

# PLANNING AND DEVELOPMENT COMMITTEE AGENDA

Wednesday, 18 April 2018 at 10.00 am in the Council Chamber - Civic Centre

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From the Chief Executive, Sheena Ramsey

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Item	Business
1	<b>Apologies for Absence</b>
2	<b>Minutes</b>  The Committee is asked to approve as a correct record the minutes of the meeting held 28 March 2018 (copy previously circulated).
3	<b>Declarations of Interest</b>  Members to declare interests in any agenda items.
4	<b>Planning Applications</b> (Pages 3 - 10)  Report of the Strategic Director, Communities and Environment
4i	<b>No. 1 - Methodist Chapel, East Street, Rowlands Gill, NE39 2HD</b> <b>(Pages 11 - 30)</b>
4ii	<b>No. 2 - Tyne Housing Association Ltd. Clifford House, Lucy Street, Blaydon NE21 5PU</b> (Pages 31 - 44)
4iii	<b>No. 3 - 8 Woodbine Terrace, Bensham, Gateshead NE8 1RU</b> (Pages 45 - 56)
4iv	<b>No. 4 - 8 Woodbine Terrace, Bensham, Gateshead NE8 1RU</b> (Pages 57 - 68)
4v	<b>No. 5 - Site at Junction of Abbots Hill and Quarryfield Road, Gateshead NE8 3BE</b> (Pages 69 - 88)
4vi	<b>No. 6 - Follingsby Park South, Follingsby Lane, Gateshead NE10 8YA</b> <b>(Pages 89 - 100)</b>
5	<b>Delegated Decisions</b> (Pages 101 - 110)  Report of the Strategic Director, Communities and Environment
6	<b>Enforcement Action</b> (Pages 111 - 130)  Report of the Strategic Director, Communities and Environment

7 **Planning Appeals** (Pages 131 - 140)

Report of the Strategic Director, Communities and Environment

8 **Planning Obligations** (Pages 141 - 142)

Report of the Strategic Director, Communities and Environment



PLANNING AND DEVELOPMENT  
COMMITTEE  
**18 April 2018**

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

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

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### **Purpose of the Report**

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

#### **PART ONE:**

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

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

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

### **Recommendations**

2. Recommendations are specified in the schedule.

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

## Contents

<b>Application Number</b>	<b>Site Location</b>	<b>Ward</b>
1. DC/17/01285/OUT	Methodist Chapel East Street	Winlaton And High Spen
2. DC/18/00023/FUL	Clifford House Lucy Street	Blaydon
3. DC/18/00064/HHA	8 Woodbine Terrace Bensham	Bridges
4. DC/18/00069/LBC	8 Woodbine Terrace Bensham	Bridges
5. DC/18/00084/FUL	Site At Junction Of Abbots Hill And Quarryfield Road Gateshead	Bridges
6. DC/18/00111/REM	Follingsby Park South Follingsby Lane	Wardley And Leam Lane

## **DEVELOPMENT PLAN**

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

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

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

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

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

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

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

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

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

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

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

## **UPDATES**

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

## **SPEAKING AT COMMITTEE**

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

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

### **SITE PLANS**

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

### **PUBLICITY/CONSULTATIONS**

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

### **SITE VISITS**

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

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

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

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

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

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

Generalised Guide to Use Classes Order 1987 (as amended)

A1 Shops	Shops, retail warehouses, handressers, undertakers/funeral directors, travel and ticket agencies, post offices, pet shops, sandwich shop, showrooms, godowns, hire shops.	C1 Hotels	Hotels, boarding and guest houses
A2 Financial and Professional Services	Banks, building societies, estate and employment agencies, professional and financial services.	C2 Residential Institutions	Residential schools and colleges, convalescent homes/nursing homes
A3 Restaurants and Cafes	Restaurants, snack bars, cafes.	C2A Secure Residential Institutions	Secure residential accommodation including detention centres, young offenders institutions, prisons and custody centres.
A4 Drinking Establishments	Public Houses and Wine bars etc.	C3 Dwellinghouses	Dwellings, small business at home, communal housing of the elderly and handicapped
A5 Hot food Take-Aways	Hot Food Take-away shops	C4 Houses in Multiple Occupation	Small shared dwellinghouses occupied by between 3 and 6 unrelated individuals who share basic 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
C-SUCP	Core Strategy and Urban Core Plan		

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

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**Committee Report**

<b>Application No:</b>	<b>DC/17/01285/OUT</b>
<b>Case Officer</b>	<b>Joanne Munton</b>
<b>Date Application Valid</b>	<b>13 December 2017</b>
<b>Applicant</b>	<b>Mr Eric Turner</b>
<b>Site:</b>	<b>Methodist Chapel East Street Rowlands Gill NE39 2HD</b>
<b>Ward:</b>	<b>Winlaton And High Spen</b>
<b>Proposal:</b>	<b>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).</b>
<b>Recommendation:</b>	<b>GRANT</b>
<b>Application Type</b>	<b>Outline Application</b>

**1.0 The Application:**

- 1.1 This application was deferred at the meeting of the Planning and Development Committee on 28 March 2018 to allow the Committee to visit the site. Members visited the site on 12 April 2018.
- 1.2 **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.
- 1.3 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.
- 1.4 The site is not within a Conservation Area and not within the Green Belt. The building itself is neither locally nor nationally listed.
- 1.5 **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.

- 1.6 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.
- 1.7 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.
- 1.8 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.
- 1.9 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

1.10 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.

Councillor Simpson spoke at Planning Committee on 28 March 2018.

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

**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 Spen 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 Spennings 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

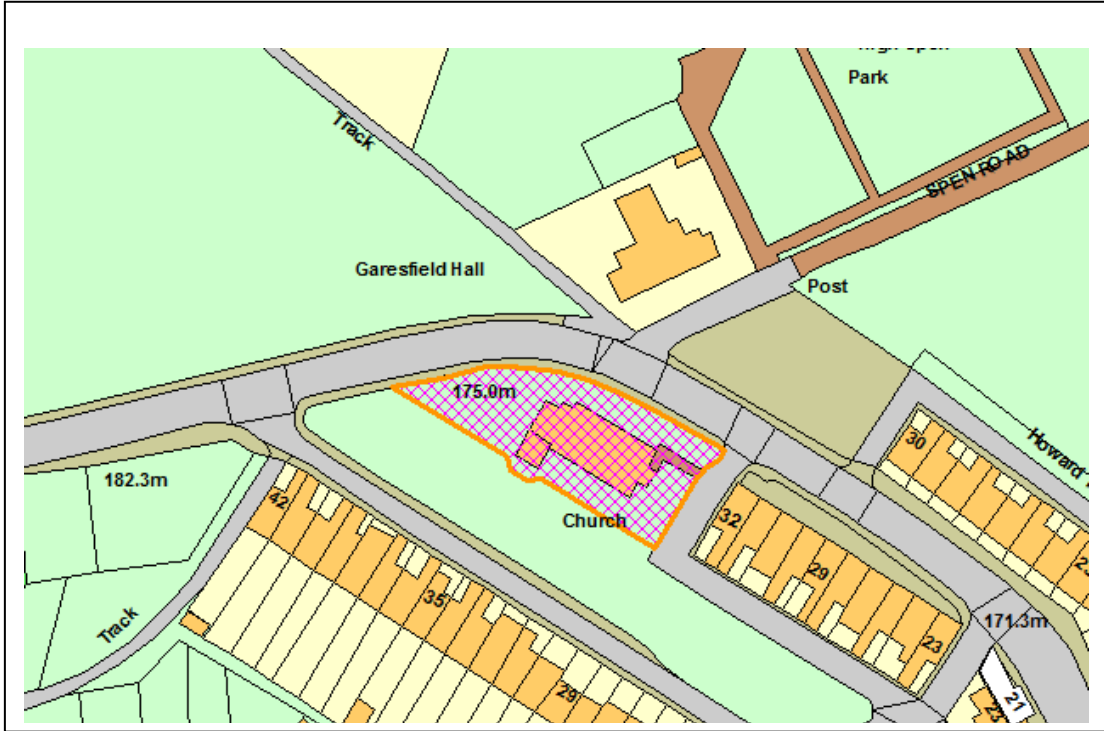
To ensure adequate cycle storage provision for each dwelling, in accordance with policy CS13 of the Core Strategy and Urban Core Plan and the National Planning Policy Framework.

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**

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

**1.0 The Application:**

1.1 This application was deferred at the meeting of the Planning and Development Committee on 28 March 2018 to allow the Committee to visit the site. Members visited the site on 12 April 2018.

**1.2 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.

1.3 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 0.064ha site contains Clifford House, a two-storey 10-bedroom former care home and surrounding communal gardens and courtyard. The building is currently vacant.

**1.4 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.

1.5 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.

1.6 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.



- There is insufficient outdoor amenity space for the proposed development.

#### **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. The unit currently appears run-down and it is considered that if occupied the general appearance is likely to improve
- 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 subdivision 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 exceed 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 A further representation claims the proposal fails to provide sufficient outdoor amenity space for the number of occupiers. 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 proposed development.
- 5.12 One speaker at Planning Committee on 28 March 2018 objected to the impact of the proposed development on the residential amenity of occupiers of the neighbouring property, Hazeldene; particularly in relation to patio doors on the north eastern elevation of that property. The patio doors currently face across to two bedroom windows and an obscurely glazed bathroom window, on the opposite elevation of the first floor of Clifford House. The application proposes that these rooms will function as two bedrooms and a living area. This proposed change would result in the loss of obscured glass windows where the bathroom is now situated and its replacement with clear glass for the proposed bedroom. It was argued that this would result in a loss of privacy for occupiers of Hazeldene. The separation distance between these windows and the gable elevation of Hazeldene is approximately 17m and the distance between these windows and the patio doors is approximately 17.5m. Due to the distance between the properties and as there are already clear glazed habitable room windows on the Clifford House elevation, this change is not considered to have a materially different impact on the neighbour's residential amenity than the current situation.
- 5.13 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.
- 5.14 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.
- 5.15 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.

- 5.16 The majority of representations have cited traffic congestion, highway safety, and lack of parking as reasons for objecting.
- 5.17 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.
- 5.18 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.
- 5.19 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.
- 5.20 **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.
- 5.21 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.
- 5.22 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.
- 5.23 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.
- 5.24 **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.

- 5.25 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 space provision in this case.
- 5.26 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.
- 5.27 The Tyne and Wear Fire and Rescue Service were consulted in the process of the application and have no objections to the proposal.
- 5.28 **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 CIL chargeable development as it is for housing related development. The development is located within a charging zone of £0 per square metre for this type of 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.

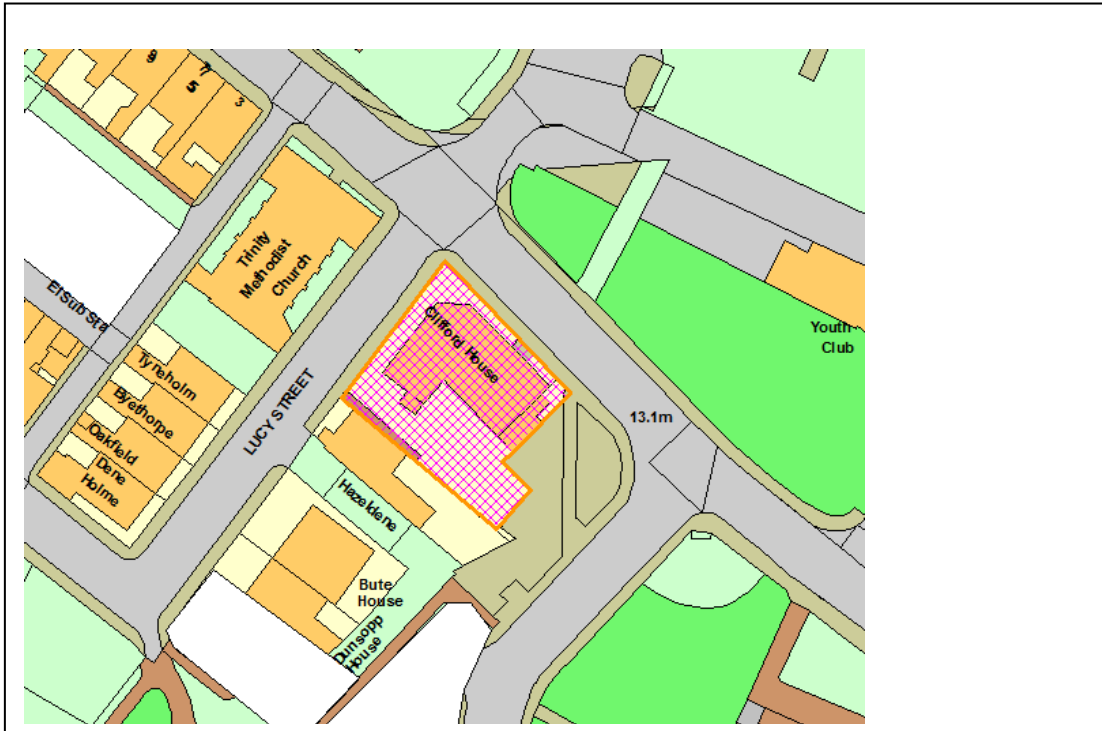
4

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  
18 April 2018**

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



**MINOR UPDATE**

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

**Reason for Minor Update**

**Further representations made:**

**An additional email from a previous objector has been received which wishes to highlight the lack of parking on Lucy Street. The objector claims they are not able to park both of their vehicles outside of their property and has to park one car in another street on occasion. The availability of parking around the application site has already been addressed in the Committee Report.**

**SEE MAIN AGENDA FOR OFFICERS REPORT.**

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## REPORT NO 3

**Committee Report**

<b>Application No:</b>	<b>DC/18/00064/HHA</b>
<b>Case Officer</b>	<b>Owain Curtis</b>
<b>Date Application Valid</b>	<b>24 January 2018</b>
<b>Applicant</b>	<b>BSD (UK) Ltd</b>
<b>Site:</b>	<b>8 Woodbine Terrace Bensham Gateshead NE8 1RU</b>
<b>Ward:</b>	<b>Bridges</b>
<b>Proposal:</b>	<b>Erection of two storey extension and single storey extension to rear of terraced property (as amended 22.03.2018)</b>
<b>Recommendation:</b>	<b>GRANT</b>
<b>Application Type</b>	<b>Householder Application</b>

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

This application relates to 8 Woodbine Terrace which is a two storey terraced residential period property. The property, along with the rest of Woodbine Terrace, is Grade II Listed in its entirety, although it is noted that the property was not built as a single, uniform terrace but incrementally in smaller plots leading to a variety in scale, massing, and architectural treatment.

1.2 The listing entry for the property suggests that it was constructed circa 1838. The listing describes an irregular terrace of mostly coursed square stone with quoins with some brick under Welsh slate. In particular, Nos 8, 9, 10 and 11 are of brick with stone frieze, bands, window dressings and basements. Segment headed door recesses and fanlights are evident. Nos 8 and 9 also have good eight-panel doors.

1.3 The site is located within the Coatsworth Conservation Area.

**1.4 DESCRIPTION OF THE APPLICATION**

This application seeks planning permission for the erection of a two storey pitched roof extension and single storey flat roof extension to the rear of the terraced property. The single storey extension would span the depth of the rear yard to the current rear boundary wall whilst the two storey extension would project 2.4m from the original rear wall. The extensions would contain a kitchen and dining area on the ground floor and a bedroom on the first floor.

1.5 It is proposed that the extensions are finished in facing brickwork to match previous rear extensions on other properties in the terrace and that the windows and doors would match the existing. The applicant

proposes that the pitched roof is finished in tiles to match the main roof and the flat roof would be constructed of fibreglass.

1.6 A concurrent application for Listed Building Consent is pending for the proposed development, and is to be considered elsewhere on this agenda.

1.7 PLANNING HISTORY

DC/16/00281/HHA – Granted - Creation of basement light well with French doors, metal railings and retaining walls (amended 13/05/16 and 20/05/16). – 09.06.2016

DC/16/00282/LBC – Consent Granted - LISTED BUILDING

CONSENT: Replacement of all windows with hardwood slim line double glazed box sash windows, creation of basement light well with French doors, metal railings and retaining walls and internal works to reconfigure the room layouts on the first and second floors (amended 15/04/16, 13/05/16 and 20/05/16). - 08.06.2016

**2.0 Consultation Responses:**

None.

**3.0 Representations:**

3.1 A site notice was displayed at the application site, neighbour notifications were carried out and a newspaper notice was published in accordance with formal procedures introduced by the Town & Country Planning (Development Management Procedure) Order 2015 (as amended). A further round of direct neighbour notification letters were sent following receipt of the amended plans.

3.2 No formal representations have been received.

**4.0 Policies:**

NPPF National Planning Policy Framework

NPPG National Planning Practice Guidance

CS13 Transport

CS14 Wellbeing and Health

CS15 Place Making

DC2 Residential Amenity

ENV3 The Built Environment - Character/Design

**5.0 Assessment of the Proposal:**

- 5.1 The key considerations to be taken into account when assessing this planning application are: the impact on designated heritage assets, whether the scale and design of the proposal are acceptable, the impact on the living conditions of neighbours and the effect on highway safety and parking.
- 5.2 **IMPACT ON HERITAGE ASSETS**  
The National Planning Policy Framework states that protecting and enhancing the historic environment is an important component of the NPPF's drive to achieve sustainable development (paragraphs 6-10). The appropriate conservation of heritage assets forms one of the NPPF's 'Core Planning Principles' that underpin the planning system as outlined in paragraph 17 of the Framework.
- 5.3 Heritage specific policies are contained within the NPPF at paragraphs 126 to 141. The objective of these policies is to maintain and manage change to heritage assets in a way that sustains and, where appropriate, enhances their significance. That significance is the value of a heritage asset to this and future generations because of its heritage interest, which may be of archaeological, architectural, artistic or historic interest. This significance may derive not only from its physical presence but also from its setting. The NPPF acknowledges that heritage assets are an irreplaceable resource and that applicants should describe the significance of any heritage asset affected, so as to understand the potential impact of the proposal on their significance (Paragraph 128).
- 5.4 This national policy approach is supported by policy CS15 of the Core Strategy and Urban Core Plan (CSUCP) and saved Unitary Development Plan (UDP) policies ENV7 and ENV11 which seek to conserve and enhance the historic environment of Gateshead.
- 5.5 This planning policy framework is supportive of the statutory requirements set out in the Planning (Listed Buildings and Conservation Area) Act 1990 which compels Local Planning Authorities (LPAs) to have special regard to the desirability of preserving listed buildings or their setting or any features of special architectural or historic interest which they may possess. The Act also places a responsibility on the LPA to pay special attention to the desirability of preserving or enhancing the character or appearance of Conservation Areas.

- 5.6 The rear elevation of Woodbine Terrace is characterised by the stone walls of the original properties and various modern single and two storey extensions. The adjacent property has a two storey brick extension which is then matched by the property after that. Likewise, the property adjacent on the opposite side also has a two storey brick extension. It is therefore considered that both the principle of the proposed extensions is acceptable and the scale and massing of the proposals would not cause harm to the character and appearance of the listed building or wider conservation area.
- 5.7 The development would introduce a new feature onto the rear elevation of Woodbine Terrace as a roof lantern is proposed on the single storey extension. This has been amended to be low-profile and would not appear as a conspicuous feature to the detriment of the appearance of the listed building or conservation area.
- 5.8 To ensure the external appearance of the extensions would be appropriate, full details of the proposed finishing materials including brickwork, mortar, roof tiles and windows are recommended to be required by condition as part of the accompanying Listed Building Consent application.
- 5.9 On the whole, and with regard to its impact on the designated heritage assets, the proposal for the erection of a two storey and single storey rear extension is considered to be acceptable as it causes no harm to the special architectural or historic interest of the Grade II listed building nor, given the siting and design of the proposal, does it adversely affect the character and appearance of the conservation area. .
- 5.10 Consequently the application complies with the requirements of the NPPF, policy CS15 of the CSUCP and UDP saved policies ENV7 and ENV11.
- 5.11 CHARACTER AND APPEARANCE  
Section 7 of the NPPF states that the Government attaches great importance to the design of the built environment and that good design is a key aspect of sustainable development, is indivisible from good planning, and should contribute positively to making places better for people. Local policies CS15 of the CSUCP and ENV3 of the UDP reflect this.
- 5.12 Officers consider the proposed development responds positively to the host property and local character as the extensions would be similar in appearance to the existing rear extensions on neighbouring properties in the terrace. It is considered the scale, design and proposed materials recognise the established local design principles and the design details including the re-use of the existing ground floor window would help sustain the historic environment and significance of the listed building and conservation area.



- 5.13 Details of the external materials are recommended to be secured by condition on the accompanying Listed Building Consent application, to ensure the development is sympathetic to the host property and integrates well with the wider area.
- 5.14 The development would therefore accord with the NPPF, policy CS15 of the CSUCP and saved policy ENV3 of the UDP.
- 5.15 **LIVING CONDITIONS**  
The NPPF states that a core principle of planning is to always seek to secure high quality design and a good standard of amenity for all existing and future occupants of land and buildings.
- 5.16 Local policies CS14 of the CSUCP and DC2 of the UDP require that development does not have any negative impacts on nearby residents and ensures a high quality of design and amenity for existing and future residents.
- 5.17 The proposed extensions would be located on the northern elevation of the property. At present, the amount of light entering the rear windows of 8 Woodbine Terrace and its neighbours is affected by the orientation of the properties, existing extensions and the proximity to properties on Villa Place. During the consideration of the application, the scale of the proposed two storey extension has been reduced in order to avoid an overshadowing and tunnelling effect on the first floor bedroom window of 7 Woodbine Terrace. As the extension would not encroach into the 45 degree angle for overshadowing when measured from the nearest bedroom window at number 7, officers consider the extension would not cause undue harm to the living conditions of the occupiers of the neighbouring properties on account of overshadowing. It is also considered the amended extension would not cause a tunnelling effect or appear as oppressive or overbearing.
- 5.18 With regard to overlooking, the windows of the extension would look out onto the rear elevation of an office building therefore the development would not compromise privacy.
- 5.19 The development would therefore accord with the NPPF, policy CS14 of the CSUCP and saved policy DC2 of the UDP.
- 5.20 **HIGHWAY SAFETY AND PARKING**  
Paragraph 32 of the NPPF states that applications should only be refused on transport grounds where the residual cumulative impacts of development are 'severe'. Case law has clarified that the severity test over residual cumulative transport impacts, referred to in paragraph 32 does not apply to matters of highway safety.
- 5.21 The proposal proposes no alterations to the existing parking arrangement nor would it impact upon the adopted highway. As such it

is deemed to be acceptable in accordance with the NPPF and policy CS13 of the CSUCP.

## 5.22 COMMUNITY INFRASTRUCTURE LEVY

On 1st January 2017 Gateshead Council became a Community Infrastructure Levy (CIL) Charging Authority. This application has been assessed against the Council's CIL charging schedule and the development is not CIL chargeable development as it is not for qualifying housing related development. Therefore, this proposal would not be charged.

## 6.0 CONCLUSION

6.1 Taking all the material planning considerations into account it is recommended that planning permission be granted.

## 7.0 Recommendation:

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

1

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

Reason

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

2

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

THD17-099-03 Rev E dated 15.03.2018

THD17-099-04 Rev E dated 15.03.2018

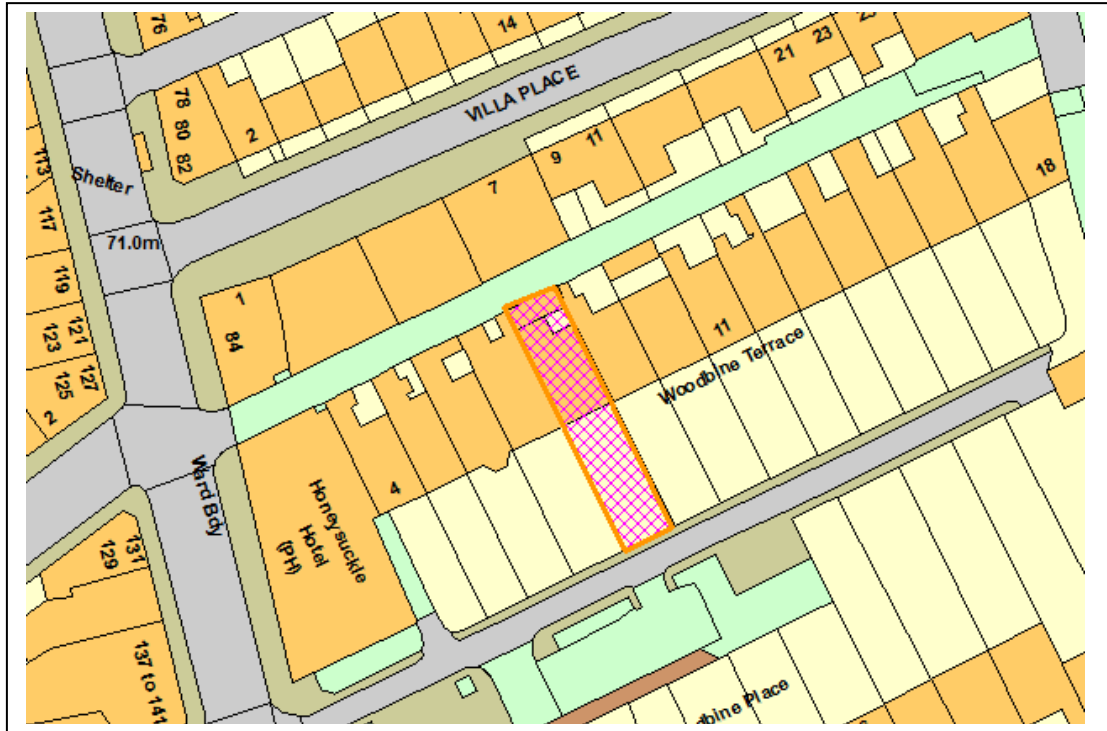
THD17-099-05 Rev B dated 29.03.2018

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.



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# **UPDATE**

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

**TO THE PLANNING AND DEVELOPMENT COMMITTEE ON  
18 April 2018**

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



**MINOR UPDATE**

<b>Application No:</b>	<b>DC/18/00064/HHA</b>
<b>Site:</b>	<b>8 Woodbine Terrace Bensham Gateshead NE8 1RU</b>
<b>Proposal:</b>	<b>Erection of two storey extension and single storey extension to rear of terraced property (as amended 22.03.2018)</b>
<b>Ward:</b>	<b>Bridges</b>
<b>Recommendation:</b>	<b>Grant Permission</b>
<b>Application Type</b>	<b>Householder Application</b>

**Reason for Minor Update**

**Further representations made:**

**Three objections have been received since the publication of the agenda. The objections raise concerns regarding the proposed extension being out-of-character with the street, that it would cause harm to the listed building and Conservation Area and would have an impact on adjoining properties in terms of overshadowing.**

**The impact of the development on the listed building has been addressed in the main Committee Report for application DC/18/00069/LBC. The impact on the Conservation Area, the character and appearance of the property and the living conditions of neighbours has been addressed in the main Committee Report for application DC/18/00064/HHA.**

**SEE MAIN AGENDA FOR OFFICERS REPORT.**

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**Committee Report**

<b>Application No:</b>	<b>DC/18/00069/LBC</b>
<b>Case Officer</b>	<b>Owain Curtis</b>
<b>Date Application Valid</b>	<b>24 January 2018</b>
<b>Applicant</b>	<b>BSD (UK) Ltd</b>
<b>Site:</b>	<b>8 Woodbine Terrace Bensham Gateshead NE8 1RU</b>
<b>Ward:</b>	<b>Bridges</b>
<b>Proposal:</b>	<b>LISTED BUILDING CONSENT: Erection of two storey rear extension, single storey rear extension and internal alterations (as amended 22.03.2018)</b>
<b>Recommendation:</b>	<b>GRANT CONSENT</b>
<b>Application Type</b>	<b>Listed Building Consent</b>

**1.0 The Application:**

**1.1 DESCRIPTION OF THE SITE**

This application for Listed Building Consent relates to 8 Woodbine Terrace which is a two storey terraced residential period property. The property, along with the rest of Woodbine Terrace, is Grade II Listed in its entirety, although it is noted that the property was not built as a single, uniform terrace but incrementally in smaller plots leading to a variety in scale, massing, and architectural treatment.

1.2 The listing entry for the property suggests that it was constructed circa 1838. The listing describes an irregular terrace of mostly coursed square stone with quoins with some brick under Welsh slate. In particular, Nos 8, 9, 10 and 11 are of brick with stone frieze, bands, window dressings and basements. Segment headed door recesses and fanlights are evident. Nos 8 and 9 also have good eight-panel doors.

**1.3 DESCRIPTION OF THE APPLICATION**

This application seeks Listed Building Consent for the erection of a two storey pitched roof extension, single storey flat roof extension and internal alterations.

1.4 The single storey extension would span the depth of the rear yard to the current rear boundary wall whilst the two storey extension would project 2.4m from the original rear wall. The extensions would contain a kitchen and dining area on the ground floor and a bedroom on the first floor. It is proposed that the extensions are finished in facing brickwork to match previous rear extensions on other properties in the terrace and that the windows and doors would match the existing. The

applicant proposes that the pitched roof is finished in tiles to match the main roof and the flat roof would be constructed of fibreglass.

- 1.5 Internally, it is proposed to remove an existing window in the lounge and enlarge the opening to become a doorway, knock through a dividing wall between the living room and lounge and install double doors, installation of a WC on the first floor, formation of a new door opening for the second floor shower room and the erection of internal walls for the creation of a storage room and wardrobe.
- 1.6 To facilitate the external works, consent is also sought for the demolition of the existing single storey extension and rear boundary wall.
- 1.7 A concurrent planning application is pending for the proposed development and is to be considered elsewhere on this agenda.
- 1.8 **PLANNING HISTORY**  
DC/16/00281/HHA – Granted - Creation of basement light well with French doors, metal railings and retaining walls (amended 13/05/16 and 20/05/16). – 09.06.2016

DC/16/00282/LBC – Consent Granted - LISTED BUILDING  
CONSENT: Replacement of all windows with hardwood slim line double glazed box sash windows, creation of basement light well with French doors, metal railings and retaining walls and internal works to reconfigure the room layouts on the first and second floors (amended 15/04/16, 13/05/16 and 20/05/16). - 08.06.2016

## **2.0 Consultation Responses:**

None.

## **3.0 Representations:**

- 3.1 A site notice was displayed at the application site, neighbour notifications were carried out and a newspaper notice was published in accordance with formal procedures introduced by the Town & Country Planning (Development Management Procedure) Order 2015 (as amended). A further round of direct neighbour notification letters were sent following the receipt of amended plans.

- 3.2 No formal representations have been received.

## **4.0 Policies:**

NPPF National Planning Policy Framework

NPPG National Planning Practice Guidance

CS15 Place Making

ENV11 Listed Buildings

**5.0 Assessment of the Proposal:**

5.1 Given the nature of the application the only issue for consideration is the impact of the proposal on the Grade II Listed Building.

**5.2 IMPACT ON THE LISTED BUILDING**

The National Planning Policy Framework states that protecting and enhancing the historic environment is an important component of the NPPF's drive to achieve sustainable development (paragraphs 6-10). The appropriate conservation of heritage assets forms one of the NPPF's 'Core Planning Principles' that underpin the planning system and outlined in paragraph 17 of the Framework.

5.3 Heritage specific policies are contained within the NPPF at paragraphs 126 to 141. The objective of these policies is to maintain and manage change to heritage assets in a way that sustains and, where appropriate, enhances their significance. That significance is the value of a heritage asset to this and future generations because of its heritage interest, which may be of archaeological, architectural, artistic or historic interest. This significance may derive not only from its physical presence but also from its setting. The NPPF acknowledges that heritage assets are an irreplaceable resource and that applicants should describe the significance of any heritage asset affected, so as to understand the potential impact of the proposal on their significance (Paragraph 128).

5.4 This national policy approach is supported by policy CS15 of the Core Strategy and Urban Core Plan (CSUCP) and saved Unitary Development Plan (UDP) policy ENV11 which seek to conserve and enhance the historic environment of Gateshead.

5.5 This planning policy framework is supportive of the statutory requirements set out in the Planning (Listed Buildings and Conservation Area) Act 1990 which compels Local Planning Authorities (LPAs) to have special regard to the desirability of preserving listed buildings or their setting or any features of special architectural or historic interest which they may possess.

5.6 With regard to the proposed external works, the rear elevation of Woodbine Terrace is characterised by the stone walls of the original properties and various modern single and two storey extensions. The rear yard is enclosed by wall which is not an original stone wall. The adjacent property has a two storey brick extension which is then matched by the property after that. Likewise, the property adjacent on the opposite side also has a two storey brick extension. It is therefore considered that both the principle of the proposed extensions is

acceptable and the scale and massing of the proposals would not cause harm to the significance of the listed building.

- 5.7 The development would introduce a new feature onto the rear elevation of Woodbine Terrace as a roof lantern is proposed on the single storey extension. This has been amended to be low-profile and would not appear as a conspicuous feature to the detriment of the appearance of the listed building however the exact details and specification of the lantern are required to be submitted and approved in writing by the LPA. (conditions 5 and 6).
- 5.8 To ensure the external appearance of the extensions would be appropriate and preserve the historic interest of the building, full details of all proposed finishing materials including brickwork, mortar, roof tiles and windows will be required to be submitted and approved in writing by the LPA (conditions 7 and 8).
- 5.9 Turning to the proposed internal alterations, the applicant seeks consent to remove an existing window in the lounge and enlarge the opening to become a doorway, knock through a dividing wall between the living room and lounge and install double doors, installation of a WC on the first floor, formation of a new door opening for the second floor shower room and the erection of internal walls for the creation of a storage room and wardrobe.
- 5.10 The plans have been amended during the consideration of the application to reduce the effect of the proposed internal alterations on the listed building. The alterations on the first and second floors do not affect any original internal walls and the openings on the ground floor have been reduced in width. The general layout of the property would remain unchanged.
- 5.11 Officers consider the proposed internal alterations preserve the historic interest of the property and would not cause harm to the historic fabric of the building nor adversely affect its significance.
- 5.12 To facilitate the proposed extensions the demolition of the existing single storey extension and boundary wall is required. The building's historic interest does not stem from the existing modern extension or boundary wall to the rear yard nor are these part of the physical features of the building which justify its listing. Further, it is not considered the extension or boundary wall are important features of the local street scene. For these reasons, officers consider the demolition of these elements is acceptable and would not harm the significance of the listed building. Agreement on the details of the brickwork and mortar for the replacement wall can be achieved through condition (conditions 7 and 8).
- 5.13 To conclude, officers consider the proposed development would cause no harm to the special architectural or historic interest of the Grade II

listed building therefore the proposal would not conflict with the NPPF or policy CS15 of the CSUCP or saved policy ENV11 of the UDP.

## **6.0 CONCLUSION**

- 6.1 On the basis of the information provided and subject to conditions, it is considered that the proposal would not cause harm to the Grade II listed building.
- 6.2 Accordingly the proposed development complies with the requirements of the NPPF, policy CS15 of the CSUCP, saved UDP policy ENV11 and having special regard to the desirability of preserving the building in accordance with the Planning (Listed Buildings and Conservation Areas) Act 1990.
- 6.3 Taking all the relevant material planning issues into account, it is considered that Listed Building Consent should be granted subject to relevant conditions.

## **7.0 Recommendation:**

That Consent be GRANTED subject to the following condition(s):

1

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

Reason

As required by Section 18 of the Planning (Listed Buildings and Conservation Areas) Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004 and to ensure that the development is carried out within a reasonable time.

2

Prior to any works in relation to the replacement or installation of windows or doors, full details of all new internal and external windows and doors, including specifications and large scale details of the joinery, shall be submitted to and approved in writing by the Local Planning Authority.

Reason

In order to ensure the satisfactory appearance of the development upon completion in the interests of visual amenity and the preservation of the character of the listed building, in accordance with Policy CS15 of the Core Strategy and Urban Core Plan and ENV11 of the Unitary Development Plan.

3

The development shall be carried out in accordance with the details approved under condition 2.

Reason

In order to ensure the satisfactory appearance of the development upon completion in the interests of visual amenity and the preservation of the character of the listed building, in accordance with Policy CS15 of the Core Strategy and Urban Core Plan and ENV11 of the Unitary Development Plan.

4

Prior to the commencement of the single storey rear extension, large scale details of the proposed roof lantern and manufacturer's specification shall be submitted to and approved in writing by the Local Planning Authority.

Reason

In order to ensure the satisfactory appearance of the development upon completion in the interests of visual amenity and the preservation of the character of the listed building, in accordance with Policy CS15 of the Core Strategy and Urban Core Plan and ENV11 of the Unitary Development Plan.

5

The development shall be carried out in accordance with the details approved under condition 4.

Reason

In order to ensure the satisfactory appearance of the development upon completion in the interests of visual amenity and the preservation of the character of the listed building, in accordance with Policy CS15 of the Core Strategy and Urban Core Plan and ENV11 of the Unitary Development Plan.

6

The development hereby approved shall not commence above ground level until samples of the materials to be used on all external surfaces (including coursing and mortar) have been made available for inspection on site and are subsequently approved in writing by the Local Planning Authority.

Reason

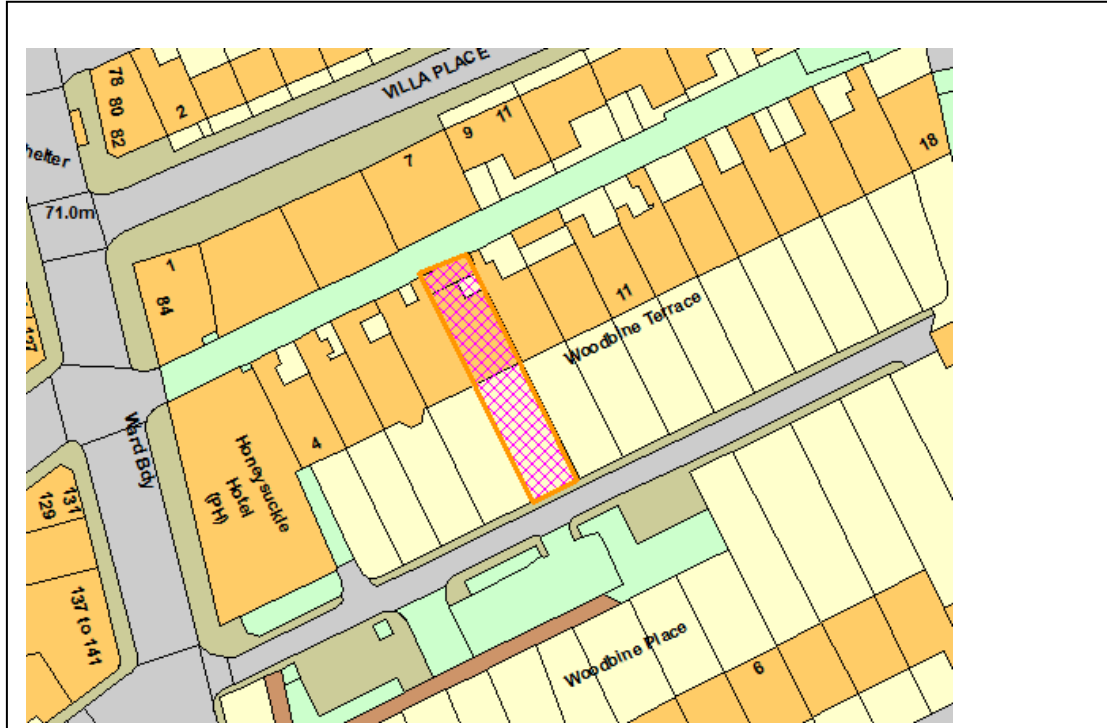
In the interests of visual amenity and the preservation of the character of the listed building, in accordance with policy CS15 of the Core Strategy and Urban Core Plan and policy ENV11 of the Unitary Development Plan.

7

The development shall be carried out in accordance with the details approved under condition 6.

Reason

In the interests of visual amenity and the preservation of the character of the listed building, in accordance with policy CS15 of the Core Strategy and Urban Core Plan and policy ENV11 of the Unitary Development Plan.



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# **UPDATE**

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

**TO THE PLANNING AND DEVELOPMENT COMMITTEE ON  
18 April 2018**

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



**MINOR UPDATE**

<b>Application No:</b>	<b>DC/18/00069/LBC</b>
<b>Site:</b>	<b>8 Woodbine Terrace Bensham Gateshead NE8 1RU</b>
<b>Proposal:</b>	<b>LISTED BUILDING CONSENT: Erection of two storey rear extension, single storey rear extension and internal alterations (as amended 22.03.2018)</b>
<b>Ward:</b>	<b>Bridges</b>
<b>Recommendation:</b>	<b>Grant Consent</b>
<b>Application Type</b>	<b>Listed Building Consent</b>

**Reason for Minor Update**

**Further representations made:**

**Three objections have been received since the publication of the agenda. The objections raise concerns regarding the proposed extension being out-of-character with the street, that it would cause harm to the listed building and Conservation Area and would have an impact on adjoining properties in terms of overshadowing.**

**The impact of the development on the listed building has been addressed in the main Committee Report for application DC/18/00069/LBC. The impact on the Conservation Area, the character and appearance of the property and the living conditions of neighbours has been addressed in the main Committee Report for application DC/18/00064/HHA.**

**SEE MAIN AGENDA FOR OFFICERS REPORT.**

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**Committee Report**

<b>Application No:</b>	<b>DC/18/00084/FUL</b>
<b>Case Officer</b>	<b>Graham Stephenson</b>
<b>Date Application Valid</b>	<b>2 February 2018</b>
<b>Applicant</b>	<b>Gateshead Council</b>
<b>Site:</b>	<b>Site At Junction Of Abbots Hill And Quarryfield Road Gateshead NE8 3BE</b>
<b>Ward:</b>	<b>Bridges</b>
<b>Proposal:</b>	<b>Erection of six storey office block with associated landscaping, access and parking</b>
<b>Recommendation:</b>	<b>GRANT</b>
<b>Application Type</b>	<b>Full Application</b>

**1.0 The Application:**

**1.1 DESCRIPTION OF THE APPLICATION SITE**

The application site sits on the western edge of the Baltic Business Quarter (BBQtr) as designated in the Core Strategy and Urban Core Plan (CSUCP) policy QB3 (5) and is opposite Gateshead College. The site is bounded by Quarryfield Road to the west, the Boulevard into the BBQtr to the south, existing office buildings to the east and a landscaped area to the north, which forms part of the BBQtr.

1.2 The area of the BBQtr specific to this application fronts onto Quarryfield Road and is currently grassed over. Land levels on site slope gently up from north to south with a retaining wall running around the southern end to support the access road (Boulevard) to the existing offices and Northern Design Centre.

**1.3 DESCRIPTION OF THE APPLICATION**

The proposal has been submitted on behalf of Gateshead Council to create a 47,577sqft net (4,420sqm) 60,126sqft (5,586sqm) gross, 6 storey, speculative office development on the corner of Abbots Hill and Quarryfield Road, within the Baltic Business Quarter.

1.4 The ground floor is proposed to provide office space with staff amenity facilities including bike stores and showers, plant rooms, a unit that can be accessed off the core or the public realm which could be used as a gym or an A3 (food and drink) Use or a central meeting / conference space.

1.5 The first floor would provide a simple floor plate that can be easily divided into 50 / 50 split. This floor is cut back to animate the façade and allow the public realm to drop under the building to provide level access to the lower level from the Boulevard to the south.

- 1.6 The next three upper floors levels 02, 03 and 04 are also divisible, but are larger than the floors below as the building kicks out to capture the views to the Baltic Square and the Millennium Bridge.
- 1.7 The final floor is proposed to create two premium office spaces that sit either side of the roof top plant well, which is located here to secure safe level access for maintenance via a through lift.
- 1.8 Externally a landscaped car park is proposed to the rear (east), providing 12 car parking spaces (4 disabled bays) and a service yard. This car park would be accessed through the BBQtr, off Hawks Road. Access to the building is provided from the car park but the main entrance would be via a proposed public plaza off Quarryfield Road.
- 1.9 An active frontage is proposed where the building meets the public realm on Quarryfield Road.
- 1.10 The façade of the building is almost completely glazed, maximising views out and creating connectivity between the internal spaces and the public realm. Solid look-a-like panels only occur on both escape cores and to enclose ground floor amenity spaces.
- 1.11 The proposed fins are the dominant element of interest in the façade and they provide visual interest externally and increase the effectiveness of solar shading.
- 1.12 The development is proposed to connect to the District Energy Centre.
- 1.13 The following information has been submitted with the application:
- Design and Access Statement
  - Sustainability Statement
  - Flood Risk Assessment
  - Ground Investigations
  - Transport Assessment and Travel Plan
  - Tree Survey
- 1.14 **PLANNING HISTORY**  
Outline Planning permission was granted on the 27.03.2003 (1322/02) which included an office block on this site (3579 sqm) as well as the neighbouring office developments which have subsequently been built out (Baltimore House and Chalk Hill). Separate to this planning permission has been granted on a number of the surrounding sites for The Northern Design Centre, Gateshead College and the District Energy Centre. A planning application is also pending for a 555 space temporary car park to the south (DC/18/00165/FUL).

## **2.0 Consultation Responses:**

Tyne And Wear Archaeology Officer      There are no archaeological requirements in relation to this scheme.

Arriva Plc	No Objections
Coal Authority	No Objections subject to conditions
The Go-Ahead Group Plc	No Objections
Nexus	No Objections
Northumbria Water	No Objections
Newcastle Airport	No Objections subject to crane methodology
Network Rail	No Objections

### **3.0 Representations:**

Neighbour notifications were carried out in accordance with formal procedures introduced in the Town and Country Planning (Development Management Procedure) (England) Order 2015. One letter of representation has been made with the following issues raised:

- \* The building will be higher than the existing buildings which could be cause for concern.
- \* The site entrance for construction vehicles should be off Hawks Road and not Quarryfield Road.
- \* Concerns about construction noise during exam periods.
- \* All roadways and pedestrian footpaths should be kept clear of debris during construction.

### **4.0 Policies:**

NPPF National Planning Policy Framework

NPPG National Planning Practice Guidance

UC1 Offices and Business Development

QB1 Quays and Baltic Sub-Area

QB3 Quays and Baltic Dev Opportunity Sites

CS5 Employment-Economic Growth Priorities

CS7 Retail and Centres

CS13 Transport

CS14 Wellbeing and Health

CS15 Place Making

CS16 Climate Change

CS17 Flood Risk and Waste Management

DC1C Landform, landscape and after-use

DC1G Energy Conservation-Sustainable Building

DC1J Substrata Drainage-Water Quality

DC1P Contamination, derelict land, stability

ENV3 The Built Environment - Character/Design

ENV54 Dev on Land Affected by Contamination

MWR35 Micro-Renewables, Energy Efficiency

CS18 Green Infrastructure/Natural Environment

ENV46 The Durham Biodiversity Action Plan

ENV51 Wildlife Corridors

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

- 5.1 The main planning issues in this case are considered to be the principle of development, amenity, highway safety and flood risk.
- 5.2 **PRINCIPLE OF DEVELOPMENT**  
The site is located within the Baltic Business Quarter which is allocated in CSUCP policy QB3 (5) for office use (B1a). Therefore delivering an office development of this scale is encouraged in this location as it will deliver significant investment into the area and would help to meet the office demands set out in policy UC1 of the CSUCP. The creation of jobs in the area and improved confidence amongst developers looking to develop in the area has the potential to increase prosperity and enhance the competitiveness of the urban core and the Baltic and Quays sub area.
- 5.3 As a result it is considered the principle this sustainable development, which will deliver a number of economic benefits for the area and Gateshead as a whole, helping to build a strong, competitive and prosperous economy is acceptable subject to all other material planning considerations being satisfied.
- 5.4 This objective is in line with the aspirations of the NPPF, as well as policies UC1, QB1, QB3, CS5 and CS7 of the CSUCP.



## 5.5 DESIGN AND AMENITY

It is considered the proposal demonstrates a well thought-through design solution that has thoroughly considered all aspects of design. The scale and massing of the proposed structure responds well to its surrounding buildings (particularly Gateshead College opposite) and the articulation (elevational crank), together with the location and design of the entrance plaza, provides a dynamic form that helps to reinforce this architectural relationship and also to create an appropriately designed streetscape and a strong sense of continuity and enclosure befitting this urban location. Concerns have been raised about the height of the proposed development but there is no policy to restrict height and the quality of the design along with the height does not raise any planning concerns.

- 5.6 The elevational treatment and materiality of the proposed structure reinforces the basic dynamic form of the building, bringing visual richness and high kerb appeal.
- 5.7 The functionality of the building has also been extensively and holistically considered in the design, successfully overcoming the physical challenges of this site to deliver not only a legible and efficient layout but also an aesthetically attractive building that responds well to environmental factors by incorporating features that both add visual interest and provide a functional use. The soft-landscaped steps have been carefully designed to provide an attractive solution to the changes in level, and also to create a green punctuation mark in the streetscape that helps to reinforce green infrastructure.
- 5.8 Final details of materials, along with the implementation of landscaping and landscape maintenance can be conditioned (CONDITIONS 10, 11, 14, 15 AND 16).
- 5.9 It is also noted that there is a requirement for the new building to be located 1.5m away from the existing retaining wall that supports Abbots Hill. This requires a design solution that provides a cover for what is effectively a 'dry moat' along the southern skirt of the new building. Currently steel decking is proposed.
- 5.10 Given the visual prominence of this area within the streetscape of the main boulevard final details of the decking solution will be required.
- 5.11 Final details of the decking system can be conditioned as part of conditions 10 and 11.
- 5.12 To enhance the character and local distinctiveness of the development and in accordance with policy UC17 of the CSUCP, the development is expected to include some public art. Details of this can be conditioned (CONDITIONS 20 AND 2)

- 5.13 In terms of the impact on neighbouring properties, there are no residential properties in the immediate vicinity and the only existing property that could be affected is the College building opposite.
- 5.14 They have raised concerns about noise during exam periods but this would be difficult to control through planning conditions as the reasonableness of such a request could be questioned. However a construction method statement which covers matters such as the parking of vehicles of site operatives and visitors, loading and unloading of plant and materials and storage of plant and materials used in constructing the development is recommended to be conditioned (CONDITIONS 3 AND 4).
- 5.16 The development itself is set back from the back of the footpath and although 6 storeys in height, it will not dominate the College Building or result in any significant visual intrusion or overlooking. The existing development on the BBQtr is 5 storeys in height and are located at a higher level. Therefore this development at a storey higher is not considered to be out of scale.
- 5.17 As a result it is considered the proposed development, subject to conditions satisfies the aims and objectives of the NPPF, as well as policies CS14 and CS15 of the CUCP and policies DC1 and ENV3 of the UDP.
- 5.18 HIGHWAY SAFETY AND CAR PARKING  
Based on the information provided, a development of this scale would be expected to generate in the region of 99 two way vehicle trips between the hours of 08:00 and 09:00 and 17:00 and 18:00. However this doesn't factor in any Travel Plan measures.
- 5.19 It is acknowledged that only 12 parking spaces are proposed on site but the expectation is that permits will be allocated for surrounding car parks operated by Gateshead Council. The benefit of this will be that a further 123 parking spaces will be available to prevent indiscriminate parking taking place on the surrounding roads and traffic generated by the development will be spread across a number of local junctions.
- 5.20 Furthermore, it is expected that due to its location on the edge of Gateshead town centre, there may be a number of linked trips. As the site is located to close to local amenities in Gateshead town centre, it is envisaged that there will be strong connections to the surrounding functions of the area. Given the location of the site, it is also considered that there is significant scope to promote trips by sustainable modes of transport. A strategy for this has been provided in the site Travel Plan submitted as part of the application. However it is considered improvements could be made to the Travel Plan and as such a final Travel Plan has been conditioned (CONDITIONS 19 AND 20. Cycle storage and facilities have also been designed into the scheme and the implementation of these measures can be conditioned (CONDITION 17). Motorcycle parking and suitable anchor points should be provided and these can also be secured through condition 17

- 5.21 The modal split predications indicate that trips generated by the development can be expected to be made by sustainable modes (pedestrian, cycle, public transport and car passenger). The Travel Plan aims to increase sustainable modes of travel to/from the proposed development, with the purpose of reducing the traffic and parking impact within the vicinity of the site. The final details of and implementation of the Travel Plan can be conditioned (CONDITION 18 AND 19).
- 5.22 Consequently based on these traffic projections it is considered the proposed development would not have a significant impact on the operation of the local highway network and that parking requirements could be accommodated in the surrounding area.
- 5.23 A service yard is provided to the rear which means servicing can be undertaken without impacting on the highway network. Details of the location and type of any barrier system proposed for the rear of the site should be provided to make sure that sufficient space is provided to prevent waiting vehicles overhanging the access (CONDITION 24 AND 25 )
- 5.24 Concerns have been raised about access for construction being taken off Quarryfield Road in close proximity to the College.
- 5.25 No information has been provided with regards to construction access and it may be that access is from Hawks Road. In addition planning permission is not necessarily required for construction roads and works compounds. However with the Council being the applicant these concerns could be raised corporately.
- 5.26 Issues such as debris on the roads and footpaths including wheel washers can be conditioned as part of the method statement (CONDITIONS 3 AND 4). Debris on the road can also be enforced using separate powers.
- 5.27 In light of the above it is considered the proposed development, subject to condition, satisfies the aims and objectives of the NPPF and policy CS13 of the CSUCP.
- 5.28 FLOOD RISK  
The Applicant is proposing a sustainable drainage system comprising proprietary filter drains with a filter medium providing treatment to runoff; bioremediation tree pits; underground geocellular storage; and an under-drained swale. This is the most appropriate solution taking into account the confined nature of the site and presents a good example of how water treatment requirements can be combined with water attenuation whilst also including some tree planting which benefits the car park and pedestrian area. Discharge off site will be controlled to a rate of 5 l/s which is the minimum recommended rate to avoid pipe blockage.
- 5.29 However it is considered some improvements can be made to the tree pits with the volume increased to 12m<sup>3</sup> and the planting matter improved. The implementation of the SuDS subject to the above amendments and a

maintenance strategy can be conditioned (CONDITIONS 12, 13, 15 AND 16 ) in accordance with the NPPF, policy CS17 of the CSUCP and policy DC1 of the UDP.

#### 5.30 CONTAMINATED LAND AND COAL MINING LEGACY

The site is located on land identified as being potentially contaminated and a phase 1 and phase 2 land contamination assessment has been submitted which concludes that no further investigations or remediation is required. However, should any new contamination be discovered during construction further investigations will be necessary. This can be conditioned in accordance with policy CS14 of the CSUCP and policies DC1 and ENV54 of the UDP (CONDITION 9).

5.31 The Coal Authority has also been consulted and has raised no objection subject to conditions requiring further investigations (CONDITIONS 5 AND 6).

#### 5.32 SUSTAINABILITY

Section 10 of the NPPF seeks to reduce the impact of climate change with policies CS16 of the CSUCP and policy MWR35 of the UDP setting local requirements.

5.33 Information submitted in the planning statement identifies measures that could be introduced into the building, including a connection to the District Heating Network to achieve a BREEAM Excellent

5.34 Therefore it is recommended that the development is constructed and maintained in accordance with the submitted sustainability statement. This can be conditioned (CONDITIONS 22).

5.35 Subject to this condition it is considered the proposed development does not conflict with the aims and objectives of the NPPF, policy CS16 of the CSUCP and policies DC1 and MWR35 of the UDP.

#### 5.36 ECOLOGY

The site is not considered to hold any significant ecological value although an assessment has been submitted with the application and makes some recommendations and these can be conditioned (CONDITION 23).

5.37 As a result it is considered subject to conditions, the proposed development would not conflict with the aims and objectives of the NPPF, policies CS18 of the CSUCP and policies ENV46 and ENV51 of the UDP.

#### 5.38 OTHER MATTERS

Newcastle Airport has not objected to the application but has requested a crane method statement to ensure there is no conflict with aircraft which may be flying close by. (CONDITIONS 7 AND 8).

#### 5.39 COMMUNITY INFRASTRUCTURE LEVY

Gateshead Council is a Community Infrastructure Levy (CIL) Charging Authority. This application has been assessed against the Council's CIL

charging schedule and the development is not CIL chargeable development as it is not housing or retail related.

## **6.0 CONCLUSION**

6.1 Taking all relevant issues into account and that the principle of such a development on the site has already been established by the previous approval, it is recommended that planning permission is granted, subject to conditions, as the principle of development is acceptable as is the impact on design, highways, amenity, sustainability and other material planning considerations. Thus the proposed development is considered to satisfy the aims and objectives of the NPPF and the NPPG as well as relevant policies in the CSUCP and UDP.

## **7.0 Recommendation:**

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) and documents as detailed below:

0020-PO2 Floor 01, Floor 01 (1), Ground Floor, 0030-PO1, 0040-PO1, 0050-P01, 0060-PO1, 00001 PO2, 00002-S2-P5, 00005-S2-P5, 00007-S2-P4, 00008-S2-P5, 00009-S2-P5, 20503-S2-P3, 20504-S2-P3, 20506-S2-P3, 20507-S2-P5,

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

Reason

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

2

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

Reason

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

3

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

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

In addition all works and ancillary operations in connection with the remediation of the site and the construction of the new development, including the use of any equipment or deliveries to the site, shall be carried out only between 0700 hours and 2000 hours unless otherwise approved in writing by the Local Planning Authority.

Reason

To safeguard the amenities of nearby residents and in accordance with policy CS14 of the Core Strategy and Urban Core Plan and policies DC1, DC2 and ENV61 of the Unitary Development Plan.

4

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

Reason

To safeguard the amenities of nearby residents and in accordance with policy CS14 of the Core Strategy and Urban Core Plan and policies DC1, DC2 and ENV61 of the Unitary Development Plan

5

Construction of the development hereby approved shall not commence until a scheme of remedial works to address any coal mining legacies, including the phasing of any remedial works, has been submitted to and approved in writing by the Local Planning Authority in consultation with the Coal Authority.

Reason

To ensure that risks from coal mining to the future users of the land and neighbouring land are minimised, in accordance with the National Planning Policy Framework, policy CS14 of the Core Strategy and Urban Core Plan and saved policy DC1(p) of the Unitary Development Plan.

6

Any remediation works approved under condition 5 shall be implemented in accordance with the timetable approved under that condition.

Reason

To ensure that risks from coal mining to the future users of the land and neighbouring land are minimised, in accordance with the National Planning Policy Framework, policy CS14 of the Core Strategy and Urban Core Plan and saved policy DC1(p) of the Unitary Development Plan

7

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

Reason:

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

8

The development shall be carried out in accordance with the crane method statement approved under condition 7.

Reason:

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

9

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

Following completion of measures identified in the approved remediation scheme a verification report must be prepared, which is subject to the approval in writing of the Local Planning Authority.

If unexpected contamination is found after development has begun, development must be halted on that part of the site affected by the unexpected contamination to the extent specified by the Local Planning Authority in writing until this condition has been complied with in relation to that contamination.

Reason

To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled in accordance with policy CS14 of the Core Strategy and Urban Core Plan for Gateshead and Newcastle Upon Tyne and policies DC1 and ENV54 of the Unitary Development Plan.

10

Construction of the new development hereby approved shall not commence above foundation level until samples of all materials, colours and finishes to be used on all external surfaces, including the decking, have been made available for inspection on site and are subsequently approved in writing by the Local Planning Authority.

Reason

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

11

The materials used shall be in accordance with the details approved under condition 10 unless otherwise approved in writing by the Local Planning Authority.

Reason

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

12

The SuDS scheme shall be implemented in accordance with the details submitted in the Flood Risk Assessment and Drainage Strategy prior to the development being first brought into use, with the exception of the Tree Pits as shown on Drainage Details 2. Prior to the SuDS being implemented, final details of the tree pits demonstrating a volume of 12 cubic metres shall be submitted to and approved in writing by the Local Planning Authority.

Reason

To ensure appropriate drainage and the exploration as to sustainable urban drainage systems so as to prevent the risk of flooding in accordance with the NPPF and Policy CS17 of the Core Strategy and Urban Core Plan for Gateshead and Newcastle upon Tyne.

13



The Tree Pits shall be implemented in accordance with the details approved under condition 12.

Reason

To ensure appropriate drainage and the exploration as to sustainable urban drainage systems so as to prevent the risk of flooding in accordance with the NPPF and Policy CS17 of the Core Strategy and Urban Core Plan for Gateshead and Newcastle upon Tyne.

14

The landscaping scheme shown on drawing numbers 0040 PO1, 0060 PO1 and 0002 PO2, submitted with the application shall be completed in full accordance with the approved plans during the first planting season (October to March) following first occupation of the development unless otherwise approved in writing by the Local Planning Authority. The date of Practical Completion of the landscaping scheme shall be supplied in writing to the Local Planning Authority within 7 days of that date.

Reason

To ensure that the approved landscaping scheme is completed within a reasonable time scale in the interests of the visual amenity of the area and in accordance with Policies CS15 of the Core Strategy and DC1 and ENV3 of the Unitary Development Plan.

15

Prior to first occupation of the development a final maintenance plan for the approved landscaping and associated SuDS shall be submitted to and approved in writing by the Local Planning Authority.

Reason

To ensure appropriate drainage so as to prevent the risk of flooding and in the interests of visual amenity, in accordance with the NPPF and policies CS15 and CS17 of the Core Strategy and policies DC1 and ENV3 of the Unitary Development Plan.

16

The landscaping and SuDS shall be maintained in accordance with the plan approved under condition 15.

Reason

To ensure appropriate drainage so as to prevent the risk of flooding and in the interests of visual amenity, in accordance with the NPPF and policies CS15 and CS17 of the Core Strategy and policies DC1 and ENV3 of the Unitary Development Plan.

17

Notwithstanding the details on the submitted plans, secure, weatherproof and lockable provisions shall be made within the development for a minimum of 22 cycles and 2 motorbikes prior to the development being first brought into use.

Reason

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

18

Notwithstanding the approved details the development hereby approved shall not be first occupied until a final Travel Plan has been submitted to and approved in writing by the Local Planning Authority.

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

- 1) Reduction in car usage and increased use of public transport, walking and cycling;
- 2) Minimal operational requirements for car parking in accordance with policy CS13 of the Core Strategy
- 3) The use of electric charging points
- 4) More environmentally friendly delivery and freight movements;
- 5) A programme of continuous review of the approved details of the Travel Plan and the implementation of any approved changes to the plan.

Reason

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

19

The Travel Plan shall be implemented in accordance with the details and timescales approved under condition 18 and retained as such thereafter unless otherwise first approved in writing by the Local Planning Authority.

Reason

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

20

No part of the development hereby approved shall be occupied until a scheme for public art has been submitted to and approved in writing by the Local Planning Authority.

Reason

In the interests of amenity and accordance with policy UC17 of the Core Strategy and Urban Core Plan for Gateshead and Newcastle Upon Tyne.

21

The public art shall be implemented in accordance with the scheme approved under condition 20, prior to the development hereby approved being first occupied. The approved artwork shall be retained as such thereafter unless otherwise approved in writing by the Local Planning Authority.

Reason

In the interests of amenity and accordance with policy UC17 of the Core Strategy and Urban Core Plan for Gateshead and Newcastle Upon Tyne.

22

The development hereby approved shall be constructed and operated in accordance with the Desco Sustainability Statement Ref 1642 submitted and approved as part of this application.

Reason

To ensure that the development is sustainable and reduces carbon emissions in accordance with Policy MWR35 in the Unitary Development Plan and policy CS16 of the Core Strategy and Urban Core Plan for Gateshead and Newcastle Upon Tyne

23

The development hereby approved shall be carried out in accordance with the recommendations set out in The Environment Partnership Ecological Assessment January 2017.

Reason

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

24

Prior to the installation of any barrier system to and within the car park details of the barrier/entrance systems shall be submitted to and approved in writing by the Local Planning Authority.

Reason

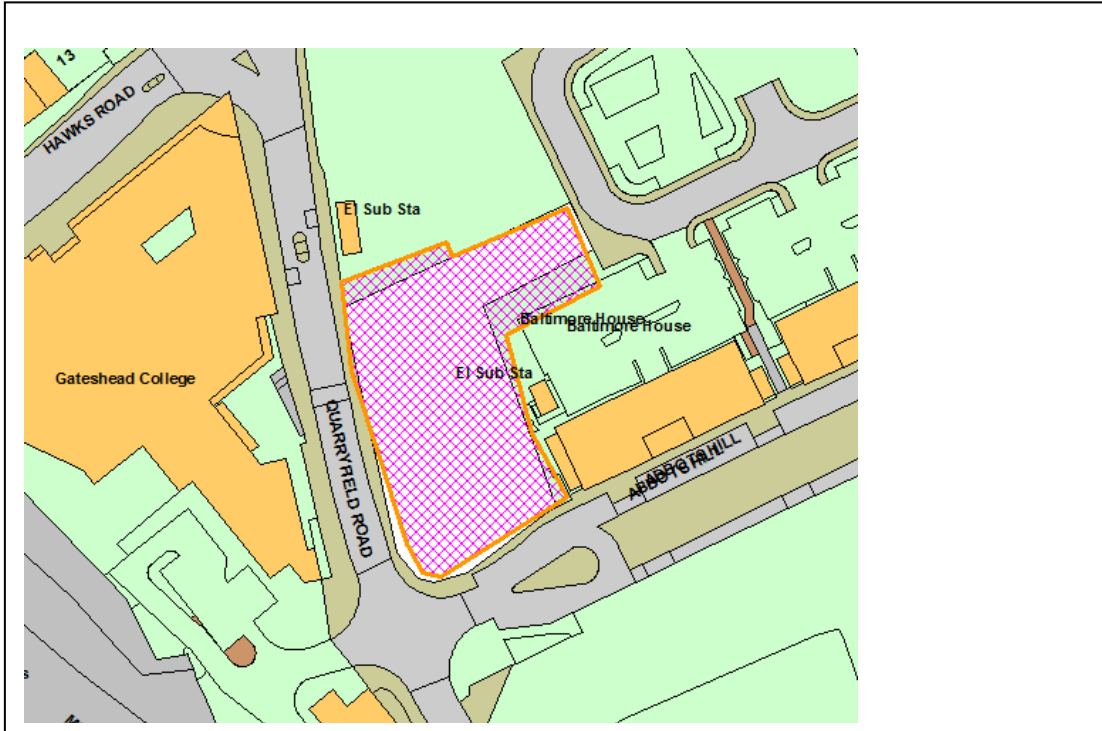
In the interests of highway safety and in accordance with policy CS13 of the Core Strategy and Urban Core Plan for Gateshead and Newcastle Upon Tyne.

25

The barriers shall be implemented in accordance with the details approved under condition 24.

**Reason**

In the interests of highway safety and in accordance with policy CS13 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  
18 April 2018**

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



**MINOR UPDATE**

<b>Application No:</b>	<b>DC/18/00084/FUL</b>
<b>Site:</b>	<b>Site At Junction Of Abbots Hill And Quarryfield Road Gateshead NE8 3BE</b>
<b>Proposal:</b>	<b>Erection of six storey office block with associated landscaping, access and parking</b>
<b>Ward:</b>	<b>Bridges</b>
<b>Recommendation:</b>	<b>Grant Permission</b>
<b>Application Type</b>	<b>Full Application</b>

**Reason for Minor Update**

**Condition(s) amended**

Additional information has been submitted to address the requirements of conditions 12 and 15. However the information is not sufficient and as a result it is recommended that the conditions remain but with condition 12 amended to remove the requirement for the tree pits to have a volume of 12 cubic metres.

**Condition 12 as amended:**

The SuDS scheme shall be implemented in accordance with the details submitted in the Flood Risk Assessment and Drainage Strategy prior to the development being first brought into use, with the exception of the Tree Pits as shown on Drainage Details 2. Prior to the SuDS being implemented, final details of the tree pits shall be submitted to and approved in writing by the Local Planning Authority. The drainage scheme shall ensure that foul flows discharge to the foul sewer at manhole 8604 and ensure that surface water discharges to the surface water sewer at manhole 8615 via a new connection downstream of private manhole EXSW3. The surface water discharge rate shall not exceed the available capacity of 5 l/sec that has been identified in this sewer.

**Reason**

To ensure appropriate drainage and the exploration as to sustainable urban drainage systems so as to prevent the risk of flooding in accordance with the NPPF and Policy CS17 of the Core Strategy and Urban Core Plan for Gateshead and Newcastle upon Tyne.

**SEE MAIN AGENDA FOR OFFICERS REPORT.**

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REPORT NO 6

**Committee Report**

<b>Application No:</b>	<b>DC/18/00111/REM</b>
<b>Case Officer</b>	<b>Tracy Long</b>
<b>Date Application Valid</b>	<b>7 February 2018</b>
<b>Applicant Site:</b>	<b>Follingsby International Enterprise Park Limited Follingsby Park South Follingsby Lane Gateshead NE10 8YA</b>
<b>Ward:</b>	<b>Wardley And Leam Lane</b>
<b>Proposal:</b>	<b>RESERVED MATTERS APPLICATION relating to appearance, layout, scale and landscaping for the phase one area of development (comprising works to Follingsby Lane, plot entrances, formation of development plateaus, green infrastructure development and related infrastructure works) pursuant to outline planning application DC/17/01117/OUT for use class B8 (storage and distribution ) and B2 (general industry) along with associated offices, internal roads, car parks, infrastructure and landscaping (which was submitted with an Environmental Statement and was approved on 5 Jan 2018)(amended plans received 28/03/2018 and 05/04/2018).</b>
<b>Recommendation:</b>	<b>GRANT</b>
<b>Application Type</b>	<b>Approval of Reserved Matters</b>

**1.0 The Application:**

**1.1 DESCRIPTION OF APPLICATION SITE**

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

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

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

Flood Zones 2 and 3. There is a public right of way (footpath Felling 22) which runs along the western boundary of the site.

- 1.4 The site is situated on the south eastern edge of Gateshead, with the Borough of South Tyneside to the north and east and the City of Sunderland to the south. The site lies immediately to the south of Follingsby Lane, with Follingsby Park Industrial Park which includes a range of manufacturing and storage / distribution uses to the north. The former Leamside Railway Line is immediately to the east of the site with fields, commercial uses, stables and some residential properties further east in South Tyneside. The River Don is immediately to the south of the site with fields, a riding stables, playing pitches and the residential areas of Washington to the south in Sunderland. South Follingsby Farm is to the west of the site with the A194 motorway, Heworth Golf Club and the residential areas of Wardley and Heworth beyond.
- 1.5 **DESCRIPTION OF PLANNING APPLICATION**  
Outline planning permission for the erection of up to 90,000m<sup>2</sup> of floor space for B2 (general industry) and B8 (storage and distribution) uses was approved under planning application (reference: DC/17/01117/OUT) on 5 January 2018 for this site. This was an outline planning permission with all matters reserved except access.
- 1.6 This current reserved matters application provides the details of the appearance, layout, scale and landscaping for Phase One of the development which is the green infrastructure zone area.
- 1.7 Details include works to Follingsby Lane, plot entrances, formation of development plateaus, green infrastructure development and related infrastructure works.
- 1.8 The application has been submitted with the following supporting information :
  - Reserved Matters Compliance Statement
  - Drainage Summary Technical Note
  - Drainage Specification
  - Landscape Management Specification
  - Earthworks Strategy and Specification
  - Detailed landscaping, drainage and site level drawings
- 1.9 Amended plans were submitted on the 28 March and 5 April 2018 to address the comments made a number of consultees regarding the landscaping scheme. The amended plans include:
  - The removal of tree planting belt H along the eastern boundary of the site
  - The extension of tree planting belt F northwards towards Follingsby Lane
  - The removal of shrub planting areas
  - Revised planting species to include locally native species

- Alterations to the boundary fence along the eastern boundary adjacent to the former Leamside Line to address the comments made by Network Rail

## 1.10 RELEVANT PLANNING HISTORY

DC/17/01117/OUT – APPROVED 5 January 2018

Outline application for Use Class B8 (storage and distribution) and B2 (general industrial) uses, along with associated offices, internal roads, car parks, infrastructure and landscaping, with all matters reserved except access. This planning application was granted subject to a number of planning conditions and a planning obligation for off-site ecology measures at Shibdon Meadow.

17/01117/DOC1 – Currently being considered.

Discharge of conditions 5 (Phasing plan), 8 (Archaeological fieldwork), 11 (Phase 2 Risk Assessment), 12 and 13 (Remediation scheme), 16 (Site levels) and 38 (Drainage details) of planning application DC/17/01117/OUT.

DC/18/00111/REM – Currently being considered.

Outline planning application for use class B8 (storage and distribution) and B2 (general industry) along with associated offices, internal roads, car parks, infrastructure and landscaping with all matters reserved except access and landscaping of the green infrastructure zone.

## 2.0 Consultation Responses:

Network Rail	Has no objection in principle to the development, but provide requirements relating to the fencing along the eastern boundary of the site adjacent the former Leamside railway line and earthworks, the security of the mutual boundary, encroachment, landscaping and access to the railway.
National Planning Casework Unit	Have no comments to make.
Northumbria Water	Have no comments to make.
Durham Wildlife Trust	Are very supportive of the development and the general green infrastructure plan. They consider that it would be beneficial to the creation of habitats on site if native species were planted and the scrub planting areas removed.
Environment Agency	No objections to the proposed development, however they would welcome the inclusion of a planting scheme which is exclusively native species and advise against the planting of reed

species in the wetland areas. This is to ensure that the planting compliments the surrounding ecology.

Health And Safety Executive

Does not advise on safety grounds against the granting of planning permission.

Highways England

No objections.

Natural England

No objection as the proposal is unlikely to affect any statutorily protected sites or landscapes. No assessment has been made for impacts on protected species and the Council should apply the standing advice.

### **3.0 Representations:**

3.1 The Council sent neighbour notification letters to 67 properties surrounding the site in Gateshead, South Tyneside and Sunderland on 22 February 2018. Council officers displayed 9 notices surrounding the site in Gateshead, South Tyneside and Sunderland on 23 February 2018. In addition a press notice also appeared in the Newcastle Journal on 7 March 2018.

3.2 No representations have been received from any of the surrounding properties.

3.3 SUNDERLAND CITY COUNCIL - Has no observations.

3.4 SOUTH TYNESIDE COUNCIL

South Tyneside Council has stated that they do not support the proposal in principle and objected to the outline application (reference: DC/17/01117/OUT) primarily due to its conflict and departure from Gateshead's development plan's employment policy allocation.

3.5 Notwithstanding this, South Tyneside Council wish to highlight some points of detail in relation to this reserved matters application that they trust will constructively support Gateshead Council in the assessment of the reserved matters application. The points of detail include:

- no objection to the drainage strategy and associated SuDS proposal, subject to an appropriate greenfield run off rate and suitable methods of water treatment provided in the car park area, service yards and up/down stream of SuDS.

- in terms of the river restoration, it is noted that the details are still to be scoped out and agreed with the Environment Agency, however any proposals should not increase downstream flood risk and ensure that the SuDS basin will not be compromised.

-with regards to transport comments remain unchanged from the previous submission at outline application stage. However clarification is sought if

Follingsby Lane is now to remain open. The scheme will impact on South Tyneside Council's section of Follingsby Lane by increasing traffic flows heading east and there are not proposals to limit this or assist with improvements.

- with regards to ecology there is extensive use of non native and potentially damaging tree species proposed in the landscape plan, within an important inter-district wildlife corridor. The species proposed are not considered to be appropriate to this location and they have the potential to reduce the effectiveness of the ecological mitigation as well as being visually in conflict with the surrounding landscape.

#### **4.0 Policies:**

NPPF National Planning Policy Framework

NPPG National Planning Practice Guidance

DC1D Protected Species

DC1H Pollution

DC1J Substrata Drainage-Water Quality

DC1P Contamination, derelict land, stability

DC2 Residential Amenity

ENV3 The Built Environment - Character/Design

ENV22 Sites of Archaeological Imp - Potential

ENV44 Wood/Tree/Hedge Protection/Enhancement

ENV46 The Durham Biodiversity Action Plan

ENV47 Wildlife Habitats

ENV51 Wildlife Corridors

ENV54 Dev on Land Affected by Contamination

CS13 Transport

CS14 Wellbeing and Health

CS15 Place Making

CS17 Flood Risk and Waste Management

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

- 5.1 Outline planning permission (reference: DC/17/01117/OUT) has already been approved to develop this site for employment uses B2 (general industry) and B8 (storage and distribution). Therefore the principle of developing this site, including the traffic issues associated with it has already been considered and approved. The only material planning issues for consideration as part of this current reserved matters Phase One application is whether the proposed landscaping, drainage, fencing and site levels are acceptable in terms of design, flood risk, drainage, ecology and highway safety.
- 5.2 **EIA DEVELOPMENT**  
The outline application (reference: DC/17/01117/OUT) was accompanied by an Environmental Statement (ES) and subsequent supplementary ES, as the proposed development fell within part 10 (urban development projects) of Schedule 2 of the Town and Country Plan (Environmental Impact Regulations) 2017. Therefore this current reserved matters application is a subsequent application where environmental information was previously provided.
- 5.3 Regulation 9 of the Town and Country Planning (Environmental Impact Assessment) Regulations 2017 applies where it appears to the relevant planning authority that an application which is before them for determination is a subsequent application in relation to Schedule 1 or Schedule 2 development. Where it appears to the relevant planning authority that the environmental information already before them is adequate to assess the significant effects of the development on the environment, they must take that information into consideration in their decision for subsequent consent.
- 5.4 A compliance statement has been submitted with this reserved matters application which demonstrates that the proposed scheme does not give rise to any additional or different significant environmental effects to those identified in the ES and Supplementary ES submitted with the previous outline application.
- 5.5 Council officers are therefore satisfied that the environmental information already before the LPA is adequate to assess the significant effects of the development on the environment. It is therefore considered that this current reserved matters application can be considered without the need for any additional environmental information.
- 5.6 **LANDSCAPING/ECOLOGY**  
The submitted drawings show new habitats within informal landscaping will be provided within the green infrastructure areas around the eastern, southern and western boundaries of the site. This landscaping will include a series of SuDS ponds and will provide biodiversity enhancements. The landscape scheme also involves the creation of swales and ponds to connect to the River Don. A number of tree belts are also proposed around the site to help create a visual

buffer to the lower levels of the proposed buildings. The details of the proposed landscaping along the frontage of the site, which is intended to be more formal is not included in this current reserved matters application.

- 5.7 Concerns have been raised by a number of consultees including the Environment Agency, Durham Wildlife Trust and South Tyneside Council regarding the inclusion of non locally native species in the proposed landscaping scheme and the impact this could have on the ecology value and function of the site and adjoining sites. To address this issue, amended plans have been submitted which revise the planting species to include more appropriate planting species relating to native species.
- 5.8 A Landscape Management Specification has been submitted as part of this reserved matters application. This is a generic document which Council officers consider should be revised to reflect the submitted landscaping scheme. No conditions are required to cover landscape management on this reserved matters application as conditions 53 and 54 of the outline planning permission relate to and cover the submission, approval and implementation of a joint landscape and ecology management strategy for each phase of the development.
- 5.9 The submitted drawings show a wildlife observation area looking south over the green infrastructure zone. Council officers welcome and support the provision of a wildlife observation area, however consider that some changes are required to the observation area to maximise the opportunities for ecology enhancement at the site. To address this issue two conditions (CONDITIONS 3 and 4) have been recommended to approve and provide a revised wildlife observation area.
- 5.10 A planning condition (CONDITION 5) has also been recommended to require the implementation of the landscaping scheme prior to the first building on the site being occupied.
- 5.11 Subject to the above planning conditions and those on the outline consent, the proposed development is considered to be acceptable from both a landscaping and ecology point of view and therefore accords with the NPPF, saved policies DC1(d), ENV3, ENV46, ENV47 and ENV51 of the Unitary Development Plan and policies CS15, CS18 and KEA2 of the CSUCP.
- 5.12 **FLOOD RISK / DRAINAGE**  
A detailed drainage and associated SuDS proposal has been submitted for the green infrastructure phase of the development. A new internal grasscrete access track is also proposed within the green infrastructure zone to allow maintenance of the drainage system. Council officers would however like to seek some minor changes to the gabion mattress detail shown on the proposed drainage plan. This detail is 6 – 10 metres long which is considered to be excessive and unnecessary. To address this issue two conditions (CONDITIONS 6-7) have been recommended to approve the final details of the gabion mattress before they are installed on site. Subject to these conditions

the proposed drainage and SuDS proposal is considered to be acceptable in terms of flood risk, drainage, water quality and ecology.

- 5.13 No additional planning conditions are considered necessary from a drainage point of view for this reserved matters application as conditions on the outline planning permission (reference : DC/17/01117/OUT) cover the details and implementation of the drainage scheme (conditions 38 and 39), the approval and implementation of a drainage construction statement (conditions 40 and 41) and the approval and implementation of a drainage management plan (conditions 42 and 43).
- 5.14 It is therefore considered that the proposal subject to the above conditions and those on the outline consent accords with both the NPPF, saved policies DC1 (h), DC1(j), DC1(p) of the Unitary Development Plan and policies CS17 and KEA2 of the CSUCP.
- 5.15 South Tyneside Council has made some comments regarding the River Don restoration proposals. The river restoration details are not part of this current reserved matters application and are covered by conditions on the outline application.
- 5.16 ACCESS AND HIGHWAY ISSUES  
The approved parameters plan identified the location of the various site access points from Follingsby Lane. Full details of these access points were approved as part of the original outline application. No changes are proposed to these approved access point as part of this current reserved matters application. A new internal access track is proposed to be constructed within the site between plots A and B to allow access for Durham Wildlife Trust. A gated corral is also proposed at the end to enable access to the green infrastructure area for maintenance purposes.
- 5.17 The proposed green infrastructure scheme is considered to be acceptable from a highway safety point of view and therefore accords with the NPPF and policy CS13 of the CSUCP.
- 5.18 South Tyneside Council has made some transport comments in relation to this application, however the principle of the development and its associated traffic movements has already been considered and approved under the outline planning application (reference : DC/17/01117/OUT).
- 5.19 SITE LEVELS AND EARTHWORKS STRATEGY  
Details are provided in the reserved matters application of the existing and proposed ground levels across the site. The site levels show that two distinct development plateaus will be created to accommodate future industrial units. The approved parameters plan established minimum and maximum finished floor levels of between 52.5 metres and 55.0 metres. The reserved matters proposal seeks to define two main development plateaus in order to provide finished floor levels of 52.5 metres and 54.55 metres respectively. In this regard the scale and layout of the development plateaus accords with the requirements of the outline planning permission.



5.20 An Earthworks Strategy and Specification has been submitted as accompanying information to support this reserved matters application. This document explains the proposed earthworks scheme that will be carried out to create the development plateaus by excavating between 1 metre and 2 metre of ground from the northern area of the site and engineering back across the southern area to achieve the required finished site levels. This document confirms that there are no contamination issues with the proposed earthworks strategy – which Council officers agree with.

5.21 The proposed earthworks strategy and finished floor levels are therefore considered to be acceptable.

#### 5.22 FORMER LEAMSIDE RAILWAY LINE

Network Rail has raised comments regarding the appropriateness of the fencing proposed along the eastern boundary of the site adjacent to the former Leamside Line. To address this issue the amended plans have changed the fencing proposed in this location to a 1.8 metre high galvanised weldmesh fence to be in accordance with the requirements of Network Rail. The proposed boundary treatments are therefore considered to be appropriate. Network Rail has made a number of other comments which will be passed onto the developer as an informative.

## 6.0 CONCLUSION

6.1 This application is a subsequent application where environmental information was previously provided. Officers are however satisfied the adequate environmental information has been provided to the Local Planning Authority to assess the significant environmental effects of the development on the environment. Furthermore, this environmental information has been taken into consideration in the assessment of this application.

6.2 The proposed scheme for Phase One of the development is considered to be in full accordance with the outline approval. The layout, appearance, scale and landscaping of Phase One are also considered to be acceptable.

6.3 Taking all of the relevant issues and environmental information into account, it is considered that planning permission for the reserved matters hereby applied for should be granted. The principle of the development has already been approved and the proposed access, layout, appearance, scale and landscaping satisfies the aims and objectives of relevant national and local planning policy.

6.4 It is therefore recommended that permission be granted subject to the planning conditions below.

## 7.0 Recommendation:

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

1

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

Green Infrastructure Zone Plan	NT13312-100 Rev B
Detailed Sections Sheet 1 of 3	NT13312-102 Rev A
Detailed Sections Sheet 2 of 3	NT13312-103 Rev A
Detailed Sections Sheet 3 of 3	NT13312-104 Rev A

Green Infrastructure Zone Fencing Plan	NT13312-101 Rev B
Surface Water Drainage 1 of 2	500 S1 Rev P6
Surface Water Drainage 2 of 2	501 S1 Rev P5
Typical Pond Sections	560 S1 Rev P5

Proposed Finished Levels	602 S1 Rev P8
Proposed Earthworks Strategy	610 S1 Rev P8

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 2 years from the date of this approval of the reserved matters.

(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 as amended by section 51 of the Planning and Compulsory Purchase Act 2004.

3

Notwithstanding the submitted drawings, no development shall commence on the wildlife observation area until a revised scheme for the wildlife observation area including its location, design, size and

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

Reason

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

4

The wildlife observation area on the site shall be provided in accordance with the scheme approved under condition 3.

Reason

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

5

The landscaping scheme hereby approved shall be carried out in accordance with the approved details prior to the first unit on the site being occupied.

Reason

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

6

Notwithstanding the submitted drawings, no gabion mattresses shall be provided on the site until revised details of the gabion mattresses have been submitted to and approved in writing by the Local Planning Authority.

Reason

To provide an appropriate drainage scheme in accordance with the NPPF, saved policies DC1 (h), DC1(j), DC1(p) of the Unitary Development Plan and policies CS17 and KEA2 of the Core Strategy and Urban Core Plan.

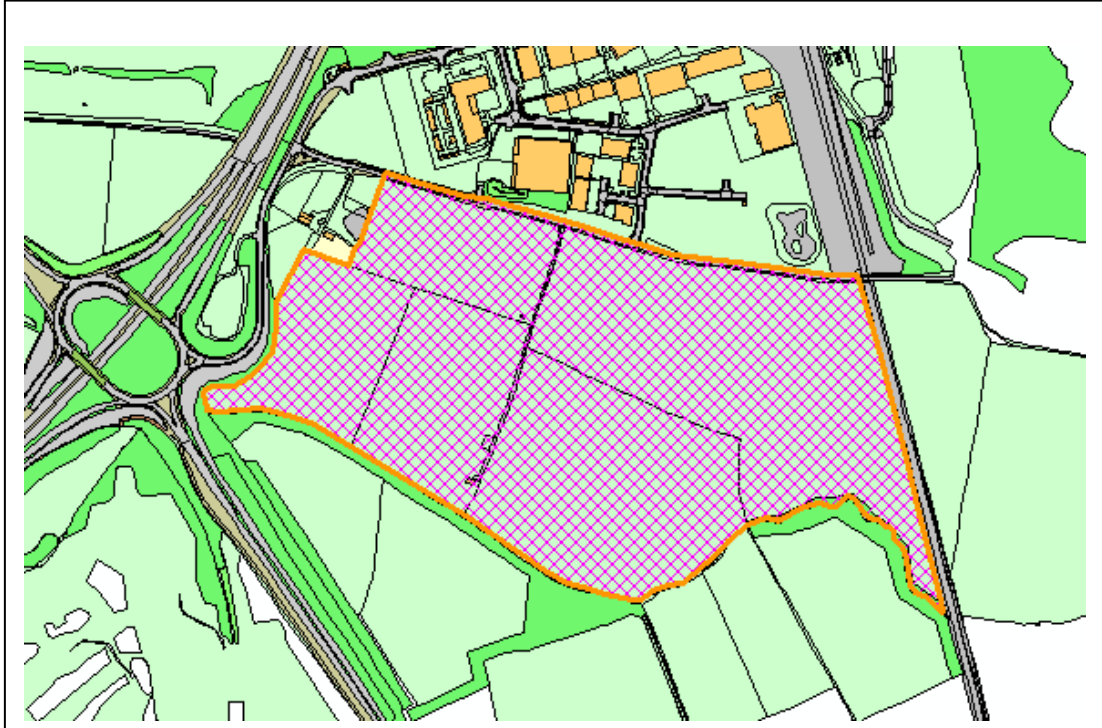
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The gabion mattresses provided on site shall be in accordance with the details approved under condition 6.

Reason

To provide an appropriate drainage scheme in accordance with the NPPF, saved policies DC1 (h), DC1(j), DC1(p) of the Unitary

Development Plan and policies CS17 and KEA2 of the Core Strategy and Urban Core Plan.



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## REPORT OF THE STRATEGIC DIRECTOR COMMUNITIES AND ENVIRONMENT

### TO THE PLANNING AND DEVELOPMENT COMMITTEE ON 18 APRIL 2018:

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

<b>Application ref.</b>	<b>Nature of proposed development</b>	<b>Location of proposed development</b>	<b>Decision</b>	<b>Ward</b>
DC/17/00562/HHA	,Two side extensions, rear extension and replacement of roof. Demolition of existing garage to create driveway.	Glen View , Stannerford Road,	Refused;	Crawcrook And Greenside
DC/17/01346/HHA	First floor front and side extension and part two storey part single storey rear extension (amended 01.03.18)	23 Hampton Drive, Felling Central,	Granted;	Deckham
DC/18/00040/COU	Change of use of part of existing adopted highway to private garden including formation area of hardstanding and erection of boundary wall and fence (as amended 21.03.2018)	The Lodge Castle Hill , Crawcrook Lane,	Granted;	Crawcrook And Greenside
DC/18/00061/COU	Change of use of unit at Washcar systems to an office (B1).	Washcar Systems Uk, Derwenthaugh Road,	Granted;	Blaydon

DC/18/00060/CPL	CERTIFICATE OF PROPOSED LAWFUL DEVELOPMENT: Change of use of former petrol filling station to temporary car wash and valeting operation	Land Adjacent Rose Cottage , High Street,	Refused;	High Fell
DC/18/00067/ADV	Display of two illuminated fascia signs on front elevation advertising, 'Infra North' and 'Upnorth Group' with logos	2 Kings Court, Team Valley,	Temporary permission granted;	Lamesley
DC/18/00072/FUL	Erection of agricultural implement store, hay store and fenced cattle pen (amended 21/02/18 and 27/03/18).	Land North Of Willies Well House, Ryton (B6317),	Granted;	Crawcrook And Greenside
DC/18/00077/HHA	Two storey side extension	29 Parkdale Rise, Fellside Park,	Granted;	Whickham North
DC/18/00078/FUL	Replacement shopfront.	Low Fell Post Office Fourbouys Ltd , 439-443 Durham Road,	Granted;	Low Fell
DC/18/00079/ADV	Display of externally illuminated fascia and hanging signs on front elevation.	Low Fell Post Office Fourbouys Ltd , 439-443 Durham Road,	Temporary permission granted;	Low Fell
DC/18/00082/HHA	Two storey side and single storey front extension, flat roof to pitched over garage	165 Kepier Chare, Ryton,	Granted;	Crawcrook And Greenside

DC/18/00080/HHA	Two storey side extension and part two storey, part single storey rear extension (amended plans received 20.03.18, description amended 21.03.18)	29 Buttermere Gardens, Sheriff Hill,	Granted;	Low Fell
DC/18/00081/HHA	Two storey side and front extension, rear ballustrade to first floor rear window and new boundary fencing and gates (revised application)	16 Cowen Gardens, Allerdene,	Refused;	Lamesley
DC/18/00086/TPO	Tree pruning at 1 The Mews, Blaydon.	1 The Mews, Blaydon On Tyne,	Granted;	Blaydon
DC/18/00088/HHA	Single storey rear extension (amended plans received 05.03.18)	Rockverne Cottage , 1 Kyo Lane,	Refused;	Crawcrook And Greenside
DC/18/00090/HHA	Proposed single storey side and rear extension and porch to front  Proposed porch	102 Devon Crescent, Elisabeth-Ville,	Granted;	Lamesley
DC/18/00095/HHA	Single storey rear extension	4 School Close, Windy Nook,	Granted;	Windy Nook And Whitehills
DC/18/00097/HHA	Single storey rear extension	1 Primrose Hill, Gateshead,	Granted;	Low Fell
DC/18/00098/HHA	Single storey rear extension, porch and pitched roof to front (amended plans received 14.03.18, description amended 14.03.18)	22 Marian Drive, Bill Quay,	Granted;	Pelaw And Heworth

DC/18/00099/HHA	Single storey front and rear extension, porch, dormer window to front and rear, and laying of concrete ramp	Treetops , 2 Lake Approach,	Granted;	Blaydon
DC/18/00100/HHA	Rear extension, and erection of timber cladding.	Alumbagh, Brackendene Drive,	Granted;	Low Fell
DC/18/00105/FUL	VARIATION OF CONDITION 2 (Hours of Operation) of permission DC/12/00577/COU to allow opening Mon - Sat 08:00 -18:000 and Sunday 09:00 - 18:00 (currently limited to between 0900 and 1800 Monday to Saturday and between 0900 and 1600 on Sundays and Public Holidays)	Smileys Car Wash, Nobles MOT Centre,	Granted;	Felling
DC/18/00108/HHA	Proposed rear conservatory	15 Mount Road, Birtley,	Granted;	Lamesley



DC/18/00116/FUL	VARIATION OF CONDITIONS 3 (hours of operation) and 5 (Music license) of permission DC/17/00684/COU to allow opening hours from 10:00 to 22:30 Sunday to Thursday and 10:00 until 23:00 Fridays, Saturdays and Bank Holidays and to enable reinstatement of Music Licence	Abel House , Station Road,	Granted;	Chopwell And Rowlands Gill
DC/18/00120/COU	Change of use of from dwelling to extension to existing childrens' nursery at 233 Alexandra Road.	66 Bewick Road And 233 Alexandra Road, Gateshead,	Granted;	Bridges
DC/18/00123/HHA	Porch and dormer window to the front,change flat roof to pitched to rear (amended 29.03.2018)	2 Lavender Road, Whickham,	Granted;	Whickham North
DC/18/00130/FUL	Erection of 3.7m projection, mono-pitch roof extension to front of shop.	Hadrian House, Front Street,	Granted;	Lamesley
DC/18/00133/FUL	Removal of conditions 9 and 10 of application DC/16/01216/FUL relating to coal mining investigations.	Swallow Service Station , Old Durham Road,	Granted;	Bridges

DC/18/00134/HHA	Two storey side extension	24 Greenford, Kibblesworth,	Granted;	Lamesley
DC/18/00135/HHA	Single storey rear extension with pitch roof and first floor extension over existing single storey garage to the side of the property (amended 28.03.18).	5 Southfield Gardens, Whickham,	Granted;	Dunston Hill And Whickham East
DC/18/00138/HHA	Proposed two single storey rear extensions	10 Holly Gardens, Gateshead,	Granted;	Low Fell
DC/18/00139/COU	Change of use from office (B1 Use Class) to mixed use office (B1 Use Class) and non residential institution (D1 Use Class).	Unit 7, Queens Court North,	Granted;	Lobley Hill And Bensham
DC/18/00142/HHA	Single storey rear extension with roof lantern and side facing dormer window to existing two storey rear extension (amended 28.03.18)	14 Granville Street, Bensham,	Granted;	Bridges
DC/18/00146/HHA	New single detached garage to replace existing double garage.	Barmoor Cottage , Barmoor Lane,	Granted;	Ryton Crookhill And Stella
DC/18/00147/HHA	Convert flat roof garage into bedroom with bow window and pitched roof	19 The Cedars, Eighton Banks,	Granted;	Lamesley

DC/18/00156/HHA	Single storey rear extension, porch to front and single storey side extension (amended 15.03.18)	2 Wasdale Crescent, Winlaton,	Granted;	Winlaton And High Spen
DC/18/00157/HHA	Proposed Modular Steel Disabled Entrance Ramp	50 Fallowfeld, Leam Lane Estate,	Granted;	Pelaw And Heworth
DC/18/00168/TPO	Tree works at 8 Fern Gardens Low Fell Gateshead.	8 Fern Gardens, Low Fell,	Granted;	Low Fell
DC/18/00160/HHA	First floor side extension and two storey rear extension	18 St Cuthberts Park, Marley Hill,	Granted;	Whickham South And Sunnyside
DC/18/00161/HHA	Extension to front, dormer window to front and rear and widening of driveway	24 Deneway, Rowlands Gill,	Granted;	Winlaton And High Spen
DC/18/00201/AGR	Proposed erection of arable/crop storage building	Longfield House Farm House, Lobley Hill Road,	Prior Approval not required	Whickham South And Sunnyside
DC/18/00169/HHA	Removal of existing window and creation of new doorway and window to allow disabled access, installation of a modular metal mesh platform system to marry new doorway in with existing raised concrete pathway.	42 South Sherburn, Rowlands Gill Central,	Granted;	Chopwell And Rowlands Gill

DC/18/00170/HHA	Proposed front porch, dormer window to rear, basement and minor external alterations (amended plans received 14.03.18, description amended 14.03.18)	68 Grasmere Street, Gateshead,	Granted;	Saltwell
DC/18/00172/HHA	The supply and installation of a modular metal mesh access ramp to allow disabled access to and from domestic property.	2 Underwood, Leam Lane Estate,	Granted;	Pelaw And Heworth
DC/18/00174/HHA	Construction of single storey ground floor extension to rear of property	14 Rockwood Hill Estate, Greenside,	Granted;	Crawcrook And Greenside
DC/18/00187/FUL	Installation of x1 InLink.	Shore Road, Outside The Baltic Centre,	Granted;	Bridges
DC/18/00188/ADV	Display of two x 2895.6mm high digital LED display screens, one on each side of InLink Unit	Shore Road, Outside The Baltic Centre,	Temporary permission granted;	Bridges
DC/18/00192/HHA	Proposed single storey front, side and rear extension	18 Plantation Grove, Bill Quay,	Granted;	Pelaw And Heworth
DC/18/00193/TPO	Works to various trees at Tall Trees, Rowlands Gill.	Tall Trees, High Horse Close,	Granted;	Winlaton And High Spenn
DC/18/00195/HHA	Two storey side extension, single storey rear extension and pitched roof to front	6 Catton Grove, Sunnyside,	Granted;	Whickham South And Sunnyside

DC/18/00196/HHA	Remove existing side garage, and proposed two storey side extension and pitched roof to bay window and porch	42 Pear Tree Terrace, Chopwell,	Granted;	Chopwell And Rowlands Gill
DC/18/00197/HHA	First floor side extension, single storey rear extension, and porch to front	3 Old Farm Court, Sunnyside,	Granted;	Whickham South And Sunnyside
DC/18/00199/HHA	The supply and installation of a modular metal mesh access ramp and paved base area and pathway to allow disabled access to and from front door of domestic residence.	19 Meadowbrook Drive, Wardley,	Granted;	Wardley And Leam Lane
DC/18/00200/HHA	Two storey side extension with single storey front extension	83 Denton View, Winlaton,	Granted;	Blaydon
DC/18/00204/HHA	Two storey front extension	11 South Avenue, Whickham,	Granted;	Whickham South And Sunnyside
DC/18/00205/HHA	Single storey rear extension	21 Laburnum Grove, Sunnyside,	Granted;	Whickham South And Sunnyside
DC/18/00211/HHA	Proposed single storey side and rear extension and rear bay window	83 Marian Drive, Bill Quay,	Granted;	Pelaw And Heworth

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**REPORT TO PLANNING AND  
DEVELOPMENT COMMITTEE**  
**18<sup>th</sup> April 2018**

**TITLE OF REPORT:**           **Enforcement Action**

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

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**Purpose of the Report**

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

**Background**

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

**Recommendations**

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

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Contact: John Bradley extension 3905

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**1. FINANCIAL IMPLICATIONS**

Nil.

**2. RISK MANAGEMENT IMPLICATIONS**

Nil.

**3. HUMAN RESOURCES IMPLICATIONS**

Nil.

**4. EQUALITY AND DIVERSITY IMPLICATIONS**

Nil

**5. CRIME AND DISORDER IMPLICATIONS**

Nil.

**6. SUSTAINABILITY IMPLICATIONS**

Nil.

**7. HUMAN RIGHTS IMPLICATIONS**

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

**8. WARD IMPLICATIONS**

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

**9. BACKGROUND INFORMATION**

Nil.



APPENDIX 2

Item Number	Site	Ward	Alleged Breach of Planning Control	Date Approval given for Enforcement Action	Date Served	Plan App Rec'd Y/N	Appeal Rec'd Y/N	Date Notice comes into Force	End of Compliance Period	Current Status	Compliance Y/N
1.	Land adjacent Ricklees Farm, Spen Lane, High Spen, Gateshead	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 <sup>st</sup> September	21 <sup>st</sup> September	N	N	21 <sup>st</sup> October 2015	16 <sup>th</sup> December	A planning application is expected to be submitted soon.	

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

Item Number	Site	Ward	Alleged Breach of Planning Control	Date Approval given for Enforcement Action	Date Served	Plan App Rec'd Y/N	Appeal Rec'd Y/N	Date Notice comes into Force	End of Compliance Period	Current Status	Compliance Y/N
	(Known as South West Farm Site Three)	Swalwell	and machinery and 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>and provide an Environmental Statement with an subsequent appeals.</p> <p>The Notices requires firstly, the cessation of the unauthorised use and secondly, the removal from the land of the scrap.</p> <p>The site is to be visited following the expiration of the compliance period the visit is to be carried out imminently in conjunction with the Environment Agency.</p> <p>The associated legal action at Newcastle Crown Court has been completed a further hearing at Gateshead Magistrates Court has been listed for the 3<sup>rd</sup> November 2017.</p> <p>The hearing at Gateshead Magistrates was adjourned. A revised date has been listed for the 6<sup>th</sup> December 2017.</p> <p>The hearing at Gateshead Magistrates was adjourned. A revised court date has been listed for the 31<sup>st</sup> January 2018.</p> <p>The defendant pleaded not guilty at court on the 31<sup>st</sup> January. The case has been listed for the 29<sup>th</sup></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>March 2018.</p> <p><b>Both defendants pleaded guilty and both received a fine of £750. Each defendant was ordered to pay costs of £422.50 and a victim surcharge of £75. The site has to be cleared in 6 months.</b></p>	
5.	Tynedale House, Main Street, Crawcrook	Crawcrook and Greenside	Unsightly Building	13 <sup>th</sup> January 2017	14 <sup>th</sup> February 2017	Y	N	20 <sup>th</sup> March 2017	15 <sup>th</sup> May 2017	<p>Complaints have been received regarding the appearance of the front elevation of the property which is a former butchers shop.</p> <p>Whilst the site is noted to be under renovation the works have not substantially progress and the matter has become protracted.</p> <p>A Notice has been issued to ensure the façade is brought up to an acceptable standard within a specified period.</p> <p>The majority of the requirements of the notice have been complied with.</p> <p>The owner is now actively marketing the property in the hope the unit will be brought back into use .</p> <p><b>As the premises has been on the market for some time the Council is now in contact with the agent to monitor the</b></p>	

Item Number	Site	Ward	Alleged Breach of Planning Control	Date Approval given for Enforcement Action	Date Served	Plan App Rec'd Y/N	Appeal Rec'd Y/N	Date Notice comes into Force	End of Compliance Period	Current Status	Compliance Y/N
										<b>marketing and future occupation of the premises.</b>	
6.	Site of Station House, Green Lane, Gateshead	Pelaw and Heworth	Breach of Planning Condition	16 <sup>th</sup> March 2017	16 <sup>th</sup> March 2017	Y	N	16 <sup>th</sup> March 2017	10 <sup>th</sup> April 2017	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.  Officers have significant concerns regarding highway safety, therefore a Temporary Stop Notice was issued requiring the use to cease until the conditions are discharged.	
			Breach of Planning Conditions	19 <sup>th</sup> April 2017	20 <sup>th</sup> April 2017	Y	N	20 <sup>th</sup> April 2017	18 <sup>th</sup> May 2017	A Breach of Condition Notice was issued and the required information has been submitted.  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.  Discussions are taking place between the agent and the	

Item Number	Site	Ward	Alleged Breach of Planning Control	Date Approval given for Enforcement Action	Date Served	Plan App Rec'd Y/N	Appeal Rec'd Y/N	Date Notice comes into Force	End of Compliance Period	Current Status	Compliance Y/N
			Breach of planning conditions	14 <sup>th</sup> March 2018	14 <sup>th</sup> March 2018	Y	N	14 <sup>th</sup> March 2018	11 <sup>th</sup> April 2018	<p>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> <p>A Breach of Condition Notice has been served requiring the implementation of the approved detail.</p> <p><b>A site visit will be undertaken following the expiry of the compliance period to confirm if the Notice has been complied with.</b></p>	
7.	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>	

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>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><b>The appeal decision is anticipated imminently.</b></p>	
8.	Site of Former Collinson Brothers Garage, Derwent Street, Chopwell	Rowlands Gill and Chopwell	Unightly Land	31 August 2017	1 September 2017	N	N	4 October 2017	29 November 2017	<p>The land is derelict and complaints have been received regarding its condition on what is a prominent site.</p> <p>A notice has been issued to require improvements, particularly relating to the boundary treatment.</p> <p>However, the site owners appear to have gone into liquidation which may cause problems is securing compliance</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>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> <p><b>A referral is being made to the Councils land development group to see if a long term strategy can be put in place for this site (lead officer Mandy Reed)</b></p>	
9.	23 Hopedene Felling Gateshead NE10 8JA	Wardley And Leam Lane	Unightly Land	19 <sup>th</sup> October 2017	19 <sup>th</sup> October 2017	N	N	23 <sup>rd</sup> November 2017	4 <sup>th</sup> January 2018	<p>Complaints have been received regarding the condition of the garden.</p> <p>The property has been overgrown for a long period and is unsightly.</p> <p>A notice has been served requiring the garden be cut back, strimmed and all waste removed.</p> <p>No further work has been undertaken since the last site visit on the 13<sup>th</sup> December. A letter has been written to the owners. Files are being prepared for prosecution if works are not undertaken by the end of January.</p> <p>A site visit to confirm whether notice has been complied with will be undertaken the week commencing the</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 <sup>th</sup> February, in the absence of this being complied with a prosecution file will be prepared.  Prosecutions files are now being prepared.	
10.	Gleeson's housing site, formally grazing land between Portobello Road Birtley	Birtley	Breach of Planning Conditions	29 <sup>TH</sup> November 2017	29 <sup>th</sup> November 2017	Y	N	29 <sup>th</sup> November 2017	26 <sup>th</sup> December 2017	Despite communication with the developer, pre-commencement conditions have not been discharged and engineering operations and building operations have commenced on site.  The Temporary Stop Notice has been issued to allow for full details of the conditions to be submitted and assessed.  Correspondence has been sent to the developer asking them to confirm that they will not be recommencing work on site until the issues regarding the conditions have been resolved. A response was received on 09.01.18 and further legal action is being considered.  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	

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										<p>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> <p><b>The discharge of condition application was submitted on the 23.03.18 and is currently being assessed.</b></p>	
11.	Da Vinci's Pizzeria 10 Harraton Terrace Durham Road Birtley Chester Le Street DH3 2QG	Birtley	Unauthorised change of use	22 <sup>nd</sup> December 2017	22 <sup>nd</sup> December 2017	Y	Y	26 <sup>TH</sup> January 2018	26 <sup>th</sup> March 2018	<p>Complaints have been received regarding the operation of a hot food take away without planning permission. A planning application was refused on 15th November 2017. The application was refused because the proposal would represent inappropriate development as it would lead to increased access to an unhealthy eating outlet, it would also lead to an overconcentration of such uses.</p> <p>An Enforcement Notice has been issued to cease the use of the takeaway and delivery to address the issues identified which resulted in the refusal</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
										of the application.  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.	
12.	44 Ponthaugh Rowlands Gill NE39 1AD	Chopwell and Rolwands Gill	Unauthorised change of use	12 <sup>th</sup> January 2018	12 <sup>th</sup> January 2018	N	N	16 <sup>th</sup> February 2018	16 <sup>th</sup> March 2018	<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 land owner advising of the date of compliance.  <b>A site visit was undertaken on 03.04.18 the Notice has not been complied with. A P.A.C.E Interview invite has been sent to land owner prior to preparing the</b></p>	

Item Number	Site	Ward	Alleged Breach of Planning Control	Date Approval given for Enforcement Action	Date Served	Plan App Rec'd Y/N	Appeal Rec'd Y/N	Date Notice comes into Force	End of Compliance Period	Current Status	Compliance Y/N
										<b>prosecution file.</b>	
13.	Land at Mill Road Gateshead NE8 3AE	Bridges	Unightly Land	19 <sup>th</sup> February 2018	19 <sup>th</sup> February 2018	N	N	26 <sup>th</sup> March 2018	7 <sup>th</sup> May 2018	Complaints have been received regarding the condition of the building and land. A Notice has been issued pursuant to section 215 of the Town and Country Planning Act requiring the building to be demolished and the land to be enclosed by a hoarding.  <b>As there has been no activity on site, the agent has been contacted and the Council is awaiting confirmation of timescales for demolition.</b>	
14.	1 Woodbine Place Gateshead NE8 1RT	Bridges	Unauthorised development	08 <sup>th</sup> March 2018	09 <sup>th</sup> March 2018	N	N	09 <sup>th</sup> March 2018	06 <sup>th</sup> 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 impact the development will have on the visual amenity of the area.  The temporary stop notice has been served to allow for these concerns to be fully assessed.  <b>The applicant is working with the planning department</b>	

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
										to submit a revised planning application, Following the expiry of the Temporary Stop Notice an officer will undertake a site visit to ensure no unauthorised works have been undertaken.	
15.	Blaydon Quarry , Lead Road, Gateshead	Crawcrook and Greenside	Unauthorised change of use	27 <sup>th</sup> March 2018	28 <sup>th</sup> March 2018	N	N	28 <sup>th</sup> March 2018	28 <sup>th</sup> April 2018	Following reports that families were living on the landfill site in static caravans a Temporary Stop Notice was served to require cessation of occupation	
16.	Blaydon Quarry , Lead Road, Gateshead	Crawcrook and Greenside	Breach of Planning Conditions	27 <sup>th</sup> March 2018	28 <sup>th</sup> March 2018	N	N	28 <sup>th</sup> March 2018	28 <sup>th</sup> April 2018	Despite communication with the occupiers and owners of the site, conditions relating to planning permission DC/12/01266/MIWAS have not been discharged.  Notice served in relation to breach of condition 12 to require submission of a noise monitoring scheme for all restoration activities. This condition has not been discharged	
17.	Blaydon Quarry , Lead Road, Gateshead	Crawcrook and Greenside	Breach of Planning Conditions	27 <sup>th</sup> March 2018	28 <sup>th</sup> March 2018	N	N	28 <sup>th</sup> March 2018	28 <sup>th</sup> April 2018	Notice served in relation to breach of condition 13 to require submission of a vibration monitoring scheme for all restoration activities. This condition has not been discharged	

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
18.	Blaydon Quarry , Lead Road, Gateshead	Crawcrook and Greenside	Breach of Planning Conditions	27th March 2018	28th March 2018	N	N	28th March 2018	28th April 2018	Notice served in relation to Breach of condition 14 to require Submission of a scheme for the management and minimisation of dust from restoration activities. This condition has not been discharged	
19.	Blaydon Quarry , Lead Road, Gateshead	Crawcrook and Greenside	Breach of Planning Conditions	27th March 2018	28th March 2018	N	N	28th March 2018	28th April 2018	Notice served in relation to breach of condition 18 to require the Submission of a report to the Council recording the operations carried out on the land during the previous 12 months. This condition has not been discharged	
20.	Blaydon Quarry , Lead Road, Gateshead	Crawcrook and Greenside	Breach of Planning Conditions	27th March 2018	28th March 2018	N	N	28th March 2018	28th April 2018	Notice served in relation to breach condition 23 to require Submission of details of a drainage system to deal with surface water drainage, and implementation of agreed scheme. This condition has not been discharged	
21.	Blaydon Quarry , Lead Road, Gateshead	Crawcrook and Greenside	Breach of Planning Conditions	27th March 2018	28th March 2018	N	N	28th March 2018	28th April 2018	Notice served in relation to breach condition 24 to require submission of a timetable and a maintenance scheme to the Council for the installation and maintenance of the drainage system. This condition has not been discharged	

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
22.	Blaydon Quarry , Lead Road, Gateshead	Crawcrook and Greenside	Breach of Planning Conditions	27th March 2018	28th March 2018	N	N	28th March 2018	28th April 2018	Notice served in relation to breach of condition 25 to require the Submission of an up to date survey of Cell 2 in relation to clearance heights beneath the electricity power lines. This condition has not been discharged	
23.	Blaydon Quarry , Lead Road, Gateshead	Crawcrook and Greenside	Breach of Planning Conditions	27th March 2018	28th March 2018	N	N	28th March 2018	28th April 2018	Notice served in relation to breach condition 26 to require the submission of details for the illuminate activities on site. This condition has not been discharged	
24.	Blaydon Quarry , Lead Road, Gateshead	Crawcrook and Greenside	Breach of Planning Conditions	27th March 2018	28th March 2018	N	N	28th March 2018	28th April 2018	Notice served in relation to Breach of condition 27 to require the submission of details as requested in condition 27 of permission DC/12/01266/MIWAS. This condition has not been discharged	
25.	Blaydon Quarry , Lead Road, Gateshead	Crawcrook and Greenside	Breach of Planning Conditions	27th March 2018	28th March 2018	N	N	28th March 2018	28th April 2018	Notice served in relation to breach of condition 28. To require submission of details for alternative provision for Sand Martin nesting and other bat and bird boxes and a timetable for implementation. This condition has not been discharged	



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
26.	Blaydon Quarry , Lead Road, Gateshead	Crawcrook and Greenside	Breach of Planning Conditions	27th March 2018	28th March 2018	N	N	28th March 2018	28th April 2018	Notice served in relation to breach of condition 31. To require the submission of details for reflective road marking scheme adjacent to the site access on Lead Road. This condition has not been discharged	
27.	Blaydon Quarry , Lead Road, Gateshead	Crawcrook and Greenside	Breach of Planning Conditions	27th March 2018	28th March 2018	N	N	28th March 2018	28th April 2018	Notice served in relation to breach of condition 32 to require the Submission of a timetable for the early restoration of the north east corner of the site. This condition has not been discharged	
28.	Blaydon Quarry , Lead Road, Gateshead	Crawcrook and Greenside	Breach of Planning Conditions	27th March 2018	28th March 2018	N	N	28th March 2018	28th April 2018	Complaints have been received that the site has been open outside the approved hours, following further investigation this has been confirmed, therefore a notice has been served in relation to breach of condition 51 to ensure no HGV'S enter or leave the site before 06.30 or after 18.00 hours on Monday to Friday nor after 13.00 hours on Saturdays and no times on Sunday and Bank and Public holidays.	

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**TITLE OF REPORT:** Planning Appeals

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

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### **Purpose of the Report**

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

### **New Appeals**

2. There has been one new appeal lodged since the last committee:

DC/17/00654/HHA - 257 Coatsworth Road, Bensham, Gateshead NE8 4LJ  
Rear Extension  
This application was a delegated decision refused on 17 November 2017.

### **Appeal Decisions**

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

DC/16/01261/FUL - Coalburns Cottages, 4 Coalburns Cottages, Greenside, Ryton  
NE40 4JL  
Demolition of existing garage followed by erection of new dormer bungalow with four parking spaces (as amended 16.05.2017).  
This application was a committee decision refused on 5 June 2017.  
Appeal allowed 16 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 3

**BACKGROUND INFORMATION**

Start letters and decision letters from the Planning Inspectorate



The Planning Inspectorate

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## Appeal Decision

Site visit made on 6 February 2018

by John Dowsett MA DipURP DipUD MRTPI

an Inspector appointed by the Secretary of State

Decision date: 16<sup>th</sup> March 2018

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**Appeal Ref: APP/H4505/W/17/3184195**

**4 Coalburns Cottages, Greenside, Ryton, NE40 4JL**

- 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 Robert Carroll against the decision of Gateshead Council.
  - The application Ref: DC/16/01261/FUL, dated 24 November 2016, was refused by notice dated 5 June 2017.
  - The development proposed is demolition of the existing garage followed by erection of a new dormer bungalow with four parking spaces.
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### Decision

1. The appeal is allowed and planning permission is granted for demolition of the existing garage followed by erection of a new dormer bungalow with four parking spaces at 4 Coalburns Cottages, Greenside, Ryton, NE40 4JL in accordance with the terms of the application, Ref: DC/16/01261/FUL, dated 24 November 2016, subject to the conditions in the attached schedule.

### Procedural matter

2. The decision notice issued by the Council refers to Policy ENV37 of the Gateshead Unitary Development Plan 2007 (UDP). As part of their appeal submission the Council have clarified that this Policy was not saved and was replaced by the Core Strategy and Urban Core Plan for Newcastle and Gateshead 2015 (CSUCP). I have, therefore, dealt with the appeal on the basis that the operative policies are CSUCP Policy CS19 and Saved Policy ENV38 of the UDP.

### Main Issues

3. The main issues in this appeal are:
  - Whether the proposal would be inappropriate development in the Green Belt having regard to the National Planning Policy Framework and any relevant development plan policies; and
  - The effect of the proposed development on the living conditions of the occupiers of number 5 Coalburns Cottages, with particular regard to outlook and overbearing.

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

## Reasons

### *Whether the development is inappropriate development in the Green Belt*

4. The settlement of Coalburns is within the Green Belt and is washed over by the Green Belt designation. Policy CS19 of the CSUCP seeks to protect the Green Belt in accordance with National Policy. Saved Policy ENV38 of the UDP specifically addresses washed over settlements in the Green Belt and allows for infilling development within the defined envelopes of a number of named settlements, including Coalburns. The settlement envelope for Coalburns is identified on a plan within the UDP.
5. Paragraph 89 of the National Planning Policy Framework (the Framework) sets out that, subject to a number of exceptions, the construction of new buildings is inappropriate in the Green Belt. One such exception is for limited infilling in villages.
6. The Council consider that Coalburns is not a village and therefore the exception in Paragraph 89 does not apply. The terms "village" and "infilling" are not defined in either the Framework or the UDP. These are a matter of planning judgement and whilst I accept that the inclusion of a site within a defined boundary is not necessarily determinative, it is nonetheless a relevant consideration. There is some debate in the evidence and representations regarding whether Coalburns is a village or a hamlet. However, both these terms are relatively loosely defined in most sources and there is not an objective or quantitative frame of reference against which to determine whether a settlement is a village or a hamlet.
7. Coalburns comprises of 17 properties, including three farm houses, and a public house, loosely grouped together along Lead Road and Kyo Lane with an area of public open space at the junction of these roads. I saw when I visited the site that this area of open space and its relationship with the public house to the west and Coalburns Cottages to the east creates a focal point to the settlement that ties together the dwellings to the west and the slightly more dispersed development to the west. In addition to the public house, I also saw that there is a florist and nursery business operating from a premises on Kyo Lane on the edge of the settlement.
8. As well as the scale and form of the settlement itself, it is of relevance that Coalburns is identified in Policy ENV38 the UDP as a Green Belt Settlement where infilling will be allowed and that a settlement envelope is identified for it. Although this policy pre-dates the Framework and was drawn up under a different policy regime<sup>1</sup>, the previous national policy contained essentially similar exception criteria to those set out in Paragraph 89 of the Framework, and advised that in the case of washed over villages the local plan may need to define infill boundaries to avoid dispute over whether particular sites are covered by infill policies. Although this previous guidance is no longer an extant national policy, in order to properly and consistently apply the UDP policy, it is necessary to understand the background to it. From this, it is clear to me that Policy ENV38 regards Coalburns as a village.
9. From the physical form of the settlement and from the policy context, I am therefore satisfied that Coalburns is a village for the purposes of the exceptions

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<sup>1</sup> Planning Policy Guidance 2: Green Belts

in the Framework and for the application of CSUCP Policy CS19 and Saved Policy ENV38 of the UDP.

10. The appeal site lies entirely within the settlement envelope shown in the plan which accompanies Policy ENV38. Although it is on the edge of the defined area, I saw when I visited the site that it is in use as a domestic garden area and is bounded on all but one side by other garden areas and by the access road for Coalburns Cottages which are also included within the defined village envelope. The boundaries of these domestic gardens form a distinct edge to the settlement, separating it from the agricultural field to the north. Development on the appeal site would, consequently, represent infilling within the village in accordance with Saved Policy ENV38.
11. I conclude that the proposed development would not be inappropriate development within the Green Belt. It would comply with the relevant requirements of CSUCP CS19, Saved Policy ENV38 of the UDP, and the Framework, which seek to prevent inappropriate development on Green Belt land.

*Living conditions of the occupiers of number 5 Coalburns Cottages*

12. Policy DC2 of the UDP expects, among other matters, that new development safeguards the enjoyment of light and privacy for existing residential properties, and ensures a high quality of design and amenity for existing and future residents. This is consistent with the policies in the Framework.
13. Number 5 Coalburns Cottages is located at the end of the short terrace of houses, opposite the access point to the appeal site. During my site visit I was able to access this house and view the appeal site from the ground floor windows of the principal living accommodation. The existing garage on the site is visible through the windows on the east elevation of number 5, nevertheless, this structure does not appear unduly overbearing due to its single storey nature.
14. The proposed new dwelling would be located approximately 1.2 metres from the common boundary between the appeal site and the garden of number 5 Coalburns Cottages, and approximately 9 metres from the existing house. Whilst the siting of the new dwelling in relation to the common boundary is similar to that of the existing garage, the proposed new dwelling is set further north into the appeal site than this structure. The principal living accommodation of number 5 Coalburns Cottages has windows on both the east and north elevations. The proposed new dwelling would be both higher and longer than the existing structure, nonetheless, as a result of its orientation relative to number 5 and its position on the site, the new dwelling would be visible in oblique views from the ground floor windows of number 5, rather than being positioned directly in front of either of them.
15. Although it would be a larger structure, the new dwelling would be positioned further away from the neighbouring house than the existing garage. Consequently, there would still be largely unobstructed views to the north and the outlook to the east would remain broadly similar to the current situation. Although the outlook from the principal living accommodation of number 5 would be altered, the effect of this alteration would not be so significant as to amount to harm. Due to the proposed siting of the new dwelling to the north of the end wall of number 5, and the distance between the existing and



proposed buildings, the new dwelling would not appear excessively overbearing or dominant from within the existing house.

16. The Council have not raised any concerns in respect of loss of privacy or with regard to sunlight or daylight. From what I have read and from what I saw when I visited the site, I have no reason to reach a different conclusion.
17. I therefore find that the proposed development would not cause harm to the living conditions of the occupiers of number 5 Coalburns Cottages, with particular regard to outlook and overbearing. It would comply with the relevant requirements of Policy DC2 of the UDP.

#### **Other matters**

18. Coalburns has a varied architectural character. Whilst Coalburns Cottages and the Fox and Hounds public house are older buildings, the majority of the remainder are of more recent date. The village as a whole has an informal layout and is not within a conservation area or an area that is subject to a specific landscape designation other than its Green Belt status. The proposed new dwelling takes some of its design cues from the surrounding buildings in terms of the roof form, use of dormer windows and materials and, as such, would not appear out of place or incongruous alongside the existing built form.
19. There is provision within the appeal site to park four vehicles, two for the new dwelling and two for the existing house at 4 Coalburns. I have had regard to the points that have been raised in respect of manoeuvring from the appeal site and the width of the road which provides access to it. I saw when I visited the site that some of the other garden areas to the east of the access road contain driveways and garages which must also require manoeuvring on the access road. I accept that it may not always be possible for a vehicle to turn within the appeal site and join the carriageway in forward gear, however, the width of the carriageway is such that a vehicle could turn within it, albeit requiring a number of manoeuvres. I do not consider that this would prove so inconvenient that drivers would resort to reversing the length of the access road and attempt to join the main road in reverse gear. There is no substantive evidence that would indicate that access to and from the site would be impractical or unsafe, and I note that there have been no objections raised by the Highway Authority.
20. Whilst the appeal site forms part of a wildlife corridor, I have no evidence before me that would indicate that the proposal would compromise the free movement of species or the integrity of the wildlife corridor.

#### **Conditions**

21. I have had regard to the list of conditions that has been suggested by the Council. In order to provide certainty in respect of what has been granted planning permission, I have attached a condition that specifies the approved drawings.
22. The planning officer's report states that the appeal site is located within an area that is identified as being at high risk from hazards associated with past coal mining activity. For this reason it is necessary to attach a condition requiring that an intrusive investigation be carried out to determine if there are any land stability issues or potential gas emissions resulting from these mining activities. I have combined the implementation clause into this condition. Due



to the nature of the works required, it is necessary that this condition be pre-commencement.

23. The Council have suggested five conditions in relation to potential land contamination. Due to the small scale of the development and lack of substantive evidence that the site is contaminated it is not necessary to have 5 detailed conditions in respect of this. Nonetheless, on the grounds that there has been previous mining activity in the area, a precautionary approach suggests such a condition is necessary. I have therefore attached a simplified condition that addresses the same issues as those suggested by the Council. Due to the nature of the works required, it is also necessary that this condition be pre-commencement.
24. The planning application does not include full details of the proposed materials for the development. In order to ensure that the proposed development is in keeping with the appearance of the existing buildings in the surrounding area, it is necessary to attach a condition requiring details of the proposed materials to be submitted for approval.
25. The appeal site is in the near vicinity of other residential properties and, consequently, it is necessary to restrict the hours that construction related activities can be carried out on the site in order to ensure that disturbance to existing residents is minimised during the construction period.
26. Due to the nature of the access road and the proposal resulting in the loss of the garage for existing house at 4 Coalburns Cottages, a condition to require the provision of parking facilities for this property is necessary.

#### **Conclusion**

27. For the above reasons and having regard to all other relevant matters raised, I conclude that the appeal should be allowed subject to the conditions discussed above.

*John Dowsett*

INSPECTOR

#### **Schedule of conditions**

- 1) The development hereby permitted shall begin not later than 3 years from the date of this decision.
- 2) The development hereby permitted shall be carried out in accordance with the following approved plans: 16060/OS/01; 16060/P02 Rev D; 16060.P03 Rev A; and 16060.P05 Rev A.

- 3) The development hereby approved shall not commence until a report of intrusive site investigations in relation to the coal mining legacy, including the results of any gas monitoring and where required, measures and timescales for remediation, monitoring, and verification reports has been submitted to, and approved in writing by, the local planning authority. Thereafter the approved remediation and monitoring measures shall be implemented in full accordance with the approved timescales and the approved details.
- 4) No development shall commence until an assessment of the risks posed by any contamination, carried out in accordance with British Standard BS 10175: Investigation of potentially contaminated sites - Code of Practice and the Environment Agency's Model Procedures for the Management of Land Contamination (CLR 11) (or equivalent British Standard and Model Procedures if replaced), shall have been submitted to, and approved in writing by the local planning authority. If any contamination is found, a report specifying the measures to be taken, including the timescale, to remediate the site to render it suitable for the approved development shall be submitted to and approved in writing by the local planning authority. The site shall be remediated in accordance with the approved measures and timescale and a verification report shall be submitted to, and approved in writing by, the local planning authority. If, during the course of development, any contamination is found which has not been previously identified, work shall be suspended and additional measures for its remediation shall be submitted to and approved in writing by the local planning authority. The remediation of the site shall incorporate the approved additional measures and a verification report for all the remediation works shall be submitted to the local planning authority within 14 days of the report being completed and approved in writing by the local planning authority.
- 5) No external materials for the development hereby approved shall be used on site until samples of all materials, colours and finishes to be used on all external surfaces have been submitted to, and approved in writing by, the local planning authority. The relevant works shall thereafter be carried out in accordance with the approved sample details.
- 6) Demolition or construction works shall take place only between 0800 hours and 1700 hours on Mondays to Fridays and between 0800 hours and 1300 hours on Saturdays, and shall not take place at any time on Sundays or on Bank or Public Holidays.
- 7) Prior to the first occupation of the dwelling hereby approved, a scheme shall be submitted to and approved in writing by the Local Planning Authority which ensures that two car parking spaces, the associated manoeuvring area and private garden space (as shown on plan number 16060/P02 Rev D) are available for the property known as 4 Coalburns Cottages, Greenside, Ryton, NE40 4JL. Thereafter, the approved scheme shall be implemented on site, prior to first occupation, in accordance with the approved details and kept available for the specified purposes for the lifetime of the development.

**APPENDIX 3**

**OUTSTANDING APPEALS**

<b>Planning Application No</b>	<b>Appeal Site (Ward)</b>	<b>Subject</b>	<b>Appeal Type</b>	<b>Appeal Status</b>
DC/16/01261/FUL	Coalburns Cottages 4 Coalburns Cottages Greenside Ryton NE40 4JL	Demolition of existing garage followed by erection of new dormer bungalow with four parking spaces (as amended 16.05.2017)	Written	Appeal Allowed
DC/17/00156/COU	Site Of Scottish Motor Auctions Group Shadon Way Birtley DH3 2SA	Change of use from unused land to a hardstanding parking area with drive through route and enclosure by means of a new perimeter security fence	Written	Appeal In Progress
DC/17/00473/HHA	17 Limetrees Gardens Low Fell Gateshead NE9 5BE	First floor extensions to side and rear	Written	Appeal in Progress
DC/17/00010/FUL	Ogilvie House Princes Park Gateshead NE11 0NF	Erection of 2.4m high mesh fencing around perimeter of site. Proposal includes installation of single automatic roller gate at site entrance, single leaf pedestrian gate to east elevation and single pedestrian gate to west elevation	Written	Appeal in Progress
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
<b>DC/17/00654/HHA</b>	<b>257 Coatsworth Road Bensham Gateshead NE8 4LJ</b>	<b>Rear Extension</b>	<b>Written</b>	<b>Appeal in Progress</b>



## REPORT TO PLANNING AND DEVELOPMENT COMMITTEE

18 April 2018

**TITLE OF REPORT:** Planning Obligations

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

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### **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 18 April 2018.

### **Recommendations**

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

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Contact: Emma Lucas Ext: 3747

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**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