energy generation is required to provide backup supply for intermittent renewable energy and states 'we need more total electricity

capacity than we have now, with a larger proportion being built only or mainly to perform back-up functions.'

- 5.20 Paragraph 91 of the NPPF does give more scope for renewable energy projects to be considered as very special circumstances but as this development would be reliant on gas it is not considered to be a renewable energy project. It is however considered to be low carbon infrastructure which is encouraged in paragraphs 93-99 of the NPPF.
- 5.21 Policy CS16 of the Core Strategy and Urban Core Plan for Newcastle and Gateshead (CSUCP) also aims to encourage development that will be sustainable, able to function effectively in a changing climate and address impacts on climate change emissions.
- 5.22 As a result officers are satisfied that there is a need for this type of development but the key question is still whether there are very special circumstances, which justify a facility in this particular Green Belt location.
- 5.23 In order to establish this, the applicant has assessed sites not just locally but nationally and 507 potential sites have been identified. These sites have been assessed using the following criteria to eliminate unsuitable substations:
- 5.24 Sieve 1 - the first level of assessment eliminated substations where there was either;
- * No land or not enough land available adjacent to the substation or housing very close by (<100m).
 - * No prospect of securing a grid connection based on District Network Operator (DNO) heat map and discussions with the DNO.
 - * No landowner response.
- 5.25 Sieve 2 - involved making applications to the DNO, in this case Northern Powergrid and establishing proximity to gas supply and the prospects of making a viable gas connection.
- 5.26 In the North East 48 sites were assessed but using the above criteria only 3 potential sites were identified for either gas or battery connections. Nationally 18 sites are being promoted for gas and battery with only 7 gas sites being considered.
- 5.27 What this shows is that at present there are only a small number of sites available and of these projects 57% would be in the Green Belt.
- 5.28 As such it is reasonable to conclude that the country will not easily meet the level of generation it requires from this type of technology and because of this it is absolutely inevitable that a large proportion of these projects will have to be developed within the Green Belt as that is where much of the critical electrical infrastructure is located. In addition to discount a viable site because of its

Green Belt location will have a significant impact on the ability to secure a reliable source of electricity.

- 5.29 In terms of local need, the development wouldn't provide a backup electricity supply solely for the local area but it would be fed into the wider connection and the North East in general does require this kind of facility, as confirmed by Northern Powergrid.
- 5.30 Therefore in summary it is considered that:
- The site subject to this application is considered to be a good site for new capacity from a network perspective;
 - It has both electrical and gas capacity available to optimise the deployment of the facility;
 - It will better use the existing substation assets currently preventing the need to reinforce further assets on the local distribution network;
 - There is to be significant new demand growth across the area in the coming years significantly more than this site can satisfy;
 - GFEES are at a premium and allow for increases in demand to be served while deferring, or even avoiding, the need for new network infrastructure;
 - Given the scale of current and potential new demand in the area several plants of this scale are needed to fully facilitate this kind of local system balancing;
 - There are only a small number of suitable sites available in the north-east region and Northern Powergrid value this type of development.
- 5.31 With regards to impact on the openness of the Green Belt this can be affected by the presence or otherwise of buildings and/or man-made structures or features and the appreciation of openness is partly, but not entirely, the visual recognition of those structures or features.
- 5.32 In response to this it is considered the temporary lifespan of the development (25 years), as well it's positioning close to existing infrastructure, notably the substation and the existing railway does limit the impact on openness. The innovative design of the development which has resulted in the height of the stacks being reduced from 15 metres to 8 metres and the number of stacks being reduced to 4 also helps to limit the impact on the openness of the Green Belt. This design could also assist in helping to roll out similar developments in Green Belt locations.
- 5.33 Sensitive landscaping is also proposed to screen the development and this along with other measures for example tree planting, works to hedges and the creation of wetlands, would provide an opportunity to significantly enhance the ecological value of the area. This aspect is addressed in more detail later in the report.

- 5.34 Therefore taking all of the above into account it is considered that the proposed development does constitute inappropriate development in the Green Belt and by definition harms the openness of the Green Belt. However weighing up the harm that would be caused to the Green Belt, and the lack of any other harm, against the significant benefits of development, it is considered there are very special circumstances that outweigh this harm. This includes any encroachment into the Green Belt and the use of other urban land as it has been demonstrated that even using these sites there is still a demand for Green Belt locations.
- 5.35 Notwithstanding this it is considered the permission should be temporary for the 25 years specified and on expiry, the infrastructure shall be removed. The site would then be restored in accordance with a scheme that has been approved by the Local Planning Authority (CONDITIONS 25 AND 26).
- 5.36 Thus in accordance with the aims and objectives of the NPPF as well as policy CS19 of the CSUCP, it is considered the principle of development in this Green Belt location is acceptable.
- 5.37 VISUAL AMENITY
The site although in a rural location, is in close proximity to an existing substation and the railway line and as a result the immediate character of the location has been materially changed. However this needs to be balanced against the setting of the nearby Long Acre Wood and Long Acre Dene and the open fields to the east. There is also a PRW to the east which accesses Long Acre Wood and the recreational value of the area needs to be taken into account.
- 5.38 With this in mind the applicant has proposed new landscaping and tree planting which would screen the development from both close and wider views. The ecology report goes further than this and recommends the corner field to the south east of the development to be planted up as woodland and this along with final details of the landscaping within the site can be conditioned as part of a Landscape and Habitat Creation Plan (CONDITIONS 19 AND 20). The landscaping scheme will be required to consider extending the wetland features into the area where the temporary car park is, and would subsequently be removed following construction. Further measures to enhance the surrounding hedgerows and other ecological compensation measures will be addressed later in the report. The existing hedgerows, trees and other ecological habitats around the perimeter of the site will however need protecting during construction and this can be conditioned (CONDITIONS 3 AND 4).
- 5.39 Reducing the height of the stacks would also mean the landscaping and trees planted in and around the site would be effective earlier. It is envisaged the proposed planting would be well established within 2 years.
- 5.40 Details of materials will be required (CONDITIONS 15 AND 16).

- 5.41 Therefore it is considered that although the development would be introducing new infrastructure into a rural setting, the overall impact would on balance, taking into account the landscaping that is proposed, be acceptable and would not conflict with the aims and objectives of the NPPF, policy CS15 of the CSUCP and policy ENV3 of the UDP.
- 5.42 **RESIDENTIAL AMENITY**
The proposed development falls under the Environmental Permitting Regulations 2016, Schedule 1, Part II, Chapter 1 Energy activities. The permit will regulate emissions and impacts on the environment. The Environment Agency will be the 'Competent Authority' in relation to amenity issues such as noise, odour, dust and other emissions that could be generated by the facility and as such will require appropriate mitigation to be in place. This permit would also cover any toxins that could be released but there is no evidence to suggest that a development of this type, which would be gas powered would release toxins that have the potential to impact on public health. Therefore the development will be required to comply with the permit which will take into account the impact on the amenity of neighbouring residential properties and will ensure any impact is acceptable.
- 5.43 Notwithstanding this the applicant has submitted a noise report and an air quality assessment. The noise assessment has used background noise levels taken at the nearest noise sensitive receptor (at Long Acre Farm) with plant noise data to model the likely impact at these properties. The assessment covers both daytime and night time periods, advising there will be no adverse impact at the nearest noise sensitive receptors (Long Acre Farm and Moor Mill Farm). The information provided does suggest the facility, when operational, would be discernible from the PRW but the impact would not be significant when considered against background noise.
- 5.44 The facility is also designed to provide back-up power at very short notice. The facility would not operate continuously, but would run as a flexible back up supply to meet periods of peak demand up to 2750 hours a year and would be able to reach full load in less than three minutes from cold. For the majority of the time the station would be switched off, waiting for an instruction from National Grid to generate. During this time again there may be some discernible noise generated by the development but this would be very limited and is unlikely to cause any issues for people walking along the PRW to Long Acre Wood.
- 5.45 When instructed the facility would generate electricity for no more than a couple of hours between 7am-11pm, generally on weekdays, when demand is highest. Outside of these hours, it is only likely to be required during a major power shortage or system stress event, where National Grid may require the facility to step-in and support in an emergency situation. As a gas-powered facility, the development will not require the delivery of fuel to the site, nor will it require fuel storage, unlike diesel powered generators. The site will generally be unmanned but will undergo routine maintenance on a weekly basis.

- 5.46 As such the facility will have very limited traffic movements associated with the operational period.
- 5.47 A bigger issue in terms of noise and dust will be the construction phase which wouldn't be covered by the permit. With regards to this it is recommended that construction hours are conditioned between 0700 hours and 1800 hours on Mondays to Saturdays and at no time on Sundays, Bank Holidays or Public Holidays, as well as a construction management plan to deal with any noise, odour or dust which may result as part of the construction phase (CONDITIONS 5 AND 6).
- 5.48 Final details of lighting would also be required to ensure there is no impact on neighbouring residential properties (CONDITIONS 23 AND 24).
- 5.49 In light of the above and the robustness of the Environmental Permitting Process it is considered the impact on the residential amenity of neighbouring properties would be acceptable and in accordance with the NPPF as well as policies CS14 of the CSUCP and policy DC2 of the UDP.
- 5.50 **HIGHWAY SAFETY**
When operational the development would generate little traffic, as it would be operated remotely. However during the construction phase there will be an increase in traffic movements, notably HGV's and it is estimated there could be upto 10 two way HGV movements per day. Therefore it may be that a temporary widening of the access and improved visibility splays are required to safely accommodate the larger vehicles. Final details of this can be conditioned as part of conditions 5 and 6. A management plan should also be in place to ensure there is no queuing of HGV's on Lamesley Road. One has been submitted with the application but this requires updating as it specifies unacceptable delivery hours and further information is also required with regards to preventing queuing traffic on Lamesley Road. Again this can be conditioned as part of conditions 5 and 6. These conditions can also cover increased vehicle movements when the facility is removed.
- 5.51 Therefore subject to conditions it is considered that the impact on highway safety is considered acceptable and in accordance with the NPPF and policy CS13 of the CSUCP.
- 5.52 **FLOOD RISK AND DRAINAGE**
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.

- 5.53 A drainage assessment has been submitted and has identified the use of swales and detention basins as part of a SuD system and generally the approach is encouraging. However it is considered the wetland area could be enlarged to include the area where the temporary construction car park is proposed.
- 5.54 The ponds should also be designed to form a natural pond and/ or wetland area with irregular shape and varying bank gradients, plus wet/ dry benches as specified in the SuDS Manual. This would allow it to fulfil its potential as a habitat.
- 5.55 Further consideration also needs to be given to an existing flow route that would be affected by the development. As such in accordance with the NPPF and policy CS17 of the CSUCP final details of the surface water drainage scheme would be required. This can be conditioned (CONDITIONS 17 AND 18)
- 5.56 **CONTAMINATED LAND AND COAL MINING LEGACY**
The site is located on land not identified as being potentially contaminated and the proposed development is not a sensitive end use. Therefore further investigations are not required at this stage. However should any contamination be discovered during construction further investigations will be required and this can be conditioned (CONDITION 14). The Coal Authority has also been consulted and has raised no objection subject to conditions requiring further investigations (CONDITIONS 10-13)
- 5.57 Therefore subject to these conditions the development is considered to be in accordance with policy CS14 of the CSUCP and policy ENV54 of the UDP.
- 5.58 **ECOLOGY**
The site is located within a designated Wildlife Corridor and comprises an arable field bound by native hedgerows incorporating several hedgerow trees. Habitats within and adjacent the site have the potential to support a range of protected and priority species including farmland birds, foraging and commuting bats and foraging badger. Great Crested Newts have been recorded within 500m of the site.
- 5.59 An ecological assessment has been submitted in support of the application. This is based on a desk study and single survey visit to the site. The assessment contains a number of inaccuracies. Despite the limitations of the ecological assessment it is considered that in this instance it is possible to manage the potential/likely impacts of the development on biodiversity and ecological connectivity through the implementation of appropriate mitigation and compensatory measures, provided as part of the development.
- 5.60 This will include a Biodiversity Method Statement during construction (CONDITIONS 3 AND 4), a Landscape and Habitat Creation Plan (CONDITION 21) and a Landscape and Ecological Management Plan (LEMP) (CONDITION 22). The Method Statement would be required to include the

final landscaping details for the site and will need to be closely linked to the drainage details required under conditions 17 and 18.

- 5.61 The Biodiversity Method Statement and LEMP will be required to safeguard, restore and enhance existing habitats and features as well as provide new habitats to compensate for any loss of biodiversity/ecological connectivity caused by the development. In particular the restoration of c.380m of defunct hedgerow to the north of the existing access track, the creation of c. 1.4ha of native broadleaved woodland immediately to the east of the proposed peaking plant, and the provision of ecological buffers to Long Acre Dene LWS and Long Acre Wood LWS shall be provided.
- 5.62 Details of this would need to be included in the Biodiversity Method Statement and the LEMP and it is considered reasonable to include these details in a condition as the land is in the same ownership as the application site.
- 5.63 Final details of lighting required under conditions 23 and 24 will be expected to take into account the impact on ecological habitats.
- 5.64 As a result it is considered subject to conditions, the proposed development would not conflict with the aims and objectives of the NPPF, policy CS18 of the CSUCP and policies DC1, ENV44, ENV46 and ENV51 of the UDP.
- 5.65 **ARCHAEOLOGY**
The proposed development site is a Greenfield site where no previous archaeological investigations have taken place. However this development has the potential to have a detrimental impact on any surviving Romano-British or late prehistoric archaeological features or deposits which may exist on the site.
- 5.66 Therefore further investigations are required and this can be conditioned (CONDITIONS 7, 8 AND 9).
- 5.67 Subject to these conditions it is considered the development would comply with the NPPF, policy CS14 of the CSUCP and policy ENV21 of the UDP.
- 5.68 **CIL**
Gateshead Council became a Community Infrastructure Levy (CIL) Charging Authority. This application has been assessed against the Council's CIL charging schedule and the development is not CIL chargeable development as it is not for qualifying retail or housing related. As such no CIL charge is liable.
- 5.69 **OTHER MATTERS**
Network Rail has been consulted due to the proximity of the railway line and did raise some concerns about how close the SuDS pond was to the railway line. This has now been amended and the pond would be at least 20 metres away from the boundary. Network Rail has been re-consulted and their view will be provided in an update report.
- 5.70 Final details of lighting will be provided under conditions 23 and 24 to ensure it does not cause a distraction to train drivers.

5.71 Other concerns have been raised by Network Rail but they are not considered to be material considerations in this case. However the applicant has been made aware of them and can also be included as an informative.

6.0 CONCLUSION

6.1 Taking into account all relevant issues it is recommended that planning permission is granted, subject to conditions, as it is considered that very special circumstances have been demonstrated which outweigh the harm to the Green Belt and the impact on the landscape, residential amenity, ecology and all other material planning considerations is acceptable and in accordance with national and local planning policy.

7.0 Recommendation:

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

Masterplan, SL172_300, GP_GK-01, GP_11KvSH_01, GP_SF_02, GP_AF_02, GP_CC_02, Cross Section A and Cross Section B.

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

Reason

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

2

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

Reason

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

3

The development hereby approved shall not commence until a Biodiversity Method Statement, covering the construction phase of the development, has been submitted to and approved in writing by the Local Planning Authority. The method statement shall include details of all the habitats, trees and hedgerows which are to be retained on site, as well as details of any protected and priority species and the measures that will be put in place to protect these ecological features which could be affected by site set up, vegetation clearance, soil stripping, the shaping of new landforms and construction of the development. The content of the Biodiversity Method Statement shall include:

- o The purpose and objectives for the proposed works
- o Detailed design(s) and/or working method(s) necessary to achieve stated objective, including, where relevant, type and source of materials to be used.
- o Extent and location of proposed works shown on appropriate scale maps and plans
- o Timetable for implementation, demonstrating that works are aligned with the proposed phasing of construction
- o Persons responsible for implementing the works
- o Maintenance of protected ecological features during construction
- o Disposal of any wastes arising from works

Reason

To protect habitats during construction in accordance with policy CS18 of the Core Strategy and Urban Core Plan for Gateshead and Newcastle Upon Tyne and policies DC1, ENV44 and ENV46 of the Unitary Development Plan.

4

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

Reason

To protect habitats during construction in accordance with policy CS18 of the Core Strategy and Urban Core Plan for Gateshead and Newcastle Upon Tyne and policies DC1, ENV44 and ENV46 of the Unitary Development Plan.

5

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

- i. the parking of vehicles of site operatives, including construction vehicles and visitors
- ii. An updated Construction Traffic Management Plan which includes further details of the management of HGV's arriving at and leaving the site and temporary access details during

- construction and decommissioning, including any widening required and visibility displays.
- iii. storage of plant and materials used in constructing and then removing 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 and decommissioning.
- vii. a scheme for the recycling/disposing of waste arising from construction works.

In addition all works and ancillary operations in connection with the demolition, remediation of the site, the construction of the new development and the decommissioning of the site, including the use of any equipment or deliveries to the site, shall be carried out only between 0700 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.

6

The development shall be carried out in accordance with the Construction Method Statement approved under condition 5.

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.

7

No groundworks or development shall commence until a programme of archaeological fieldwork (to include geophysical survey, 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 paragraph 141 of the NPPF and saved Unitary Development Plan Policies ENV21 and ENV22.

8

The development hereby approved shall not be brought into use until the final report of the results of the archaeological fieldwork undertaken in

pursuance of condition 7 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 paragraph 141 of the NPPF and saved Unitary Development Plan Policies ENV21 and ENV22.

9

The development hereby approved shall not be brought into use until a report detailing the results of the archaeological fieldwork undertaken has been produced in a form suitable for publication in a journal and which has been submitted to and approved in writing by the Local Planning Authority.

Reason:

The site is located within an area identified in the Unitary Development Plan as being of potential archaeological interest and the publication of the results will enhance understanding of and will allow public access to the work undertaken in accordance with paragraph 141 of the NPPF.

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

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.

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

15

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 area in accordance with the NPPF, Saved Policies DC2, ENV3 and ENV7 of the Unitary Development Plan and Policies CS14 and CS15 of the Core Strategy and Urban Core Plan for Gateshead and Newcastle upon Tyne.

16

The materials used shall be in accordance with the details approved under condition 15 unless otherwise approved in writing by the Local Planning Authority.

Reason

To safeguard the visual amenities of the area and to ensure that the proposed development does not have an adverse effect upon the appearance of the area in accordance with the NPPF, Saved Policies DC2, ENV3 and ENV7 of the Unitary Development Plan and Policies CS14 and CS15 of the Core Strategy and Urban Core Plan for Gateshead and Newcastle upon Tyne.

17

The construction of the development hereby approved shall not be commenced above foundation level until an updated 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 all SuDS components ; health and safety risk assessment; construction method statement (refer to CIRIA guidance - Construction Method Statements RP992/22)); a drainage maintenance plan (refer to CIRIA guidance on maintenance

plan RP992/21), copy of the 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 drainage maintenance plan should include the arrangements to secure the operation of the drainage scheme throughout the lifetime of the development and shall co-ordinate with the landscape management plan.

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.

18

The SuDS scheme shall be implemented in accordance with the details approved under condition 17, 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.

19

The construction of the development hereby approved shall not be commenced above foundation level until a scheme for on and off site landscape and habitat creation, restoration and enhancement has been submitted to and approved in writing by the Local Authority. The scheme shall include details of all the habitats (including wetland habitats informed by the SuD system, trees and hedgerows which are to be retained on site long term, The scheme shall also include but not limited to, the creation of c.1.4ha of native broadleaved woodland, the restoration of c. 380m of existing native hedgerow and the provision of ecological buffers to Long Acre Dene and Long Acre Wood Local Wildlife Sites,

The Landscape and Habitat Creation Plan shall include:

- o The purpose and objectives for the proposed works
- o Detailed design(s) and/or working method(s) necessary to achieve stated objective, including, where relevant, type and source of materials to be used.
- o Extent and location of proposed works shown on appropriate scale maps and plans
- o Timetable for implementation

- o Persons responsible for implementing the works
- o Disposal of any wastes arising from works

Reason

To protect and enhance ecological habitats and and to provide landscaping that will mitigate the impact of the development in this rural, Green Belt location, in accordance with policies CS15 CS18 and CS19 of the Core Strategy and Urban Core Plan for Gateshead and Newcastle Upon Tyne and policies DC1, ENV44 and ENV46 of the Unitary Development Plan.

20

The Landscape and Habitat Creation, Restoration and Enhancement Plan shall be implemented in accordance with the details and timetable approved under condition 19.

Reason

To protect and enhance ecological habitats and and to provide landscaping that will mitigate the impact of the development in this rural, Green Belt location, in accordance with policies CS15 CS18 and CS19 of the Core Strategy and Urban Core Plan for Gateshead and Newcastle Upon Tyne and policies DC1, ENV44 and ENV46 of the Unitary Development Plan.

21

Prior to the development hereby approved being first brought into use a Landscape and Ecological management plan (LEMP) shall be submitted to and approved in writing by the Local Planning Authority. The content of the LEMP shall include the following:

- o Description and evaluation of features to be managed
- o Ecological trends and constraints on site that might influence management
- o Aims and objectives of management
- o Appropriate management operations for achieving aims and objectives
- o Prescriptions for management actions
- o Preparation of a work schedule with each schedule being reviewed every 5 years.
- o Details of the body or organisation responsible for implementation of LEMP
- o Ongoing monitoring and remedial measures

Reason

To protect and enhance ecological habitats and to provide landscaping that will mitigate the impact of the development in this rural, Green Belt location, in accordance with policies CS15 CS18 and CS19 of the Core Strategy and Urban Core Plan for Gateshead and Newcastle Upon Tyne and policies DC1, ENV44 and ENV46 of the Unitary Development Plan.

22

The on and off site Landscaping and Habitats provided as a result of this development shall be maintained in accordance with the Landscape and Ecological Management Plan approved under condition 21.

Reason

To protect and enhance ecological habitats and to provide landscaping that will mitigate the impact of the development in this rural, Green Belt location, in accordance with policies CS15 CS18 and CS19 of the Core Strategy and Urban Core Plan for Gateshead and Newcastle Upon Tyne and policies DC1, ENV44 and ENV46 of the Unitary Development Plan.

23

The development hereby approved shall not be first brought into use 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 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 and the safety of the railway line.

24

Any illumination of the external areas shall be in accordance with the details approved under condition 23.

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 cessation of the development hereby approved, a restoration scheme for area to be occupied by the built development (as shown on Masterplan Figure 20) shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall include a timetable for implementation and an aftercare programme.

Reason

In the interests of the successful restoration of the site for ecology and biodiversity, general amenity and local access and recreation and in accordance with policies DC1, DC2, ENV3, ENV44, ENV46 and ENV47

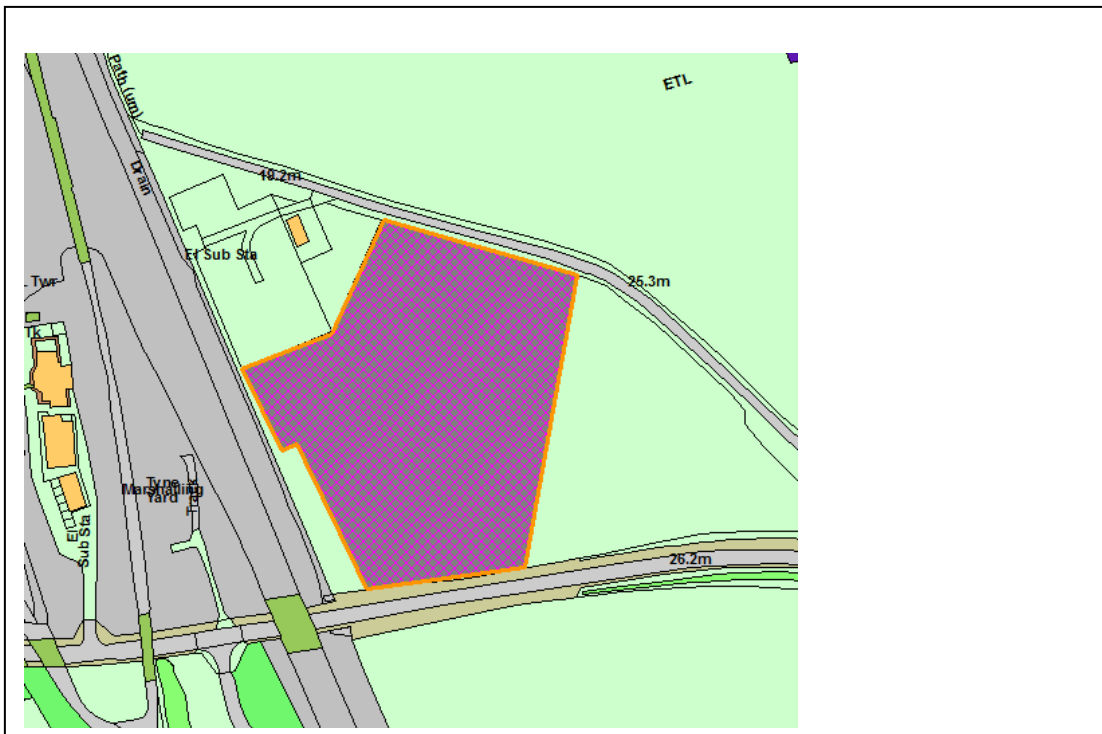
of the Unitary Development Plan and policies CS13, CS14, CS15, CS18 and of the Core Strategy and Urban Core Plan.

26

The restoration of the site and subsequent aftercare scheme shall be carried out in accordance with the details approved under condition 25.

Reason

In the interests of the successful restoration of the site for ecology and biodiversity, general amenity and openness of the Green Belt in accordance with policies DC1, DC2, ENV3, ENV44, ENV46 and ENV47 of the Unitary Development Plan and policies CS14, CS15, CS18 and CS19 of the Core Strategy and Urban Core Plan.



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UPDATE

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

**TO THE PLANNING AND DEVELOPMENT COMMITTEE ON
3 January 2018**

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/17/01054/FUL
Site:	Long Acre Farm Lamesley Birtley DH3 1RQ
Proposal:	Development of a 49.99 MW Gas Fired Electricity Generating Facility, with associated infrastructure and landscaping. (Amended on the 30.11.2017. Amendments include revised siting of attenuation pond, reduction in the number of stacks from 11 to 4 and a reduction in the height of the stacks from 15 metres to 8 metres).
Ward:	Lamesley
Recommendation:	Grant Temporary Permission
Application Type	Full Application

Reason for Minor Update

Further representations made with one additional letter of objection being received.

The letter confirms that despite the reduction in height, the development would still have an invasive impact on the countryside and would increase the volume of traffic and the pollution from the traffic.

SEE MAIN AGENDA FOR OFFICERS REPORT.

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Committee Report

Application No:	DC/17/01109/HHA
Case Officer	Josh Woollard
Date Application Valid	6 October 2017
Applicant	Mr Michael Langdon
Site:	24 Wilsons Lane Low Fell Gateshead NE9 5EQ
Ward:	Low Fell
Proposal:	Proposed roof terrace within rear roof slope with bi-fold doors.
Recommendation:	REFUSE
Application Type	Householder Application

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

The application site is an upper maisonette with living accommodation over the first and second floor levels (into the roof space). The flat is mid terrace and adjoined on either side by other flats. The terrace has a uniform appearance with all upper floor flats having two Conservation style roof lights on both the front and rear roof slopes. The terrace is finished in stone and natural slate and was recently constructed, having been granted planning permission as a development of a block of 10 apartments in 2008.

1.2 The property is located within a wider residential street scene fronting Wilson's Lane to the North whilst being bounded by terraced properties at Rock Grove to the East and South.

1.3 The property is located within Low Fell Conservation Area. The design of the terrace was influenced by the character of the Conservation Area and it complements the street scene.

1.4 Land levels slope gently upwards in an East to West direction.

1.5 DESCRIPTION OF THE APPLICATION

The application is for the development of a roof terrace with bi-fold doors, built into the rear roof slope of the property, facing south.

1.6 The proposed roof terrace would be 2.9m x 2.1m, with a floor area of approximately 6msq. The works would include the removal of a 2.9m x 3.25m section of roof, along with the existing Conservation style roof lights to the rear.

1.7 The application proposes the installation of new bi-fold doors of grey aluminium with smoked glass which open out onto the external roof terrace from the kitchen, and a new 1m high balustrade of mild steel painted black.

1.8 PLANNING HISTORY

DC/08/00136/FUL - Erection of 1 x 3 storey block of 10 apartments with associated car parking (amended 21/04/08). – Granted – 25 April 2008

DC/14/00431/FUL – 20 Wilsons Lane - Forming balcony area to roof level to the rear of flat – REFUSED – 29 May 2014.

2.0 Consultation Responses:

None received.

3.0 Representations:

3.1 Neighbour consultations were carried out in accordance with formal procedures introduced in the Town and Country Planning (Development Management Procedure) Order 2015, including press and site notices.

3.2 One representation of support has been received from Councillor Beadle, his grounds for supporting the application are:

- that the design is acceptable;
- The development is in character with the area.

Cllr Beadle has also asked that the application is determined by the Planning and Development Committee.

3.3 A petition in support of the application has been submitted by the Applicant. The petition is signed by residents of Rock Grove and states “We do not have any concerns that this development will result in loss of privacy or cause nuisance. We have all viewed the submitted plans, and it is our opinion, that the alteration will enhance the look to the rear of the building, helping to improve the street scene”.

4.0 Policies:

NPPF National Planning Policy Framework

NPPG National Planning Practice Guidance

CS14 Wellbeing and Health

CS15 Place Making

ENV3 the Built Environment - Character/Design

ENV7 Development within Conservation Areas

ENV9 Setting of Conservation Areas

DC2 Residential Amenity

5.0 Assessment of the Proposal:

5.1 The main issues are considered to be the impact on the street scene and the wider Conservation Area and residential amenity.

5.2 DESIGN

Saved Unitary Development Plan (UDP) policy ENV3 along with Core Strategy and Urban Core Plan (CSUCP) policy CS15 requires that new development must be of a high quality sustainable design that makes a positive contribution to the established character and identity of the local area. This is echoed by section seven of the NPPF which places a strong emphasis on the requirement for good design.

5.3 Further, the design, density and scale of new development should make a positive contribution to the established character and identity of its locality. All development will be expected to recognise established design principles with regard to such factors as scale, massing, height, materials, density, legibility, views and vistas. The relationship between buildings and the spaces around and between them must be handled in a sensitive manner.

5.4 Saved policy ENV7 (Development within a Conservation Area) of Gateshead Council's UDP states that development within Conservation Areas must preserve or enhance the area's special architectural or historic character or appearance by (inter alia):

- a) Respecting its architectural and historical context particularly in terms of design, massing, height, silhouette, grain, proportion, rhythm, street alignment, plot layout and associated landscaping.
- c) Ensuring that traditional or important features both on buildings and contributing to their setting should be retained...

5.5 The purpose built block of 10 apartments, that includes the application premises, was built as a continuation of a late C19 terrace of housing. The design of the block was influenced by the wider Conservation Area, with the block being two storeys with additional accommodation in the roof space, served by roof lights set in a pitched roof, that respects the height, scale and mass of the nearby terraced houses and consequently it reflects the character, grain and appearance of the wider Conservation Area.

5.6 The rear of the block is highly visible from the public realm of Rock Grove and the wider Conservation Area. The proposed roof terrace would radically alter the scale of the building, as the building would then read more obviously as having three storeys. Despite being recessed, the terrace would result in a prominent visual alteration to the roof, detrimentally and significantly changing

the form and appearance of the roof-scape of the terrace whilst not respecting the architectural context of the area. Furthermore, the need to remove part of the slate pitch roof, which is a traditional and significant design feature of this type of terraced property is considered to be detrimental both to the individual property and to the wider Conservation Area.

- 5.7 In light of the above, the proposed roof level terrace is considered to result in less than substantial harm to the significance of the Low Fell Conservation Area, a designated heritage asset. Therefore, in accordance with paragraph 134 of the NPPF, this harm should be weighed against the public benefits of the proposal. In this case, there are no public benefits arising from this development and consequently, nothing to outweigh the identified harm to the significance of the Conservation Area as a designated heritage asset.
- 5.8 Comments have been made in support of the application, that this structure would not constitute overdevelopment, as it would require the removal of a section of roof, thus reducing the overall volume of the property. Officers have not described this proposal as amounting to overdevelopment. However, the simple nature of the existing slate pitched roof, a constant feature within the area, would be detrimentally altered by the creation of this particularly unusually designed roof terrace, that would be completely out of character with the wider Conservation Area.
- 5.9 Comments have been made by Councillor Beadle suggesting that the terrace would be a novel addition, and that other neighbours have plans to create terraces/balconies in the future and this would help provide symmetry once again. However, the potential future plans of other residents are not a material planning consideration, and whilst no weight should be attached to this, if anything, it suggests that this alteration to the roof could set an unwelcome precedent for various other styles of alterations that would further harm the integrity of the roof design and consequently the Conservation Area.
- 5.10 The roof terrace would not make a positive contribution to the established character and identity of its locality as it does not recognise the established design principles with regard to scale, rhythm and proportion. As such, the roof terrace would represent an unacceptable alteration to the block, detrimentally impacting on its uniformity. Given the scale and design of the proposal, the roof terrace would not preserve or enhance the character or appearance of the Low Fell Conservation Area making it contrary to s72 of the Planning (Listed Building and Conservation Areas) Act 1990; it would result in less than substantial harm to a designated heritage asset, without any public benefit to offset that harm, as required by the NPPF. It would also be contrary to CSUCP policy CS15 and UDP policies ENV3 and ENV 7
- 5.11 RESIDENTIAL AMENITY
The NPPF requires the planning process to achieve a good standard of amenity for all existing and future occupiers of land and buildings. This is a core principle of the planning system and is echoed by CSUCP policy CS14 and saved UDP policy DC2 which seek to ensure that development does not cause any undue disturbance to nearby residents, safeguards the enjoyment of light and privacy

for existing residential properties, and ensures an acceptable level of amenity for existing and future residents.

- 5.12 It is considered that due to the design of the proposed roof terrace as well as its position in relation to the neighbouring properties and nearest windows that it would not result in a significant amount of harm to the residential amenity of the neighbouring properties in terms of loss of light and overshadowing.
- 5.13 When considering proposals the Council's HAESPD advises that as a general rule, acceptable levels of privacy are achieved by keeping a distance of 21m between main facing elevations containing habitable room windows (i.e. living/dining room, kitchen and bedrooms) and 13m between such elevations and a gable elevation. These distances should be increased by 5m for each additional storey of development.
- 5.14 The block is bounded to the East and South by Rock Grove. The separation distances between 1-4 Rock Grove and the rear elevation of 24 Wilsons Lane range from 17m - 22m. As the roof terrace would allow useable external space to be created at third floor level, this would inevitably allow a greater degree of overlooking, albeit obliquely, compared to the current, relatively limited level of overlooking which exists as a result of the two roof lights.
- 5.15 Given the above, the scheme would harm the residential amenity of the neighbouring properties as a result of loss of privacy, contrary to the aims and objectives of the NPPF, policy DC2 of the UDP, and the HAESPD.

6.0 CONCLUSION

- 6.1 Taking all the relevant issues into account it is considered that the proposal will conflict with policies DC2, ENV3 and ENV7 of the Unitary Development Plan for Gateshead, policy CS15 of the CSUCP, the aims and objectives of the National Planning Policy Framework and Gateshead Council's Householder Alterations and Extensions SPD; given its unacceptable impact on the visual amenity of the street scene, the harm to the character and appearance of Low Fell Conservation Area, without any public benefit to outweigh this harm, and the harm to residential amenity arising from loss of privacy.

7.0 Recommendation:

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

:

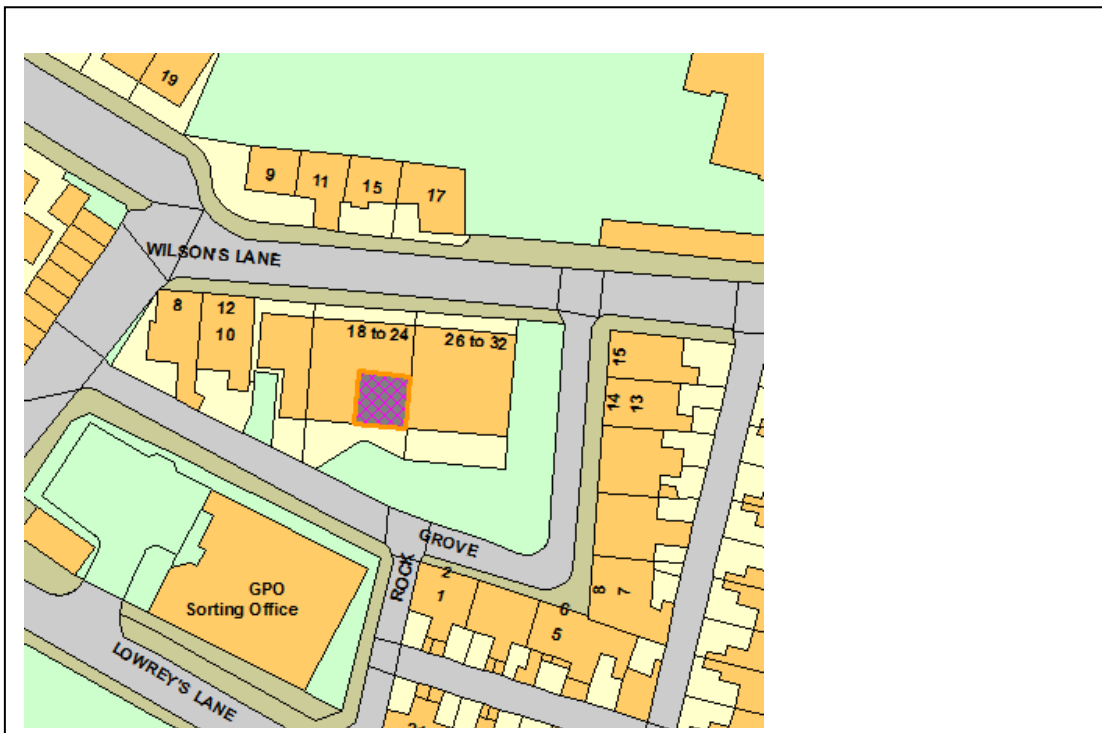
1

The proposed external roof terrace, to be formed by the removal of a significant section of roof slope would, by reason of its scale and design, be a visually intrusive and alien feature, altering the character and appearance of the host building. Consequently it would be out of character with the host and surrounding properties. It would result in less than substantial harm to the significance of Low Fell Conservation Area, a designated heritage asset without any public benefit to outweigh this harm, contrary to the National Planning Policy Framework. The

application is also contrary to saved policies ENV3 and ENV7 of the Unitary Development Plan, policy CS15 of the Core Strategy and Urban Core Plan and the adopted Supplementary Planning Document "Household Alterations and Extensions".

2

The size and location of the proposed external roof terrace in relation to neighbouring properties would result in an increase in opportunities for overlooking, both real and perceived, that would be detrimental to the living conditions of neighbouring properties and therefore it would not comply with the National Planning Policy Framework or saved policy DC2 of the Unitary Development Plan.



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Committee Report

Application No:	DC/17/01110/COU
Case Officer	Owain Curtis
Date Application Valid	8 November 2017
Applicant	Jomast Accommodation Ltd
Site:	321 And 323 Rectory Road Bensham Gateshead NE8 4RS
Ward:	Saltwell
Proposal:	Change of use from dwelling (use class C3) to an eight-bedroom house in multiple occupation (HMO) (sui generis use)
Recommendation:	Refuse Permission
Application Type	Change of Use

1.0 The Application:

1.1 DESCRIPTION OF THE SITE

This application concerns a dwellinghouse on Rectory Road in the Saltwell ward. The property is a two storey terraced house having been historically converted from two Tyneside flats. The property has a small rear yard and a two storey pitched roof offshoot at the rear. At the front of the property there is a small garden enclosed by a brick wall. Both neighbouring properties either side of the application site are residential as are the surrounding properties. There is no on-site parking associated with the application site.

1.2 DESCRIPTION OF THE APPLICATION

This application seeks planning permission for the change of use of a property from a dwellinghouse (use class C3) to an eight bedroom House in Multiple Occupation (HMO) (sui generis).

1.3 The applicant has confirmed that all lettable rooms would be double bedrooms however it is unclear whether all rooms would be occupied by two people. As the internal layout could accommodate a maximum of 16 people, officers have considered the application on the basis that this number of people would occupy the property.

1.4 The application proposes no extensions or external alterations to the property. Internal alterations to the premises have been completed to convert the property into a HMO however the property has not yet been occupied by the first resident.

1.5 PLANNING HISTORY

There is no planning history for this property.

2.0 Consultation Responses:

Northumbria Police – No response received.

3.0 Representations:

3.1 This application is referred to the Planning and Development Committee for determination as a ward councillor for Saltwell, Councillor John Adams, objects to the proposal and given the level of local opposition to the development. Councillor Adams raises the following concerns:

- The application is over-development and would encourage other developers to seek out opportunities in the area.
- The proposal would result in a loss of an existing family home contrary to policy CS9 of the Core Strategy.
- The comings and goings and number of proposed residents would harm residential amenity.
- Residents already park in neighbouring streets and the area does not have the ability to absorb any new parking.

3.2 A site notice was displayed at the application site 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 9 objections have been received from 8 people.

3.3 The representations received raise the following issues:

- Overdevelopment
- Too many bedsits
- Residential amenity
- Overbearing
- Additional noise
- Disturbance in early mornings / late evenings
- Traffic and highways
- Inadequate car parking
- Increase of traffic
- Fire safety concerns
- Concern over health issues
- Proposal will attract potential vandals
- Community safety

4.0 Policies:

NPPF National Planning Policy Framework

NPPG National Planning Practice Guidance

CS1 Spatial Strategy for Sustainable Growth

CS3 Spatial Strategy for Neighbourhood Area

CS9 Existing Communities

CS10 Delivering New Homes

CS11 Providing a range and choice of housing

CS13 Transport

CS14 Wellbeing and Health

CS15 Place Making

DC1M Recycling

DC2 Residential Amenity

H5 Housing Choice

ENV3 The Built Environment - Character/Design

5.0 Assessment of the Proposal:

- 5.1 The key considerations to be taken into account when assessing this planning application are:
- i. The principle of the change of use;
 - ii. The living conditions of the occupiers of neighbouring properties with particular regard to noise and disturbance;
 - iii. The proposed standard of accommodation for the future occupiers of the application site;
 - iv. The character and appearance of the application property and surrounding area;
 - v. Highway safety and parking; and
 - vi. Any other material considerations.
- 5.2 **PRINCIPLE OF CHANGE OF USE**
Paragraph 50 of the NPPF states that Local Planning Authorities should deliver a wide choice of high quality homes, widen opportunities for home ownership and create sustainable, inclusive and mixed communities.
- 5.3 Within this context, policy CS9 of the Core Strategy sets out the Council's approach to ensure that existing communities are sustainable places of quality and choice. The policy states that this aim will be achieved by various measures including "preventing the loss of family homes, through sub-division, change of use or re-development".
- 5.4 Policy CS11 of the Core Strategy seeks a better range and choice of housing needed to improve the borough's housing offer. This is achieved by, amongst other things, requiring 60% of new private

housing across the plan area being suitable for and attractive to families with a minimum target of 16,000 new homes to have 3 or more bedrooms.

- 5.5 Policies CS9 and CS11 of the Core Strategy together seek to re-balance Gateshead's housing stock given the substantial evidence of a shortage of 3 or more bedroom properties and the need for mid-market family dwellings to help stem the migration of family-forming households out of the plan area. This problem is particularly applicable to the Saltwell ward where the Bensham and Saltwell Neighbourhood Action Plan concludes the housing market is unbalanced with an over-representation of single person households and a deficiency of family homes - particularly large family homes.
- 5.6 Several objections received raise the loss of family homes as a concern and that the proposed application would not help to improve this issue.
- 5.7 The development proposed in this application would result in the permanent loss of a home which is suitable for families in a ward where Census data shows the majority of existing homes contain fewer than 3 bedrooms. It is therefore considered the proposed development would further erode the provision of family homes in Saltwell and would undermine the overall aims and objectives of the Core Strategy which seek to safeguard and improve the provision of housing for a specific identified need to achieve a mixed and balanced community. The proposed change of use is therefore in conflict with policy CS9(4) of the Core Strategy.
- 5.8 Policy CS9(5) also states that sustainable communities will be achieved by preventing an over-concentration of shared accommodation, such as HMOs, and proffers that high concentrations of HMOs can create problems in terms of environmental quality and residential amenity.
- 5.9 Representations state that existing HMOs in the area are contributing to the over-population of the area and that allowing a further HMO on Rectory Road would cause further harm to this precarious and non-stable community.
- 5.10 Up-to-date data from Private Sector Housing shows over the last 18 months the number of HMOs has increased by 62% on Rectory Road with 10 new conversions taking place in that time, taking the total to 26. This data is incomplete as only certain types of HMO require involvement from the Private Sector Housing team or a HMO licence so the actual number is likely to be higher. Data from the Housing Growth Team has also identified that there are a number of empty properties (including long term empties) within this area.

- 5.11 Furthermore, Census data from 2011 shows that the background to this is that the Saltwell ward has a significantly higher number of households formed of part of a converted or shared house (14% of household spaces) when compared to the surrounding wards (up to 6%) or the borough as a whole (3%).
- 5.12 When taken together, officers consider that the available data supports the viewpoint of local residents, as expressed in their objections, and that the addition of a further HMO into an area with an existing unbalanced housing mix would impact negatively on neighbourhood sustainability, and increase low demand.
- 5.13 Whilst it is acknowledged the Council does not have an explicit figure which it considers as a threshold for an “over-concentration of shared accommodation” it is clear that the level of shared accommodation on Rectory Road and in the ward as a whole is, at its existing level, undermining the long-term sustainability of the area rather than forming an appropriate and valuable part of the overall housing mix in a sustainable, inclusive and mixed community.
- 5.14 To conclude on the principle of the development, it is officers’ opinion that the proposal would result in the loss of a family home contrary to the overall aims and objectives of the Core Strategy and policy CS9(4). The proposal would also cause further harm to the sustainability of the area exacerbating the existing unbalanced housing market and failing to support an inclusive and mixed community. This is in conflict with paragraph 50 of the NPPF and policy CS9(5) of the Core Strategy.
- 5.15 **LIVING CONDITIONS**
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.
- 5.16 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.
- 5.17 The representations received raise concerns over the potential for a deterioration in the living conditions of existing residents of the street were this application to be approved.
- 5.18 The existing internal works have converted the property into 8 bedrooms as per the submitted floor plans. The applicant has confirmed that all lettable rooms would be double rooms, therefore the HMO could be occupied by up to 16 people.
- 5.19 The lawful use of the application property is a C3 dwellinghouse. The use of a property as a HMO is often markedly different from occupation as a family home. Although some tenants may be more considerate

than others, the general level of activity associated to a HMO and transient nature of HMO occupants, who are likely to lead separate, individual lives, is significantly greater than a typical family house and therefore increases the potential for noise and disturbance.

- 5.20 In this case, officers consider that the movements of a group of up to 16 people with independent lifestyles would cause a material increase in comings and goings to the property over and above a C3 dwelling - and that the associated noise and disturbance would cause undue harm to the living conditions of the residents of surrounding properties. It is considered this harm would be compounded by the additional comings and goings of non-tenants including a greater increase in visitors to the house.
- 5.21 National Planning Practice Guidance advises that conditions can enhance the quality of development and enable development proposals to proceed where it would otherwise have been necessary to refuse planning permission, by mitigating the adverse effects of the development.
- 5.22 With regard to noise and disturbance, officers are of the view that a condition attempting to limit the number of occupants to a reduced number, to lessen the identified harm to residential amenity, would not be practically possible to enforce in terms of detecting a contravention. Nor would it be precise or reasonable when taking into account visitors and guests to the property some of whom may stay overnight or for a longer duration of time. It is therefore concluded that such a condition would fail the tests of precision and enforceability set out in paragraph 206 of the NPPF.
- 5.23 Further, the application does not include any specific proposals to reduce noise transmitted from the HMO to the adjoining properties with shared walls. The potential impact of the development on the occupiers of neighbouring properties would be intensified by the presence of a single communal kitchen and communal lounge for up to 16 occupiers and any additional visitors, as well as the arrangement of the toilet and shower block on the first floor. Officers consider that the number of residents mean the internal communal areas would be used significantly more intensively than a typical family terraced house, as would the toilet and shower block which are consolidated into an area on the first floor along the party wall. This would result in noise and disturbance through the internal walls to the detriment of the living conditions of the immediate neighbouring properties. There is no evidence to suggest that sound proofing works would, assuming it would be a reasonable solution to impose, be affective to reduce the additional noise that would be produced through the increased use of the application property by up to 16 people.
- 5.24 In light of the above and given the terraced nature of the street, it is considered there would be conflict between the proposed use and the

C3 residential uses in the immediate vicinity. Officers therefore consider the change of use would cause material harm to the living conditions to the occupiers of surrounding properties contrary to the aims and objectives of the NPPF, policy CS14 of the Core Strategy and saved policy DC2 of the UDP.

- 5.25 Turning to the living conditions of the future occupiers of the HMO, policy CS11(4) of the Core Strategy requires, amongst other things, that residential development provide adequate space inside the home, including storage, to meet the needs of residents.
- 5.26 The kitchen is somewhat restricted in terms of space and storage for 16 people and due to the fact the kitchen and lounge are the only internal communal space it would be a rather intensive arrangement. The kitchen would contain two cookers, sinks and fridges. It is considered the size and facilities are just about sufficient to provide enough in the way of facilities to meet the day-to-day cooking needs of the HMO occupiers.
- 5.27 Whilst the kitchen may be acceptable on balance, officers consider that living conditions of the occupiers of rooms 7 and 8 in the attic would be poor. It is reasonable to conclude that given the size of the lounge, which cannot accommodate all 16 residents comfortably, and in the pursuit of privacy and solitude, residents of the HMO would spend extended periods of time in their rooms when compared to the living arrangements in family homes. The planning system cannot control types of tenancies so it is more than a possibility the HMO would be occupied by a number of unrelated persons let as individual rooms. As such it is proper for planning to safeguard their living conditions.
- 5.28 Like all lettable rooms, rooms 7 and 8 would be double bedrooms. They are part of a loft conversion and the ceiling forms part of the external roof slope therefore these rooms do not have a full height ceiling for the entire room. It is considered this would create a cramped and claustrophobic living environment for the occupiers of these rooms and the slope of the ceiling would render the room impractical for normal day-to-day living including the ability to sit at a desk and chair or have room for enough storage including a wardrobe. In addition, the outlook the future occupier of bedroom 8 would have in particular is considered to be poor given the size and siting of the rooflights.
- 5.29 The harm to the future occupiers living conditions would be compounded by the fact that these rooms would represent their only personal, private space in the property therefore it is considered the proposed development fails to meet the needs of the future residents of rooms 7 and 8 or provide adequate living space contrary to policy CS11(4) of the Core Strategy.
- 5.30 In summary, the intensive use of the property would cause a significant increase in comings and goings and an unacceptable level of noise

and disturbance thereby causing material harm to the living conditions of the existing occupiers of surrounding properties. Also the proposed residents of rooms 7 and 8 would have unacceptable living conditions due to the cramped nature and lack of adequate space. This is in conflict with the NPPF, policy CS14 of the Core Strategy and saved policy DC2 of the UDP.

5.31 CHARACTER AND APPEARANCE

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.

5.32 The applicant proposes no external alterations to the property therefore the development would accord with policies CS15 of the Core Strategy and saved policy ENV3 of the UDP as the existing character and appearance of the host property and area would be retained.

5.33 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.

5.34 Several representations raise the issue of parking availability on Rectory Road stating that the area cannot absorb any new demand for car parking and the area is already at capacity with residents unable to park in their own street and instead having to use neighbouring streets.

5.35 Council parking guidance indicates that a maximum provision of three parking spaces should be sought for an HMO consisting of eight bedrooms. For the existing large, single house a provision of between one and two spaces may be expected. Therefore, the net increase as a result of the HMO is estimated to be one to two vehicles.

5.36 The Transport and Highways department conducted two parking surveys during the consideration of this application concluding that parking demand was near capacity. Whilst officers acknowledge car parking is an issue in this area, it is not considered that the proposed development would have a significant negative impact on the existing car parking arrangements. Further, it is considered that the number of free spaces observed on-street would be broadly similar to the increase in parking which would arise from the HMO. As a result, the development would not have a severe impact on highways and parking and would therefore accord with the NPPF and policy CS13 of the Core Strategy.

5.37 OTHER ISSUES

Separate from the material considerations discussed above the objections received state that there are concerns regarding the reputation of the applicant. The granting of planning permission runs with the land therefore the proposal is assessed on its own merits. The reputation of the applicant is not a material consideration.

5.38 It is also stated that there are concerns about fire safety as there is only one internal staircase. Fire safety is dealt with through the Building Control regime and the planning system should not duplicate other statutory controls or be used to achieve objectives relating to other legislation. A Building Regulations application is currently pending consideration.

5.39 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.

6.0 CONCLUSION

6.1 Taking all the material planning considerations into account, including the objections raised, it is recommended that planning permission be refused.

7.0 Recommendation:

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

1

The development would fail to help achieve a mixed and balanced local community by causing the loss of a family home contrary to the National Planning Policy Framework and policy CS9(4) of the Core Strategy and Urban Core Plan.

2

The development would exacerbate the existing unbalanced housing market in the area thereby failing to support an inclusive and mixed community through the further adding to the over-concentration of shared accommodation contrary to the National Planning Policy Framework and policy CS9(5) of the Core Strategy and Urban Core Plan.

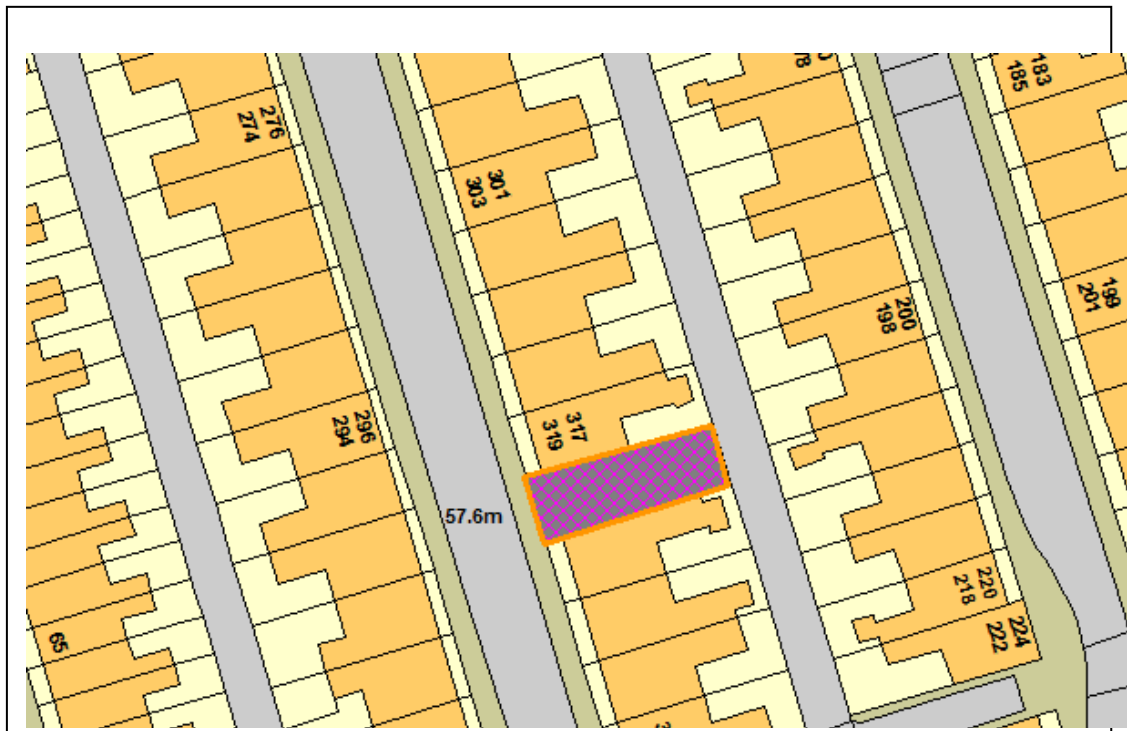
3

The intensive use of the property would cause a significant increase in comings and goings and an unacceptable level of noise and disturbance thereby causing material harm to the

living conditions of the occupiers of surrounding properties. This is contrary to the National Planning Policy Framework, policy CS14 of the Core Strategy and Urban Core Plan and saved policy DC2 of the Unitary Development Plan.

4

Rooms 7 and 8 would fail to provide adequate living and storage space for the future occupiers resulting in a poor, cramped living environment contrary to the National Planning Policy Framework and policy CS11(4) of the Core Strategy and Urban Core Plan.



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Committee Report

Application No:	DC/17/01117/OUT
Applicant	Follingsby International Enterprise Park Limited
Date Application Valid	12 October 2017
Site:	Follingsby Park South Follingsby Lane Gateshead NE10 8YA
Ward:	Wardley And Leam Lane
Proposal:	Outline application for Use Class B8 and B2, along with associated offices, internal roads, car parks, infrastructure and landscaping, with all matters reserved except access (further information received in respect of the environmental statement 28/11/2017).
Recommendation:	GRANT SUBJECT TO A SECTION 106 AGREEMENT and subject to no additional material planning issues being raised during the re-consultation period which expires on 30 December 2017 that have not previously been considered.
Application Type	Outline Application

1.0 The Application:

1.1 DESCRIPTION OF APPLICATION SITE

1.2 The application site is an area of fields / agricultural land which measures around 37.62 hectares, south of Follingsby Lane. The topography of the site falls from north to south towards the River Don.

1.3 There are a range of utilities on the site. Overhead electricity cables cross the site running in an east to west direction. Below ground is a high pressure gas mains which runs across the site again in an east to west direction. Connecting to this is a medium pressure gas mains which runs south to north through the site.

1.4 The site is allocated for employment land (B8 storage and distribution uses) under policy KEA2 South of Follingsby Lane in the Council's adopted Core Strategy and Urban Core Plan for Gateshead and Newcastle upon Tyne (CSUCP). The site is also situated within a Wildlife Corridor. The vast majority of the site is situated within Flood Zone 1. There is a small area of the southern part of the site, which runs adjacent to the River Don which is situated within Flood Zones 2 and 3. There is a public right of way (footpath Felling 22) which runs along the western boundary of the site.

- 1.5 The site is situated on the south eastern edge of Gateshead, with the Borough of South Tyneside to the north and east and the City of Sunderland to the south. The site lies immediately to the south of Follingsby Lane, with Follingsby Park Industrial Park which includes a range of manufacturing and storage / distribution uses to the north. The former Leamside Railway Line is immediately to the east of the site with fields, commercial uses, stables and some residential properties further east in South Tyneside. The River Don is immediately to the south of the site with fields, a riding stables, playing pitches and the residential areas of Washington to the south in Sunderland. South Follingsby Farm is to the west of the site with the A194 motorway, Heworth Golf Club and the residential areas of Wardley and Heworth beyond.
- 1.6 DESCRIPTION OF PLANNING APPLICATION
- 1.7 This planning application is seeking outline planning permission for the erection of up to 90,000m² of floor space. The proposed uses provide for B2 (general industry) and B8 (storage and distribution) of which not more than 30% (27,000m²) will be for uses within B2. The main use of the site is therefore for warehousing and distribution (use class B8).
- 1.8 This is an outline planning permission with all matters reserved except access. Detailed drawings have been provided to show the proposed access arrangements to the site. No details relating to access within the site have been provided at this outline stage. Matters relating to appearance, landscaping, layout and scale of the development will be the subject of subsequent reserved matters planning applications.
- 1.9 A Parameters Plan has been submitted at this outline stage which shows the areas of the site which would be built on and the areas of the site which would provide green infrastructure. The built development area of the site would include warehouse, distribution and industrial uses, and associated car parks, service yards, internal roads and formal landscaping including planting along the Follingsby Lane frontage and within the car park areas. The proposed areas of green infrastructure along the eastern, southern and western boundaries of the site range from 35 metres to 150 metres in width and will provide ecology habitat areas, landscaping, drainage including SuDs features and a safeguarded zone of 10 metres along the southern boundary of the site for future improvements to the River Don.
- 1.10 The Parameters Plan sets out the minimum and maximum numbers of units to be developed within the built development area and allows for between two to four units. The maximum height of the buildings is 28 metres above the proposed finished floor level. The minimum and maximum finished floor levels as defined on the Parameters Plan are 52.5m (above AOD) and 55m (above AOD).
- 1.11 Detailed plans have been submitted for the access into the site. These show that the vehicle access to the site will be from Follingsby Lane via 3 new

junctions. There is an existing vehicle access to the site from Follingsby Lane which is to be retained as a maintenance access point.

1.12 TIMING OF DEVELOPMENT

1.13 The construction of the development is anticipated to take up to 4 years, including site preparation, enabling works and construction, including ground works, foundations, buildings and external service yards and car parking. On the basis that construction works commence in the second quarter of 2018 they are anticipated to end in 2021.

1.14 EIA DEVELOPMENT

1.15 The proposed development represents an industrial estate development project on a site exceeding 0.5 hectares so falls within part 10 (a) of Schedule 2 of the Town and Country Planning (Environmental Impact Assessment) Regulations 2017. (EIA Regs). Part 1 of the EIA Regs confirms that development falling within Schedule 2 may comprise EIA development if it is likely to have significant effects on the environment by virtue of its nature, size or location.

1.16 The Council has agreed with the developer that the proposed development has the potential for significant effects due to the scale and nature of the development and its location to sensitive environmental receptors. As such the proposed development is considered to be EIA development and has been submitted with an Environmental Statement (ES). The submitted ES considers the likely significant effects arising during the construction and operation of the development and the potential cumulative effects which may arise when considered with other relevant nearby developments.

1.17 ACCOMPANYING INFORMATION

1.18 The application has been submitted with the following supporting information.

The Environment Statement comprising of :

Volume 1 Non Technical Summary

Volume 2 Main Technical Assessments

Chapter A - Introduction and Background

Chapter B - Scope and Methodology

Chapter C - Site and Scheme Description

Chapter D - Transport

Chapter E - Biodiversity

Chapter F - Heritage (above and below ground)

Chapter G - Landscape and Visual Impact

Chapter H - Air Quality

Chapter I - Water Resources

Chapter J - Noise

1.19 and the following supporting information :

Sustainable Drainage Statement
Phase 1 Geo-Environmental Assessment
Arboricultural Impact Assessment
Illustrative Scheme for Undeveloped Area
Utilities Statement
Planning Statement
Flood Risk Assessment
Transport Assessment
Framework Travel Plan
Summary Statement
Design and Access Statement

1.20 FURTHER INFORMATION (received 28 November 2017)

1.21 The Council formally requested further environmental information on 25 November 2017. On 28th November 2017 an updated Non Technical Summary and Supplementary Environmental Statement (SES) were submitted. This additional information was in response to the Council's request for further information but also includes additional survey work carried out, amendments to the proposed access arrangements and responds where practicable and relevant to comments made by consultees. The key design change is the reduction in the number of proposed new access points from 4 to 3 along Follingsby Lane

1.22 RELEVANT PLANNING HISTORY

1.23 None.

2.0 Consultation Responses:

Tyne And Wear Archaeology Officer	No objection subject to a number of planning conditions relating to excavation and trial trenching on the site and the publication of the findings.
Environment Agency	No objection subject to a number of planning conditions relating to no buildings being location within flood zones 2 and 3 on the site, the provision of a buffer zone along the River Don and the provision of a river restoration scheme for the River Don.

Highways England	No objection to the proposal as it would not result in a material impact on the strategic road network.
Natural England	No objection as the proposal is unlikely to affect any statutorily protected sites or landscapes. No assessment has been made for impacts on protected species and the Council should apply the standing advice.
Network Rail	No objection in principle to the development subject to a number of planning conditions.
Health And Safety Executive	No objection as does not advise on safety grounds against the granting of planning permission.
Northern Gas Networks	No objection.
Northumbria Water	No objection subject to a planning condition requiring the foul flows to discharge into the existing foul sewer at manhole 0202 and the surface water to discharge directly into the River Don watercourse.
Nexus	No objection

3.0 Representations:

- 3.1 This planning application has been advertised on site and in the press as EIA development which has been submitted with an Environment Statement, as well as being a departure (as B2 floor space is proposed) and affecting a public right of way.
- 3.2 ORIGINAL INFORMATION / PLANS SUBMITTED (12 October 2017)
- 3.3 The Council sent neighbour notification letters to 69 properties surrounding the site in Gateshead, South Tyneside and Sunderland on 18 and 20 October 2017. Council officers displayed 9 notices surrounding the site in Gateshead, South Tyneside and Sunderland on 18 October 2017. In addition a notice also appeared in the Newcastle Journal on 18 October 2017.
- 3.4 No representations have been received from any of the surrounding properties.
- 3.5 SUNDERLAND COUNCIL
- 3.6 Sunderland Council was consulted as an adjoining Council to the south of the application site. On 20th October 2017 they responded stating that the City Council had no observations to make in respect of the development.

- 3.7 On the 1st November 2017 Sunderland Council stated that they wished to make an additional representation from a planning policy point of view. This additional representation letter raised concerns about the development on the following grounds.

The inclusion of B2 floor space should be advertised as a departure to the approved development plan

The B2 floor space could diminish Sunderland Council's and South Tyneside Council's joint aspiration for the International Advanced Manufacturing Park (IAMP) to the south east of the site

The highway impact of the development on the Sunderland Council area has not been assessed.

- 3.8 ADDITIONAL INFORMATION / PLANS (received 28 November 2017)

- 3.9 The Council sent neighbour notification letters to 69 properties surrounding the site in Gateshead, South Tyneside and Sunderland on 28 November 2017. Council officers displayed 9 notices surrounding the site in Gateshead, South Tyneside and Sunderland on 28 November 2017. In addition a notice also appeared in the Newcastle Journal on 30 November 2017.

- 3.10 The consultation period to make comments on the additional information and plans received on 28 November 2017 expires on 30th December 2017.

- 3.11 Any further comments received before the committee meeting will be provided as an update report (written and if necessary verbal at the time of the meeting).

- 3.12 SUNDERLAND COUNCIL

On 5th December 2017 Sunderland Council responded stating that they had considered the further information provided by the applicant and consider that no further information is required in respect of the Transport Assessment.

- 3.13 However Sunderland Council still has substantive concerns in relation to the planning application being in conflict with and a departure from the Council's adopted development plan.

- 3.14 SOUTH TYNESIDE COUNCIL

Object to the application on the basis that it represents a departure (as an element of B2 is proposed) from the allocation and this would have a negative impact on the International Advanced Manufacturing Park (IAMP). Further, comments are made on the scope of the Transport Assessment, sustainable transport measures, impact on the River Don, ecology and screening from the Green Belt.

4.0 Policies:

NPPG National Planning Practice Guidance

NPPF National Planning Policy Framework

DC1D Protected Species

DC1H Pollution

DC1J Substrata Drainage-Water Quality

DC1P Contamination, derelict land, stability

DC2 Residential Amenity

ENV3 The Built Environment - Character/Design

ENV22 Sites of Archaeological Imp - Potential

ENV44 Wood/Tree/Hedge Protection/Enhancement

ENV46 The Durham Biodiversity Action Plan

ENV47 Wildlife Habitats

ENV51 Wildlife Corridors

ENV54 Dev on Land Affected by Contamination

CS13 Transport

CS14 Wellbeing and Health

CS15 Place Making

CS17 Flood Risk and Waste Management

CS18 Green Infrastructure/Natural Environment

KEA2 Follingsby South

5.0 Assessment of the Proposal:

- 5.1 The main planning issues are considered to be the principle of the development, landscape and visual impact, heritage issues, the potential for land contamination, noise, air quality, transport issues, flood risk / drainage, ecology, socio economic issues and cumulative effects.

5.2 PRINCIPLE OF DEVELOPMENT

- 5.3 The site is allocated for up to 90,000m² of employment land (B8 storage and distribution uses) under policy KEA2 South of Follingsby Lane in the Council's CSUCP. This planning application is seeking outline planning permission for the erection of up to 90,000m² of floor space. The proposed uses would include B8 (storage and distribution) and B2 (general industry) of which not more than 30% (27,000m²) will be for uses within B2. The main use of the site is therefore for warehousing and distribution (use class B8).
- 5.4 Given that this site is allocated for B8 use only and the proposal includes an element of B2 use the application has been advertised by the Council as a departure to the Council's development plan.
- 5.5 The submitted Planning Statement explains that the inclusion of an element of B2 floor space is essential to provide flexibility to the developer to respond quickly to market demand. The Planning Statement then explains the economic merits of the inclusion of B2 uses within the development. These include the potential to diversify the offer of employment premises available to the market and the compatibility between B2 general industry and B8 storage and distribution uses.
- 5.6 Council officers agree with these economic benefits of including B2 uses as part of the development and that incorporating B2 use as part of the development will make it more attractive to potential occupiers. However no evidence has been provided as part of the application to suggest that there is no reasonable prospect of the site being occupied for B8 uses alone.
- 5.7 This site was allocated for B8 development due to its potential contribution to supporting the distribution and logistics sector. Whilst the inclusion of B2 (general industrial) floor space has the potential in quantitative terms to reduce the amount of floor space given to B8 (storage and distribution) uses, Council officers are of the view that the inclusion of B2 uses would not impair the developments primary function within the distribution and logistic sector.
- 5.8 Sunderland and South Tyneside Councils have raised concerns that the B2 floor space could diminish Sunderland Council's and South Tyneside Council's joint aspiration for the International Advanced Manufacturing Park (IAMP) to the south east of the site.
- 5.9 The IAMP Area Action Plan (AAP) and supporting documents were submitted to the Secretary of State and Planning Inspectorate on 6 February 2017 for Independent Examination. The Examination Hearing sessions took place in April 2017. The AAP for IAMP was adopted on 30th November 2017. Therefore at the current time IAMP does not benefit from either a planning application or planning permission.
- 5.10 Notwithstanding the above the evidence base supporting development of the IAMP emphasises that the IAMP will deliver additional growth in the automotive/advanced manufacturing sectors. The additional growth cited

within the IAMP's evidence base makes clear that the IAMP will bring jobs into the region that would not otherwise be delivered (i.e. could not be delivered on existing sites, including at this site Follingsby South, which serves a role in the logistics/distribution sector rather than automotive/advanced manufacturing). The IAMP evidence also makes clear that any displacement effects of the IAMP (i.e. effect the IAMP might have on attracting existing businesses within the region to relocate there) will be outstripped by the wider economic uplift that the IAMP will support across the region.

- 5.11 Council officers are therefore of the view that the development of this site for B8 and B2 uses could complement and support (rather than compete with) development of the IAMP.
- 5.12 The EIA Regulations 2017 requires an EIA to include an assessment of any direct and indirect cumulative effects arising from the inter-relationships between different impacts arising from the development when considered alongside any other developments in the area surrounding the site. However in terms of the need to assess the cumulative effect of the potential International Advanced Manufacturing Park (IAMP) best practice requires that cumulative assessments of this nature should have regard to those schemes which are 'reasonably foreseeable' (i.e. those under construction or with planning permission). The assessment is only capable of being carried out based on the information available at the time of assessment.
- 5.13 Council officers accept that the inclusion of some B2 uses as part of the development is not in accordance with policy KEA2 of the CSUCP and is therefore a departure to the Council's approved development plan. However the impact of introducing B2 uses as part of the development has been fully assessed in the submitted ES and Supplementary Environmental Statement (SES) and has been found to be acceptable. Council officers also accept the economic benefits that an element of B2 uses at the site could bring.
- 5.14 A condition (condition 7) has been recommended to ensure that any B2 uses on the site do not exceed more than 30% of the 90,000m² floor space to ensure the primary function of the site is for B8 storage and distribution uses in line with the aims and objectives of policy KEA2 of the CSUCP. Subject to this condition the proposed development of the site for B8 and B2 uses is considered to be acceptable
- 5.15 LANDSCAPE AND VISUAL IMPACT
- 5.16 The ES considers the effects of the proposed development on the landscape and receptors. There will be a fundamental change to how the site looks changing from the existing agricultural land to an employment development with large scale industrial buildings, infrastructure and parking.
- 5.17 The ES and SES conclude that the proposed development will alter the local landscape character - however considering the semi-urban and industrial character of the surrounding landscape and the presence of some existing visual barriers in the landscape such as trees and buildings that the proposed

development is appropriate to the location. Council officers agree with this conclusion and also consider that the choice of external materials for the buildings and the provision of additional landscaping at the site could help to reduce the visual impact of the development further.

5.18 The external materials and detailed landscaping are not known at this outline application stage and will be subject to separate reserved matters applications.

5.19 HERITAGE ISSUES

5.20 Below Ground (Archaeology)

A desk based archaeological assessment and geophysical survey report have been submitted as part of the planning application. The site is a large green field site which is part of the agricultural area of the medieval settlement of Follingsby based around several farms. Based on the geophysical assessment the prospect of significant archaeology is low. Trial trenching is however considered to be necessary to determine if an archaeological resource is present on site. A number of conditions have been recommended (conditions 8-10) which require trial trenching to be carried out on site, a report of the findings to be submitted and the publication of the results. The Council's Archaeologist has no objection to the development, subject to these conditions.

5.21 Above Ground

There are no Conservation Areas, Registered Parks and Gardens, Historic Battlefields and World Heritage Sites either within the site or its surroundings that will be impacted upon by the proposed development.

5.22 Bowes Railway and Wardley moated site Scheduled Monuments, the Grade II* Scots House and a number of Grade II Listed Buildings are located within 2 km of the site. The submitted ES and SES assess the impact of the construction and operation phases of the development on these designated heritage assets and concludes that the construction phases will have a neutral and negligible impact. The ES and SES also conclude that the impact of the operation phase of the development on these designated heritage assets is neutral. Council officers agree with these conclusions.

5.23 Subject to the archaeology related planning condition, the proposed development is therefore considered to be acceptable from a heritage point of view and accords with the aims and objectives of the NPPF, saved policy ENV22 of the UDP and policy CS15 of the CSUCP.

5.24 LAND CONTAMINATION

5.25 A Phase 1 Geo Environmental Assessment Report has been submitted as part of the application. This report assesses the potential for contamination to be present on site and concludes the risk from historic uses is low. The report does however identify there is a potential risk of contamination issues to exist at the site due to the electricity pylons, gas pipelines/infrastructure, drainage infrastructure and two small buildings on site. Council officers agree with these findings.

- 5.26 It is therefore considered that a number of planning conditions (conditions 11-15) are necessary to require a Phase 2 Risk Assessment Report to be undertaken to inform foundation design and gas protection measures, the submission/implementation of a remediation strategy and verification report as well as controlling any previously unidentified contamination that may be discovered on the site.
- 5.27 Subject to these conditions, it is considered the proposed development is acceptable from a contaminated land point of view and would accord with the aims and objectives of the NPPF, saved policies DC1(p) and ENV54 of the Council's UDP and policy CS14 of the CSUCP.
- 5.28 NOISE
- 5.29 The ES and SES consider the potential noise impacts resulting from the proposed development.
- 5.30 Construction Noise
Construction works including site preparation, road widening and the construction of the buildings on the site will generate noise that has the potential to disturb houses and commercial properties surrounding the area. The submitted ES and SES state that due to the separation distances from the site to nearby houses the enabling and construction activities will be below the criteria to be significant. The ES and SES state that for the existing industrial units at Follingsby Industrial Park there is the potential for the highways and building construction to approach criteria to be of significant noise levels, when working in close proximity or undertaking concurrent activities.
- 5.31 The ES and SES therefore propose careful management of the on site construction activities through the adoption of a construction management plan which will reduce these effects. Planning conditions have therefore been recommended (conditions 18-19) to ensure that a construction management plan is approved and implemented on the site in the interests of the amenity of adjacent residential and commercial properties.
- 5.32 The ES and SES suggest the following construction hours :
- 7:30am – 6:30pm Monday – Fridays
7:30am – 1:30pm Saturdays
No working on Sundays, Bank or Public holidays.
- 5.33 A planning condition has been recommended (condition 20) which restricts the construction works to these hours, subject to a change to the suggested Saturday working to 8am-2pm instead in the interest of residential amenity.
- 5.34 Operational Noise
The proposed development may operate 24 hours a day, 7 days a week. The ES and SES have suggested operational noise levels for the development. The ES and SES then state that at these levels the operations at the site will be of

low impact to residents. Planning condition 21 has therefore been recommended to require that the development when operational does not exceed the recommended noise rating in the ES and SES at the nearest noise sensitive property in the interest of residential amenity.

- 5.35 The ES and SES predict the change in traffic noise associated with the proposed development and states that the development will be perceptible at two residential properties on Follingsby Lane (Westfields and Strothers Farm House). The ES and SES go on to state that for 99% of the residential properties assessed the change in road traffic noise due to the development will be below of negligible effect.
- 5.36 The ES and SES explain that based on the results of the assessments, impacts from construction noise and vehicle movements have the potential to increase the noise levels in the area. The ES and SES conclude that these effects will either be temporary in nature, highly localised or limited to a small number of properties.
- 5.37 Council officers agree with the findings and conclusions of the ES and SES. Subject to the recommended planning conditions relating to noise the proposed development is considered to be acceptable from a noise point of view and accords with the aims and objectives of the NPPF, saved policies DC1(h) and DC2 of the UDP and policy CS14 of the CSUCP.
- 5.38 AIR QUALITY
- 5.39 The ES and SES predict the potential air quality effects associated with the construction phase (dust) and operational phase (vehicle emissions) of the proposed development.
- 5.40 A dust management plan is to be prepared for the site to provide measures to ensure dust arising from the construction phases of the development will be controlled, limited and reduced. The ES and SES state that this will result in a negligible impact for dust at nearby properties during the construction phases. The submitted air quality assessment predicts that there will be a negligible impact on vehicle emissions with proposed development in place.
- 5.41 Council officers agree with these conclusions. Planning conditions (conditions 18-19) have been recommended to require a dust management plan as part of the construction management plan to ensure that the construction phases of the development have no significant effects. Subject to these planning conditions the development is considered to be acceptable from an air quality point of view.
- 5.42 TRANSPORT ISSUES
- 5.43 Public right of way
There is a public right of way which runs along the western boundary of the site (footpath Felling 22). The proposed development proposes no changes to this existing right of way – it is not to be stopped up or diverted. The right of way will

be situated within the green infrastructure buffer along the western edge of the site. The proposed development will therefore not have any impact on this existing right of way or its use.

5.44 Access / Parking Arrangements

Proposed vehicle access to the site is from Follingsby Lane via three new junctions comprising shared car and HGV accesses. The position of the access points have been designed in order to meet officer requirements in relation to the spacing of junctions along Follingsby Lane and to achieve appropriate visibility splays in order to promote the safety of all highway users. An existing vehicle access off Follingsby Lane is to be retained for maintenance use associated with the infrastructure on site.

5.45 Follingsby Lane is to be widened from 6.3 metres to 7.3 metres all along the site frontage to accommodate the land use change and the associated HGV movements. The proposals will also provide a shared footway and cycleway along the southern side of Follingsby Lane, together with bus infrastructure improvements.

5.55 Traffic Generation / Impact

The Transport Chapter of the ES and SES assess the potential effects of the development on the local highway network surrounding the site during the construction and operational phases. The ES and SES conclude that residual effect both during construction and operation in terms of transport are acceptable and not significant. Council officers are accepting that the proposals are not severe subject to the external highway works detailed below. Highways England has no objection to the proposal as it would not result in a material impact on the strategic road network.

5.56 Transport Improvements

In addition to the widening of Follingsby Lane and introduction of shared footway and cycleway, a number of transport changes and improvements are proposed as a result of this development including :

- Provision of an uncontrolled pedestrian crossing with central refuge across Follingsby Lane to the west of Access 1.
- Provision of a new signalised controlled crossing across Follingsby Lane to the east of Access 1.
- The upgrade and modification of the signal equipment and controllers at the A195 New Road / B1288 Leam Lane / A195 Lingey Lane junction
- The rerouting of existing bus services onto Follingsby Lane.
- The provision of a new bus stop and layby along the southern side of Follingsby Lane between Access 1 and Access 2.

- The provision of loading / waiting restriction along both sides of Follingsby Lane
 - Reduction in the speed limit along Follingsby Lane from 60mph to 40mph.
- 5.57 A number of planning conditions (conditions 26 -31) have been recommended to approve the final details of these transport changes and improvements and to ensure that they are delivered at an appropriate stage in the development.
- 5.58 The access within the site, number, location and layout of car parking spaces, and the service yards will all be considered as part of the reserved matters application in the context of the assessments that have been carried out as part of this outline application
- 5.59 Planning conditions (conditions 22 - 25) are considered necessary at this outline stage relating to approving and providing cycle parking provision and electric vehicle charging points as part of the development.
- 5.60 Construction Phase
In order to ensure that the impact of the construction phase on the transport network is minimised it is proposed that the construction management plan secured under conditions 18 and 19 will provide details relating to contractor parking and managing the transfer of debris on to the highway.
- 5.61 Travel Plan
A Framework Travel Plan has been submitted as part of the planning application. Council officers consider that some changes are required to this document to make it more appropriate. Conditions 32 – 33 have therefore been recommended to approve and implement a revised Framework Travel and Final Occupier Travel Plans for the development.
- 5.62 Subject to the above planning conditions the proposed development is considered to be acceptable from a transport point of view and would accord with the aims and objectives of the NPPF and saved policy CS13 of the CSUCP.
- 5.63 THE FORMER LEAMSIDE RAIL LINE
- 5.64 The former Leamside Railway Line runs along the eastern boundary of the site. Policy KEA2 of the CSUCP requires that the development of this site safeguards the Leamside Line for potential future re-opening. The submitted Parameters Plan shows that a green infrastructure buffer ranging from 35 metres to 45 metres along the eastern boundary of the site adjacent to the former Leamside Line. It is therefore considered that the proposed development would not prejudice the potential re-opening of the Leamside Line.
- 5.65 Network Rail has been consulted. Given the Council’s aspirations to reopen the currently mothballed Leamside railway line Network Rail has considered the

line to be operational and safeguarded for future re-use. On this basis they have stated that they have no objection in principle to the proposed development subject to a number of planning conditions relating to drainage, boundary fencing, site levels, lighting and landscaping adjacent to the line. These issues are already covered by planning conditions for other reasons relating to flood risk, design, ecology and amenity and /or will be subject to separate reserved matters applications.

5.66 EXISTING HEDGEROWS AND TREES

An Arboricultural Impact Assessment has been submitted as part of this application which identifies a number of hedgerows and trees on the site. The majority of the hedgerows and a small number of trees will be removed from the site to accommodate the development. Replacement and additional landscaping is proposed as part of the development.

5.67 A number of planning conditions (conditions 36 - 37) have been recommended relating to the protection of the trees that are to be retained during construction. Details relating to the proposed landscaping of the site and its management will be considered at the reserved matters stage.

5.68 Subject to the above tree protection planning conditions, the development is considered to be acceptable from a tree/landscaping point of view and accords with the NPPF, saved policy ENV44 of the UDP and policy CS18 of the CSUCP.

5.69 FLOOD RISK / DRAINAGE

5.70 The vast majority of the site is situated within Flood Zone 1 (lowest risk). There is a small area of the southern part of the site, which runs adjacent to the River Don which is situated within Flood Zones 2 and 3. A Flood Risk Assessment (FRA) and Sustainable Drainage Strategy have been submitted as part of the planning application.

5.71 No built development is proposed in flood zones 2 or 3. The FRA concludes that the proposed development is not a significant flood risk, subject to the finished floor levels of the development being raised. It is recommended that the finished floor levels are raised 150mm above surrounding ground levels and that the site has a finished floor level of between 52.5 metres and 55 metres (above AOD). These levels are indicated on the submitted Parameters Plan.

5.72 The Sustainable Drainage Strategy sets out the principles for the drainage design. The foul water flows from the development will connect to an existing foul sewer system in the area. It is proposed that surface water flows from the development will discharge into the River Don to the south of the site at a restricted rate as the site is considered to be unsuitable for infiltration. The FRA therefore concludes that the development will not increase flood risk to the surrounding area as a result of suitable management of surface water discharging from the site.

- 5.73 Northumbrian Water has stated that they have no objection to the development subject to a planning condition requiring the foul flows to discharge into the existing foul sewer at manhole 0202 and the surface water to discharge directly into the watercourse (condition 38).
- 5.74 **River Don Feasibility Study**
As part of the work being carried out by the River Don Partnership a River Don Feasibility Study report was commissioned by the Environment Agency (EA) to assess the potential for providing improvements and river restoration along reaches of the River.
- 5.75 Much of the River Don is considered to be heavily modified and failing and is considered to have potential for improvement. At this current time there are no specific proposals for improving the River Don. The submitted Parameter Plan has however been updated to include a 10 metre safeguarded zone adjacent to the River Don. It is therefore considered that the proposed development would not prejudice the future restoration of the River.
- 5.76 The Environment Agency stated that they have no objection to the proposal subject to a number of planning conditions relating to no buildings being located within flood zones 2 and 3 on the site, the provision of a buffer zone along the River Don and the provision of a river restoration scheme for the River Don. A number of planning conditions (conditions 44 - 48) have therefore been recommended to address the EA's comments.
- 5.77 A number of planning conditions (conditions 38 - 43) have also been recommended relating to the approval and implementation of the drainage scheme for the site including SuDs features and its maintenance. Subject to these planning conditions the proposed development is considered to be acceptable from a flood risk and drainage point of view and accords with the aims and objectives of the NPPF and policies CS17 and KEA2 of the CSUCP. In addition the proposed development provides the opportunity to carry out improvements to the River Don.
- 5.78 The ES and SES conclude that the development would not have any significant impacts on water resources in the area and that there are some beneficial impacts associated with the scheme such as the improvements to the river and water quality. Council officers agree with this conclusion.
- 5.79 **ECOLOGY**
- 5.80 The site is located entirely within a designated Wildlife Corridor. Sections of the Durham Coast Special Area of Conservation (SAC) and Northumbria Coast Special Protection Area (SPA) lie within 9.5km of the development site. Several non-statutory designated nature conservation sites (i.e. Local Wildlife Sites) are located within 2km of the site, including Wardley Colliery LWS (120m northeast) and River Don LWS which forms the southern boundary.
- 5.81 The site comprises a series of arable fields of varying size bound by native hedgerows with occasional hedgerow trees, smaller areas of semi-

improved/marshy grassland and two small buildings. The River Don forms the southern boundary of the site which at its eastern end supports a narrow strip of broadleaved woodland.

- 5.82 Several ponds occur within 500m of the site, a number of which have been confirmed as supporting breeding great crested newts (European Protected Species). The River Don supports water vole and occasional commuting otter. Habitats within and adjacent the site also provide opportunities for terrestrial amphibians (incl. common toad), farmland birds, foraging/commuting bats, brown hare, hedgehog and badger.
- 5.83 The site and its setting have been subject to a range of ecological surveys to inform allocation of the site for employment use under policy KEA2 of the CSUCP. In addition a range of surveys have been undertaken to support other planning applications in the local area. Using data gathered from a range of sources including a desk based study, previous ecological survey work and more recent survey work where time constraints have allowed the ES and SES identify the key ecological constraints as being :
- the River Don corridor and its associated water vole population
 - local great crested newt populations
 - farmland and woodland edge birds
 - otter and bats which use the River Don corridor
- 5.84 The proposed development will result in the loss of all arable land and internal hedgerows on the site. These areas will be replaced by the development together with 13.08 hectares of green infrastructure on the eastern, southern and western boundaries of the site.
- 5.85 Mitigation measures are proposed to protect the value and function of the River Don corridor and maintain ecological connectivity with neighbouring habitats/designated sites, including Wardley Colliery LWS. Mitigation measures are also proposed to avoid/minimise adverse impacts on protected/priority species during the construction and operational phases of the development. These proposed mitigation and enhancement measures can be secured through planning conditions (conditions 49 - 54).
- 5.86 Whilst mitigation measures have been put forward, the reduced width of the southern ecological/landscape buffer is likely to compromise its potential to support birds of open habitats including wading birds. Council officers are of the opinion that this level of impact cannot be mitigated on site alone. It is therefore considered that it is not possible to develop this site with no net loss of biodiversity.
- 5.87 In recognition of this and in accordance with the hierarchy set out in the NPPF, Council officers consider that off-site ecological compensation is therefore required to render the proposed development ecologically acceptable.

- 5.89 After considering options Council officers have identified an off-site ecological solution which involves the creation of 3.5 hectares of wet/marshy grassland at Shibdon Meadow LWS. The costs associated with the above off-site ecological compensatory measures (£58,750) can be secured by a planning obligation. Council officers consider that this would represent an acceptable/proportionate off site ecology scheme. The applicant has agreed to the off-site ecological solution and discussions are currently taking place to progress and complete the planning obligation.
- 5.90 The Local Planning Authority considers that the proposed development will require a Natural England European Protected Species Mitigation Licence in respect of great crested newts, and that the relevant licensing authority is likely to issue such a licence subject to the submission of an acceptable licence application by the applicant and/or their appointed agent.
- 5.91 In respect of discharging its statutory duty with regards to the consideration of species (namely great crested newt) protected under the provisions of the Habitats Directive, and implemented through the Conservation of Habitats and Species Regulations 2017, the Local Planning Authority is satisfied that the proposed development meets the requirements of the three derogation tests:
- a. Imperative reasons of overriding public interest of a social or economic nature or preserving public health and safety. The significant socio economic benefits are outlined in the Socio Economic section of this report.
 - b. No satisfactory alternative. The ES and SES consider alternatives and Council officers agree with the findings.
 - c. Favourable conservation status of the European Protected Species in their natural range – The LPA is satisfied that suitable measures can be imposed that will minimise the impact of the development on individual great crested newts during the site clearance and construction phases of the development, and that the proposed creation of new/replacement breeding and terrestrial habitat, along with measures to improved ecologically connectivity, will result in the conservation status of the local great crested newt population being maintained at or above its current level.
- 5.92 The ES and SES conclude that with the implementation of the proposed mitigation measures (including licenced mitigation in respect of great crested newts) no residual adverse construction effects of above minor adverse significance are anticipated other than on wading birds which will be lost to the development with a moderate adverse effect. The ES and SES also state that a number of potential benefits will be provided as a result of the development including habitat creation and improved ecological connectivity. Council officers agree with these conclusions.

5.93 Subject to the above ecology related planning conditions and off-site ecology compensation measures to be secured by a planning obligation, it is considered that the proposed development would not have a detrimental impact on designated sites, protected species, priority habitats, priority species and ecology connectivity and would therefore comply with the NPPF, saved policies DC1(d), ENV44, ENV46, ENV47, ENV49 and ENV51 of the UDP and Policy CS18 of the CSUCP.

5.94 SOCIO ECONOMIC ISSUES

5.95 This chapter of the ES and SES assess the likely socio economic effects of the proposed development both during its construction and operation. During construction the ES and SES state that the development is expected to support 130 construction jobs and 195 spin off jobs each year over the duration of a four year build project.

5.96 The ES and SES estimate that the proposed development is capable of accommodating between 1,125 and 1,538 jobs on site. Adjusting for part time workers this is likely to equate to between 1,047 and 1,444 full time equivalent jobs. The proposed development could also generate £1.84m to £1.94m of additional business rates revenue per year.

5.97 The ES and SES conclude that the development would not give rise to any adverse socio economic effects. The ES and SES go on to state that overall the proposed development will have a permanent beneficial effect from a socio economic point of view. Council officers agree with this conclusion and are of the opinion that the development would result in significant investment in the area which would provide significant local employment opportunities and expenditure.

5.98 CUMULATIVE EFFECTS

5.99 The ES and SES assess whether any cumulative effects may arise from the proposed development when considered with other schemes in proximity to the site. The objective is to identify whether impacts from several developments which individually might be insignificant could when considered together cause a significant indirect and cumulative impact requiring mitigation.

5.100 The ES and SES identify cumulative effects in respect of transport, landscape and visual and ecology arising from the development when considered with other developments in the area. The ES and SES conclude that none of the identified cumulative effects will be significant. Council officers agree with this assessment and findings.

5.101 COMMUNITY INFRASTRUCTURE LEVY

5.102 On 1st January 2017 Gateshead Council became a Community Infrastructure Levy (CIL) Charging Authority. This application has been assessed against the Council's CIL charging schedule and the development is not CIL chargeable

development as it is not for qualifying retail or housing related development. As such no CIL charge is liable.

6.0 CONCLUSION

- 6.1 The Environmental Information contained with the Environmental Statement (ES) and Supplementary Environmental Statement (SES) submitted with this application has been taken into consideration by the Council in coming to its decision.
- 6.2 A range of mitigation measures have been identified which are capable of being provided through planning conditions and a planning obligation.
- 6.3 The ES and SES conclude that negative residual effects remain for landscape/visual and noise in relation to some properties that are close to the site. The ES and SES also conclude that all other effects are negligible, neutral or beneficial. Council officers agree with these findings and conclusions.
- 6.4 The negative impacts should however be balanced against the significant beneficial socio economic benefits of the development in terms of investment in the area and local employment opportunities and expenditure. Overall the effect on the local community is considered to be a positive one.
- 6.5 The inclusion of some B2 uses as part of the development is not in accordance with policy KEA2 of the CSUCP and is therefore a departure to the Council's approved development plan. However the impact of introducing B2 uses as part of the development has been fully assessed in the submitted ES and SES and has been found to be acceptable.
- 6.6 Therefore taking into account all the relevant material planning considerations, including the environmental information contained with the Environmental statement, the Supplementary Environmental Statement, the comments made by consultees and the representations received, it is considered that the proposal is acceptable and accords with the aims and objectives of both national and local planning policies.
- 6.7 It is therefore recommended that planning permission be granted subject to the planning conditions and planning obligation below.

7.0 Recommendation:

GRANT SUBJECT TO A SECTION 106 AGREEMENT and subject to no additional material planning issues being raised during the re-consultation period which expires on 30 December 2017 that have not previously been considered.

1) The agreement shall include the following obligations: the payment of £58,750 for off site ecology compensation

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 (set out below) as necessary.

1

The development hereby permitted in outline shall not be carried out other than in complete accordance with the plan(s) accompanying the application as listed below :

17072-0010 Rev B	site location plan
17072-011 Rev H	parameters plan
2119-800-P-001 Rev I	all accesses
2119-900-P-001 Rev E	access 1 general arrangement
2119-900-P-002 Rev E	access 1 engineering layout
2119-1100-P-001 Rev G	access 2 general arrangement
2119-1100-P-001 Rev G	access 2 engineering layout
2119-1200-P-001 Rev B	access 3 general arrangement
2119-1200-P-002 Rev B	access 3 engineering layout

and with such further details for each phase of the development that shall be submitted to prior to the commencement of development on that phase for the Council's approval in writing in relation to the following reserved matters, namely:

- (1) appearance
- (2) landscaping
- (3) layout
- (4) scale

Reason

This condition is imposed pursuant to article 4 (1) of the Town and Country Planning (General Development Procedure) Order 2010 (as amended) to ensure development is carried out in accordance with the approved details as submitted.

2

Application for approval of the reserved matters referred to in condition 1 above shall be made to the Local Planning Authority within 5 years of the date of this permission.

Reason

This condition is imposed pursuant to the requirements of section 92 of the Town and Country Planning Act 1990.

3

The development to which this permission relates shall be begun not later than two years from the approval of the reserved matters referred to in condition 1 above.

(N.B. if the reserved matters are approved on different dates, the two-year period is calculated from the approval of the last such matter to be approved.)

Reason

This condition is imposed pursuant to the requirements of section 92 of the Town and Country Planning Act 1990.

4

The buildings on the site shall not exceed a maximum height of 28 metres above the finished floor level with the maximum finished floor level being 55 metres (above AOD).

Reason

To ensure an appropriate form of development in the interest of good design to accord with the NPPF, saved policy ENV3 of the Unitary Development Plan and policy CS15 of the Core Strategy and Urban Core Plan.

5

No development shall commence on site until a phasing plan which includes details of the elements of the development which are included in each phase and the order of the phases has been submitted to and approved in writing by the Local Planning Authority.

Reason

In the interest of good design and to ensure a comprehensive, phased and co-ordinated approach to the site development to accord with the aims and objectives of the NPPF, saved policy ENV3 of the Council's Unitary Development Plan and Policy CS15 of the Council's Core Strategy and Urban Core Plan.

6

The development shall be carried out in accordance with the phasing plan approved under condition 5 unless otherwise subsequently updated and approved in writing by the Local Planning Authority.

Reason

In the interest of good design and to ensure a comprehensive, phased and co-ordinated approach to the site development to accord with the aims and objectives of the NPPF, saved policy ENV3 of the Council's Unitary Development Plan and Policy CS15 of the Council's Core Strategy and Urban Core Plan.

7

The development hereby approved shall not provide more than 90,000 m² gross external floor space and shall only be used/occupied for the following uses and for no other purpose :

- (a) B2 general industry (which shall not exceed more than 27,000m² of gross external floor space)
- (b) B8 storage and distribution

of the Town & Country Planning (Use Classes) Order 1987 (or in any provision equivalent to that Class in any statutory instrument revoking and re-enacting that Order with or without modification).

Reason

To ensure that the primary function of the site is for B8 in accordance with the NPPF and policy KEA2 of the Core Strategy and Urban Core Plan.

8

No development shall commence on each phase of the development until a specification for a programme of archaeological fieldwork (to include excavation) for that phase of the development has been submitted to and approved in writing by the Local Planning Authority and subsequently carried out on that phase in accordance with the approved specification.

Reason

The site is located in an area of potential archaeological interest and any remains on site should be preserved where possible and recorded in accordance with the NPPF, saved policy ENV22 of the Unitary Development Plan and policy CS15 of the Core Strategy and Urban Core Plan.

9

For each phase of the development, within 3 months of the archaeological field work approved at condition 8 being completed a report of the results of the archaeological fieldwork undertaken for that phase of the development shall be submitted to and approved in writing by the Local Planning Authority.

Reason

The site is located in an area of potential archaeological interest and any remains on site should be preserved where possible and recorded in accordance with the NPPF, saved policy ENV22 of the Unitary Development Plan and policy CS15 of the Core Strategy and Urban Core Plan.

10

No building hereby approved shall be occupied on each phase of the development until a report detailing the results of the archaeological fieldwork undertaken for condition 8 in a form suitable for publication has been submitted to and approved in writing by the Local Planning Authority.

Reason

The site is located in an area of potential archaeological interest and any remains on site should be preserved where possible and recorded in accordance with the NPPF, saved policy ENV22 of the Unitary Development Plan and policy CS15 of the Core Strategy and Urban Core Plan.

11

No development shall commence on each phase of the development until an intrusive site investigation is undertaken for that phase and a Phase 2 Risk Assessment report of the findings submitted to and approved in writing by the Local Planning Authority.

The site investigation will consist of a series of boreholes / trial pits, insitu testing, groundwater and ground gas monitoring, soil sampling and chemical and geotechnical laboratory testing of samples to assess potential contamination issues and inform foundation design.

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

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

Reason

To ensure that risk from land contamination are minimised in accordance with the NPPF, saved policies DC1 (p) and ENV54 of the Unitary Development Plan and policy CS14 of the Core Strategy and Urban Core Plan.

12

No development shall commence on each phase of the development until a detailed remediation scheme to bring that phase of the development to a condition suitable for the intended use has been submitted to and approved in writing by the Local Planning Authority.

The scheme must include all works to be undertaken for that phase, proposed remediation objectives and remediation criteria, timetable of works and site management procedures. The scheme must ensure that the site will not qualify as contaminated land under Part 2A of the Environmental Protection Act 1990 in relation to the intended use of the land after remediation.

A minimum of 1.15m of 'proven' uncontaminated 'clean cover' is required in all soft landscape areas.

Reason

To ensure that risk from land contamination are minimised in accordance with the NPPF, saved policies DC1 (p) and ENV54 of the Unitary Development Plan and policy CS14 of the Core Strategy and Urban Core Plan.

13

No development shall commence on each phase of the development until the remediation measures for that phase of the development approved under condition 12 have been implemented.

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

Reason

To ensure that risk from land contamination are minimised in accordance with the NPPF, saved policies DC1 (p) and ENV54 of the Unitary Development Plan and policy CS14 of the Core Strategy and Urban Core Plan.

14

Following completion of any remediation measures approved under condition 12 on each phase of the development, a verification report that demonstrates the effectiveness of the remediation carried out for that phase must be submitted to and approved in writing by the Local Planning Authority prior to that phase being brought into use and/or the buildings on that phase being occupied.

Reason

To ensure that risk from land contamination are minimised in accordance with the NPPF, saved policies DC1 (p) and ENV54 of the Unitary Development Plan and policy CS14 of the Core Strategy and Urban Core Plan.

15

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

be halted on that part of the site affected by the unexpected contamination.

An investigation, risk assessment, remediation scheme and verification report shall be submitted to and approved in writing by the Local Planning Authority in accordance with the requirements of conditions 11-14.

Reason

To ensure that risk from land contamination are minimised in accordance with the NPPF, saved policies DC1 (p) and ENV54 of the Unitary Development Plan and policy CS14 of the Core Strategy and Urban Core Plan.

16

No development shall commence on each phase of the built development until details of the existing and proposed site levels for that phase of the development has been submitted to and approved in writing by the Local Planning Authority.

Reason

To ensure an appropriate form of development in the interest of good design and to accord with the NPPF, saved policy ENV3 of the Unitary Development Plan and policy CS15 of the Core Strategy and Urban Core Plan.

17

Each phase of the built development shall be implemented in accordance with the site levels approved for that phase at condition 16.

Reason

To ensure an appropriate form of development in the interest of good design and to accord with the NPPF, saved policy ENV3 of the Unitary Development Plan and policy CS15 of the Core Strategy and Urban Core Plan.

18

No development shall commence on each phase of the development until a Construction Management Plan (CMP) for that phase of the development has been submitted to and approved in writing by the Local Planning Authority.

The CMP shall include :

- a dust management plan
- a noise management plan
- pollution prevention measures
- contractor parking
- measures to limit and manage transfer of debris on to the highway

Reason

In order to avoid nuisance to the occupiers of adjacent properties during the construction phases of the development in accordance with the NPPF, saved policies DC1(h) and DC2 of the Unitary Development Plan and policy CS14 of the Core Strategy and Urban Core Plan.

19

Each phase of the development shall be implemented in accordance with Construction Management Plan (CMP) measures approved for that phase of the development at condition 18.

Reason

In order to avoid nuisance to the occupiers of adjacent properties during the construction phases of the development in accordance with the NPPF, saved policies DC1(h) and DC2 of the Unitary Development Plan and policy CS14 of the Core Strategy and Urban Core Plan.

20

All external works in connection with the construction of the development, including deliveries to the site, shall be carried out only between 0700 hours and 1830 hours on Mondays to Fridays, only between 0800 hours and 1400 hours on Saturdays and at no time on Sundays, Bank Holidays or Public Holidays.

Reason

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

21

The rating level of noise emissions from the operational development shall not exceed 34 dB during the night time hours of between 2300 and 0700.

The rating level of noise emissions from the operational development shall not exceed 46 dB during the daytime hours of between 0700 and 2300.

The rating levels specified above are determined at the nearest noise sensitive property taken in accordance with BS4142:2014 or any appropriate future edition of this guidance.

Reason

In the interest of the amenity of adjacent properties and to accord with the NPPF, saved policies DC1(h) and DC2 of the Unitary Development Plan and policy CS14 of the Core Strategy and Urban Core Plan.

22

No cycle parking facilities shall be provided on each phase of the development until a scheme for the provision of cycle parking facilities for that phase of the development has been submitted to and approved in writing by the Local Planning Authority. The cycle parking facilities shall include :

- secure cycle parking provision for visitors
- secure and weatherproof cycle parking provision for staff
- secure motor cycle parking for staff and visitors

Reason

In order to ensure adequate provision for cyclists in accordance with the NPPF, policy CS13 of the Core Strategy and Urban Core Plan for Gateshead and Newcastle upon Tyne and the Council's Cycling Strategy.

23

The cycle parking facilities approved at condition 22 shall be provided on each phase of the development in accordance with the approved details prior to that phase of the development being brought into use and/or the buildings on that phase being occupied.

Reason

In order to ensure adequate provision for cyclists in accordance with the NPPF, Policy CS13 of the Core Strategy and Urban Core Plan for Gateshead and Newcastle upon Tyne and the Council's Cycling Strategy.

24

No electric vehicle charging points shall be provided on each phase of the development until details of the number, location and specification of the charging points for that phase of the development have been submitted to and approved in writing by the Local Planning Authority.

Reason

To promote sustainable travel choices in accordance with the NPPF and policies CS13 and KEA2 of the Council's Core Strategy and Urban Core Plan for Gateshead and Newcastle upon Tyne.

25

The electric vehicle charging points approved at condition 24 shall be provided on each phase of the development in accordance with the approved details prior to that phase of the development being brought into use and/or the buildings on that phase being occupied.

Reason

To promote sustainable travel choices in accordance with the NPPF and policies CS13 and KEA2 of the Council's Core Strategy and Urban Core Plan for Gateshead and Newcastle upon Tyne.

26

No buildings hereby approved shall be occupied until a detailed scheme for the following highway works and improvements along with a timetable for their implementation has been submitted to and approved in writing by the local planning authority:

- (a) Widening of Follingsby Lane with associated works including lighting, drainage and signage details
- (b) Site access including details of gradients and visibility
- (c) Shared footway/cycleway detailing tie in with existing infrastructure and site access's
- (d) Provision of an uncontrolled pedestrian crossing with central refuge across Follingsby Lane to the west of Access 1
- (e) Provision of a new signalised controlled crossing across Follingsby Lane to the east of Access 1.
- (f) The provision of a new bus stop and layby along the southern side of Follingsby Lane between Access 1 and Access 2.
- (g) The provision of loading / waiting restriction along both sides of Follingsby lane
- (h) Reduction in the speed limit along Follingsby Lane from 60mph to 40mph.

The design for the above highway works and improvements shall include the consideration and inclusion of measures to avoid/minimise impacts on biodiversity and enhance ecological connectivity (principally for amphibians including great crested newt and foraging and commuting bats).

Reason

To provide suitable access and improve and promote access to the site by bus and for pedestrians, cyclists in accordance with the NPPF and policies CS13 and KEA2 of the Core Strategy and Urban Core Plan.

27

The off site highway works approved at condition 26 shall be provided in accordance with the approved details and approved timetable for implementation unless otherwise approved in writing by the Local Planning Authority.

Reason

To provide suitable access and improve and promote access to the site by bus and for pedestrians, cyclists in accordance with the NPPF and policies CS13 and KEA2 of the Core Strategy and Urban Core Plan.

28

No buildings hereby approved shall be occupied until a detailed scheme for the upgrade and modification of the signal equipment and controllers at the A195 New Road / B1288 Leam Lane / A195 Lingey Lane junction along with a timetable for the scheme's implementation has been submitted to and approved in writing by the local planning authority. The scheme shall include the re-cabling and re-equipping of the site as an extra low voltage (ELV) site with MOVA and UTC/UTMC capabilities.

Reason

To improve the operational capacity of the junction in accordance with the NPPF and policy CS13 of the Core Strategy and Urban Core Plan.

29

The Lingey Lane signal improvement scheme approved at condition 28 shall be provided in accordance with the approved details and approved timetable for implementation unless otherwise approved in writing by the Local Planning Authority.

Reason

To improve the operational capacity of the junction in accordance with the NPPF and policy CS13 of the Core Strategy and Urban Core Plan.

30

No building hereby approved shall be occupied until a Public Transport Scheme has been submitted to and approved in writing by the Local Planning Authority.

The Public Transport Scheme shall include details of the duration, routing, frequency, and delivery of bus services serving the development together with any review mechanisms as may be appropriate.

Reason

To improve and promote access to the site by bus in accordance with the NPPF and policies CS13 and KEA2 of the Core Strategy and Urban Core Plan.

31

The public transport scheme approved at condition 30 shall be provided in accordance with the approved details and approved timetable for implementation.

Reason

To improve and promote access to the site by bus and for pedestrians, cyclists in accordance with the NPPF and policies CS13 and KEA2 of the Core Strategy and Urban Core Plan.

32

No buildings hereby approved shall be occupied until a revised Framework Travel Plan has been submitted to and approved in writing by the Local Planning Authority.

The revised Framework Travel Plan will include:

- (a) Details to employ or engage a site-wide travel plan coordinator who shall be responsible for the implementation delivery monitoring and promotion of the sustainable transport initiatives set out in the Framework Travel Plan and whose details shall be provided and continue to be provided thereafter to the Local Planning Authority
- (b) Clearly defined objectives and indicators.
- (c) Indicative targets based on trip generation figures.
- (d) Details of proposed measures to address the objectives.
- (e) Detailed timetable for implementing measures, travel surveys and monitoring.
- (f) A summary of costs associated with the measures, monitoring and management of the TP over its lifetime together with details on how this will be funded.
- (g) Details of the governance that will be in place to ensure measures are implemented effectively.
- (h) Commitment to use the Council's preferred monitoring system

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

The travel plan will be in place for a minimum of 5 years after occupation of the final building on the site.

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

Reason

To promote sustainable travel choices to accord with the NPPF and policies KEA2 and CS13 of the Core Strategy and Urban Core Plan.

33

3 months after each building hereby approved being occupied either in part or in full the owner and/or the occupier of each building shall submit a user specific travel plan to the Local Planning Authority for written approval.

The user specific travel plan shall demonstrate how they will engage with the measures set out in the Framework Travel Plan and accord in full with the details set out in the approved Framework Travel Plan at condition 32.

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

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

Reason

To promote sustainable travel choices to accord with the NPPF and policies KEA2 and CS13 of the Core Strategy and Urban Core Plan.

34

No external lighting shall be provided on each phase of the development until details of the proposed external lighting for that phase of the development including details of the number, type, position, design, dimensions and lighting levels of the lighting has been submitted to and approved in writing by the Local Planning Authority.

Reason

To ensure an appropriate form of development in the interest of good design, residential amenity and ecology to accord with the NPPF, saved policies ENV3, DC2, ENV47 and ENV51 of the Unitary Development Plan and policies CS14, CS15 and CS18 of the Core Strategy and Urban Core Plan.

35

The external lighting at the site shall be implemented in accordance with the external lighting details approved at condition 34.

Reason

To ensure an appropriate form of development in the interest of good design, residential amenity and ecology to accord with the NPPF, saved policies ENV3, DC2, ENV47 and ENV51 of the Unitary Development Plan and policies CS14, CS15 and CS18 of the Core Strategy and Urban Core Plan.

36

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

Reason

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

37

The tree protective fencing for each phase of the development approved at condition 36 must be installed prior to the commencement of development for that phase and thereafter retained intact for the full duration of the construction works on that phase of the development and there shall be no access, storage, ground disturbance or contamination within the fenced area without the prior written approval of the Local Planning Authority.

Reason

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

38

No development shall commence on each phase of the development until a foul and surface water drainage scheme including a detailed assessment and a timetable for implementation has been submitted to and approved in writing by the Local Planning Authority. The surface water drainage shall comprise surface level vegetated SuDS components wherever possible, shall provide a variety of functioning aquatic and riparian habitats within the wildlife buffer, sensitively designed outfall(s) arrangements, and shall be in compliance with DEFRA Non-Statutory Technical standards for SuDS, Local and National Policy, and the Water Framework Directive. The surface water drainage shall also comprise of measures to protect existing utilities (pylons and gas pipe network) and Leamside Line.

All phases of the development shall discharge the foul flows to the existing foul sewer at manhole 0202 and discharge the surface water directly to the River Don watercourse.

Reason

To prevent the increased risk of flooding in accordance with the NPPF and policy CS17 of the Core Strategy and Urban Core Plan.

39

Each phase of the development shall be implemented in accordance with the foul and surface water drainage scheme for that phase of the development and the timetable for implementation approved at condition 38.

Reason

To prevent the increased risk of flooding in accordance with the NPPF and policy CS17 of the Core Strategy and Urban Core Plan.

40

No development shall commence on each phase of the development until a Drainage Construction Method Statement (DCMS) for that phase of the development has been submitted to and approved in writing by the Local Planning Authority.

The Drainage Construction Method Statement shall include :

- (a) Details of how construction site runoff will be detained and treated to avoid risk of flooding and/ or pollution or sedimentation to the River Don.
- (b) Details of how SuDS components will be protected during construction to ensure correct functioning without sediment build up at completion of the works.
- (c) Consideration of access for inspections

Reason

To protect the river environment of the River Don and to ensure correct functioning of the drainage system at completion to accord with the NPPF, saved policy DC1 of the Unitary Development Plan and policy CS17 of the Core Strategy and Urban Core Plan .

41

Each phase of the development shall be implemented in accordance with the Drainage Construction Method Statement for that phase of the development approved at condition 40.

Reason

To protect the river environment of the River Don and to ensure correct functioning of the drainage system at completion to accord with the NPPF, saved policy DC1 of the Unitary Development Plan and policy CS17 of the Core Strategy and Urban Core Plan .

42

Prior to each phase of the development being brought into use and/or the buildings on that phase being occupied a Drainage Management Plan (including the SuDs features) for that phase of the development shall be submitted to and approved in writing by the Local Planning Authority.

The Drainage Management Plan shall co-ordinate with the Landscape Management Plan and shall include :

- (a) confirmation of who will be responsible for the maintenance of the drainage system
- (b) description of the system and how each element is expected to work
- (c) management objectives for the site
- (d) inspection and maintenance schedules and specification
- (e) confirmation of maintenance access points, easements and outfalls
- f) health and safety guidance for maintainers of drainage and landscape, and also utility companies.

Reason

To ensure to correct functioning of the drainage system for the lifetime of the development and to prevent the increased risk of flooding and pollution of the water environment in accordance with the NPPF, saved policies DC1 (h) and (j) of the Unitary Development Plan and policies CS14 and CS17 of the Core Strategy and Urban Core Plan for Gateshead and Newcastle upon Tyne.

43

The drainage scheme including SuDs features provided for each phase of the development shall be managed and maintained in accordance with the Drainage Management Plan approved at condition 42.

Reason

To prevent the increased risk of flooding and pollution of the water environment in accordance with the NPPF, saved policies DC1 (h) and (j) of the Unitary Development Plan and policies CS14 and CS17 of the Core Strategy and Urban Core Plan for Gateshead and Newcastle upon Tyne.

44

Any buildings on the site shall only be located within flood zone 1, as defined by Figure 2.1 of the submitted Flood Risk Assessment (dated October 2017).

Reason

To ensure that the buildings are located outside of flood zones 2 or 3 to prevent the increased risk of flooding to accord with the NPPF and saved policy CS17 of the Core Strategy and Urban Core Plan.

45

No built development shall commence on site until a scheme for the provision of a 10 metre safeguarding zone alongside the River Don

(within the application site boundary) and its protection has been submitted to and approved in writing by the Local Planning Authority.

The River Don safeguarding zone scheme shall be free from built development including lighting and formal landscaping and shall include:

- (a) Scaled plans showing the extent and layout of the 10 metre safeguarding zone measured horizontally from the top of the bank on the landward side of the river
- (b) Details demonstrating how the safeguarding zone will be protected during all development works except river restoration works.
- (c) A maintenance strategy

Reason

To ensure that ecology along the River Don is protected to accord with the NPPF, saved policies ENV47 and ENV51 of the Unitary Development Plan and policies CS18 and KEA2 of the Core Strategy and Urban Core Plan.

46

No built development shall commence on site until the scheme for the safeguarding of the River Don approved at condition 45 has been provided in accordance with the approved details. Thereafter the River Don safeguarding scheme shall be retained, and maintained in accordance with the details approved at condition 45 unless otherwise approved in writing by the Local planning Authority.

Reason

To ensure that ecology along the River Don is protected to accord with the NPPF, saved policies ENV47 and ENV51 of the Unitary Development Plan and policies CS18 and KEA2 of the Core Strategy and Urban Core Plan.

47

No buildings hereby approved shall be occupied until a river restoration scheme to restore the River Don (within the application site boundary) has been submitted to and approved in writing by the Local Planning Authority.

The river restoration scheme shall include :

- (a) A restoration/mitigation plan including proposals for the River Don
- (b) Details of habitat linkages between the river restoration scheme and the wildlife/ ecology/ SuDS buffer zone features.
- (c) Measures to safeguard/conservate existing ecology

- (d) Demonstration that the river restoration scheme will not compromise the intended hydrological performance of the SuDS scheme serving runoff from the development site.
- (e) A construction management plan including programme schedule, pollution control measures and timetable of works
- (f) A monitoring strategy
- (g) A maintenance and management strategy

Reason

To improve and restore the River Don in accordance with the Water Framework Directive and policy KEA2 of the Core Strategy and Urban Core Plan.

48

The river restoration scheme approved at condition 47 shall be provided in accordance with the approved details and the approved timetable of works, unless otherwise approved in writing by the Local Planning Authority.

Thereafter the river restoration scheme shall be monitored, maintained and managed in accordance with the details approved at condition 47.

Reason

To improve and restore the River Don in accordance with the Water Framework Directive and policy KEA2 of the Core Strategy and Urban Core Plan.

49

No development shall commence on each phase of the development until an Ecology Method Statement(EMS) for that phase of the development has been submitted to and approved in writing by the Local Planning Authority.

The EMS shall include the following measures and a timetable for their provision, implementation and retention:

- (a) details (local and specification) of the protective fencing to be installed on site to avoid impacts on habitats and species
- (b) the timing of works
- (c) proposed working methods
- (d) measures to prevent the spread of invasive species on site

- (e) details of how excavations will be covered during construction
- (f) details of how materials will be safely stored during construction
- (g) the provision of an ecological clerk of works

Reason

To prevent / minimise harm to ecological features during the construction phases of the development in accordance with the NPPF, saved policies DC1 and ENV47 of the Unitary Development Plan and policies KEA2 and CS18 of the Core Strategy and Urban Core Plan.

50

The ecology method statement approved at condition 49 shall be provided for each phase of the development in accordance with the approved details and the approved timetable for implementation and retention.

Reason

To prevent / minimise harm to ecological features during the construction phases of the development in accordance with the NPPF, saved policies DC1 and ENV47 of the Unitary Development Plan and policies KEA2 and CS18 of the Core Strategy and Urban Core Plan.

51

No development shall commence on each phase of the development until an Ecology Enhancement Plan (EEP) for that phase of the development has been submitted to and approved in writing by the Local Planning Authority.

The EEP shall include details of the on site habitat creation, restoration and enhancement measures including bird boxes, bat boxes and barn owl boxes with a timetable for their provision.

Reason

To provide replacement and improved opportunities for biodiversity in accordance with the NPPF, saved policies ENV46, ENV47 and ENV51 of the Unitary Development Plan and policies CC18 and KEA2 of the Core Strategy and Urban Core Plan.

52

Each phase of the development shall be implemented in accordance with the Ecology Enhancement Plan and timetable for implementation approved for that phase of the development at condition 51.

Reason

To provide replacement and improved opportunities for biodiversity in accordance with the NPPF, saved policies ENV46, ENV47 and ENV51

of the Unitary Development Plan and policies CC18 and KEA2 of the Core Strategy and Urban Core Plan.

53

A Landscape and Ecology Monitoring and Management Strategy (LEMS) for each phase of the development shall be submitted to and approved in writing by the Local Planning Authority prior to that phase of the development being brought into use. The Landscape and Ecology Monitoring and Maintenance Strategy shall include the following :

- (a) description and evaluation of features to be managed
- (b) ecological trends and constraints on site that influence management
- (c) aims and objectives of the management
- (d) appropriate management options for achieving aims and objectives
- (e) details of initial aftercare
- (f) details of long term maintenance
- (g) a work schedule including annual work plan
- (h) details of the body or organisation responsible for implementation of the plan
- (i) ongoing monitoring and remedial measures

Reason

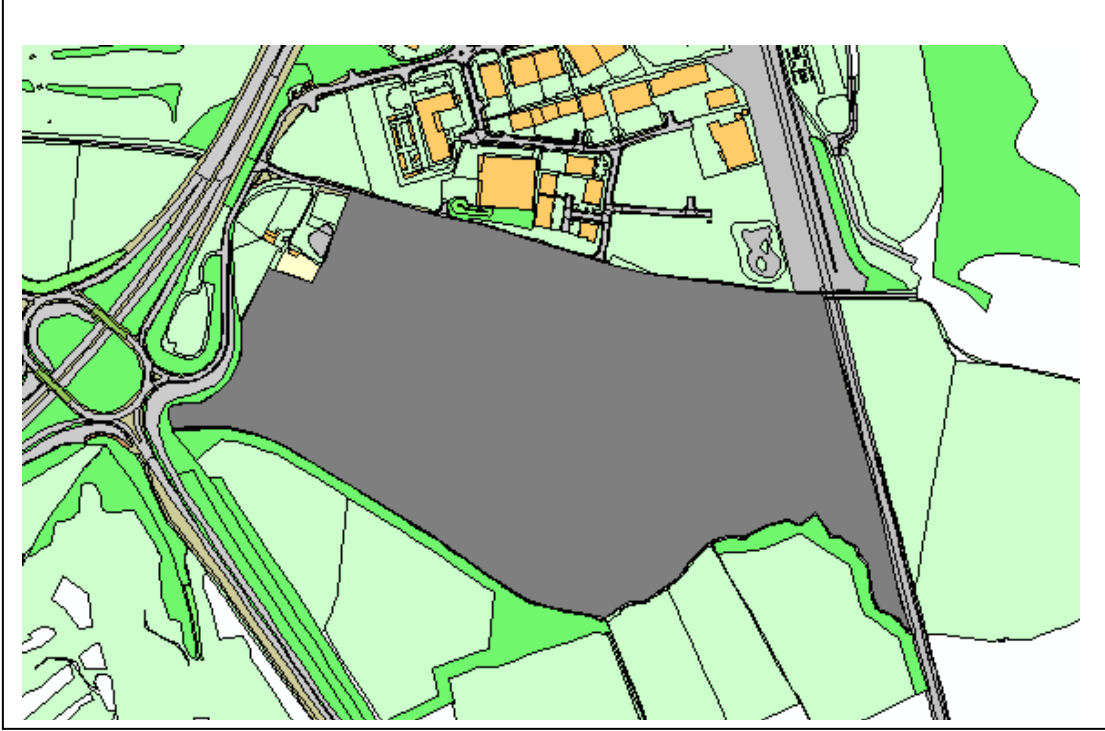
To ensure that the landscape and ecology provision at the site is well established and is satisfactorily maintained in accordance with the NPPF, saved policies ENV3, ENV46, ENV47 and ENV51 of the Unitary Development Plan and policies CS15, CS18 and KEA2 of the Core Strategy and Urban Core Plan.

54

Each phase of the development shall be monitored and managed in accordance with the Landscape and Ecology Monitoring and Management Strategy for that phase of the development approved at condition 53.

Reason

To ensure that the landscape and ecology provision at the site is well established and is satisfactorily maintained in accordance with the NPPF, saved policies ENV3, ENV46, ENV47 and ENV51 of the Unitary Development Plan and policies CS15, CS18 and KEA2 of the Core Strategy and Urban Core Plan.



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Committee Report

Application No:	DC/17/01160/FUL
Case Officer	David Morton
Date Application Valid	20 October 2017
Applicant	Mr Paul Walker
Site:	The One Eyed Stag Micro Pub 5 The Square Whickham Newcastle Upon Tyne NE16 4JB
Ward:	Whickham North
Proposal:	Variation of Condition 3 (opening hours) of planning approval DC/17/00067/FUL to allow opening on Sundays and Public Holidays until 2330 (currently restricted to 2230) and New Year's Eve into New Year's Day until 0145.
Recommendation:	GRANT
Application Type	Full Application

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

The application site is located within The Square, Whickham. The application site is a single storey, flat roofed, unit; the previous use was as a Post Office (Use Class A1). Consent was granted in September 2016 (DC/16/00728/COU) for the change of use of the premises to a drinking establishment (Use Class A4). Subsequently, permission was granted in March 2017 to allow extended hours of operation (DC/17/00067/FUL).

1.2 The remainder of The Square is made up of a hot food takeaway, a restaurant, bookmakers, a funeral directors and an estate agent.

1.3 The front elevation of the unit faces onto Front Street to the south. Back Row rises to the west and bends round the rear of the site. There is an open area at the rear of the site which can be accessed from Back Row, this area is used as a communal loading area and as an access for the commercial garage to the rear.

1.4 Residential properties are situated on the opposite side of Front Street and 1-5 Jasmine Villas (also residential dwellings) are located between The Square and The Bridle Path Public House, to the west of the application site. There is a public car parking area adjacent to the south of the site which extends across The Square, access to which is gained from Front Street.

1.5 The application site is located within Whickham Conservation Area and within Whickham Main District Centre.

1.6 DESCRIPTION OF THE APPLICATION

The principle of the proposed development has been established through the granting of planning applications DC/16/00728/COU and DC/17/00067/FUL. These approvals considered issues of principle, visual amenity, heritage assets, residential amenity and highway safety. The development, subject to conditions, was considered acceptable in all regards.

1.7 The latest planning application seeks the variation of Condition 3 of planning approval DC/17/00067/FUL to allow the extension of the operating hours of the premises; the operation of the site is currently restricted to between the hours of 0900 and 2330 Monday to Saturday and 1000 and 2230 on Sundays and Public Holidays and at no other times.

1.8 The application seeks amendment to Condition 3 to allow operation between the hours of 1000 and 2330 on Sundays and Public Holidays and to allow operation until 0145 on New Year's day.

1.9 RELEVANT PLANNING HISTORY

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

- DC/16/00729/ADV; Advertisement consent granted for 'Display of externally illuminated static sign (700mm x 6700mm) onto existing fascia reading "The One Eyed Stag".' Date; 06 September 2016.
- DC/16/00728/COU; Planning permission granted for 'Change of use of the property from A1 (retail) to A4 (drinking establishment).' Date; 15 September 2016.
- DC/17/00067/FUL; Planning permission granted for 'Variation of Condition 3 (Hours of Operation) of permission DC/16/00728/COU, to allow operation between the hours of 0900 and 2330 Monday to Saturday and between 1000 and 2230 on Sundays and Public Holidays and at no other times (unless otherwise approved in writing) (currently restricted to between the hours of 1130 and 2330 Monday to Thursday, 1100 and 2300 Friday and Saturday and 1200 and 2200 on Sundays and Public Holidays and at no other times).' Date; 09 March 2017.

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 total of 11 objections and 39 letters of support have been received.

3.2 The letters of objection are summarised as follows:

- The premises have created noise;

- The operator allows outside drinking;
- The doors of the premises were wedged open during the summer;
- The premises have affected the ability to sell properties;
- The '*drinking culture*' within Whickham is not conducive with a residential area.
- The proposal would lead to noise and disturbance;
- The granting of consent would not comply with the NPPF (in regards to noise) and;
- The premises have created anti-social behaviour.

3.3 The letters of support are summarised as follows:

- There is no unacceptable impact on residential of visual amenity;
- The additional opening hours adds to the range of facilities;
- The proposal would not lead to unacceptable noise or activity;
- Extra facilities help with competition;
- Extended opening hours aid with the policing of the area (due to increased activity);
- The proposal is unlikely to lead to any traffic increase;
- The site does not attract '*vociferous*' clientele;
- Other premises in the area have later opening hours and;
- The pub is well managed.

4.0 Policies:

NPPF National Planning Policy Framework

NPPG National Planning Practice Guidance

DC2 Residential Amenity

ENV3 The Built Environment - Character/Design

ENV7 Development within Conservation Areas

ENV61 New Noise-Generating Developments

RCL1 Retail Hierarchy

RCL5 District and Local Centres

RCL6 Food and Drink Uses

CS7 Retail and Centres

CS13 Transport

CS14 Wellbeing and Health

5.0 Assessment:

- 5.1 It is considered necessary to consider the application in regard to changes in site circumstance, planning policy and any implication with regard to the amendment of the planning condition.
- 5.2 **POLICY BACKGROUND**
The principle of the proposed development has already been considered to be acceptable through the approvals of DC/16/00728/COU and DC/17/00067/FUL. The principle of the change of use has been established and there are two extant consents in place on the application site.
- 5.3 Both of the previous applications were considered under the NPPF and were considered to be acceptable. National planning policy has not altered following the determination of these applications.
- 5.4 Further, local planning policy has not changed significantly following the grant of the previous approval. The Unitary Development Plan for Gateshead was adopted in 2007 and the remaining saved policies together with the CSUCP (adopted in 2015) represent a current up-to-date development plan.
- 5.5 **CONDITION 3 (HOURS OF OPERATION)**
The key issue to be assessed in relation to this application is the impact the amendment to Condition 3 would have on the amenity experienced in the area, in terms of noise and disturbance.
- 5.6 The National Planning Policy Framework (Para. 123) 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"*.
- 5.7 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.
- 5.8 The application proposes to allow one hour of additional trading in the evening on Sundays and Public Holidays, and also either an additional 2 hours and 15 minutes or 3 hours 15 minutes on New Year's Eve into New Year's Day, depending on whether New Year's Eve happens to fall on a Sunday.
- 5.9 It is considered that the amendment to the opening hours would inevitably lead to some impact from associated comings and goings.

- 5.10 However, it is considered that the proposal must be considered in its context. The application site is a former retail unit located within a main district centre.
- 5.11 In assessing the original change of use application Officers concluded;
"It is considered that the proposed hours of operation and the number of patrons is comparable with other premises within the immediate vicinity e.g. the Jamdani restaurant. 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."
- 5.12 The applicant through their submission has forwarded two main arguments in support of the proposed variation of condition;
1. The other commercial, late-night, premises which trade within the immediate vicinity have longer operating hours than the application site and trade without issue;
 2. The impacts of the proposed extension of operating hours would be intangible for the following reasons;
 - a. The activity would be confined within the premises and its access;
 - b. There is a busy main road which itself produced background noise. The properties opposite the site are located a long way from The Square and the bus service runs late into the night.
 - c. Properties located adjacent to a commercial unit experience lesser levels of amenity than those which are not.
 - d. The property is the only pub on The Square and as such it does not represent a 'boozing strip'.
 - e. The units within The Square have a greater impact on amenity than the application site.
- 5.13 Further, the applicant states that the proposal would have the following benefits *'... the extension of availability of this facility to its customers; extended employment opportunities; and, increased economic activity within the City.'*
- 5.14 It is considered that the proposed development would lead to some additional impact on the amenities of neighbouring residents. It is considered that the arguments forward by the applicant (when considered as a whole) offer a reasoned justification in support of varying the proposed operating hours.
- 5.15 It is accepted that other uses within The Square operate beyond the hours of the application site and officers would agree that those properties located adjacent to commercial activities should expect some level of amenity impact into the evening. Further, officers agree that the busy main road creates a relatively high level of background noise which again would limit the impact of the proposed amendment of operating hours.
- 5.16 Based on the above, it is considered that the proposal would not be so significant as to result in a level of impact which would give rise to significant adverse impacts on health and quality of life and on that basis the variation of Condition 3 is considered to be acceptable in accordance with the NPPF, UDP

Policies ENV3 and ENV61 and Policy CS14 of the Core Strategy and Urban Core Plan for Gateshead and Newcastle upon Tyne (CSUCP).

5.17 CONDITIONS

The current application, given it would grant a new planning consent, allows an opportunity to re-consider the conditions attached to permission DC/17/00067/FUL.

- 5.18 Given the conditions attached to the original application are compliance conditions and remain relevant, it is considered necessary to reattach all other planning conditions (other than the time limit condition). Further to the extension proposed by the applicant, officers are of the view that extending the operating hours of the premises to allow opening from 0900 on Sundays is appropriate and would not result in any unacceptable impacts.

5.19 OTHER MATTERS

Objectors reference the fact patrons consume alcohol outside of the premises; the planning application relates solely to the building and not to external areas. Further the licence for the premises does not permit outside drinking. It is considered this is not a reason to withhold consent for additional opening hours. Any breach of planning control, were that to arise should be pursued separately.

- 5.20 It is considered that all other material issues raised by objectors have been addressed within the main body of the report.

6.0 CONCLUSION

- 6.1 Following full consideration of policies contained in the Council's Unitary Development Plan, the CSUSP, national planning policy and all other material planning considerations it is considered that the development should be granted planning permission subject to conditions.

7.0 Recommendation:

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

1

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

Location Plan

Site Plan

16-006-01 - Existing Plan Layout

16-006-02 - Proposed Floor Layout

16-006-03 - Existing Sections

16-006-04 - Proposed Sections

16-006-05 - Existing and Proposed Shopfront

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 use hereby approved shall be restricted to between the hours of 0900 and 2330 seven days a week, between the hours of 0900 and 0145 on New Year's Eve into New Year's Day 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.

3

No deliveries and/or refuse disposal (servicing) shall take place between the hours of 2000 and 0800.

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 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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REPORT OF THE STRATEGIC DIRECTOR COMMUNITIES AND ENVIRONMENT

TO THE PLANNING AND DEVELOPMENT COMMITTEE ON 3 JANUARY 2018:

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/16/01154/HHA	Provision of single storey rear extensions. As amended 27.10.17.	Long Acre Farm Cottage , Long Acre Farm,	Granted;	Lamesley
DC/17/00887/FUL	Erection of one two storey dwelling and a single storey log cabin with associated fence enclosure, hard standing and landscaping.	Land Adjacent Briar Dene, Longridge Road,	Refused;	Crawcrook And Greenside
DC/17/00897/FUL	Extension and alterations to park reception building incorporating managers residence, erection of new touring field amenity block, provision of additional visitor parking and erection of new wall at park entrance (Amended 25.10.2017).	HARLE PEEL CARAVANS, Bobby Shaftoe Caravan Park,	Granted;	Lamesley
DC/17/01034/HHA	Single storey rear extension	7 Nunns Way, Blaydon On Tyne,	Granted;	Ryton Crookhill And Stella

DC/17/00917/FUL	Construction of disabled toilet and alterations to landing and fire escape (amended 24/11/17).	Friars Goose Water Sports Club, Green Lane,	Granted;	Felling
DC/17/00924/OUT	Proposed erection of five dwellinghouses.	29 Alexandra Gardens, Crookhill,	Granted;	Ryton Crookhill And Stella
DC/17/00960/HHA	Two storey side and rear extension with garage to front of property (as amended 24.11.17).	12 Seaburn Gardens, Wrekenton,	Granted;	High Fell
DC/17/00976/HHA	Single storey rear extension.	6 Wythburn Place, Beacon Lough,	Granted;	High Fell
DC/17/01005/TPO	Tree works to Tree located to the front of Tolberg Smails lane Rowlands Gill.	Tolberg, Smails Lane,	Granted;	Chopwell And Rowlands Gill
DC/17/01014/FUL	Replacement of existing timber windows with new UPVC windows (with profile to match existing)	28 Front Street, Whickham,	Granted;	Dunston Hill And Whickham East
DC/17/01018/HHA	Single storey side and rear extension (as amended 21.11.17)	2 Hawthorn Close, Whickham,	Granted;	Whickham South And Sunniside
DC/17/01033/HHA	Two story extension to residential dwelling	8 Naylor Avenue, Winlaton Mill,	Granted;	Winlaton And High Spen

DC/17/01035/HHA	Single storey rear extension	15 Spencers View, Blaydon On Tyne,	Granted;	Ryton Crookhill And Stella
DC/17/01037/HHA	Two storey side extension (As amended 20.11.17)	20 Church Road, Low Fell,	Granted;	High Fell
DC/17/01050/HHA	Two storey extension to side and front	23 Festival Park Drive, Gateshead,	Granted;	Lobley Hill And Bensham
DC/17/01071/HHA	Erection of two storey side extension and single storey rear extension.	49 Coniston Avenue, Whickham,	Granted;	Dunston Hill And Whickham East
DC/17/01172/HHA	Single storey garden studio in front garden	19 West View, Clara Vale,	Granted;	Crawcrook And Greenside
DC/17/01081/COU	Change of use from shop (use class A1) to 2 bedroom flat (use class C3)	26 Brinkburn Avenue, Bensham,	Granted;	Saltwell
DC/17/01089/HHA	Single storey rear extension and porch to front	12 Cedar Crescent, Low Fell,	Granted;	Low Fell
DC/17/01090/FUL	Re-cladding of three elevations	Dalziel Ltd, William Street,	Granted;	Felling
DC/17/01095/HHA	Single storey side extension (as amended 28.11.17)	16 Eden Dale, Crawcrook,	Granted;	Crawcrook And Greenside
DC/17/01097/HHA	Two storey side extension	366 Saltwell Road, Bensham,	Granted;	Saltwell

DC/17/01098/FUL	Installation of new double glazed aluminium powder coated windows with fenestration to match existing windows.	The Croft, Springwell Road,	Granted;	High Fell
DC/17/01155/HHA	Single storey rear extension	42 Haswell Close, Felling,	Granted;	Wardley And Leam Lane
DC/17/01112/HHA	Single storey side/rear extension	5 Cheviot View, Windy Nook,	Granted;	Windy Nook And Whitehills
DC/17/01118/HHA	Garage conversion with window to front	8 Thornwood Gardens, Lobley Hill,	Granted;	Lobley Hill And Bensham
DC/17/01125/HHA	Single and first floor extensions to rear.	19 Clifton Gardens, Low Fell,	Granted;	Low Fell
DC/17/01128/HHA	Proposed modular steel disabled access ramp to front of property	8 Hill Top, Winlaton,	Granted;	Winlaton And High Spen
DC/17/01141/TPO	Works to trees within Saltwell Business Park protected by TPO 157.	Adderstone Group, Saltwell Business Park,	Granted;	Low Fell
DC/17/01131/COU	Change of use of land from agriculture to mixed use (including horsiculture and storage) (additional information received 24/11/17).	Land Between Whitegate Close And Former Tyne View Motors Premises , Dunston Road,	Granted;	Dunston And Teams
DC/17/01134/HHA	Single storey side and rear extension	87 Celandine Way, High Heworth,	Granted;	Windy Nook And Whitehills

DC/17/01138/LBC	Proposed Window repairs (additional information received 20.11.2017)	Nursery House , Bradley Hall,	Granted;	Crawcrook And Greenside
DC/17/01139/HHA	Balcony at first floor level to rear	Hamton House , 7B North Side,	Granted;	Lamesley
DC/17/01199/HHA	Single storey rear extension, two storey side extension, porch to front and creation of new driveway to front.	66 Rockwood Hill Estate, Greenside,	Granted;	Crawcrook And Greenside
DC/17/01143/COU	Change of use from tea rooms (A3 use) into a dog grooming salon (sui generis).	31-33 Belle Vue Bank, Low Fell,	Granted;	Low Fell
DC/17/01158/COU	Change of use from shop (use class A1) to tattoo studio (sui generis).	29 Front Street, Whickham,	Granted;	Dunston Hill And Whickham East
DC/17/01150/HHA	Proposed porch	35 Glenbrooke Terrace, Low Fell,	Granted;	Low Fell
DC/17/01151/COU	Change of use from and amalgamation of ground floor photography studio (use class A2) and first floor flat (use class C3) to hair, beauty and barbering training centre (use class D1).	109-111 Blythe Terrace, Station Lane,	Granted;	Birtley
DC/17/01152/HHA	Single storey rear extension	37 Bracken Way, Ryton,	Granted;	Crawcrook And Greenside

DC/17/01154/ADV	Display of LED digital electronic display on front elevation of retail unit.	Unit 17 Team Valley Retail Park , Tenth Avenue West,	Temporary permission granted;	Lamesley
DC/17/01156/HHA	Proposed two storey & single storey gable extension (As amended 11.12.17)	The Poplars, Dipwood Road,	Granted;	Chopwell And Rowlands Gill
DC/17/01159/FUL	Erection of laundry extension and replacement link corridor.	WELLBURN CARE HOMES LTD, Ryton Tower Residential Home,	Granted;	Ryton Crookhill And Stella
DC/17/01163/HHA	Installation of a modular metal mesh access ramp to allow disabled access to and from front, removal of existing decking and laying of a new paved patio area.	9 Armitage Gardens, Eighton Banks,	Granted;	Lamesley
DC/17/01164/HHA	Single storey side/rear extension and pitched roof to front	18 Whinfield Terrace, Rowlands Gill,	Granted;	Chopwell And Rowlands Gill
DC/17/01165/HHA	Proposed Modular Steel Disabled Entrance Ramp	16 Causeway, Carr Hill,	Granted;	Deckham
DC/17/01167/COU	Change of use from terraced house to two flats	66-68 Duke Street, Felling,	Granted;	Pelaw And Heworth
DC/17/01174/HHA	Two storey side extension	29 Naylor Avenue, Winlaton Mill,	Granted;	Winlaton And High Spen
DC/17/01178/HHA	Single storey rear extension	19 Cherrytree Gardens, Low Fell,	Granted;	Low Fell

DC/17/01189/FUL	VARIATION OF CONDITION 7 (pupil numbers) of DC/17/00746/FUL to allow for 60 pupils (currently restricted to 36).	Crookhill Community Primary School , Hexham Old Road,	Granted;	Ryton Crookhill And Stella
DC/17/01196/HHA	Single storey rear extension	2 Bowes View, Birtley,	Granted;	Lamesley
DC/17/01197/FUL	Single storey day room extension to existing Care Home	Appletree Grange , Durham Road,	Granted;	Birtley
DC/17/01198/FUL	New Gates and improved access to rear yard, including works to make good existing roads and kerbs.	Wellington House , Wellington Road,	Granted;	Dunston And Teams
DC/17/01200/HHA	Single storey detached flat roof extension to east elevation, with new paving and staircase to garden	Saltwell Dene House East , Saltwell Road South,	Granted;	Low Fell
DC/17/01202/ADV	Display of externally illuminated fascia board on south west elevation (retrospective)	The Whickham House, Bensham Road,	Refused;	Lobley Hill And Bensham
DC/17/01231/HHA	Proposed front porch	28 Axwell View, Winlaton,	Granted;	Winlaton And High Spen
DC/17/01240/HHA	Single storey rear extension	20 The Cedars, Eighton Banks,	Granted;	Lamesley

DC/17/01219/FUL	VARIATION OF CONDITION 1 (approved plans) of planning permission DC/17/00178/FUL to allow changes to locations of previously approved risers.	Regent Court, Gateshead,	Granted;	Bridges
DC/17/01259/HHA	Single storey flat roof rear extension, and minor alterations to rear kitchen	35 Naylor Avenue, Blaydon On Tyne,	Granted;	Winlaton And High Spen



**REPORT TO PLANNING AND
DEVELOPMENT COMMITTEE**
3rd January 2018

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	

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										<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.	

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				2015	2015				2015	<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>	
				3 January 2017	4 January 2017			8 February 2017	8 April 2017, 8 May 2017 and 8 June 2017	<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> <p>Following high winds the hoarding had been blown down. A site visit on the 7th December 2017 was undertaken to confirm the damaged hoarding had been repaired.</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</p>	

Item Number	Site	Ward	Alleged Breach of Planning Control	Date Approval given for Enforcement Action	Date Served	Plan App Rec'd Y/N	Appeal Rec'd Y/N	Date Notice comes into Force	End of Compliance Period	Current Status	Compliance Y/N
										<p>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 road and the garden.</p> <p>Further tidying is required and we have now received a further complaints regarding another vehicle parked in the highway which is being investigated in conjunction with the Police.</p> <p>Following a site visit on 14th December 2017, the haulage lorry and other vehicles have been removed. The road has been cleaned and the garden has also been tidied. Although there are two vehicles parked outside the property they are currently being used by the owner as part of his work. To date the Community Protection Notice is being complied with and will be monitored by officers.</p>	
5.	21 Saltwell View	Saltwell	Unauthorised alteration to property	16 July 2014	16 July 2014	N		20 August 2014	13 September 2016	The unauthorised installation of UPVC windows without consent, -fronting the highway in an area	

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										<p>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 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</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 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 metal and vehicle dismantling and repair	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 expiration of the compliance period the visit is to be carried out imminently in conjunction with the Environment Agency. The associated legal	

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>action at Newcastle Crown Court has been completed a further hearing at Gateshead Magistrates Court has been listed for the 3rd November 2017.</p> <p>The hearing at Gateshead Magistrates was adjourned. A revised date has been listed for the 6th December 2017.</p> <p>The hearing at Gateshead Magistrates was adjourned. A revised court date has been listed for the 31st January 2018.</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</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
										taken place The owner is now actively marketing the property in the hope the unit will be brought back into 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.	
			Breach of Planning Conditions	19 th April 2017	20 th April 2017	Y	N	20 th April 2017	18 th May 2017	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	

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										<p>activity on site and the owners have been warned that further, formal, action is being considered.</p> <p>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.</p> <p>The submitted details have now been agreed and a letter was sent on the 20th November 2017 to the applicant requesting to implement the agreed details. The occupier has until the 18.12.17 to implement the details</p>	
9.	Land to the rear of 17 Flexbury Gardens, Gateshead, NE9 7TH	Chowdene	Unightly Land	19 May 2017	19 May 2017	N	N	23 June 2017	4 August 2017	<p>The land which is not attached to any property has been overgrown for a long period and is unsightly.</p> <p>Officers have made enquiries as to the owner of the site and have now issued a Notice requiring it to be tidied within a specific timescale.</p> <p>The specified time period has elapsed and while some work</p>	

Item Number	Site	Ward	Alleged Breach of Planning Control	Date Approval given for Enforcement Action	Date Served	Plan App Rec'd Y/N	Appeal Rec'd Y/N	Date Notice comes into Force	End of Compliance Period	Current Status	Compliance Y/N
										<p>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>	
10.	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 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.</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
										The Councils appeal statement was submitted to the inspectorate on the 29.11.17	
11.	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> <p>A site visit was undertaken on the 30.11.17. The non-domestic equipment associated with the dog grooming has been removed as per the Notice. All the other requirements of the notice have been complied with also. Request committee to remove from the report.</p>	
12.	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</p>	

Item Number	Site	Ward	Alleged Breach of Planning Control	Date Approval given for Enforcement Action	Date Served	Plan App Rec'd Y/N	Appeal Rec'd Y/N	Date Notice comes into Force	End of Compliance Period	Current Status	Compliance Y/N
										<p>improvements, particularly relating to the boundary treatment.</p> <p>However, the site owners appear to have gone into liquidation which may cause problems in securing compliance with the notice</p> <p>Site visit is to be undertaken following expiry of the compliance period.</p> <p>Barbed wire has been removed from the boundary treatment.</p>	
13.	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	<p>Erection of wooden fencing and raised platform area which has facilitated the use of the garage roof as a terrace area</p> <p>Complaints have been received in relation to the development.</p> <p>An Enforcement Notice has been issued to resolve the issues identified</p> <p>The Notice has been issued to require the removal of the wooden fencing and raised platform.</p> <p>A site visit was undertaken on 22nd November 2017. The development has been substantially removed in partial 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
										Further email correspondence has been sent to the owners of the property detailing how to fully comply with the requirements of the notice.	
14.	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	<p>Complaints have been received regarding the condition of the garden.</p> <p>The property has been overgrown for a long period and is unsightly.</p> <p>A notice has been served requiring the garden be cut back, trimmed and all waste removed.</p> <p>Following a site visit on 13th December 2017, works have commenced on site and some vegetation has been cut, however there is still a large amount of work to be undertaken in order to comply with the requirements of the notice.</p>	
15.	Swalwell Cricket Club Derwenthaugh Park Spa Well Road Winlaton Mill NE21 6JA	Whickham North	Unauthorised Change of Use	24 TH November 2017	24 th November 2017	Y	N	24 th November 2017	22 nd December 2017	<p>The land has been changed from scrub land to a Dog day care facility without planning permission</p> <p>The applicant submitted planning application DC/17/01127/COU. Consultation</p>	

Item Number	Site	Ward	Alleged Breach of Planning Control	Date Approval given for Enforcement Action	Date Served	Plan App Rec'd Y/N	Appeal Rec'd Y/N	Date Notice comes into Force	End of Compliance Period	Current Status	Compliance Y/N
										<p>responses had been received expressing concerns relating to potential contamination on site, impact on the Green Belt and implications for ecology/wildlife in the area.</p> <p>The temporary stop notice has been served to allow for these concerns to be fully assessed.</p> <p>The planning application has now been withdrawn and the use of the land ceased.</p>	
16.	Gleeson's housing site, formally grazing land between Portobello Road Birtley	Birtley	Breach of Planning Conditions	29 TH November 2017	29 th November 2017	Y	N	29 th November 2017	26 th December 2017	<p>Despite communication with the developer, pre-commencement conditions have not been discharged and groundworks, engineering operations and building operations have commenced on site.</p> <p>The Temporary Stop Notice has been issued to allow for full details of the conditions to be submitted and assessed.</p>	



TITLE OF REPORT: Planning Appeals

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

Purpose of the Report

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

New Appeals

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

DC/17/00163/HHA - 8 Dockendale Lane, Whickham, NE16 4EN
Garage conversion and extension at the front of the property.
This application was a delegated decision refused on 13 July 2017

DC/17/00473/HHA - 17 Limetrees Gardens, Low Fell, Gateshead NE9 5BE
First floor extensions to side and rear.
This application was a delegated decision refused on 23 June 2016

DC/17/00010/FUL - Ogilvie House, Princes Park, Gateshead, NE11 0NF
Erection of 2.4m high mesh fencing around perimeter of site. Proposal includes installation of single automatic roller gate at site entrance, single leaf pedestrian gate to east elevation and single pedestrian gate to west elevation.
This application was a delegated decision refused on 14 August 2017

Appeal Decisions

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

Appeal Costs

4. There have been **no** appeal cost decisions.

Outstanding Appeals

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

Recommendation

6. It is recommended that the Committee note the report

Contact: Emma Lucas Ext: 3747

FINANCIAL IMPLICATIONS

Nil

RISK MANAGEMENT IMPLICATIONS

Nil

HUMAN RESOURCES IMPLICATIONS

Nil

EQUALITY AND DIVERSITY IMPLICATIONS

Nil

CRIME AND DISORDER IMPLICATIONS

Nil

SUSTAINABILITY IMPLICATIONS

Nil

HUMAN RIGHTS IMPLICATIONS

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

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

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

WARD IMPLICATIONS

Various wards have decisions affecting them in Appendix 2

BACKGROUND INFORMATION

Start letters and decision letters from the Planning Inspectorate

APPENDIX 2

OUTSTANDING APPEALS

Planning Application No	Appeal Site (Ward)	Subject	Appeal Type	Appeal Status
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/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
DC/17/00163/HHA	8 Dockendale Lane Whickham Whickham NE16 4EN	Garage conversion and extension at the front of the property.	Written	Appeal in Progress

DC/17/00473/HHA	17 Limetrees Gardens Low Fell Gateshead NE9 5BE	First floor extensions to side and rear	Written	Appeal in Progress
DC/17/00010/FUL	Ogilvie House Princes Park Gateshead NE11 0NF	Erection of 2.4m high mesh fencing around perimeter of site. Proposal includes installation of single automatic roller gate at site entrance, single leaf pedestrian gate to east elevation and single pedestrian gate to west elevation	Written	Appeal in Progress



REPORT TO PLANNING AND DEVELOPMENT COMMITTEE

3 January 2018

TITLE OF REPORT: Planning Obligations

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

Purpose of the Report

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

Background

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

DC/15/01098/FUL - £50,000 paid for commencement of ecological works.

Land East Of Crawcrook Lane, Crawcrook

Erection of 187 dwellings with associated estate roads, external infrastructure and landscaping and re-alignment of a section of Crawcrook Lane and the provision of a parking layby to the front of Kingsley Terrace (additional information/amended 15/04/16, 23/06/16 and 27/06/16).

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 3 January 2018.

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