

PLANNING AND DEVELOPMENT COMMITTEE AGENDA

Wednesday, 24 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 3 January 2018 (copy previously circulated).

3 Declarations of Interest

Members to declare interests in any agenda items

4 Planning Applications (Pages 3 - 10)

4i **No 1 - Gateshead Council Lyndhurst Community Education Centre (Pages 11 - 30)**

4ii **No 2 - Gateshead Jewish Primary School (Pages 31 - 52)**

4iii **No 3 - Ryton Park Country House Hotel (Pages 53 - 80)**

4iv **No 4 - Runhead Lodge (Pages 81 - 88)**

4v **No 5 - Land to the East of Marigold Avenue, Gateshead (Pages 89 - 110)**

4vi **No 6 - 19-21 Derwent Street, Chopwell (Pages 111 - 122)**

4vii **No 7 - 6 Westmorland Gardens (Pages 123 - 128)**

Delegation Decisions (Pages 129 - 138)

5 Enforcement Action (Pages 139 - 154)

Report of the Strategic Director, Communities and Environment

6 Planning Appeals (Pages 155 - 178)

Report of the Strategic Director, Communities and Environment

7 Planning Obligations (Pages 179 - 182)

Report of the Strategic Director Communities and Environment

Contact: Sonia Stewart email soniastewart@gateshead.gov.uk, Tel: 0191 433 3045,
Date: Tuesday, 16 January 2018

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PLANNING AND DEVELOPMENT
COMMITTEE
24 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/17/01010/FUL	Gateshead Council Lyndhurst Community Education Centre Beacon Lough Road	High Fell
2. DC/17/01041/FUL	Gateshead Jewish Primary School Alexandra Road	Bridges
3. DC/17/01086/FUL	Ryton Park Country House Hotel Holburn Lane	Ryton Crookhill And Stella
4. DC/17/01171/TPO	Runhead Lodge River View	Ryton Crookhill And Stella
5. DC/17/01168/FUL	Land To The East Of Marigold Avenue Gateshead	Felling
6. DC/17/01296/FUL	19-21 Derwent Street	Chopwell And Rowlands Gill
7. DC/17/01356/HHA	6 Westmorland Gardens Gateshead	Low Fell

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

Changes allowed without planning permission

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

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



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

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

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

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

Explanation of Abbreviated Terms used in Reports

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

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

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Committee Report

Application No:	DC/17/01010/FUL
Case Officer	Andrew C Softley
Date Application Valid	12 September 2017
Applicant	Mr Peter Udall
Site:	Gateshead Council Lyndhurst Community Education Centre Beacon Lough Road Beacon Lough Gateshead NE9 6TA
Ward:	High Fell
Proposal:	Erection of 36 houses (C3 residential) and all associated services and infrastructure (amended and additional information received 04/12/17).
Recommendation:	GRANT
Application Type	Full Application

1.0 The Application:

1.1 BACKGROUND

The application was deferred at the Planning and Development Committee of 6th December 2017 to allow the Council as landlord/owner to liaise with the occupier of the neighbouring Cleveland Hall Community Association (CHCA) in respect of retaining a suitable level of access for ongoing maintenance of the adjoining site. Discussions are taking place and an update report will be provided regarding this.

1.2 DESCRIPTION OF THE SITE

The application site is the former Lyndhurst School, which is currently vacant land following demolition of the school building in 2013. The site fronts onto Beacon Lough Road and has two access points, one at the eastern end of the northern site boundary and one at the western end of the northern site boundary. Immediately to the west is a single-storey community centre building that was part of the school before a change of use to subdivide it was granted in 1999. To the south of the site are playing pitches associated with the community centre and to the east are the existing houses on Carnforth Gardens that sit at a higher land level than the application site. The current site is made up of a mixture of rough grass and made ground formed after the demolition of the school, except for the south-east corner of the site that forms an irregular shaped area of land that has a number of trees located on it. The character of the streetscene is predominantly made up of a mixture of residential properties, along with a small parade of retail uses on the opposite side of Beacon Lough Road.

1.3 DESCRIPTION OF THE APPLICATION

This application proposes the erection of 36 houses (C3 residential) and all associated services and infrastructure. The development would consist of 19

two-bed semi-detached houses, of which 6 would be affordable (intermediate tenure) units, 16 three-bed semi-detached and detached units and 1 four-bed detached house. The existing western most access point into the site would be used to form the entrance to the estate, with a simple estate road that would dissect the central part of the site, with houses set either side of it. The properties would be constructed of brick and tile, would all have off-street parking provision and outdoor garden space. There would also be an on-site play space, which would also allow for a SuDS feature to be installed.

1.4 This proposed development constitutes the Council operating as a private developer in partnership with Kier Homes. The houses would be for open market sale, with the exception of the 6 affordable units that would be made available for affordable rent through a registered provider, either managed by the Council directly or through The Gateshead Housing Company. The affordability rate is to be set at 80% of the market rent for the area subject to valuation.

1.5 RELEVANT PLANNING HISTORY
DC/13/00832/DEM: DETERMINATION OF PRIOR APPROVAL for the demolition of the former Lyndhurst Centre. Prior approval required and approved on 29.07.2013.

932/02: Planning permission granted for the provision of all weather (astro-turf) football pitch and erection of 3m high chain link security/rebound fence (approved 21.10.2002).

89/01: Planning permission granted for the installation of 4 x 8m high lighting columns on north and south sides of existing sports surface (approved (05.03.2001).

549/99: Planning permission granted for conversion of part of vacant school (use class D1) to assembly/leisure for use by boys' club (use class D2) including partial repair/re- covering of flat roofs (approved 01.07.1999).

2.0 Consultation Responses:

CE Electric UK	No objections.
Northumbria Water	No objection subject to conditioning the discharge rate.
Tyne And Wear Archaeology Officer	There are no archaeological requirements in relation to this scheme.
Coal Authority	No concerns, as the site is not within a high risk area.

3.0 Representations:

One letter of representation has been received from the neighbouring occupier (Cleveland Hall Community Centre) and raises the following concerns:

- Access required for 3G pitch replacement/renovation.
- Disability Access.
- Storage area required for specialist 3G cleaning equipment.
- Container storage area for mini soccer/11 a side goals and associated equipment.
- Proximity of the proposed fence line in relation to the use of the 3G facility and the potential for balls to enter neighbours gardens.
- Noise levels being generated taking into account the facility is operational from 7.30am till 9pm for both maintenance and activities.

4.0 Policies:

NPPF National Planning Policy Framework

NPPG National Planning Practice Guidance

CS10 Delivering New Homes

CS11 Providing a range and choice of housing

CS13 Transport

CS14 Wellbeing and Health

CS15 Place Making

CS17 Flood Risk and Waste Management

H4 Windfall and Small Housing Sites

CFR28 Toddlers' Play Areas

CFR29 Juniors' Play Areas

CFR30 Teenagers' Recreation Areas

DC1C Landform, landscape and after-use

DC1P Contamination, derelict land, stability

DC2 Residential Amenity

ENV3 The Built Environment - Character/Design

ENV44 Wood/Tree/Hedge Protection/Enhancement

ENV54 Dev on Land Affected by Contamination

5.0 Assessment of the Proposal:

5.1 ASSESSMENT

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

5.2 PLANNING POLICY

Windfall housing

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

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

5.4 With regards to sustainable development, this is a largely residential area, which is also adjacent to Beacon Lough Road/Southend Road local shopping area and is also close to Low Fell District Centre. It is considered that this proposal would not be at odds with the established character of the area and the amenity of future residential occupiers can be safeguarded. This will be discussed in more detail later in the report. As a result the principle of developing this site for residential use is considered acceptable should all other material planning considerations be satisfied.

5.5 Family Homes

Core Strategy and Urban Core Plan (CSUCP) policy CS11(1) requires that a minimum of 60% of new private housing across the plan area is suitable and attractive for families (i.e. homes with three or more bedrooms). The plans show the proposal is for the development of 36 dwellings, comprising 19 x 2 bedroom, 16 x 3 bedroom and 1 x 4 bedroom. That equates to 17 houses of 3 bedrooms or more, which is 47% of the development. Therefore, it is considered that the proposal does have regard to borough-wide policy CS11(1).

5.6 Affordable Homes

The design and access statement states that the proposal provides 6 affordable units on the site in accordance with Policy CS11(5). The affordable homes would be two bedroom units, pepper-potted around the site and of an intermediate tenure, which would be managed either by the Council directly or by the Gateshead Housing Company. This is considered to be in accordance with policy and is welcomed. The affordable housing provision can be secured by condition (condition 3).

- 5.7 Lifetime Homes and Wheelchair accessible homes
The design and access statement confirms that 11% of the 2 bedroom units will be built to lifetime home standards to help achieve the space standards required by Policy CS11.
- 5.8 Residential space standards
Policy CS11 of the CSUCP requires that new residential development provides "adequate space inside and outside of the home to meet the needs of residents". This proposal is considered to provide adequate space and therefore complies with policy CS11.
- 5.9 Open space
The application site is not located within a neighbourhood that is deficient in open space provision; therefore there would be no requirement for this development to provide any.
- 5.10 Play provision
Saved UDP Policies CFR28, CFR29 and CFR30, relating to the provision of play facilities is considered to apply to the current application.
- 5.11 The application includes an area of land adequate to meet the requirements of an on-site toddler play area that would also serve as an open space and SuDS feature. Therefore, the proposal does accord with saved policy CFR28 of the UDP.
- 5.12 With regard to off-site contributions towards junior and teenage provision, pooling restrictions were introduced by the Community Infrastructure Levy Regulations 2010, which means that no more than 5 obligations can be pooled in respect of an infrastructure type or infrastructure project.
- 5.13 The Council has already exceeded the five obligation maximum in respect of all three types of play and for open space in this area and the contribution generated by this development would not be sufficient to fund the improvements required at the sites referred to above or provide new facilities. Therefore the Council cannot seek any further obligations in respect of these matters.
- 5.14 Consequently while it cannot be concluded that the proposed development would comply with saved policies CFR29 and CFR30 of the UDP it is considered that it is not possible to require any contribution for play provision in this case, based on the above assessment.
- 5.15 COMMUNITY INFRASTRUCTURE LEVY
On 1st January 2017 Gateshead Council became a CIL Charging Authority. This application has been assessed against the Council's CIL charging schedule and the development is CIL chargeable development, as it is housing related. However, the development is located within Charging Zone C, which has a levy of £0 per square metre for this type of development. As such no CIL charge is liable.

5.16 DESIGN AND VISUAL AMENITY/LANDSCAPING AND BOUNDARY TREATMENT

The design, scale, layout, height, density and appearance of the proposed development is considered to be sympathetic to the surrounding area and would not appear out of keeping with the existing housing stock and other buildings as a result. Furthermore, the design of the properties would create sufficient amenity space and prevent the site from being overdeveloped. Precise details of the materials to be used as part of the development (facing brick, render, tile, door and window frames, etc.) have been submitted and are considered to be acceptable in terms of preserving visual and residential amenity. Therefore, it is considered appropriate to condition that the development is constructed in accordance with the submitted details (condition 6).

5.17 Detailed boundary treatment information has been submitted and is considered to be acceptable in terms of preserving visual and residential amenity. Therefore, it is considered appropriate to condition that the boundary treatments are installed in accordance with the submitted details (condition 7).

5.18 With regard to landscaping, some details of soft and hard landscaping have been submitted but it is considered that more information is required to ensure that an appropriate landscaping scheme comes forward. This is particularly relevant in respect of the existing hedge on the Beacon Lough Road boundary, which is to be retained in part with further complementary planting proposed. Therefore, it is considered necessary to condition their final approval to ensure visual amenity is preserved (conditions 8-10).

5.19 Subject to the above the development would accord with the NPPF, policy CS15 of the CSUCP and saved policies ENV3 and DC1(c) of the UDP.

5.20 FLOOD RISK AND DRAINAGE

The application has been submitted with a flood risk assessment that has assessed all sources of flooding in accordance with policy CS17 of the CSUCP. It has identified any potential risks and the layout of the development reflects this by locating the main SuDS feature and play area in the part of site most likely to suffer surface water flooding and likewise the houses are positioned to help minimise the risk of being flooded.

5.21 The principle of the drainage strategy is considered to be acceptable but a number of further details are deemed necessary to ensure that the development accords with the NPPF and policy CS17 of the CSUCP. These further details include detailed drawings, electronic drainage model, adoption plan, detailed health and safety and construction method statement to ensure the required discharge rate for the site is achieved. It is considered that these amendments can be dealt with via conditions (conditions 11-18).

5.22 CONTAMINATED LAND

The site is situated on potentially contaminated land based on previous historic development use, which included extensive areas of red shale and some asbestos that was found during demolition works of the former school buildings

and? from contamination existing in imported made ground used as a historic development platform and from contamination present in the ground from building materials/demolition arisings.

- 5.23 In view of the sensitive end use proposed and following discussions at pre-application stage the planning application is supported by a Preliminary Risk Assessment (PRA), a Phase 2 Site Investigation Report and a Remediation Statement.
- 5.24 Only a limited number of samples at the site have been subject to chemical analysis, (only 8 samples analysed from 21 exploratory holes), which is insufficient for a site of this size to be able to come to any valid conclusions about the extent of contamination at the site and the variability of ground types.
- 5.25 Therefore, a revised 'final' Remediation statement will be required to be submitted for approval by the LPA, following further testing having been completed to inform the remediation statement. This can be dealt with by conditions (conditions 19-21).
- 5.26 It is also considered necessary to apply a condition, should planning permission be granted, to address the necessary course of action if unexpected contamination not previously identified is discovered during construction (condition 22).
- 5.27 Subject to the conditions referenced above the proposal would accord with the NPPF, policy CS14 of the CSUCP and saved policies ENV54 and DC1(p) of the UDP.
- 5.28 **TRANSPORT AND HIGHWAYS**
The principle of residential development on this site is considered to be acceptable and subject to the following paragraphs there is no objection to the scheme on transport and highways grounds.
- 5.29 A small Transport Statement has been provided and this highlights the sustainability of the site in terms of its proximity to shops, services and schools. The site is well located within an existing residential area and there are good local facilities and public transport links in the immediate vicinity. The development does however create a new desire line to the mini supermarket on the opposite side of Beacon Lough Road and the applicant should install a 1.8m wide footpath through the verge and dropped kerbs on either side of Beacon Lough Road to provide a pedestrian route, as it is considered that the majority of residents will not walk to the pedestrian refuge 50m south west of the development access. This can be addressed by condition (conditions 23-24) to ensure it forms part of a Section 278 Agreement that will be out with the planning process.
- 5.30 Whilst a visibility splay of 2.4m x 43m has not been shown on the plans the wide verge on Beacon Lough Road means that this can be easily achieved. The required splay would reduce to 2.4m x 35m if the speed limit is also reduced to 20mph, as is considered necessary due to the proposed intensification of the

use of the existing access to the application site and the existing access on the opposite side of Beacon Lough Road that primarily serves the Co-Op for customer parking and deliveries.

- 5.31 Therefore, it is considered that the applicant should fund the creation of a 20mph Zone encompassing the area around the new access and the local shopping area on both Beacon Lough Road and Southend Road. The new development would also form part of the zone. These works would form part of a Section 278 Agreement and can be dealt with by condition (conditions 23-24).
- 5.32 The plans show the first 10m of the access road from Beacon Lough Road into the site will be 5.5m wide, after which the internal carriageway width will be 5m and the provision of a 1.8m wide footway on both sides of the carriageway is also proposed. All of these provisions are considered to be acceptable. The plans also show that dropped kerbs and tactile paving will be installed across the existing western access on Beacon Lough Road.
- 5.33 The other existing vehicular access point at the eastern end of the site being made redundant by this development must be closed and the public footway and grass verges reinstated. These works can be addressed by condition (conditions 23-24).
- 5.34 As stated above the development should form part of a 20mph Zone. It is considered that the layout proposed conforms to the 20mph Zone standards by restricting traffic speeds through horizontal deflections in the carriageway and buildouts, as a means of achieving a traffic calming effect.
- 5.35 A turning head is shown and the vehicle tracking provided demonstrates that this is of a size suitable to accommodate the turning movements of a refuse vehicle.
- 5.36 The resident car parking provision is in accordance with the Council's maximum standard of 2 spaces per property when averaged out over the whole development. Whilst the provision of echelon bays for properties 12 to 14 and 36, remote from the dwellings, is not ideal this is acceptable if they are clearly marked to avoid mis-use by others. This can be addressed by condition (condition 25).
- 5.37 The visitor parking provision meets the Council standard of 1 space per 3 to 4 properties. Where visitor spaces are positioned within a private drive these spaces will also remain private. Visitor bays in the private driveway areas are to be set out in a contrasting material/colour so that they do not appear to provide parking for a particular property. This is particularly important adjacent to property 20.
- 5.38 The splay on the rear fences of properties 15 and 16 is good and allows clear visibility between pedestrians and drivers reversing from the driveways.
- 5.39 Secure and weatherproof cycle parking is to be provided by way of a shed in the rear garden of each property. These should have a lockable door mechanism

and a means of securing a bicycle internally. All properties have an external route which allows bins and cycles to be transferred from rear to front garden.

- 5.40 A street lighting scheme must be developed for the purposes of highway and personal safety as will a highway drainage scheme. This would form part of the Section 38 process when adopting the internal roads and footways. This can be finalised via condition (conditions 26-27).
- 5.41 Construction Control measures can be conditioned to reduce the risk of mud on the roads (conditions 4 and 5).
- 5.42 The longitudinal sections of the proposed carriageway show that gradients within the development are below the Council's preferred maximum of 1 in 20 and are therefore acceptable.
- 5.43 Overall, subject to the conditions set out above the proposal would safeguard highway safety and hence would accord with the NPPF and policy CS13 of the CSUCP.
- 5.44 **RESIDENTIAL AMENITY**
It is considered that the orientation of windows, the layout of the site, including car parking, and the drop in land level from east to west should help to safeguard residential amenity to neighbouring properties, both existing and proposed. Furthermore, the separation distances to the nearest properties in Carnforth Gardens are in excess of 21m and therefore a loss of privacy is not considered to be an issue.
- 5.45 With regard to the existing 3G pitch that is adjacent to plots 12, 19 and 36, it is considered that properties have been orientated to minimise any impact from the existing floodlighting and the existing high fencing around the court should help to minimise the residential amenity impact. It is also worth noting that anyone moving into these houses would be aware of the existing use next door. Therefore, on that basis, it is considered that the proposal would accord with the NPPF, policy CS14 of the CSUCP and saved policy DC2 of the UDP.
- 5.46 In addition to the comments above, it is considered reasonable to condition that construction works should only take place during typical daytime hours of 8am-5pm Monday to Saturday in order to safeguard residential amenity. Subject to that condition the proposal would accord with the NPPF, policy CS14 of the CSUCP and policy DC2 of the UDP (condition 28).
- 5.47 **REFUSE**
Each plot has sufficient rear garden space for the storage of wheeled bins with easy access to wheel them out for collection and the road layout is good and reduces the need for reversing for the 26 tonne HGV waste collection vehicles. Therefore, it is considered that the proposal accords with the NPPF and saved policy MWR28 of the UDP.
- 5.48 **OTHER MATTERS**

A number of concerns to do with the on-going operation of the neighbouring community centre have been raised. It is considered, with the exception of the reference to potential disturbance from use of the 3G pitch addressed above, that the other concerns are not material planning considerations, as the community centre is not reliant upon the application site to service their operation. Other issues are matters for resolution between the tenant and the Council acting as their landlord.

6.0 CONCLUSION

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

7.0 Recommendation:

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

1

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

- AL(00)001 Rev E Location Plan
- AL(00)002 Rev S Planning Layout
- AL(00)003 Rev B Technical Plan
- AL(00)004 Rev I Parking Plan
- AL(00)005 Rev H Proposed Deed Plan
- AL(00)006 Rev H Proposed Adoptions Plan
- AL(00)007 Rev G Boundary Treatments Plan
- AL(00)008 Rev G Materials Plan
- AL(00)009 Rev B Street Scenes
- 1008-165_2D (A0-1) Topographical Survey 2D
- 1008-165_2D (A0-2) Topographical Survey 2D
- R/2023/1C
- R/2023/2B
- R/2023/3
- T3-V5-END-AA(00)001
- TA-LTH-V1-END-AA(00)001
- T8-END-AA(00)001
- T10-END-AA(00)001 Rev A
- T10-DET-AA(00)001 Rev A
- T10-V1-DET-AA(00)001 Rev A
- T10-V4-DET-AA(00)001 Rev A
- T12-DET-AA(00)001
- T14-END-AA(00)001

- T31-DET-AA(00)001
- SD(90.3) 39
- SD(90.3) 54
- SD(90.3) 57
- 1800mm pillar wall with close boarded fence

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

Reason

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

2

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

Reason

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

3

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

- which 6 units in the development will be affordable
- what type of subsidised home ownership they will be, and
- the selection criteria to live in the units
- timetable for delivery

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

Reason

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

4

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.

5

The construction control plan approved under condition 4 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.

6

The development shall be completed using the materials shown on plan reference AL (00) 008 Rev: G and retained as such in accordance with the approved details thereafter.

Reason

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

7

The boundary treatments shall be completed in accordance with the details shown on plan references AL (00) 007 Rev: G, AL (00) 009 Rev: B, SD(90.3) 39, SD(90.3) 54, SD(90.3) 57 and 1800mm pillar wall with close boarded fence and retained as such in accordance with the approved details thereafter.

Reason

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

8

The development hereby approved shall not be commenced until a fully detailed scheme for the landscaping of the site, including retention of the existing hedge fronting onto Beacon Lough Road, has been submitted to and approved in writing by the Local Planning Authority. The

landscaping scheme shall include details and proposed timing of hard and soft landscaping, proposed trees and hedges, ground preparation and planting plans noting the species, plant sizes and planting densities for all new planting.

Reason

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

9

The landscaping scheme approved under condition 8 shall be implemented in accordance with the timescale approved through condition 8.

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.

10

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

Reason

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

11

Prior to the commencement of the development hereby permitted, scale drawings showing the proposed layout of the drainage network for the full site clearly showing permeable paved areas, numbered pipes, falls, diameters and manhole invert and cover levels that correspond with the drainage model previously submitted shall be submitted to and approved in writing by the Local Planning Authority.

Reason

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

12

The details of the drainage network approved under condition 11 shall be implemented prior to the first occupation of the development hereby permitted and maintained for the life of the development.

Reason

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

13

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

Reason

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

14

The details of the drainage maintenance plan approved under condition 13 shall be implemented prior to the first occupation of the development hereby permitted and maintained for the life of the development.

Reason

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

15

Prior to the construction of the swale hereby approved final detailed proposals of the swale showing slopes and its relationship to adjacent

planting and boundary features shall be submitted to and approved in writing by the Local Planning Authority.

Reason

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

16

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

Reason

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

17

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

Reason

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

18

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

Reason

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

19

Prior to commencement of the development hereby permitted, a revised remediation statement that clearly states what remedial measures are to be implemented, and which addresses the comments dated 26/10/17 provided by the Council's Contaminated Land officer shall be submitted to and approved in writing by the Local Planning Authority. The remediation statement shall provide a detailed remediation scheme to bring the site to a condition suitable for the intended use by removing

unacceptable risks to human health, buildings and other property and the natural and historical environment. The scheme must include all works to be undertaken, including where necessary, additional sampling and chemical analysis, proposed remediation objectives and remediation criteria, timetable of works and site management procedures. The scheme must ensure that the site will not qualify as contaminated land under Part 2A of the Environmental Protection Act 1990 in relation to the intended use of the land after remediation.

Reason

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

20

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

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

Reason

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

21

Following completion of the remediation measures approved under condition 19 a verification report that demonstrates the effectiveness of the remediation carried out must be submitted for the written approval of the Local Planning Authority prior to first occupation of the development hereby permitted.

Reason

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

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

22

In the event that contamination is found at any time when carrying out the approved development that was not previously identified, it must be reported in writing immediately to the Local Planning Authority. Development must be halted on that part of the site affected by the unexpected contamination. Where required by the Local Authority an investigation and risk assessment must be undertaken, and where remediation is necessary a remediation scheme shall be submitted to and approved in writing by the Local Planning Authority. Following completion of measures identified in the approved remediation scheme a verification report shall be submitted to and approved in writing by the Local Planning Authority.

Reason

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

23

No part of the development hereby approved shall be occupied until final details of all works within the adopted highway have been submitted to and approved in writing by the Local Planning Authority. This shall include the footpath link across Beacon Lough Road, the creation of a 20mph Zone and the closing off and making good of the redundant access at the eastern end of the site.

Reason

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

24

No part of the development hereby approved shall be occupied until the off-site highway works have been implemented in accordance with the details approved under condition 23 and shall be retained as such thereafter unless otherwise approved in writing by the Local Planning Authority.

Reason

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

25

Before being brought into use, the echelon car parking bays for plots 12 to 14 and 36 shall be clearly marked to avoid mis-use by others and maintained as such for the life of the development.

Reason

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

26

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

Reason

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

27

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

Reason

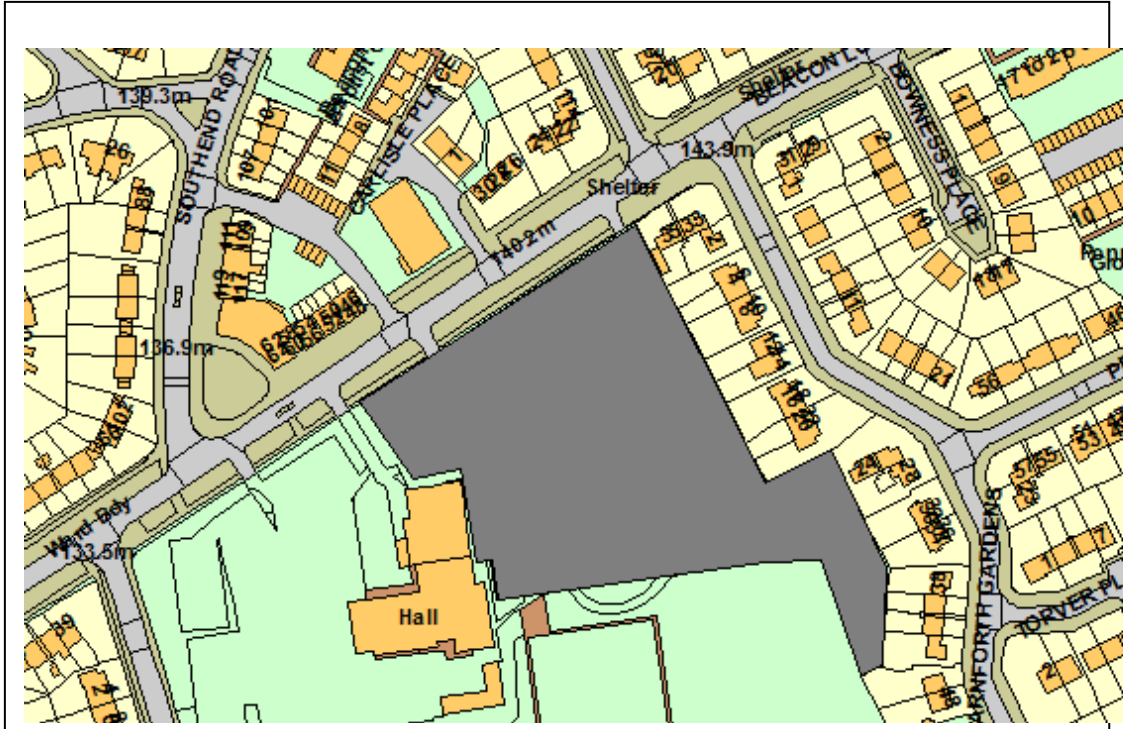
In the interests of highway safety and in order to accord with the NPPF and policy CS13 of the CSUCP.

28

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

Reason

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



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Committee Report

Application No:	DC/17/01041/FUL
Case Officer	Lois Lovely
Date Application Valid	8 January 2018
Applicant	Gateshead Jewish Primary School
Site:	Gateshead Jewish Primary School Alexandra Road Gateshead NE8 1NR
Ward:	Bridges
Proposal:	Construction of annexe to existing single storey primary school to include 7 No classrooms, 2 No D and T classrooms, Assembly/Dining/PE Hall, staff facilities, management office, roof top external play area (amended plans and additional information received 06/12/17).
Recommendation:	GRANT
Application Type	Full Application

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

The application site is the existing Jewish Girls Primary School which is located on the east side of Alexandra Road, opposite the Ohel Rivka Nursery School. It is bounded to the south by the rear lane of Bewick Road that also forms the boundary of Coatsworth Conservation Area, with the Jewish Teachers Training College buildings beyond. Coatsworth Conservation Area also bounds Alexandra Road on the opposite side of the road to the application site. To the north is Worcester Green Day Centre and dwellings on Worcester Green, to the east is Ely Street, a terrace of dwellings, and the Gateshead Health Centre, the car park of which is also accessed from Ely Street.

1.2 The school is in the main a single-storey glazed building of typical 1970's design with a two storey element. It has a tall flue in the north eastern corner of the building, with a playing field to the east and north of the main building. The school site is enclosed by 1.2m high metal railings; there is an existing car park accessed from Ely Street for on-site parking and servicing. There is a pedestrian access from Alexandra Road. The building sits to the southern part of the site. A playground is located to the west of the building and there are four temporary portable units, 2 x units each 15m x 9.6m and 2 x unit 9m x 9.6m located to the north side of the school on an existing playing field that provide temporary classroom accommodation. These are to be removed to enable the annexe to be constructed.

1.3 There is a further single storey building at the Ely Street entrance which is the former caretaker's house and is now in use for 1 to 1 special needs teaching.

- 1.4 There is existing on-site parking along with restricted on-street parking available on the adjacent highways. The boundaries are screened by shrub and hedge landscaping.
- 1.5 The current pupil roll is 356 that is forecast to increase to 360 in the next academic year and 366 in the year following.
- 1.6 DESCRIPTION OF THE PROPOSAL
The proposal is to erect a three storey annexe building in the location of the existing temporary units to the north of the existing school building.
- 1.7 The temporary units are placed on a raised plateau. It is proposed to reduce this plateau so that the annexe is at grade with the existing school. The finished floor level (FFL) of the annexe is shown as 74.65, the level of the adjacent grassed area varies between 73.77 and 74.59 consequently, the FFL of the development would be 0.82m higher than the lowest part of the adjacent area.
- 1.8 The proposed annexe building is 43.4m long from west to east and 22m wide from north to south and set off the boundary by 2m. It is a two storey (ground and first floor) building with three storey 'bookends' on the east and west elevations, at a height of 11.5m. A parapet wall and screen runs between the 'bookends' along the north and south elevations, to enclose a roof top play area. The overall height of the proposed annexe building is 10.4m to the top of the parapet / screen.
- 1.9 A glazed link to the existing school building is proposed to the south and internal reconfiguration in the school results in 11 classrooms (numbered 1 - 11). [The reconfiguration of the classrooms within the existing building, would not result in any external alterations and therefore this does not require planning permission in itself.
- 1.10 The accommodation proposed on the ground floor of the annexe comprises seven classrooms (numbered 12 - 18). The classrooms are separated from the accommodation in the 'bookends' by staircases, and a lift at the eastern end. Above the classrooms, at first floor level is a large Assembly Hall.
- 1.11 In addition to the stairs, in the east and west 'bookends' are a range of teaching and non-teaching spaces including offices, storage, toilets, kitchen and Design and Technology rooms.
- 1.12 The eastern staircase is accessed from external double doors on the south elevation (facing the existing school) at ground floor level. The western 'bookend' connects to the school via the new glazed link on its south elevation and there is also an access into the western end of the annexe from the northern side. The doors on the northern elevation are within 2m of the boundary with Worcester Green.
- 1.13 At second floor level, the 'bookends' give access to a screened, rooftop play area. Colour coated, steel framed roof shelters are indicated along the north and south sides of the rooftop play area.

- 1.14 There is a small service yard adjoining the north east corner of the annexe, enclosed by a timber screen.
- 1.15 The plans also show the creation of one disabled user parking bay within the site, close to the access from Ely Street.
- 1.16 The application is supported by:
Design and Access Statement
A Coal Mining Risk Assessment
Preliminary Risk Assessment
Travel Plan
- 1.17 **PLANNING HISTORY**
The relevant planning history for this site is:
DC/04/01270/FUL Siting of 3 portable buildings to north of existing infants school to provide temporary classroom accommodation. Amended 21.09.04
Granted Temporary Permission 08.11.2004 Expired 08.11.2006
- DC/06/01714/FUL Continued siting of 3 portable buildings to north of existing infants school to provide temporary classroom accommodation. Granted
Temporary Permission 14.12.2006 Expired 14.12.2009
- DC/09/01512/FUL Continued siting of 3 portable buildings to north of existing infants school to provide temporary classroom accommodation. Granted
Temporary Permission 22.01.2010 Expired 30.06.2011
- DC/12/00620/FUL Retention of 3 portable buildings to north of existing infants school to provide temporary classroom accommodation, for further 5 years (retrospective application). Granted Temporary Permission 25.06.2012 Expires 25.06.2017
- DC/14/01151/FUL Three storey extension (including basement level) on eastern elevation of the existing school to provide additional classroom space
Granted 18.02.2015

2.0 Consultation Responses:

Coal Authority	<p>A recorded mine entry located within the site and potential shallow mine workings pose a risk to both public safety and the stability of the proposed development. Consequently, further intrusive site investigation works should be undertaken in order to establish the exact situation regarding them.</p> <p>The Coal Authority recommends a condition requiring these site investigation works prior to commencement of development.</p>
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In the event that the site investigations confirm the need for remedial works to treat the mine entry to ensure the safety and stability of the proposed development, this should also be conditioned to ensure that any remedial works identified by the site investigation are undertaken prior to commencement of the development.

The condition should also ensure that any remedial works identified by the site investigation to consolidate any shallow mine workings are undertaken prior to commencement of the development.

Sport England

No observations

3.0 Representations:

3.1 Three objection letters have been received. Two of the letters are signed by the same two residents of Worcester Green, the other letter is written on behalf of a resident on Ely Street. The main objections are in relation to:

- the creation of a parking space adjacent to the gable end of Ely Street;
- industrial bins are stored on highway;
- congestion from parents dropping off and pick up and from deliveries;
- hazardous for children to be crossing a service area;
- increased numbers of staff and vehicles;
- there should be double yellow lines at the school entrance and a sign advising of fines;
- existing external lighting is a nuisance;
- the Travel Plan as submitted states 98% of pupils come to school on foot and that the school will enforce no parking on Alexandra Road but this does not reflect what actually happens; and
- there is concern about the height of the proposal and its impact on privacy of dwellings on Worcester Green;
- concern about site being surveyed;
- has Ofsted been consulted on loss of play pitch facilities?; and
- will go to the Local Ombudsman if Traffic Survey is not made available.

4.0 Policies:

NPPF National Planning Policy Framework

NPPG National Planning Practice Guidance

CFR5 Loss of School Playing Fields to Dev

CFR6 Jewish and Minority Group Education

ENV3 The Built Environment - Character/Design

DC2 Residential Amenity

MWR28 Prov of Facilities in new Developments

ENV54 Dev on Land Affected by Contamination

ENV61 New Noise-Generating Developments

CS13 Transport

CS14 Wellbeing and Health

CS15 Place Making

CS17 Flood Risk and Waste Management

5.0 Assessment of the Proposal:

5.1 The main planning issues to be considered are principle of the proposal, contaminated land and the impact of the coal mining legacy, visual amenity and design and ground levels, highways, bin store, residential amenity, noise, playing field, existing planting, flood risk and SuDS.

5.2 PRINCIPLE

Saved Policy CFR6 of the UDP relates to the provision of education facilities for the Jewish Community amongst other groups and states that support will be given for the use of any appropriate sites or premises which may become available in the Bensham area for the expansion of Jewish education facilities, including halls of residence, taking account of potential harm to residential amenity and of other local community needs.

5.3 The application site is already in use as the Jewish Girls Primary School. The proposal is to provide permanent classroom accommodation in place of the temporary buildings located on the playing field.

5.4 The principle of the proposal is considered to be acceptable and in accordance with saved UDP policy CFR6.

5.5 CONTAMINATED LAND

The site has been assessed and inspected as part of the Council's Contaminated Land Strategy and is situated on potentially contaminated land based on previous historic use.

5.6 The site was previously occupied by a school constructed in the late 19th century and replaced by the current school building in the 1970s.

5.7 The main potential contamination source may be from imported fill materials and waste material used to construct a development platform prior to

construction of former buildings/ hardstanding on site. There may also still be demolition arisings from former buildings evident on site within made ground deposits, which may contain asbestos.

- 5.8 Given the site's future sensitive land use, it is recommended that conditions are imposed that will require an intrusive site investigation with a Phase II Detailed Risk Assessment (CONDITIONS 6 and 7), and where required Remediation (CONDITIONS 8 and 9) and Monitoring and Verification Reports (CONDITIONS 10 and 11) in order to comply with policy ENV54 of the UDP and CS14 of the Core Strategy and Urban Core Plan for Gateshead and Newcastle upon Tyne (CSUCP).
- 5.9 **COAL MINING LEGACY**
A Coal Mining report has been submitted in support of the application. The report concludes intrusive site investigation works should be undertaken by the applicant to complete the coal mining risk assessment process, as there is the potential for the ground to be unstable. It is recommended this be secured by conditions (CONDITIONS 12 and 13) in order to comply with policy ENV54 of the UDP and CS14 of the CSUCP.
- 5.10 **VISUAL AMENITY AND DESIGN**
The existing building is not considered to be of any particular architectural merit and the temporary buildings are harmful to the visual amenity of the vicinity. The proposals represent an important opportunity to improve the appearance of the site.
- 5.11 To ensure a satisfactory external appearance to the development, a number of conditions are proposed in relation to final details of extraction and ventilation facilities for toilets and the kitchen (CONDITIONS 17 to 20), the roof canopy (CONDITIONS 22 and 23) and the proposed colour and specification of materials to ensure a crisp and contemporary appearance to the new classroom block (CONDITIONS 24 and 25). Subject to these conditions it is considered that the scheme complies with the NPPF and relevant Local Plan policy with regard to its design and impact on the visual amenity of the surrounding area.
- 5.12 **HIGHWAYS**
Information provided by the Applicant states that pupil numbers are expected to rise from 356 to 366 over the next two academic years. Staff numbers are to be unaffected at 65. The applicant has confirmed that only three of these staff are sourced from outside of the local area and only these three rely on a car for their journey to work.
- 5.13 Observations of the school during morning arrivals and afternoon departures have been made by Officers. Whilst the local on-road space is very busy with parent parking, it was not quite at saturation point and space was available. A high proportion of pupils appear to walk to school. There were only 3 to 5 staff vehicles within the school site at any given time. It is considered that any additional parent parking generated by the scheme; on the basis that this development is essentially replacing temporary classroom facilities, rather than

providing wholly new accommodation, could be accommodated within the local area. However, given the potential for pupil numbers to increase beyond that which are currently anticipated, it is considered reasonable to impose a condition to restrict additional pupil numbers to no more than an additional thirty (i.e. up to a maximum of 386) (CONDITION 38), furthermore, a condition requiring the school to develop a Travel Plan (CONDITION 16) is also considered necessary.

- 5.14 The details of the times and frequency of deliveries are required to ensure that there is no highway safety concern or impact upon residential amenity and this can be secured by condition (CONDITIONS 26 and 27).
- 5.15 Subject to these conditions it is not considered that the development would have a detrimental impact on highway safety and therefore the development complies with the NPPF and CS13 in this regard.
- 5.16 **BIN STORE**
The bins from the school were left on the road outside of the curtilage of the school recently for an extended period and this has created residential amenity issues thus it is considered that a bin storage area should be shown on the layout. A condition is recommended to ensure that the details are secured, that the bin store is implemented and bins are stored at all times other than on bin collection day (CONDITIONS 28 and 29).
- 5.17 Waste Services and Ground Maintenance has confirmed that the refuse waggon currently reverses up Ely Street and does not enter the school site due to vehicles being parked in the turning head. Whilst the reversing of refuse waggons along Ely Street is undesirable, the proposed servicing arrangements will not change from the current situation nor is the frequency of refuse collection expected to increase as a result of this proposal. The proposal is considered to accord with policy MWR28 of the UDP and policy CS13 of the CSUCP.
- 5.18 **RESIDENTIAL AMENITY**
The nearest properties to the school boundaries are those on Ely Street and Worcester Green. The proposed building itself would not impact on the living conditions of residents in Ely Street however there is a gated access to the school from Ely Street. Ely Street is a cul de sac that serves the Health Centre and the dwellings and an objector has raised concerns in respect of congestion that occurs at drop off and pick up times from the school and that the residents experience difficulty. As the increase in pupil numbers has been advised as being only 10, over two academic years, it is considered to be unreasonable to restrict this entrance to servicing and deliveries only. Nevertheless, condition 38 (referred to above) is recommended to ensure that pupil numbers could not rise to a level where traffic impacts would be unacceptable.
- 5.19 The two storey properties on Worcester Green are located to the north of the school site, with an intervening grassed area, footpath and the front gardens of the properties between the school and the dwellings. The distance between the

front elevation of the dwellings and the rear elevation of the proposed building is 32m.

- 5.20 The highest part of the proposed annexe is 11.5m metres and the height of lowest part is 5.5 metres, the same height as the dwellings on Worcester Green.
- 5.21 Whilst it will change the outlook of the residents it is considered the building will not have a harmful impact due to the significant separation distance.
- 5.22 The Worcester Green Day Centre is nearer to the northern school boundary than the dwellings. There are no windows on the southern elevation of the Day Centre and the building has no external areas thus it is considered that whilst the proposed annexe is in close proximity to the Day Centre there would not be any harmful impact upon the occupants or the operation of the Day Centre.
- 5.23 An access into the annexe is shown on the northern elevation, and its use could result in noise and disturbance to residents of Worcester Green. However, the Applicant has confirmed that pupils will only use this doorway in the event of an emergency. It is considered necessary to impose a condition to restrict the use of this access to emergencies only (CONDITION 21) and subject to such a condition the proximity of the annexe to the boundary is not considered will cause disturbance to residents.
- 5.24 The existing plant room and chimney are to be removed and a new plant room is proposed on the ground floor on the south east corner of the development. A condition is recommended to secure specific details of the equipment to be installed in the plant room including details of expected noise levels and vibration of the plant operating (manufacturer brochure) to enable consideration of any impact upon nearby residential properties (CONDITIONS 31 and 32).
- 5.25 Given the proximity of the school to dwellings it is considered necessary to impose a condition restricting the hours of construction including the use of any equipment or deliveries to the site, to between 0800 hours and 1700 hours on Mondays to Fridays and between 0800 hours and 1300 hours on Saturdays and at no time on Sundays, Bank Holidays or Public Holidays to safeguard the amenities of nearby residents (CONDITIONS 3 and 4) and a construction methodology to ensure disturbance is kept to a minimum (CONDITION 5).
- 5.26 Subject to the recommended conditions the proposal would not result in a significant loss of amenity to surrounding properties and would comply with saved policies DC1, DC2 and ENV61 of the UDP and policy CS14 of the CSUSP.
- 5.27 PLAYING FIELD
The temporary buildings are located on the school playing field and therefore have resulted in the loss of approximately half of the field. Although this current proposal does not include reinstatement of the half of the playing field, following removal of the temporary buildings, it provides an alternative rooftop area

required to ensure that the pupils have access to play facilities. This is considered to be acceptable and in accordance with Saved UDP policy CFR5.

5.28 The proposed extension is to replace the classrooms currently accommodated in the temporary demountable buildings located on the playing field thus the new classroom block can only be regarded as positive and improving the appearance of the general area. The existing temporary buildings to the north of the school are not attractive structures and their removal is considered to be a positive element of the proposals.

5.29 However, they will need to be relocated within the site to accommodate pupils during the construction of the new annexe. It is considered necessary to impose a condition requiring details to be submitted of the new location of the temporary units and a further condition requiring their removal upon occupation of the new annexe and making good of the landscaping of the area (CONDITIONS 33 - 35) and in order to comply with policy ENV3.

5.30 EXISTING PLANTING

There is a well-established hedgerow along the northern boundary of the site and this provides a good screen to the site. Officers raised a concern that the proposed location of the annexe would mean that the existing hedge could not be retained. The hedge is not protected. The Applicant has highlighted the fact that the screen planting was agreed upon as a temporary measure to screen the temporary units. Given there is existing established planting outside of the boundary of the application site on the area of open space in front of the dwellings on Worcester Green, the loss of the planting within the site will not affect the appearance of the development from outside of the site.

5.31 FLOOD RISK AND SUDS

The application site is located within Flood Zone 1 which has a low probability of flooding.

5.32 Analysis of the updated surface water flood map data identifies that the hard surfacing between main school building at the south of the application and the proposed new development at the north of the site is a surface water flow routes that occurs in 1 in 1000 year storm event. The flow route runs from north to south so any increasing in impermeable area from the new development will increase surface water run off.

The supporting information does not indicate whether the roof top play area will have any permeability or features that will help to manage surface run off into an area which already suffers from water flooding. A condition is therefore recommended to secure these details (CONDITIONS 36 and 37) that should consider opportunities for betterment in regards to flood risk management should be undertaken to be in compliance with CS17:1ii and CS17:1iii. SuDS should be considered given the multifunctional benefits that it can bring as referred to in CS17:1iv and managed through the drainage hierarchy:

- I. Infiltration based Sustainable Drainage Systems
- II. A water course
- III. A surface water sewer, and
- IV. A combine sewer

5.33 Subject to the recommended condition the proposal is considered to be acceptable and in accordance with the NPPF and CSUCP policy CS17.

6.0 CONCLUSION

6.1 Taking the above into consideration including comments made by local residents and subject to the recommended conditions it is considered that the proposed development is acceptable in principle and would accord with the NPPF and local planning policy and is recommended for approval.

7.0 Recommendation:

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

1

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

C482-001 Topographical Survey
M2271/05 Rev A proposed site plan
M2271/06 Rev A Proposed ground floor
M2271/07 Rev A Proposed First Floor
M2271/08 Rev A Proposed Roof Top
M2271/09 Rev A Proposed Elevations
M2271/10 Rev A Proposed Elevations
M2271/11 Sections

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

Reason

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

2

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

Reason

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

3

Prior to commencement of the development hereby permitted a Construction Method Statement shall be submitted to, and approved in writing by, the Local Planning Authority.

The Statement shall provide for:

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

Reason

In order to avoid nuisance to the occupiers of adjacent properties in accordance with Saved Policies DC1 and DC2 of the Unitary Development Plan and policies CS13 and CS14 of the CSUCP.

4

The construction methodology approved under condition 3 shall be adhered to at all times during the construction of the development hereby permitted

Reason

In order to avoid nuisance to the occupiers of adjacent properties in accordance with Saved Policies DC1 and DC2 of the Unitary Development Plan and policies CS13 and CS14 of the CSUCP.

5

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

Reason

To safeguard the amenities of nearby residents and in accordance with Saved UDP Policies DC1, DC2 and ENV61 and CSUCP Policy CS14.

6

No development hereby permitted shall be commenced until an intrusive site investigation is undertaken and a Phase II Risk Assessment report of the findings submitted to the Local Authority for written approval.

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

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

The Risk Assessment should confirm possible pollutant linkages and should provide, where applicable, recommendations with regard to an appropriate remediation scheme, which will ensure safe redevelopment. Ground gas monitoring shall be undertaken at the site and a Gas Risk assessment report produced and submitted to the Local Authority with recommendations for ground gas mitigation measures.

Reason

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

7

The recommendations of the intrusive site investigation and the Phase II Risk Assessment Report approved under condition 6 shall be implemented prior to commencement of the development hereby permitted.

Reason

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

8

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

NB The Local Planning Authority requires that a minimum of 1.15m of 'proven' uncontaminated 'clean cover' is provided in all soft landscape areas.

Reason

To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters,

property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors in accordance with the National Planning Policy Framework, policy CS14 of the Core Strategy and Urban Core Plan and saved policy DC1(p) of the Unitary Development Plan.

9

The details of remediation measures approved under condition 8 shall be implemented prior to commencement of the development hereby permitted and maintained for the life of the development.

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

Reason

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

10

Following completion of the remediation measures approved under condition 7 a verification report that demonstrates the effectiveness of the remediation carried out must be submitted for the written approval of the Local Planning Authority prior to first occupation of the development hereby permitted and maintained for the life of the development.

Reason

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

11

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

Following completion of measures identified in the approved remediation scheme a verification report shall be submitted to and approved in writing by the Local Planning Authority.

Reason

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

12

Prior to commencement of the development hereby permitted the Additional Phase II intrusive site investigation works shall be undertaken, as proposed and detailed in the Preliminary Investigation Report entitled Geoenvironmental Site Investigation Report prepared by FWS Consultants Ltd dated 1 June 2015, recommendations in Section 5.3 in order to ascertain the ground conditions and to establish the presence or otherwise of shallow mine workings and a Phase II Risk Assessment report shall be completed and the findings submitted for the written approval of the Local Planning Authority.

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 Policies DC1 and ENV54 of the Unitary Development Plan and CS14 of the CSUCP.

13

In the event that the need for remedial measures are confirmed following the site investigations approved under condition 12 to treat areas of shallow mine workings to ensure the safety and stability of the proposed development, prior to commencement of the development hereby permitted a scheme of remediation shall be submitted for the consideration and written approval of the Local Planning Authority.

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 Policies DC1 and ENV54 of the Unitary Development Plan and CS14 of the CSUCP.

14

Details of any new external lighting of the school site shall be submitted to and approved in writing by the Local Planning Authority before the use hereby permitted commences.

Reason

In the interests of amenity in accordance with Policies DC2 and ENV3 of the Unitary Development Plan and policies CS14 and CS15 of the CSUCP.

15

The external lighting details approved under condition 14 shall be undertaken in accordance with the details prior to first occupation of the building hereby permitted

Reason

In the interests of amenity in accordance with Policies DC2 and ENV3 of the Unitary Development Plan and policies CS14 and CS15 of the CSUCP.

16

Notwithstanding the submitted drawings and documents, no school buildings hereby approved shall be occupied until a Statement of Commitment to engagement in the Schools Go Smarter (SGS) Programme has been submitted to and approved in writing by the Local Planning Authority.

The Statement of Commitment to the SGS Programme should detail:

1 How the school will engage with the SGS Active Travel Promotion programme (e.g. existing/planned meeting dates and draft schedule of activity should be provided)

2 a commitment to booking all (free) SGS Theatre in Education performances, where possible

3 details of how the school will manage pupil movements in and out of the site

4 how car parking will be discouraged both on and off the site

5 an initial return of the Schools Go Smarter hands up travel survey plus a commitment to participation in this annually thereafter (or any equivalent annual survey requested by Gateshead Council) to provide monitoring information on pupil and staff journeys and evidence of continued engagement in the SGS Programme. A representative sample of travel data will be acceptable (e.g. not less than one registration group per year group for pupils, and not less than 50% of staff)

Evidence of engagement in the SGS programme shall be submitted to and approved in writing by the Local Planning Authority prior to any of the school buildings hereby approved being brought into use.

At all times thereafter, the Statement of Commitment to engagement in the SGS Programme shall be implemented in accordance with the approved details or any changes made under the review process.

Reason

To encourage sustainable travel and in the interests of highway safety and in accordance with policy CS13 of the CSUCP

17

Notwithstanding the details submitted, the development hereby permitted shall not be first occupied until a scheme of odour suppression, has been submitted to and approved in writing by the Local Planning Authority. The scheme shall include the manufacturer's details of the proposed flue, all proposed cooking processes, a plan of the proposed ventilation system and odour abatement measures including the location and details of the filters, fans and flues and the manufacturer's recommendations concerning frequency and type of maintenance.

Reason

In order to avoid odour nuisance to the occupiers of adjacent properties and unacceptable visual impact in accordance with Policies DC2 and ENV3 of the Unitary Development Plan and policy CS14 of the CSUCP.

18

The kitchen equipment approved under condition 17 shall be installed in accordance with the approved details prior to first occupation of the development hereby approved and shall thereafter be operated at all times when cooking is taking place and maintained in accordance with the manufacturer's instructions. A written record of any maintenance shall be retained on site and be made available for inspection by the Local Planning Authority.

Reason

In order to avoid odour nuisance to the occupiers of adjacent properties and unacceptable visual impact in accordance with Policies DC2 and ENV3 of the Unitary Development Plan and policy CS14 of the CSUCP.

19

The development hereby permitted shall not progress above foundation level until final details of all the termination points of vents, flues and extract grilles and scaled elevations indicating their detailed appearance and location on the building including on the roof have been submitted to and approved in writing by the Local Planning Authority.

Reason

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

20

The development shall be completed in accordance with the approved flue details under Condition 19 and retained as such in accordance with the approved details thereafter.

Reason

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

21

The double doors on the ground floor of the northern elevation of the development hereby permitted shall only be used in the event of an emergency situation where evacuation of the building is required.

Reason

To protect the residential amenity of the residents of Worcester Green from noise and disturbance and in order to accord with policy CS14 of the CSUCP and Saved policies DC2 and ENV61 of the UDP.

22

The development hereby permitted shall not progress above foundation level until final details of the roof canopy and scaled elevations indicating the detailed appearance and location on the building have been submitted to and approved in writing by the Local Planning Authority.

Reason

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

23

The development shall be completed in accordance with the approved canopy details under Condition 22 and retained as such in accordance with the approved details thereafter.

Reason

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

24

The development hereby permitted shall not progress 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 in accordance with the NPPF, Saved Policies 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.

25

The details of materials approved under condition 24 shall be implemented in full accordance with the approved details prior to use of the building hereby permitted.

Reason

To safeguard the visual amenities of the area in accordance with the NPPF, Saved Policies 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.

26

Prior to first occupation of the development hereby permitted final details relating to the servicing strategy to include:

- details of how the development will be adequately and safely serviced;
- tracking to show that delivery vehicles can enter and leave the allocated servicing area in forward gear
- details relating to time constraints for servicing,
- vehicle size constraints,
- details on the numbers of deliveries and
- how controls would be implemented

in the form of a Service Management Plan. The development hereby permitted will be subject to the Service Management Plan for the life of the development.

Reason

To ensure adequate servicing arrangements are provided for all elements of the development and in the interests of highway safety and in accord with the NPPF and CSUCP policy CS13.

27

The measures contained within the approved servicing strategy shall be implemented in accordance with the approved details under condition 26 prior to the development being occupied and maintained thereafter unless otherwise approved in writing by the Local Planning Authority.

Reason

To ensure adequate servicing arrangements are provided for all elements of the development and in the interests of highway safety and in accord with the NPPF and CSUCP policy CS13.

28

The development hereby permitted shall not be first occupied until details of the refuse and recycling storage area to include a measure to contain the location of the bins have been submitted to and approved in writing by the Local Planning Authority.

Reason

In the interests of the provision of adequate refuse and storage/collection facilities, of general and visual amenities and in accordance with Policies DC1, DC2, ENV3 and MWR28 of the Unitary Development Plan and policy CS15 of the CSUCP.

29

Prior to the first occupation of the building hereby permitted the bin store shall be completed using the bin store details and screen approved under condition 28 and maintained thereafter.

Reason

In the interests of the provision of adequate refuse and storage/collection facilities, of general and visual amenities and in accordance with Policies DC1, DC2, ENV3 and MWR28 of the Unitary Development Plan and policy CS15 of the CSUCP.

30

The windows of the development hereby permitted facing the northern boundary shall be glazed with obscure glass at a level three or greater. The obscure glazing shall be retained thereafter.

Reason

To ensure the protection of privacy for neighbouring occupiers in the interests of residential amenity, in accordance with NPPF, Saved Policies DC2 and ENV3 of the Unitary Development Plan and Policies CS14 and CS15 of the Core Strategy and Urban Core Plan for Gateshead and Newcastle upon Tyne.

31

Notwithstanding the details of the plans submitted, prior to occupation of the development hereby permitted the final expected noise levels and vibration details of the equipment to be installed in the plant room shall be submitted to and approved in writing by the Local Planning Authority.

Reason

In the interests of residential amenity and to ensure there is no noise and disturbance in accordance with Saved Policies DC1, DC2, ENV3 and ENV61 of the Unitary Development Plan and policy CS14 of the CSUCP.

32

The plant equipment approved under condition 31 shall be implemented in accordance with the approved details and retained thereafter for the life of the development

Reason

In the interests of residential amenity and to ensure there is no noise and disturbance in accordance with Saved Policies, DC1, ENV3 and ENV61 of the Unitary Development Plan and policy CS14 of the CSUCP.

33

Prior to commencement of the development hereby permitted full details of the proposed re-location of the temporary classrooms, including the timetable for their relocation shall be submitted for the consideration and written approval of the Local Planning Authority.

Reason

To safeguard the amenities of nearby residents and in accordance with Policies DC1, DC2 and ENV61 of the Unitary Development Plan and policy CS14 of the CSUCP.

34

The temporary units shall be relocated in accordance with the details approved under condition 33.

Reason

To safeguard the amenities of nearby residents and in accordance with Policies DC1, DC2 and ENV61 of the Unitary Development Plan and policy CS14 of the CSUCP.

35

The temporary classroom units approved under condition 33 shall be removed from the site within one calendar month of the first occupation of the development hereby permitted and the soft landscaping reinstated.

Reason

In the interests of visual amenity so as to accord with Policies DC1, DC2 and ENV3 of the Unitary Development Plan and CSUCP policy CS15.

36

Prior to the development hereby permitted progressing above foundation level a scheme of features that will help to manage for the drainage of surface runoff from the roof top play area shall be submitted for the consideration and written approval of the Local Planning Authority.

Reason

To prevent increased flood risk in accordance with the NPPF and Policy CS17 of the Core Strategy and Urban Core Plan for Gateshead and Newcastle upon Tyne.

37

The scheme of features that will help to manage for the drainage of surface runoff from the roof top play area approved under condition 36 shall be implemented in full accordance with the approved details prior to the first occupation of the development hereby permitted and retained for the life of the development.

Reason

To prevent increased flood risk in accordance with the NPPF and Policy CS17 of the Core Strategy and Urban Core Plan for Gateshead and Newcastle upon Tyne.

38

Before the pupil roll exceeds 386, details of the intended staff and pupil numbers and the ages of the children along with details of proportionate measures to ensure the transportation impacts and safety of these additional staff and pupils can be accommodated at the site, shall be submitted for the written approval of the Local Planning Authority.

The requirements of this condition shall be met at all such times as the pupil roll exceeds 386, or for any multiple of 30 pupil increase thereafter.

Reason

In the interests of the provision of adequate highway arrangements and in accordance with policy CS13 of the Core Strategy and Urban Core Plan for Gateshead and Newcastle upon Tyne.



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REPORT NO 3

Committee Report

Application No:	DC/17/01086/FUL
Case Officer	Tracy Long
Date Application Valid	3 October 2017
Applicant	Mr Giovanni Asoni
Site:	Ryton Park Country House Hotel Holburn Lane Ryton Central Ryton NE40 3PF
Ward:	Ryton Crookhill And Stella
Proposal:	Mixed residential development, comprising of the partial demolition of the existing hotel with alterations and extensions to form 2no. dwellings, alterations and extensions to a redundant out-building forming 1no. dwelling and the erection of 3 no. new build dwellings (amended 29/11/2017).
Recommendation:	GRANT
Application Type	Full Application

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

The application site is the Ryton Park Country House Hotel which is situated on Holburn Lane in Ryton. All of the site is situated within Ryton Conservation Area. The site is also allocated as a site of archaeological importance on the Council's Local Plan Policies Map 2015.

1.2 The main hotel building on the site is a two storey building which fronts onto Holburn Lane. The hotel building has had a number of modern additions and extensions to the side (north) and rear (east) over the years. There is also a detached single storey stone outbuilding positioned to the side (south) of the main hotel building.

1.3 There is a vehicle access and a separate pedestrian access to the site off Holburn lane. These lead to large areas of tarmac around the main hotel building and outbuilding which provide car parking areas for the former hotel use. The hotel is now closed and is not open for business. It is understood that the hotel closed at the end of 2016.

1.4 The site measures around 0.19 hectares in size and the land levels fall slightly from the south to the north. The site is situated within a residential area and is surrounded by other residential properties including a row of bungalows (5-8 Ferndale Grove) and a two storey residential building (1-4 Ferndale Grove) to the north of the site, two storey houses to the east, a bungalow (The Larches) and a shared driveway to The Larches, Addison House and Park Farm House

to the south and a two storey residential building (Tynedale) on the opposite side of the Holburn Lane to the west.

- 1.5 The site is enclosed by a variety of boundary treatments including a high stone and high brick wall to the north, fencing, a high stone wall, a low stone wall, landscaping and high hedge planting to the east, a low stone wall, a high open wooden trellis and landscaping to the south and a low stone wall and a high stone wall along the main frontage of the site along Holburn Lane to the west.
- 1.6 There are also a number of trees on the site particularly along the main frontage along Holburn Lane which contribute to the character and appearance of the site and Ryton Conservation Area.
- 1.7 **DESCRIPTION OF APPLICATION**
The application proposes to redevelop the site to provide 6 houses comprising of : 2 x 3 bed houses and 4 x 4 bed houses.
- 1.8 **Hotel Building**
It is proposed to demolish the modern extensions that have been added to the side (north) and rear (east) of the original hotel building. It is then proposed to convert the original remaining hotel building into 2 x 3 bed houses with living accommodation in the roof (plots B & C). The hotel building has a ridge height of around 8.5 metres high.
- 1.9 **Outbuilding**
The existing single storey outbuilding is to be retained. A number of extensions and alterations are proposed to the outbuilding to convert it into a 1.5 storey, 4 bed house with living accommodation in the roof. An extension is proposed to the side (south) of the outbuilding. A glazed link is proposed to connect the existing outbuilding with the proposed extension. The ridge height of the existing outbuilding and proposed extension measure around 5 metres in height.
- 1.10 **New Build Houses**
Three new build houses are also proposed within the grounds of the hotel (plots D, E and F).
- 1.11 Plot D is a two and a half storey, detached, 4 bed house with living accommodation in the roof, which is positioned to the north of the existing hotel building and would front onto Holburn Lane. The ridge height of plot D would be just under 8.5 metres high.
- 1.12 Plots E and F are a pair of two and half storey, 4 bed houses with living accommodation in the roof, which are positioned to the rear (east) of the site behind the hotel building. The ridge heights of plots E and F vary from 5.3 metres high for the garage elements to between 6.5 metres high and 7 metres high for the main houses.
- 1.13 The existing vehicle access to the site off Holburn Lane is proposed to be widened as part of the application from 3.6 metres wide to 5.5 metres wide with

8 car parking spaces being provided within the site. The car parking provision includes 3 garage spaces (1 garage for each house at plots A, E and F), with 5 car parking spaces in a communal car parking area to the rear of the site (1 space for each house at plots B, C and D and 2 visitor car parking spaces).

1.14 The application has been submitted with the following supporting information :

- A Heritage Statement
- A Structural Report
- A Bat Survey
- A Tree Report
- A Coal Mining Risk Assessment
- A Preliminary Risk Assessment for Contaminated Land
- A Highway Statement

1.15 RELEVANT PLANNING HISTORY

1.16 DC/17/00023/FUL - Withdrawn March 2017

Proposed mixed residential development - comprising of the partial demolition of an hotel with alterations and extensions forming six apartments, alterations and extensions to a redundant out-building forming one dwelling house and the erection of three new dwelling houses

2.0 Consultation Responses:

Coal Authority	No objection subject to planning conditions requiring further site investigation work.
Tyne And Wear Archaeology Officer	No objection subject to planning conditions requiring archaeological excavation and building recording.

3.0 Representations:

3.1 The Council sent out 20 letters to properties surrounding the site and displayed a site notice at the front of the property along Holburn lane. In addition a press notice appeared in the Newcastle Journal on 1st November 2017.

3.2 5 letters of representation have been received from local residents. 1 letter makes comments about the development whilst 4 of the letters object to the development. The comments and issues raised include :

- * Impact / harm to Conservation Area
- * Part of the original hotel is to be demolished
- * Out of character with area/street scene
- * Overbearing, overdevelopment, density too high
- * Size of gardens are too small and out of character with area
- * Plot D detracts from the original hotel building
- * It sub divides the grounds in a Conservation Area contrary to ENV10

- * A vast number of bins will be required which are not shown on the plans
- * Increase in traffic
- * Highway safety
- * Inadequate car parking provision
- * Will result in parking problems in the area
- * Double yellow lines should be introduced
- * Loss of trees
- * Impact on existing trees
- * Impact on wildlife
- * One of the proposed side elevations plots B and C is missing
- * No information has been provided regarding site levels
- * Will impact on / harm neighbours living conditions
- * Additional noise, disturbance early mornings / late evenings
- * Loss of privacy / overlooking, overshadowing
- * The detail of the proposed oriel windows is not clear
- * The trees will overshadow the proposed houses providing little light
- * Impact/ possible damage to neighbours walls
- * Concerns over health issues
- * Cooking smells and odours

4.0 Policies:

NPPF National Planning Policy Framework

NPPG National Planning Practice Guidance

DC1D Protected Species

DC1P Contamination, derelict land, stability

DC2 Residential Amenity

ENV3 The Built Environment - Character/Design

ENV7 Development within Conservation Areas

ENV8 Demolition within Conservation Areas

ENV9 Setting of Conservation Areas

ENV10 Dev in Gdns/Grounds in Conservation Area

ENV22 Sites of Archaeological Imp - Potential

ENV23 Building Recording

ENV44 Wood/Tree/Hedge Protection/Enhancement

ENV47 Wildlife Habitats

ENV54 Dev on Land Affected by Contamination

H5 Housing Choice

H13 Local Open Space in Housing Developments

H15 Play Areas in Housing Developments

CFR20 Local Open Space

CFR28 Toddlers' Play Areas

CFR29 Juniors' Play Areas

CFR30 Teenagers' Recreation Areas

CS11 Providing a range and choice of housing

CS13 Transport

CS14 Wellbeing and Health

CS15 Place Making

CS18 Green Infrastructure/Natural Environment

IPA17 Conservation Area Character Statements

5.0 Assessment of the Proposal:

The relevant planning issues are considered to be the principle of developing the site for housing, design/heritage issues, residential amenity, highway safety, impact on trees and wildlife and the potential for contaminated land and coal mining issues.

5.1 NPPF

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

- 5.2 **MSGP**
One of the objection letters makes reference to the Council's Making Space for Growing Places (MSGP) policies. Gateshead's Local Plan which sets out the Council's local planning policies consists of a number of different documents. The Local Plan consists of Parts 1 and 2 - The Core Strategy and Urban Core Plan (CSUCP), Part 3 - MSGP and Part 4 - The MetroGreen Area Action Plan. In advance of MSGP being adopted the Local Plan also consists of saved policies in the Gateshead Unitary Development Plan (UDP).
- 5.3 The MSGP plan went out to public consultation for 6 weeks from 30th October 2017 until 10th December 2017. The representations made to the plan are currently being considered by Council officers. Given the early stage of the MSGP policies in the plan making process, limited weight can be given to these policies at this current time.
- 5.4 **PRINCIPLE OF HOUSING**
The application site is not allocated for any specific purpose on the Council's Local Plan Policies Map 2015. As such it is considered that the principle of developing this site for housing should be assessed against saved policy H4 in the Council's UDP, which relates to windfall housing sites. In light of the fact that this site is situated within an existing residential area, close to existing services, Council officers therefore consider that the principle of developing this site for housing to be acceptable, subject to all other material planning considerations being satisfied.
- 5.5 **TYPE OF HOUSING**
The Council's Core Strategy seeks to increase the range and choice of housing across Gateshead by improving the balance of the Borough's housing stock in terms of dwelling size, type and tenure. Accordingly policy CS11(1) of the Council's CSUCP requires that a minimum of 60% of new private housing across the plan area is suitable and attractive for families (i.e. homes with 3 or more bedrooms).
- 5.6 Saved policy H5 of the Council's UDP also seeks to improve the choice of housing in Gateshead and states that development containing small flats or apartments will not generally be accepted unless there is a local shortfall in such accommodation and it is in keeping with the character of the area.
- 5.7 Given that all 6 of the proposed houses include family housing (homes with 3 or more bedrooms) it is considered that the range and type of housing proposed is acceptable and accords with the aims and objectives of the NPPF, saved policy H5 of the UDP and policy CS11 of the CSUCP.
- 5.8 **DESIGN / HERITAGE ISSUES**
The site is within Ryton Conservation Area. Given the location within the Conservation Area, in accordance with section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990, there is a duty to pay special attention to the desirability of preserving or enhancing the character or appearance of the area. This is also reflected in the approach set out within the NPPF, which advises that when considering the impact of a proposed

development on the significance of a designated heritage asset, great weight should be given to the asset's conservation.

- 5.9 The site is situated within the North East corner of the Ryton Conservation Area. This section of the Conservation Area has a predominant character of a leafy, residential suburb. There is a range of houses in terms of age, character, design and size. Council officers consider that the site makes a positive contribution to the significance of the conservation area. The Council's Interim Policy Advice Note 17 (IPA 17) which relates to the character of conservation areas refers specifically to the hotel as a graceful Georgian building.
- 5.10 Council officers have no objection to the proposed demolition of parts of the existing hotel building. The areas that are to be demolished do not make a positive contribution to the conservation area and / or are modern additions to the original hotel building.
- 5.11 Local residents have objected as the proposed development results in the sub division of the grounds of the site in a Conservation Area which is contrary to saved policy ENV10 of the UDP. Objections have also been raised by local residents that the development is an over development of the site where the density is too high and the garden areas for the proposed houses are too small - all out of character with the area.
- 5.12 The proposed development will result in the sub division of the grounds to provide curtilages for each of the proposed houses. Whilst Council officers accept that the proposed development would not accord with saved policy ENV10 of the UDP, the proposed layout would create an open courtyard arrangement at the rear of the existing hotel building. Council officers are therefore of the opinion that this increases the physical space around the hotel building and results in an improved spatial arrangement. In addition the resultant plots sizes would be in keeping with some of the plot sizes in the locality, with this site being at the smaller end of the range.
- 5.13 The rear garden areas for the proposed houses vary in size ranging from 4 metres in depth to 9 metres in depth. Policy CS11 (4) of the Council's CSUCP requires that new residential development provides adequate space inside and outside of the home to meet the standards of residents. However the Council does not currently have a prescribed space standard for rear garden areas. Council officers are also of the opinion that the size of gardens areas proposed are not so small that this issue could justify a reason for refusal.
- 5.14 The submitted Heritage Statement shows the parts of the buildings to be demolished and sets out the existing and proposed floor space resulting from the development. This shows that there will be a very limited increase in the overall new net additional floor space at the site (22m²).
- 5.15 Concerns have been raised about the relationship of the proposed new build house at plot D with the existing hotel building that is to be converted into plots B and C. Plot D generally aligns with the hotel building although is slightly sub ordinate in terms of its height and front building line. Plot D has a simple design

and makes design references to the main hotel building by using similar style windows (although smaller) and a similar front door. Council officers are therefore of the opinion that proposed plot D does not detract from the hotel building but rather complements it.

- 5.16 Paragraph 134 of the NPPF advises that any harm to a designated heritage asset, which is less than substantial, must be weighed against the public benefit of the proposal. The harm identified is limited to the visual effects arising from scale and design of the proposal and the subdivision of the grounds. This would result in less than substantial harm to the Conservation Area. Council officers consider that this harm would be outweighed by the public benefits of removing a large modern, unattractive extension which will bring significant benefits to the character of the area, bringing a vacant site back into use rather than it being left vacant and derelict, investment in the built fabric of the Conservation Area as well as delivering additional family housing within the Borough.
- 5.17 The density, scale, massing, height and layout of the proposed development is therefore considered to be acceptable from both a design and heritage point of view and would not be out of keeping with the street scene or surrounding area.
- 5.18 The application form states that the proposed external materials for the houses include timber doors and windows, slate roofs and conservation brick with art stone treatments for the external walls. Planning conditions (CONDITIONS 3 - 6) relating to the final details of the external materials of the development and the boundary treatments are however considered necessary to ensure that these are appropriate for the site, in the interest of good design.
- 5.19 Subject to these planning conditions the proposal is considered to accord with the design/heritage aims and objectives of the NPPF, saved policies ENV3, ENV7, ENV8, ENV9 of the Council's UDP and policy CS15 of the Council's CSUCP.
- 5.20 **ARCHAEOLOGY**
The site is situated within an area of potential archaeological importance on the Council's Local Plan Policies Map 2015. The Council's Archaeologist has stated that the development site is situated within Ryton medieval village. The Council's Archaeologist has also stated that the buildings on the site (the hotel and outbuilding) are non-designated but are historic buildings of some interest within Ryton Conservation Area.
- 5.21 Given that the proposed development includes alterations to the hotel building and the outbuilding to convert them in residential use the Council's Archaeologist has stated that an archaeological building record will be required prior to the alterations being carried to provide an archive record of the historic buildings.
- 5.22 In addition the Council's Archaeologist has also stated that an archaeological evaluation will need to take place to investigate any deposits or features which may survive on the site prior to the development taking place. This is to ensure that any archaeological remains on the site can be preserved wherever

possible and recorded. Following the archaeological fieldwork a report detailing the results shall be provided and produced in a form suitable for publication.

- 5.23 Council officers are of the opinion that the archaeological building recording exercise, archaeological fieldwork and the report detailing the results and its publication can be covered by planning conditions (CONDITIONS 7 - 11). Subject to such archaeological conditions the proposal is considered to be acceptable from an archaeological point of view and accords with the aims and objectives of the NPPF, saved policies ENV22 and ENV23 of the UDP and Policy CS15 of the CSUCP.
- 5.24 RESIDENTIAL AMENITY
Some of the separation distances between the proposed houses and the existing surrounding residential properties have not meet the Council's normal guidelines for house extensions of 21 metres between habitable room windows and 13 metres between habitable room windows and adjacent walls.
- 5.25 Council officers therefore consider that some of the windows in the following plots would create overlooking and loss of privacy to the homes and garden areas of the adjacent neighbours :
- Plot A first floor bedroom window facing east
 - Plot F first floor bedroom window facing north
- 5.26 The submitted Heritage Statement explains that these windows have been designed as oriel windows to address privacy concerns. The details of the proposed oriel windows are not clear on the submitted drawings. It is however considered that that this could be addressed by conditions (CONDITIONS 12-13) which requires the final details of the oriel windows to be approved.
- 5.27 Given the orientation and remaining distances between the existing adjacent houses and the proposed development and taking into account whether windows are secondary windows rather than the main window to rooms and the existing high hedge around the boundary of Park Farm House, it is considered that the development would not cause any significant harm to the living conditions of adjacent residents through loss of light, overshadowing or visual intrusion.
- 5.28 Concerns have been raised by some local residents that the separation distances between some of the proposed houses are too close which may harm the living conditions of the future occupiers of the houses. The separation distance between the rear elevation of plots B and C and the front elevation of plot F is 17.5 metres. The separation distance between the rear elevation of plot D and the side elevation of plot E is 8 metres. Concerns have been also raised by some local residents that the existing trees on site will overshadow the proposed houses providing little light to the future occupants.
- 5.29 Notwithstanding these separation distances, and the position of the existing trees to be retained on site, the proposed housing layout is considered to be appropriate given the constraints of the site and the design approach adopted.

It is therefore considered that the proposed development 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.

- 5.30 Concerns have been raised by some residents that the proposed housing development will create additional noise. However Council officers are of the opinion that the noise from 6 houses will not be of a significant level and is likely to be less than the noise associated with the previous hotel use.
- 5.31 Council officers consider that the construction works associated with the development could impact on the living conditions of adjacent neighbours. It is however considered that this could be controlled by a planning which restricts the days and hours of the construction works (CONDITION 14).
- 5.32 Council officers are therefore of the opinion that subject to the above conditions, the housing development would not harm the living conditions of adjacent residential properties and the living conditions of the future occupiers of the proposed houses. It is therefore considered that the proposed layout 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.
- 5.33 SITE LEVELS
Concerns have been raised by some local residents that no details relating to site levels have been provided as part of the planning application. Council officers consider that the existing and proposed site levels can be covered by planning conditions (CONDITIONS 15 - 16) to ensure that they are acceptable from a design, residential amenity and highway safety point of view.
- 5.34 HIGHWAY SAFETY
Traffic Generation
Council officers consider that the traffic movements associated with 6 houses at the site would be less than the traffic movements associated with the previous hotel use. The traffic movements associated with the housing development would be at different times of the day to the hotel use, but even in the peak times the traffic generation associated with the housing development would only add small numbers of vehicles to the existing highway network
- 5.35 Access Arrangements
Council officers are of the opinion that the existing vehicle access to the site off Holburn Lane has poor levels of visibility and is sub standard in width as two cars cannot pass. The existing vehicle access is proposed to be widened as part of the application from 3.6 metres wide to 5.5 metres wide and the position of the front boundary wall realigned to provide better visibility. The proposed access will be wide enough to accommodate two way traffic and the visibility splays onto Holburn Lane will be significantly improved.
- 5.36 Council officers consider that some additional information and minor changes are required to the proposed access arrangements. The proposed access must have a gradient no greater than 1:25 for the first 10 metres into the site from its

junction with Holburn Lane - however no site levels have been provided as part of the submitted drawings. A footway should be provided on the southern side of the proposed access - this may mean slightly changing the position or size of the bin collection point. Pedestrians walking along Holburn Lane and crossing the new access will have a limited view of vehicles emerging from the development site due to the entrance wall and pillars. It is therefore considered desirable to reposition the wall and pillars to allow pedestrians a view into the site. Council officers consider that this additional information relating to the site levels of the access and minor redesign of the access can be covered by planning conditions (CONDITIONS 17 - 18)

- 5.37 Residents have raised concerns about highway safety in the area. Council officers have therefore checked and there has been no injury accidents in the past five years on Holburn Lane or adjacent to the application site.
- 5.38 Given the reduced traffic movements, improved access, improved visibility splays and the good existing accidents record Council officers consider the proposed access arrangements to be acceptable.
- 5.39 **Car Parking Provision**
The Council's Transport Technical 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.
- 5.40 Based on these car parking guidelines a housing development of 6 houses should normally provide a minimum of 6 resident spaces and 2 visitor spaces giving a total of 8 car parking spaces and a maximum of 12 resident spaces and 2 visitor spaces giving a total of 14 car parking spaces.
- 5.41 The proposed housing layout provides a total of 8 car parking spaces within the site, comprising of 3 garage spaces (1 garage for each house at plots A, E and F), with 5 car parking spaces in a communal car parking area to the rear of the site (1 space for each house at plots B, C and D and 2 visitor car parking spaces). It is therefore considered that a sufficient number of car parking spaces have been provided as part of this development which meets the minimum Council parking guidelines. Double yellow lines are not considered necessary as part of this development as a sufficient number of parking spaces have been provided within the site.
- 5.42 **Cycle Parking Provision**
The Council's Cycling Strategy for Gateshead requires that new housing developments provide cycle parking provision which is secure and weather proof. Visitor cycle parking in the form of 3 cycle stands has been shown on the proposed layout to the rear of the site adjacent to the visitor car parking spaces. The garages associated with plots A, E and F are not considered to be large enough to be counted as cycle parking provision. Individual cycle parking in the form of external stores is therefore required for each house. It is considered that

there is sufficient space to accommodate this on the site for each property within their rear garden areas. Council officers are therefore of the opinion that the final details of the cycle parking provision for the development could be covered by planning conditions (CONDITIONS 19 - 20) to ensure that the final cycle parking details are appropriate.

5.43 Bin Storage /Collection

Concerns have been raised by some residents that a vast number of bins will be required which are not shown on the plans. The submitted site layout plan does show the location of two bins in the rear garden area of each property, with an access point to wheel the bins to the front of the site along Holburn Lane on bin collection day. It is therefore considered that there is sufficient space within the grounds of each house to store refuse bins with space to wheel the bins from the homes to the front of the site on bin collection day.

5.44 It is therefore considered that subject to the above conditions and minor changes to the access arrangements the proposal is acceptable from a highway safety point of view and accords with the aims and objectives of the NPPF and policy CS13 of the Council's CSUCP.

5.45 TREES

There are a number of large trees on the site which provide a green frontage and contribute to the character and appearance of the Ryton Conservation Area. All of the 14 existing trees on the site are protected given that they are situated within a Conservation Area.

5.46 A Tree Report has been submitted as part of the planning application, which identifies which of the 14 trees are to be removed as part of the development and which are to be retained. The information in the submitted tree report however does not tally with the tree information shown on the submitted proposed site layout plan and the submitted Heritage Statement. It is therefore not clear from the information submitted which trees are proposed to be retained/removed as part of the proposed development.

5.47 Notwithstanding this the Council's tree officer has been out on site and inspected the trees. A number of the trees are considered to be diseased and / or in a poor condition. Council officers are therefore of the opinion that there is no objection to the removal of trees T4 and T5 positioned adjacent to the existing outbuilding to allow the conversion of this building to take place, trees T7 and T8 which are positioned along the site frontage to allow the existing vehicle access to be widened in the interest of highway safety and trees T9, T11, T12, T13 and T14 along the site frontage, subject to an appropriate landscaping scheme being proposed to compensate for the loss of these trees. The submitted proposed site plan does show a proposed landscaping strip with planting along the site frontage.

5.48 Council officers however consider that trees T1, T2 and T3 at the rear of the site, tree T6 adjacent to the vehicle access and tree T10 along the site frontage which are to be retained as part of the development will need to be protected during any construction works that take place.

- 5.49 It is considered that the details of which trees should be retained/removed as part of the development, tree protection measures and details of the replacement landscaping could be addressed by planning conditions (CONDITIONS 21 - 26). Subject to these tree/landscaping conditions the proposed development is acceptable from a landscaping point of view and would accord with the aims and objectives of the NPPF, saved policy ENV44 of the Council's UDP and policy CS18 of the Council's CSUCP.
- 5.50 ECOLOGY
A Bat Survey has been submitted as part of the application which confirms that there are no bats roosting in the existing vacant buildings.
- 5.51 A number of trees are to be removed as part of the development. The submitted Bat Survey did not assess whether these trees supported roosting bats - it only considered the buildings on site. Notwithstanding this the Council's Ecologist has recently inspected the trees on site and confirmed that there are no bats roosting in the trees.
- 5.52 Given the level of bat activity within and adjacent the site it is considered appropriate in this instance that additional bat roosting provision is provided as part of the development. This could take the form of tree mounted boxes and/or individual integral bat roost feature in the proposed houses. The details of the bat roost provision could be covered by conditions (CONDITIONS 27 - 28) to ensure that the roost are appropriate and that the development provide biodiversity enhancements.
- 5.53 A condition (CONDITION 29) has also been recommended to control the timing of the demolition works and tree removals to outside the bird breeding season.
- 5.54 Subject to these planning conditions the proposed development is considered to be acceptable from an ecology point of view and accords with the aims and objectives of the NPPF, saved policies DC1 (d) and ENV47 of the Council's UDP and policy CS18 of the CSUCP.
- 5.55 POTENTIAL FOR CONTAMINATED LAND
A Preliminary Risk Assessment (PRA) for contamination has been submitted as part of the planning application. The risk of contamination at the site from historic uses is considered by Council officers to be low.
- 5.56 However because the site has previously been developed and there are areas of current hardstanding in proposed garden areas, Council officers are of the opinion that there is a potential for contamination to exist in these areas from imported materials used for the development.
- 5.60 It is therefore considered that a number of planning conditions (CONDITIONS 30 - 35) are required given that the site is potentially contaminated to ensure that the development is carried out in a safe manner and that any risks from land contamination to future residents or the environment are minimised.

- 5.61 The conditions would require an intrusive Phase 2 site investigation with a Phase 2 Risk Assessment to assess the potential contamination at the site in the proposed garden areas, and where required a remediation strategy, and verification report. In addition a planning condition would be required which outlines how previously unidentified contamination at the site would be dealt with if discovered during the development.
- 5.62 Given that parts of the site are also within a High Risk Coal Mining Area there is also a potential risk from mine ground gas. Council officers therefore consider that planning conditions are also required to cover gas monitoring and gas mitigation measures for the new houses.
- 5.63 Subject to these conditions the proposed development is considered to be acceptable from a land contamination point of view and accords with the NPPF, saved policies DC1 (p) and ENV54 of the UDP and policy CS14 of the CSUCP.
- 5.64 **COAL MINING LEGACY**
Part of the application site, roughly the north eastern half is within a Coal Authority defined "Development High Risk Area" (formerly known as Coal Mining Development Referral Areas). This means that within the site or surrounding area there will be coal mining features and hazards which need to be considered. A Coal Mining Risk Assessment has therefore been submitted as part of the planning application.
- 5.65 The Coal Authority has considered the submitted report and has stated that they have no objection to the development subject to a planning condition which requires that further site investigations are carried out to establish the exact situation regarding the coal mining legacy on the site and any remediation works that may be required. Subject to such planning conditions (CONDITIONS 36 - 37) it is considered that the proposed development would not be at risk from past coal mining in the area 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 Council's CSUCP.
- 5.66 **OPEN SPACE/PLAY PROVISION**
Saved policies H13 and H15 of the Council's UDP require new residential development to contribute towards open space and play provision. This is based on the anticipated population of the development and is based on the standards of open space and play provision required per population under saved policies CFR20, CFR28, CFR29 and CFR30 of the UDP.
- 5.67 **Open Space**
The site is located within a residential neighbourhood that is not deficient in open space provision. Therefore no open space provision is required within the site as part of this development.
- 5.68 **Play Facilities**
Pooling restrictions were introduced by the Community Infrastructure Levy Regulations 2010 which means that no more than 5 obligations can be pooled in respect of an infrastructure type or infrastructure project. The Council has

already exceeded the five obligation maximum in respect of all three types of play facilities (toddler, junior and teenage) and open space provision. The LPA therefore cannot seek any further obligations in respect of these matters.

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

5.70 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 Residential Charging Zone B where there is a levy of £30 per square metre for this type of development. The levy would only be applied to the net additional internal floor space created by the development.

5.71 OTHER ISSUES

A number of other issues have been raised by local residents in their objection letters which have not been addressed in the report above.

5.72 A proposed side elevation of plots B and C was submitted subsequently submitted as part of the planning application on 29 November 2017.

5.73 The residential development of the site is likely to generate less cooking smells and odours than the existing hotel building on the site.

5.74 Council officers are not aware of any information to show that the proposed development would result in significant concerns to health.

5.75 Any concerns regarding the condition of and or damage to boundary walls is a civil matter.

6.0 CONCLUSION

6.1 Taking all the relevant issues into account, including the comments raised by local residents the proposed development is considered to be acceptable and accords with the majority of national and local planning policies.

6.2 The proposed developed development does not accord with saved policy ENV10 of the UDP as the proposal will result in the sub-division of a site within a Conservation Area. However this less than substantial harm to the Conservation Area is considered to be outweighed by the public benefits of the development.

6.3 It is therefore recommended that the development is approved subject to the following planning 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 -

C-00	Location Plan
C-02	Proposed Site Plan
C-03	Proposed Plot A Floor Plans
C-07	Proposed Plot A Elevations
C-08 Rev A	Proposed Plot B and C Elevations
C-04	Proposed Plot B and C Floor Plans
C-05	Proposed Plot D Floor Plans
C-06	Proposed Plot E and F Floor Plans
C-09	Proposed Plot D, E and F Elevations
C-13	Existing and Proposed Roof Plans

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

Reason

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

2

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

Reason

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

3

No external materials for the development hereby approved shall be used on site until samples of the materials, colours and finishes to be used on the 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 in accordance with the NPPF, saved policies DC2 and ENV3 of the Unitary Development Plan and policy CS15 of the Core Strategy and Urban Core Plan for Gateshead and Newcastle upon Tyne.

4

The development shall be completed using the materials approved under Condition 3.

Reason

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

5

No boundary treatment shall be provided on the site until a fully detailed scheme for that boundary treatment has been submitted to and approved in writing by the Local Planning Authority. The scheme shall include details of the type, position, design, dimensions and materials of the boundary treatment.

Reason

To ensure the satisfactory appearance of the development in accordance with the NPPF, saved policies DC2 and ENV3 of the Unitary Development Plan and policy CS15 of the Core Strategy and Urban Core Plan.

6

The boundary treatments relating to each dwelling shall be provided in accordance with the details approved at condition 5 prior to each of the dwellings being occupied.

Reason

To ensure the satisfactory appearance of the development in accordance with the NPPF, saved policies DC2 and ENV3 of the Unitary Development Plan and policy CS15 of the Core Strategy and Urban Core Plan.

7

No development or demolition hereby approved shall take place until a specification for a programme of archaeological building recording has been submitted to and approved in writing by the Local Planning Authority.

Reason

To provide an archive record of the historic buildings on site and to accord with the NPPF, saved policy ENV23 of the Unitary Development Plan and Policy CS15 of the Core Strategy and Urban Core Plan.

8

No development or demolition hereby approved shall commence on site until the building recording exercise approved at condition 7 has been completed and a report of the results submitted to and approved in writing by the Local Planning Authority.

Reason

To provide an archive record of the historic buildings on site and to accord with the NPPF, saved policy ENV23 of the Unitary Development Plan and Policy CS15 of the Core Strategy and Urban Core Plan.

9

No groundworks or development shall commence on site until a specification for a programme of archaeological fieldwork (to include evaluation and where appropriate mitigation excavation) 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.

10

No groundworks or development shall commence on site until the programme of archaeological fieldwork approved at condition 9 has been completed and a report of the results of the archaeology fieldwork undertaken 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

The dwellings hereby approved shall not be occupied until a report detailing the results of the archaeology fieldwork approved at condition 9 has been produced in a form suitable for publication in a suitable and agreed journal and has been submitted to and approved in writing by the Local Planning Authority.

Reason

The site is in an area 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 the NPPF, saved policies ENV22 and ENV23 of the Unitary Development Plan and policy CS15 of the Core Strategy and Urban Core Plan.

12

No development shall take place installing the oriel windows in plots A or F until details of the oriel windows for those plots have been submitted to and approved in writing by the Local Planning Authority.

Reason

In the interest of good design and to prevent overlooking to accord 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.

13

The oriel windows at plots A or F shall be installed in accordance with the details approved at condition 12 and shall be retained thereafter.

Reason

In the interest of good design and to prevent overlooking to accord 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.

14

All external works and ancillary operations in connection with the construction of the development, including deliveries to the site, shall be carried out only between 0800 hours and 1700 hours on Mondays to Saturdays and at no time on Sundays, Bank Holidays or Public Holidays.

Reason

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

15

No development shall commence on any phase of the site 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 residential development and to accord with the NPPF, saved policies ENV3 and DC2 of the Unitary Development Plan and policies CS15 and CS14 of the Core Strategy and Urban Core Plan.

16

Each phase of the development shall be implemented in accordance with the site levels approved for that phase at condition 15.

Reason

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

17

No development shall commence on the vehicle access to the site until a revised drawing for the access which shows the following items has been submitted to and approved in writing by the Local Planning Authority :

- a) a gradient of no greater than 1:25 for the first 10 metres of the access into the site from its junction with Holburn Lane
- b) the provision of a footway on the southern side of the access
- c) the re-positioning of the boundary walls and piers adjacent the access to allow pedestrians a view into the site

Reason

In the interest of highway and pedestrian safety to accord with the NPPF and policy CS13 of the Core Strategy and Urban Core Plan.

18

The access to the site shall be provided in accordance with the revised access arrangements approved at condition 17 prior to any of the dwellings being occupied.

Reason

In the interest of highway and pedestrian safety to accord with the NPPF and policy CS13 of the Core Strategy and Urban Core Plan.

19

Notwithstanding the details on the submitted drawings, no cycle parking facilities shall be provided on site until details for the provision of secure and weatherproof cycle parking facilities for each dwelling hereby approved has been submitted to and approved in writing by the Local Planning Authority.

Reason

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

20

The cycle parking provision approved under condition 19 shall be provided in accordance with the approved details for each dwelling prior to each dwelling being occupied.

Reason

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

21

Only trees T4, T5, T7, T8, T9, T11 - T14 shall be felled as part of this development as identified on the site plan at Appendix 1 on page 14 of the Arboricultural Survey Report by Eco Survey Ltd dated December 2016.

Reason

In the interest of the visual amenity of the area and to accord with the NPPF, saved policy ENV44 of the Unitary Development Plan and policy CS18 of the Core Strategy and Urban Core Plan.

22

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

23

The tree protective fencing approved at condition 22 must be installed prior to the commencement of development and thereafter retained intact for the full duration of the construction works and there shall be no access, storage, ground disturbance or contamination within the fenced area without the prior written approval of the Local Planning Authority.

Reason

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

24

Notwithstanding the details of the submitted drawings no landscaping shall be provided on site until a fully detailed scheme for the landscaping of the site has been submitted to and approved in writing by the Local Planning Authority. The landscaping scheme shall include details and proposed timing of hard landscaping, all existing trees and hedges to be retained, ground preparation and planting plans noting the species, plant sizes and planting densities for all new planting.

Reason

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

25

The landscaping scheme approved under condition 24 shall be implemented in accordance with the approved details within the first available planting season following the approval of details.

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

26

The landscaping scheme approved under condition 24 shall be maintained in accordance with British Standard 4428 (1989) Code of Practice for General Landscape Operations for a period of 5 years commencing on the date of Practical Completion and during this period any trees or planting which die, become diseased or are removed shall be replaced in the first available planting seasons (October to March) with others of a similar size and species and any grass which fails to establish shall be re-established.

Reason

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

27

No development shall commence on the dwellings hereby approved until details of integral bat boxes to be incorporated into the fabric of the new dwellings and/or mounted in the trees on site (including the number, specification and precise locations) have been submitted to and approved in writing by the local planning authority.

Reason

To provide biodiversity enhancements to accord with the NPPF, saved policy ENV47 of the Unitary Development Plan and Policy CS18 of the Core Strategy and Urban Core Plan for Gateshead and Newcastle upon Tyne.

28

The bat boxes approved under condition 27 shall be installed in accordance with the approved details prior to the dwellings being occupied.

Reason

To provide biodiversity enhancements to accord with the NPPF, saved policy ENV47 of the Unitary Development Plan and Policy CS18 of the Core Strategy and Urban Core Plan for Gateshead and Newcastle upon Tyne.

29

All demolition and tree removal works on the site should be undertaken outside the breeding season (March to August inclusive), unless a breeding bird checking survey must be undertaken by a qualified ecologist immediately prior to any demolition and tree removal works and a report submitted to the Local Planning Authority for written approval. Where breeding birds are found to be present on the site the nests must remain undisturbed until the young have fledged and the nest is no longer in use.

Reason

To ensure that the development of the site protects breeding birds, in accordance with the NPPF, saved policies DC1(d) and ENV47 of the Unitary Development Plan and policy CS18 of the Core Strategy and Urban Core Plan.

30

No development shall commence on site, until a Phase 2 intrusive site investigation is undertaken to investigate the potential for contamination to exist in the ground within the proposed garden areas and a Phase 2 Risk Assessment report of the findings has been submitted to and approved in writing by the Local Authority.

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

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

BS 10175:2011 - Investigation of Potentially Contaminated Sites - Code of Practice.

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

Reason

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

31

Prior to the commencement of development hereby approved, where required by the Local Planning Authority under condition 30, a detailed remediation scheme to bring the site to a condition suitable for the intended use by removing unacceptable risks to human health, buildings and other property and the natural environment shall be submitted to and approved in writing by the Local Planning Authority.

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

The Local Planning Authority requires that a minimum of 1.15m of 'proven' uncontaminated 'clean cover' is provided in all soft landscape areas.

Reason

To ensure that risks from land contamination 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 National Planning Policy Framework, policy CS14 of the Core Strategy and Urban Core Plan and saved policy DC1(p) of the Unitary Development Plan.

32

The details of remediation measures approved under condition 31 shall be implemented prior to the commencement of the development hereby approved.

The Local Planning Authority shall be given two weeks written notification of commencement of the remediation scheme works.

Reason

To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised 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.

33

Following completion of the remediation measures approved under condition 31 a verification report that demonstrates the effectiveness of the remediation carried out must be submitted to and approved in writing by the Local Planning Authority prior to the individual dwellings being occupied.

Reason

To ensure that risks from land contamination 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 National Planning Policy Framework, policy CS14 of the Core Strategy and Urban Core Plan and saved policy DC1(p) of the Unitary Development Plan.

34

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. An investigation and risk assessment must be undertaken, and where remediation is considered necessary by the Local Planning Authority a remediation scheme shall be submitted to and approved in writing by the Local Planning Authority, prior to development continuing.

Following completion of measures identified in the approved remediation scheme a verification report shall be submitted to and approved in writing by the Local Planning Authority prior to the dwellings being occupied.

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

In order to ensure that risks 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 for Gateshead and Newcastle upon Tyne.

35

No development shall commence on site until a scheme of site investigation and assessment to test for the presence and likelihood of ground gas emissions has been submitted to and approved in writing by the Local Planning Authority or until an alternative scheme to provide measures to protect the proposed development from such gas emissions has been submitted to and approved in writing by the Local Planning Authority.

The construction of the development shall take account of the results of the site investigations for gas emissions. The detailed design and method of construction shall incorporate the gas protection measures the details of which shall be first submitted to and approved in writing by the Local Planning Authority. The approved gas protection measures shall be fully implemented in accordance with the approved details before each house is occupied.

Reason

In the interest of the safe development of the site in accordance with the NPPF, policies DC1(p) and ENV54 of the Council's Unitary Development Plan and policy CS14 of the Council's Core Strategy and Urban Core Plan.

36

No development shall commence on site until:

1 - a detailed scheme for further intrusive site investigations to establish the exact situation regarding coal mining legacy issues has been submitted to and approved in writing by the Local Planning Authority and subsequently undertaken on the site and

2 - a report of the findings arising from the intrusive site investigation under 1 has been submitted to and approved in writing by the Local Planning Authority and

3 - a comprehensive scheme of remedial works including a timetable for implementation has been submitted to and approved in writing by the Local Planning Authority.

Reason

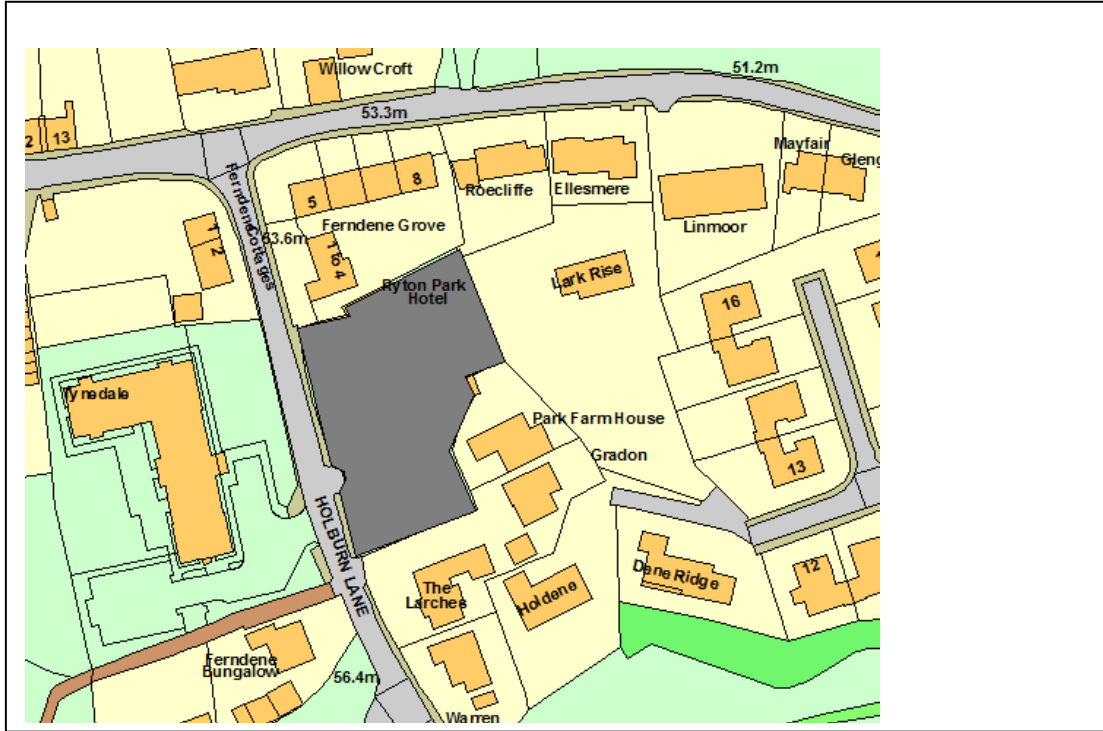
To ensure that the development is not at risk from unstable land in accordance with the NPPF, policies DC1(p) of the Council's Unitary Development Plan and policy CS14 of the Council's Core Strategy and Urban Core Plan.

37

The scheme of coal remediation works approved at condition 36 shall be carried out in accordance with the approved details including the approved timetable of implementation

Reason

To ensure that the development is not at risk from unstable land in accordance with the NPPF, policies DC1(p) of the Council's Unitary Development Plan and policy CS14 of the Council's Core Strategy and Urban Core Plan.



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REPORT NO 4

Committee Report

Application No:	DC/17/01171/TPO
Case Officer	Chris Redfern
Date Application Valid	18 October 2017
Applicant	Mr Charles Simpson
Site:	Runhead Lodge River View Crookhill Ryton NE40 3HL
Ward:	Ryton Crookhill And Stella
Proposal:	Tree works on land adjacent to Runhead Lodge Crookhill Ryton
Recommendation:	Grant Permission
Application Type	Tree Preservation Order Application

1.0 The Application:

- 1.1 There is a row of Beech trees that have historically been planted as a hedge which are highly prominent and make a significant contribution to the amenity of the wider area. The trees are situated on the edge of an agricultural field that bounds a public right of way close to a number of dwellings.
- 1.2 The trees are protected by Tree Preservation Order ref number 17. The order consists of individual trees, groups of trees and areas of trees. The trees relevant to this application are within Area 1.
- 1.3 **DESCRIPTION OF THE PROPOSAL**
The applicant proposes to fell Beech trees T1, T2, T3, T4, T6, T7, T9, T10, and T11 as well as Holly tree T5.
Beech trees T13, T14, T15, T16 and T17 are to be thinned by 30%.
Beech trees T8 and T12 are to have their easterly overhang significantly reduced.
- 1.4 The reason for the works is to manage the trees because the line of Beech trees has grown out and consequently has grown with many defects.
- 1.5 The applicant is proposing to replace the trees with a more appropriate field boundary of mixed native hedging.
- 1.6 **RELEVANT PLANNING HISTORY**
DC/05/00448/TPO Pruning of 7 Beech trees granted 19.04.05
DC/05/01985/TPO Fell 20 dead and diseased Beech trees and the removal of low Holly trees grant 12.01.06

2.0 Consultation Responses

None

3.0 Representations:

3.1 Consultation letters to nearby properties and a site notice has been posted. Five letters of objection and one letter of support have been received regarding the proposal.

3.2 The main points submitted in support of the proposal are summarised below:

- The trees are just an overgrown hedge that needs drastic reduction to restore natural light.

3.3 The main points submitted in objection to the proposal are summarised below:

- The land owner has missed the opportunity to have the trees, managed they are now mature trees in a conservation area with protection.
- There is only one tree that is leaning that would warrant removal for safety reasons.
- This number of trees and the contribution they make to the environment should not be removed as they would take too long to replace.
- The loss of trees when maintaining the beauty should be paramount. Maintenance over cutting always.
- I do not object to the trees that affect Runhead Lodge as they are surrounded by them however I do not agree with removal of all of the trees.
- It doesn't seem right that some people have had to pay thousands to have works done to the trees.
- The landowner has chosen the cheapest option to manage the trees for his own convenience.
- The trees are a haven for wildlife.

4.0 Policies:

NPPF National Planning Policy Framework

CS18 Green Infrastructure/Natural Environment

ENV44 Wood/Tree/Hedge Protection/Enhancement

5.0 Assessment of the Proposal:

5.1 When considering the applications for works to protected trees the assessment is made on the basis of the amenity value of the trees and

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

5.2 In this instance the amenity value of the trees are high, therefore the reasons must be justified, or the works must not have a long term detrimental effect to the health or amenity provided by the trees.

5.3 PROPOSAL TREE REMOVALS

Fell Beech trees T1, T2, T3, T4, T6, T7, T9, T10 and T11 and Holly tree T5 to ground level.

5.4 REASON FOR THE PROPOSAL

The trees have grown out from a hedge and as a result are deformed to such an extent that they are in a hazardous condition

5.5 APPRAISAL OF THE PROPOSED WORKS

The trees grow within a loosely formed avenue along a public right of way which runs alongside a field boundary. The trees are very visible in the landscape and are therefore of high amenity value.

Unfortunately they were originally planted as a hedge and therefore over the years have been severely pruned which has produced a number of form defects. At some point historically the hedge fell into neglect which has allowed the hedge to grow into a line of trees. This has led to an unnaturally weak spindly growth pattern which has developed a number of serious growth defects. There are significant inclusions throughout the canopies of the trees, each of which has a high potential for catastrophic limb failure. Inclusions or included bark is where you have bark to bark contact at a branch union. As a result the strength of the structure can be seriously compromised. A very high proportion of branch failures are as a result of unions that contain included bark. The proportion is even higher for the species Beech and therefore this can be considered a high risk of failure. This is a serious concern considering the location of the trees close to property which is likely to be occupied for extended periods of time and the public footpath which appears to be in frequent use. It is concluded that in their current state the trees are a hazard to persons and property.

5.6 It would be possible to reduce the size of the canopy in order to reduce the potential hazard of the trees however the level of reduction necessary would be so extreme that the trees would be unable to reasonably recover. This is based on the Councils Arboricultural officer's experience of the species and the industry standard recommendations in the British Standard for Tree Works 2010 where it

recommends that the species characteristics should be considered before pruning can be considered a viable option.

5.7 The applicant has proposed to plant a new field boundary in the form of a classic mixed native hedge. The Councils Arboricultural Officer suggests that this could be supported with a number of replacement hedgerow trees planted at appropriate spacing to provide a sustainable replacement to the visual amenity and habitat amenity that would be lost in the short term.

5.8 PROPOSAL TREE PRUNING
Crown lift and crown thin by up to 30% Beech trees T13, T14, T15, T16 and T17.

5.9 Significantly reduce crown on the eastern side of Beech trees T8 and T12.

5.10 The reason for the works is to control the size of the canopies as they have developed poor growth habits.

These are the better trees within the old hedgerow as they have a better growth pattern with less growth defects. It is therefore considered that they can be retained and managed through appropriate pruning. It is considered that the proposed pruning should not have a detrimental effect on the long term health and amenity provided by the trees. The proposed works should extend the potential safe useful lifespan of the trees for the short to medium term.

5.11 OTHER MATTERS
Although it would have been better if the hedge had been maintained as a hedge in its early years, it doesn't change the case that the trees now need appropriate management. No action is not considered a viable option given that the trees could potentially damage persons and property.

5.12 When considering whether a tree is a hazard to persons and properties there are many factors to take into consideration not just whether the tree is leaning. The structural integrity is a major factor as is the proximity of the trees to persons and property. In this instance the structural integrity and the proximity to the footpath and Runhead House is significant.

5.13 Although the beauty and visual amenity provided by the trees is an important consideration on balance the safety of persons and property must take priority.

5.14 The Council does not have any information regarding the cost of the remedial works in question. However, the cost of the remedial works is not something that is considered when making a decision.

- 5.15 The Council agree that the trees provide a good habitat for wildlife however the proposed replacement planting will in a short time provide a very good replacement for the habitat that will be lost.

6.0 CONCLUSION

- 6.1 The amenity value of the trees is not in question however the trees can only be retained providing that the Council can be reasonably sure that the trees do not present a hazard to persons and property. It is considered that some of the trees are a hazard to persons and property. Therefore on balance and taking all of the relevant issues into account above it is recommended that the application to fell the Beech trees T1, T2, T3, T4, T6, T7, T9,,T11 and Holly tree T5 and the pruning of Beech trees T8, and T12, T13, T14, T15, T16 and T17 should be approved subject to a condition restricting the extent of the pruning, provide replacement tree planting and to ensure that the works are carried out in accordance with British standard BS 3998 Recommendations for Tree Works.

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 tree work hereby approved shall be completed within 2 years from the date of this consent.

Reason

To enable the work proposals to be reviewed in light of any future changes in the condition of the tree(s) concerned in accordance with policy ENV44 of the Unitary Development Plan, NPPF - National Planning Policy Framework and policy CS18 of the CSUCP

2

The tree work hereby approved shall not exceed the following limits:

Beech trees T1, T2, T3, T4, T6, T7, T9, T10, and T11 fell to ground level only

Holly tree T5 fell to ground level

Beech trees T13, T14, T15, T16 and T17 crown thin by no more than 15% and crown lift the canopy to a height no more than one third of the height of the tree.

Beech trees T8 and T12 reduce the eastern canopy so that it balances with the western canopy only. The reduction must not unbalance the canopy.

Reason

In order to maintain the health and visual amenity of the tree(s) concerned in the interests of the visual amenity of the area and in accordance with policy ENV44 of the Unitary Development Plan, NPPF - National Planning Policy Framework and policy CS18 of the CSUCP

3

Before the removal of Beech trees T1, T2, T3, T4, T6, T7, T9, T10, and T11 identified in the application can take place, details of a replacement tree-planting scheme, which shall include numbers, location, size and species, shall be submitted to and approved in writing by the Local Planning Authority.

Reason

In order to provide continued tree cover, in the interests of the visual amenity of the area and in accordance with policy ENV44 of the Unitary Development Plan, NPPF - National Planning Policy Framework and CS18 - Green Infrastructure/Natural Environment

4

The replacement tree-planting scheme approved under condition 3 on the decision notice shall be completed in full accordance with the approved details within six months of the date of the completion of the felling operation or within the next available planting season whichever is the sooner. The Local Planning Authority shall be notified in writing of the date of replanting within seven days of that date.

Reason

In order to provide continued tree cover, in the interests of the visual amenity of the area and in accordance with policy ENV44 of the Unitary Development Plan, NPPF - National Planning Policy Framework and CS18 - Green Infrastructure/Natural Environment

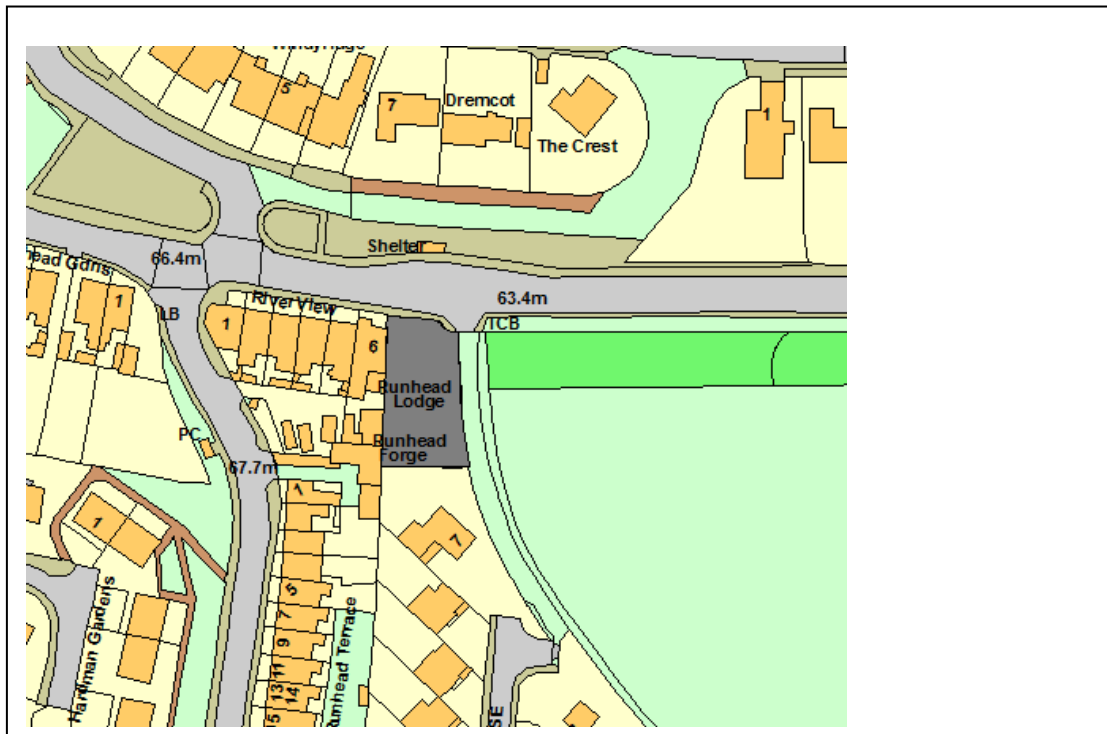
5

The tree works hereby approved shall be carried out wholly in accordance with BS 3998 (2010) 'British Standard Recommendations for Tree Work'.

Reason

In order to maintain the health and amenity of the tree(s) concerned in the interests of the visual amenity of the area and

in accordance with policy ENV44 of the Unitary Development Plan.



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Committee Report

Application No:	DC/17/01168/FUL
Applicant	Home Group
Date Application Valid	24 October 2017
Site:	Land To The East Of Marigold Avenue Gateshead
Ward:	Felling
Proposal:	Proposed erection of 41 dwellings with associated open space, landscaping and infrastructure (amended and additional information received 23/11/17, 19/12/17 and 08/01/18).
Recommendation:	GRANT SUBJECT TO A SECTION 106 AGREEMENT
Application Type	Full Application

1.0 The Application:

1.1 DESCRIPTION OF THE SITE

The application relates to an area of vacant land which extends to an area of 1.47 ha. The site is bound by Park Road (A184, Felling Bypass) to the north and by existing residential development to the west on Marigold Avenue, to the south on Acacia and Friars Dene Road and to the east on Eastwood Gardens.

1.2 The surrounding area is characterised by largely residential developments with a variety of densities offering flats, terraced housing and bungalows; Gateshead Stadium and the Gateshead Academy for sport are located to the north of the site across the A184.

1.3 The application site is allocated in the Local Plan as a housing site.

1.4 DESCRIPTION OF THE PROPOSAL

The application seeks consent for the erection of 41 dwellings and associated works. It is proposed that the dwellings would have between two and four bedrooms.

1.5 It is proposed that the majority of the development would comprise of two storey dwellings, however there are nine three storey dwellings proposed to the north of the site; these higher dwellings are proposed to overlook Park Road providing a frontage to the north.

1.6 The housing proposed on site is broken down as follows;

- 19 X 2 bed houses (46%)
- 13 X 3 bed houses (32%)
- 9 X 4 bed houses (22%)

1.7 The application also makes provision for;

- Landscaping and public open space - provision is made for areas of public open space, and the retention and enhancement of existing trees;
- Access - vehicular access will be created from Marigold Avenue to the west and Acacia Road to the south, with additional pedestrian and cycle access created to Park Road, Friars Dene Road and Acacia Road and;
- Drainage - the development includes a single SUDs area in the north east corner of the site.

1.8 The development is intended to be an 'exemplar development' with dwellings to be constructed using innovative modern construction methods such as off-site light gauge steel systems, insulated concrete systems and modular construction being designed to increase the sustainability of the development. A number of different construction techniques are to be utilised to provide opportunities for the developer to conduct research (alongside Northumbria University) into the practicalities and benefits of each over the construction and occupation stages of the development. This approach will allow Home Group to understand how to best utilise new sustainable construction techniques in the future with the intention being to utilise knowledge gained to roll out modern construction techniques across future development sites.

1.9 The application is accompanied by the following documents:

- Planning Statement;
- Sustainability Statement;
- Statement of Community Involvement;
- Affordable Housing Statement;
- Design and Access Statement;
- Ecology Assessment;
- Arboricultural Impact Assessment;
- Arboricultural Method Statement;
- Archaeology Assessment;
- Contaminated Land Preliminary Risk Assessment;
- Transport Statement;
- Acoustic Design Statement and;
- Flood Risk and Drainage Assessment.

1.10 PLANNING HISTORY

The planning history relevant to the current application is set out below;

- 1319/98; Prior approval given for 'Demolition of 90 dwellinghouses.' Date; 01 February 1999.
- 587/00; Planning permission granted for 'Residential development with retail, public house, church and school uses (use classes A1, A3, C3 and D1) (outline application but with full details for phase 1 comprising 534 dwellinghouses/ flats) (amended 05/09/00 and 26/10/00).' Date; 09 January 2001.
- DC/06/02032/OUT; Outline planning permission granted for 'Erection of 117 dwellings over a 3 phased development involving full details for the erection of 36 flats (use class C3) in 6 x 2-storey blocks for Phase 1 with outline details for the erection of 81 dwellings for Phases 2 and 3.' Date; 08 March 2007.

- DC/07/00768/FUL; Planning permission granted for 'Erection of 83 terraced dwellinghouses (use class C3) with associated communal garden and public play space (phases 2 and 3 of previously approved planning permission DC/06/02032/OUT) and erection of two storey apartment in re-aligned position to that approved under planning permission DC/06/02032/OUT (retrospective) (amended plans 27/09/07).' Date; 29 October 2007.

2.0 Consultation Responses:

Tyne and Wear Archaeology No objection.

Northumbrian Water No comments to make.

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. No representations have been received.

4.0 Policies:

NPPF National Planning Policy Framework

NPPG National Planning Practice Guidance

H3 Sites for New Housing

H5 Housing Choice

H9 Lifetime Homes

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
H13 Local Open Space in Housing Developments
H15 Play Areas in Housing Developments
CFR20 Local Open Space
CFR21 Neighbourhood Open Spaces
CFR22 Area Parks
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 amenity/design, residential amenity, contamination, ecology, archaeology and CIL.

5.2 PRINCIPLE

5.3 Allocation

The application site (as part of a wider allocation which includes the existing Bok Lok Development) 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 Therefore, subject to satisfying other material considerations, the principle of erecting 41 dwellings on the site is acceptable.
- 5.5 **Housing Mix**
Core Strategy and Urban Core Plan (CSUCP) policy CS11(1) requires that a minimum of 60% of new private housing across the plan area is suitable and attractive for families (i.e. homes with three or more bedrooms). The plans show the proposal is for the development of 41 dwellings, comprising 19 x 2 bedroom, 13 x 3 bedroom and 9 x 4 bedroom. That equates to 22 houses of 3 bedrooms or more, which is 54% of the development.
- 5.6 Policy CS11 of the CSUCP sets out the mix of housing that should be provided as part of any new development and aims to promote lifetime neighbourhoods with a good range and choice of accommodation. Additionally, saved Policy H5 of the UDP requires developments to offer a range of housing in terms of sizes and types for different groups.
- 5.7 As such the development provides the following mix of dwellings, this mix is based upon the development experience/perception of the need and demand in the area:
- 19 X 2 bed houses (46%)
 - 13 X 3 bed houses (32%)
 - 9 X 4 bed houses (22%)
- 5.8 It is considered that the proposed mix provides a good range, choice of accommodation and provides family homes in accordance with policy CS11 of the CSUCP and saved UDP policy H5.
- 5.9 **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. The applicant intends for all property to be affordable units, notwithstanding this the applicant has agreed to enter into a S106 agreement securing 15% affordable homes (intermediate rent).
- 5.10 The NPPF is clear that S106 can only be required where they are;
- (a) necessary to make the development acceptable in planning terms;
 - (b) directly related to the development; and
 - (c) fairly and reasonably related in scale and kind to the development.
- 5.11 Therefore, it is not appropriate for the LPA to seek more than 15% affordable homes across the development, in compliance with Policy CS11.
- 5.12 **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 this requirement providing adequate space both internally (by meeting the Government's nationally described space standards) and externally.

- 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 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 proposed development offers a positive design solution which raises design standards and provides a scheme of high architectural quality.
- 5.18 The design of the properties would create good level of amenity space and prevent the site from being overdeveloped. Full details of the external appearance/materials have been provided as part of the application and are considered to be suitable and would safeguard visual amenity (condition 3).
- 5.19 With regard to landscaping, some details of soft and hard landscaping have been submitted as part of the application. Notwithstanding this information, it is considered necessary to condition the submission of final details, implementation, maintenance and retention in accordance with the submitted details (conditions 4, 5, 6, 7 and 8).
- 5.20 Furthermore, the boundary treatment details submitted in support of the application are considered to be acceptable. It is therefore considered necessary to condition the installation and retention of the proposed boundary treatments (condition 9).

- 5.21 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.
- 5.22 **RESIDENTIAL AMENITY ISSUES**
Given the distances between the existing adjacent houses and the proposed development it is considered that the development would not cause any significant harm to the living conditions of adjacent residents through loss of light, overshadowing or visual intrusion.
- 5.23 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. On this basis, the internal layout is considered to be acceptable and 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.
- 5.24 Noise from Park Road has the potential to impact on amenity levels for future occupiers. The applicant within their Acoustic Design Statement has set out a number of mitigation measures to help limit impact; it is considered the installation of these measures should be secured by condition (condition 10).
- 5.25 Construction works associated with the development could impact on the living conditions of adjacent neighbours. 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 11 and 12).
- 5.26 Officers are therefore of the opinion that subject to the above conditions, the proposed development would not harm the living conditions of adjacent residential properties and the living conditions of the future 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.
- 5.27 **TRANSPORT ISSUES**
The principle of residential development on this site is considered to be acceptable and subject to the following paragraphs there is no objection to the scheme on transport and highways grounds.
- 5.28 Officers agree with the conclusion of the Transport Statement which concludes;
'...the development is well located in relation to local facilities, would be accessible by sustainable modes of transport and the new trips produced would not have any significant impact on the surrounding

highway and transportation network. The development is therefore considered to be satisfactory in transportation terms'.

- 5.29 The development further aids connectivity through the provision of three pedestrian and cycle accesses onto Park Road which provides a cycle and footpath which links to the east and west.
- 5.30 The layout of the scheme is considered to be acceptable in highways terms offering a legible layout; as reference above the hard landscaping will be secured through conditions (conditions 7 and 8). Further, it is considered that the proposed layout provides continuity between the existing road layout and the application site.
- 5.31 Secure and weatherproof cycle parking is to be provided by way of a shed in the rear garden of each property the erection of these shed will be secured though condition (condition 13). All properties have an external route which allows bins and cycles to be transferred from rear to front garden.
- 5.32 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.
- 5.33 **TREES/LANDSCAPING**
An Arboricultural Impact Assessment and an Arboricultural Method Statement have been submitted as part of this planning application. The report indicated that no trees will be removed as a result of the proposed development.
- 5.34 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 14 and 15).
- 5.35 Subject to these 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.
- 5.36 **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.
- 5.37 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.

5.38 The submitted Ecology Assessment provides a list of impacts resulting from the development of the site (incl. but not limited to):

- Loss of c.1ha semi-improved neutral grassland (BAP priority habitat);
- Loss of butterfly habitat/populations of BAP priority butterfly species;
- Spread of species listed on Sch. 9 Wildlife and Countryside Act and;
- Impacts on protected/priority species incl. breeding birds, foraging/commuting bats, hedgehog during the construction and operational phases of the development.

5.39 Discussions are ongoing in regard to proposed methods of ecological mitigation/compensation. Officers will offer an update to Planning and Development Committee on this point.

5.40 FLOOD RISK/DRAINAGE

A Flood Risk Assessment (FRA) which includes a drainage strategy has been submitted as part of this planning application. The FRA has identified any potential risks and the layout of the development reflects this by locating the main SuDS feature in the part of site most likely to suffer surface water flooding and likewise the houses are positioned (where possible) to help minimise the risk of being flooded. In order to remove any residual flood risk further details on the finished floor levels of units 36 – 41 need to be submitted to and approved in writing by the LPA (conditions 16 and 17).

5.41 The principle of the drainage strategy is considered to be acceptable but a number of further details are deemed necessary to ensure that the development accords with the NPPF and policy CS17 of the CSUCP. These further details include detailed drawings, electronic drainage model, adoption plan, detailed health and safety and construction method statement to ensure the required discharge rate for the site is achieved. It is considered that these amendments can be dealt with via conditions (conditions 18, 19, 20, 21, 22, 23, 24 and 25).

5.42 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.

5.43 LAND CONTAMINATION

The site is considered to be potentially contaminated 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 phase II risk

assessment, remediation strategy and subsequent verification report (conditions 27, 28, 29 and 30).

- 5.44 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 31 and 32).
- 5.45 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.
- 5.46 **OPEN SPACE**
Policy CFR20 requires that in each residential neighbourhood at least three hectares of Local Open Space should be available in sites of at least 0.01ha per 1,000 residents and no resident should have to travel more than 330m from home to find one. In this regard, the site will deliver an area of public open space of 0.3ha onsite ensuring that residents do not have to travel over 330m to access local open space. Further, the proposed layout provides pedestrian links to the wider area. It is considered that this meets the requirements of saved UDP policies CFR20, CFR21, CFR22.
- 5.47 **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.
- 5.48 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.
- 5.49 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.
- 5.50 **COMMUNITY INFRASTRUCTURE LEVY**
On 1st January 2017 Gateshead Council became a Community Infrastructure Levy (CIL) Charging Authority. This application has been assessed against the Council's CIL charging schedule and the development is CIL chargeable development as it is for housing related development. The development is located within a charging zone with a levy of £0 per square metre for this type of development.

6.0 CONCLUSION

- 6.1 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 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, it is considered that the proposed development is acceptable (subject to satisfactory resolution of ecology matters); the proposal (subject to planning conditions and obligations) is considered to accord with the aims and objectives of both national and local planning policies.
- 6.3 Given the above, it is recommended that planning permission be granted subject to planning obligations pertaining to affordable housing and the planning conditions set out below.

7.0 Recommendation:

That permission be GRANTED subject to a Section 106 agreement and satisfactory resolution of ecology matters:

1) The agreement shall include the following obligations:

- Provision of 15% affordable housing

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

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

4) And that the 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 -

EX01 October 2017 – Existing Site Plan

EX02 October 2017 – Existing Site Sections

SL-01 October 2017 – Location Plan

PL01 January 2018 – Proposed Site Plan

PL02 January 2018 – Proposed Site Layout

PL03 October 2017 – Proposed Site

PL04 January 2018 – Proposed Boundary Treatment Plan

PL06 October 2017 – Material Finishes Plan

House Booklet Type October 2017 – Housetype Booklet
N672-ONE-00-XX-DR-L-0001-P01 – Landscape Masterplan
Acoustic Design Statement 6302.1A Revision A – Noise Impact
Assessment

Arboricultural Impact Assessment

Arboricultural Method Statement

Design and Access Statement October 2017

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

Reason

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

2

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

Reason

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

3

The development hereby permitted shall be constructed entirely of the materials detailed and shown on plan number PL06 October 2017 – Material Finishes Plan. 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

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.

5

The landscaping details approved under Condition 4 shall be implemented in accordance with the timings approved under Condition 4.

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.

6

The approved landscaping scheme shall be maintained in accordance with the details approved under condition 4.

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.

7

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.

8

All hard landscaping shall be completed in full accordance with the details approved under Condition 7 (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.

9

The boundary treatment associated with each respective property hereby approved shall be installed, in accordance with approved plan PL04 October 2017 – Proposed Boundary Treatment Plan, prior to the occupation of each respective property.

Reason

To ensure the satisfactory appearance of the development upon completion in the interests of biodiversity and the visual amenity of the area and in accordance with the NPPF, saved policies DC2 and ENV3 of the Unitary Development Plan and policies CS15 and CS18 of the Core Strategy and Urban Core Plan for Gateshead and Newcastle upon Tyne.

10

The noise mitigation measures (for each respective property hereby approved) set out within the submitted Noise Assessment (Acoustic Design Statement 6302.1 Revision D) shall be implemented in full prior to the occupation of each respective property hereby approved.

Reason

To ensure that the emission of noise is controlled in the interests of the amenity of nearby residents, in accordance with the NPPF, saved Policies DC2 and ENV61 of the Unitary Development Plan and Policy CS14 of the Core Strategy and Urban Core Plan for Gateshead and Newcastle upon Tyne.

11

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.

12

The construction control plan approved under condition 11 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.

13

The cycle parking facilities associated with each individual property (shown on approved plan PL02 January 2017 - Proposed Site Layout) 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

No development shall commence on site until the tree protection measures shown at Figure 1 of the approved Arboricultural Impact Assessment (prepared by All About Trees, October 2017) have been installed in the locations identified in Appendix 3 of the same Arboricultural Impact Assessment. 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.

15

The approved tree protection plan (Appendix 3 of Arboricultural Impact Assessment (prepared by All About Trees, October 2017) 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.

16

The final finished floor levels of units 36 – 41 shall be submitted to and approved in writing by the LPA prior to the commencement of any works directly associated with these units.

Reason

To reduce the risk of flooding to the development in accordance with the NPPF and Policy CS17 of the Core Strategy and Urban Core Plan for Gateshead and Newcastle upon Tyne.

17

Units 36 - 41 shall be constructed to the finished floor levels approved under condition 16.

Reason

To reduce the risk of flooding to the development in accordance with the NPPF and Policy CS17 of the Core Strategy and Urban Core Plan for Gateshead and Newcastle upon Tyne.

18

No development shall take place until the final details of the drainage scheme has been submitted and approved in writing by the LPA. The scheme shall include detailed drainage drawings, electronic model, adoption arrangements, timetable for implementation and health and safety assessment in accordance with the Council's SuDS Guidelines

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.

19

The final drainage scheme shall be carried out in full accordance with the details approved under condition 18 (including timings for implementation).

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.

20

No work in relation to any proposed drainage features shall take place until a long-term management plan for the drainage scheme approved under condition 18 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 drainage scheme approved under condition 18 shall be managed in full accordance with the management plan approved under condition 20 for the lifetime of the development.

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 work in relation to any proposed drainage features shall take place until a construction management plan for the drainage scheme approved under condition 18 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 drainage scheme approved under condition 18 shall be constructed in full accordance with the construction management 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 the occupation of any unit hereby approved a SuDS information and communication plan, including information pack for residents shall be submitted to and approved in writing by the LPA.

Reason

In order to inform/educate residents about the SuDS drainage system (including in curtilage permeable paving) associated with the site 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.

26

At the point of occupation of any unit hereby approved, the SuDS information and communication plan approved under condition 24, shall be provided to the occupants of each dwelling.

Reason

In order to inform/educate residents about the SuDS drainage system (including in curtilage permeable paving) associated with the site 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.

27

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

The site investigation and Phase II Risk Assessment report shall identify potential contamination, and possible areas which may require remedial works in order to make the site suitable for its proposed end use to ensure that no contamination is present that poses a risk to future users of the site and construction workers.

Reference should be made to CLR 11 - Model Procedures for the Management of Land Contamination and BS 10175:2011 - Investigation of Potentially Contaminated Sites - Code of Practice.

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

Reason

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

28

Following completion of the site investigation and Phase II Risk assessment site investigation works (condition 27), and following approval by the Council, if the findings of the Phase II investigation require remediation works to be undertaken then a 'Remediation Strategy' statement document is required to be produced and submitted to the Council for approval. The 'Remediation Strategy' (including timescales) must detail objectives, methodology and procedures of the proposed remediation works. This must be submitted to the Council, for approval, before any remediation works commence.

Reason

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

29

The remediation works detailed in the 'Remediation Strategy' submitted and approved by the Council in respect of Condition 28, shall be wholly undertaken within the timescales set out within the approved strategy.

Reason

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

30

Upon completion of the remediation works detailed in the approved Remediation statement and prior to the occupation of any dwellinghouse hereby permitted, under condition 27 and/or condition 28, a detailed Remediation Verification report shall be submitted to the Local Planning Authority for approval. The report should provide verification that the required works regarding contamination have been carried out in full accordance with the approved Remediation Strategy Statement, and should provide a summary of remedial works carried out together with relevant documentary evidence and post remediation test result to demonstrate that the required remediation has been fully met.

Reason

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

31

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

Reason

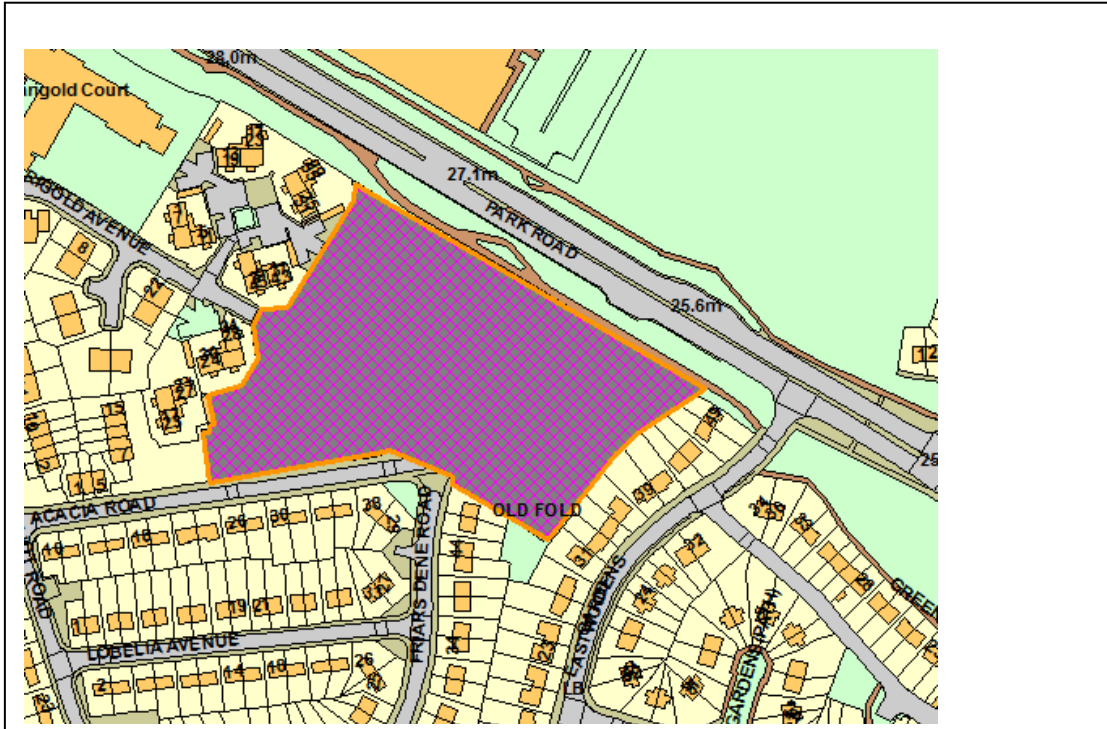
In order to ensure the safety of site operatives and to ensure that the land is suitable for its end use in accordance with the National Planning Policy Framework, policy CS14 of the Core Strategy and Urban Core Plan and saved policy DC1(p) of the Unitary Development Plan.

32

Any works deemed to necessary following testing (as part of condition 31) shall be carried out in full prior to the occupation of first dwelling hereby permitted.

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.



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Committee Report

Application No:	DC/17/01296/FUL
Case Officer	Lindsay Coyle
Date Application Valid	30 November 2017
Applicant	Mr Stephen Johnson
Site:	19-21 Derwent Street Chopwell NE17 7HU
Ward:	Chopwell And Rowlands Gill
Proposal:	Change of use from Bank (A2) to three dwellings with a dormer extension to rear (C3) (as amended 10/01/2018)
Recommendation:	GRANT
Application Type	Full Application

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

- 1.2 The application site is an end of terrace, comprising the former Lloyds Bank (Use Class A2) at the junction of Derwent Street and South Road in Chopwell. The property is currently vacant and has been so following the closure of the bank in March 2017.
- 1.3 At ground floor level the property comprises the commercial area of the bank with a six bedroom flat, set over two floors above. The flat is accessed from the rear of the property. The property currently has no off street car parking associated with either use.
- 1.4 The application site forms part of the Chopwell Local Centre which comprises of a mix of retail units, services and facilities to meet the day to day needs of the local community. However in recent years Chopwell has seen a decline in shops and services
- 1.5 In addition to the commercial uses, residential properties are also found within the surrounding area, comprising of converted commercial premises (for example No.'s 46/48 Derwent Street (DC/08/01273/COU) and at the former curtain factory in the north of the village (DC/16/00865/FUL) and existing flats above commercial premises on Derwent Street. Beyond Derwent Street, there are detached, semi-detached and terrace properties on roads surrounding the site.

1.6 The site is not located within a Conservation Area, nor is the property a statutory Listed Building.

1.7 **DESCRIPTION OF PROPOSAL**

The application proposes to change the use of the existing bank to residential comprising of three dwellings. Unit 1 comprises of four bedrooms, unit 2 has three bedrooms and unit 3 provides two bedrooms.

1.8 To facilitate the change of use alterations are proposed in the form of replacement / new doors and windows. Two single casement windows are proposed in place of the existing shopfront windows to the front of the property and on the side with South Road. One shopfront window would be removed along this side elevation. A new door and window inserted towards the rear portion. To the side elevation facing No.17 the external fire escape stairs will be removed together with the door at first floor level and a new door in place of the existing window is proposed.

1.9 A dormer window is also proposed on the rear roof slope to provide additional accommodation at second floor level. The dormer window would measure 3.35 wide by 3.8m deep and 2.67m high.

1.10 Two conservation style rooflight are proposed in the front roofslope to provide light and air into the bedroom it serves.

1.11 **PLANNING HISTORY**

The planning history of the site relates to adverts in association to the bank operation. There is no planning history relevant to this proposed change of use.

2.0 Consultation Responses:

Northumbrian Water No comments to make on the application.

3.0 Representations:

Neighbour notifications were carried out in accordance with the formal procedures introduced in the Town and Country Planning (Development Management Procedure) Order 2015. Seven individual objections (1 from Councillor Dave Bradford and six from neighbouring residents). Two letters of support have been received.

3.1 The Councillor objections are summarised as follows:

- Out of character with Conservation Area
- Out of character with streetscene
- Residential Amenity

- Led by the Council and supported by the community groups regeneration of the business possibilities for this village will be investigated over the coming months.
- The change of use of this property will preclude a major potential space from being used as a commercial property just as work is being done to encourage such activity.
- Permission should be refused until we are clearer about the developments in the village.
- The site on the corner of the street is structurally important and one of those most preferred to be saved.
- Conversion is not a priority for the community.
- No objection to the plans if the shop could be saved for the village.
- The change of use should be refused until such a time as plans for the village are developed.

3.2 The individual objections are summarised as follows:

- Additional noise and disturbance
- Inadequate car parking
- Increase of traffic
- Highways safety
- Loss of privacy
- Construction traffic
- Out of character with streetscene
- Overdevelopment
- Enough rental properties in Chopwell
- Neighbours not consulted
- Old Lloyds Bank is a key feature to the village
- Chopwell is a historic village
- Low demand for housing
- The priority has to be to regenerate Chopwell
- Key objective is to bring back commercial properties into use.
- If change of use is granted that is the end of its future
- No objection to the upstairs being renovated as flats or the dormer window.
- Does not fit with the council's policy
- Too many have already been converted to residential

3.3 The letters of support are summarised as follows:

- Enhance the appearance of the main street and the village in general.
- Empty buildings become an eyesore and make the area look run down.
- What a great plan

- Great idea to give life to a sorry looking disused building in a deprived area which will make it look better
- Increase revenue for Gateshead Council

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
DC2	Residential Amenity
ENV3	The Built Environment - Character/Design
CFR20	Local Open Space
CFR28	Toddlers' Play Areas
CFR29	Juniors' Play Areas
CFR30	Teenagers' Recreation Areas
RCL5	District and Local Centres
CS7	Retail and Centres
CS11	Providing a range and choice of housing
CS13	Transport
CS14	Wellbeing and Health
CS15	Place Making
The Gateshead Placemaking Guide SPD	

5.0 Assessment of the Proposal:

5.1 The detailed planning considerations are the principle of the proposed development, residential amenity, design and appearance, car parking and highway safety and waste.

5.2 PRINCIPLE OF DEVELOPMENT

The property is located within a Local Centre and as such the relevant policies concerning the change of use of the building from a bank to residential are RCL5 of the UDP and CS7 of the Core Strategy. Policy RCL5 sets out that within District and Local Centres, planning permission will be granted for retail and other shopping centre uses where it complies with a range of criteria. In considering changes of use from retail to other uses, particular regard will be had to the effect the loss of retail units would have on the vitality and viability of the centre as a whole.

5.3 The policy relates to the loss of retail units, as the unit is not in retail use this policy is not relevant in this case. In respect of the loss of other related shopping uses (such as Class A2 Bank), the saved UDP policy is silent.

5.4 The site is located within an area of important character as defined in the Placemaking SPD. The SPD seeks to resist the conversion of shop units to residential, to encourage public realm improvements and improvements to existing housing stock. However the guidance relates to the conversion of shops to residential and therefore is not directly relevant in this case.

5.5 Policy CS7 of the Core Strategy identifies Chopwell as falling within a Local Centre; however there are no primary frontage restrictions in the location concerned. The policy states that the vitality and viability of Local Centres will be protected by encouraging a balance of retail and supporting uses which are appropriate in scale; but provides no indication of what is considered to be appropriate scale within such locations.

5.6 The application site comprises one of 18 commercial premises in the Local Centre. In March 2017, nine units (including the application site) were recorded as being vacant. Surveys undertaken over the last three years conclude that seven properties were vacant in 2014 and 2015, eight properties in 2016 and nine in 2017. This demonstrates there is limited up take of existing vacant units in the Local Centre and the numbers of vacant units are gradually increasing.

5.7 Whilst the proposed change of use would reduce further the number of commercial properties in the Local Centre, there are currently eight other vacant commercial premises in the Local Centre which could be taken up by other commercial uses in the future.

- 5.8 Policy CS7 aims to protect the vitality and viability of Local Centres through encouraging a balance of retail and supporting uses, the loss of this individual unit will not result in harm to the Local Centre as sufficient alternative space within the centre is available.
- 5.9 Furthermore the change of use would bring about public and environmental benefits in the form of bringing this prominent building back into active use which will assist in improving the vitality and appearance of the area. For these reasons the principle of the change of use of this unit to residential is considered to be acceptable.
- 5.10 Residential Use
Residential accommodation is an appropriate use within a Town / Local Centre and it is considered that the site meets the criteria set out in Policy H4 of the UDP in relation to its sustainable location, close to local services and public transport routes, and it would help to sustain the local community.
- 5.11 Family Homes
Policy CS11 1 of the Core Strategy 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.
- 5.12 Two of the three dwellings would have 3 bedrooms or more, equating to a 66% provision of family homes. 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.
- 5.13 RESIDENTIAL AMENITY
- Existing occupiers
- 5.14 It is not considered that the proposed change of use will result in any harmful impact to any existing adjoining occupier to the detriment of their amenity. The upper floors of the commercial unit are currently in residential use and therefore no material change is proposed.
- 5.15 The introduction of a dormer window to the rear roofslope would have one window that would face towards South Road. This window would measure 14m from the side boundary of the Redlands and in excess of 20m when measured from the existing ground floor side elevation of the Redlands, given these distances and the oblique views that would be gained from the new window, it is not considered that any harmful overlooking or loss of privacy would occur to the occupier of the Redlands. No other adjoining occupier is considered to be affected by these proposals and the development is

considered to concur with Policy CS15 of the Core Strategy in respect of preventing negative impacts on residential amenity.

Future occupiers

- 5.16 Policy CS11 of the Core Strategy seeks to ensure that adequate space is provided inside and out to meet the needs of residents. The proposed dwellings would have more than adequate amount of internal amenity space to suit the needs of future occupants. Whilst limited space is provided externally in the form of a rear yard, this is not dissimilar to other residential properties found in the locality, which have a limited access to external amenity space. As such it is considered that the proposed change of use would not have any adverse impact on the future occupier's residential amenity.
- 5.17 Two rooflights are proposed to the front roofslope to provide light and air to the fourth (second floor bedroom). Whilst this room is currently used as a bedroom, the introduction of these rooflights would improve the living conditions in this room.
- 5.18 DESIGN AND APPEARANCE
To facilitate the change of use very little external intervention is required except for the removal of the traditional shopfront glazing to be replaced with smaller domestic windows and the introduction of front doors to serve each dwelling. Since the application was originally submitted amendments have been sought to increase the size of the windows on the ground floor fronting Derwent Street from that previously proposed. The windows are now considered to be acceptable in relation to the window to wall ratio and will be more in keeping with the appearance of the property. No objections are raised to the location of the front doors.
- 5.19 The rear dormer window would be in keeping with the size and scale of the existing rear dormer window to No.15 Derwent Street and no objections are raised to the design or appearance of the proposed dormer.
- 5.20 In respect of the rooflights to the front roofslope, other rooflights can be viewed within Derwent Street and as such no objections are raised.
- 5.21 The proposal is considered to be acceptable in respect of its design and appearance and would comply with Policy CS15 of the Core Strategy.
- 5.21 CAR PARKING AND HIGHWAYS SAFETY
The site is located within the Chopwell Local Centre which has a small selection of shops and services. The site is also well served by buses with regular services stopping within 80m via the existing network of lit footways. The location is therefore considered sustainable.

- 5.22 Whilst there is no off street car parking proposed and there is no scope to provide any within the curtilage of the site; unrestricted on street parking opportunities is available in the immediate vicinity of the site and any prospective resident would be aware of this situation.
- 5.23 Gateshead Council's residential car parking standards require a minimum of 1 space per property plus a visitor space per 4 dwellings although lower provisions can be considered. The former use of the site as a bank and flat above must be taken into consideration and these uses would have generated a parking demand. As such it is not considered that the proposed use would not create any significant increase in parking demand over and above that of the existing use. Furthermore the proposal is not considered to have any significant impact upon the highway network and would accord with Policy CS13 of the Core Strategy and T1 of the UDP.
- 5.24 It is recommended that a condition be attached requiring the provision of secure, lockable and weatherproof cycle storage within the rear yard for each dwelling. Cycle storage in the form of individual lockers with a lockable door and a separate means of securing a bike internally is recommended.
- 5.25 **WASTE**
No objections are raised on the basis that the existing refuse storage facility will remain as existing, located to the rear of the site within the yard, where bins can be easily moved from the property to the street for collection.
- 5.26 The proposal will not affect the current arrangements and is therefore acceptable from a waste servicing perspective.

6.0 CONCLUSION

- 6.1 Taking all the relevant issues into account it is therefore recommended that planning permission should be approved as the proposal will bring a prominent building back into active use which will assist in improving the vitality and appearance of the Local Centre. The development would provide two family sized dwellings in a sustainable location.
- 6.2 There will be no detrimental impact upon existing or future occupier's residential amenity, nor would the development have a harmful impact upon the character and appearance of the area. No objections are raised on highways grounds.
- 6.3 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 to which this permission relates must be commenced not later than 3 years from the date of this permission.

Reason

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

2

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

- SCC/MI/200 Location Plan
- SCC/MI/100 Existing Plan
- SCC/MI/200 Site Plan
- SCC/MI/200 Rev B Proposed Plan
- SCC/MI/101 Rev A Exist. and Prop. Elevations

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

Reason

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

3

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

Reason

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

4

Prior to occupation of the development details for secure, lockable and weatherproof cycle storage for each dwelling within the curtilage of the site shall be submitted to and approved in writing by the Local Planning Authority.

Reason

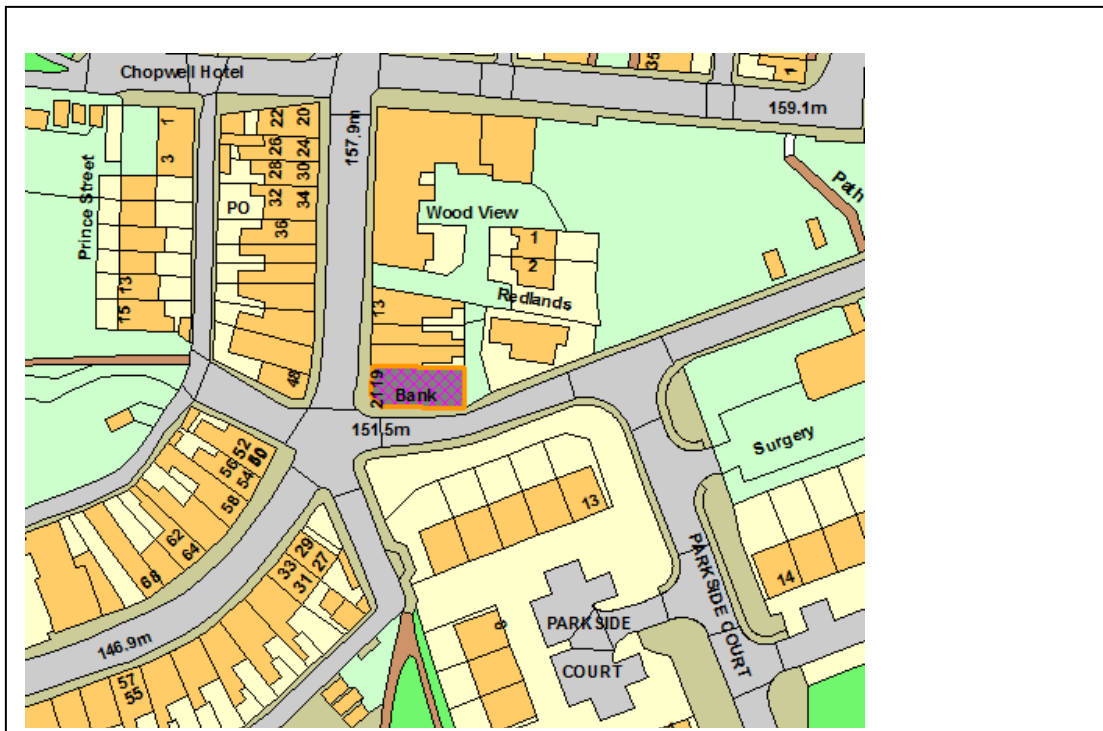
In order to ensure adequate provision for cyclists and in compliance with Policies DC4 and T5, of the Unitary Development Plan and the Gateshead Cycling Strategy.

5.

The details approved under condition 4 shall be wholly implemented before the development is brought into use, and thereafter permanently retained.

Reason

In order to ensure adequate provision for cyclists and in compliance with Policies DC4 and T5, of the Unitary Development Plan and the Gateshead Cycling Strategy.



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Committee Report

Application No:	DC/17/01356/HHA
Case Officer	Luke Wrigley
Date Application Valid	14 December 2017
Applicant	Mr Graham Stephenson
Site:	6 Westmorland Gardens Gateshead NE9 6HP
Ward:	Low Fell
Proposal:	Single storey rear extension and the erection of a pitched roof on existing garage.
Recommendation:	GRANT
Application Type	Householder Application

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

The application concerns 6 Westmorland Gardens which is a two storey, semi-detached property, located within a residential area.

1.2 The property is located within Low Fell just off Coleridge Avenue however it does not fall within the Low Fell Conservation Area. There is no strong design uniformity on the road with a mix of detached and semi-detached houses and bungalows of varying scales and designs. However the design of number 6 Westmorland Gardens does mirror that of number 4, the other half of the pair of semi-detached properties. To the rear of the application site there has been a block of six flats erected at Callaurie Court.

1.3 The existing attractive property is finished in red brick with pebble dash render throughout, under a red pantile roof. The property has a gable feature at the front of the property with a steep roof slope also allowing for a dormer window at the front of the property.

1.4 The property benefits from off street parking with a detached garage to the rear of the property which adjoins the neighbouring property's detached garage at 8 Westmorland Gardens. The garage is built of similar materials to the existing house, and has a flat roof. There is also a driveway which could comfortably accommodate a further two cars due to being 16 metres in length from the site boundary to the principal elevation of the garage.

1.5 The application already features a small addition to the rear of the property which projects out 2.4 metres, set in from the adjoining property by 7.6 metres, erected with a pitched roof 3.45 metres in height. The extension has been finished with materials that replicate those used in the original erection of the property.

1.6 DESCRIPTION OF THE APPLICATION:

- 1.7 The application is referred to the Planning and Development Committee for determination as the applicant is an employee of the Council, working within the Development Management Team.
- 1.8 The application seeks permission for the erection of a single storey rear extension to the property, and the erection of a pitched roof on the existing flat roofed garage.
- 1.9 Specifically the rear extension would project out from the existing rear elevation by 3.53 metres. The extension would be 7.64 metres in width infilling the space between the existing rear extension and the southern boundary. The proposed would be erected with a height of 2.9 metres from true ground floor level finished with a flat roof.
- 1.10 The extension would feature no windows in either side elevation. The proposal features one picture box window at the rear elevation, and a separate 3 part sliding door to allow access in an out of the house to the rear garden. The extension would have two roof lights incorporated into its flat roof.
- 1.11 The proposed would be completed with horizontal timber cladding at all elevations, and would see the frames and parapet walls trim finished in aluminium with a powder coating to achieve a contemporary appearance.
- 1.12 The applicant also proposes the addition of a pitched roof on the existing garage. Specifically this would increase the height of the garage roof by 1.2 metres and would replicate the garage at 8 Westmorland Gardens that adjoins the application site.
- 1.13 The application also sees the addition of a new window in the existing extensions north elevation which would be fitted with opaque glazing. The existing side (north) elevation of the house would also see a new door and side window in place of the existing kitchen window.
- 1.14 Planning History
No relevant planning history

2.0 Consultations:

None

3.0 Representations:

- 3.1 9 properties have been notified of the application. To date no letters or emails of representation have been received.

4.0 Policies:

NPPF National Planning Policy Framework

NPPG National Planning Practice Guidance

DC2 Residential Amenity

ENV3 The Built Environment- Character/Design

CS13 Transport

CS14 Wellbeing and Health

CS15 Place Making

HAESPD Householder Alterations and Extensions SPD

5.0 Assessment of the Proposal:

- 5.1 The key considerations to be taken into account when assessing this planning application are its scale and design, and the effect of the proposal on the living conditions of neighbouring occupiers.
- 5.2 SCALE AND DESIGN:
- 5.3 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.
- 5.4 When considering proposals to extend or alter existing residential properties the Councils Household Alterations and Extensions Supplementary Planning Document (HAESPD) advises that new extensions should not dominate the existing building, ensuring that an appropriate scale is maintained, and that extensions are always subservient to that of the original property to ensure it respects and compliments the host property.
- 5.5 The host property is a two storey residential property which can accommodate family living with a single detached garage, on a reasonably sized plot. On this basis the host property has reasonable opportunity to extend without the development appearing overly dominant or out of character with the host property.
- 5.6 Due to the house having already been extended historically to the rear, this has to be taken into account when assessing additions to the original dwelling house. The proposal would involve infilling the gap left between the existing rear extension and the common boundary (although it should be noted the plans do leave a 0.4 metre gap from the boundary). The proposed extension would project 1.12 metres past the existing extension and would therefore be visible from both neighbours to the north and south of the application site, however it would appear as a modest addition.

- 5.7 Due to the subservient form of the proposed extension the development is considered to be an appropriate design and scale to that of the host property and surrounding area. Furthermore the use of horizontal timber cladding and the contemporary approach that the applicant is trying to achieve is considered to be of a high quality and design contrasting against the original house to create a high quality aesthetic finish, whilst it would retain the curtilage space to the rear of the property as set out in the HAESPD.
- 5.8 The Siting of the proposed development to rear of the property restricts any visibility from the public realm. The proposal would have an acceptable relationship with the existing house, and would not have an overbearing visual impact with regard to bulk and design.
- 5.9 It is considered that the erection of a pitch roof on the garage would improve its design, by making it identical to what has already been erected at 8 Westmorland Gardens. The proposed would therefore not be out of character with the wider street scene, and would be of a better aesthetic quality than the existing flat roof garage, refreshing the image of the existing.
- 5.10 Therefore the development is considered to meet the requirements of saved UDP policy ENV3, CSUCP policy, CS15 and the requirements of the NPPF as it does not cause harm to the host property or adversely affect the existing character or identity of the local area.
- 5.11 LIVING CONDITIONS
- 5.12 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.
- 5.13 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 the 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.
- 5.14 It is considered that the proposed rear extension would not amount to an unacceptable impact on a neighbouring property. It would not result in a loss of light, overshadowing or visual intrusion.
- 5.15 8 Westmorland Gardens is largely protected from the development and would only be able to see a projection of 1.12 metres from the existing extension, and with a distance of 5.6 metres from the proposal and the common boundary this neighbour would be unaffected by the proposed development at 6 Westmorland Gardens.
- 5.16 The extension is set off the common boundary of the application site and number 4 Westmorland Gardens by 0.4 metres and with a projection of 3.53

metres and height of 3 metres (flat roof) it is considered that this would not result in a dominating effect. In terms of loss of light, the adjoining neighbour is directly south of the application site and therefore as the sun moves round from east to west the effect of the erection of the proposed is considered to be nil.

- 5.17 The erection of the proposed rear extension is considered to result in no loss of privacy, due to only being single storey there would be no overlooking of neighbours gardens.
- 5.18 The erection of a pitched roof on the existing detached garage would have no negative consequence upon the residential amenity of the neighbouring property, raising the roof height by just one metre, with the neighbouring property (8 Westmorland Gardens) protected by their own pitched roof detached garage.
- 5.19 The development therefore meets the aims and requirements set out in policy DC2 of the UDP, Policy CS14 of the CSUCP and the requirements of the NPPF.
- 5.20 **HIGHWAY SAFETY AND PARKING**
The proposal would not have an unacceptable impact on highway safety and parking in the area and is therefore in accordance with policy CS13 of the CSUCP.

6.0 **CONCLUSION**

- 6.1 Taking all the relevant issues into account it is considered that the proposed development would not constitute inappropriate development. The proposal is of an appropriate design and scale that will complement the existing house and locality, and will not adversely affect impact on residential amenity or highway safety.
- 6.2 Accordingly the proposed development accords with the development plan which is not outweighed by other material planning considerations. It is therefore recommended that planning permission be granted 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 -

PL01 Nov.17

PL02 Nov.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 number

PL01 Nov.17

PL02 Nov.17

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.



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REPORT OF THE STRATEGIC DIRECTOR COMMUNITIES AND ENVIRONMENT

TO THE PLANNING AND DEVELOPMENT COMMITTEE ON 24 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/17/00533/HHA	Loft Extension (as amended 07.12.17)	20 Cornmoor Road, Whickham,	Granted;	Dunston Hill And Whickham East
DC/17/00830/FUL	Proposed outdoor equestrian training arena (additional information received 20/09/17 and amended plan received 17/10/17).	Stampley Moss Farm , Thornley Lane,	Granted;	Winlaton And High Spen
DC/17/00980/HHA	Raise ridge height of roof and erect large rear dormer.	38 Grayling Road, Festival Park,	Granted;	Lobley Hill And Bensham
DC/17/01116/HHA	Demolition of conservatory and proposed single storey rear extension	19 Briardene Drive, Felling,	Granted;	Wardley And Leam Lane
DC/17/01083/CPL	CERTIFICATE OF PROPOSED LAWFUL DEVELOPMENT: Single storey rear extension	7 Leaffield Glade, Birtley,	Refused;	Birtley

DC/17/01069/FUL	Erection of Goods-In extension to the northern elevation of the Manufacturing Building, demolition of single storey offshoots, demolition of the casting line building and office building adjacent to the site entrance and re-organisation of the car parking and cycle parking arrangements (amended 06/12/17).	Domnick Hunter Parker Hannifin, Durham Road,	Granted;	Birtley
DC/17/01072/HHA	Installation of a modular metal mesh access ramp to allow disabled access to and from front door	31 Malone Gardens, Northside,	Granted;	Lamesley
DC/17/01204/TPO	Felling of Willow tree (T1) and works to two Copper Beech trees (G1 and G2).	Willow Cottage , Whitewell Lane,	Granted;	Ryton Crookhill And Stella
DC/17/01108/HHA	Construction of single storey side and rear extension and canopy to front	3 Whickham Park, Whickham,	Granted;	Dunston Hill And Whickham East
DC/17/01113/HHA	Replace existing bay window and porch with larger extension to front	4 Park Avenue, Blaydon,	Refused;	Blaydon
DC/17/01175/HHA	Single storey rear extension and decking (description amended 24/11/17 and amended plans received 23/11/17)	28 Corrofell Gardens, Felling,	Granted;	Pelaw And Heworth

DC/17/01137/HHA	Retrospective decking to the rear of property	3 Redruth Gardens, Chowdene,	Granted;	Chowdene
DC/17/01148/COU	Sub-division of existing shop to create two shops, including installation of new shop front	4 West Way, Winlton,	Granted;	Blaydon
DC/17/01149/HHA	Proposed bedroom over garage, single storey rear extension and front porch	18 Grasmere Road, Whickham,	Granted;	Dunston Hill And Whickham East
DC/17/01157/HHA	Roof lantern and roof light to rear, sliding gate to rear, convert doorway into window	4 Belle Vue Terrace, Low Fell,	Granted;	Low Fell
DC/17/01170/HHA	Two storey rear extension and front porch	44 West Meadows, Chopwell,	Refused;	Chopwell And Rowlands Gill
DC/17/01173/FUL	Replacement of existing bungalow with two storey house.	41 Cornmoor Road, Whickham,	Granted;	Dunston Hill And Whickham East
DC/17/01183/HHA	Garage conversion to form Annexe	The Bungalow , Hylton Terrace,	Granted;	Pelaw And Heworth
DC/17/01186/TPO	Works to Ash tree in garden of The Dene, Alumwell Road.	The Dene, Alumwell Road,	Granted;	Low Fell

DC/17/01194/HHA	Proposed single storey rear extension, porch, and removal of garage and erection of two storey side extension	1 The Mews, Axwell Park,	Granted;	Blaydon
DC/17/01218/FUL	Continued use of agricultural building as boarding kennels for dogs (sui generis use)	Middle Hedgefield Farm House, Stella Road,	Granted;	Ryton Crookhill And Stella
DC/17/01205/HHA	Installation of a modular metal mesh access ramp to allow disabled access	North View , California,	Granted;	Blaydon
DC/17/01206/FUL	Installation of an ATM on the front elevation (retrospective)	322 Old Durham Road, Gateshead,	Granted;	Deckham
DC/17/01207/ADV	'Free Cash Withdrawals' sign above the ATM fascia, display of collar, both internally illuminated (retrospective)	322 Old Durham Road, Gateshead,	Temporary permission granted;	Deckham
DC/17/01209/TPO	Removal of Beech tree (T1) due to lifting root plate and bursting wall	Hillside , Grange Road,	Granted;	Ryton Crookhill And Stella
DC/17/01214/HHA	Single storey rear extension with part roof terrace over, render and clad finish to front , rear and side elevations	9 Millfield Road, Whickham,	Granted;	Dunston Hill And Whickham East

DC/17/01221/CDPA	DETERMINATION OF PRIOR APPROVAL: Change of use from Office (B1) to a flat (C3)	Northumberland House, Northumberland Road,	Granted;	Ryton Crookhill And Stella
DC/17/01266/HHA	Replace single storey rear wooden utility room with larger rear extension	3 Ethel Terrace, Rowlands Gill,	Granted;	Winlaton And High Spen
DC/17/01224/HHA	Single storey side and rear extension (amended 03.01.18)	12 Ventnor Gardens, Low Fell,	Granted;	Saltwell
DC/17/01225/HHA	Side first floor extension over garage	25 Hollydene, Kibblesworth,	Granted;	Lamesley
DC/17/01238/TPO	Felling on one Beech tree and one Horse Chestnut tree at 1 Whickham Lodge, Front Street, Whickham.	1 Whickham Lodge, Front Street,	Granted;	Dunston Hill And Whickham East
DC/17/01233/HHA	Proposed single storey side and rear extension, and minor alterations to principal and side elevations	3 Glanton Close, Wardley,	Granted;	Wardley And Leam Lane
DC/17/01234/COU	Change of use of vacant retail unit (A1 use) to Sunbed Salon (Sui Generis)	Unit B104a, Trinity Square,	Granted;	Bridges

DC/17/01239/FUL	Erection of cladded storage shed and replacement of existing north and north west boundary fence with new 2m high fence (retrospective) (amended plans rec'd 5.12.17)	Allotment Gardens Rear Of, Glendale Avenue,	Granted;	Whickham North
DC/17/01241/HHA	Retrospective rear conservatory	31 Leasyde Walk, Fellside Park,	Granted;	Whickham South And Sunnyside
DC/17/01244/COU	Change of Use of floorspace adjacent to Unit 66 (Sui Generis to Use Class A1) and (A1 to Sui Generis)	85-87 The Galleria, Metro Centre,	Granted;	Whickham North
DC/17/01250/HHA	First floor extension over garage	17 Monkridge Gardens, Dunston,	Granted;	Dunston Hill And Whickham East
DC/17/01253/HHA	Part single storey, part two storey rear extension (as amended 05.12.17)	27 Cheviot View, Windy Nook,	Granted;	Windy Nook And Whitehills
DC/17/01254/TPO	Works to one Horse Chestnut tree and one Sycamore tree in garden area.	Underhill, Gateshead,	Granted;	Low Fell
DC/17/01257/FUL	Erection of one residential dwelling with garage and access to rear garden of 30 Rowland Burn Way (amended 02/01/2018).	30 Rowland Burn Way, Rowlands Gill,	Granted;	Chopwell And Rowlands Gill

DC/17/01262/HHA	Modular metal mesh access ramp to allow disabled access to and from front door of domestic residence, lift and re-lay existing pathway adjacent to the gateway	203 Meresyde, Leam Lane Estate,	Granted;	Pelaw And Heworth
DC/17/01263/HHA	First floor side extension and widening of existing vehicular access	2 Monkton, Leam Lane Estate,	Granted;	Windy Nook And Whitehills
DC/17/01264/HHA	Extension of and new pitched roof to existing detached garage	47 Middle Row , Stargate Lane,	Granted;	Ryton Crookhill And Stella
DC/17/01265/ADV	Display of various illuminated and non-illuminated fascia, board, post and totem signs	The Co-Operative Food The Clavering Centre , Oakfield Road,	Temporary permission granted;	Whickham South And Sunnside
DC/17/01275/HHA	Two storey and single storey rear extension and porch to front	1 Cadaway Houses, Lead Road,	Granted;	Crawcrook And Greenside
DC/17/01277/HHA	Single storey side extension (as amended 10.01.18)	68 Dykes Way, High Heworth,	Granted;	Windy Nook And Whitehills
DC/17/01287/HHA	Single storey side and rear extension	39 Glynwood Gardens, Gateshead,	Granted;	High Fell
DC/17/01284/HHA	Single storey side and rear extension	146 Marian Drive, Bill Quay,	Granted;	Pelaw And Heworth

DC/17/01314/HHA	Demolition and replacement of existing conservatory	1 Penn Poll, Rockcliffe Way,	Granted;	Lamesley
DC/17/01291/HHA	Two storey side and rear extension	3 Windermere Avenue, Heworth,	Granted;	Pelaw And Heworth
DC/17/01301/HHA	Build new single storey succoh extension to rear of property	54 Brinkburn Avenue, Bensham,	Granted;	Saltwell
DC/17/01304/HHA	Single storey side extension	18 Hawthorn Close, Whickham,	Granted;	Whickham South And Sunnside
DC/17/01321/AGR	Erection of general purpose building for storage of machinery and grain	South West Farm, Woodhouse Lane,	Granted;	Whickham North
DC/17/01324/HHA	New window to replace existing garage door	13 Hampton Drive, Felling Central,	Granted;	Deckham
DC/17/01325/HHA	Two storey rear extension with part single storey rear extension, and detached garage/workshop	5 Sandy Lane, Eighton Banks,	Granted;	Lamesley
DC/17/01326/HHA	Provision of external ramp	118 South Sherburn, Rowlands Gill Central,	Granted;	Chopwell And Rowlands Gill

DC/17/01327/HHA	Proposed single storey rear extension. Resubmission of previous application no;- DC/17/01039/HHA Approved 14/11/2017 The extension is increased from 4.0m to 5.0m projection from the dwelling.	2 Grantham Drive, Gateshead,	Granted;	Low Fell
DC/17/01332/HHA	Single storey rear and side extension	8 Ivanhoe View, Harlow Green,	Granted;	Chowdene

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**REPORT TO PLANNING AND
DEVELOPMENT COMMITTEE**
24th 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.	21 Saltwell View	Saltwell	Unauthorised alteration to property	16 July 2014	16 July 2014	N		20 August 2014	13 September 2016	<p>The unauthorised installation of UPVC windows without consent, -fronting the highway in an area subject to a Direction under Article 4 of the Town and Country Planning (General Permitted Development) Order 1995. Contrary to contrary to Policy ENV7 of the Unitary Development Plan.</p> <p>Enforcement Notice has been served</p>	

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										<p>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 are not undertaken in January.</p>	
5.	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	

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	(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	Environmental Impact of the Development. 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 action at Newcastle Crown Court has been completed a further hearing at Gateshead Magistrates Court has been listed for the 3 rd November 2017. The hearing at Gateshead Magistrates was adjourned. A revised date has been listed for the 6 th December 2017.	

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										The hearing at Gateshead Magistrates was adjourned. A revised court date has been listed for the 31 st January 2018.	
6.	Tynedale House, Main Street, Crawcrook	Crawcrook and Greenside	Unsightly Building	13 th January 2017	14 th February 2017	Y	N	20 th March 2017	15 th May 2017	<p>Complaints have been received regarding the appearance of the front elevation of the property which is a former butchers shop.</p> <p>Whilst the site is noted to be under renovation the works have not substantially progress and the matter has become protracted.</p> <p>Therefore the Notice has been issued to ensure the façade is brought up to an acceptable standard within a specified period.</p> <p>The majority of the requirements of the notice have been complied with and further discussions with the owner have taken place</p> <p>The owner is now actively marketing the property in the hope the unit will be brought back into use .</p>	
7.	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	

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			Breach of Planning Conditions	19 th April 2017	20 th April 2017	Y	N	20 th April 2017	18 th May 2017	<p>number of conditions many of which related to highway safety and which required discharge prior to the new use being commenced.</p> <p>The use has commenced without the conditions being discharged. Adjacent to the site a new supermarket is under construction as a result Officers have significant concerns regarding highway safety. Therefore a Temporary Stop Notice was issued requiring the use to stop until the conditions are discharged.</p> <p>A Breach of Condition Notice was issued and the required information has been submitted.</p> <p>Whilst the information is being considered complaints have been received regarding activity on site and the owners have been warned that further, formal, action is being considered.</p> <p>The submitted details are generally acceptable however there is some clarification required in regards to cycle parking and layout. Once these issues</p>	

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										<p>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> <p>The conditions have still not been fully complied with. Discussions are taking place between the agent and the Councils highway departments in regards to the acceptability of changing the access arrangement on the site. Further enforcement action is to be considered once these discussions have taken place.</p>	
8.	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>	

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										<p>The specified time period has elapsed and while some work has been carried out it is not satisfactory. The owner now has until 17 August to complete the work otherwise further action will be taken.</p> <p>A prosecution file has been prepared. The first hearing is listed at Gateshead Magistrates Court on 20.12.17</p> <p>Defendant pleaded guilty and was issued £600 fine and £200 costs, the district judge made the defendant aware that the land needs to be tidied and the notice complied with. The Council can bring forward another complaint and every day the notice is not complied the defendant could receive a further fine. The site is now being monitored.</p>	
9.	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</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>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. The Councils appeal statement was submitted to the inspectorate on the 29.11.17</p>	
10.	Site of Former Collinson Brothers Garage, Derwent Street, Chopwell	Rowlands Gill and Chopwell	Unsightly Land	31 August 2017	1 September 2017	N	N	4 October 2017	29 November 2017	<p>The land is derelict and complaints have been received regarding its condition on what is a prominent site.</p> <p>A notice has been issued to require improvements, particularly relating to the boundary treatment.</p> <p>However, the site owners appear to have gone into liquidation which may cause problems is securing compliance with the notice</p> <p>Site visit is to be</p>	

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										<p>undertaken following expiry of the compliance period.</p> <p>Barbed wire has been removed from the boundary treatment.</p>	
11.	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> <p>Further email correspondence has been sent to the owners of the property detailing how to fully comply with the requirements of the notice.</p>	

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12.	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, strimmed 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> <p>No further work has been undertaken since the last site visit on the 13th December. A letter has been written to the owners. Files are being prepared for prosecution if works are not undertaken in January.</p>	
13.	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.</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>Consultation 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> <p>Request to remove from report</p>	
14.	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> <p>Correspondence has been sent to the developer asking them to confirm that they will not be</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
										recommencing work on site until the issues regarding the conditions have been resolved. A response was received on 09.01.18 and further legal action is being considered.	
15.	Da Vinci's Pizzeria 10 Harraton Terrace Durham Road Birtley Chester Le Street DH3 2QG	Birtley	Unauthorised change of use	22 nd December 2017	22 nd December 2017	Y	N	26 TH January 2018	26 th March 2018	<p>Complaints have been received regarding the operation of a hot food take away without planning permission. A retrospective planning application was submitted and refused on 15th November 2017. The application was refused because the proposal would represent inappropriate development as it would lead to increased access to an unhealthy eating outlet, it would also lead to an overconcentration of such uses.</p> <p>An Enforcement Notice has been issued to cease the use of the takeaway and delivery to address the issues identified which resulted in the refusal of the application.</p>	



TITLE OF REPORT: Planning Appeals

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

Purpose of the Report

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

New Appeals

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

Appeal Decisions

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

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).
This was a committee decision refused on 20 April 2017.
Appeal allowed on 14 December 2017.

DC/17/00163/HHA - 8 Dockendale Lane, Whickham NE16 4EN
Garage conversion and extension at the front of the property.
This was a delegated decision refused on 13 July 2017.
Appeal dismissed on 3 January 2018.

DC/17/00252/HHA - 37 Cromwell Ford Way, Blaydon On Tyne NE21 4FH
Garage door to front and construction of wall to rear with timber doorset to the rear
(retrospective).
This was a delegated decision refused on 17 May 2017.
Appeal allowed on 19 December 2017.

DC/17/00563/FUL - Land At Ellison Terrace, Greenside, Ryton NE40 4BL
Construction of three terraced houses with parking area.
This was a committee decision refused on 20 July 2017.
Appeal allowed on 14 December 2017.

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

Appeal Costs

4. There have been **no** appeal cost decision(s).

Outstanding Appeals

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

Recommendation

6. It is recommended that the Committee note the report

Contact: Emma Lucas Ext: 3747

FINANCIAL IMPLICATIONS

Nil

RISK MANAGEMENT IMPLICATIONS

Nil

HUMAN RESOURCES IMPLICATIONS

Nil

EQUALITY AND DIVERSITY IMPLICATIONS

Nil

CRIME AND DISORDER IMPLICATIONS

Nil

SUSTAINABILITY IMPLICATIONS

Nil

HUMAN RIGHTS IMPLICATIONS

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

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

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

WARD IMPLICATIONS

Various wards have decisions affecting them in Appendix 3

BACKGROUND INFORMATION

Start letters and decision letters from the Planning Inspectorate



The Planning Inspectorate

Appeal Decision

Site visit made on 21 November 2017

by Jason Whitfield BA (Hons) DipTP MRTPI

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

Decision date: 14th December 2017

Appeal Ref: APP/H4505/W/17/3181897 Land at Ellison Terrace, Greenside

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by ISM Properties Ltd against the decision of Gateshead Council.
 - The application Ref DC/16/01182/FUL, dated 7 November 2016, was refused by notice dated 20 April 2017.
 - The development proposed is the construction of 3 houses.
-

Decision

1. The appeal is allowed and planning permission is granted for the construction of 3 houses at Land at Ellison Terrace, Greenside in accordance with the terms of the application, Ref DC/16/01182/FUL, dated 7 November 2016, subject to the conditions set out in the Schedule to this decision.

Preliminary Matters

2. The proposal was amended following submission to the Council but prior to its determination. I am satisfied that all relevant parties have been made aware of the amendments and would not be prejudiced. Therefore, I have determined the appeal on the basis of the amended proposal.
3. I have also dealt with another appeal (APP/H4505/W/17/3181898) on this site. That appeal is the subject of a separate decision.

Main Issue

4. The main issue is the effect of the proposal on the character and appearance of the area, with particular regard to the Greenside Area of Special Character.

Reasons

5. The appeal site is located on Rockwood Hill Road between the two storey terraced houses of Ellison Terrace and the two storey detached property of Ivy House. The site is presently vacant and somewhat overgrown, containing as it does a dilapidated stone barn and concrete garage with low level stone walls to the front.
6. It is located in a predominately residential area within the village of Greenside, which is identified within the Gateshead Placemaking Guide Supplementary Planning Document 2012 (GPSPD) as an Area of Special Character (ASC) where positive and unique characteristics should be retained, enhanced and protected. The GPSPD indicates that ACS's in rural villages are characterised

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- by predominately two storey buildings with a smaller footprint and limited height, whilst taller buildings are restricted to churches and older properties.
7. Opposite the site are pairs of two storey semi-detached houses with hipped roofs. Those properties are elevated above street level. To the west of those is a short terrace of four, two storey dwellings. There is a, therefore, a general character of two storey houses in the area with a wide variation in style and appearance. Nevertheless, there is consistency in the linear pattern of development here. On the appeal site side of the road, most dwellings are sited either close to the footway or set back not more than 4-5m from it. In addition, the roofline of both sides of the road broadly replicates the rather steep topography.
 8. It is proposed to develop a terrace of three dwellings on the appeal site. The Council considers the dwellings would be too high relative to existing dwellings in the area. The closest property on Ellison Terrace has a ridge height of around 8.8m whilst Ivy House has a ridge height of around 8.1m. In contrast, the proposed dwellings would have a ridge height of around 10m with a step down of around 0.3m between each to reflect the topography. The proposed dwellings would therefore be clearly higher than the properties either side.
 9. However, the dwellings would be sited around 19-20m from Ellison Terrace and around 13.4m from Ivy House. Due to the separation and topography, the greater height of the proposed dwellings would not be significantly apparent within the street scene, particularly when viewed from certain vantage points to the east and west. Indeed, the proposed height step down of around 2.5m between the appeal site and Ellison Terrace would be consistent with other properties in the area. Moreover, the fact that the dwellings would not be the same height as neighbouring properties need not necessarily equate to harm. In my view, the extent of the increase in height would not be so significant that the proposed dwellings would appear as dominant or obtrusive features.
 10. Whilst the dwellings would have some semblance of townhouses due to the depth of the roof and the use of rooflights to the front, the proposed dormers would be located on the rear roof slope and would not be widely perceptible within the street scene. Furthermore, although the stone used in other nearby dwellings would not be incorporated into the scheme, the design of the dwellings would be broadly consistent with the terraced properties of Ellison Terrace through the use of similar materials and fenestration, including stone cills and heads. Likewise the narrow width would result in a pronounced vertical emphasis, reflecting that of neighbouring properties.
 11. Furthermore, whilst I note the Council's concerns regarding the proximity of the dwellings to the footpath, they would be set back around 0.4m to 1m from the front boundary of the site. That would broadly reflect the approximate 1m set back of Ellison Terrace. I note that the proposal would not replicate the 4m set back of Ivy House or indeed the larger setbacks of the houses opposite. However, notwithstanding the gap to Ellison Terrace, given the design and siting of the proposed dwellings, they would in my view be read more as a continuation of the terraced, linear built form of Ellison Terrace than they would in the context of Ivy House or the properties opposite.
 12. As a result, I find the proposed dwellings would not appear as dominant or obtrusive features within the street scene. Indeed, I find the scale, massing, design, appearance and siting of the dwellings would make a positive

contribution to the established character and identity of the area, would respond positively to the distinctiveness of the ASC and would not constitute overdevelopment of the site.

13. I conclude, therefore, that the proposal would not have a harmful effect on the character and appearance of the area with particular regard to the Greenside Area of Special Character. Consequently, the proposal would comply with Policy CS15 of the Planning for the Future Core Strategy and Urban Core Plan for Gateshead and Newcastle upon Tyne 2010-2030 (2015) which states that development will be required to respond positively to local distinctiveness and character. It would also accord with Saved Policy ENV3 of the Gateshead Unitary Development Plan (2007) which states that the design, density and scale of new development should make a positive contribution to the established character and identity of its locality, whilst all development will be expected to recognise established design principles such as scale, massing, height and materials.

Other Matters

14. The proposal would provide one off-street parking space for each dwelling. I note the concerns of Councillors and local residents in respect of the proposed parking arrangements. However, no substantive evidence has been provided which demonstrates that there are existing on-street parking problems. Indeed, whilst only a snapshot, my own observations were that on-street parking levels were not unduly high, with several available spaces and a number of properties with driveways and other forms of off-street parking. Furthermore, the traffic volumes I observed were not so significant that the level of additional on-street parking that would likely arise from the development would be harmful to highway safety. In the absence of any substantive, contrary evidence, I have no reason to believe my observations were not representative of regular traffic conditions in the area and thus, that the proposal would have a harmful impact on highway safety.
15. I have also had regard to the concerns of local residents in respect of the effect of the proposal on the privacy of neighbours. Whilst windows are proposed in the flank walls at either end of the terrace, the windows would serve staircases and a ground floor bathroom. The plans show the bathroom windows would be obscurely glazed. Given the non-habitable nature of those windows and the separation distance to the closest windows in the closest neighbouring properties, I am satisfied the proposal would not result in an undue loss of privacy for neighbouring occupiers.
16. The proposal is supported by a Bat Survey Report. Although dated 2014, I have no substantive evidence to suggest that the findings of the report are no longer relevant or in any way inaccurate. The report concludes that the existing building on the site has medium potential to contain roosting bats whilst the surrounding habitat offers good foraging potential. The proposal therefore incorporates bat roost features whilst nesting provision for house sparrows would also be provided. I consider these measures to be reasonable and necessary and can therefore be secured by condition.
17. Concerns have also been raised by neighbouring residents in respect of the retention of access to their boundaries. However, any legal rights which may exist in that respect are a separate matter and are, as such, a consideration to which I can afford no more than very little weight

Conditions

18. In addition to the standard time limit, a condition relating to the approved plans is necessary to provide certainty. I have imposed a condition requiring the development to be constructed in accordance with the materials shown on the approved plans. Nevertheless, I agree with the Council that the provision of red brick and natural slate roof tiles are necessary to protect the character and appearance of the area and I have therefore imposed a requirement for samples of the materials to be submitted to and agreed by the Council. I also agree a condition requiring 100mm reveals on all openings is necessary to reflect the character of the surrounding area.
19. A condition relating to contamination is necessary to ensure the development would not pose an unacceptable risk to surrounding receptors. Similarly, given the legacy of coal mining in the area, it is necessary to impose a condition requiring site investigations to be undertaken to ensure that any potential land stability issues can be properly mitigated.
20. A condition relating to working hours is necessary to protect the living conditions of neighbouring residents with regard to noise and disturbance. To ensure the development does not increase the risk of flooding or result in harm to the water environment, a condition relating to foul and surface water is necessary.
21. A condition to ensure the installation of bat roosting features and nesting provision is necessary in the interests of ecology and biodiversity. To protect the character and appearance of the area, a condition is necessary for details relating to the front boundary wall to be agreed. Finally, a condition to ensure that the windows shown to be obscured on the approved plans are installed with obscure glazing to protect the living conditions of neighbouring residents.

Conclusion

22. For the reasons given above I conclude that the appeal should be allowed.

Jason Whitfield

INSPECTOR

SCHEDULE

- 1) The development hereby permitted shall begin not later than 3 years from the date of this decision.
- 2) The development hereby permitted shall be carried out in accordance with the following approved plans: 15034 OS, 15034 P-01; 15034 P-02; 15034-P10 Rev B; 15034 P-11; 15034 P-12 Rev C; and, 15034 P-13.
- 3) No development shall commence until details of the materials to be used in the construction of the external walls and roof coverings of the development hereby permitted have been submitted to and approved in writing by the local planning authority. The development shall be carried out in accordance with the approved details. All other external surfaces of the development hereby permitted shall be constructed in accordance with the materials shown on plan no. 15034 P12-Rev C.
- 4) All openings in the dwellings hereby permitted shall be set back from the external face of the wall by at least 100mm and retained as such for the lifetime of the development hereby permitted.
- 5) No development shall commence until an assessment of the risks posed by any contamination, carried out in accordance with British Standard BS 10175: Investigation of potentially contaminated sites - Code of Practice and the Environment Agency's Model Procedures for the Management of Land Contamination (CLR 11) (or equivalent British Standard and Model Procedures if replaced), shall have been submitted to and approved in writing by the local planning authority. If any contamination is found, a report specifying the measures to be taken, including the timescale and a scheme of monitoring, to remediate the site to render it suitable for the approved development shall be submitted to and approved in writing by the local planning authority. The site shall be remediated in accordance with the approved measures and timescale and a verification report shall be submitted to and approved in writing by the local planning authority. If, during the course of development, any contamination is found which has not been previously identified, work shall be suspended and additional measures for its remediation shall be submitted to and approved in writing by the local planning authority. The remediation of the site shall incorporate the approved additional measures and a verification report for all the remediation works shall be submitted to the local planning authority within 14 days of the report being completed and approved in writing by the local planning authority.
- 6) No development shall commence until a report of intrusive site investigations in relation to coal mining legacy, including the results of gas monitoring and, where required, measures and timescales for remediation, monitoring and verification reports, has been submitted to and agreed in writing by the local planning authority. The remediation and monitoring measures shall be implemented in accordance with the approved details and timescales, and a verification report for all the remediation works shall be submitted to the local planning authority within 14 days of the report being completed and approved in writing by the local planning authority.
- 7) All external works and ancillary operations in connection with the construction of the development hereby permitted, including deliveries to

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

- 8) No development shall commence until a detailed scheme for the disposal of foul and surface water from the development hereby permitted has been submitted to and approved in writing by the local planning authority. The schemes shall be fully implemented in accordance with the approved details before first occupation of the development and retained as such for the lifetime of the development.
- 9) The bat roost features and nesting provision for house sparrows shown on approved plan 15034 P-12 Rev C shall be implemented before first occupation of the development hereby permitted and retained in accordance with the approved details for the lifetime of the development.
- 10) No works to the existing northern boundary wall shall commence until final details of the appearance, including materials, of the northern boundary treatment, which shall be not more than 1m above ground level, have been submitted to and approved in writing by the local planning authority. Thereafter the boundary treatment shall be constructed in accordance with the approved details before first occupation of the development and retained in accordance with the approved details of the lifetime of the development.
- 11) The development hereby permitted shall not be occupied until all windows serving bathrooms, en-suites and WCs have been fitted with obscured glazing. Details of the type of obscured glazing shall be submitted to and approved in writing by the local planning authority before the window is installed and once installed the obscured glazing shall be retained thereafter.



Appeal Decision

Site visit made on 19 December 2017

by **Helen Cassini BSc(Hons) DipTP MRTPI**

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

Decision date: 03 January 2018

Appeal Ref: APP/H4505/D/17/3183711
8 Dockendale Lane, Whickham, NE16 4EN

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by Mr Thomas Wright against the decision of Gateshead Council.
 - The application Ref: DC/17/00163/HHA, dated 16 February 2017, was refused by notice dated 13 July 2017.
 - The development proposed is a garage conversion and extension to front of property to create more living space and porch entrance.
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues of the appeal are the effect of the proposal on:
 - (i) the character and appearance of the surrounding area, having particular regard to the Whickham Conservation Area; and
 - (ii) the living conditions of the neighbouring occupants at 6 Dockendale Lane, with particular regard to the potential for an overbearing impact.

Reasons

Conservation Area

3. The appeal site is at the end of a terrace of 4 dwellings. The land notably slopes down from west to east and as such, the appeal site is on a lower level than the highway. All 4 dwellings within the terrace have average sized outdoor amenity space to the front and all dwellings have laid this space to paving.
4. The dwellings within the terrace have a relatively deep band of vertical tiles which separates the windows at the first floor from the ground floor. In addition, they also all have an integral garage at the front, with a flat roofed canopy over the front entrance door. These features give the terrace a sense of symmetry and uniformity when viewed from the wider street scene.
5. The appeal site is located within the Whickham Conservation Area (the Conservation Area). The Conservation Area is mainly linear and has a relatively loose and informal pattern of development. It is split into two main areas; the village core and the Dunston Hill hospital and rural fringe. The village core depicts a sense of unity, with a number of terraces and small

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informal groups of dwellings being evident. The loose and informal pattern of development in this area results in a general feeling of spaciousness. The Dunston Hill hospital and rural fringe area is marked by the tree-lined highway and open fields to the south, which gives this section of the Conservation Area a rural feel.

6. Given the location within the Conservation Area, in accordance with section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 (the Act), there is a duty to pay special attention to the desirability of preserving or enhancing the character or appearance of the area. This is also reflected in the approach set out within the National Planning Policy Framework (the Framework), which advises that when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation.
7. The proposed development would consist of a single storey extension at the front of the dwelling which would span the whole width of the front elevation. In contrast to the neighbouring dwellings, the proposal would include two ground floor bay windows and a centrally located porch, which would have a modest gable roof. It is noted that it is proposed to utilise roof tiles which would match the existing roof and it would also have matching brick work.
8. Paragraph 8.1 of the Gateshead Council Local Development Framework Supplementary Planning Document: Household Alterations and Extensions 2012 (the SPD) states that extensions should avoid creating an imbalanced appearance. Despite the proposed use of sympathetic materials, due to the scale of the extension, it would appear as an alien and unduly prominent feature. In addition, as the neighbouring dwellings have not been extended, the proposal would also damage the symmetry of the terrace. In particular, the location of the central porch and the removal of the vertical tiling would significantly impair the existing visual balance provided by the terrace. Accordingly, the loss of the integral garage and flat roof canopy would diminish the distinctive architectural style of the appeal site.
9. Paragraph 134 of the Framework advises that any harm to a designated heritage asset, which is less than substantial, must be weighed against the public benefit of the proposal. The harm identified is limited to the visual effects arising from scale and design of the proposal. This would result in less than substantial harm to the Conservation Area. Whilst the extension would be of benefit to the appellant insofar as it would provide additional living space, no public benefit is identified. The harm identified would therefore not be outweighed by any public benefits.
10. Accordingly, the proposal would fail to preserve or enhance the character or appearance of the Conservation Area, and would therefore be contrary to the requirements of the Act. Consequently, conflict exists with Policy CS15 of the Gateshead Council and Newcastle City Council Planning for the Future, Core Strategy and Urban Core Plan for Gateshead and Newcastle Upon Tyne 2010-2030 (the CS), saved Policies ENV 3, 7 and 9 of the Gateshead Unitary Development Plan 2007 (the UDP) and guidance contained within the SPD. When taken together these policies and guidance seek, amongst other things, to ensure that development is to a high standard of design and preserves or enhances the character or appearance of conservation areas.

11. In addition, given the importance of the heritage asset, the scheme would be contrary to one of the core planning principles of the Framework that requires the conservation of heritage assets.

Living Conditions

12. Paragraph 8.2 of the SPD states that front extensions should be set-in a minimum of 460 millimetres from a shared boundary and the effect on neighbouring dwellings should be taken into consideration.
13. The proposed extension would abut the shared boundary and would fail to comply with guidance within the SPD. Moreover, given the forward projection of approximately 1.5 metres, it is considered that the extension would appear overly dominant and over bearing in relation to the neighbouring ground floor habitable room at No 6.
14. From observations made during the site visit, it was noted that the neighbouring dwelling at 6 Dockendale Lane has a mature shrub adjacent to the shared boundary and close to the ground floor habitable room. This shrub would screen some of the proposed extension from view when the neighbouring occupiers were in the ground floor room adjacent to the boundary. However, it is not considered that the vegetation is of such a significant scale as to provide sufficient screening of the proposal as to mitigate the level of harm identified.
15. In assessing the scheme against the existing and proposed site circumstances, it is considered that the proposal would harm the living conditions of the neighbouring occupiers at No 6 by virtue of an overbearing effect. The proposal therefore fails to comply with the protection of residential amenity objectives of Policy CS14 of the CS, Policy DC2 of the UDP and the SPD. The proposal would also run contrary to one of the Framework's core planning principles of seeking to secure a good standard of amenity for all existing occupants of land and buildings.

Other Matters

16. The current occupiers of 6 Dockendale Lane have not objected to the proposed development. Be that as it may, it is a function of the planning system to secure good living conditions for existing and future occupants of buildings, and in this regard, for the reasons that I have given, the proposal falls short of this goal.
17. The appellant has drawn my attention to a two examples of similar schemes on The Orchard. However, I have little information relating to the particular circumstances of these developments and as such, a comparison is of limited relevance in this instance. Accordingly, I have considered the appeal before me on its individual merits.

Conclusion

18. For the reasons given above, and taking account of all other matters raised, I conclude that the appeal should be dismissed.

Helen Cassini

INSPECTOR



Appeal Decision

Site visit made on 28 November 2017

by **John Dowsett MA DipURP DipUD MRTPI**

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

Decision date: 19th December 2017

Appeal Ref: APP/H4505/D/17/3178454

37 Cromwell Ford Way, Blaydon on Tyne, Tyne and Wear NE21 4FH

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by Mr Derek Robson against the decision of Gateshead Council.
 - The application Ref: DC/17/00252/HHA, dated 24 February 2017, was refused by notice dated 17 May 2017.
 - The development proposed is the installation of a garage door to the front of the carport and construction of a masonry wall with timber doorset to the rear.
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Decision

1. The appeal is allowed and planning permission is granted for installation of a garage door to the front of the carport and construction of a masonry wall with timber doorset to the rear at 37 Cromwell Ford Way, Blaydon on Tyne, Tyne and Wear NE21 4FH in accordance with the terms of the application, Ref: DC/17/00252/HHA, dated 24 February 2017, subject to the following condition:
 - 1) The development hereby permitted shall be carried out in accordance with the following approved plans: Existing Site Location Plan 1:200; Existing Plan of Carport Area 1:100; and Proposed Plan of Carport Area 1:100.

Procedural matter

2. The development has already been carried out and I was able to view it when I visited the site. The planning application form describes the proposal as retrospective. Section 73A of the Town and Country Planning Act makes allowance for the submission of a planning application for development which has been carried out before the date of the application, and Section 55 of the Act describes development as the carrying out of building operations or the making of material changes of use, as opposed to their retention or continuation. Consequently, I have omitted the word retrospective from the description of the development and have considered that the application on the basis that it is for the installation of a garage door to the front of the original car port and the erection of a wall to the rear.

Main Issue

3. The main issue in this appeal is the effect of the development on highway safety in the vicinity of the appeal site.

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Reasons

4. Policy CS13 of the Core Strategy and Urban Core Plan for Gateshead and Newcastle upon Tyne 2015 (CSUCP) seeks to ensure, among other matters, that new development provides for direct, safe, secure and continuous pedestrian and cycling links. In respect of the detailed design of driveways the Gateshead Council Household Alterations and Extensions Supplementary Planning Document 2011 (the SPD) advises that driveways should be a minimum of 5.5 metres in length, or 5 metres if associated with a garage fitted with a roller shutter door.
5. It is not in dispute that, following the installation of the garage door, the original driveway at the appeal building falls short of the required length to allow a vehicle to be parked on it and not overhang the footway.
6. Parking provision at the appeal building was originally provided in the form of a car port. When I visited the site I observed that a number of similar properties nearby still retained this feature. I also saw that a number of other properties on Cromwell Ford Way had garage doors installed to the front of the original car port, in some cases resulting in driveways that were less than 5 metres in length. I do not have any details of the circumstances relating to these and so cannot be certain that they are analogous to the case before me. In any event, I have determined this appeal on its own merits.
7. Although there are footways to both sides of Cromwell Ford Way at its junction with King Oswald Drive, on the side of the street where the appeal property is located the footway terminates just beyond the appeal building. A short distance later the street becomes a shared surface with no footway to either side. Due to the presence of two blocks of three storey flats and their associated parking spaces immediately opposite the appeal building, this section of Cromwell Ford Way will be more heavily trafficked than the shared surface area which serves individual houses, and were the footway to be obstructed, pedestrians would be obliged to step out onto the carriageway, resulting in potential conflicts with vehicles.
8. However, it has been brought to my attention that planning permission has been granted for alterations to the drive and pathway at the appeal property¹ and I saw on my site visit that block paving has been installed to form a hardstanding area which would allow a vehicle to be parked parallel to the front wall of the dwelling. Whilst manoeuvring a vehicle onto and off this hardstanding is likely to be slightly more awkward than parking perpendicular to the carriageway, this arrangement, nonetheless, does allow for a vehicle to be parked off the highway without obstructing the footway at this point. There is no substantive evidence that vehicles accessing or egressing from this area would prejudice highway safety.
9. Although the original driveway at the appeal building no longer complies with the requirements of the SPD with regard to the available length, the SPD seeks this length of driveway to prevent obstruction of the footway. The present parking arrangements at the property would allow a vehicle to be parked without obstructing the footway and the SPD does not require driveways to be perpendicular to the carriageway. Accordingly the development as currently

¹ Planning permission reference DC/16/00271/HHA

implemented does not offend the requirements of the SPD and does not conflict with CSUCP Policy CS13.

10. I therefore conclude that the development does not cause harm to highway safety in the vicinity of the appeal site. It complies with the relevant requirements of CSUCP Policy CS13 and the SPD, which seek to ensure that direct, safe, secure and continuous pedestrian and cycling links are provided within developments, and that vehicles can be parked off the highway without obstructing the footway.

Conditions

11. As the development has been carried out it is not necessary to impose a condition requiring the development to be commenced within a particular time period. In order to provide certainty regarding what has been granted planning permission, I have attached a condition specifying the approved drawings.
12. The Council have not suggested that any further conditions are necessary and on the basis of the evidence before me I have no reason to disagree with this.
13. The appellant has suggested that they would accept a condition requiring that vehicles only be parked on the hardstanding area parallel to the house frontage. However, such a condition would require intensive monitoring to ensure compliance and it would, consequently, not be practical to enforce this.

Conclusion

14. For the above reasons, and having regard to all other matters raised, I conclude that the appeal should be allowed.

John Dowsett

INSPECTOR



Appeal Decision

Site visit made on 21 November 2017

by Jason Whitfield BA (Hons) DipTP MRTPI

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

Decision date: 14th December 2017

Appeal Ref: APP/H4505/W/17/3181898

Land at Ellison Terrace, Greenside

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by ISM Properties Ltd against the decision of Gateshead Council.
 - The application Ref DC/17/00563/FUL, dated 22 May 2017, was refused by notice dated 20 July 2017.
 - The development proposed is the construction of 3 terraced houses.
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Decision

1. The appeal is allowed and planning permission is granted for the construction of 3 terraced houses at Land at Ellison Terrace, Greenside in accordance with the terms of the application, Ref DC/17/00563/FUL, dated 22 May 2017, subject to the conditions set out in the Schedule to this decision.

Preliminary Matter

2. I have also dealt with another appeal (APP/H4505/W/17/3181897) on this site. That appeal is the subject of a separate decision.

Main Issue

3. The main issue is the effect of the proposal on the character and appearance of the area, with particular regard to the effect on the Greenside Area of Special Character.

Reasons

4. The appeal site is located on Rockwood Hill Road between the two storey terraced houses of Ellison Terrace and the two storey detached property of Ivy House. The site is presently vacant and somewhat overgrown, containing as it does a dilapidated stone barn and concrete garage with low level stone walls to the front.
5. It is located in a predominately residential area within the village of Greenside, which is identified within the Gateshead Placemaking Guide Supplementary Planning Document 2012 (GPSPD) as an Area of Special Character (ASC) where positive and unique characteristics should be retained, enhanced and protected. The GPSPD indicates that ACS's in rural villages are characterised by predominately two storey buildings with a smaller footprint and limited height, whilst taller buildings are restricted to churches and older properties.
6. Opposite the site are pairs of two storey semi-detached houses with hipped roofs. Those properties are elevated above street level. To the west of those

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is a short terrace of four, two storey dwellings. There is a, therefore, a general character of two storey houses in the area with a wide variation in style and appearance. Nevertheless, there is consistency in the linear pattern of development here. On the appeal site side of the road, most dwellings are sited either close to the footway or set back not more than 4-5m from it. In addition, the roofline of both sides of the road broadly replicates the rather steep topography.

7. It is proposed develop the appeal site for a terrace of three dwellings. The Council considers the dwellings would constitute overdevelopment of the site and would be too high relative to existing dwellings in the area. However, the dwellings would be around 8.7m in height at the western end of the terrace, and around 8.9m high at the eastern end. This would be similar to properties on Ellison Terrace which are around 8.8m high, whilst Ivy House is around 8.1m high. The eaves of the dwellings would also be a similar height to those of Ellison Terrace, with the slightly higher ridge height reflecting the incline of the road. Moreover, the ridge height at the western end of the terrace would be at a similar level to Ivy House.
8. Whilst the dwellings would have some semblance of townhouses due to the depth of the roof and the use of rooflights to the front, the proposed dormers would be located on the rear roof slope and would not be widely perceptible within the street scene. Furthermore, although the stone used in other nearby dwellings would not be incorporated into the scheme, the design of the dwellings would be broadly consistent with the terraced properties of Ellison Terrace through the use of similar materials and fenestration, including stone cills and heads. Likewise the narrow width would result in a pronounced vertical emphasis, replicating that of neighbouring properties.
9. Furthermore, whilst I note the Council's concerns regarding the proximity of the dwellings to the footpath, they would be set back around 1.8m to 2.4m from the front boundary of the site. That would broadly reflect the approximate 1m set back of Ellison Terrace. I note that the proposal would not reflect the 4m set back of Ivy House or indeed the larger setbacks of the houses opposite. However, notwithstanding the gap to Ellison Terrace, given the design and siting of the proposed dwellings, they would in my view be read more as a continuation of the terraced, linear built form of Ellison Terrace than they would in the context of Ivy House or the properties opposite.
10. As a result, I find the proposed dwellings would not appear as dominant or obtrusive features within the street scene. Indeed, I find the scale, massing, design, appearance and siting of the dwellings would make a positive contribution to the established character and identity of the area, would respond positively to the distinctiveness of the ASC and would not constitute overdevelopment of the site.
11. I conclude, therefore, that the proposal would not have a harmful effect on the character and appearance of the area. Consequently, the proposal would comply with Policy CS15 of the Planning for the Future Core Strategy and Urban Core Plan for Gateshead and Newcastle upon Tyne 2010-2030 (2015) which states that development will be required to respond positively to local distinctiveness and character. It would also accord with Saved Policy ENV3 of the Gateshead Unitary Development Plan (2007) which states that the design, density and scale of new development should make a positive contribution to

the established character and identity of its locality, whilst all development will be expected to recognise established design principles such as scale, massing, height and materials.

Other Matters

12. The proposal would provide one off-street parking space for each dwelling. I note the concerns of Councillors and local residents in respect of the proposed parking arrangements. However, no substantive evidence has been provided which demonstrates that there are existing on-street parking problems. Indeed, whilst only a snapshot, my own observations were that on-street parking levels were not unduly high, with several available spaces and a number of properties with driveways and other forms of off-street parking. Furthermore, the traffic volumes I observed were not so significant that the level of additional on-street parking that would likely arise from the development would be harmful to highway safety. In the absence of any substantive, contrary evidence, I have no reason to believe my observations were not representative of regular traffic conditions in the area and thus, that the proposal would have a harmful impact on highway safety.
13. I have also had regard to the concerns of local residents in respect of the effect of the proposal on the privacy of neighbours. Whilst windows are proposed in the flank walls at either end of the terrace, the windows would serve staircases and a ground floor bathroom. The plans show the bathroom windows would be obscurely glazed. Given the non-habitable nature of those windows and the separation distance to the closest windows in the closest neighbouring properties, I am satisfied the proposal would not result in an undue loss of privacy for neighbouring occupiers.
14. The proposal is supported by a Bat Survey Report. Although dated 2014, I have no substantive evidence to suggest that the findings of the report are no longer relevant or in any way inaccurate. The report concludes that the existing building on the site has medium potential to contain roosting bats whilst the surrounding habitat offers good foraging potential. The proposal therefore incorporates bat roost features whilst nesting provision for house sparrows would also be provided. I consider these measures to be reasonable and necessary and can therefore be secured by condition.

Conditions

15. In addition to the standard time limit, a condition relating to the approved plans is necessary to provide certainty. I have imposed a condition requiring the development to be constructed in accordance with the materials shown on the approved plans. Nevertheless, I agree with the Council that the provision of red brick and natural slate roof tiles are necessary to protect the character and appearance of the area and I have therefore imposed a requirement for samples of the materials to be submitted to and agreed by the Council. I also agree a condition requiring 100mm reveals on all openings is necessary to reflect the character of the surrounding area.
16. A condition relating to contamination is necessary to ensure the development would not pose an unacceptable risk to surrounding receptors. Similarly, given the legacy of coal mining in the area, it is necessary to impose a condition requiring site investigations to be undertaken to ensure that any potential land stability issues can be properly mitigated.

17. A condition relating to working hours is necessary to protect the living conditions of neighbouring residents with regard to noise and disturbance. To ensure the development does not increase the risk of flooding or result in harm to the water environment, a condition relating to foul and surface water is necessary.
18. A condition to ensure the installation of bat roosting features and nesting provision is necessary in the interests of ecology and biodiversity. To protect the character and appearance of the area, a condition is necessary for details relating to the front boundary wall to be agreed. Finally, to ensure that the proposal would not result in harmful levels of overlooking for residents of 13 Ellison Terrace, a condition requiring the windows in the east elevation of the terrace to be obscurely glazed is necessary.

Conclusion

19. For the reasons given above I conclude that the appeal should be allowed.

Jason Whitfield

INSPECTOR

SCHEDULE

- 1) The development hereby permitted shall begin not later than 3 years from the date of this decision.
- 2) The development hereby permitted shall be carried out in accordance with the following approved plans: 15034 OS, 15034 P-01; 15034 P-02; 15034-P10 Rev D; 15034 P-11 Rev B; 15034 P-12 Rev B; and 15034 P-13 Rev A.
- 3) No development shall commence until details of the materials to be used in the construction of the external walls and roof coverings of the development hereby permitted have been submitted to and approved in writing by the local planning authority. The development shall be carried out in accordance with the approved details. All other external surfaces of the development hereby permitted shall be constructed in accordance with the materials shown on plan no. 15034 P12-Rev B.
- 4) All openings in the dwellings hereby permitted shall be set back from the external face of the wall by at least 100mm and retained as such for the lifetime of the development hereby permitted.
- 5) No development shall commence until an assessment of the risks posed by any contamination, carried out in accordance with British Standard BS 10175: Investigation of potentially contaminated sites - Code of Practice and the Environment Agency's Model Procedures for the Management of Land Contamination (CLR 11) (or equivalent British Standard and Model Procedures if replaced), shall have been submitted to and approved in writing by the local planning authority. If any contamination is found, a report specifying the measures to be taken, including the timescale and a scheme of monitoring, to remediate the site to render it suitable for the approved development shall be submitted to and approved in writing by the local planning authority. The site shall be remediated in accordance with the approved measures and timescale and a verification report shall be submitted to and approved in writing by the local planning authority. If, during the course of development, any contamination is found which has not been previously identified, work shall be suspended and additional measures for its remediation shall be submitted to and approved in writing by the local planning authority. The remediation of the site shall incorporate the approved additional measures and a verification report for all the remediation works shall be submitted to the local planning authority within 14 days of the report being completed and approved in writing by the local planning authority.
- 6) No development shall commence until a report of intrusive site investigations in relation to coal mining legacy, including the results of gas monitoring and, where required, measures and timescales for remediation, monitoring and verification reports, has been submitted to and agreed in writing by the local planning authority. The remediation and monitoring measures shall be implemented in accordance with the approved details and timescales, and a verification report for all the remediation works shall be submitted to the local planning authority within 14 days of the report being completed and approved in writing by the local planning authority.
- 7) All external works and ancillary operations in connection with the construction of the development hereby permitted, including deliveries to

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

- 8) No development shall commence until a detailed scheme for the disposal of foul and surface water from the development hereby permitted has been submitted to and approved in writing by the local planning authority. The schemes shall be fully implemented in accordance with the approved details before first occupation of the development and retained as such for the lifetime of the development.
- 9) The bat roost features and nesting provision for house sparrows shown on approved plan 15034 P-12 Rev B shall be implemented before first occupation of the development hereby permitted and retained in accordance with the approved details for the lifetime of the development.
- 10) No works to the existing northern boundary wall shall commence until final details of the appearance, including materials, of the northern boundary treatment, which shall be not more than 1m above ground level, have been submitted to and approved in writing by the local planning authority. Thereafter the boundary treatment shall be constructed in accordance with the approved details before first occupation of the development and retained in accordance with the approved details of the lifetime of the development.
- 11) The development hereby permitted shall not be occupied until the windows in the eastern elevation facing Ellison Terrace have been fitted with obscured glazing. Details of the type of obscured glazing shall be submitted to and approved in writing by the local planning authority before the window is installed and once installed the obscured glazing shall be retained thereafter.

APPENDIX 3

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 Allowed
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 Allowed
DC/17/00163/HHA	8 Dockendale Lane Whickham Whickham NE16 4EN	Garage conversion and extension at the front of the property.	Written	Appeal Dismissed

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
DC/17/00563/FUL	Land At Ellison Terrace Greenside Ryton NE40 4BL	Construction of three terraced houses with parking area	Written	Appeal Allowed

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REPORT TO PLANNING AND DEVELOPMENT COMMITTEE

24 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 have been two new payments received in respect of planning obligations:

DC/16/00924/FUL – £36,400.00 paid on commencement of development.

Land At Portobello Road, Birtley

Erection of 60 no. 2, 3 and 4 bedroom two-storey dwellings with associated works (resubmission) (additional information received 26/10/16 and 03/01/17 and amended plans/documents received 08/12/16, 22/12/16, 03/01/17, 06/01/17 and 27/02/17).

DC/17/00636/FUL – £21,450.00 paid on or prior to commencement of development.

Land North of Follingsby Lane and East of White Rose Way, Follingsby

Erection of industrial facility (Use Class B1(c) and/or B2 and/or B8) with associated parking, landscaping and access arrangements (additional information received 11/07/17, 12/07/17 and 18/07/17).

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 24 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

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