

PLANNING AND DEVELOPMENT COMMITTEE AGENDA

Wednesday, 28 March 2018 at 6.00 pm in the Bridges Room - Civic Centre

From the Chief Executive, Sheena Ramsey

Item	Business
1	Apologies for Absence
2	Minutes The Committee is asked to approve as a correct record the minutes of the meeting held 7 March 2018 (copy previously circulated).
3	Declarations of Interest Members to declare interests in any agenda items
4	Planning Applications (Pages 3 - 10) Report of the Strategic Director, Communities and Environment
4i	No. 1 - Methodist Chapel, East Street, Rowlands Gill NE39 2HD (Pages 11 - 30)
4ii	No. 2 - 23 Hampton Drive, Felling, Gateshead, NE10 9EP (Pages 31 - 40)
4iii	No. 3 - Clifford House, Lucy Street, Blaydon NE21 5PU (Pages 41 - 52)
5	Delegated Decisions (Pages 53 - 62) Report of the Strategic Director, Communities and Environment
6	Enforcement Action (Pages 63 - 78) Report of the Strategic Director, Communities and Environment
7	Planning Appeals (Pages 79 - 86) Report of the Strategic Director, Communities and Environment
8	Planning Obligations (Pages 87 - 88) Report of the Strategic Director, Communities and Environment

Contact: Helen Conway - Email: HelenConway@gateshead.gov.uk, Tel: 0191 433 3993,
Date: Tuesday, 20 March 2018

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PLANNING AND DEVELOPMENT
COMMITTEE
28 March 2018

TITLE OF REPORT: Planning applications for consideration

REPORT OF: Paul Dowling, Strategic Director Communities
and Environment

Purpose of the Report

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

PART ONE:

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

PART TWO: FOR INFORMATION ONLY

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

Recommendations

2. Recommendations are specified in the schedule.

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

Contents

Application Number	Site Location	Ward
1. DC/17/01285/OUT	Methodist Chapel East Street	Winlaton And High Spen
2. DC/17/01346/HHA	23 Hampton Drive Felling Central	Deckham
3. DC/18/00023/FUL	Clifford House Lucy Street	Blaydon

DEVELOPMENT PLAN

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

NATIONAL PLANNING POLICY FRAMEWORK (NPPF)

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

REGIONAL SPATIAL STRATEGY (RSS)

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

LOCAL PLAN (Formerly known as Local Development Framework)

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

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

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

Seven Supplementary Planning Documents are now adopted and have weight in decision making, supplementing and providing detail to the development plan policies.

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

UPDATES

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

SPEAKING AT COMMITTEE

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

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

SITE PLANS

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

PUBLICITY/CONSULTATIONS

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

SITE VISITS

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

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

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

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

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

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

Generalised Guide to Use Classes Order 1987 (as amended)

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

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

Changes allowed without planning permission

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

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



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

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

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

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

Explanation of Abbreviated Terms used in Reports

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

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

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Committee Report

Application No:	DC/17/01285/OUT
Case Officer	Joanne Munton
Date Application Valid	13 December 2017
Applicant	Mr Eric Turner
Site:	Methodist Chapel East Street Rowlands Gill NE39 2HD
Ward:	Winlaton And High Spen
Proposal:	Demolition of existing Chapel and change of use to residential site to create 4 x 3 bedroom houses and 4 x 2 bedroom apartments with associated parking court, with access and layout to be considered and all other detailed matters reserved (resubmission) (amended 22.01.18) (description amended and amended plan received 19.02.2018).
Recommendation:	GRANT
Application Type	Outline Application

1.0 The Application:

1.1 DESCRIPTION OF SITE

The site is located on the main road between High Spen and Chopwell, at the corner where Glossop Street turns west into Clayton Terrace Road. Currently on site is the High Spen Methodist Chapel, which is understood to be vacant.

1.2 The land slopes down from west to east and the site is currently accessed on foot via the footpath leading from the access road to the rear lane on East Street.

1.3 The site is not within a Conservation Area and not within the Green Belt. The building itself is neither locally nor nationally listed.

1.4 DESCRIPTION OF APPLICATION

This application is for outline planning permission and proposes the demolition of the existing chapel and the erection of four dwellinghouses and four apartments. The proposed dwellinghouses would have three bedrooms each (with rooms in the roof space) and the proposed apartments would have two bedrooms each.

1.5 The proposed dwellinghouses would face north east across Glossop Street and the 4 apartments would be located further towards the western point of the site. The application also proposes 11 parking bays and a new vehicle access.

1.6 With this outline application, the applicant has chosen to apply for Access and Layout. The remaining matters of Appearance, Landscaping and Scale are to be reserved for subsequent reserved matters approval.

1.7 Therefore, this application is to be considered against:

- the general principles of how the site can be developed;
- the accessibility to and within the site, for vehicles, cycles and pedestrians in terms of the positioning and treatment of access and circulation routes and how these fit into the surrounding access network; and
- the way in which buildings, routes and open spaces within the development are provided, situated and orientated in relation to each other and to buildings and spaces outside the development.

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

Contaminated Land Preliminary Risk Assessment (PRA)
Coal Mining Risk Assessment (CMRA)
Bat and Barn Owl Report
Results from speed surveys

1.9 RELEVANT PLANNING HISTORY

DC/07/01052/OUT - Erection of detached dwellinghouse and two-storey block comprising commercial unit on ground floor and flat on first floor with associated parking - Withdrawn 23.08.2007

DC/16/00509/OUT - Demolition of existing Chapel, change of use to residential site for 4 no. 2 bedroom two storey houses and 4 no 2 bedroom apartments (in two storey block) all with associated parking court - Withdrawn 07.09.2016

2.0 Consultation Responses:

Northumbria Water	Condition recommended
Coal Authority	Conditions recommended
Tyne And Wear Archaeology Officer	Condition recommended

3.0 Representations:

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

3.2 Objections have been received from Councillor Simpson and Councillor Charlton.

The main points raised within these representations are summarised below:

- Parking provision;
- The impact/size of development would not be in keeping with the surrounding environment;
- Encroachment onto open space.

3.3 Following the original neighbour notifications in December 2017, eight letters of objection were received from neighbouring owners, occupiers and residents, including one letter from three people.

3.4 Neighbours were re-notified in January 2018 and five letters of objection were received from neighbouring owners, occupiers and residents, including one letter from three people. A petition of 35 names in objection was also received.

3.5 Neighbours were re-notified again in February 2018 and four letters of objection were received from neighbouring owners, occupiers and residents.

3.6 The main points raised in these letters are summarised below:

- Loss of open space and this potentially setting a precedent for future development;
- Additional noise/disruption;
- Loss of privacy;
- Overbearing effect;
- Loss of outlook and loss of attractive chapel;
- Overdevelopment of the site and proposal is too high a density;
- Out of character with the street scene and apartments not appropriate for the area;
- Loss of rural/countryside and peaceful character;
- Inadequate car parking;
- Impact on highway safety in terms of the additional access point and more vehicles potentially resulting in increased vehicular accidents (including the potential for cars to park on the main road);
- Impact on highway safety in terms of existing visibility being obstructed;
- Difficulty for delivery and waste services vehicles accessing the site safely;
- The site includes land that is potentially owned by the Council, and residents question whether they should have been notified of a land sale;
- The historic chapel site appears to be smaller than the application site;
- Planning team requested to make a site visit and speak to residents who may not be able to provide written comments;
- Impact on the potential for the site south west of the application site;
- Loss of views.

4.0 Policies:

NPPG National Planning Practice Guidance
NPPF National Planning Policy Framework
H4 Windfall and Small Housing Sites
H5 Housing Choice
CFR23 Protecting and Imp Existing Open Space
DC1D Protected Species
DC1P Contamination, derelict land, stability
DC2 Residential Amenity
ENV3 The Built Environment - Character/Design
ENV21 Sites and Areas of Archaeological Importance
ENV23 Building Recording
ENV46 The Durham Biodiversity Action Plan
ENV47 Wildlife Habitats
ENV54 Dev on Land Affected by Contamination
CS10 Delivering New Homes
CS11 Providing a range and choice of housing
CS13 Transport
CS14 Wellbeing and Health
CS15 Place Making
CS17 Flood Risk and Waste Management
CS18 Green Infrastructure/Natural Environment
GPGSPD Gateshead Placemaking Guide SPG

5.0 Assessment of the Proposal:

- 5.1 The key considerations to be taken into account when assessing this planning application are the principle of the proposal, visual amenity, residential amenity, highway safety and parking, ecology, flood risk, ground conditions and archaeology.

5.2 PRINCIPLE

Open Space

This site is within a semi-rural residential neighbourhood that is not identified as being deficient in open space provision.

- 5.3 Where open space standards are exceeded, as in this case, saved policy CFR23 of the UDP requires that:

'loss of open space will only be permitted exceptionally, and any development or change of use proposal resulting in such loss will be assessed to ensure that, as far as possible, the open space in question is the lowest-quality area of public open space in the neighbourhood in which it is located, in terms of recreational value, accessibility, visual quality and biodiversity'

- 5.4 The site is in a semi-rural location and there are playing fields to the south, north west, east and north east of the site, as well as High Spenn Park play facilities to the north.

- 5.5 The existing Methodist Chapel is centrally located within the application site and whilst the site is accessible, the presence of the building limits the value of the open space around it, particularly in terms of use for recreation, its visual quality and biodiversity on site.

- 5.6 Therefore, it is considered that the application site would be the lowest-quality area of public open space in this locality, and the proposal would not conflict with the aims and requirements of saved policy CFR23 of the UDP.

5.7 Housing Policy

Paragraph 14 of the NPPF states that:

'At the heart of the NPPF is a presumption in favour of sustainable development. For decision making this means:

-approving development proposals that accord with the development plan without delay, and

-where the development plan is absent, silent or relevant policies are out-of-date, granting permission unless:

-any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework as a whole; or

-specific policies in this Framework indicate development should be restricted.'

- 5.8 Policy CS10 of the CSUCP states that 11,000 new homes (excluding purpose built student accommodation) will be built in Gateshead over the period April 2010 to March 2030.

- 5.9 The site would be considered as a housing windfall site under policy H4 of the UDP. Given the choice of nearby local amenities and that the site is not in an isolated location, it is considered that the location of the proposal is sustainable.
- 5.10 Saved policy H5 of the UDP requires a range of housing choice and policy CS11(1) of the CSUCP requires that 60% of new private housing across the plan area being suitable for and attractive to families, with a minimum target of 16,000 new homes to have three or more bedrooms. The scheme proposes eight dwellings: four houses with three bedrooms each and four apartments with two bedrooms each. The policy requirement is a plan wide target and the proposal would contribute to this objective.
- 5.11 Policy CS11(4) of the CSUCP requires that new residential development provides "adequate space inside and outside of the home to meet the needs of residents." It is considered that the proposal provides appropriate space internally and externally.
- 5.12 Therefore, the proposal would not conflict with saved policies H4 and H5 of the UDP, policies CS10 and CS11 of the CSUCP and the NPPF.
- 5.13 HIGHWAY SAFETY AND PARKING
Paragraph 32 of the NPPF states that:
- 'Plans and decisions should take account of whether:
- the opportunities for sustainable transport modes have been taken up depending on the nature and location of the site, to reduce the need for major transport infrastructure
 - safe and suitable access to the site can be achieved for all people
 - improvements can be undertaken within the transport network that cost effectively limit the significant impacts of the development. Development should only be prevented or refused on transport grounds where the residual cumulative impacts of development are severe'
- 5.14 Proposed plans show the formation of a new access point on the corner where Glossop Street turns west. This is a local distributor road and in order to determine the required visibility splay for the new access, the applicant has submitted speed survey information.
- 5.15 Amended plans show the proposed (horizontal) visibility splay dimensions which are acceptable. It is recommended that Conditions 16 and 17 be imposed requiring a demonstration of the visibility splay in the vertical plane to be submitted for LPA consideration and limiting objects within the visibility splay envelope to no more than 0.6m in height.
- 5.16 Additionally, submitted plans show a widened public footway to the front of the proposed houses to protect the visibility splay at the new access. Whilst this is noted and welcomed, the proposed alignment of the path is such that the

footway is not a consistent width along its entire length. It is recommended that Conditions 18 and 19 be imposed requiring details of the squared-off footpath.

- 5.17 Residents have raised concerns regarding highway safety and the potential for cars to be parked on the main road on the bend, affecting visibility. There are currently no restrictions on the road in this location and it is considered necessary to require improvements to the transport network to ensure that the visibility splay for the proposed new access and existing accesses would be protected. It is recommended that Conditions 20 and 21 be imposed requiring final details of a scheme to limit parking on the bend in the road, to ensure the visibility splay for the new access would not be obstructed.
- 5.18 Furthermore, it is recommended that Condition 26 be imposed requiring the new private access road to be no steeper than 1:25 from its junction with Glossop Street and over its entire length, and the 2 driveway-style parking spaces to the south-east of the site to have a gradient no greater than 1:8. This would allow for safe movements within the site and accessing the public highway (reducing the potential for skidding onto the highway) and would contribute to ensuring appropriate visibility at the proposed new vehicle access points.
- 5.19 The bin stores to the front of the proposed houses (1 to 4) would be within the visibility splay for the existing junction at East Street. It is recommended that Conditions 22 and 23 be imposed requiring final details of these bin stores (including their relocation outside of the East Street visibility splay) to be submitted to the LPA for consideration.
- 5.20 Further, the bin storage area to the north west of the site (serving apartments 5 to 8) is shown on plans to be close to the visibility splay for the proposed new access and it is recommended that Conditions 22 and 23 also require final details of this bin store (including being set back, closer towards the apartments) to be submitted to the LPA for consideration.
- 5.21 A balance must be struck between providing adequate car parking provision, encouraging opportunities for more sustainable travel and avoiding parking areas dominating proposed development. It is considered that in this case the proposed parking arrangement is appropriate and acceptable. The application proposes 11 car parking bays for the development, which would be 1 space per dwelling and 3 visitor bays. The proposed level of provision is considered to be acceptable.
- 5.22 It is also recommended that Conditions 24 and 25 be imposed requiring final details of cycle parking to be submitted to the LPA for consideration.
- 5.23 It is considered that the proposal would allow for safe movement to and within the site, would provide adequate parking provision and, through the imposition of conditions, that the residual cumulative impacts of development would not be severe.

- 5.24 Therefore, the proposal would comply with the aims and requirements of policy CS13 of the CSUCP and the NPPF.
- 5.25 VISUAL AMENITY
The site is within the High Spen area of special character. In terms of access and layout, it is considered that the site would be capable of accommodating 8 dwellings and that the proposal would not result in the overdevelopment of the site. Additionally, the layout suggests a continuation of the terrace on East Street and the potential for the apartment buildings to be a landmark building to replace the Methodist chapel.
- 5.26 The impact of the scale and appearance of the proposed dwellings on the character of the area would be considered at reserved matters stage. Additionally, whilst the application form proposes some materials for the development, appearance would be considered at reserved matters stage.
- 5.27 The proposal at outline stage would respond to the existing site and its surroundings, and would not result in an unacceptable impact on visual amenity of the area. The proposal would comply with the aims and requirements of saved policy ENV3 of the UDP and policy CS15 of the CSUCP.
- 5.28 RESIDENTIAL AMENITY
The side elevation of the proposed south easternmost terraced house would be 8m away from the blank main side elevation of 32 East Street to the south east, across the access lane. There would be a 17m wide strip of open space between the proposed dwellings and existing residential properties to the south west, with a minimum of 24m between the respective rear elevations.
- 5.29 Garesfield Hall (on the northern side of Glossop Street facing south east) has an element of residential use, but would be at least 20m from the proposed houses and at least 23m from the proposed apartments.
- 5.30 Only 'Access' and 'Layout' are being considered by this application therefore, any windows that would give rise to any potential overlooking of the neighbouring properties would be considered as part of the reserved matters application. Similarly, the scale and appearance of the proposed buildings is not being considered in this application and a design that would result in any potential overlooking or overbearing impact would be considered as part of the reserved matters application.
- 5.31 In terms of the details submitted for the access and layout of the proposal only, it is considered that these proposed elements would not raise concerns regarding an unacceptable impact on residential amenity.
- 5.32 However, it is recommended that Condition 4 be imposed restricting construction hours, so as to avoid an unacceptable level of noise at unreasonable times.
- 5.33 Therefore, it is considered that the proposal would not conflict with the aims and requirements of saved policy DC2 of the UDP and policy CS14 of the CSUCP.

5.34 ECOLOGY

The proposal includes the demolition of the existing building on site, which is pre-1960 and within 200 metres of woodland or water. As such, the applicant has submitted a bat and barn owl report with the application.

5.35 Whilst no traces of barn owl were present in the building, a bat roost was confirmed and there is evidence indicating likely bird breeding activity.

5.36 It is recommended that Condition 5 be imposed requiring the development to be implemented in accordance with the mitigation measures proposed in the submitted report.

5.37 Subject to conditions, the proposal would comply with the aims and requirements of saved policies DC1(d), ENV46 and ENV47 of the UDP and policy CS18 of the CSUCP.

5.38 FLOOD RISK

To prevent the increased risk of flooding from the development, Conditions 7 and 8 are recommended to require a detailed scheme for the disposal of foul and surface water from the site.

5.39 The proposal would comply with the aims and requirements of policy CS17 of the CSUCP.

5.40 GROUND CONDITIONS

The site is located on the Coal Authority defined high risk area and the applicant has submitted a Coal Mining Risk Assessment. The Coal Authority concur with the recommendations of the submitted report and it is recommended that Conditions 9, 10 and 15 be imposed requiring site investigations to be undertaken, the submission of a report of those investigations to the LPA for consideration and the implementation of remediation measures where required.

5.41 The land is situated on potentially contaminated land and a Preliminary Risk Assessment has been submitted with the application. Officers concur with the recommendations of the report and it is recommended that Conditions 11-15 be imposed requiring further site investigations and Phase II Risk Assessment be undertaken and remediation implemented where required.

5.42 The proposal would comply with the aims and requirements of saved policies DC1(p) and ENV54 of the UDP and policy CS14 of the CSUCP.

5.43 ARCHAEOLOGY

Whilst the area of proposed development is not of archaeological interest, saved policy ENV23 of the UDP requires that development proposals which involve the demolition of standing buildings of archaeological, architectural or historic interest will need to incorporate a programme of building recording and assessment to record the building in advance of demolition.

- 5.44 Therefore, it is recommended that Condition 6 be imposed requiring the building recording of the chapel prior to demolition, to provide an archive record of the historic building.
- 5.45 The proposal would comply with the aims and requirements of saved policies ENV21 and ENV23 of the UDP.
- 5.46 **OTHER MATTERS**
The applicant has confirmed within the application form that they are the owner of the land that is the subject of this application. Accordingly, Council records show that no part of this land is within the ownership of Gateshead Council.
- 5.47 The amount of land associated with the chapel historically would not necessarily dictate the land that is subject of a planning application.
- 5.48 A site visit was undertaken by the planning case officer and verbal comments on an application form cannot be taken as formal representations.
- 5.49 The strip of land between the application site and West Street to the south west is not the subject of a formal planning application or an extant permission. The impact of the proposal in this application on the potential for any development proposed on the adjacent site in the future is not a material planning consideration.
- 5.50 Each application is determined on its own merits and any future applications for development resulting in the loss of open space would need to be separately assessed against the relevant policy.
- 5.51 Loss of view(s) is not a material planning consideration.
- 5.52 It is considered that all other matters have been addressed within the main body of the report.
- 5.53 **COMMUNITY INFRASTRUCTURE LEVY**
On 1st January 2017 Gateshead Council became a Community Infrastructure Levy (CIL) Charging Authority. This application has been assessed against the Council's CIL charging schedule and the development is CIL chargeable development as it is for qualifying housing related. The site is within Residential CIL Zone C, which has a charge of £0 per sqm.

6.0 CONCLUSION

- 6.1 The application site would be the lowest-quality area of public open space in this locality and the proposal would result in the redevelopment of a vacant site to bring forward new housing provision in this part of the borough.
- 6.2 The proposed level of parking provision is considered to be appropriate, and officers consider that highway safety concerns could be dealt with by conditions.

- 6.3 In terms of access and layout, the site would be capable of accommodating eight dwellings and the proposal would not result in the overdevelopment of the site. The layout suggests a continuation of the terrace on East Street and the potential for the apartment buildings to be a landmark building to replace the Methodist chapel.
- 6.4 Taking all the relevant issues into account, it is considered that the proposal for outline permission with reserved matters of access and layout is acceptable in principle and in terms of visual and residential amenity, highway safety and parking, ecology, flood risk, ground conditions and archaeology, and would comply with the aims and objectives of the NPPF, and the relevant policies of the UDP and the CSUCP.
- 6.5 Therefore, it is recommended that permission be granted, subject to the below conditions.

7.0 Recommendation:

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

1

Unless otherwise required by condition, the development hereby permitted in outline shall not be carried out other than in complete accordance with the plan(s) accompanying the application as listed below:

Location Plan received 22.01.2018
C404.01 Existing Site Plan
C404.02 revB Proposed Site Plan

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

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

Reason

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

2

The application for approval of the reserved matters referred to in condition 1 shall be made to the Local Planning Authority within 3 years of the date of this permission.

Reason

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

3

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

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

Reason

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

4

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

Reason

To safeguard the amenities of nearby residents and in accordance with saved Policies DC1, DC2 and ENV61 of the Unitary Development Plan, Policy CS14 of the Core Strategy and Urban Core Plan and the National Planning Policy Framework.

5

The development hereby approved (including demolition) shall be implemented in complete accordance with Section 2 of the submitted Bat and Barn Owl Report (Ruth Hadden - Summer 2017) at all times. The new roost provision shall be retained in accordance with the approved details for the lifetime of the development.

Reason

To ensure appropriate working methods and adequate roost provision in accordance with saved policies DC1(d), ENV46 and ENV47 of the Unitary Development Plan, policy CS18 of the Core Strategy and Urban Core Plan and the National Planning Policy Framework.

6

The development hereby approved (including demolition) shall not commence until a report of the results of a programme of archaeological building recording (which shall be at Historic England Level 3) has been submitted to and approved in writing by the Local Planning Authority.

Reason

To provide an archive record of the historic building or structure and to accord with saved policies ENV21 and ENV23 of the Unitary Development Plan, policy CS15 of the Core Strategy and Urban Core Plan and the National Planning Policy Framework.

7

Following demolition, no further development hereby approved shall commence until a detailed scheme for the disposal of foul and surface water from the development has been submitted to and approved in writing by the Local Planning Authority in consultation with Northumbrian Water and the Lead Local Flood Authority.

Reason

To prevent the increased risk of flooding from any sources in accordance with policy CS17 of the Core Strategy and Urban Core Plan and the National Planning Policy Framework.

8

The details approved under Condition 7 shall be implemented before the dwellings hereby approved are occupied and retained in accordance with the approved details for the lifetime of the development.

Reason

To prevent the increased risk of flooding from any sources in accordance with policy CS17 of the Core Strategy and Urban Core Plan and the National Planning Policy Framework.

9

Following demolition, no further development hereby approved shall commence until a report of intrusive site investigations in relation to coal mining legacy, and where required, measures and timescales for remediation, monitoring, and verification reports has been submitted to the Local Planning Authority.

Reason

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

10

The remediation and monitoring measures approved under condition 9 shall be implemented in full accordance with the approved timescales and the approved details.

Reason

To ensure there is adequate land stability in accordance with saved policies DC1 and ENV54 of the Unitary Development Plan, policy CS14

of the Core Strategy and Urban Core Plan and the National Planning Policy Framework.

11

Following demolition, no further development hereby approved shall commence until a report of findings arising from further intrusive site investigations and a Phase II Detailed Risk Assessment (to assess the potential risks to the development from potential soil contamination, groundwater contamination, and ground gas and to provide geotechnical information to inform design) have been submitted to and approved in writing by the Local Planning Authority. Where required, the Assessment shall include measures and timescales for Remediation, Monitoring and Verification Reports.

Reason

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

12

Where required, the remediation and monitoring measures approved under Condition 11 shall be implemented in accordance with the timescales approved and in full accordance with the approved details.

Reason

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

13

Any undesirable material observed during excavation of the existing ground shall be screened and removed. If any areas of odorous, abnormally coloured or suspected contaminated ground are encountered during development works, then operations shall cease and the exposed material shall be chemically tested.

The works shall not continue until an amended Risk Assessment and, if required, amended remediation and monitoring measures have been and submitted to and approved in writing by the Local Planning Authority.

Reason

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

14

The amended remediation and monitoring measures approved under condition 13 shall be implemented in accordance with the approved details prior to any further works (other than those required for remediation) and maintained for the life of the development.

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

Reason

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

15

Where remediation is required (under conditions 9-14), following completion of the approved remediation and monitoring measures, the development hereby approved shall not be occupied until a verification report that demonstrates the effectiveness of the remediation carried out has been submitted to and approved in writing by the Local Planning Authority.

Reason

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

16

Following demolition, no further development shall commence until details demonstrating the visibility splay at the new junction hereby approved in the vertical plane have been submitted to and approved in writing by the Local Planning Authority.

The details should include measures to ensure no objects above 0.6m in height would be within the visibility splay envelope.

Reason

To ensure adequate visibility at the new junction in accordance with policy CS13 of the Core Strategy and Urban Core Plan and the National Planning Policy Framework.

17

The details approved under Condition 16 shall be implemented in full accordance with the approved details before the dwellings hereby approved are occupied and retained as such in accordance with the approved details for the lifetime of the development.

Reason

To ensure adequate visibility at the new junction in accordance with policy CS13 of the Core Strategy and Urban Core Plan and the National Planning Policy Framework.

18

Notwithstanding the approved plans, following demolition, no development relating to land in front of houses 1 to 4 shall commence until final details of the widening of the footpath to the front of houses 1 to 4, showing the alignment of the path to be squared-off so that the footway is a consistent width along its entire length, have been submitted to and approved in writing by the Local Planning Authority.

Reason

To ensure adequate visibility at the new junction in accordance with policy CS13 of the Core Strategy and Urban Core Plan and the National Planning Policy Framework.

19

The details approved under Condition 18 shall be implemented in full accordance with the approved details before houses 1 to 4 hereby approved are occupied and retained as such in accordance with the approved details for the lifetime of the development.

Reason

To ensure adequate visibility at the new junction in accordance with policy CS13 of the Core Strategy and Urban Core Plan and the National Planning Policy Framework.

20

Following demolition, no further development shall commence until a scheme for waiting restrictions on Glossop Street/Clayton Terrace near to the site, restricting parking on the bend in the road, has been submitted to and approved in writing by the Local Planning Authority.

Reason

To ensure the development would not have an unacceptable impact on visibility at the new junction to the site or to existing junctions through parking occurring on the bend in the road, in accordance with policy CS13 of the Core Strategy and Urban Core Plan and the National Planning Policy Framework.

21

The details approved under Condition 20 shall be implemented in full accordance with the approved details before the dwellings hereby approved are occupied and retained as such in accordance with the approved details thereafter.

Reason

To ensure the development would not have an unacceptable impact on visibility at the new junction to the site or to existing junctions through parking occurring on the bend in the road, in accordance with policy CS13 of the Core Strategy and Urban Core Plan and the National Planning Policy Framework.

22

Notwithstanding the approved plans, respective bin stores for the houses (1 to 4) and the apartments (5 to 8) hereby approved shall not be installed until final details (including location) of the respective stores have been submitted to and approved in writing by the Local Planning Authority.

The bin storage area to the north west of the site (serving apartments 5 to 8) should be set back, closer towards the apartments, and the individual bin stores at houses 1 to 4 should be relocated outside of the visibility splay for the junction of the rear lane of East Street with Glossop Street.

Reason

To ensure that the location and design of bin stores would not have an unacceptable impact on highway safety, in accordance with policy CS13 of the Core Strategy and Urban Core Plan and the National Planning Policy Framework.

23

The details approved under Condition 22 shall be implemented in full accordance with the approved details before the respective dwellings hereby approved are occupied and retained as such in accordance with the approved details for the lifetime of the development.

Reason

To ensure that the location and design of bin stores would not have an unacceptable impact on highway safety, in accordance with policy CS13 of the Core Strategy and Urban Core Plan and the National Planning Policy Framework.

24

Each dwelling shall not be occupied until final details of secure and weatherproof cycle storage for each respective dwelling have been submitted to and approved in writing by the Local Planning Authority.

Reason

To ensure adequate cycle storage provision for each dwelling, in accordance with policy CS13 of the Core Strategy and Urban Core Plan and the National Planning Policy Framework.

25

The details approved under Condition 24 shall be implemented in full accordance with the approved details before the respective dwellings hereby approved are occupied and retained as such in accordance with the approved details for the lifetime of the development.

Reason

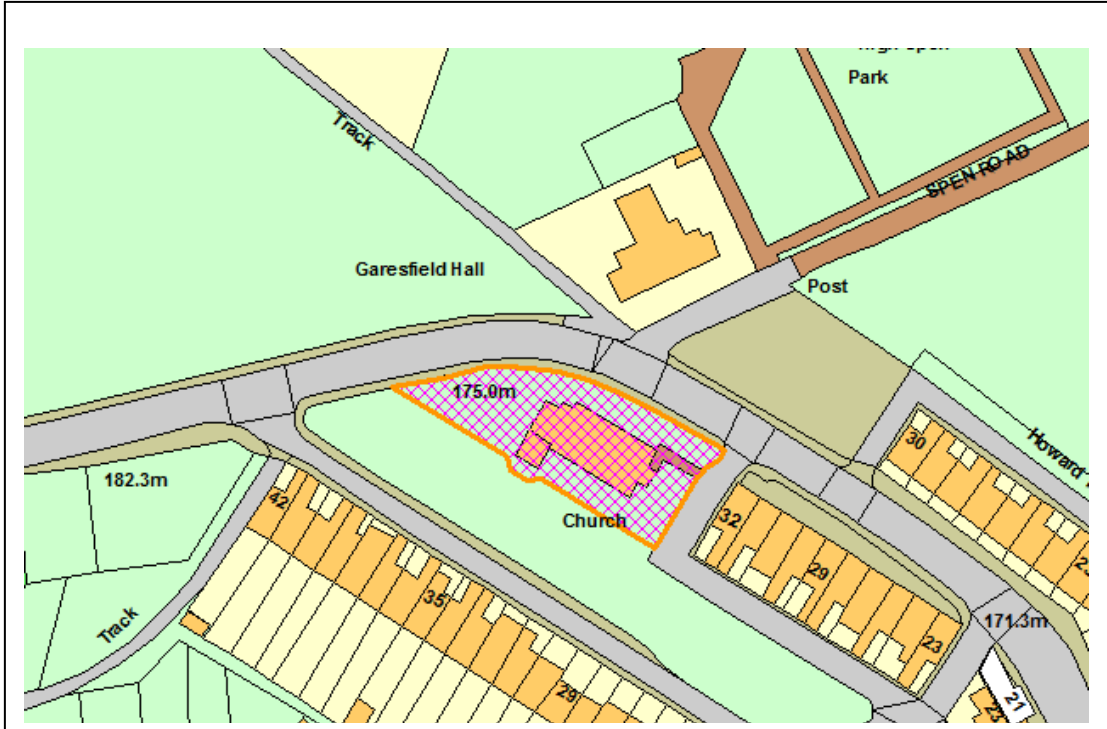
To ensure adequate cycle storage provision for each dwelling, in accordance with policy CS13 of the Core Strategy and Urban Core Plan and the National Planning Policy Framework.

26

The new private access road hereby approved shall not be steeper than 1:25 from its junction with Glossop Street and over its entire length, and the 2 driveway-style parking spaces to the south-east of the site shall not have a gradient greater than 1:8.

Reason

To allow for safe movements within the site and accessing the public highway and to contribute to ensuring appropriate visibility at the proposed new vehicle access points, in accordance with policy CS13 of the Core Strategy and Urban Core Plan and the National Planning Policy Framework.



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Committee Report

Application No:	DC/17/01346/HHA
Case Officer	George Spurgeon
Date Application Valid	13 December 2017
Applicant	Mr Saleem Mohammad
Site:	23 Hampton Drive Felling Central Felling NE10 9EP
Ward:	Deckham
Proposal:	First floor front and side extension and part two storey part single storey rear extension (amended 01.03.18)
Recommendation:	GRANT
Application Type	Householder Application

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

The application concerns 23 Hampton Drive, Felling. The property is a detached house located within a residential street scene. Hampton Drive is made up of a main street with two cul-de-sacs branching off to the north. The host property is located at the bottom of the main street of Hampton Drive.

1.2 Externally the property is finished in red facing brick and the dwelling features a pitched roof finished in brown interlocking concrete pan-tiles, typical of the area. The property benefits from an integral garage that, along with its front door, sits forward of the front wall of the house by 1.1 metres.

1.3 There is a canopy located on this forward part of the front of the house, above the garage and the front door. The canopy has a length of 6 metres and matches the materials of the existing roof of the house. The canopy is the start of a pitched roof over the garage, with the eaves height at the front being 2.5 metres. At the rear of the property there is an eaves height of 6.6 metres. The pitched roof over the garage is set down from the main roof of the house at the front by 1 metre.

1.4 On the east side of the front of the house there is a gable detail above the first floor window, which is common on multiple houses in the area. Over the garage there is a small dormer window located in the pitched roof over the garage that matches this feature. Neighbouring property, number 22 Hampton Drive, is a handed version of the host property, but without the dormer window over the garage. It also sits lower than the application property.

- 1.5 Despite a variety of extensions to houses on Hampton Drive, there is a degree of cohesion resulting from the general architectural style, incorporating gable roofs and details, forward projecting elements with lean to style roofs and the limited palette of materials used.
- 1.6 There is a staggered building line towards the bottom of Hampton Drive, with the front wall of the host property being located forward of the front wall of neighbouring property (number 22) to the east by 1.7 metres, but behind the front wall of neighbouring property number 24 Hampton Drive to the west by approximately 0.2 metres.
- 1.7 The host property benefits from a large rear garden with a length of 12.25 metres at its shortest point, 14.9 metres at its longest point and a width of 10.2 metres. Currently there is a conservatory to the rear that extends beyond the rear wall of the house by 3 metres and is the full width of the house, 8.2 metres. There are no houses to the rear of the host property. To the front, there is garden space with a length of 6.2 metres and a width of 10.5 metres that is made up of a paved driveway and a grassed area.
- 1.8 **DESCRIPTION OF THE APPLICATION**
This application seeks planning permission for a first floor side extension over the existing garage that also extends beyond the front wall of the house at a two storey level. As part of the application a part two storey part single storey rear extension is also proposed.
- 1.9 The proposal is to raise the height of the roof over the garage to the side of the property so it matches the height of the existing roof of the house, that being 5.15 metres at eaves level and 7.6 metres at ridge level, to allow space for a bedroom to be created.
- 1.10 The front wall of the garage currently projects 1.1 metres forward of the rest of the house and the proposal would retain this footprint but increases the height to match the existing height of the main roof of the property. This would create a front facing gable end element for a width of 2.9 metres and would provide additional space to enlarge the existing bedroom. The existing garage is proposed to be converted into a study. The current gap of 0.9 metres to 1 metre between the side wall of the property and the boundary with number 24 would remain the same after the height increase. The front wall of the extension would remain 0.2 metres behind the front wall of neighbouring property number 24.
- 1.11 The proposed rear extension would extend out 4 metres at ground floor level and would replace the existing conservatory. The width of the extension would be 6.1 metres, leaving a gap of approximately 2.1 metres from the side of the house and a further 0.8 metres from the boundary with number 24. The east side of the extension is proposed to be in line with the side wall of the house, leaving a gap of 0.7 metres from the boundary with number 22. Due to the staggered building line

at this part of Hampton Drive, the extension will only project 1.5 metres beyond the rear wall of property number 22. At first floor level, the rear extension projects out by 3 metres, but is the same width as the ground floor.

1.12 There will be no windows on the side elevations of either the front of rear extensions, but it is proposed to add two new obscurely glazed windows on the east side wall of the house, facing the blank side elevation of number 22.

1.13 All materials to be used on the proposed extensions would match that of the original house, including red facing brick for the external walls and brown interlocking concrete pan-tiles for the roof.

1.14 PLANNING HISTORY

DC/17/00583/HHA First floor front and two storey rear extension.
Withdrawn 11.08.2017.

2.0 Consultation Responses:

None received.

3.0 Representations:

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

3.2 Three objections were received from neighbours. The main issues raised were:

Inadequate parking,
Loss of light,
Loss of privacy.

3.3 Amended plans were received on the 1st March 2018 reducing the width of the two storey extension by approximately 2.1 metres away from neighbouring property at number 24 Hampton Drive. A pitched roof and the single storey rear part were also added. The neighbours either side of the host property were re-consulted for their views on these changes.

3.4 A further three objections were received, including two new objections, taking the total number of objections received to five and triggering the need for the application to be decided at Planning Committee. The main issues raised are summarised below:

Loss of light,
Loss of privacy;

Overbearing;
Overdevelopment;
Out of character with the street scene;
Inadequate parking;
Highway safety;
Additional noise;
Disturbances early in mornings and late at night;
Running a business from home.

4.0 Policies:

NPPF National Planning Policy Framework

NPPG National Planning Practice Guidance

DC2 Residential Amenity

ENV3 The Built Environment - Character/Design

CS13 Transport

CS14 Wellbeing and Health

CS15 Place Making

HAESPD Householder Alterations- Extensions SPD

5.0 Assessment of the Proposal:

5.1 The key considerations to be taken into account when assessing this planning application are set out below:

5.2 IMPACT ON STREETSCENE

Saved Unitary Development Plan (UDP) policy ENV3 along with Core Strategy and Urban Core Plan (CSUCP) policy CS15 require 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 When considering proposals to alter or extend residential properties the Council's Household Alterations and Extensions Supplementary Planning Document (HAESPD) advises that new extensions should not dominate the existing building to ensure an appropriate scale is maintained and that extensions are subservient to that of the original building to ensure it respects and compliments the host property.

5.4 The application proposes a first floor front and rear extension. There is already a garage at ground floor level that projects 1.1 metres forward

of the front of the house and the proposal is to extend this upwards to meet the height of the existing roof of the house.

- 5.5 The HAESPD states that front extensions should be designed to avoid changing the face of the house or the street scene. This proposal is considered to meet this criteria, as it will create a two storey front facing gable that is a common feature in the area.
- 5.6 The extension would not look out of character with the street scene nor appear as an incongruous feature. Number 25 provides an example of one such front facing gable end and is located next door but one of the host property. The materials of the extension are proposed to match the existing house and the style of the new front facing gable mirrors the smaller front facing gable effect on the opposite side on the front of the property.
- 5.7 Therefore the proposal can be considered to be sympathetic to the host property. A condition (No.3) relating to the proposed materials is recommended to ensure the proposed development does not have an adverse effect upon the appearance of the existing house.
- 5.8 With regards to the increase in height to the side of the property, the HAESPD attaches great importance to retaining the spaces between houses to give the area a sense of openness. The proposed development does not decrease the width of the gap with number 24.
- 5.9 Overall it is considered that the proposal would be in keeping with the character of the street scene and would complement the existing dwelling. Therefore, the development is in accordance with policy ENV3 of the Unitary Development Plan for Gateshead (UDP) and policy CS15 of the Core Strategy and Urban Core Plan for Gateshead and Newcastle upon Tyne (CSUCP).
- 5.10 HIGHWAY IMPACTS
- 5.11 A number of objectors have raised concerns over a lack of parking in the area. The host property benefits from a driveway that has space to allow two cars to park, and a garage. The floor plans provided as part of this application show that the garage is proposed to be converted into a study.
- 5.12 As noted in one letter of objection the garage is not currently used to park a car and as planning permission is not required for the internal change from the garage into a study, the application does not warrant refusal on this point. The host property is and will remain a five bed roomed house and therefore there is no additional parking requirement.

- 5.13 The proposal would not have an unacceptable impact on highway capacity, highway safety or parking provision and it is therefore considered that the proposal complies with policy CS13 of the CSUCP.
- 5.14 **RESIDENTIAL AMENITY**
The NPPF requires the planning process to achieve a good standard of amenity for all existing and future occupants 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.
- 5.15 The application proposes a two storey rear extension that projects out from the rear of the property by 3 metres, with a further 1 metre length single storey extension beyond this. Both extensions will have a pitched roof.
- 5.16 The HAESPD advises that two storey extensions to the rear will not normally be permitted unless it can be demonstrated through careful design that there will be no unacceptable reduction in sunlight, daylight and/or privacy of adjoining occupiers and no visual intrusion. Objections have been received from both adjacent neighbours with regards to concerns over these issues of overshadowing and loss of light.
- 5.17 The host property sits on the south of Hampton Drive with the rear garden directly to the rear of the house. Neighbouring property number 24 to the west is set further forward than the host property, so the rear wall of the host property is situated approximately 1.2 metres behind the rear wall of number 24. Therefore to avoid overshadowing and a loss of light into the first floor bedroom window of number 24 and their conservatory to the rear, the extension is positioned 2.9 metres in from the boundary with number 24. This will avoid the extension causing an unacceptable loss of light into the first floor bedroom window and ensure the extension will not be overbearing.
- 5.18 Neighbouring property number 22 to the east is set 1.5 metres further back than the host property. Therefore the two storey extension would only extend a further 1.5 metres behind the rear wall of number 22. Further to this there would be a gap of 0.7 metres from the side of the rear extension and the boundary with number 22. Number 22 has a bedroom window on the west side of the rear elevation and benefits from a large single storey rear extension that takes up the whole width of the house and extends out further than the rear of the two storey extension proposed as part of this application. Because of this, there will be no overshadowing or loss of light into any ground floor windows. Due to the length of the extension in relation to the original rear wall of

number 22 there will also be no loss of light or overshadowing of the first floor bedroom window of number 22.

- 5.19 As part of this application, a single storey rear extension with a length of a further metre and the same width as the two storey part is also proposed. As this element would be joined to the 3 metre long two storey extension, the single storey part will be 4 metres from the rear wall of the original house. A single storey rear extension of this length and height could be achieved under permitted development, because the property is a detached dwelling. Further to this, the single storey part will leave a 2.9 metre gap to the boundary with number 24.
- 5.20 With regards to the front extension, the HAESPD advises that two storey front extensions will not normally be permitted because they can be visually obtrusive and seriously affect outlook and light. However in this case, the garage already exists forward of the front wall of the lounge and because of the staggered building line the front of the host property is behind the front of neighbour number 24 to the west and although it is ahead of number 22 to the east, it is only the west side where the extension will be located, so there will be no overbearing impact or loss of light suffered by either adjacent neighbour because of this increase in height to the front.
- 5.21 There are no windows proposed to be located on the side of either of the extensions so there will be not be any issues of overlooking of either neighbour. There are two new windows proposed to be formed on the east side of the house, but these are proposed to serve bathrooms and are therefore to be obscurely glazed.
- 5.22 Therefore, it is considered that the proposal is in accordance with saved policy DC2 of the UDP and policy CS14 of the CSUCP.
- 5.23 **OTHER MATTERS**
One of the objections raised in relation to this application was regarding the applicant running a business from home. This application is solely for the extensions to the front, side and rear of the property. The applicant has not applied for planning permission to change the use of the property from a residential dwelling to allow home working so this has not been assessed as part of this application.

6.0 CONCLUSION

- 6.1 Taking all the relevant planning policies into account along with all other material planning considerations, it is recommended that planning permission be granted, subject to conditions.

7.0 Recommendation:

That permission be GRANTED subject to the following condition(s) and that the Strategic Director of Communities and Environment be

authorised to add, vary and amend the planning conditions as necessary:

1

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

Location Plan 1:1250

Proposed Roof Plan 1:100 (received 01.03.18)

Proposed Elevations 1:100 (received 01.03.08)

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

Reason

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

2

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

Reason

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

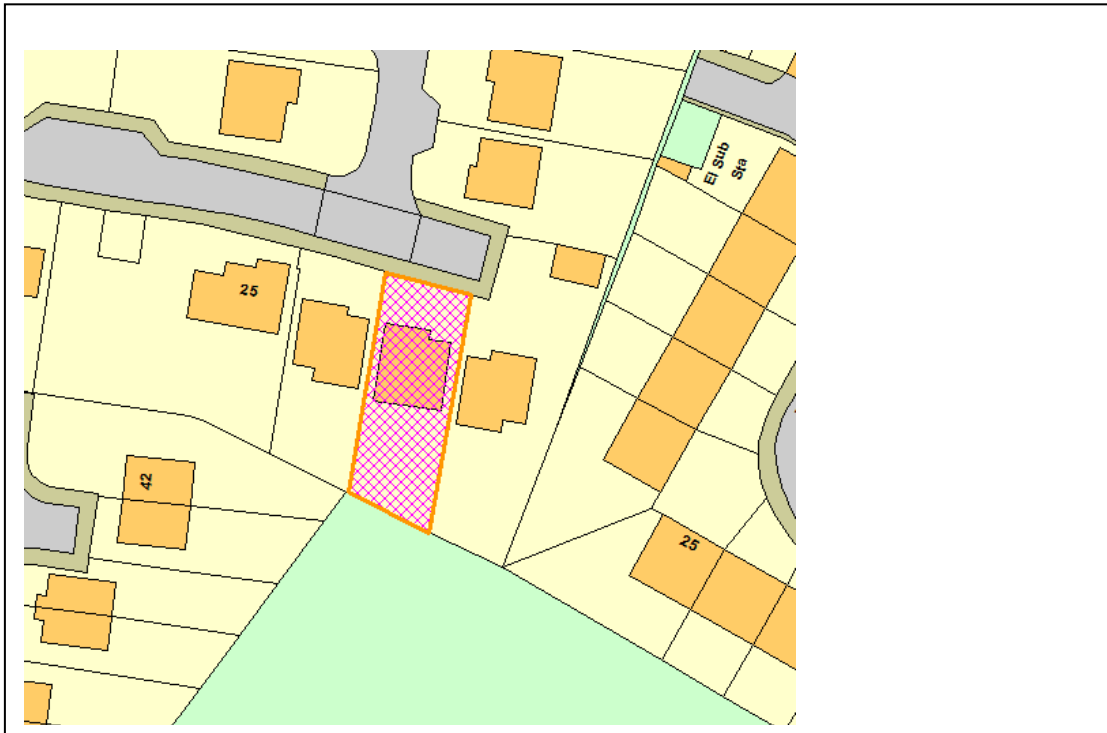
3

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

Reason

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

Strategy and Urban Core Plan for Gateshead and Newcastle upon Tyne



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REPORT NO 3

Committee Report

Application No:	DC/18/00023/FUL
Case Officer	Chris Johnson
Date Application Valid	22 January 2018
Applicant	Tyne Housing Association Ltd
Site:	Clifford House Lucy Street Blaydon NE21 5PU
Ward:	Blaydon
Proposal:	Change of use from Care Home (Use Class C2) to seven self-contained flats (Use Class C3) including alterations to fenestration, ventilation and doors
Recommendation:	GRANT
Application Type	Full Application

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

The application site is located within Blaydon Conservation Area. It is situated at the corner of Lucy Street and Shibdon Road, which is at the edge of Blaydon district centre. Blaydon Shopping Centre is opposite the application site across Shibdon Road. Blaydon centre itself is commercial in character, while the area to the south is residential. Lucy Street consists of predominantly residential properties, although there are two dental surgeries at the southern end of the street and Trinity Methodist Church and Church Hall at the northern end.

1.2 The principal access to the building would be from Shibdon Road via two entrances, whilst there is also access to several units off Lucy Street. The site is bound by Shibdon Road to the north, an area of green amenity space and Larch Road to the east, Lucy Street to the west, and residential property 'Hazeldene' to the south. The 0.0643ha site contains Clifford House, a two-storey 10-bedroom former care home and surrounding communal gardens and courtyard. The building is currently vacant.

1.3 DESCRIPTION OF THE APPLICATION

The application proposes the change of use of the site from its existing use as a care home (Use Class C2) to seven self-contained residential flats (Use Class C3). It is proposed that the ground floor of the building be divided into four x one bedroom flats, while the first floor of the building is to be divided into three flats, comprising of two x one bedroomed flats and one two bedroom flat. All flats would meet Nationally Described Space Standards.

1.4 The existing public road and footpaths are to be retained and the original pedestrian access up to the property will remain unchanged. There are no changes to the external door locations however existing timber external doors and timber framed windows will be replaced with new composite doors and

white PVCU double glazed windows. The installation of new ventilation equipment is also proposed. The construction of a small set of steps from the rear door access down to the rear courtyard and garden is proposed to provide access for Flat 4 and for the building residents to access the garden from the rear door to the property.

1.5 RELEVANT PLANNING HISTORY

DC/341/94 - Conversion of former employment exchange to 10-bedroom care home - GRANTED 06.06.1994.

2.0 Consultation Responses:

Northumbrian Water - No objection

Tyne & Wear Fire Service - No objection

3.0 Representations:

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

3.2 An objection has been received from Councillor Brain in relation to parking, particularly on Sundays as Trinity Methodist Church is situated across the road from the application site.

3.3 A total of 9 objections have been received from Gateshead residents. these objections are summarised as follows:

- The proposal will increase traffic in the street.
- There is inadequate parking available for the additional demand.
- The development will create disturbance in the early mornings and late evenings.
- 7 additional dwellings is overdevelopment and out of character with the area.
- The proposal is out of character with the conservation area.
- The housing type is not in line with the Council's target for family homes.
- The proposed tenants may have alcohol or drug problems, psychiatric disorders, or have been in prison.
- The proposed tenants would threaten existing residents' safety.
- The area would become overpopulated.
- The area does not need another commercial enterprise.
- Lucy Street is not an appropriate location for social housing.
- Tenants will not be able to park outside their home.
- The proposal will attract vandals.
- Inadequate waste servicing and bin storage.

4.0 Policies:

NPPF National Planning Policy Framework
NPPG National Planning Practice Guidance
GPGSPD Gateshead Placemaking Guide SPG
CS9 Existing Communities
CS10 Delivering New Homes
CS11 Providing a range and choice of housing
CS13 Transport
CS14 Wellbeing and Health
CS15 Place Making
CS17 Flood Risk and Waste Management
CFR28 Toddlers' Play Areas
CFR29 Juniors' Play Areas
CFR30 Teenagers' Recreation Areas
DC2 Residential Amenity
ENV3 The Built Environment - Character/Design
ENV7 Development within Conservation Areas
ENV9 Setting of Conservation Areas
H4 Windfall and Small Housing Sites
H13 Local Open Space in Housing Developments
H15 Play Areas in Housing Developments

5.0 Assessment of the Proposal:

5.1 PRINCIPLE OF DEVELOPMENT

The application site is not allocated for any specific purpose on the Council's Local Plan Policies Map 2015. As such it is considered that the principle of developing this site for housing should be assessed against saved policy H4 in the Council's Unitary Development Plan (UDP), which relates to windfall housing sites. The site is situated within an existing residential area, close to existing services. Council officers therefore consider that the principle of

developing this site for housing to be acceptable, subject to all other material planning considerations being satisfied.

- 5.2 The proposal would positively contribute to the appearance of the area by bringing an empty property back into active use.
- 5.3 This change of use is considered acceptable in principle. It is compliant with saved policy H4 of the UDP.
- 5.4 **HOUSING STRATEGY**
Policy CS9 of the Core Strategy and Urban Core Plan (CSUCP) aims to sustain existing communities by maintaining a range of housing types and sizes; bringing empty properties back into use; preventing the loss of family homes; and preventing an over-concentration of shared accommodation.
- 5.5 The proposal is considered to help sustain the existing community as it brings an empty property back into use and provides seven dwellings with bedspaces for up to 13 people. It does this without losing any family homes through sub-division or increasing the concentration of shared accommodation.
- 5.6 Policy CS10 of the CSUCP outlines the Council's commitment to providing a gross additional 11,000 homes in Gateshead over the plan period. The proposal will contribute to achieving this target by providing an additional seven new homes and therefore supports the aims of policy CS10.
- 5.7 Policy CS11 of the CSUCP outlines the Council's aim of 60% of new housing being suitable for families. Family homes are classed as having 3 or more bedrooms. None of the proposed units are suitable for families using this criterion. This is due to constraints associated with the site. The site does not provide sufficient outdoor play space, parking provision, or overall space for family-sized dwellings. Although the 60% target is not met in this development, other more suitable schemes will contribute to this target meaning failure to achieve 60% in this scheme is not a reason for refusal.
- 5.8 Overall, the proposal is considered to help achieve the aims and objectives set out in the NPPF and policies CS9, CS10 and CS11 of the CSUCP so is acceptable from a housing strategy perspective.
- 5.9 **RESIDENTIAL AMENITY**
Where development has an adverse impact on the amenity or character of an area; causes undue disturbance to nearby neighbours and residents; or conflicts with other adjoining uses, planning permission will generally be refused on grounds of residential amenity.
- 5.10 Neighbour representations object to additional noise and disturbance in the early morning and late evening as a result of the proposal. Several objectors claimed they were fearful for their family's safety due to the assumed character of prospective tenants. Other objections described the proposal as overdevelopment and claim it would result in an increase in vandalism and

crime. The nature or demographic of prospective occupiers are not material planning considerations.

- 5.11 The proposal is not considered detrimental to the amenity of the area. The edge-of-centre location of the site, and existing mix of residential, commercial, and community uses on Lucy Street, ensure that it is presently a busy residential area. The proposal is not considered to conflict with this existing character.
- 5.12 Taking into consideration all of the points raised by objectors, the proposal is considered acceptable in terms of residential amenity and compliant with the aims and objectives of the NPPF, policy CS15 of the CSUCP and saved policy DC2 of the UDP.
- 5.13 HIGHWAY ISSUES
Policy CS13 aims to support sustainable development and economic growth by ensuring development that generates significant movement is located where the use of sustainable transport modes can be maximised. Development must connect safely to and mitigate the effects of development on existing transport networks.
- 5.14 The majority of representations have cited traffic congestion, highway safety, and lack of parking as reasons for objecting.
- 5.15 The application proposes 7 new residential units with no off-street car parking provision. The site previously operated as a residential care home which also offered no parking to staff, visitors or residents. Based on Officers' visits to the site, the Council is of the opinion there is sufficient on-street parking on Lucy Street to ensure the proposal will not lead to highway safety issues.
- 5.16 The application site is located at the edge of Blaydon Town Centre where a wide variety of shops and services can be accessed within a 400m walk. The bus interchange also lies within 400m and there are a number of bus stops immediately adjacent to the site. In addition, Blaydon Train Station is within 800m and there are signed off-road cycle routes nearby. All of the above can be reached via a network of lit footways.
- 5.17 Development should only be prevented or refused on transport grounds where the residual cumulative impacts of development are severe. The Council is satisfied that given the location of the site in a sustainable location, it will not have a severe impact on the highway. It is therefore acceptable in highway terms and aligns with the aims and objectives set out in the NPPF and policy CS13 of the CSUCP.
- 5.18 HERITAGE AND CONSERVATION
The application site is located within Blaydon Conservation Area. Development in Conservation Areas must preserve or enhance the special architectural or historic character of the area.

- 5.19 Physical works proposed to the building include replacement white PVCU double glazed windows; one new small UPVC double glazed casement window to the ground floor Flat 5 shower room; external doors replaced with new composite doors; new kitchen vents and bathroom/shower room extractor fans; and gas combi boiler flues to each flat.
- 5.20 The proposed works do not materially affect the scale, mass or appearance of this building and are therefore considered to preserve the historic character of the area.
- 5.21 The change of use of the land to provide housing is considered acceptable from a heritage perspective and complies with policies ENV7 and ENV9 of the UDP.
- 5.22 **OTHER MATTERS**
The majority of objections to the proposal have claimed that social housing is inappropriate and out of character with the area. Many objectors have highlighted that the applicant offers housing to those with alcohol, drug or health problems. The application is considered in terms of the change of use of a building to residential use, whether social housing or otherwise. These matters are not considered material in determining the planning application.
- 5.23 Saved policies CFR28, CFR29 and CFR 30, H13 and H15 of the Council's UDP require new residential development to contribute towards open space and play provision. As the application proposes fewer than 10 dwellings in accordance with national planning guidance s.106 contributions cannot be sought. Whilst it cannot be concluded that the proposal would accord with the above policies, it is not possible to require any contributions for either play or open scape provision in this case.
- 5.24 The application has been assessed from a waste servicing perspective. The existing enclosed bin store is adequate for either individual or communal bins, with easy access to be able to wheel them out for emptying.
- 5.25 The Tyne and Wear Fire and Rescue Service were consulted in the process of the application and have no objections to the proposal.
- 5.26 **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. The development is proposed in a Residential Zone C which is not CIL chargeable development.

6.0 CONCLUSION

- 6.1 Taking all relevant issues into account, it is considered that the proposed development would not result in any significant harm to residential amenity, highway safety, housing strategy, and is acceptable in principle. The proposal would bring an empty property back into use and would contribute towards reaching the Council's targets in overall housing delivery. The proposal preserves the historic character of Blaydon Conservation Area. It supports the

aims and objectives of national and local policies and it is recommended that planning permission be granted, subject to conditions.

7.0 Recommendation:

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

1

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

Location Plan 3370-11-17 - Drawing No. 01
Proposed Site Plan 3370-11-17 - Drawing No. 03
Proposed Layouts 3370-11-17 - Drawing No. 05
Proposed Elevations 3370-11-17 - Drawing No. 07

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 hereby permitted shall be constructed entirely of the materials detailed and shown on approved documents:

DESIGN AND ACCESS STATEMENT - CLIFFORD HOUSE, LUCY STREET, BLAYDON, NE21 5PU - CONVERSION OF CARE HOME INTO RESIDENTIAL ACCOMMODATION

Location Plan 3370-11-17 - Drawing No. 01
Proposed Site Plan 3370-11-17 - Drawing No. 03
Proposed Layouts 3370-11-17 - Drawing No. 05
Proposed Elevations 3370-11-17 - Drawing No. 07

Reason

To ensure that the external appearance of the development is of an appropriate design and quality in accordance with the National Planning Policy Framework; 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.

3

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.

4

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

Reason

To safeguard the amenities of nearby residents and in accordance with the National Planning Policy Framework; saved Policies DC1, DC2 and ENV61 of the Unitary Development Plan and Policy CS14 of the Core Strategy and Urban Core Plan for Gateshead and Newcastle upon Tyne.



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UPDATE

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

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

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

MINOR UPDATE

Application No:	DC/18/00023/FUL
Site:	Clifford House Lucy Street Blaydon NE21 5PU
Proposal:	Change of use from Care Home (Use Class C2) to seven self-contained flats (Use Class C3) including alterations to fenestration, ventilation and doors
Ward:	Blaydon
Recommendation:	Grant Permission
Application Type	Full Application

Reason for Minor Update**Further representations made**

An additional email from a previous objector enquires as to whether suitable and sufficient outside amenity space will be provided, as suggested in the Spatial Planning consultation response. The site includes a rear courtyard and garden which is proposed to be retained as existing for communal use. This contains an area of lawn, planting, and hardstanding. Due to the constraints associated with the site there is no scope to provide any further outside amenity space as part of the application. Overall, it is considered this is sufficient on-site outdoor space for the proposal.

The objector also enquires if there has been any solution proposed for bin storage and collection. The application has been assessed from a waste servicing perspective. The existing enclosed bin store is considered adequate for either individual or communal bins, with easy access to be able to wheel them out for emptying.

Taking the above points into consideration, the Officer Recommendation remains to approve the application, subject to conditions.

SEE MAIN AGENDA FOR OFFICERS REPORT.

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REPORT OF THE STRATEGIC DIRECTOR COMMUNITIES AND ENVIRONMENT

TO THE PLANNING AND DEVELOPMENT COMMITTEE ON 28 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.

Application ref.	Nature of proposed development	Location of proposed development	Decision	Ward
DC/17/00244/TPO	Tree works at 5 Heathfield Place Low Fell.	5 Heathfield Place, Gateshead,	Granted;	Saltwell
DC/17/00535/REM	APPROVAL OF RESERVED MATTERS relating to : Appearance, Landscaping, Layout and Scale, pursuant to outline planning application DC/11/00419/OUT for erection of industrial/warehouse development (use classes B2 and B8) Phase 2 (amended 26/01/18 and 30/01/18).	Land East Of Dukesway, Gateshead,	Granted;	Lobley Hill And Bensham
DC/17/01024/FUL	Renovation and conversion to Residential Property including rear extension, insertion roof lights, and lowered rear terrace.	21 Regent Terrace, Gateshead,	Granted;	Bridges

DC/17/01025/LBC	LISTED BUILDING CONSENT: Renovation and Conversion to Residential Property including rear extension, internal alterations, insertion roof lights, and lowered rear terrace	21 Regent Terrace, Gateshead,	Granted;	Bridges
DC/17/01129/ADV	Display of multicoloured mural advertising "Birtley Boxing" (retrospective).	Birtley Young Peoples Club, Beaconsfield Terrace,	Refused;	Birtley
DC/17/01212/FUL	Erection of coffee shop with drive-through facility, associated landscaping and car parking (amended plans and additional information received 22/12/17, 08/02/18 and 16/02/18).	Maingate Car Park, Kingsway North,	Granted;	Lobley Hill And Bensham
DC/17/01247/FUL	Erection of animal shelter including change of use of portion of field to form a fenced enclosure (amended 01/03/18).	The Dairy, South Farm,	Refused;	Lamesley
DC/17/01288/COU	Change of use of basement from existing beauty treatments to micropub (amended 25/01/18).	Basement, 20 Shibdon Road,	Granted;	Blaydon

DC/17/01306/TDPA	Erection of 20m high monopole to support six telecommunications antennae, with two dishes and five ground based cabinets (additional information received 23/01/18).	Watergate Forest Park, Consett Road,	Granted;	
DC/17/01318/COU	Partial change of use from plumbing unit to cold food takeaway (A1) (additional information received 26/01/18 and amended 28/02/18).	Sandafloor Offices, Heworth Way,	Granted;	
DC/17/01358/OUT	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	Former Monkridge Gardens Residents Association And Lands At 21 And 23 And Land South Of 9-23 Monkridge Gardens, Gateshead, Dunston Hill,	Refused;	Dunston Hill And Whickham East
DC/17/01395/FUL	Change of use from existing car valet bay to a repair workshop, involving construction of three new canopies (part retrospective) (revised application).	Washcar Systems Uk, Derwenthaugh Road,	Granted;	Blaydon
DC/17/01368/HHA	Front extension (amended 21.02.18)	7 Holmewood Drive, Rowlands Gill,	Granted;	Chopwell And Rowlands Gill
DC/17/01383/FUL	Removal of an existing telephone kiosk, and the installation of x 1 InLink Unit (amended 27/02/18).	Outside Metropole, Junction Of High Street,	Granted;	Bridges

DC/17/01384/ADV	Display of two x 3895.6mm high LED display screens, one on each side of InLink unit (amended 27/02/18).	Outside Metropole, Junction Of High Street,	Temporary permission granted;	Bridges
DC/18/00002/HHA	Single storey side extension and two velux windows to front and rear	11 Calderwood Crescent, Gateshead,	Granted;	Chowdene
DC/18/00004/HHA	Single storey side and rear extension, expansion of existing front parking area	15 Bracken Way, Ryton,	Granted;	Crawcrook And Greenside
DC/18/00007/FUL	VARIATION OF CONDITION 1 (Approved plans) of DC/17/00315/FUL to increase the height of single storey rear extensions (amended 26/02/18 and 12/03/18).	Bewick House , 65, 67 And 69 Bewick Road,	Granted;	Saltwell
DC/18/00019/HHA	Porch to front, wall and alterations to driveway	Laburnum Cottage, Barmoor Lane,	Granted;	Ryton Crookhill And Stella
DC/18/00027/ADV	Display of one internally illuminated box sign on front elevation	Former Altin Coffee House Ltd, 208 High Street,	Temporary permission granted;	Bridges

DC/18/00024/HHA	Installation of a modular metal mesh access ramp to allow disabled access to and from front	8 Meredith Gardens, Sunderland Road,	Granted;	Bridges
DC/18/00026/ADV	Display of a non-illuminated post-mounted timber framed sign reading 'Welcome Hedley Hall, Woodland Trust' and "We miss you already. Come back soon" on the reverse	Existing Car Park Off Hedley Lane Leading From Birkheads Lane, ,	Temporary permission granted;	Lamesley
DC/18/00031/HHA	Convert internal garage into playroom. Minor external works	53 Derwent Water Drive, Blaydon On Tyne,	Granted;	Ryton Crookhill And Stella
DC/18/00032/HHA	Single storey rear extension	33 Cromwell Ford Way, Ryton,	Granted;	Ryton Crookhill And Stella
DC/18/00033/FUL	Replacement of existing rooftop plant, new guard rail, ships ladder and installation of new lamp post in existing car park (amended 30/01/18 and 06/03/18 and additional information received 06/03/18).	The Co-Operative Food The Clavering Centre , Oakfield Road,	Granted;	Whickham South And Sunniside
DC/18/00038/HHA	Proposed single-storey side extension	96 Gosforth Terrace, Pelaw,	Granted;	Pelaw And Heworth

DC/18/00041/HHA	Proposed two storey gable and single storey rear extensions.	252 West Way, Dunston Hill,	Granted;	Dunston Hill And Wickham East
DC/18/00059/FUL	Continued siting of modular linked portable buildings within northern boundary of hospital to provide training/consulting rooms	Queen Elizabeth Hospital, Queen Elizabeth Avenue,	Temporary permission granted;	High Fell
DC/18/00043/LBC	Replacement of existing sash windows with like for like hardwood sash frames, with slimline double-glazed panels and replacement of existing Yorkshire sliding sash windows with like for like hardwood frames, with slimline double-glazed panels	Old Sunnyside Farm , Kingsway,	Granted;	Wickham South And Sunnyside
DC/18/00045/FUL	Construction of disabled accessible ramp and erection of extension to existing building for disabled accessible toilet and new gents toilet block	735 Durham Road, Gateshead,	Granted;	Chowdene
DC/18/00046/HHA	Dormer window to front and rear	25 Essex Gardens, Gateshead,	Granted;	Deckham
DC/18/00051/HHA	Single story extension to rear of house to create larger kitchen area, utility room and W.C	3 Deer Park Way, Axwell Park,	Granted;	Blaydon

DC/18/00055/ADV	Display of 4 new fascia signs, 1 new 5m high totem, 3 new 6.5m high fixed banners and 3 new 6m high fabric banners (as amended 15.02.2018)	Springfield Cars , Durham Road,	Temporary permission granted;	Bridges
DC/18/00062/FUL	Change of use from boarding house to dwelling including installation of dormer window in roofspace to the front of No.65 and erection of part single storey at rear of Nos. 63 and 65 and part three storey extensions at rear of No. 65 (amended 20/02/18).	Bewick House, 63 And 65 Bewick Road,	Granted;	Saltwell
DC/18/00083/COU	Change of use of ground floor premises from beauty salon (sui generis) to residential use (C3).	14 Dean Terrace, Ryton,	Granted;	Ryton Crookhill And Stella
DC/18/00089/FUL	Change of use of ground floor from retail (A1 use) to restaurant (A3).	1-2 Coxon Terrace, Gateshead,	Granted;	Felling
DC/18/00085/HHA	Proposed single storey side extension, and retrospective fencing, gate and gate posts (amended plans received 21.02.18, description amended 21.02.18)	14 Norfolk Avenue, Barley Mow,	Granted;	Birtley

DC/18/00104/FUL	Change of use from garage to office, removal of existing 'up and over' door, installation of new shop front and dressed sandstone plinth blocks	3 School Lane, Whickham,	Granted;	Dunston Hill And Whickham East
DC/18/00097/HHA	Single storey rear extension	1 Primrose Hill, Gateshead,	Granted;	Low Fell
DC/18/00113/HHA	Raise ridge height of the main building by altering the roof pitch and erection of rear Dormer (amended plans received 01.03.18)	35 Grayling Road, Festival Park,	Granted;	Lobley Hill And Bensham
DC/18/00115/HHA	The supply and installation of a modular metal mesh access ramp to allow disabled access to and from rear door of domestic residence	4 Aged Miners Homes , Bucks Hill View,	Granted;	Dunston Hill And Whickham East
DC/18/00119/HHA	Rear and side single storey extension	124 Dryden Road, Low Fell,	Granted;	Low Fell
DC/18/00121/HHA	Single storey side and front extension	7 Westacres Avenue, Whickham,	Granted;	Whickham South And Sunnyside
DC/18/00136/HHA	Proposed first floor rear extension and single storey rear extension	17 Limetrees Gardens, Low Fell,	Granted;	Deckham
DC/18/00151/HHA	Extend rear extension, remove pitched roof and install Succah rooflight	30-32 Hilda Street, Gateshead,	Granted;	Lobley Hill And Bensham

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**REPORT TO PLANNING AND
DEVELOPMENT COMMITTEE
28th March 2018**

TITLE OF REPORT: Enforcement Action

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

Purpose of the Report

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

Background

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

Recommendations

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

Contact: John Bradley extension 3905

1. FINANCIAL IMPLICATIONS

Nil.

2. RISK MANAGEMENT IMPLICATIONS

Nil.

3. HUMAN RESOURCES IMPLICATIONS

Nil.

4. EQUALITY AND DIVERSITY IMPLICATIONS

Nil

5. CRIME AND DISORDER IMPLICATIONS

Nil.

6. SUSTAINABILITY IMPLICATIONS

Nil.

7. HUMAN RIGHTS IMPLICATIONS

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

8. WARD IMPLICATIONS

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

9. BACKGROUND INFORMATION

Nil.

APPENDIX 2

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

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

Item Number	Site	Ward	Alleged Breach of Planning Control	Date Approval given for Enforcement Action	Date Served	Plan App Rec'd Y/N	Appeal Rec'd Y/N	Date Notice comes into Force	End of Compliance Period	Current Status	Compliance Y/N
				2015 3 January 2017	2015 4 January 2017			8 February 2017	2015 8 April 2017, 8 May 2017 and 8 June 2017	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) (Known as South West Farm Site Two)	Swalwell 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 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 11 January 2016	12 January 2016 12 January 2016	N N	N N	15 February 2016 15 February 2016	14 March and 4 July 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. 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	

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	(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 3rd November 2017.</p> <p>The hearing at Gateshead Magistrates was adjourned. A revised date has been listed for the 6th December 2017.</p> <p>The hearing at Gateshead Magistrates was adjourned. A revised court date has been listed for the 31st January 2018.</p> <p>The defendant pleaded not guilty at court on the 31st January. The case has been listed for the 29th 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 th January 2017	14 th February 2017	Y	N	20 th March 2017	15 th May 2017	<p>Complaints have been received regarding the appearance of the front elevation of the property which is a former butchers shop.</p> <p>Whilst the site is noted to be under renovation the works have not substantially progress and the matter has become protracted.</p> <p>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 th March 2017	16 th March 2017	Y	N	16 th March 2017	10 th 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 th April 2017	20 th April 2017	Y	N	20 th April 2017	18 th 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. Further discussions have taken place with the applicant regarding the implementation of the approved conditions.</p>	
			Breach of planning conditions	14th March 2018	14th March 2018	Y	N	14th March 2018	11th April 2018	<p>A Breach of Condition Notice has been served requiring the implementation of the approved detail.</p>	

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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	<p>The land which is not attached to any property has been overgrown for a long period and is unsightly.</p> <p>Officers have made enquiries as to the owner of the site and have now issued a Notice requiring it to be tidied within a specific timescale.</p> <p>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>The S215 Notice has been largely complied with, perusing on going</p>	

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										compliance using separate powers. Permission is sought from Committee to remove this item.	
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	<p>The land has been covered with a hard standing and is being used for the storage of cars connected to the adjacent car auction use.</p> <p>The planning application to retain the development ref. DC/17/00156/COU was refused by Planning and Development Committee on</p> <p>An Enforcement Notice has been issued to resolve the issues identified which resulted in the refusal of the application</p> <p>An appeal against the Enforcement Notice has now been received. The Council are awaiting a start date from The Planning Inspectorate The start date is 25.10.17. The appeal is written representations, neighbours have now been notified. The Councils appeal statement was submitted to the inspectorate on the 29.11.17</p> <p>The inspectors site visit has been</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
										arranged for 20.03.18	
9.	Site of Former Collinson Brothers Garage, Derwent Street, Chopwell	Rowlands Gill and Chopwell	Unsightly Land	31 August 2017	1 September 2017	N	N	4 October 2017	29 November 2017	<p>The land is derelict and complaints have been received regarding its condition on what is a prominent site.</p> <p>A notice has been issued to require improvements, particularly relating to the boundary treatment.</p> <p>However, the site owners appear to have gone into liquidation which may cause problems 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.	23 Hopedene Felling Gateshead NE10 8JA	Wardley And Leam Lane	Unsightly Land	19 th October 2017	19 th October 2017	N	N	23 rd November 2017	4 th January 2018	<p>Complaints have been received regarding the condition of the garden.</p> <p>The property has been overgrown for a long period and is unsightly.</p> <p>A notice has been served requiring the garden be cut back, trimmed and all waste removed.</p>	

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>No further work has been undertaken since the last site visit on the 13th December. A letter has been written to the owners. Files are being prepared for prosecution if works are not undertaken 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 5th February, in the absence of this being complied with a prosecution file will be prepared.</p> <p>Prosecutions files are now being prepared.</p>	
11.	Gleeson's housing site, formally grazing land between Portobello Road Birtley	Birtley	Breach of Planning Conditions	29 TH November 2017	29 th November 2017	Y	N	29 th November 2017	26 th December 2017	<p>Despite communication with the developer, pre-commencement conditions have not been discharged and engineering operations and building operations have commenced on site.</p> <p>The Temporary Stop Notice has been issued to allow for full details of the conditions to be submitted and assessed.</p> <p>Correspondence has been sent to the developer asking them to confirm that they will not be</p>	

Item Number	Site	Ward	Alleged Breach of Planning Control	Date Approval given for Enforcement Action	Date Served	Plan App Rec'd Y/N	Appeal Rec'd Y/N	Date Notice comes into Force	End of Compliance Period	Current Status	Compliance Y/N
										<p>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>The developer is currently in discussions with the Council prior to submitting the discharge of conditions application.</p>	
12.	Da Vinci's Pizzeria 10 Harraton Terrace Durham Road Birtley Chester Le Street DH3 2QG	Birtley	Unauthorised change of use	22 nd December 2017	22 nd December 2017	Y	Y	26 TH January 2018	26 th March 2018	Complaints have been received regarding the operation of a hot food take away without planning permission. A planning application was refused on 15 th 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	

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>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>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.</p>	
13.	44 Ponthaugh Rowlands Gill NE39 1AD	Chopwell and Rolwands Gill	Unauthorised change of use	12 th January 2018	12 th January 2018	N	N	16 th February 2018	16 th March 2018	<p>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.</p> <p>As of the 14.03.18, the fence was still in situ, correspondence has been sent to the</p>	

Item Number	Site	Ward	Alleged Breach of Planning Control	Date Approval given for Enforcement Action	Date Served	Plan App Rec'd Y/N	Appeal Rec'd Y/N	Date Notice comes into Force	End of Compliance Period	Current Status	Compliance Y/N
										land owner advising of the date of compliance	
14.	Land at Mill Road Gateshead NE8 3AE	Bridges	Unightly Land	19 th February 2018	19 th February 2018	N	N	26 th March 2018	7 th 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.	
15.	Land situated to the rear of 6 and 7 Harraton Terrace, Durham Road, Birtley, DH3 2QG	Birtley	Unightly Land	1 st February 2018	1 st February 2018	N	N	08 th March 2018	22 nd 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 section 215 of the Town and Country Planning Act has been served requiring the land to be tidied Notice has been complied with in full. Permission is sought from Committee to remove this item	
16.	1 Woodbine Place Gateshead NE8 1RT	Bridges	Unauthorised development	08 th March 2018	09 th March 2018	N	N	09 th March 2018	06 th April 2018	Operational development has commenced without planning permission. As the property is located in a Conservation Area, there are concerns in regards to the	

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										<p>impact the development will have on the visual amenity of the area.</p> <p>The temporary stop notice has been served to allow for these concerns to be fully assessed.</p>	



TITLE OF REPORT: Planning Appeals

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

Purpose of the Report

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

New Appeals

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

DC/17/00899/COU - Da Vincis, 10 Harraton Terrace, Durham Road, Birtley
Change of use from A3 (food and drink) to A3/A5 to allow for home delivery (amended 05/09/17).

This application was a committee decision refused on 15 November 2017.

DC/17/01109/HHA - 24 Wilsons Lane, Low Fell, Gateshead NE9 5EQ
Proposed external rear roof terrace with bi-fold doors.

This application was a committee decision refused on 3 January 2018.

DC/17/01110/COU - 321 And 323 Rectory Road, Bensham, Gateshead, NE8 4RS.
Change of use from dwelling (use class C3) to an eight-bedroom house in multiple occupation (HMO) (sui generis use)

This application was a committee decision refused on 3 January 2018.

Appeal Decisions

3. There has been **one** new appeal decision received since the last Committee:

DC/17/00010/FUL - Ogilvie House, Princes Park, Gateshead, NE11 0NF.
Erection of 2.4m high mesh fencing around perimeter of site. Proposal includes installation of single automatic roller gate at site entrance, single leaf pedestrian gate to east elevation and single pedestrian gate to west elevation.

This application was a delegated decision refused on 14 August 2017.

Appeal dismissed on 9 March 2018.

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

Appeal Costs

4. There have been no appeal cost decisions.

Outstanding Appeals

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

Recommendation

6. It is recommended that the Committee note the report

Contact: Emma Lucas Ext: 3747

FINANCIAL IMPLICATIONS

Nil

RISK MANAGEMENT IMPLICATIONS

Nil

HUMAN RESOURCES IMPLICATIONS

Nil

EQUALITY AND DIVERSITY IMPLICATIONS

Nil

CRIME AND DISORDER IMPLICATIONS

Nil

SUSTAINABILITY IMPLICATIONS

Nil

HUMAN RIGHTS IMPLICATIONS

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

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

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

WARD IMPLICATIONS

Various wards have decisions affecting them in Appendix 2

BACKGROUND INFORMATION

Start letters and decision letters from the Planning Inspectorate



The Planning Inspectorate

Appeal Decision

Site visit made on 16 February 2018

by **M Seaton DipTP MRTPI**

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

Decision date: 09 March 2018

Appeal Ref: APP/H4505/W/17/3189512

Ogilvie House, Princes Park, Princesway, Team Valley Trading Estate, Gateshead, NE11 0NF

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by Mr D Horn (on behalf of Net Defence Ltd) against the decision of Gateshead Council.
 - The application Ref DC/17/00010/FUL, dated 13 December 2016, was refused by notice dated 14 August 2017.
 - The development proposed is the erection of 2.4m high mesh fencing around the perimeter of the site. Proposal includes installation of single automatic roller gate at site entrance, single leaf pedestrian gate to east elevation and single pedestrian to west elevation.
-

Decision

1. The appeal is dismissed.

Main Issue

2. The main issue is the effect of the proposed development on the character and appearance of the area.

Reasons

3. The appeal site is located within part of the Team Valley Trading Estate, and is occupied by a detached two-storey commercial/office building, with associated parking and limited areas of landscaping surrounding. The wider area is comprised of commercial and office units of various sizes, with associated yard areas utilised in some instances for storage and deliveries, and in other instances for parking.
4. I observed the appeal site to occupy a prominent location within the Princes Park area of the Team Valley Trading Estate, with Ogilvie House particularly visible when gaining access to Princes Park from PrincesWay. The building stands alone in contrast to the context of other development within the immediate vicinity, which is predominated by 'terraces' of commercial units with multiple occupiers.
5. In this location, the erection of a 2.4 metre high black mesh fencing around the outer boundary of the entire appeal site would appear as a highly visible addition and feature within the streetscape and area. Given the largely open plan character of the land in front of and surrounding nearby units and

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

- buildings, the position, scale and design of the proposed fencing and gate would be of an incongruous appearance and visually obtrusive.
6. In respect of the effect on the existing trees and landscaping, on the basis of the submitted plans and my observations of the appeal site, it is evident that the proposed position and route of the fencing would conflict with the existing location of some of the landscaping located around the boundaries of the appeal site. The existing trees and planting provide an important visual softening and contrast to the predominantly hard landscaping of the area, and in this respect are important to the amenity of the area. I am satisfied that the proposed development would have the potential to have an adverse impact on the current level of provision through the need for removal, or would have an adverse impact on the health and longevity of the existing planting, to the detriment of the character and appearance of the area.
 7. I have carefully considered the appellant's assessment of the character of the area, and the contention that the proposed black mesh fencing would have a far less austere appearance than the examples of galvanised steel palisade fencing viewed elsewhere within the immediate area. Whilst I would not disagree with this assessment, it is the comparative prominence of the location and the principle of the fencing in this position which results in the adverse impact, rather than solely a question of the appropriateness of the materials as proposed.
 8. It is evident from the reference to existing approved fencing at 1 Princes Park that the context is not the same as in the case of the appeal site, with the 2014 approval being for replacement fencing rather than newly introduced. Furthermore, the amount of fencing was significantly less than as proposed, with the existing planting and trees providing a far greater level of screening in contrast with what would transpire as the resultant appearance of the appeal site. Whilst I accept that there are other examples of fenced compounds in the vicinity, I am not persuaded that these define the character of the area, or would set a justifiable or desirable precedent for the appeal proposals.
 9. In respect of the impact on the landscaping of the appeal site, whilst I have had regard to the appellant's assessment as to the poor quality of the existing landscaping, I am not persuaded that the proposed use of fencing would be justifiable as a deterrent to prevent further erosion and damage from pedestrian incursions. Furthermore, whilst I have noted the reference to the possibility of a condition requiring a further landscaping scheme, it is evident that given the relationship in particular between the pavement and position of the proposed fence, that there would not be sufficient space in which to make any meaningful additional landscape provision to screen the proposed development.
 10. On the basis of the submissions and my observations of the appeal site, I am satisfied that the proposed development would result in an adverse impact on the character and appearance of the area. As a consequence, I have found conflict with Policy CS15 of the Core Strategy and Urban Core Plan for Gateshead and Newcastle upon Tyne 2010-2030, and saved Policy ENV3 of the Gateshead Unitary Development Plan 2007, which seek to ensure development contributes to good place-making through the delivery of high quality design, and makes a positive contribution to the established character and identity of its locality.

Other Matters

11. The appellant has drawn my attention to the nature of the business undertaken at Ogilvie House, specifically information security, as a primary justification for requiring additional security arrangements. In particular, reference has been made to the sensitive nature of information which would be held in connection with the needs of a new client.
12. I acknowledge the appellant's desire to make improvements to existing security arrangements, although I am not persuaded that the proposed fencing around the whole compound would provide the only solution or means of achieving this objective. In the absence of any compelling evidence justifying this approach, or details of other measures considered and reasons why they have been discounted, this is not a matter to which I have attached any more than limited weight in support of the proposal.
13. Furthermore, whilst I have also had regard to the appellant's contention that there would be an adverse impact on existing and future jobs and contracts, and the adverse impact that would arise in respect of the viability of the business as a whole if the fence were not constructed, there is no detailed supporting basis set out within the evidence to justify this claim. I have not therefore attached any significant weight to this contention.

Conclusion

14. For the reasons set out above, I am satisfied that the limited benefits identified would not outweigh the harm to the character and appearance of the area, and that the appeal should therefore be dismissed.

Martin Seaton

INSPECTOR

APPENDIX 3

OUTSTANDING APPEALS

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

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).	Written	Appeal in Progress
DC/17/00899/COU	Da Vincis 10 Harraton Terrace Durham Road Birtley	Change of use from A3 (food and drink) to A3/A5 to allow for home delivery (amended 05/09/17).	Written	Appeal in Progress
DC/17/01109/HHA	24 Wilsons Lane Low Fell Gateshead NE9 5EQ	Proposed external rear roof terrace with bi-fold doors.	Written	Appeal in Progress
DC/17/01110/COU	321 And 323 Rectory Road Bensham Gateshead NE8 4RS	Change of use from dwelling (use class C3) to an eight- bedroom house in multiple occupation (HMO) (sui generis use)	Written	Appeal in Progress



REPORT TO PLANNING AND DEVELOPMENT COMMITTEE

28 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 28 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