

# PLANNING AND DEVELOPMENT COMMITTEE AGENDA

Wednesday, 7 March 2018 at 10.00 am in the Bridges Room - Civic Centre

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From the Chief Executive, Sheena Ramsey

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Item	Business
<b>1</b>	<b>Apologies for Absence</b>
<b>2</b>	<b>Minutes</b>  The Committee is asked to approve as a correct record the minutes of the meeting held 14 February 2018 (copy previously circulated).
<b>3</b>	<b>Declarations of Interest</b>  Members to declare interests in any agenda items
<b>4</b>	<b>Planning Applications (Pages 3 - 10)</b>  Report of the Strategic Director, Communities and Environment
4i	<b>No. 1 - The Dairy, South Farm, Lamesley, NE11 0ET (Pages 11 - 18)</b>
4ii	<b>UPDATE REPORT (Pages 19 - 22)</b>
4iii	<b>No. 2 - Former Monkridge Gardens Residents Association and land at 21 and 23 and land south of 9-23 Monkridge Gardens, Dunston Hill NE11 9XE (Pages 23 - 34)</b>
4iv	<b>UPDATE REPORT (Pages 35 - 38)</b>
4v	<b>No. 3 - 33 Cromwell Ford Way, Ryton NE21 4FH (Pages 39 - 44)</b>
<b>5</b>	<b>Delegated Decisions (Pages 45 - 56)</b>  Report of the Strategic Director, Communities and Environment
<b>6</b>	<b>Enforcement Action (Pages 57 - 72)</b>  Report of the Strategic Director, Communities and Environment
<b>7</b>	<b>Enforcement Appeals (Pages 73 - 76)</b>  Report of the Strategic Director, Communities and Environment

- 8     **Planning Appeals** (Pages 77 - 80)  
Report of the Strategic Director, Communities and Environment
- 9     **Planning Obligations** (Pages 81 - 82)  
Report of Strategic Director, Communities and Environment
- 10    **Interim Policy Advice Notes Review** (Pages 83 - 88)  
Report of the Strategic Director, Communities and Environment



PLANNING AND DEVELOPMENT  
COMMITTEE  
**7 March 2018**

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

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

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### **Purpose of the Report**

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

#### **PART ONE:**

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

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

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

### **Recommendations**

2. Recommendations are specified in the schedule.

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

## Contents

<b>Application Number</b>	<b>Site Location</b>	<b>Ward</b>
1. DC/17/01247/FUL	The Dairy South Farm	Lamesley
2. DC/17/01358/OUT	Former Monkridge Gardens Residents Association And Lands At 21 And 23 And Land South Of 9-23 Monkridge Gardens, Gateshead Dunston Hill	Dunston Hill And Whickham East
3. DC/18/00032/HHA	33 Cromwell Ford Way Ryton	Ryton Crookhill And Stella

## **DEVELOPMENT PLAN**

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

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

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

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

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

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

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

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

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

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)**

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

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

Changes allowed without planning permission

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

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



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

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

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



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

**Explanation of Abbreviated Terms used in Reports**

EVA	Economic Viability Assessment	UDP	Unitary Development Plan
DPD	Development Plan Document	SPD	Supplementary Planning Document
EIA	Environmental Impact Assessment	NPPF	National Planning Policy Framework
IA	Impact Assessment	RIA	Retail Impact Assessment
SHLAA	Strategic Housing Land Availability Assessment	SHMA	Strategic Housing Market Assessment
C3UCP	Core Strategy and Urban Core Plan		

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

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### Committee Report

<b>Application No:</b>	<b>DC/17/01247/FUL</b>
<b>Case Officer</b>	<b>Andrew C Softley</b>
<b>Date Application Valid</b>	<b>15 January 2018</b>
<b>Applicant</b>	<b>Dr Masoud Ardestani</b>
<b>Site:</b>	<b>The Dairy South Farm NE11 0ET</b>
<b>Ward:</b>	<b>Lamesley</b>
<b>Proposal:</b>	<b>Erection of animal shelter including change of use of portion of field to form a fenced enclosure.</b>
<b>Recommendation:</b>	<b>REFUSE</b>
<b>Application Type</b>	<b>Full Application</b>

#### 1.0 The Application:

##### 1.1 DESCRIPTION OF THE APPLICATION SITE

Located within the Green Belt and Lamesley Conservation Area, the site as a whole consists of a large detached dwelling, two smaller detached buildings to the east, a pergola and access tracks. The building furthest to the east which now benefits from its own curtilage within which the pergola sits, was granted planning permission in 2003 but has most recently been extended and converted to a holiday let (DC/13/01591/COU). As part of that permission Permitted Development Rights were removed for the holiday let. They were also removed from the dwellinghouse when that was originally approved in 2001.

1.2 Lamesley Road runs adjacent to the west of the farmstead and beyond lies the River Team and Lamesley pastures. Access to the site is via a shared access which then splits to provide a separate access track to the holiday let at the rear of the site.

##### 1.3 DESCRIPTION OF THE APPLICATION

This application proposes the erection of a single storey animal shelter and enclosure. The building proposed would have a footprint of 8m by 13.125m, giving a floor area of 105sqm and would feature a pitched tiled roof with a ridge height of 4.75m. The facade of the building would be constructed from stone and timber cladding with timber batten doors and vents. The building would also be set within an area of land that would be fenced off from the remainder of the field, which would be 32.5m by 23m in area and screened by 1.8m high close-boarded timber fencing. The proposed site plan also suggests the addition of new screen planting along the southern boundary of the enclosure but no other details are provided.

1.4 Notwithstanding the submitted plans and associated documents, the applicant has stated that no staff are to be employed for the development, as the

development would be for their own personal use and no dedicated vehicle and cycle parking is required. An amended plan is anticipated to address this point.

1.5 The intended use of the building is for the personal use of the applicant, as he is proposing to keep and look after 2 horses and 2 donkeys. The animals would be stabled and kept within the building and let out onto the wider field for grazing.

1.6 **PLANNING HISTORY**

DC/16/00767/FUL: Planning permission approved for the erection of a timber pergola at existing holiday let (retrospective). 19.09.2016

DC/16/00430/FUL: Planning permission approved for the construction of new internal access driveway to existing holiday let (retrospective) (amended description 11.7.16) 12.07.2016

DC/13/01591/COU: Planning permission approved for a change of use from garage/stable to holiday accommodation (use class C3) including extension (revised application). 18.03.2014

DC/13/00548/COU: Planning permission refused for a change of use from stable/garage to holiday accommodation (C3 Use) including extension. 09.10.2013

DC/03/01615/FUL: Planning permission approved for the erection of double garage, stable block for two horses, greenhouse, 1.2m high fencing and formation of access track. 8.12.2003

605/01: Planning permission approved for the conversion and partial rebuilding of redundant dairy building to one dwellinghouse (use class C3) (revised application) (amended 29/6/01). 19.07.2001

**2.0 Consultation Responses:**

Not applicable.

**3.0 Representations:**

3.1 Ward Councillor Christine Bradley supports the application and has requested it is heard by Planning and Development Committee.

3.2 One letter of objection has been received from a local resident and raises the following concerns:

- No animals have resided on the field since at least 2011.
- The building would be clearly visible from neighbouring properties.
- Noises and smells associated with the use in that location would be unacceptable.
- The scale of the building is grossly disproportionate for stabling.

**4.0 Policies:**

NPPF National Planning Policy Framework

NPPG National Planning Practice Guidance

CS13 Transport

CS14 Wellbeing and Health

CS15 Place Making

CS19 Green Belt

ENV3 The Built Environment - Character/Design

ENV44 Wood/Tree/Hedge Protection/Enhancement

ENV61 New Noise-Generating Developments

DC1H Pollution

DC2 Residential Amenity

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

### **5.1 ASSESSMENT**

The main planning issues to be considered are the principle of the development within Green Belt, conservation area, design, highway safety, and residential amenity.

### **5.2 GREEN BELT**

The site is located within Green Belt and therefore development is strictly controlled in policy terms. Paragraph 79 of the NPPF states that - "the Government attaches great importance to Green Belts. The fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open; the essential characteristics of Green Belts are their openness and their permanence".

### **5.3 Paragraph 80 goes on to say; Green Belt serves five purposes:**

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

### **5.4 Paragraph 87 of the NPPF sets out that inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances.**

- 5.5 Paragraph 88 of the NPPF states 'Very special circumstances' will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations.
- 5.6 Paragraph 89 then goes on to say that "A Local Authority should regard the construction of new buildings as inappropriate in Green Belt". That said the paragraph also sets out a number of exceptions to the aforementioned statement, of which the exception relevant to this proposal states:
- provision of appropriate facilities for outdoor sport and outdoor recreation, as long as it preserves the openness of the Green Belt and does not conflict with the purposes of including land within it.
- 5.7 In this case the applicant is citing the above exception as justification for this proposed building in the Green Belt. Other than stating that it is for their own personal recreation, the applicant has provided no further details in order to meet the definition in the NPPF. Information would have to be supplied to allow the Council to verify that the animals are to be kept for what can legitimately be defined as sport and/or recreational use. There is no permission to use the land for equestrian or other sport or recreational purposes, no evidence of the existing use of the land for such purposes, no existing infrastructure and no animals on the site at present. In fact, the applicant has a holiday let that was granted change of use from an outbuilding suitable for sheltering animals in 2014 because they said they had no need for it as an animal shelter.
- 5.8 Furthermore, the applicant has stated that the building would house a total of 4 animals, consisting of two horses and two donkeys but it is not clear whether keeping the horses and/or donkeys for the personal enjoyment of the applicant's family, without them being ridden, would legitimately constitute sport and recreation. The lack of information makes it very difficult to clear as to whether the proposal can even qualify for consideration against the aforementioned exception.
- 5.9 However, ultimately it is considered that whether the proposal can genuinely be considered as appropriate outdoor sport and recreation is academic, as the exception only applies if the proposal preserves the openness of the Green Belt and does not conflict with the purposes of including land within it. In this case, the proposal would involve the erection of a new building, outside of the defined enclave of South Farm in an open field that has not been previously developed and also the creation of a fenced off enclosure around it. This can only be considered as urban sprawl that would encroach into the existing open field. Therefore, the only possible conclusion is that the building, enclosure and use would harm openness and hence, by definition must be considered as inappropriate development that should not be approved unless a very special circumstance can be demonstrated.
- 5.10 The applicant has not submitted any information to demonstrate a very special circumstance and none are evident from assessing the proposal. Therefore, the proposal can only be considered to fail the Green Belt test and thus is

contrary to the National Planning Policy Framework (NPPF) and policy CS19 of the Core Strategy and Urban Core Plan (CSUCP).

#### 5.11 HIGHWAY SAFETY

The proposed siting of a large animal shelter in this location close to the junction with Lamesley Road and the internal roads serving "The Dairy" and the holiday let to the rear may result in cars towing horse boxes (or even rigid HGV horse boxes) visiting the site. Such vehicles may struggle to make the turn into/out of the aforementioned driveway access, which could lead to reversing movements onto Lamesley Road. Alternatively, if horse vehicles are stationary on the first section of the driveway/shared access road they may prevent subsequent cars from turning-in off (and being clear of) Lamesley Road. Any reversing movements or stationary traffic on Lamesley Road could not be tolerated as this road is a rural route subject to high traffic flows as it sits parallel to the A1 and is a known commuter rat-run. It is a main link to Kibblesworth, Lamesley and other settlements in the area and so is busy throughout the day and evening. There have also been historic severe and fatal injury-accidents on Lamesley Road.

5.12 The applicant has stated that the shelter will operate solely for their personal use, would have no public access and would house 2 horses and 2 donkeys and therefore does not require any specific parking provision or to employ any staff. Notwithstanding that it is considered that the applicant needs to commission a vehicle swept-path analysis exercise to demonstrate that a car and horse trailer and/or dedicated HGV horse trailer can enter and exit the application site in forward gear without a detrimental impact upon the Lamesley Road access. Should permission be granted this could be addressed by Grampian condition and subject to the condition the proposal would accord with the NPPF and policy CS13 of the CSUCP.

#### 5.13 VISUAL AMENITY/CONSERVATION AREA

The design, appearance and materials proposed are considered to be sympathetic in terms of respecting the character of the area and the neighbouring properties. Therefore, it is considered that visual amenity would not be harmed by the proposal and hence the proposal accords with the NPPF, policy CS15 of the CSUCP and saved policy ENV3 of the UDP in that regard.

5.14 With specific regard to the conservation area, the proposal is considered to preserve the character or appearance of the conservation area, and therefore the development does not result in harm to a designated heritage asset and is in accordance with the NPPF, policy CS15 of the CSUCP and saved policy ENV7 of the UDP in that regard.

#### 5.15 RESIDENTIAL AMENITY

Environmental issues

There are some environmental concerns in relation to the muck heap that will inevitably result from the proposal and where manure and soiled bedding would be stored. A muck heap can soon grow to a considerable size, as each horse/

donkey may be responsible for one or two wheel barrows full of manure per day.

- 5.16 Careful consideration must be given to the location of a muck heap with regard to contamination of drainage courses, given the high nitrogen content. Similarly they should be sited as far away as possible from residential property to protect the amenity of residents with regards to smell nuisance, problems caused by flies (particularly during hot weather) and attraction of rats.
- 5.17 In addition, it is illegal to burn a muck heap, therefore good management is required for safe and proper removal / disposal from site.
- 5.18 Therefore, should planning permission be granted, in the interests of residential amenity it would be recommended that a condition should be attached with regards to the location and management of the muck heap. Subject to that condition it is considered that the proposal would accord with the NPPF, policy CS14 of the CSUCP and saved policies DC1(h) and DC2 of the UDP in that regard.
- 5.19 Physical building

The location, design and scale of the proposed building is not considered to pose any residential amenity issues in terms of loss of light, visual intrusion or overshadowing and thus is considered to accord with the NPPF, policy CS14 of the CSUCP and saved policy DC2 of the UDP in that regard.

## **6.0 CONCLUSION**

- 6.1 Taking all the relevant issues into account, it is recommended that planning permission be refused, as the proposal would result in inappropriate development in the Green Belt with no very special circumstances. Therefore, it is considered that the proposed development does not accord with the relevant 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.

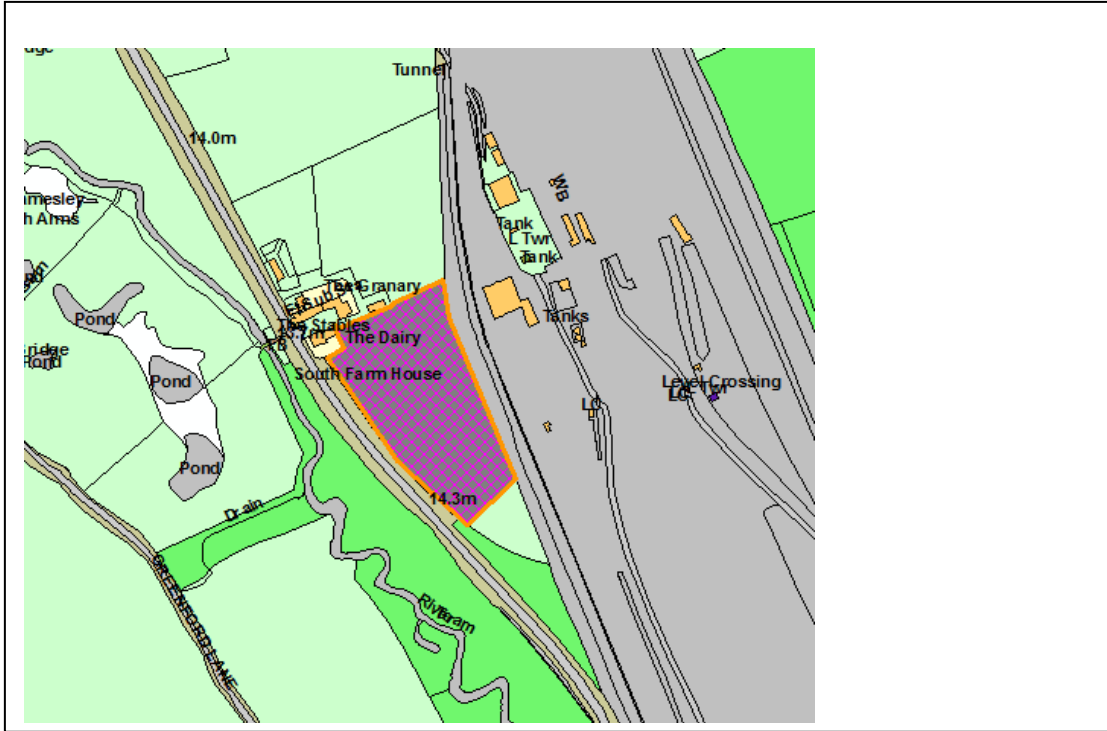
## **7.0 Recommendation:**

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

1

The proposed development represents inappropriate development, which by definition is harmful to the Green Belt and no very special circumstance has been demonstrated to outweigh the harm. Therefore, the proposed development is contrary to the National Planning Policy Framework and policy CS19 of the Core Strategy and Urban Core Plan.





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# UPDATE

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

**TO THE PLANNING AND DEVELOPMENT COMMITTEE ON  
7 March 2018**

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



**MINOR UPDATE**

<b>Application No:</b>	<b>DC/17/01247/FUL</b>
<b>Site:</b>	<b>The Dairy South Farm NE11 0ET</b>
<b>Proposal:</b>	<b>Erection of animal shelter including change of use of portion of field to form a fenced enclosure (amended 01/03/18).</b>
<b>Ward:</b>	<b>Lamesley</b>
<b>Recommendation:</b>	<b>Refuse Permission</b>
<b>Application Type</b>	<b>Full Application</b>

**Reason for Minor Update**

**Further information for Members**

Officers requested the submission of a drawing showing the internal floor plan of the proposed building to demonstrate that it will be laid out as four stables and to help explain why the building has the footprint proposed. The applicant has failed to provide the requested plan and thus has not been able to allay officer concerns that the footprint of the building proposed is excessive.

**Referring to the British Horse Society’s (BHS) website:**

**As a guide the BHS minimum stable size recommendations are:**

- horses: 3.65m x 3.65m (12ft x 12ft)
- large horses: 3.65m x 4.25m (12ft x 14ft)

**As a guide the Donkey Sanctuary minimum stable sizes for donkeys are:**

- mules: 3.65m x 3.65m (12ft x 12ft)
- donkeys: 3.05m x 3.05m (10ft x 10ft)
- large donkeys: 3.05m x 3.65m (10ft x 12ft)

Based on the above, using the dimensions for large horses and large donkeys, the proposed shelter should have a minimum internal footprint of 53.3 square metres to adequately accommodate 2 horses and 2 donkeys. This application proposes a building with an internal footprint of 105 square metres, which is almost double what is recognised as appropriate accommodation for 2 large horses and 2 large donkeys.

Officers consider that this shows that the building proposed is excessively large and it fails to preserve the openness of the Green Belt; therefore reinforcing that it can only be considered as inappropriate development, for which no very special circumstance has been demonstrated.

Further to the above, the BHS also provide guidance on the area of pasture required for each animal. They recommend 1.25-2.5 acres per horse and 0.5 acres per donkey. Based on the location plan submitted with this application it is considered that the total area of pasture available to the applicant is approximately 3.5 acres. Therefore, on the basis of having 4 animals on site, there is only enough space for 2 donkeys and 2 small horses. This further supports Officer's concerns that the size of building proposed is excessively large and hence inappropriate in the Green Belt.

**SEE MAIN AGENDA FOR OFFICERS REPORT.**

**Committee Report**

<b>Application No:</b>	<b>DC/17/01358/OUT</b>
<b>Case Officer</b>	<b>David Morton</b>
<b>Date Application Valid</b>	<b>16 January 2018</b>
<b>Applicant</b>	<b>Mr Alan Kain</b>
<b>Site:</b>	<b>Former Monkridge Gardens Residents Association And Lands At 21 And 23 And Land South Of 9-23 Monkridge Gardens, Gateshead Dunston Hill NE11 9XE</b>
<b>Ward:</b>	<b>Dunston Hill And Whickham East</b>
<b>Proposal:</b>	<b>Outline planning permission with all matters reserved for the clearance, lowering and levelling of site and the erection of up to 10 dwelling-houses, with new shared-surfaced vehicular and pedestrian access</b>
<b>Recommendation:</b>	<b>REFUSE</b>
<b>Application Type</b>	<b>Outline Application</b>

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

The majority of the application site is located to the rear of properties located on Monkridge Gardens (to the north) and Woodside Gardens (to the south), the application site also includes land currently within the curtilages of 21 and 23 Monkridge Gardens.

1.2 The majority of the application site is made up of hardstanding consistent with the most recent use of the site as an area used as tennis/basketball courts and play-areas. Some structures associated with this use remain in situ on site however the use of the site by local residents has ceased; currently there is only pedestrian access to the east of the site off Monkridge Gardens.

1.3 The remainder of the application site is made up of the existing side and rear gardens and driveways of 21 and 23 Monkridge Gardens.

1.4 A significant proportion of the application site is identified as an outdoor sports facility in the proposals map accompanying the 2007 UDP.

**1.5 DESCRIPTION OF THE APPLICATION**

This application has been submitted in outline form as the developer is seeking agreement "in principle" to the erection of up to 10 dwellings.

1.6 Whilst some indicative information has been submitted with the application, all matters - access, appearance, landscaping, layout and scale are to be considered at reserved matters stage. However in accordance with the requirements of the Town and Country Planning (Development Management Procedure) (England) Order 2015 the areas where access points to the site are

proposed have been provided with this outline application. The vehicular access into the site is shown to be taken from Monkridge Gardens to the north of the site, by the creation of a shared vehicle and pedestrian access between 21 and 23 Monkridge Gardens. The existing access into the site is a narrow (2.5m wide) gated lane located between nos 9 and 11 Monkridge Gardens. This is indicated as being retained as access to the electricity substation located to the east of the site.

1.7 The applicant has also submitted indicative plans for the layout of the site as well as elevations for the proposed dwellings. As shown on the indicative plans the road within the site would run along the front of five pairs of semi-detached dwellinghouses.

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

- Planning Support, Design and Access Statement;
- Explanatory Statement including;
- Ecology Statement;
- Coal Mining Legacy Statement;
- Drainage Assessment;
- Preliminary Risk Assessment

1.9 PLANNING HISTORY

There is no planning history associated with the application site.

## **2.0 Consultation Responses:**

Coal Authority                      Objection logged in regard to lack of information.

Northumbrian Water              No objection subject to appropriate conditions.

Sport England                      No objection.

## **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. 20 objection to the proposal have been received, one from a Ward Councillor (Councillor Peter Maughan) and 19 from local residents.

3.2 The Councillor's objection is summarised as follows:

- Traffic management;
- Environmental impact;
- Ecology e.g. nesting birds;
- Dust management;
- Noise impact;
- Construction phase plan;



- Emergency fire plan;
- Site working days/hours;
- Street cleaning during construction;
- Parking during construction;
- Drainage issues and;
- Restrictive covenants.

3.3 Resident's objections are summarised as follows:

- Queries over the proposed house types;
- There are historic drainage issues in the area;
- The development would is highway congestion;
- The separation distances of the development from existing residents are below guidance and;
- The development would result in overlooking.

#### 4.0 Policies:

NPPG National Planning Practice Guidance

NPPF National Planning Policy Framework

H4 Windfall Housing

H5 Housing Choice

DC1J Substrata Drainage-Water Quality

DC1P Contamination, derelict land, stability

DC2 Residential Amenity

ENV3 The Built Environment - Character/Design

ENV54 Dev on Land Affected by Contamination

H13 Local Open Space in Housing Developments

H15 Play Areas in Housing Developments

CFR17 Retention of Facilities

CFR20 Local Open Space

CFR28 Toddlers' Play Areas

CFR29 Juniors' Play Areas

CFR30 Teenagers' Recreation Areas

CS10 Delivering New Homes

CS11 Providing a range and choice of housing

CS14 Wellbeing and Health

CS15 Place Making

CS17 Flood Risk and Waste Management

GPGSPD Gateshead Placemaking Guide SPG

## **5.0 Assessment:**

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

### 5.2 PRINCIPLE OF THE DEVELOPMENT

#### 5.3 Loss of Sports Facilities

5.4 The application site is identified as an outdoor sports facility in the Local Plan. Saved UDP policy CFR17 seeks to protect such facilities, and states:

*"The loss of outdoor pitches, courts or other sports facilities, including necessary ancillary buildings such as changing rooms, to built or other sterilising development will not be permitted unless there is, and would continue to be, an identified surplus of recreational public open space in the area, and either:*

*(a) the facilities are severely under-used and there is no reasonable expectation that investment, management or other changed circumstances could increase their use to a reasonable level; or*

*(b) the loss is wholly made good by the creation of alternative provision in the same area of the borough."*

5.5 The site is located within a residential neighbourhood that was identified as deficient in open space provision in the Council's 2006 Open Space Assessment; therefore the proposed development would conflict with the requirements of saved UDP Policy CFR17.

5.6 The application site is a 'backland' site, enclosed by residential properties significantly limiting the usability of the site for local residents and the site's access from a single narrow lane further limits the use of the site. Further, it is the view of officers that it is unreasonable to protect this land on the basis that the Council (or another body) may at some point in the future acquire this land, and use it for either a sports facility or convert it into recreational public open space and maintain it for that purpose, when there is no indication that the Council or any other organization is in a position to do this. The condition of the

site (areas of hardstanding with some buildings) suggests it would require significant investment to re-use the site or convert it into recreational open space, while its limited potential recreation or amenity value suggests that in practice, such investment may offer little return.

- 5.7 The applicant states that the site was previously used as tennis / basketball courts operated by a residents' association, but the facility has fallen into disrepair, and has been vacant for many years. As such, it seems reasonable to conclude that the circumstances related to this site meet the requirements of criterion (a) of CFR17. The site was not considered to provide a functioning sports facility in the Council's 2016 Built Sports Facilities Assessment.
- 5.8 For the reasons set out above, although this site is located within a residential neighbourhood that is deficient in open space, it is reasonable to conclude that there are site specific circumstances which mean it is unlikely to contribute to open space in the future. The site is currently not in use as a sports facility, and there is no reasonable prospect that it will be brought back into use in the future. As such, the development of this land for residential use is considered broadly acceptable in spite of the non-compliance with saved Policy CFR17
- 5.9 Housing demand and policy  
As the application site is not specifically allocated for housing in the UDP, proposals for housing would need to be considered in terms of windfall housing under policy H4 of the UDP. Policy H4 of the UDP gives a number of criteria that need to be assessed.
- 5.10 The site forms a windfall site. The NPPF states that "*... housing applications should be considered in the context of the presumption in favour of sustainable development.*"
- 5.11 It is considered that the site meets the saved criteria set out in policy H4 in relation to its sustainable location within an established housing area, close to local services and public transport routes, and it would help to sustain the local community. As a result the principle of developing this site for residential use is considered acceptable should all other material planning considerations be satisfied.
- 5.12 Housing choice  
Policy CS11 of the Core Strategy and Urban Core Plan requires 60% of new private housing across the Plan area to be suitable for and attractive to families, defined as dwellings of three or more bedrooms. The application proposes the erection of up to ten homes, the scale of type of homes would be considered further at reserved matters stage.
- 5.13 Based on the above, the development is considered appropriate in the context of the NPPF, saved policies H4 and H5 of the UDP and policies CS10 and CS11 of the CSUCP.
- 5.14 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 applicant has failed to demonstrate that a development of up to 10 dwellings would be able to provide adequately sized family outdoor private garden spaces.

5.15 DESIGN

Officers have design concerns with the proposed indicative layout as submitted by the applicant and the number of units presented in this indicative layout.

5.16 It is considered by officers that the proposed layout is stark in appearance; there is a dominance of hard surfacing/standing within public areas which is considered to be unacceptable not only visually but from an amenity perspective. While it is acknowledged that the submitted layout is indicative, sufficient comfort must be offered that an acceptable layout can be brought forward at reserve matters stage, such comfort is not offered by the submitted indicative layout; nor can officers envisage how up to 10 dwellings on this site could ever be provided on this site unless the design incorporates significant areas of hardstanding.

5.17 Further to the above, the indicative layout proposes a total of 10 units across the site, 6 of these (units 5 to 10) back directly onto Woodside Gardens. These 6 units are located in the narrowest part of the site, formed by a pinch point between the rear garden boundaries of properties 25 Woodside Gardens and 19 Monkridge Gardens. This creates numerous harmful problems relating to residential amenity, which are compounded by site level changes. The amenity issues resulting from the proposed indicative layout in regard to proposed plots 5 to 10 and existing (odd numbered) properties 17 to 29 Woodside Gardens, relate to overlooking and privacy; low quality environment (overshadowing/poor outlook) and inadequately sized family outdoor private garden spaces. Even accepting that this is a purely indicative layout and therefore could be subject to a complete redesign, given the physical limitations of the site and the surrounding neighbouring houses, (including that ground levels surrounding the site are higher), officers cannot envisage how up to 10 dwellings could ever be provided on this site without compromising on expected standards of residential amenity for both existing and proposed occupiers.

5.18 Further, the proposed access is to be created by the removal of driveways and garden space associated with properties 21 and 23 Monkridge Gardens. This has an unacceptable negative impact on these two dwellings that removes current parking provision and replaces this with less convenient parking to the rear of the properties; significantly reduces the sizes of both rear gardens of these family sized properties by circa 80%; and removes all defensible space to the facing side elevations of these properties. This in itself is a negative impact that is unacceptable in urban design terms.

5.19 Officers have considered the use of conditions to remedy the design issues cited in regard to the indicative layout above. While it is considered the concerns in regard to plots 1 and 5 to 10 could be addressed through a re-designed layout, such a layout would require a significant reduction in proposed

dwelling numbers. Firstly, the imposition of such a condition requiring a significant reduction in proposed dwelling numbers is not considered to be 'reasonable' in the context of Paragraph 203 of the NPPF. Secondly, the imposition of such a condition would not eliminate concerns in regard to how the access would impact upon 21 and 23 Monkridge Gardens.

5.20 Officers have had regard to the indicative elevational and floor plans for the proposed dwellings submitted as part of the application; it is considered that the details submitted are broadly acceptable in terms of both scale and appearance, although the final details will only be able to be considered at reserved matters stage.

5.21 As a result of the above concerns, the proposal is not considered to satisfactorily comply with the aims and objectives of the relevant paragraphs in the NPPF, policy CS15 of the CSUCP or policy ENV3 of the Unitary Development Plan, with regard to its design.

#### 5.22 RESIDENTIAL AMENITY

A number of amenity concerns were cited in the design section above as a result of the proposed layout i.e. impact as a result of the stark appearance and separation distances. Further to the impacts already referenced, as the indicative layout suggests that parking for 24 cars would be provided within the site, it is considered that the movement of this number of vehicles into and out of the site access, along with servicing vehicles and pedestrian movements would further impact upon the amenity of 21 and 23 Monkridge Gardens; even allowing for proposed elevations that show a number of existing openings of the side elevations of both of these properties being blocked up

5.23 Due to the quantum of development proposed, the changes in land levels between the application site and neighbouring dwellinghouses and the separation distances as shown on the indicative plan, Officers are of the view that the development could not be delivered whilst protecting the amenity of existing and future occupiers.

5.24 It is considered that hours of construction could be secured though an appropriately worded planning condition.

5.25 Consequently it is considered a residential development of the quantum proposed could not be delivered on this site without impacting on the amenity of neighbouring residents or future residents of the development. Further, it is considered that vehicle and pedestrian movements associated with the proposed vehicular access would lead to an unacceptable impact on amenity for the occupiers of 21 and 23 Monkridge Gardens due to the noise and disturbance that they would create. The development is not considered to comply with the aims and objectives of the relevant paragraphs in the NPPF, policy CS14 of the CSUCP and policy DC2 of the UDP.

#### 5.26 HIGHWAY SAFETY

The site is well situated within an established residential estate and bus stops providing regular services can be reached via a network of lit footways within a

400m walk. There are also a small number of local shops in close proximity and the site can therefore be classed as being sustainable in transport terms.

5.27 The indicative plans show the creation of what is a fairly large shared surface, including the creation of an access between properties 21 and 23 Monkridge Gardens. The indicative layout has the potential to create conflict between pedestrians and vehicles (especially around the site access). While the proposed access provides adequate visibility for vehicles leaving the site (subject to further detail being provided at reserved matters stage) Officers are of the view it would not be possible to resolve the conflict between pedestrians and vehicles, around the site access, (eg by the provision of a footpath) given the need to accommodate two way traffic movements, the lack of space between 21 and 23 Monkridge Gardens and the lack of an alternative access. The above concerns further demonstrate the poor design of the indicative scheme.

5.28 The provision of two parking spaces for each dwelling is acceptable and is within the Council's current maximum standards. A minimum of one space per property should be retained for 21 and 23 Monkridge Gardens and a further space per 3 to 4 dwelling provided for visitors; this could be conditioned for consideration at reserved matters stage.

5.29 It is indicated that the existing access between nos 9 and 11 Monkridge Gardens will be retained, however the indicative layout suggests that it would be to serve the existing substation only, as a fence is shown separating this route from the new dwellings.

5.30 Cycle parking should be provided for each dwelling as indicated on the proposed plans, this could be conditioned.

5.31 Based on the above assessment, it is considered that the proposed development is unacceptable in highways terms and would fail to accord with the aims and objectives of the NPPF and policy CS13 of the Council's CSUCP.

## 5.32 CONTAMINATED LAND AND COAL MINING

### 5.33 Contaminated Land

The application site has been assessed and inspected under the Council's Contaminated Land strategy and has not been classified as "contaminated land". However, the site is considered to be situated on 'potentially contaminated land' based on previous historic development uses. On this basis, a preliminary risk assessment (PRA) has been submitted with the application. The submitted report suggests further intrusive works be undertaken prior to the commencement of works associated with the development; officers agree with the report's recommendation (the required works could be secured via planning condition).

### 5.34 Coal Mining

The site is located in a Development High Risk Area and an area of probable shallow coal mine workings. The PRA has considered BGS borehole logs and

Coal Authority information on underlying coal seams and states that the site is not considered to be at significant risk of historic coal mining related activities. However, the Coal Authority (CA) has objected to the proposal based upon the fact a 'Coal Mining Risk Assessment Report, or equivalent, has not been submitted as part of the application'.

5.35 The CA, therefore, does not consider that the LPA has sufficient information to determine the planning application in the context of Paragraph 121 of the NPPF which requires decision to ensure *'the site is suitable for its new use taking account of ground conditions and land instability, including from natural hazards or former activities such as mining.'*

5.36 Based on the above, it cannot be concluded that the development complies with NPPF, saved policy DC1(p) of the Council's UDP and policy CS14 of the CSUCP.

#### 5.37 FLOOD RISK AND DRAINAGE

The site is not located within flood zones 1 or 2 but it is identified as being at risk of surface water flooding. The Council's Strategic Flood Risk Assessment (SFRA) identifies historical groundwater flooding in the Monkridge Gardens area, which was recorded by the Lead Local Flood Authority (LLFA) in 2000 and 2008. In addition the use of SuDS is a material consideration for major development (10 dwellings or more; or equivalent non-residential or mixed development), unless it can be demonstrated to be inappropriate.

5.38 The applicant has failed to submit a flood risk assessment or a drainage strategy in support of the application. It is considered, given the lack of information submitted in support of the application, that Officers cannot conclude that the development can take place without increasing flood risk or preventing existing flood risk, or providing an appropriate drainage solution.

5.39 It is considered the development would fail to satisfy the aims and objectives of the relevant paragraphs in the NPPF as well as policy CS17 of the CSUCP.

#### 5.40 OPEN SPACE

The area to which the application site belongs is identified as being deficient in open space. In accordance with policy H13, public recreational open space proportionate to the anticipated population of the development, in sites of at least 0.2 ha, should be included in the proposal. The indicative proposal includes a central area of grass space; while minimal in its form it is considered a more detailed design could accommodate additional areas of open space/informal play space. It is considered that this could meet the requirements of saved UDP policies CFR20, CFR21, CFR22.

#### 5.41 PLAY SPACE

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.

5.42 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.

#### 5.43 COMMUNITY INFRASTRUCTURE LEVY

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

#### 5.44 OTHER MATTERS

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

### 6.0 CONCLUSION

6.1 It is considered that it has not been adequately demonstrated that a development of the nature and quantum proposed can be adequately accommodated on the application site. This view is taken given the unacceptable impact of the proposal on residential amenity (of existing and future occupiers), highway safety and visual amenity as a result of the scheme's poor design. Further, insufficient information has been submitted to allow consideration of the application in regard to coal mining legacy issues and flood risk/drainage.

6.2 Officers have afforded consideration to the imposition of planning conditions and appropriate weight to the benefits of the scheme such as the provision of additional family housing in Gateshead and the housing growth required in the Local Plan. However, it is considered that the proposed development is unacceptable for the reasons set out within the main report.

6.3 It is recommended that outline planning permission be refused for the reasons set out below.

#### 7.0 Recommendation:

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

1

The proposed development by virtue of the quantum of development proposed and the physical characteristics of the site, including its access arrangement and shape would result in overdevelopment of the site with spaces between buildings being dominated by hard surfacing and



car parking, and leading to a likely need for inadequately sized family outdoor private garden spaces; compromised separation distances, and a generally poorly designed scheme; all of which would result in and unattractive environment and a poor level of amenity for future residents. The proposal would therefore be contrary to policies DC2 and ENV3 of the Unitary Development Plan, policies CS14 and CS15 of the Council's Core Strategy and Urban Core Plan for Gateshead and Newcastle upon Tyne, the Gateshead Placemaking Guide Supplementary Planning Document and the National Planning Policy Framework.

2

The proposed development by virtue of its proposed means of access would result in an unacceptable impact on the residential amenity of the occupiers of 21 and 23 Monkridge Gardens, as a direct result of significant vehicle and pedestrian movements associated with the proposed development. The proposal would therefore be contrary to policies DC2 and ENV3 of the Unitary Development Plan, policies CS14 and CS15 of the Council's Core Strategy and Urban Core Plan for Gateshead and Newcastle upon Tyne, the Gateshead Placemaking Guide Supplementary Planning Document and the National Planning Policy Framework.

3

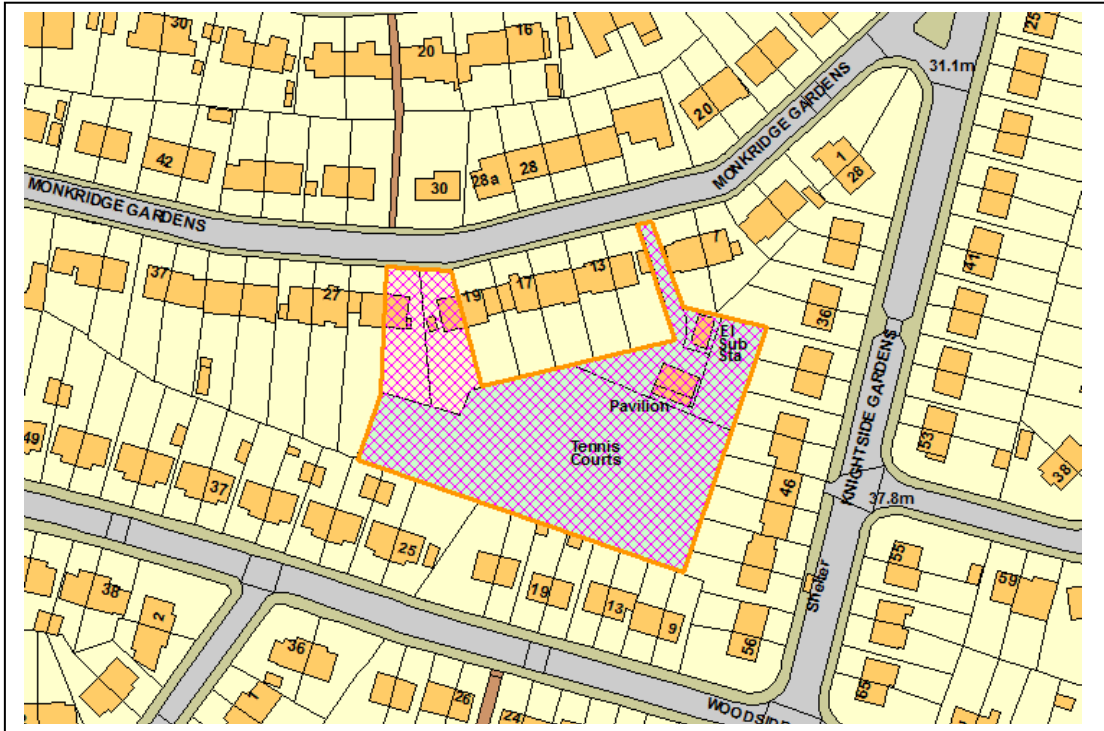
The proposed development by virtue of the inadequate nature of the proposed access width would result in conflict between vehicles and pedestrians to the detriment of highway safety, contrary to the National Planning Policy Framework and policy CS13 of the Council's Core Strategy and Urban Core Plan for Gateshead and Newcastle upon Tyne.

4

Insufficient information in the form of a Coal Mining Risk Assessment has been submitted to enable the Council to consider whether the proposed development site is safe, stable and suitable for development contrary to the National Planning Policy Framework, saved policy DC1(p) of the Council's Unitary Development Plan and policy CS14 of the Council's Core Strategy and Urban Core Plan for Gateshead and Newcastle upon Tyne.

5

Insufficient information in the form of a Flood Risk and Drainage Assessment has been submitted to enable the Council to consider whether the proposed development site is suitable for development contrary to the National Planning Policy Framework and policy CS17 of the Council's Core Strategy and Urban Core Plan for Gateshead and Newcastle upon Tyne.



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# UPDATE

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

**TO THE PLANNING AND DEVELOPMENT COMMITTEE ON  
7 March 2018**

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



**MINOR UPDATE**

<b>Application No:</b>	<b>DC/17/01358/OUT</b>
<b>Site:</b>	<b>Former Monkridge Gardens Residents Association And Lands At 21 And 23 And Land South Of 9-23 Monkridge Gardens, Gateshead Dunston Hill NE11 9XE</b>
<b>Proposal:</b>	<b>Outline planning permission with all matters reserved for the clearance, lowering and levelling of site and the erection of up to 10 dwelling-houses, with new shared-surfaced vehicular and pedestrian access</b>
<b>Ward:</b>	<b>Dunston Hill And Whickham East</b>
<b>Recommendation:</b>	<b>Refuse Permission</b>
<b>Application Type</b>	<b>Outline Application</b>

**Reason for Minor Update**

**Withdrawal of objection/removal of refusal reason**

Further to Paragraphs 5.34 – 5.36 of the main agenda, The Coal Authority have reviewed the Coal Mining Risk Assessment (CMRA) submitted by the applicant and have subsequently removed their objection to the proposal.

It is considered an appropriate level of information has been provided in regard to coal mining legacy issues, subject to appropriate planning conditions. Officers consider that refusal reason 4 should be omitted from the recommendation.

**SEE MAIN AGENDA FOR OFFICERS REPORT.**

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**Committee Report**

<b>Application No:</b>	<b>DC/18/00032/HHA</b>
<b>Case Officer</b>	<b>Josh Woollard</b>
<b>Date Application Valid</b>	<b>16 January 2018</b>
<b>Applicant</b>	<b>Mr Carl Hodgson</b>
<b>Site:</b>	<b>33 Cromwell Ford Way Ryton NE21 4FH</b>
<b>Ward:</b>	<b>Ryton Crookhill And Stella</b>
<b>Proposal:</b>	<b>Single storey rear extension</b>
<b>Recommendation:</b>	<b>GRANT</b>
<b>Application Type</b>	<b>Householder Application</b>

**1.0 The Application:**

**1.1 DESCRIPTION OF THE SITE**

The application site is a two storey, detached property located within a residential street scene. The property is finished in brick at ground floor level and render at first floor level with a black tile gable roof.

1.2 The site benefits from a rear garden (approximately 10m long) and tall timber fencing along all rear boundaries.

**1.3 DESCRIPTION OF THE APPLICATION**

The application seeks permission for the erection of a single storey, flat roof, rear extension with a lantern roof light. It will project 2.8m from the rear elevation, spans the width of the house, and is 2.5m in height, with an additional 0.85m high roof light.

1.4 Materials will match the existing, with the exception of proposed grey uPVC bi-fold doors to complement existing windows.

1.5 The application is being referred to Planning Committee for determination as the applicant is an employee of the Council who is involved in the Development Management process.

**1.6 PLANNING HISTORY**

DC/17/00436/HHA – Removal of existing hardstanding areas to front of property and installation of new hardstanding to provide driveway – GRANTED (30.05.2017)

**2.0 Consultation Responses:**

None received.

**3.0 Representations:**

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

3.2 No representations were received.

#### **4.0 Policies:**

NPPF National Planning Policy Framework

NPPG National Planning Practice Guidance

CS14 Wellbeing and Health

CS15 Place Making

DC2 Residential Amenity

ENV3 The Built Environment - Character/Design

HAESPD Householder Alterations and Extensions SPD

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

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

##### **5.2 IMPACT ON STREET SCENE**

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

5.3 Whilst the scheme diverts from the existing building arrangement in terms of the proposed flat roof design, there is a rich variety in terms of housing design within the area. A number of properties benefit from balconies, whilst the external render finish varies from white to blue. Further, the adjacent neighbour at 31 Cromwell Ford Way has a small, existing, flat roof, rear extension. Taking this into account, the scheme proposes a modern design which complements the surrounding area, and enriches the multitude of household designs within the area.

5.4 The property benefits from high timber fencing to all rear boundaries and faces onto a gable elevation of the garage associated with No.37 to the west. Due to the uneven building line and the rear extension at number 31, the proposed modest extension would be subservient and sheltered from view.

5.5 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.

#### 5.6 RESIDENTIAL AMENITY

The NPPF requires the planning process to achieve a good standard of amenity for all existing and future occupiers of land and buildings. This is a core principle of the planning system and is echoed by CSUCP policy CS14 and saved UDP policy DC2 which seek to ensure that development does not cause any undue disturbance to nearby residents, safeguards the enjoyment of light and privacy for existing residential properties, and ensures an acceptable level of amenity for existing and future residents.

5.7 The proposed extension will project 2.8m from the rear elevation. At present, the rear elevation of the neighbouring property (31 Cromwell Ford Way) projects approximately 2 metres beyond the rear of the host property. Taking this into account along with the existing rear extension at number 31, the scheme will not have an unacceptable impact on the occupiers of number 31.

5.8 Looking north, the rear elevation of 35 Cromwell Ford Way is angled towards the host property. A separation of 2.5metres and timber fencing separate the two properties. It is considered therefore that the extension would not have an unacceptable impact on the amenity of neighbours at number 35 Cromwell Ford Way.

5.9 Turning west, significant rear garden space and a garage separates the proposed extension from 37 Cromwell Ford Way. The proposed would therefore be relatively sheltered from view, and would not have an unacceptable impact on the residential amenity of number 37.

5.10 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.

#### 6.0 CONCLUSION

6.1 Taking all relevant issues into account, it is considered the proposed would be compliant with Saved Policies ENV3 and DC2 of the Unitary Development Plan for Gateshead, policies CS14 and CS15 of the CSUCP, and the aims and objectives of the National Planning Policy Framework.

#### 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 -

Building Plans

## Location Plan

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

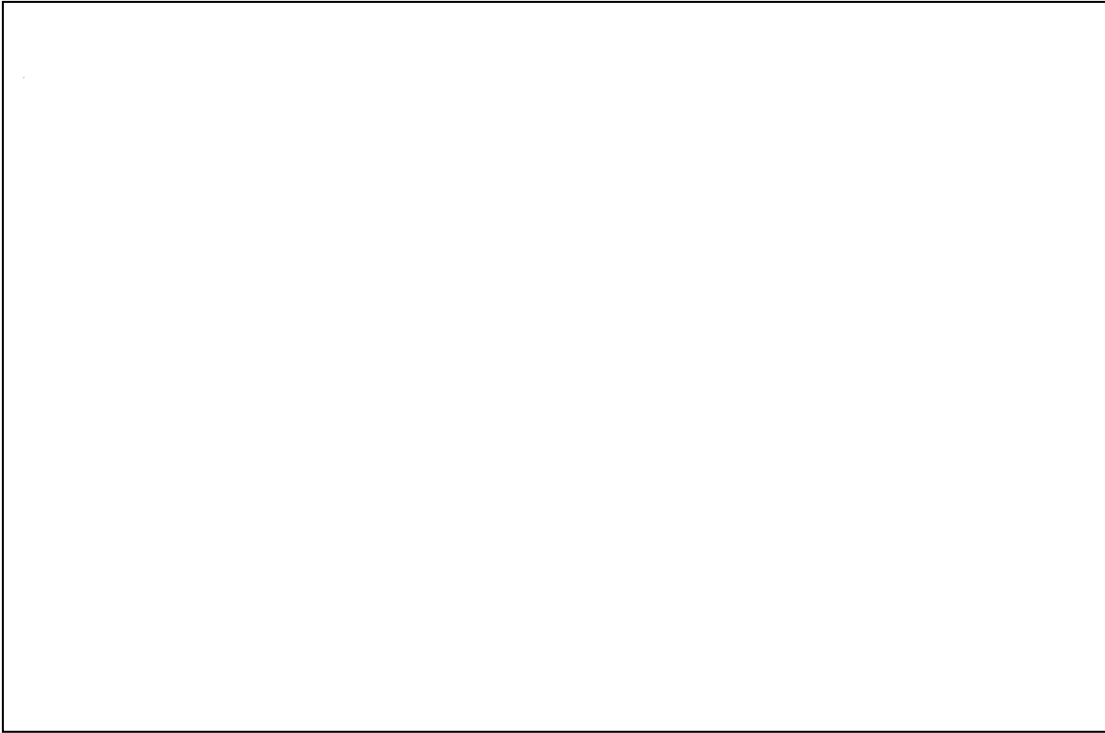
To comply with section 91 of the Town and Country Planning Act 1990 as amended by section 51 of the Planning and Compulsory Purchase Act 2004.

3

The development hereby permitted shall be constructed entirely of the materials detailed and shown on plan number 'Building Plans', and on the submitted Application Form.

### 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 7 MARCH 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.

<b>Application ref.</b>	<b>Nature of proposed development</b>	<b>Location of proposed development</b>	<b>Decision</b>	<b>Ward</b>
DC/17/00648/HHA	Conversion of flat roof to pitched roof. Addition of 4 solar panels	18 Albert Place, Low Fell,	Granted;	Low Fell
DC/17/01074/HHA	Detached garage and sun room to front	16 West View, Clara Vale,	Granted;	Crawcrook And Greenside
DC/17/01188/COU	Change of use from storage/garage to garage and scrap metal storage (retrospective).	Crookhill Garage, Hexham Old Road,	Granted;	Ryton Crookhill And Stella
DC/17/01230/HHA	Retrospective 6ft fencing the length of property, landscaped front garden and timber retaining wall (description amended 17/01/18, amended plans received 16/01/18)	287 Rawling Road, Gateshead,	Granted;	Saltwell

DC/17/01193/FUL	Variation of conditions 1, 3, 4 and 11 of DC/16/01335/FUL to allow alterations to increase the number of units from four to five, increase floorspace and make elevational and layout changes (C1) to allow units to be amalgamated or subdivided (C3) to allow two units to operate wholly as A1 (retail) and include ancillary A5 (hot food take-away) use (C4) and make consequential changes to bin store locations (C11) (amended 19/01/18 and additional information received 22/01/18).	Team Valley Retail World, Tenth Avenue West,	Granted;	Lamesley
DC/17/01226/HHA	Retrospective laying of a hardstanding to front of property	15 Broadpark, Wardley,	Granted;	Pelaw And Heworth
DC/17/01283/HHA	Single storey rear extension with roof lantern	40 Parklands Way, Wardley,	Granted;	Wardley And Leam Lane
DC/17/01292/HHA	Extend the patio at the front of the house	2 Woodbine Place, Bensham,	Granted;	Bridges
DC/17/01297/FUL	Erection of dwelling.	The Surgery , 40 Johnson Street,	Granted;	Dunston And Teams
DC/17/01307/HHA	Single storey rear extension	45 Whitehall Road, Bensham,	Granted;	Saltwell

DC/17/01329/TPO	Crown lift Lime Trees located at Thistle Dous Highfield Road Rowlands Gill	Thistle Dous, Highfield Road,	Granted;	Chopwell And Rowlands Gill
DC/17/01330/FUL	Change of use from dog grooming salon to veterinary surgery to accommodate expansion of adjacent practice (amended 05/02/18).	59 - 61 Dartmouth Avenue, Chowdene,	Granted;	Chowdene
DC/17/01331/HHA	Erection of single storey front and side extension. Demolition of part of existing perimeter wall and extend driveway	2 Barlowfield Close, Winlaton,	Granted;	Winlaton And High Spen
DC/17/01340/HHA	Single storey extension to the the rear of the property with Sukkah Roof.	86 Brinkburn Avenue, Bensham,	Granted;	Saltwell
DC/17/01342/FUL	Change of use of first and second floors from office to two flats.	First Floor And Second Floor, Units 3A And 4A,	Granted;	Wardley And Leam Lane
DC/17/01350/FUL	Change of use to car park with associated access and landscaping.	Automation House , Queensway,	Granted;	Lobley Hill And Bensham
DC/17/01351/FUL	Erection of seven terraced dwellinghouses on vacant site (amended 23/01/18).	Seymour Street, Gateshead,	Granted;	Dunston And Teams

DC/17/01359/COU	Relocation of existing outdoor decked seating area, from west side of Club to north side and erection of enclosing wall topped with glass-paneled balustrade and metal railings.	Greenside And District Social Club, Lead Road,	Refused;	Crawcrook And Greenside
DC/17/01363/ADV	Display of various building-mounted illuminated and non-illuminated fascia and roadside totem signs advertising 'Energie Fitness' (amended 08/01/18).	Blaydon Rugby Club Crowtrees , Hexham Road,	Temporary permission granted;	Whickham North
DC/17/01366/HHA	Bay window and addition of a canopy across the front of the property (retrospective)	27 Corrofell Gardens, Heworth,	Granted;	Pelaw And Heworth
DC/17/01367/LBC	LISTED BUILDING CONSENT: Proposed ground floor alterations and retrospective permission for a number of works already undertaken including the alteration of the front door opening in the location of a previous window, turning the previous door opening into a window on the west elevation; the creation of an en-suite bathroom on the second floor and insertion of a doorway within the garden wall for access into the garage.	Nursery House , Bradley Hall,	Granted;	Crawcrook And Greenside



DC/17/01369/HHA	Single storey extension to rear of property	7 Leaffield Glade, Portobello,	Granted;	Birtley
DC/17/01371/FUL	Demolition of three demountable blocks and erection of one new classroom block comprising four classrooms, with associated landscape and infrastructure works (amended 05/02/18).	Winlaton West Lane Community Primary School , West Lane,	Granted;	Winlaton And High Spen
DC/17/01374/HHA	Proposed porch extension to front with ramped access to front and rear and window to side	18 Cowell Grove, Highfield,	Granted;	Chopwell And Rowlands Gill
DC/17/01375/HHA	Window replacement to front, side and rear elevation	5 Carlton Terrace, Gateshead,	Granted;	Low Fell
DC/17/01377/FUL	Installation of x 1 InLink Unit, and the removal of x 1 existing telephone kiosk	West Street, Outside Argos,	Granted;	Bridges
DC/17/01378/ADV	Display of two x 2895.6mm high digital LED display screens, one on each side of InLink Unit	West Street, Outside Argos,	Temporary permission granted;	Bridges
DC/17/01379/FUL	Installation of x 1 InLink unit and the removal of x 1 telephone kiosk	High Street, Outside Altin Coffee Shop,	Granted;	Bridges

DC/17/01380/ADV	Two digital LED display screens, one on each side of the InLink unit	High Street, Outside Altin Coffee Shop,	Temporary permission granted;	Bridges
DC/17/01381/FUL	Installation of x 1 InLink Unit	West Street, Opp NHS Trinity Sq Health Centre,	Granted;	Bridges
DC/17/01382/ADV	Display of two x 2895.6mm high digital LED display screens, one on each side of InLink Unit	West Street, Opp NHS Trinity Sq Health Centre,	Temporary permission granted;	Bridges
DC/17/01385/FUL	Installation of x 1 InLink Unit.	Outside Anytime Fitness, High Street,	Granted;	Bridges
DC/17/01386/ADV	Display of two x 3895.6mm high LED display screens, one on each side of InLink unit.	Outside Anytime Fitness, High Street,	Temporary permission granted;	Bridges
DC/17/01387/FUL	Installation of x 1 InLink Unit (amended 30/01/18).	High Street, Junction Of Nuns Lane,	Granted;	Bridges
DC/17/01388/ADV	Two digital LED display screens, one on each side of the InLink Unit (amended 30/01/18).	High Street, Junction Of Nuns Lane,	Temporary permission granted;	Bridges

DC/17/01391/HHA	Proposed 2 storey rear extension with flat roof and proposed single storey front extension/ box projection to replace existing porch and bay window within the existing building line. Changes to external windows on front and side elevation.	Farndale , 21 Broom Lane,	Granted;	Dunston Hill And Whickham East
DC/17/01394/COU	Change of use of part of the warehouse from warehouse club (sui generis) to provide ophthalmic services (Use Class D1) and change of use of part of the Warehouse from ophthalmic services (Use Class D1) to Warehouse Club (sui generis)	Costco Wholesale , Mandela Way,	Granted;	Dunston And Teams
DC/17/01397/HHA	Erection of ground floor rear lobby, replacement of existing rooflights, minor alterations to second floor shower room, kitchen door head opening adjustment, replacement of existing front door, re-laying of contemporary timber flooring, new rear door and side windows, stone landing and steps to yard (amended 15/02/18).	6 Ryton Village West, Ryton Central,	Granted;	Ryton Crookhill And Stella

DC/17/01398/LBC	Erection of ground floor rear lobby, replacement of existing rooflights, minor alterations to second floor shower room, kitchen door head opening adjustment, replacement of existing front door, re-laying of contemporary timber flooring, new rear door and side windows, stone landing and steps to yard (amended 15/02/18).	6 Ryton Village West, Ryton Central,	Granted;	Ryton Crookhill And Stella
DC/18/00006/FUL	Erection of storage building (use class B8).	Site Of 1, Brewery Lane,	Granted;	Felling
DC/18/00005/HHA	First floor side extension (amended plans received 20.02.18)	15 Dunnock Drive, Sunnyside,	Granted;	Whickham South And Sunnyside
DC/18/00001/FUL	Erection of flat roof enclosure to external backyard to create additional storage space for existing shop unit	1-2 Overhill Terrace, Bensham,	Granted;	Lobley Hill And Bensham
DC/18/00008/LBC	LISTED BUILDING CONSENT: Draught proof and repair 7 windows to rear of address which includes the replacement of the bottom sash in the lower rear office.	18 Regent Terrace, Gateshead,	Granted;	Bridges
DC/18/00009/HHA	Part single storey, part two storey rear extension	64 Beechwood Avenue, Gateshead,	Granted;	Chowdene

DC/18/00016/HHA	Single storey extension to rear	62 Hadrian Drive, Blaydon On Tyne,	Granted;	Ryton Crookhill And Stella
DC/18/00018/OHL	Replacement of existing wooden LV pole and associated staywire with single steel pole without staywire in garden of 15 Moore Crescent.	15 Moore Crescent, Northside,	Observations	Lamesley
DC/18/00012/HHA	First floor side extension and pitched roof at first floor level	8 Silverdale Drive, Blaydon,	Granted;	Winlaton And High Spen
DC/18/00013/FUL	Installation of three increased height display windows, two new entrance doorsets and new rear fire exit doorset (with associated ramp to accord with existing site levels to existing retail unit)	Unit 3 , Cameron Retail Park,	Granted;	Whickham North
DC/18/00017/HHA	Conversion of internal garage to provide bedroom and en-suite WC	5 Huntley Crescent, Winlaton,	Granted;	Winlaton And High Spen
DC/18/00021/HHA	Two storey side extension, single storey rear extension, new porch and driveway	17 Bridlington Avenue, Chowdene,	Granted;	Chowdene
DC/18/00030/ADV	Display of internally illuminated lettering and logo on east elevation	Borg Warner, Junction Of Eighth Avenue And Princesway,	Temporary permission granted;	Lamesley

DC/18/00025/ADV	Display of one internally illuminated fascia sign and two non illuminated signs all advertising 'WHP' (amended 20/02/18).	WHP, Riverside House Unit 4,	Temporary permission granted;	Dunston And Teams
DC/18/00057/OHL	Installation of aerial bunched conductor	Strathmore Road, Strathmore Avenue, Dene Crescent, Dene Road, Dene Avenue, Wingrove, Rowlands Gill,	Observations	Chopwell And Rowlands Gill
DC/18/00028/HHA	Connecting passage from house to existing detached garage and new window to front of garage	6 Dorchester Gardens, Chowdene,	Granted;	Chowdene
DC/18/00029/HHA	Single storey rear extension	27 Oakridge, Fellside Park,	Granted;	Whickham North
DC/18/00034/HHA	New pitched roof to existing side extension and porch to side	25 Coldwell Park Drive, Felling,	Granted;	Felling
DC/18/00035/HHA	Two storey side and single storey rear extension	23 Grosvenor Avenue, Whickham,	Granted;	Whickham North
DC/18/00037/HHA	Convert garage into internal room and extend existing pitched roof above	2 Silverdale Avenue, Felling,	Granted;	Wardley And Leam Lane
DC/18/00042/HHA	Single storey rear extension - Resubmission of planning application DC/17/01155/HHA (Granted 12.12.17)	42 Haswell Close, Wardley,	Granted;	Wardley And Leam Lane

DC/18/00056/DEM	Demolition of three storey office premises and single storey warehouse	21 Mill Road, Gateshead,	Granted;	Bridges
DC/18/00054/FUL	Creation of new rear elevation goods-in sectional rollershutter (3.0 x 3.0m) and infilling of current rollershutter opening with brickwork to match existing	Unit 4 Team Valley Retail Park , Tenth Avenue West,	Granted;	Lamesley

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**REPORT TO PLANNING AND  
DEVELOPMENT COMMITTEE**  
**7<sup>th</sup> March 2018**

**TITLE OF REPORT:** Enforcement Action

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

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**Purpose of the Report**

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

**Background**

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

**Recommendations**

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

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Contact: John Bradley extension 3905

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**1. FINANCIAL IMPLICATIONS**

Nil.

**2. RISK MANAGEMENT IMPLICATIONS**

Nil.

**3. HUMAN RESOURCES IMPLICATIONS**

Nil.

**4. EQUALITY AND DIVERSITY IMPLICATIONS**

Nil

**5. CRIME AND DISORDER IMPLICATIONS**

Nil.

**6. SUSTAINABILITY IMPLICATIONS**

Nil.

**7. HUMAN RIGHTS IMPLICATIONS**

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

**8. WARD IMPLICATIONS**

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

**9. BACKGROUND INFORMATION**

Nil.

APPENDIX 2

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

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

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				2015  3 January 2017	2015  4 January 2017			8 February 2017	2015  8 April 2017, 8 May 2017 and 8 June 2017	However, a further Section 215 notice has been served requiring a hoarding to be erected around the site. Planning permission has now been granted for the site and discussions regarding the compliance with the notice are ongoing. A further notice has now been issued requiring the site to be tidied and a hoarding erected. Work to erect the hoarding is now complete.  Following wind damage to the hoarding this has been repaired.	
4.	Land at Woodhouse Lane, Swalwell (Known as South West Farm Site One)	Swalwell	Without planning permission the change of use of the land from agriculture to a mixed use for agriculture, storage of vehicles, agricultural equipment and scrap metal and vehicle dismantling and repair	11 January 2016	12 January 2016	N	N	15 February 2016	14 March and 4 July 2016	Notices were issued in September 2015 in respect of an unauthorised scrap being stored. Due to the scale of the breach of planning control an additional Notice was required in relation to the potential Environmental Impact of the Development.	
	(Known as South West Farm Site Two)	Swalwell	Without planning permission the change of use of the land from agriculture and reception, composting and transfer of green waste to a mixed use for agriculture and the storage of vehicles, agricultural equipment and parts, repair and restoration of vehicles and machinery and	11 January 2016	12 January 2016	N	N	15 February 2016	14 March and 4 July 2016	As such the original Notices (which were all being appealed) were withdrawn and further Notices have now been issued including those in respect of the requirement to carry out an Environmental Impact Assessment and provide an	

Item Number	Site	Ward	Alleged Breach of Planning Control	Date Approval given for Enforcement Action	Date Served	Plan App Rec'd Y/N	Appeal Rec'd Y/N	Date Notice comes into Force	End of Compliance Period	Current Status	Compliance Y/N
	(Known as South West Farm Site Three)	Swalwell	the reception, composting and transfer of green waste.  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	<p>Environmental Statement with an subsequent appeals.</p> <p>The Notices requires firstly, the cessation of the unauthorised use and secondly, the removal from the land of the scrap.</p> <p>The site is to be visited following the expiration of the compliance period the visit is to be carried out imminently in conjunction with the Environment Agency.</p> <p>The associated legal action at Newcastle Crown Court has been completed a further hearing at Gateshead Magistrates Court has been listed for the 3<sup>rd</sup> November 2017.</p> <p>The hearing at Gateshead Magistrates was adjourned. A revised date has been listed for the 6<sup>th</sup> December 2017.</p> <p>The hearing at Gateshead Magistrates was adjourned. A revised court date has been listed for the 31<sup>st</sup> January 2018.</p> <p>The defendant pleaded not guilty at court on the 31<sup>st</sup> January. The case has been listed for the 29<sup>th</sup> March 2018.</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
5.	Tynedale House, Main Street, Crawcrook	Crawcrook and Greenside	Unightly Building	13 <sup>th</sup> January 2017	14 <sup>th</sup> February 2017	Y	N	20 <sup>th</sup> March 2017	15 <sup>th</sup> May 2017	<p>Complaints have been received regarding the appearance of the front elevation of the property which is a former butchers shop.</p> <p>Whilst the site is noted to be under renovation the works have not substantially progress and the matter has become protracted.</p> <p>A 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.</p> <p>The owner is now actively marketing the property in the hope the unit will be brought back into use .</p>	
6.	Site of Station House, Green Lane, Gateshead	Pelaw and Heworth	Breach of Planning Condition	16 <sup>th</sup> March 2017	16 <sup>th</sup> March 2017	Y	N	16 <sup>th</sup> March 2017	10 <sup>th</sup> April 2017	<p>Complaints have been received regarding the use of the site which has planning permission to change to a scaffolding yard. Permission was granted subjected to a number of pre commencement conditions, however the use has commenced without the conditions being discharged.</p> <p>Officers have significant concerns regarding highway safety, therefore a</p>	

Item Number	Site	Ward	Alleged Breach of Planning Control	Date Approval given for Enforcement Action	Date Served	Plan App Rec'd Y/N	Appeal Rec'd Y/N	Date Notice comes into Force	End of Compliance Period	Current Status	Compliance Y/N
			Breach of Planning Conditions	19 <sup>th</sup> April 2017	20 <sup>th</sup> April 2017	Y	N	20 <sup>th</sup> April 2017	18 <sup>th</sup> May 2017	<p>Temporary Stop Notice was issued requiring the use to cease until the conditions are discharged.</p> <p>A Breach of Condition Notice was issued and the required information has been submitted.</p> <p>The submitted details have now been agreed. The occupier has until the 18.12.17 to implement the details. These details have still not been fully implemented.</p> <p>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.</p> <p>The alterations to the access arrangements are unacceptable so advice is being sought from legal regarding further enforcement action. <b>Further discussions have taken place with the applicant regarding the implementation of the approved conditions.</b></p>	
7.	Land to the rear of 17 Flexbury Gardens, Gateshead, NE9 7TH	Chowdene	Unightly Land	19 May 2017	19 May 2017	N	N	23 June 2017	4 August 2017	The land which is not attached to any property has been overgrown for a long period and is unsightly.	



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>Officers have made enquiries as to the owner of the site and have now issued a Notice requiring it to be tidied within a specific timescale.</p> <p>As land has not been tidied prosecution file has been prepared. The first hearing is listed at Gateshead Magistrates Court on 20.12.17 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> <p><b>Further efforts have been made to tidy the land, consideration is being made as to whether the works are acceptable to fully comply with the notice.</b></p>	
8.	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	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.	

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>The planning application to retain the development ref. DC/17/00156/COU was refused by Planning and Development Committee on</p> <p>An Enforcement Notice has been issued to resolve the issues identified which resulted in the refusal of the application</p> <p>An appeal against the Enforcement Notice has now been received. The Council are awaiting a start date from The Planning Inspectorate. The start date is 25.10.17. The appeal is written representations, neighbours have now been notified. The Councils appeal statement was submitted to the inspectorate on the 29.11.17</p>	
9.	Site of Former Collinson Brothers Garage, Derwent Street, Chopwell	Rowlands Gill and Chopwell	Unightly Land	31 August 2017	1 September 2017	N	N	4 October 2017	29 November 2017	<p>The land is derelict and complaints have been received regarding its condition on what is a prominent site.</p> <p>A notice has been issued to require improvements, particularly relating to the boundary treatment.</p> <p>However, the site owners appear to</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>have gone into liquidation which may cause problems in securing compliance with the notice</p> <p>Site visit is to be undertaken following expiry of the compliance period.</p> <p>Barbed wire has been removed from the boundary treatment.</p>	
10.	47 Heathfield Road Gateshead NE9 5HH	Lowfell	Unauthorised Development	12 <sup>th</sup> October 2017	12 <sup>th</sup> October 2017	N	N	16 <sup>th</sup> November 2017	16 <sup>th</sup> 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 22<sup>nd</sup> November 2017. The development has been substantially removed in partial compliance with the notice.</p> <p><b>Following a site visit on the 21.02.18, the notice has now been fully complied with. Permission is sought from Committee to remove this item</b></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
										<b>from the report.</b>	
11.	23 Hopedene Felling Gateshead NE10 8JA	Wardley And Leam Lane	Unightly Land	19 <sup>th</sup> October 2017	19 <sup>th</sup> October 2017	N	N	23 <sup>rd</sup> November 2017	4 <sup>th</sup> January 2018	<p>Complaints have been received regarding the condition of the garden.</p> <p>The property has been overgrown for a long period and is unsightly.</p> <p>A notice has been served requiring the garden be cut back, trimmed and all waste removed.</p> <p>No further work has been undertaken since the last site visit on the 13<sup>th</sup> December. A letter has been written to the owners. Files are being prepared for prosecution if works are not undertaken by the end of January.</p> <p>A site visit to confirm whether notice has been complied with will be undertaken the week commencing the 5<sup>th</sup> February, in the absence of this being complied with a prosecution file will be prepared.</p> <p><b>Prosecutions files are now being prepared.</b></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
12.	Gleeson's housing site, formally grazing land between Portobello Road Birtley	Birtley	Breach of Planning Conditions	29 <sup>TH</sup> November 2017	29 <sup>th</sup> November 2017	Y	N	29 <sup>th</sup> November 2017	26 <sup>th</sup> December 2017	<p>Despite communication with the developer, pre-commencement conditions have not been discharged and 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 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.</p> <p>A meeting has taken place between the developer and development management. A new application is to be submitted to discharge the conditions in the immediate future. The developer has confirmed that works will not re-commence on site until the details have been agreed.</p> <p><b>The developer is currently in discussions with the</b></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
										<b>Council prior to submitting the discharge of conditions application.</b>	
13.	Da Vinci's Pizzeria 10 Harraton Terrace Durham Road Birtley Chester Le Street DH3 2QG	Birtley	Unauthorised change of use	22 <sup>nd</sup> December 2017	22 <sup>nd</sup> December 2017	Y	Y	26 <sup>TH</sup> January 2018	26 <sup>th</sup> March 2018	<p>Complaints have been received regarding the operation of a hot food take away without planning permission. A planning application was 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> <p><b>An appeal against the Enforcement Notice has now been received. The start date is 20.02.18. The appeal is written representations, neighbours have now been notified.</b></p>	

Item Number	Site	Ward	Alleged Breach of Planning Control	Date Approval given for Enforcement Action	Date Served	Plan App Rec'd Y/N	Appeal Rec'd Y/N	Date Notice comes into Force	End of Compliance Period	Current Status	Compliance Y/N
14.	44 Ponthaugh Rowlands Gill NE39 1AD	Chopwell and Rolwands Gill	Unauthorised change of use	12 <sup>th</sup> January 2018	12 <sup>th</sup> January 2018	N	N	16 <sup>th</sup> February 2018	16 <sup>th</sup> March 2018	Complaints have been received regarding the erection of fencing enclosing public open space and incorporating it into the private garden. Numerous letters and emails were written to the owners requesting the removal of the fence, but the fence remains in situ. The loss of open space is unacceptable and the fence is harmful to the amenity of the area. Therefore an enforcement notice has been issued requiring the use of the land as private garden to cease and the fence removed.	
15.	Land at Mill Road Gateshead NE8 3AE	Bridges	Unightly Land	19 <sup>th</sup> February 2018	19 <sup>th</sup> February 2018	N	N	26 <sup>th</sup> March 2018	7 <sup>th</sup> May 2018	Complaints have been received regarding the condition of the building and land. A Notice has been issued pursuant to section 215 of the Town and Country Planning Act requiring the building to be demolished and the land to be enclosed by a hoarding.	
16.	Land situated to the rear of 6 and 7 Harraton Terrace, Durham Road, Birtley, DH3 2QG	Birtley	Unightly Land	1 <sup>st</sup> February 2018	1 <sup>st</sup> February 2018	N	N	08 <sup>th</sup> March 2018	22 <sup>nd</sup> March 2018	Complaints have been received regarding the condition of the land to the rear of 6 and 7 Harraton Terrace, Birtley. The condition of the land is considered to be detrimental to the public amenity. A Notice pursuant to	

Item Number	Site	Ward	Alleged Breach of Planning Control	Date Approval given for Enforcement Action	Date Served	Plan App Rec'd Y/N	Appeal Rec'd Y/N	Date Notice comes into Force	End of Compliance Period	Current Status	Compliance Y/N
										<b>section 215 of the Town and Country Planning Act has been served requiring the land to be tidied</b>	





**REPORT TO PLANNING AND DEVELOPMENT COMMITTEE**  
**7<sup>th</sup> March 2018**

**TITLE OF REPORT:** Planning Enforcement Appeals

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

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**Purpose of the Report**

1. To advise the Committee of new appeals against enforcement action received and to report the decisions of the Planning Inspectorate received during the report period.

**New Appeals**

2. There has been one appeal received since an update was provided to committee.

Da Vinci's Pizzeria 10 Harraton Terrace Durham Road Birtley Chester Le Street DH3 2QG	Without planning permission the change of use from a café (A3) to a mixed use, including café, hot food takeaway and hot food delivery.	Written	Awaiting Decision
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**Appeal Decisions**

3. There has been **no** appeal decisions received since the last Committee.
4. Full copies of the Decision letters can be found attached to this report and details of outstanding appeals can be found in **Appendix 2**

**Recommendations**

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

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**CONTACT: John Bradley extension 3905**

**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 enforcement appeal regime is outside  
of the Council's control being administered by the Planning Inspectorate.

**WARD IMPLICATIONS –**

Birtley

**BACKGROUND INFORMATION**

Appeal start letter

## Outstanding Enforcement Appeal Cases

Appeal Site (Ward)	Subject	Appeal Type	Appeal Status
<b>Da Vinci's Pizzeria 10 Harraton Terrace Durham Road Birtley Chester Le Street DH3 2QG</b>	<b>Without planning permission the change of use from a café (A3) to a mixed use, including café, hot food takeaway and hot food delivery.</b>	<b>Written</b>	<b>Awaiting Decision</b>
<b>Land adjacent to Wilson's Auctions, Shadon Way, Birtley, DH3 2SW</b>	<b>Without planning permission the change of use of the Land from amenity land to use for the storage of vehicles including the formation of a hard standing and the erection of a paladin fence at an approximate height of 2.4 metres, incorporating gates</b>	<b>Written</b>	<b>Awaiting Decision</b>

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**TITLE OF REPORT:** Planning Appeals

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

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**Purpose of the Report**

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

**New Appeals**

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

DC/17/00724/HHA - 26 Colegate, Leam Lane Estate, Felling NE10 8PN  
Drop kerb from classified road to allow access to drive  
This application was a delegated decision refused on 23 October 2017.

DC/17/00817/ADV - Land At Askew Road West, Gateshead  
Removal of existing 5no illuminated 48 sheet advertising displays and replacement with 1no 48 sheet digital LED advertisement (amended 24.08.17).  
This application was a delegated decision refused on 13 October 2017.

**Appeal Decisions**

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

**Appeal Costs**

4. There have been no appeal cost decisions.

**Outstanding Appeals**

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

**Recommendation**

6. It is recommended that the Committee note the report

**Contact: Emma Lucas Ext: 3747**

**FINANCIAL IMPLICATIONS**

Nil

**RISK MANAGEMENT IMPLICATIONS**

Nil

**HUMAN RESOURCES IMPLICATIONS**

Nil

**EQUALITY AND DIVERSITY IMPLICATIONS**

Nil

**CRIME AND DISORDER IMPLICATIONS**

Nil

**SUSTAINABILITY IMPLICATIONS**

Nil

**HUMAN RIGHTS IMPLICATIONS**

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

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

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

**WARD IMPLICATIONS**

Various wards have decisions affecting them in Appendix 2

**BACKGROUND INFORMATION**

Start letters and decision letters from the Planning Inspectorate

**APPENDIX 2**

**OUTSTANDING APPEALS**

<b>Planning Application No</b>	<b>Appeal Site (Ward)</b>	<b>Subject</b>	<b>Appeal Type</b>	<b>Appeal Status</b>
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/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/17/00473/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
<b>DC/17/00724/HHA</b>	<b>26 Colegate Leam Lane Estate Felling NE10 8PN</b>	<b>Drop kerb from classified road to allow access to drive</b>	<b>Written</b>	<b>Appeal in Progress</b>

<b>DC/17/00817/ADV</b>	<b>Land At Askew Road West Gateshead</b>	<b>Removal of existing 5no illuminated 48 sheet advertising displays and replacement with 1no 48 sheet digital LED advertisement (amended 24.08.17).</b>	<b>Written</b>	<b>Appeal in Progress</b>
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**REPORT TO PLANNING AND DEVELOPMENT COMMITTEE**

7 March 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 no new payments received in respect of planning obligations.
5. Details of all the planning obligations with outstanding covenants on behalf of developers and those currently being monitored, can be found at Appendix 2 on the Planning Obligations report on the online papers for Planning and Development Committee for 7 March 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



**TITLE OF REPORT:** Interim Policy Advice Notes review

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

**1. Purpose of the Report**

1.1 To update members on the review of Interim Policy Advice notes (IPA) that is being undertaken by Spatial Development.

**2. Background**

2.1 Interim Policy Advice Notes are part of a series of documents that were produced to clarify policies contained within the Unitary Development Plan 2007.

2.2 The IPA documents were originally produced as Draft Supplementary Planning Guidance (SPG) in support of the first Deposit Draft UDP. However, following changes to the development plan system emanating from the Planning and Compulsory Purchase Act 2004, the production of SPGs at that time was no longer possible.

2.3 Under the Town and Country Planning (Transitional Arrangements) (England) Regulations 2004 the Council began producing updated Interim Policy Advice that provide more detailed accompanying guidance relating to specific areas of planning policy.

2.4 Whilst not having the statutory status of Supplementary Planning Guidance, the IPA documents are adopted Council Policy. They are material planning considerations when determining planning applications, and have been used as such since they were adopted.

2.5 Following the adoption of The Core Strategy and Urban Core Plan (parts 1 and 2 of the Local Plan) in 2015, and the publication of the draft Making Spaces for Growing Places, (the Land Allocations and Development Management Policies document which will constitute part 3 of the Local Plan) in 2017, it is timely to review the IPAs.

2.6 The following table sets out this review and what actions are arising.

<b>IPA</b>	<b>Current use</b>	<b>notes</b>	<b>Delete/retain /amend</b>	<b>Action</b>
IPA 1 - Crime Prevention in New Development	Minimal	Covered in Placemaking SPD	Delete, but address gaps	Look in more detail about anti-terrorism, and how this can be incorporated –

				possibly into Placemaking SPD or separate SPD.
IPA 4 - Tyne Gorge Study	In Use	Provides valuable detailed information and guidance to support the CSUCP Urban Core design policies - especially UC13.1  Does there need to be a review to create a joint SPD with Newcastle?	Retain until SPD written	Revise to create an SPD, to be done jointly with Newcastle if resources allow
IPA 9 - Development Control Policy on Hot Food Take-Away Shops	Not in use	Superseded by Hot food Takeaway SPD	Delete	Delete IPA
IPA 11 - Car Parking in New Development	Minimal	Superseded by NPPF.  Table of the likely number of spaces required are useful.	Delete	Add tables with likely number of spaces required in MSGP.
IPA 13 - Kibblesworth North	Not in use	Superseded by housing allocation policy GV5 (Kibblesworth) in CSUCP	Delete	Delete IPA
IPA 14 - West of Derwenthaugh Road	Not in use	Out of date and has been superseded by flood risk and ecology constraints	Delete	Delete IPA
IPA 15 - Derwent West Bank	Not in use	Out of date and has been superseded by Metrogreen policy AOC2 and forthcoming AAP	Delete	Delete IPA
IPA 16 - North of Metrocentre	Not in use	Out of date and has been superseded by Metrogreen policy AOC2 and forthcoming	Delete	Delete IPA

		AAP		
IPA 17 - Conservation Area Character Statements	In use	<p>Character statements still useful.</p> <p>Character appraisals or management strategies for all 22 Conservation Areas are not in place. By the end of the financial year there will be up to date coverage for 10 conservation areas but not the remaining 12, in those cases IPA17 would continue to be referred to.</p>	Retain until replaced by character appraisals or management strategies.	Delete after character appraisals or management strategies are produced for all Conservation Areas.
SPG 4: Children's Play Area Standards excerpts	In use	<p>Elements of this SPG are relevant to MSGP and should be retained.</p> <p>The SPG may need to be revised to appropriately reflect new recommendations for the design and location of play areas for children and young people, and to incorporate new data on average household sizes.</p>	Retain until SPD written	Revise into a play area and open space SPD after MSGP is adopted, with input from Grounds Maintenance regarding appropriate design / layout of facilities
SPG 5: Provision of Open Space and Landscaping in New Developments excerpts	In use	<p>Elements of this SPG are relevant to MSGP and should be retained.</p> <p>The SPG may need to be revised to appropriately reflect new recommendations for the design and location of open spaces, and to incorporate new data on average household sizes.</p>	Retain until SPD written	Revise into a play area and open space SPD after MSGP is adopted, with input from Grounds Maintenance regarding appropriate design / layout of facilities

**2.7** As many of these documents are not in use, it is prudent to delete them to ensure there is transparency and clarity in what Council policy is a material consideration in planning decisions.

### **3. Conclusion**

- 3.1 After consultation with Portfolio Holders, the decision has been made to;
- Delete with immediate effect IPA 1, 9, 11, 13, 14, 15, 16. This will be done by ceasing to reference them in decisions on planning applications, removing them from the Council website and uploading a notice to this effect onto the website.
  - Retain IPA 4 and 17 and SPG 4 and 5 excerpts until they have been replaced by appropriate alternatives.

### **5. Recommendation**

It is recommended that Planning and Development Committee note this report for information.

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Contact: Emma Lucas - extension 3747

## **APPENDIX 1**

### **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**

Nil.

### **WARD IMPLICATIONS**

Nil.

### **BACKGROUND INFORMATION**

IPA 1, 4 9, 11, 13, 14, 15, 16 17 and SPG 4 and 5. [Link](#)

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