

# PLANNING AND DEVELOPMENT COMMITTEE AGENDA

Wednesday, 9 May 2018 at 10.00 am in the Bridges Room - Civic Centre

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From the Chief Executive, Sheena Ramsey

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Item	Business
<b>1</b>	<b>Apologies for Absence</b>
<b>2</b>	<b>Minutes</b>  The Committee is asked to approve as a correct record the minutes of the meeting held on 18 April 2018 (copy previously circulated).
<b>3</b>	<b>Declarations of Interest</b>  Members to declare interests in any agenda items
<b>4</b>	<b>Planning Applications</b>  Report of the Strategic Director, Communities and Environment
4i	<b>No. 1 - Land North of Gullane Close, Bill Quay, Gateshead (Pages 3 - 40)</b>
4ii	<b>No. 2 - Swalwell &amp; District Social Club, Brewery Bank, Swalwell, NE16 3DP (Pages 41 - 60)</b>
4iii	<b>No. 3 - Follingsby Park South, Follingsby Lane, Gateshead NE10 8YA (Pages 61 - 114)</b>
4iv	<b>No. 4 - 43 Hillcrest Drive, Dunston Hill, Gateshead NE11 9QS (Pages 115 - 118)</b>
<b>5</b>	<b>Delegated Decisions (Pages 119 - 130)</b>  Report of the Strategic Director, Communities and Environment
<b>6</b>	<b>Enforcement Action (Pages 131 - 152)</b>  Report of the Strategic Director, Communities and Environment
<b>7</b>	<b>Planning Enforcement Appeals (Pages 153 - 164)</b>  Report of the Strategic Director, Communities and Environment

**8 Planning Appeals (Pages 165 - 170)**

Report of the Strategic Director, Communities and Environment

**9 Planning Obligations (Pages 171 - 172)**

Report of the Strategic Director, Communities and Environment

### Committee Report

<b>Application No:</b>	<b>DC/17/01267/FUL</b>
<b>Applicant</b>	<b>Gentoo Homes Ltd</b>
<b>Date Application Valid</b>	<b>20 November 2017</b>
<b>Site:</b>	<b>Land North Of Gullane Close Bill Quay Gateshead</b>
<b>Ward:</b>	<b>Pelaw And Heworth</b>
<b>Proposal:</b>	<b>Erection of 30 dwellings (Use Class C3) and associated access, landscaping and associated engineering works (resubmission) (amended 04/04/18).</b>
<b>Recommendation:</b>	<b>GRANT SUBJECT TO A SECTION 106 AGREEMENT</b>
<b>Application Type</b>	<b>Full Application</b>

#### 1.0 The Application:

##### 1.1 DESCRIPTION OF THE SITE

The application site is located within Bill Quay, approximately 4.5km east of Gateshead town centre. The A185 is located to the east of Bill Quay, whilst the River Tyne runs to the west.

1.2 The application site comprises of a rectangular parcel of vacant agricultural land. The Metro line runs along the eastern boundary of the site, to the south and west, the site directly adjoins the existing residential properties of Gullane Close and Marian Drive. To the north is open agricultural land, beyond which lies Cutthroat Dene.

1.3 Land levels on site are largely flat with a slight slope from south to north. Access to the site can currently be gained to the north or via a access gate at the head of Gullane Close.

1.4 The application site is located within a Wildlife Corridor as defined by saved UDP Policy ENV51 of the UDP and part of the site is located within an Area of Archaeological Importance as defined by saved UDP Policy ENV21.

1.5 The Metro line to the east of the application site and Cutthroat Dene to the north are the defined boundaries between Gateshead and South Tyneside. The River Tyne to the west of the site is the defined boundary with Newcastle.

##### 1.6 DESCRIPTION OF THE PROPOSAL

The application seeks consent for the erection of 30 dwellings and associated works. It is proposed that the dwellings would be two to four bedroomed private dwellings.

- 1.7 The scale of the development is proposed to be predominately two storey in height with the exception of the one storey bungalow which is located at the entrance of the development.
- 1.8 The housing proposed on site is broken down as follows:
- 1 X 2 bed bungalow (3%)
  - 11 X 3 bed houses (37%)
  - 18 X 4 bed houses (60%)
- 1.9 The application also makes provision for:
- Landscaping and public open space - provision is made for areas of public open space to the south east and north east of the application site;
  - Access - vehicular and pedestrian access will be created from Gullane Close to the south of the application site and;
  - Drainage - the development includes a single SUDs area in the north west corner of the site.
- 1.10 The application also seeks to provide additional offstreet parking with the creation of a parking area adjacent to the access point of the site to the south.
- 1.11 The application is accompanied by the following documents:
- Affordable Housing Statement;
  - Archaeology Assessment;
  - Arboricultural Impact Assessment;
  - Arboricultural Method Statement;
  - Contaminated Land Preliminary Risk Assessment;
  - Design and Access Statement;
  - Ecology Assessment;
  - Flood Risk and Drainage Assessment;
  - Noise Impact Assessment;
  - Statement of Community Involvement and;
  - Transport Statement.
- 1.12 **PLANNING HISTORY**  
The planning history relevant to the current application is set out below;
- 00740/98; Outline planning permission refused for 'Development of 1.6ha of agricultural land for residential purposes.' Date; 26 November 1998. The application was refused for a single reason pertaining to the amenity and highway safety issues caused by increased access at a 'substandard access' which would be 'seriously detrimental' to existing occupiers.
  - 688/99; Planning permission refused for 'Erection of 18 detached dwellinghouses (use class C3) (revised application).' Date; 21 September 1999. The application was refused for three reasons;
    - the first reason citing that the proposal would have an unacceptable impact on residential amenity by changing the character of the cul-de-sac, through the increase of vehicular and pedestrian traffic, the loss of 'a safe on-street play environment' for children and a 'loss of general quietude and privacy;

- the second reason being the proposal would result in unsatisfactory vehicle access arrangements by virtue of the 'substandard' access road specifically in regard to road width, lack of visitor on-street parking bays, road geometry and parked vehicles and;
- the third reason being that the proposal would lead to the loss of an area of agricultural land and wildlife habitat within a defined wildlife corridor.

The refusal of the application was appealed to the Planning Inspectorate with the refusal being upheld (it should be noted refusal reason 2 (highway safety) was withdrawn/conceded by the Council prior to consideration by the Inspector).

## 2.0 Consultation Responses:

Northumbrian Water	No objection subject to imposition of planning condition.
Tyne And Wear Fire and Rescue Service	No objection subject to compliance with Building Regulations.
South Tyneside Council	Object to the proposal based upon the severe adverse impact on the actual and potential movement of wildlife through the designated wildlife corridor effecting biodiversity within and beyond South Tyneside.  STC also raise comments in regard to parking and SuDS.
Network Rail	No objection subject to planning conditions.
Nexus	No objection subject to planning conditions.
Coal Authority	No objection subject to planning condition.
County Archaeologist	No objection subject to planning conditions.
Northern Powergrid	No objection.

## 3.0 Representations:

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

- 3.2 A total of 272 objections have been received.
- 3.3 Two from Ward Councillors (Councillor Ian Patterson and Councillor Jill Green) have been received and are summarised as follows:
- The proposed one-way access in Bill Quay cannot accommodate plant equipment and associated vehicles;
  - The proposal would result in heavy congestion;
  - Planning permission has previously been refused on highway safety grounds;
  - The proposal would lead to the loss of wildlife corridor and agricultural land;
  - The proposal would fail to comply with Policy CS19 of the CSUCP (Green Belt);
  - The development would impact upon existing residents of Gullane Close;
  - The proposal would worsen the existing situation with Bill Quay School and;
  - The development of the site would result in the loss of a 'green area' which the east of the borough is 'not inordinately blessed with.'
- 3.4 A total of 269 from local residents including an 'Objection Report' submitted on behalf of residents. The objection report is summarised as follows:
- The development is not required to achieve housing and land supply requirements;
  - The access into the site is inadequate;
  - The objector has sought to demonstrate that the road network servicing the site is inadequate and ultimately unsafe for emergency vehicles;
  - The site cannot be described as having good access to, or being within a reasonable walking distance of, local facilities;
  - Given the limited frequency of bus services the site cannot be described as being well served by public transport;
  - The proposal would impact unacceptably in the amenities of neighbouring occupiers;
  - The proposal would impact upon a wildlife corridor and;
  - No material planning considerations exist which would outweigh the harm as set out above.
- 3.5 A letter has been submitted by Member of Parliament (Stephen Hepburn MP), this letter report the objections of a constituent and require the objections to be considered as part of the decision process. A number of other letters from constituents were also forwarded to the Council; these letters are counted in the 265 reference above and are included in the summary below.
- 3.6 The remaining resident objections are summarised as follows:
- The streets are too narrow for emergency vehicles;
  - The proposal represents overdevelopment;
  - The Council should stop notifying residents of the proposal;
  - The proposal would increase the level of traffic moving past Bill Quay School;

- The site is Green Belt land;
- The proposal would result in a threat to wildlife through the loss of a wildlife corridor;
- The proposal would lead to noise and pollution;
- The development would impact upon the health of elderly residents;
- The roads within the Bill Quay area would struggle with the additional traffic;
- Traffic calming has been added to the area by the Council and therefore there are clearly road safety issues;
- The submitted plans are too vague in regard to surface water drainage;
- The plan to drain into Cutthroat Dene is untenable;
- Surveys undertaken by developers in South Tyneside indicate that roe deer, badger and fox move across the railway line;
- The development would hamper the movement of wildlife;
- The proposal would result in a number of access roads accommodating more than 200 properties and would not comply with the Council's 'Making Development Happen guidance;
- Gullane Close would turn into a thoroughfare;
- These properties are not required given 650 homes are being constructed close by;
- The proposal would impact upon the living conditions of occupiers on Marian Drive and Gullane Close;
- The proposal would impact upon schools and health facilities;
- Commercial vehicles would impact on children travelling from school;
- The development would impact on the density of Bill Quay;
- The granting of planning permission would allow developers to develop further areas of Bill Quay;
- No community consultation was carried out on the proposal;
- The submitted TA is deficient;
- The developer should focus on brown field land elsewhere;
- South Tyneside Council have objected to the proposal based on its impact on the wildlife corridor;
- The Ecology Report fails to mention a number of species;
- The application site is unsustainable, is inadequately serviced by busses, schools, doctors and dentist and there is insufficient accessibility via sustainable means;
- Previous planning applications have been refused and dismissed at appeal;
- The proposal would result in air pollution;
- The proposal would have an impact on the riverside;
- The proposed development would spoil the village spirit;
- The development would encourage the use of private vehicles;
- There have been two accidents at Bill Quay School in the last 15 months;
- The granting of more than 50 units via a cul-de-sac could set a precedent;
- The accessing of 200 properties via Brunton Way is unacceptable;
- The proposal is unsafe for emergency vehicles;

- The access to the application i.e. Gullane Close is not 4.8 metres wide as is required for new development;
- An objector has queried whether funding is a reason for the Council choosing not to recommend refusal of the application and;
- The Council is willing to break its own highway guidelines to allow the development to take place.

3.7 Neighbours and other interested parties have been re-notified following the submission of amendments and additional information; the amended plans propose the relocation of the proposed housing and drainage pond. This re-notification will expire on 03 May 2018; any additional responses (over and above those listed above) will be reported to the Committee via an Update Report.

#### **4.0 Policies:**

NPPF National Planning Policy Framework

NPPG National Planning Practice Guidance

DC1D Protected Species

DC1J Substrata Drainage-Water Quality

DC1P Contamination, derelict land, stability

DC2 Residential Amenity

ENV3 The Built Environment - Character/Design

ENV21 Sites of Archaeological Importance – Known

ENV22 Sites of Archaeological Importance – Potential

ENV44 Wood/Tree/Hedge Protection/Enhancement

ENV46 The Durham Biodiversity Action Plan

ENV47 Wildlife Habitats

ENV49 Sites of Nature Conservation Importance

ENV51 Wildlife Corridors

ENV54 Dev on Land Affected by Contamination

H4 Windfall and Small Housing Sites

H5 Housing Choice



H9 Lifetime Homes

H10 Wheelchair Housing

H13 Local Open Space in Housing Developments

H15 Play Areas in Housing Developments

CFR20 Local Open Space

CFR28 Toddlers' Play Areas

CFR29 Juniors' Play Areas

CFR30 Teenagers' Recreation Areas

CS11 Providing a range and choice of housing

CS13 Transport

CS14 Wellbeing and Health

CS15 Place Making

CS17 Flood Risk and Waste Management

CS18 Green Infrastructure/Natural Environment

GPGSPD Gateshead Placemaking Guide SPG

## **5.0 Assessment:**

- 5.1 The detailed planning considerations are the principle of the proposed development, visual amenity/design, residential amenity, transport issues, trees and landscaping, ecology, flood risk and drainage, land contamination, land stability, archaeology, play provision, CIL and any other matters arising.
- 5.2 PRINCIPLE
- 5.3 Housing demand and policy  
As the application site is not specifically allocated for housing in the UDP, proposals for housing would need to be considered in terms of windfall housing under policy H4 of the UDP. Policy H4 of the UDP gives a number of criteria that need to be assessed.
- 5.4 The site forms a windfall site. The NPPF states that "*... housing applications should be considered in the context of the presumption in favour of sustainable development.*"

- 5.5 It is considered that the site meets the saved criteria set out in policy H4 in relation to its sustainable location within an established housing area, close to local services and public transport routes, and it would help to sustain the local community. As a result the principle of developing this site for residential use is considered acceptable should all other material planning considerations be satisfied.
- 5.6 **Family Homes**  
Core Strategy and Urban Core Plan (CSUCP) policy CS11(1) requires that a minimum of 60% of new private housing across the plan area is suitable and attractive for families (i.e. homes with three or more bedrooms). The proposed development would provide 29 additional family homes (or 97% of the development); the development would therefore be in compliance with Policy CS11 in this regard.
- 5.7 **Housing Mix**  
Policy CS11 of the CSUCP sets out the mix of housing that should be provided as part of any new development and aims to promote lifetime neighbourhoods with a good range and choice of accommodation. Additionally, saved Policy H5 of the UDP requires developments to offer a range of housing in terms of sizes and types for different groups.
- 5.8 As such the development provides the following mix of dwellings, this mix is based upon the development experience/perception of the need and demand in the area:
- 1 X 2 bed houses (3%)
  - 11 X 3 bed houses (37%)
  - 18 X 4 bed houses (60%)
- 5.9 It is considered that the proposed mix provides a good range and choice of accommodation in accordance with policy CS11 of the CSUCP and saved UDP policy H5.
- 5.10 **Affordable Housing**  
Policy CS11 requires that where there is evidence of a need for affordable housing, the Council will seek the provision of a proportion of affordable housing on all housing developments on sites of 0.5 hectares or more in size (subject to development viability).
- 5.11 A Viability Assessment has been submitted by GVA on behalf of applicant in accordance with RICS Professional Guidance Note: Financial Viability in Planning; the assessment has been assessed and verified by officers. There are two key factors when considering viability for this proposed development. The first is the impact of S106 contributions (discussed below) and the second is the abnormal site development costs set out within the submitted assessment.
- 5.12 The submitted Viability Assessment demonstrates that the scheme is marginal for the reasons set out above. Any additional requirement in respect of affordable housing would make the scheme unviable. Officers are therefore

satisfied in this case that the scheme could not realistically proceed with an affordable housing element included.

5.13 Residential space standards

Policy CS11(4) requires that new residential development provides "*adequate space inside and outside of the home to meet the needs of residents*". It is considered based upon the submitted information that the application meets this requirement providing adequate space both internally (by meeting the Government's nationally described space standards) and externally.

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

5.15 DESIGN ISSUES

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

5.16 The CSUCP reflects the general aims of the NPPF encouraging economic growth and identifying the importance of quality of place. Policy CS15 refers specifically to Place Making and the need for new development to demonstrate high and consistent design standards in line with the Council's design guidance contained in the Gateshead Placemaking SPD.

5.17 The NPPF requires that development should 'make a positive contribution to local character and distinctiveness' (paragraphs 126 and 131). This is reinforced by paragraphs 58, 60, 61 and 64. These require development to respond to local character by promoting or reinforcing local distinctiveness, reflect the identity of local surroundings and materials and promote good architecture and appropriate landscaping. Development of poor design which fails to respond to opportunities for improving the character and quality of an area should be refused.

5.18 The design, scale, layout, height, density and appearance of the proposed development is considered to be sympathetic to the surrounding area and would appear in keeping with the existing housing stock and other buildings as a result. Furthermore, the design of the properties would create sufficient amenity space and prevent the site from being overdeveloped.

5.19 No final details of the materials to be used on the external of the properties have been provided as part of the application. It is therefore considered necessary to condition that final materials be submitted to and approved by the Council (conditions 3 and 4).

- 5.20 With regard to landscaping, some details of soft and hard landscaping have been submitted as part of the application. Notwithstanding this information, it is considered necessary to condition the submission of final details, implementation, maintenance and retention in accordance with the submitted details (conditions 5, 6, 7, 8 and 9).
- 5.21 Furthermore, the boundary treatment details submitted in support of the application are considered to be acceptable. It is therefore considered necessary to condition the final details, installation and retention of the proposed boundary treatments (condition 10 and 11).
- 5.22 It is considered that the proposed development has successfully demonstrated that it has achieved a good standard of design. The proposed development is considered to be acceptable from a design point of view and subject to the recommended conditions accords with the design aims and objectives of the NPPF, saved policy ENV3 of the Council's UDP and policy CS15 of the Council's CSUCP.
- 5.23 RESIDENTIAL AMENITY ISSUES
- 5.24 Existing Residents  
It is considered that the main impacts on existing residents are likely to occur as a result of the physical built development, the construction phase of the development and vehicle movements associated with the development (once complete).
- 5.25 In regard to the physical development and more specifically the site layout, it is considered those properties impacted most would be located to the west of the application site on Marian Drive (106 - 144 even). For the large part these properties would have a rear to rear relationship with properties on the application site. All rear to rear separation distances would exceed 21 metres; the closest relationship, between 120 Marian Drive and Unit 6 of the development, would be 24.9 metres (excluding the proposed dwellings non-habitable garage).
- 5.26 There are two gable to rear relationships between proposed dwellings and existing properties (132/134 Marian Drive and Unit 1 and 110/112 Marian Drive and Unit 11); these separation distances are a minimum of 13 metres and 14 metres respectively.
- 5.27 The existing properties to the north-east of the application site (104, 106 and 108 Marian Drive) would be located adjacent to an area proposed to be used for open space and a drainage basin. It is considered given the nature of this area i.e. without physical development beyond a shallow depression any impact on these properties in amenity terms would be minimal.
- 5.28 There are also properties located to the south of the application site (8 and 9 Gullane Close) which could be impacted upon by the physical development. It is considered given 8 Gullane Close would be located to an area allocated for parking and a small area of open space minimal impact would occur. Further,

given the gable to gable relationship between 9 Gullane Close and Unit 30 the impact would be limited.

- 5.29 It is considered that the internal and external separation distances strike an appropriate balance between ensuring an acceptable level of residential amenity and encouraging an appropriate design solution. On this basis, the layout is considered to be acceptable and would not cause any significant harm to the living conditions of existing or future occupiers in terms of loss of light, overshadowing or visual intrusion.
- 5.30 Construction works associated with the development could impact on the living conditions of adjacent neighbours. It is recommended that conditions be imposed that would require the submission and approval of appropriate details in regard to hours of operation, location of the site compound (including locations for site vehicles and materials) and controls over dust and noise (conditions 12 and 13).
- 5.31 In regard to vehicle movements associated with future occupiers, the Planning Inspector who dealt with the previously dismissed appeal (see planning history) stated;
- "The residents of this cul-de-sac say that it is a tranquil living environment, where the absence of through traffic gives pleasure to everyone and allow the children to play safely outside their houses."*
- The Inspector went on to state if the development was allowed then;
- "The road would be busier and noisier, and a more dangerous place for children. To my mind, this would worsen residential amenities, something that UDP policy H2 seeks to prevent."*
- 5.32 The current application, unlike previous applications and the dismissed appeal, has been supplemented by a full Noise Impact Assessment (NIA) and a Transport Statement (TA).
- 5.33 In assessing the impact of the additional traffic on existing occupiers the submitted NIA states:
- "The magnitude of impact associated with an increase in traffic on the local road network as a result of the proposed development is considered to be negligible. It is considered that the increase in vehicle numbers associated with 30 additional dwellings is not significant and is unlikely to contribute to an overall increase in the ambient noise climate. It would require a doubling of traffic [noise] to increase noise levels by 3dB(A)."*
- 5.34 Officers have reviewed the submitted NIA and are in agreement with the conclusions as set out above.
- 5.35 In addition to the above, the submitted TA suggests that there would be a total of 15 vehicle movements (both arrival and departures) between the AM peak (0800 - 0900) and the PM peak (1700 - 1800). The movements associated with the development is likely to be less than the figures suggested above at all other times.

- 5.36 When the above conclusion of the NIA is considered in conjunction with the anticipated vehicle movements associated with the proposed development it is considered that the vehicle movements associated with the proposed development could not be considered to cause an unacceptable impact. The issue of highway safety, as referenced in the Inspector's decision, is addressed further within the transport section of the main report.
- 5.37 **Future Occupiers**  
The main amenity impact on future occupiers of the development is considered to be the impact of the noise produced by the railway line to the west of the application site.
- 5.38 The submitted NIA considers and seeks to address this impact and concludes:  
*"Subject to final definition and the subsequent provision of noise amelioration measures, as discussed above, the residents of the proposed dwellings will be provided with acceptable internal and external (private amenity areas) noise environments."*
- 5.39 Officers are in agreement with the above recommendation and subject to planning conditions pertaining to noise amelioration (conditions 14 and 15), the application is considered to be acceptable in this regard.
- 5.40 To conclude, officers are of the opinion that subject to the above conditions, the proposed development would not harm the living conditions of adjacent residential properties and the living conditions of future occupiers. This view is taken whilst having regard to all material planning considerations including objections submitted by residents, the planning history of the site and information submitted in support of the planning application.
- 5.41 It is therefore considered that the development is acceptable from a residential amenity point of view and accords with the aims and objectives of the NPPF, saved policy DC2 of the Council's UDP and policy CS14 of the Council's CSUCP.
- 5.42 **TRANSPORT ISSUES**
- 5.43 **Impact on Existing Highway Network**  
Whilst it is accepted that there are few shops and services within Bill Quay itself the area is served by buses which provide links to shops and nearby services. Regular bus services to Newcastle and South Shields can also be accessed on the A185 albeit slightly further than the desired walking distances. The bus services which stop on Davidson Road do however provide links to the Metro and rail network in Pelaw and Heworth, which then serve the aforementioned destinations. There are primary and secondary schools which can be reached by sustainable means.
- 5.44 The Council's guidance suggests a maximum of 50 properties should be served off a cul-de-sac. The provision of off carriageway parking will make access easier for residents, delivery vehicles, refuse vehicles and emergency services

by removing parking from the main carriageway and footway. Levels of on street parking within the area are already low due to the makeup of the area and the number of accesses (driveways) within the area. The proposed development would take the number to 62 (served via a single access); it is considered that the provision of additional visitor parking for the use of the existing properties on Gullane Close (at the site access) would provide proportionate mitigation against any minimal harm caused

- 5.45 The total number of properties served by Brunton Way (which links Davidson Road to Marian Drive) is already 200, Gateshead Council's 'Making It Happen' document states that no second access will be required for developments of between 200 and 300 dwellings if the internal link road is arranged in such a way as to form a loop with a short connection to the rest of the highway network, as is the case in this instance, with Marian Drive forming the 'loop'. Acceptable emergency access to Bill Quay can also be achieved via Davidson Road/Shields Road and emergency services have not raised any concerns in their consultation response.
- 5.46 The Transport Statement (TS) submitted in support of the application includes trip generation and distribution along with an assessment of the nearby junctions. Residents have raised concerns over the junction between Brunton Way and Davidson Road, particularly around school drop off and collection times. The TS indicates that there will be a negligible impact on queues at this junction as a result of the proposed development and that the junction would continue to operate well within capacity taking into account future traffic growth. Site visits (by officers) have confirmed this as being a true representation with traffic generally being free flowing and queues at the junction between Brunton Way and Davidson Road being no more than one or two vehicles during peak periods. Any highway issues around the junction between Brunton Way and Davidson Road are in the most caused by poor parking practices by parents dropping off and collecting from the school. Consideration has been offered to the introduction of waiting restrictions around this junction; however such a requirement is considered to be both disproportionate to the scale of the development and is also considered unlikely to succeed. Proposals of this nature were objected to by residents when proposed by the Council's Traffic Solutions Team a number of years ago.
- 5.47 The TS also includes an assessment of the junction between Station Road and Shields Road. Given the relatively low trip generation of the development the assessment shows that the development would have a minimal impact upon the operation of the junction. In the am peak the proposed development would only generated a vehicular movement through the junction every 5 minutes (on average) and during the PM peak this would be a vehicle every 4.5 minutes (on average). This level of trip generation could not be classed as significant or severe and outside of the peak periods the numbers of movements will be very low.
- 5.48 Only a single highway accident has been recorded within the Bill Quay Village (excluding Shields Rd) in the past five years (according to accident statistics up to June 2017). Only two recorded accidents occurred at the junction between

Station Road and Shields Road in the same period. The introduction of a 20mph Zone in recent years has also helped reduce vehicle speeds and make the area safer for highway users. The addition of 30 dwellings will not have any significant impact upon safety or traffic flows.

5.49 Paragraph 32 of the NPPF states:

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

5.50 Whilst concerns have been submitted by local residents over the transport impacts of the development officers do not consider this to be severe based on the scale, location and nature of the development and taking into account information contained within the submitted TA and responses received from objectors.

5.51 Based upon the above, it is considered that the proposed development would not create any unacceptable road safety issues or have a severe impact upon the operation of the highway network.

5.52 Internal Layout

The internal layout has been designed to promote lower speeds through road curvature in conjunction with 'pinch points'. This layout will encourage vehicle speeds in line with a 20mph zone. Further, the proposed footway width of 2 metres on either side of the carriageway is considered acceptable for the level of anticipated use.

5.53 The plans and TS indicate that landscaped kerbed buildouts and speed cushions are to be introduced in order to assist in the self-enforcement of the existing 20mph Zone, which would be extended into the development from the surrounding streets. The regularity of the buildouts in conjunction with the road geometry will promote low speeds and meet the regulatory requirements of a 20mph Zone. It is considered that the final traffic calming layout should be secured via planning conditions (conditions 16 and 17).

5.53 There are 11 visitor parking spaces proposed, with the five close to the site entrance are intended to be shared with the existing properties on Gullane Close this represents a marginal overprovision when compared with the Council's maximum standard of 1 space per 3 properties. A number of properties have double length driveways and garages this is acceptable as the average provision over the whole development is within the Council's maximum standard.

5.54 Secure cycle parking is to be provided within the garages associated with each individual property using internal brackets/wall fixings, this is considered to be an acceptable approach in this instance and the delivery of the cycle parking should be secured through a planning condition (condition 18).

5.55 To help promote sustainable travel choices it is considered that each house should be provided with a travel welcome pack that should include bus timetables along with information on the walking and cycling options available



in the area. Council officers consider that this issue can be covered by a planning condition (condition 19).

5.56 It is therefore considered that subject to the above conditions the proposed development is acceptable in highways terms and would accord with the aims and objectives of the NPPF and policy CS13 of the Council's CSUCP.

#### 5.57 TREES/LANDSCAPING

An Arboricultural Impact Assessment and an Arboricultural Method Statement have been submitted as part of this planning application. The report recommends that a number of trees be removed as a result of the development or as a result of poor health/form.

5.58 All remaining trees within and abutting the application site would be protected through the use of the protective fencing, to this end a tree protection plan has been submitted as part of the application. The installation of the protective fencing and the display of the tree protection plan on site could be secured through further planning conditions (Conditions 20 and 21).

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

#### 5.60 ECOLOGY ISSUES

In considering the above application in regard to ecological impact regard is offered to the NPPF, ODPM Circular 05/2006: Biodiversity and Geological Conservation, Policy CS18 of the CSUCP and saved UDP Policies DC1, ENV46, ENV47, ENV49 and ENV51.

5.61 The proposed development site is located within a Wildlife Corridor and at its closest point lies approx. 200m south and east of Bill Quay Local Wildlife Site (formerly Site of Nature Conservation Importance). Wardley Manor Local Wildlife Site (which incorporates the former Pelaw Quarry Pond Site of Nature Conservation Importance) is located approx. 350m south east of the application site; separated by an active railway line and the A185.

5.62 The planning application is supported by an Ecological Impact Assessment and includes detailed survey work for the following species/groups: bats, amphibians, reptiles, invertebrates (i.e. priority butterflies) and breeding birds. A detailed assessment of the site was also undertaken to determine its value in supporting ecological connectivity. The survey concluded that generally the site is of low biodiversity value and that the proposed development is unlikely to have a significant adverse impact on designated sites and ecological connectivity.

5.63 The report recognises that the proposed development will result in the loss of an area of species poor neutral grassland which qualifies a local Biodiversity Action Plan (BAP) priority habitat, albeit in poor condition.

- 5.64 Paragraph 118 of the NPPF sets out the ecology 'mitigation hierarchy' as follows:
- Avoidance - can significant harm to wildlife species and habitats be avoided for example through locating on an alternative site with less harmful impacts?
  - Mitigation - where significant harm cannot be wholly or partially avoided, can it be minimised by design or by the use of effective mitigation measures that can be secured by, for example, conditions or planning obligations?
  - Compensation - where, despite whatever mitigation would be effective, there would still be significant residual harm, as a last resort, can this be properly compensated for by measures to provide for an equivalent value of biodiversity?
- 5.65 The submitted report includes recommendations for measures that will avoid/minimise any potential residual impacts on protected and/or priority species during the construction and occupation phases of the development. These recommendations include limiting site clearance during the bird breeding season and the installation of bird boxes; it is recommended that the recommendations be secured via planning conditions (conditions 22, 23 and 24).
- 5.66 It is considered that the loss of Lowland Meadows and Pastures cannot be avoided or adequately mitigated against on site. Therefore, in accordance with the mitigation hierarchy set out above the applicant has proposed a programme of off-site compensatory measures to address the residual loss of BAP priority habitat (i.e. Lowland Meadows and Pastures). The off-site compensatory measures should be secured through the payment of a commuted sum (to be secured via a S106 agreement).
- 5.67 In regard to the development's impact on the wildlife corridor, officers are satisfied that the ecological survey undertaken by the applicant demonstrates that the proposed development site is of minimal value in supporting ecologically connectivity. The presence of significant barriers including a busy 'A' road, active railway line incorporating security fencing and existing built development, has served to compromise the functionality of the corridor, particularly for less mobile species. On this basis, it is considered that the creation of a landscaped buffer along the eastern boundary of the site, as proposed, would maintain the permeability of the site and the integrity of the wildlife corridor. It is considered important that the buffer be appropriately designed and maintained, therefore conditions requiring further details on the design, implementation and maintenance of the buffer are considered necessary (condition 25, 26 and 27).
- 5.68 Weight has been offered to the previous refusal on the application site, one of the refusal reasons pertaining to the loss of an area of agricultural land and wildlife habitat within a defined wildlife corridor. In dismissing the appeal, the Planning Inspector stated:
- "UDP policy E41 seeks to prevent development within these wildlife corridors. There are exception to this rule; for example, where*

*development would result in habitats being enhanced, or where suitable replacement land is provided. However, I do not consider that the appellant's proposal falls into either of these categories"*

- 5.69 The current planning application has sought to address the above deficiencies. This has been done through the undertaking of an appropriate level of survey work and the create of an acceptable mitigation/compensation scheme (as set out above).
- 5.70 Therefore, subject to the conditions cited above and completion of the S106 agreement, it is considered it that the proposal would comply with the aims and objectives of the NPPF, ODPM Circular 05/2006: Biodiversity and Geological Conservation, Policy CS18 of the CSUCP and saved UDP Policies DC1, ENV46, ENV47, ENV49 and ENV51.
- 5.71 **FLOOD RISK/DRAINAGE**  
A Flood Risk Assessment (FRA) and Drainage Strategy have been submitted as part of the planning application. The FRA has identified any potential risks and the layout of the development reflects this by locating the main SuDS feature in the part of site most likely to suffer surface water flooding and has been positioned so to reduce any impact on rail infrastructe by maintaining a 40 metres 'stand off' distance.
- 5.72 The principle of the drainage strategy is considered to be acceptable but a number of further details are deemed necessary to ensure that the development accords with the NPPF and policy CS17 of the CSUCP. These further details include detailed drawings, electronic drainage model, adoption plan, detailed health and safety and construction method statement to ensure the required discharge rate for the site is achieved. It is considered that these amendments can be dealt with via conditions (conditions 28, 29, 30, 31, 32, 33, 34 and 35).
- 5.73 Subject to these planning conditions the proposal is considered to be acceptable from a flood risk and drainage point of view and would accord with the aims and objectives of the NPPF, saved policy DC1 (j) of the Council's UDP and policy CS17 of the Council's Core Strategy and Urban Core Plan.
- 5.74 **LAND CONTAMINATION**  
The site is considered to be situated on land which has not been identified as contaminated as part of the Council's Contaminated Land Strategy. However, given the sensitive end use a Contaminated Land Risk Assessment and Remediation Strategy have been submitted in support of the application. Further to the submitted report, it is considered that the contamination on site can be dealt with through the imposition of conditions requiring the submission of an appropriate phase II risk assessment, remediation strategy and subsequent verification report (conditions 36, 37, 38 and 39).
- 5.75 Further, it is considered necessary to condition that if any previously unidentified contamination is found is should be screened, removed and disposed of appropriately (conditions 40 and 41).

- 5.76 These planning conditions will ensure that the proposed development is acceptable from a contaminated land point of view and accord with the aims and objectives of the NPPF, saved policies DC1(p) and ENV54 of the Council's UDP and policy CS14 of the CSUCP.
- 5.77 **LAND STABILITY**  
The application site falls within the defined Development High Risk Area and therefore within the application site and surrounding area there are coal mining features and hazards which need to be considered in relation to the determination of this planning application. As a result, the applicant has submitted a Coal Mining Risk Assessment, which has been assessed by the Coal Authority.
- 5.78 The Coal Authority is satisfied with the broad conclusions of the report, informed by the site investigation works; however it is considered necessary to condition that an intrusive investigation is undertaken to identify any potential remedial works required. Subject to appropriate conditions (Conditions 42 and 43), The Coal Authority does not object to the proposed application.
- 5.79 The development is, therefore, considered to comply with policy CS15 of the CSUCP and saved policy ENV54 of the UDP.
- 5.80 **ARCHAEOLOGY**  
The application site belongs to an area of archaeological importance, on this basis a Archaeological Assessment has been submitted in support of the application. A geophysical survey and ridge and furrow survey was carried out on the site and no upstanding remains of the ridge and furrow were found to exist.
- 5.89 There is potential for prehistoric/Romano-British archaeology to survive beneath the ploughed out ridge and furrow as well as the potential for evidence of WWII defence structures, on this basis it is considered that a limited archaeological evaluation be carried out ahead of development. This will target areas considered to have the highest archaeological potential as well as areas which were unable to be surveyed, this requirement can be secured via planning condition (conditions 44, 45 and 46).
- 5.90 Subject to the above, it is considered that the proposed development complies with the requirements of the NPPF, saved UDP policies ENV21 and ENV22.
- 5.91 **OPEN SPACE**  
Policy CFR20 requires that in each residential neighbourhood at least three hectares of Local Open Space should be available in sites of at least 0.01ha per 1,000 residents and no resident should have to travel more than 330m from home to find one. In this regard, the site will deliver an area of public open space of 0.23ha onsite ensuring that residents do not have to travel over 330m to access local open space. Further, the proposed layout provides pedestrian links to the wider area. It is considered that this meets the requirements of saved UDP policies CFR20, CFR21, CFR22.

#### 5.92 PLAY SPACE

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

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

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

#### 5.95 COMMUNITY INFRASTRUCTURE LEVY

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

#### 5.96 OTHER MATTERS

Most issues raised by objectors have been considered within the main body of the report; however those which have not been are addressed directly below.

5.97 Whether the development is required to aid in the delivery of the Council's housing targets is not significant in this case given the development is acceptable in planning terms.

5.98 Officers disagree that the proposal would represent over-development, the development strikes an appropriate balance between density, design and deliverability.

5.99 The application site is not located within the Green Belt and as such policy associated with the Green Belt would not apply.

5.100 The age of local residents is not a material planning consideration and as such cannot be afforded any additional weight over and above normal policy considerations.

5.101 A planning application is determined on its individual merit; the granting of planning permission would not set any form of precedent moving forwards.

5.102 The Council's budgets do not play any part in the decision making process as they are not material planning considerations.

## **6.0 CONCLUSION**

6.1 It is considered that the development would bring about a number of benefits such as the provision of additional family housing in Gateshead and the housing growth required in the Local Plan.

6.2 Taking all other relevant issues into account, including the comments made by local residents, the planning history and information submitted in support of the application it is considered that the proposed development is acceptable subject to the conclusion of the neighbour notification and consultation period. The proposal (subject to planning conditions and obligations) is considered to accord with the aims and objectives of both national and local planning policies.

6.3 Given the above, it is recommended that planning permission be granted subject to planning obligations pertaining to ecological mitigation and the planning conditions set out below.

## **7.0 Recommendation:**

### **GRANT SUBJECT TO A SECTION 106 AGREEMENT**

1) The agreement shall include the following obligations:

- A financial contribution towards the provision of off-site compensatory measures to address the residual loss of BAP priority habitat (i.e. Lowland Meadows and Pastures).

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

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

4) And that the conditions shall include;

1

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

100-01 Rev 20 – Proposed Site Plan/Block Plan

100-11 Rev 2 – Existing Site Plan/Block Plan

100-22 Rev 3 – Proposed Site Sections

300-01 Rev 5 – House Tyne – Elder

300-02 Rev 3 – House Type – Elm

300-03 Rev 4 – House Type – Alnwick

300-04 Rev 3 – House Type – Spruce

300-05 Rev 4 – House Type – Sycamore  
300-06 Rev 4 – House Type – Sage  
300-07 Rev 3 – House Type – Hunter  
300-10 Rev 2 – Typical Garage Plans and Elevations

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

Reason

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

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 individual external materials shall be installed on site until a sample of the material to be used has been made available for inspection on site and 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 Policies DC2 and ENV3 of the Unitary Development Plan and Policies CS14 and CS15 of the Core Strategy and Urban Core Plan for Gateshead and Newcastle upon Tyne.

4

The development shall be completed using the materials approved under Condition 3, and retained as such in accordance with the approved details thereafter.

Reason

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

5

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

Reason

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

6

The landscaping details approved under Condition 5 shall be implemented in accordance with the timings approved under Condition 17.

Reason

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

7

The approved landscaping scheme shall be maintained in accordance with the details approved under condition 5.

Reason

To ensure that the landscaping scheme becomes well established and is satisfactorily maintained in the interests of the visual amenity of the area and in accordance with the NPPF, saved policies DC2 and ENV3 of the Unitary Development Plan and policies CS14 and CS15 of the Core Strategy and Urban Core Plan for Gateshead and Newcastle upon Tyne.

8

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

Reason

To safeguard the visual amenities of the area in accordance with the NPPF, Saved Policies DC2 and ENV3 of the Unitary Development Plan



and Policies CS14 and CS15 of the Core Strategy and Urban Core Plan for Gateshead and Newcastle upon Tyne.

9

All hard landscaping shall be completed in full accordance with the details approved under Condition 8 (including timescales for implementation), and retained as such in accordance with the approved details thereafter.

Reason

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

10

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

Reason

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

11

The development shall be implemented wholly in accordance with the approved boundary treatment details approved under condition 10 in accordance with the approved timescale.

Reason

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

12

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

Reason

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

13

The construction control plan approved under condition 12 shall be implemented and complied with in full during all stages of construction, until completion.

Reason

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

14

No development hereby permitted shall take place until a noise amelioration scheme for Units 12 – 30 has been submitted to and approved in writing by the Local Planning Authority.

Reason

To ensure that the impact of noise is limited in the interests of future occupiers, in accordance with the NPPF, saved Policies DC2 and ENV61 of the Unitary Development Plan and Policy CS14 of the Core Strategy and Urban Core Plan for Gateshead and Newcastle upon Tyne.

15

Units 12 - 30 shall be constructed in full accordance with the noise amelioration scheme approved under condition 14.

Reason

To ensure that the impact of noise is limited in the interests of future occupiers, in accordance with the NPPF, saved Policies DC2 and ENV61 of the Unitary Development Plan and Policy CS14 of the Core Strategy and Urban Core Plan for Gateshead and Newcastle upon Tyne.

16

Notwithstanding the approved plans no dwellinghouse hereby permitted shall be occupied until final details of the proposed traffic calming measures across the application site and a timetable for implementation have been submitted and approved in writing by the Local Planning Authority.

Reason

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

17

The traffic calming measures across the site shall be implemented in full in accordance with the details and timescales approved under Condition 16.

Reason

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

18

The cycle parking facilities associated with each individual property (shown on approved plan 100-01 Rev 20 - Proposed Site Plan) shall implemented in full accordance with the submitted details prior to first occupation of each respective unit hereby permitted. Thereafter, the cycle parking shall be retained as approved for the lifetime of the development.

Reason

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

19

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

Reason

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

20

No development shall commence on site until the tree protection measures set out on approved plan AMS TPP Rev A have been installed in the locations identified in protection plan. The approved scheme shall remain in situ until completion of the development.

Reason

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

21

The approved tree protection plan (AMS TPP Rev A) shall be displayed at all times outside the site office or in a location visible to all contractors and site personnel. Once implemented the tree protection scheme shall be checked daily with a record of the daily checks being kept on file in the site office. The record shall include the date, time and name of the person carrying out the checks together with any problems identified and action taken. If at any time tree protection is missing or deficient without the prior written approval of the LPA being obtained all construction

operations should stop until the protection is correctly in place. Details of this should also be recorded in the tree protection record file.

Reason

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

22

All vegetation clearance works must be undertaken outside the bird breeding season (March to August inclusive). Where this is not possible a breeding bird checking survey, undertaken by a qualified ecologist, will be required immediately prior to the commencement of works on site. Where the presence of breeding birds is confirmed, the nest must remain undisturbed until the young have fledged and the nest is no longer in use, and that this is confirmed by a qualified ecologist.

Reason

To accord with the principles of the NPPF and UDP policy DC1

23

No development shall take place until the details and location of bird boxes to be installed site (including a timetable for implementation) have been submitted to and approved in writing by the Local Planning Authority.

Reason

To limit the impact of the development on birds in accordance with the NPPF, saved UDP policy DC1(d), ENV46, ENV47, ENV47 and ENV49 and Policy CS18 of the CSUCP.

24

The bird boxes approved under condition 23 shall be erected in the approved locations in accordance with the timetable approved under condition 23.

Reason

To limit the impact of the development on birds in accordance with the NPPF, saved UDP policy DC1(d), ENV46, ENV47, ENV47 and ENV49 and Policy CS18 of the CSUCP.

25

No development shall commence on site until the final details of the proposed ecological landscape buffer to the east of the site have been submitted to and agreed in writing by the Council.

The details shall include the following:

- Purpose and conservation objectives for the proposed works
- Design and conservation objectives for the proposed works
- Type and source of materials to be used

- Timetable for implementation
- Persons responsible for implementing the works
- Details of initial aftercare and long-term maintenance
- Details for monitoring and remedial measures

In the interests of providing adequate ecological compensation for the harm caused as a direct result of the development in accordance with the NPPF, saved UDP policy DC1(d), ENV47 and ENV40 and Policy CS18 of the CSUCP.

26

The ecological landscape buffer approved under condition 26 shall be carried out in full in accordance with the timetable approved under condition 25.

Reason

In the interests of providing adequate ecological compensation for the harm caused as a direct result of the development in accordance with the NPPF, saved UDP policy DC1(d), ENV47 and ENV40 and Policy CS18 of the CSUCP.

27

The approved ecological landscape buffer shall be maintained in accordance with the details approved under condition 25.

Reason

In the interests of providing adequate ecological compensation for the harm caused as a direct result of the development in accordance with the NPPF, saved UDP policy DC1(d), ENV47 and ENV40 and Policy CS18 of the CSUCP.

28

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

Reason

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

29

The final drainage scheme shall be carried out in full accordance with the details approved under condition 28 (including timings for implementation).

Reason

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

30

No work in relation to any proposed drainage features shall take place until a long-term management plan for the drainage scheme approved under condition 28 has been submitted to and approved in writing by the LPA.

Reason

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

31

The drainage scheme approved under condition 28 shall be managed in full accordance with the management plan approved under condition 30 for the lifetime of the development.

Reason

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

32

No work in relation to any proposed drainage features shall take place until a construction management plan for the drainage scheme approved under condition 28 has been submitted to and approved in writing by the LPA.

Reason

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

35

The drainage scheme approved under condition 28 shall be constructed in full accordance with the construction management plan approved under condition 32.

Reason

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

34

Prior to the occupation of any unit hereby approved a SuDS information and communication plan, including information pack for residents shall be submitted to and approved in writing by the LPA.

Reason

In order to inform/educate residents about the SuDS drainage system (including in curtilage permeable paving) associated with the site in order to comply with the NPPF, saved Policy DC1(j) of the Unitary Development Plan and Policies CS14 and CS17 of the Core Strategy and Urban Core Plan for Gateshead and Newcastle upon Tyne.

35

At the point of occupation of any unit hereby approved, the SuDS information and communication plan approved under condition 34, shall be provided to the occupants of each dwelling.

Reason

In order to inform/educate residents about the SuDS drainage system (including in curtilage permeable paving) associated with the site in order to comply with the NPPF, saved Policy DC1(j) of the Unitary Development Plan and Policies CS14 and CS17 of the Core Strategy and Urban Core Plan for Gateshead and Newcastle upon Tyne.

36

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

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

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

Reason

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

37

Following completion of the site investigation and Phase II Risk assessment site investigation works (condition 36), and following approval by the Council, if the findings of the Phase II investigation require remediation works to be undertaken then a 'Remediation Strategy' statement document is required to be produced and submitted to the Council for approval. The 'Remediation Strategy' (including timescales) must detail objectives, methodology and procedures of the proposed remediation works. This must be submitted to the Council, for approval, before any remediation works commence.

Reason

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

38

The remediation works detailed in the 'Remediation Strategy' submitted and approved by the Council in respect of Condition 37, shall be wholly undertaken within the timescales set out within the approved strategy.

Reason

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

39

Upon completion of the remediation works detailed in the approved Remediation statement and prior to the occupation of any dwellinghouse hereby permitted, under condition 36 and/or condition 37, a detailed Remediation Verification report shall be submitted to the Local Planning Authority for approval. The report should provide verification that the required works regarding contamination have been carried out in full accordance with the approved Remediation Strategy Statement, and should provide a summary of remedial works carried out together with relevant documentary evidence and post remediation test result to demonstrate that the required remediation has been fully met.



Reason

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

40

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

Reason

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

41

Any works deemed to necessary following testing (as part of condition 40) shall be carried out in accordance with the timescales approved as part of condition 40.

Reason

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

42

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

Reason

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

43

Any remedial works identified under Condition 42 shall be implemented in accordance with the timescale set out in the approved findings.

Reason

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

44

No development shall commence until a programme of archaeological fieldwork (to include evaluation, where appropriate mitigation excavation and timescales for implementation) has been submitted to and approved in writing by the Local Planning Authority.

Reason

To ensure that any archaeological remains on the site can be preserved wherever possible and recorded, in accordance with the NPPF and saved Unitary Development Plan Policies ENV21 and ENV22.

45

The programme of archaeological fieldwork shall take place in accordance with the approved programme and timescale approved under condition 44.

Reason

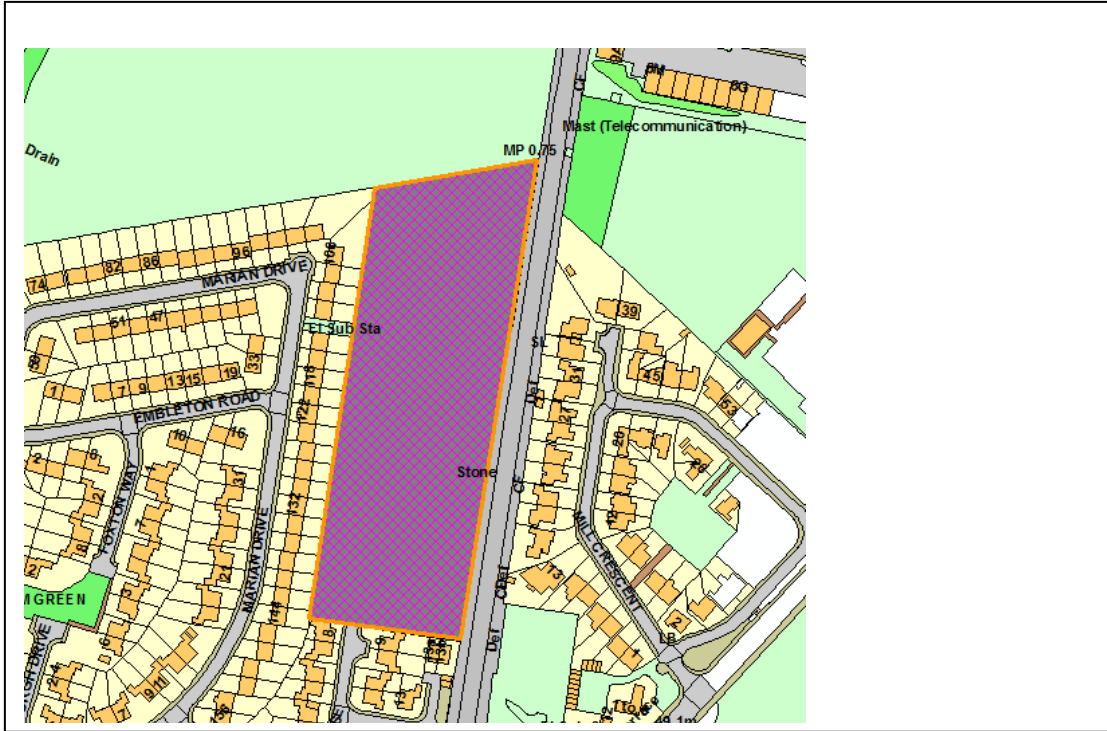
To ensure that any archaeological remains on the site can be preserved wherever possible and recorded, in accordance with the NPPF and saved Unitary Development Plan Policies ENV21 and ENV22.

46

No dwellinghouse hereby approved shall be occupied until the final report of the results of the archaeological fieldwork undertaken in pursuance of condition 44 has been submitted to and approved in writing by the Local Planning Authority.

Reason

To ensure that any archaeological remains on the site can be preserved wherever possible and recorded, in accordance with the NPPF and saved Unitary Development Plan Policies ENV21 and ENV22.



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# **UPDATE**

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

**TO THE PLANNING AND DEVELOPMENT COMMITTEE ON  
9 May 2018**

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



**MINOR UPDATE**

<b>Application No:</b>	<b>DC/17/01267/FUL</b>
<b>Site:</b>	<b>Land North Of Gullane Close Bill Quay Gateshead</b>
<b>Proposal:</b>	<b>Erection of 30 dwellings (Use Class C3) and associated access, landscaping and associated engineering works (resubmission) (amended 04/04/18).</b>
<b>Ward:</b>	<b>Pelaw And Heworth</b>
<b>Recommendation:</b>	<b>Grant subject to S106</b>
<b>Application Type</b>	<b>Full Application</b>

**Reason for Minor Update**

Further consultation response received, further representations received, amendment to agenda wording and additional conditions proposed.

***Additional Consultee Response***

**South Tyneside Council** Previous consultation response reiterated.

Object to the proposal based upon the severe adverse impact on the actual and potential movement of wildlife through the designated wildlife corridor effecting biodiversity within and beyond South Tyneside.

STC also raise comments in regard to parking and SuDS.

***Additional Representations***

A further 40 individual letters of objection have been received, including a supplementary objection from a Ward Councillor (Councillor Ian Patterson). Councillor Patterson’s objection is summarised as follows;

- The relocation of the SuDS feature would be detrimental to the residential amenity of properties on Marian Drive and;
- The amendment would result in an increased level of parking availability in the extended Gullane Close.

The additional objections raised within the remaining objections are summarised as follows;

- The area proposed route for the drainage is proposed to be in an area which has a history of sink holes;
- The proposed pond would result in a safety issue for children;

- The application site and adjacent gardens becomes waterlogged during wet weather;
- The proposal would impact on back gardens of existing properties;
- The proposed layout would result in issues for vehicles leaving driveways and;
- Any site compound would have an unacceptable impact on the wider area.

In addition to the above, a petition of 499 signatures objecting to the proposal has been received. The additional objections received are summarised as follows;

- Council Officers should act in community interest and not pander to big business;
- The proposal would impact upon horses in the area;
- Too many properties would be served via a single access;
- The proposal would result in the loss of an area used by residents;
- The building stage would impact on residents;
- Those living close to the proposal would need to give up land;
- The proposal would disrupt business and;
- The proposal would result in a loss of view.

All materials considerations raised have been fully considered within the main agenda.

#### ***Amendment to Main Agenda***

Further to paragraph 3.5 of the main agenda, it has been confirmed that the letter received from Stephen Hepburn MP should be read as an objection and not as representing the views of a constituent (as suggested in the agenda).

#### ***Additional Conditions***

Further to the Transport Issues section of the main agenda (paragraphs 5.42 – 5.56) it is considered necessary be officers to include additional conditions pertaining to;

- The final design of the proposed turning head (conditions 47 and 48) and;
- The final location and number of the proposed visitor parking bays within the site (conditions 49 and 50).

The officer recommendation to committee remains unchanged in all other regards.

**SEE MAIN AGENDA FOR OFFICERS REPORT.**



**Committee Report**

<b>Application No:</b>	<b>DC/18/00124/FUL</b>
<b>Case Officer</b>	<b>Lindsay Coyle</b>
<b>Date Application Valid</b>	<b>8 March 2018</b>
<b>Applicant</b>	<b>Trojan Scaffolding NE Ltd</b>
<b>Site:</b>	<b>Swalwell And District Social Club Brewery Bank Swalwell Whickham NE16 3DP</b>
<b>Ward:</b>	<b>Whickham North</b>
<b>Proposal:</b>	<b>Demolition of existing buildings and residential development comprising 12 x 2-bed flats and 2 x 3-bed houses with associated landscaping, roads and parking areas.</b>
<b>Recommendation:</b>	<b>GRANT</b>
<b>Application Type</b>	<b>Full Application</b>

**1.0 The Application:**

**1.1 DESCRIPTION OF THE SITE**

1.2 The application site comprises of the former Swalwell Social Club, a large flat roofed, brick built building, located on the south-eastern side of Brewery Bank. The club is vacant and has been so since its closure in 2010. The club has been subject to fly tipping, vandalism and arson, the most recent arson attack taking place in 2017, resulting in the site having a negative impact on the appearance of the area.

1.3 The existing building occupies a little over half of the application site, located in the northern proportion of the site. The existing building is built up to the public footpath of Brewery Bank and the pedestrian footpath that runs along the north-western side of the site. The building is built within 2m and 2.6m of its side boundary with public footpath along the western boundary. There is a significant change in levels at the site, rising in a southerly direction. To the south of the building lies overgrown vegetation and two sink holes, which are thought to have been formed by a collapsed drain running through the site.

1.4 The site is located on the edge of the Swalwell Local Centre. The area is mixed in character and in types of uses, directly to the south is a single residential residence and to the east are the residential properties that front Hood Street, to the north a pedestrian footpath (back lane) where the rear elevations of a range of commercial and residential properties are located, the commercial premises includes the Highlander Public House, a hot food takeaway, an aquarium and pond supplies shop and beauticians.

1.5 To the west of the site lies a public footpath which connects Crowley Road to the south with the B6317 Hexham Road to the north-west. Beyond this western

boundary lies the Swalwell Holy Trinity Church and its grounds. To the south-west of the site, accessed from Crowley Road is Knox Wilkin, a corn merchant.

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

#### 1.7 DESCRIPTION OF PROPOSAL

1.8 It is proposed to demolish the existing derelict club which is in a poor state of disrepair and in its place erect 14 dwellings, comprising of 12 x 2 bedroom flats, contained within two blocks and two semi-detached 3 bedroom houses.

1.9 The two blocks containing the residential flats are identical in size, height and design. Each block would measure 12.2m high to the ridge and 14.8m wide by 11.2m deep. These blocks would be sited adjacent to each other, the gable ends facing Brewery Lane. A bin storage area and a cycle storage area for the flats would be located between the two flat buildings.

1.10 The two semi-detached houses would be located to the south of the site; the rear elevation would face Crowley Road. Stepped access to the dwellings would be provided from Crowley Road and a set of steps are proposed from within the site, providing access to the front entrances of the dwellings. Each semi-detached house would measure 8m high to the ridge and 5.7m wide by a maximum of 10.3m deep. Each dwelling would have an area of private amenity space, located at the front of the property.

1.11 A new vehicular and pedestrian access would be created from Brewery Bank, which provides access to a large area of hardstanding, containing 10 surface car parking spaces. A further four car parking spaces are provided under croft adjacent to the semi-detached dwellings. Above the under-croft parking, the private amenity space for the semi-detached houses is located.

1.12 Three pockets of soft landscaping are provided within the site, two of which are located at the entrance of the site and the third, larger area of soft landscaping / play space is provided adjacent to the semi-detached houses in the southern section of the site.

#### 1.13 PLANNING HISTORY

1.14 There is no relevant planning history of the site which relates to the redevelopment of the site for housing.

1.5 However, for background purposes Members are advised that on 21 March 2017 a notice was served on the owners of the site under Section 215 of the Town and Country Planning Act 1990 requiring the demolition of the existing Social Club building, as its condition adversely affects the amenity of the area.

1.6 This notice required the building to be demolished by 24 August 2017. Members will note that the timeframe for the demolition has now past, however it was agreed with the applicant that no action would be taken on the basis

that a planning application for the demolition and redevelopment of the site was submitted. This application is now before Members for determination.

## **2.0 Consultation Responses:**

Northumbrian Water            Recommend a condition be attached requiring the development to be carried out in accordance with the submitted drainage scheme.

Coal Authority                No objection subject to conditions requiring a scheme of intrusive site investigations. The submission of a report of findings and the implementation of those remedial works.

Tyne and Wear Fire  
And Rescue Service            No objections

## **3.0 Representations:**

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

3.2 No representations have been received.

## **4.0 Policies:**

National:

NPPF            National Planning Policy Framework  
NPPG            National Planning Practice Guidance

Unitary Development Plan:

H3            Sites for New Housing  
H4            Windfall and Small Housing Sites  
H5            Housing Choice  
H9            Lifetime Homes  
H13          Local Open Space in Housing Developments  
H15          Play Areas in Housing Developments  
H10          Wheelchair Housing  
DC1D        Protected Species  
DC2         Residential Amenity  
RCL5        District and Local Centres  
ENV3        The Built Environment - Character/Design  
ENV22      Sites and Areas of Archaeological Importance  
ENV44      Woodland, Trees and Hedgerows  
ENV47      Wildlife Habitats  
CFR20      Local Open Space  
CFR28      Toddlers' Play Areas  
CFR29      Juniors' Play Areas  
CFR30      Teenagers' Recreation Areas

Core Strategy and Urban Core Plan:

CS11	Providing a range and choice of housing
CS13	Transport
CS14	Wellbeing and Health
CS15	Place Making
CS17	Flood Risk and Water Management

Supplementary Planning Guidance:

The Gateshead Placemaking Guide SPD

**5.0 Assessment of the Proposal:**

5.1 The detailed planning considerations are the principle of the proposed development, residential amenity, design and appearance, car parking and highway safety, ecology, flood risk and drainage, play space, ground conditions, waste and archaeology.

**5.2 PRINCIPLE OF DEVELOPMENT**

Residential Use

5.3 The site is located outside of, but adjacent to the Swalwell Local Centre and the site is not allocated for any specific use in the Unitary Development Plan. The development of this site for residential would therefore form a windfall site. The NPPF states that '... housing applications should be considered in the context of the presumption in favour of sustainable development.'

5.4 It is considered that the site meets the criteria set out in Policy H4 in relation to its sustainable location within an established area, close to local services and public transport routes, and the proposed development would assist in sustaining the existing shops and services found in the local area. As a result the principle of developing this site for residential use is considered acceptable should all other material planning considerations be satisfied.

Family Homes

5.5 Policy CS11(1) of the Core Strategy requires that a minimum of 60% of new private housing is suitable and attractive for families (i.e. homes with three or more bedrooms).

5.6 Two of the 12 dwellings would have 3 bedrooms, equating to a 14% provision of family homes. Saved Policy H5 of the UDP requires a range of housing choice. 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. However, this is a plan wide policy, not site specific and given the location of the site (on the edge of a local centre), smaller sized units are considered appropriate. In addition, the applicant has indicated that the proposed development is at the very margins of

viability and to provide a higher amount of family housing would render the development of the site unviable.

5.7 The proposal is considered to be acceptable in respect of housing choice on the basis of the above and that the scheme would lead to the redevelopment of a derelict site; which would make a positive contribution to the area and would secure a sustainable future for the site.

## 5.8 RESIDENTIAL AMENITY

### Existing Occupiers

5.9 No.5 Brewery Bank is a two storey dwelling, located to the south east corner of the site, the principle elevation of the property faces Crowley Road, where access to the property is gained.

5.10 There are no windows in the side elevation of this property facing the application site. The layout of the proposal is such that an area of soft landscaping / play space would be located between the proposed semi-detached houses and No.5. No concerns are therefore raised with regard to loss of privacy upon No.5.

5.11 To the rear of No.5 are three existing windows, two at ground floor and one at first. These windows face towards the flats closest to the entrance of the application site. However, as No.5 is at an oblique angle to the development and separated by a distance of 22.5m; no objections are raised to overlooking or loss of privacy to No.5. Furthermore, due to the siting and distance of No.5, in relation to the proposed development, no concerns regarding overbearing impact are raised.

5.12 The rear elevations of the properties on Hood Street would look towards the proposed development, given the distance away from the site (No.12 Hood Street being the closest property at 24m to the boundary of the application site) and the siting of the proposed development, no loss of privacy or overbearing impact is considered to occur to the properties of Hood Street.

5.13 The existing Social Club building is built hard up to the rear lane. On the opposite side of the rear lane are the rear of the properties that face Front Street. To the rear of 6 Front Street there is a glazed extension and a window that faces the application site and to the rear of the Highlander Pub a further window. These windows serve residential premises. The proposed block of flats would be set off the boundary by approximately 2m and at worst case be sited approximately 8m away from residential windows, however given the context of the site located within a dense, built up area, no objections area raised.

5.14 No other adjoining occupier is considered to be affected by these proposals and the development is considered to accord with Policy DC2 of the UDP and Policy CS15 of the Core Strategy in respect of preventing negative impacts on residential amenity.

## Future Occupiers

- 5.15 Concerns have been raised by the Council's Environmental Health Officer regarding the close proximity of the proposed flats to the Highlander pub (which has an intermittent fan at the rear) and the alleyway perpendicular to the development leading to the road which channels and reflects high noise levels from roadside traffic.
- 5.16 Through the use of building methods, the proposed development could achieve an acceptable living environment for the future occupiers. A condition would require a suitably qualified noise consultant to carry out an assessment of the site and where necessary provide recommendations of mitigation measures to ensure the development achieves acceptable internal noise levels for the future occupiers of the development.
- 5.17 The internal layout and space provided for the proposed flats and dwellings would meet the National Space Standards and the proposal would therefore provide acceptable internal residential living environment for the future occupiers.
- 5.18 Externally, the dwellings would have access to private gardens to the front of their properties; the residential flats would have the use of an area of landscaped open space, located adjacent to the dwellings. The proposed development would therefore satisfy Policy CS11(4) of the Core Strategy which requires that new residential development provides "adequate space inside and outside of the home to meet the needs of residents".
- 5.19 The proposed development includes an area of landscaping outside of the ground floor flats, which creates an area of defensible space, protecting the privacy of the future occupiers of the ground floor flats in accordance with Policy CS14 of the Core Strategy and Policy DC2 of the UDP.
- 5.20 In terms of overlooking from within the development, no objections are raised on the basis that sufficient separation distances between the proposed flats and the dwellings exist in excess of 22m.
- 5.21 Subject to the imposition of conditions as set out above, the proposed development complies with Policy CS14 of the Core Strategy and Policy DC2 of the UDP in respect of safeguarding the future occupier's residential amenity.
- 5.22 DESIGN AND APPEARANCE
- 5.23 The application site is located within an area which is mixed in character, comprising of a wide range of architectural styles, roof forms, building heights and materials.
- 5.24 The proposed development is considered to be of a scale and height that responds to its context and would improve the visual amenity of the locality.

Being located on a hill, the scheme would improve the general views of the area, particularly when viewed from the main vehicular approaches to the area.

- 5.25 The proposed development would be partly visible above the properties that face Front Street. Whilst visible, the proposed development would contribute to the mixed character of the area.
- 5.26 The proposed side gables of the blocks of flats would face Brewery Bank, whilst the siting of the northern block would be close to the boundary of the site with Brewery Bank; this siting is not dissimilar to the siting of the existing social club. Through the demolition of the existing club and the siting of the proposed development, together with landscaped areas which are proposed at the entrance and within the site, the proposed development would enhance the standard of environment at street level, creating an open and green approach to the development.
- 5.27 Part of the development would front Crowley Road, the proposed semi-detached houses would be in keeping with the scale and character of the existing two storey residential dwellings, found in close proximity to the site.
- 5.28 The proposed materials comprises of a mix of brickwork, render, fibre cement roof slates, cast stone cills and lintels. The choice of materials is considered to be appropriate within the context of the surrounding environment which is rich in different material types. Final details of the finishing materials should be sought via condition.
- 5.29 The proposed development would remove an unattractive building and in its place, erect a development which responds to the site and the character of the surrounding area. The proposed development is compatible with the character or appearance of the surrounding area; as such the proposal is considered to be acceptable in respect of its design and appearance and would comply with Policy CS15 of the Core Strategy.
- 5.30 CAR PARKING AND HIGHWAYS SAFETY
- 5.31 No objection is raised to the principle of the proposed development, the site is considered to be sustainable in transport planning terms with a selection of shops and services within easy walking distance of the site. There are also bus stops in close proximity providing a good level of service to destinations such as the Metrocentre, Gateshead and Newcastle.
- 5.32 Since the scheme was originally submitted various amendments to the scheme have been incorporated to address the Highway Officer's comments; this has included a revision to the site access, introduction of two way traffic for at least 10m from the access, introduction of tactile paving, changing the proposed garages to undercroft parking, increasing the footpath width and omission of steps. The Highways Officer also required the provision of a small turning head within the site. Such provision would involve the increase in hardstanding and the loss of soft landscaping, compromising the visual amenity of the development. As the scheme could function without such provision, without

impacting on the design and without having a severe impact on the highway; the turning head is not required in this case.

- 5.33 Brewery Bank is a short cul-de-sac with no through traffic, a suitable level of visibility can be achieved within the extents of the public highway which is considered to be acceptable and no objections are raised on highways safety grounds.
- 5.44 Fourteen car parking spaces are provided within the curtilage of the site for the occupiers of the development, the level of parking provision is acceptable. The proposal includes two on street parking spaces on Crowley Road. These parking spaces fall outside of the redline boundary of the application site and do not form part of the adopted highway, therefore it would not be possible to place a condition securing these spaces. However there is sufficient unrestricted on street car parking available on Brewery Bank, Crowley Road and other neighbouring streets, as such the development is acceptable in this case.
- 5.45 The proposed plans show a series of secure cycle stores capable of storing twelve bicycles between the blocks of flats. A single secure cycle store for the houses would be provided within each of the gardens. Subject to a condition securing the provision of the cycle stores prior to occupation of any of the dwellings, no objections are raised.
- 5.46 The proposal is not considered to have any significant impact upon the highway network and car parking and cycle provision is considered to be sufficient to meet the needs of the development. The proposal would accord with Policy CS13 of the Core Strategy and T1 of the UDP.
- 5.47 ECOLOGY
- 5.48 The applicants have submitted a bat risk assessment, which concludes that the habitats present in the immediate area are of low suitability for foraging and/or commuting bats. Furthermore, the site and the Social Club building are considered to be of low to negligible suitability for use by breeding bats.
- 5.49 The assessment concludes that the development should require the incorporation of mitigation measures in the form of bat roosting opportunities, bird nesting opportunities and landscaping planting. Subject to a condition requiring details of the mitigation measures as detailed above, the proposed development would accord with Policy ENV47 of the UDP in respect of enhancing wildlife habitats.
- 5.50 TREES
- 5.51 There are no trees located within the application site; however there is a large tree located close to the western boundary of the site in the location of the southern block of flats. The application does not propose to remove this tree, however given the proximity of the trees to the development, a condition requiring the details of the foundation design should be submitted to and



approved in writing, to safeguard the tree in compliance with Policy ENV44 of the UDP.

#### 5.52 FLOOD RISK AND DRAINAGE

5.53 The site is located within flood zone 1 where all new development is steered towards, as it carries the lowest probability of flooding. Policy CS17 of the Core Strategy requires major developments to install sustainable drainage systems that provide multi-functional benefits to water quality, amenity and biodiversity, and to ensure the development does not affect water quality and where possible seek to improve water quality. There is also a requirement to restrict runoff to as close as possible to greenfield rates.

5.54 The principle of the drainage scheme is acceptable subject to final details being agreed via conditions, this is accepted by the Lead Local Flood Authority and Northumbrian Water Ltd.

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

#### 5.56 PLAY SPACE

5.57 The site is located within the Wickham North residential neighbourhood, where saved UDP Policy CFR20 identifies this as an Open Space Priority Neighbourhood, because the Local Open Space provision within this area falls short of the standard set by that policy.

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

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

5.60 Notwithstanding the above, the proposed development includes a large area of grass space within the development which would provide opportunities for informal play space for residents.

#### 5.61 GROUND CONDITIONS

5.62 The site has been assessed as being situated on 'potentially contaminated land' based on previous historic development uses.

5.63 The applicants have submitted a Phase 1 desk study with the application which identifies that there are likely to be contamination issues at the site and that the presence of shallow coal mine workings are likely. It is therefore recommended that an intrusive site investigation and Phase 2 risk assessment report is required to investigate both potential contamination issues and mining issues, and that this should be undertaken following demolition of the Social Club building which occupies the majority of the site. Subject to conditions requiring further details, the proposed development would comply with the NPPF, saved Policy DC1 of the Council's UDP and Policy CS14 of the Core Strategy.

#### 5.64 WASTE

5.65 The proposed access would allow a 26 tonne HGV refuse collection lorry to reverse into the site and drive out in forwards direction. The proposal incorporates sufficient space between the two blocks of flats for the storage of wheeled bins for the development, this would be screened from view for visual amenity purposes, but also this creates a designated area for the bins. From a waste servicing perspective the proposal is considered to be acceptable.

#### 5.66 ARCHAEOLOGY

5.67 The Archaeology Officer confirms that there are no archaeological requirements for this application. A desk-based assessment was completed in 2013 for this site and the car park adjacent. No further work was recommended for the Social Club site. The proposed development is considered to be acceptable from an archaeological point of view and accords with the aims and objectives of the NPPF, policy ENV22 of the UDP and Policy CS15 of the Core Strategy.

#### 5.68 COMMUNITY INFRASTRUCTURE LEVY

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

### 6.0 CONCLUSION

6.1 Taking all the relevant issues into account it is recommended that planning permission should be approved as the proposal would involve the demolition of the existing derelict building and provide an appropriately designed residential development which would make a positive contribution to the area and would secure the long term sustainable future for the site. Furthermore, due to its sustainable location in close proximity to Swalwell Local Centre, the provision of housing would assist in improving the vitality the local centre.

6.2 There would be no detrimental impact upon existing or future occupier's residential amenity, nor would the development have a harmful impact upon the

character and appearance of the area. No objections are raised on highways, ecological, flood, drainage, play space, ground conditions, waste or archaeological grounds.

6.3 Given the above, it is recommended that planning permission be granted subject to the planning conditions set out below.

## 7.0 Recommendation:

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

1

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

### Reason

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

2

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

- THD17-026-01            Location Plan
- THD17-026-03            Existing Topographical Survey
- THD17-026-05            Existing Site Sections
- THD17-026-10 Rev F    Proposed Site Plan
- THD17-026-20 Rev    D     3B5P House Floor Plans
- THD17-026-22 Rev    B     3B5P House Elevations
- THD-17-026-24         2B3P Flat Floor Plans
- THD17-026-26 Rev    A     Flat Elevations
- THD17-026-30            Proposed Site Sections
- JCC17-357-100 Rev A    Proposed External Drainage Layout

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

### Reason

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

3

No development above ground shall commence until samples of all materials, colours and finishes to be used on all external surfaces have been made

available for inspection on site and are subsequently approved in writing by the Local Planning Authority.

Reason

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

4

The development shall be constructed in accordance with the details approved under condition 3.

Reason

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

5

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

Reason

To ensure that a well laid out planting scheme is achieved in the interests of the visual amenity of the area and in accordance with the NPPF, saved policies DC2, ENV3 and ENV47 of the Unitary Development Plan and policies CS14 and CS15 of the CSUCP.

6

The landscaping shall be implemented in accordance with the details approved under condition 5

Reason

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

7

The approved landscaping scheme shall be maintained in accordance with the details approved under condition 5.

Reason

To ensure that the landscaping scheme becomes well established and is satisfactorily maintained in the interests of the visual amenity of the area and in accordance with the NPPF, saved policies DC2 and ENV3 of the Unitary Development Plan and policies CS14 and CS15 of the Core Strategy and Urban Core Plan for Gateshead and Newcastle upon Tyne.

8

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

Reason

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

9

The development shall be carried out in full accordance with the details approved under condition 8.

Reason

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

10

Prior to occupation, a fully detailed scheme for the boundary treatment of and within the site has been submitted to and approved in writing by the Local Planning Authority. The scheme shall include details of the type, position, design, dimensions and materials of the boundary treatment.

Reason

To ensure the satisfactory appearance of the development upon completion in the interests of the visual amenity of the area and in accordance with policies DC2 and ENV3 of the Unitary Development Plan.

11

The boundary treatment scheme shall be implemented wholly in accordance with the details approved under condition 10 prior to the development hereby permitted being occupied unless otherwise approved in writing by the Local Planning Authority.

Reason

To ensure the satisfactory appearance of the development upon completion in the interests of the visual amenity of the area and in accordance with policies DC2 and ENV3 of the Unitary Development Plan.

12

Prior to commencement of works above ground, details of the number, type and location of bat and bird boxes (accordance with the recommendations set out in the bat survey by E3 and dated December 2017) shall be submitted to and approved in writing by the Local Planning Authority.

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.

13

The mitigation measures required under condition 12 shall be implemented prior to the occupation of the development and retained as such in accordance with the approved details thereafter.

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.

14

Prior to construction of the foundations of the southern block, details of the proposed foundation design for the southern block of flats shall first be submitted to and approved in writing.

Reason

To ensure the satisfactory protection of trees in accordance with policies DC1 and ENV44 of the Unitary Development Plan.

15

The development shall be constructed in accordance with the details approved under condition 14

Reason

To ensure the satisfactory protection of trees in accordance with policies DC1 and ENV44 of the Unitary Development Plan.

16

Prior to demolition a scheme for the control of noise and dust shall be submitted to and approved in writing by the Local Planning Authority.

Reason

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

17

The development shall be carried out in accordance with the scheme approved under condition 16.

Reason

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

18

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

Reason

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

19

The development shall be carried out in accordance with the details approved under condition 18.

Reason

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

20

The cycle parking (shown on approved plan THD17-026-10 Rev F - Proposed Site Plan) shall be implemented in full accordance with the submitted details prior to first occupation of each respective unit hereby permitted. Thereafter, the cycle parking shall be retained as approved for the lifetime of the development.

Reason

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

21

At the point of occupation of any unit hereby approved, a Travel Plan, or 'Welcome Pack' shall be provided to the occupants of each dwelling, to encourage the use of alternative modes of travel to the site other than by private

vehicle. This must include local cycle maps, bus stop locations, bus timetables and maps showing pedestrian routes to local amenities.

Reason

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

22

No development shall take place following the demolition of the Social Club, until the final details of the drainage scheme has been submitted and approved in writing by the LPA. The scheme shall include detailed drainage drawings, electronic model, adoption arrangements, construction method statement and a timetable for implementation in accordance with the Council's SuDS Guidelines.

Reason

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

23

The development shall be constructed in full accordance with the details approved under condition 22.

Reason

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

24

The drainage scheme shall ensure that foul flows discharge to the combined sewer at manhole 2107 and ensure that surface water discharges to the combined sewer at manhole 2107. The surface water discharge rate shall not exceed the available capacity of 5 l/sec that has been identified in this sewer. The final surface water discharge rate shall be agreed by the Lead Local Flood Authority.

Reason

To prevent the increased risk of flooding from any sources in accordance with the NPPF.

25

No work in relation to any proposed drainage features shall take place until a long-term management plan for the drainage scheme approved under condition 22 has been submitted to and approved in writing by the Local Planning Authority.

Reason



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

26

The drainage scheme shall be managed in full accordance with the details approved under condition 25.

Reason

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

27

On occupation of the development, the applicant shall ensure that the internal noise levels to bedrooms do not exceed 35 dB LAeq, 16 hour between 07:00 – 23:00 (daytime); and 30 dB LAeq, 8 hour; 45 dB LAmax between 23:00 – 07:00 (night time), in accordance with BS 8233:2014

Reason

To ensure that the building(s) are adequately soundproofed in the interests of residential amenity in accordance with Policies DC2 of the Unitary Development Plan.

28

No development shall commence until following demolition of the social club; an intrusive site investigation is undertaken that covers the whole site, and a Phase 2 Risk Assessment report of the findings submitted to the Local Authority for written approval.

The site investigation shall consist of a series of boreholes / trial pits, insitu testing, groundwater and ground gas monitoring, soil sampling and chemical and geotechnical laboratory testing of samples to assess potential contamination issues and inform foundation design. The site investigation shall also assess the potential risks posed to the development by past shallow coal mining activity.

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

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

monitoring shall be undertaken at the site and a Gas Risk assessment report produced and submitted to the Local Authority with recommendations for ground gas mitigation measures.

Reason

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

29

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

Reason

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

30

The details of remediation measures approved under condition 29 shall be implemented in accordance with the timetable approved and maintained for the life of the development.

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

Reason

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

31

Following completion of the remediation measures approved under condition 29 a verification report that demonstrates the effectiveness of the remediation carried out must be submitted for the written approval of the Local Planning Authority prior to first occupation of the development hereby permitted.

**Reason**

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

**32**

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. In accordance with a timetable agreed with the Local Planning Authority, an investigation and risk assessment must be undertaken, and where remediation is necessary a remediation scheme shall be submitted to and approved in writing by the Local Planning Authority.

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

**Reason**

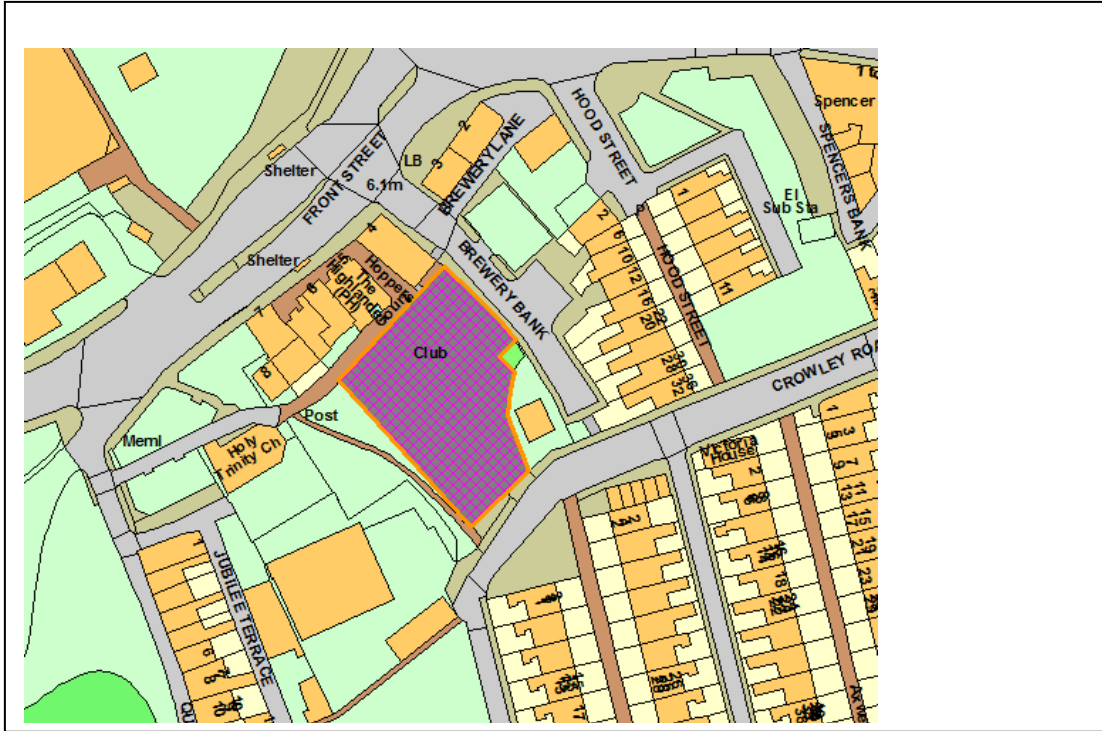
To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and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

**33**

Should unsuspected contamination be found, the development shall be carried out in accordance with the details approved under condition 32.

**Reason**

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



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## REPORT NO 3

**Committee Report**

<b>Application No:</b>	<b>DC/18/00237/OUT</b>
<b>Applicant</b>	<b>Follingsby International Enterprise Park Limited</b>
<b>Date Application Valid</b>	<b>13 March 2018</b>
<b>Site:</b>	<b>Follingsby Park South Follingsby Lane Gateshead NE10 8YA</b>
<b>Ward:</b>	<b>Wardley And Leam Lane</b>
<b>Proposal:</b>	<b>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.</b>
<b>Recommendation:</b>	<b>GRANT SUBJECT TO A SECTION 106 AGREEMENT</b>
<b>Application Type</b>	<b>Outline Application</b>

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

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

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

1.4 The site is allocated for up to 90,000m<sup>2</sup> of employment land (B8 storage and distribution uses) under policy KEA2 South of Follingsby Lane in the Council's adopted Core Strategy and Urban Core Plan for Gateshead and Newcastle upon Tyne (CSUCP). The site is also situated within a Wildlife Corridor. The vast majority of the site is situated within Flood Zone 1. There is a small area of the southern part of the site, which runs adjacent to the River Don which is situated within Flood Zones 2 and 3. There is a public right of way (footpath Felling 22) which runs along the western boundary of the site.

1.5 The site is situated on the south eastern edge of Gateshead, with the Borough of South Tyneside to the north and east and the City of Sunderland to the south. The site lies immediately to the south of Follingsby Lane, with Follingsby Park Industrial Park which includes a range of manufacturing and storage /

distribution uses to the north. The former Leamside Railway Line is immediately to the east of the site with fields, commercial uses, stables and some residential properties further east in South Tyneside. The River Don is immediately to the south of the site with fields, a riding stables, playing pitches and the residential areas of Washington to the south in Sunderland. South Follingsby Farm is to the west of the site with the A194 motorway, Heworth Golf Club and the residential areas of Wardley and Heworth beyond.

## 1.6 DESCRIPTION OF PLANNING APPLICATION

1.7 This planning application is seeking outline planning permission for the erection of up to 225,000m<sup>2</sup> of B8 (storage and distribution) /B2 (general industry) floor space of which not more than 27,000m<sup>2</sup> will be for B2 uses. The main use of the site is therefore for warehousing and distribution (use class B8).

1.8 Outline planning permission (reference : DC/17/01117/OUT) for the erection of up to 90,000m<sup>2</sup> of B8/B2 floor space of which not more than 27,000m<sup>2</sup> will be for B2 uses was approved in January 2018. Since this earlier application was granted the applicant has been approached by a potential end user who requires a unit containing multiple mezzanine floors resulting in a significantly larger overall floor area. The requirement of the potential end occupier is for a single unit with a ground floor footprint of 53,000m<sup>2</sup> incorporating mezzanine floors able to accommodate a total of 187,300m<sup>2</sup> of floor space. Land within the wider site could therefore accommodate an additional unit or units providing around 36,000m<sup>2</sup> of floor space. This brings the total proposed ground floor footprint to 90,000m<sup>2</sup> in line with the current planning permission (reference : DC/17/01117/OUT). This current planning application therefore increases the amount of B8 floor space beyond the previous approved 90,000m<sup>2</sup> of floor space as a result of the introduction of mezzanine floors only. The applicant is currently in discussions with the prospective occupier (however cannot be named for contractual reasons) in respect of the proposed unit. This current outline planning application has therefore been prepared and submitted in response to the specific requirements of this occupier.

1.9 This is an outline planning permission with all matters reserved except access and landscaping of the green infrastructure zone. Detailed drawings have been provided to show the proposed access arrangements to the site. No details relating to access within the site have been provided at this outline stage. Matters relating to appearance, landscaping, layout and scale of the development (with the exception of the landscaping of the green infrastructure zone) will be the subject of subsequent reserved matters planning applications.

1.10 A Parameters Plan has been submitted at this outline stage which shows the areas of the site which would be built on and the areas of the site which would provide green infrastructure. The built development area of the site would include warehouse, distribution and industrial uses, and associated car parks, service yards, internal roads and formal landscaping including planting along the Follingsby Lane frontage and within the car park areas. The proposed areas of green infrastructure along the eastern, southern and western boundaries of the site range from 35 metres to 150 metres in width and will provide ecology

habitat areas, landscaping, drainage including SuDs features and a safeguarded zone of 10 metres along the southern boundary of the site for future improvements to the River Don.

- 1.11 The Parameters Plan sets out the minimum and maximum numbers of units to be developed within the built development area and allows for between two to four units. The maximum height of the buildings is 28 metres above the proposed finished floor level. The minimum and maximum finished floor levels as defined on the Parameters Plan are 52.5m (above AOD) and 55m (above AOD). The proposed built and green areas on the Parameters Plan as well as the maximum height of the buildings are the same as the earlier outline permission.
- 1.12 Detailed plans have been submitted for the access into the site. These show that the vehicle access to the site will be from Follingsby Lane via 6 new junctions. This is in response to the potential occupier's requirements.
- 1.13 TIMING OF DEVELOPMENT
- 1.14 The construction of the development is anticipated to take up to 4 years, including site preparation, enabling works and construction, including ground works, foundations, buildings and external service yards and car parking. On the basis that construction works commence in the third quarter of 2018 they are anticipated to end in 2021.
- 1.15 EIA DEVELOPMENT
- 1.16 The proposed development represents an industrial estate development project on a site exceeding 0.5 hectares so falls within part 10 (a) of Schedule 2 of the Town and Country Planning (Environmental Impact Assessment) Regulations 2017. (EIA Regs). Part 1 of the EIA Regs confirms that development falling within Schedule 2 may comprise EIA development if it is likely to have significant effects on the environment by virtue of its nature, size or location.
- 1.17 The Council has agreed with the developer that the proposed development has the potential for significant effects due to the scale and nature of the development and its location to sensitive environmental receptors. As such the proposed development is considered to be EIA development and has been submitted with an Environmental Statement (ES). The submitted ES considers the likely significant effects arising during the construction and operation of the development and the potential cumulative effects which may arise when considered with other relevant nearby developments.
- 1.18 ACCOMPANYING INFORMATION
- 1.19 The application has been submitted with the following supporting information.

The Environment Statement comprising of :

Volume 1 Non Technical Summary

Volume 2 Main Technical Assessments

Chapter A - Introduction and Background

Chapter B - Scope and Methodology

Chapter C - Site and Scheme Description

Chapter D - Transport

Chapter E - Biodiversity

Chapter F - Heritage (above and below ground)

Chapter G - Landscape and Visual Impact

Chapter H - Air Quality

Chapter I - Water Resources

Chapter J - Noise

Chapter K - Socio- Economic

Chapter L - Mitigation, Monitoring, Cumulative Effects and Conclusions

Volume 3 - Technical Appendices

and the following supporting information :

Sustainable Drainage Statement

Phase 1 Geo-Environmental Assessment

Phase 2 Geo-Environmental Assessment

Arboricultural Impact Assessment

Utilities Statement

Planning Statement

Flood Risk Assessment

Framework Travel Plan

Summary Statement

Design and Access Statement

Landscape Management Specification

## 1.20 RELEVANT PLANNING HISTORY

### 1.21 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.

### 1.22 DC/18/00111/REM – APPROVED 18 April 2018

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.



- 1.23 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.

## 2.0 Consultation Responses:

Network Rail	No objection in principle to the development subject to a number of planning conditions.
Northumbria Water	No objection subject to a planning condition requiring the foul water to discharge into the existing foul sewer via manhole 0202 and the surface water to discharge directly into the local watercourse via an indirect connection into the surface water sewer close to either manhole 3801 or 3802.
Archaeology Officer	The site has been subject to geophysical survey and archaeological evaluation. These investigations did not reveal any significant archaeological resource on the site. No further archaeological investigation is required.
Health And Safety Executive	No objection as does not advise on safety grounds against the granting of planning permission.
Tyne And Wear Fire And Rescue Service	No objection
Northern Gas Networks	No objection
Highways England	No objection subject to planning conditions relating to the Follingsby Lane / Follingsby Avenue junction improvement scheme and that each unit operates in accordance with a plan detailing shift patterns and trip generation.
Environment Agency	No objection subject to a number of planning conditions relating to no buildings being located within flood zones 2 and 3 on the site, the provision of a buffer zone along the River Don and the provision of a river restoration scheme for the River Don.

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 This planning application has been advertised on site and in the press as EIA development which has been submitted with an Environment Statement, as being a departure (as B2 floor space is proposed and more than 90,000m<sup>2</sup> of floor space is proposed) and as well as affecting a public right of way.
- 3.2 The Council sent neighbour notification letters to 69 properties surrounding the site in Gateshead, South Tyneside and Sunderland on 14 March 2018. Council officers displayed 9 notices surrounding the site in Gateshead, South Tyneside and Sunderland on 16 March 2018. In addition a notice also appeared in the Newcastle Journal on 16 March 2018.
- 3.3 One representation has been received (address unknown) questioning whether there are plans to improve the main access road into Follingsby Park as the bend on the road is already dangerous and will only get worse with increased traffic
- 3.4 SUNDERLAND CITY COUNCIL
- 3.5 Sunderland City Council was consulted as an adjoining Council to the south of the application site. On 4th April 2018 they responded stating that they have substantive concerns given that the proposed development would be a departure from Gateshead's adopted development plan. They also have detailed concerns and comments in terms of cumulative effects, highways and landscape.
- 3.6 SOUTH TYNESIDE COUNCIL
- 3.7 South Tyneside Council was consulted as an adjoining Council. On 4th April 2018 they responded stating that they object to the planning application on the basis that it represents a departure (as an element of B2 is proposed) and this would have a negative impact on the International Advanced Manufacturing Park (IAMP) to the south of the proposed development. They also have detailed concerns in terms of highways, the scope of the Transport Assessment, the lack of direct public transport services and shared use footways to connect with IAMP and Highways England's major schemes and the scope of the submitted Travel Plan.
- 3.8 Further, comments are made on the impact on the River Don, ecology, flood risk and the requirement for effective screening to protect the purposes of the Green Belt sites in close proximity.

3.9 All of the comments and issues raised by Sunderland City Council and South Tyneside Council have been fully considered and addressed in the committee report assessment below. It is Council officer's view that none of the issues raised justify the need for amendments to the proposed development, beyond those agreed during the assessment of the application.

#### **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

ENV49 Sites of Nature Conservation Importance

ENV51 Wildlife Corridors

ENV54 Dev on Land Affected by Contamination

CS13 Transport

CS14 Wellbeing and Health

CS15 Place Making

CS17 Flood Risk and Waste Management

CS18 Green Infrastructure/Natural Environment

KEA2 Follingsby South

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

- 5.1 The main planning issues are considered to be the principle of the development, landscape and visual impact, heritage issues, transport issues, noise, air quality the potential for land contamination, flood risk / drainage, ecology, socio economic issues and cumulative effects.
- 5.2 PRINCIPLE OF DEVELOPMENT
- 5.3 The site is allocated for up to 90,000m<sup>2</sup> of employment land (B8 storage and distribution uses) under policy KEA2 South of Follingsby Lane in the Council's CSUCP. This planning application is seeking outline planning permission for the erection of up to 225,000m<sup>2</sup> of floor space. The proposed uses would include B8 (storage and distribution) and B2 (general industry) of which not more than (27,000m<sup>2</sup>) will be for uses within B2. The main use of the site is therefore for warehousing and distribution (use class B8).
- 5.4 Given that this site is allocated for up to 90,000m<sup>2</sup> of only B8 use - the proposal has been advertised by the Council as a departure to the Council's adopted development plan.
- 5.5 The introduction of up to 27,000m<sup>2</sup> of B2 floor space at the site was considered acceptable by the Council on the earlier outline planning application (reference : DC/17/01117/OUT). The B2 floor space was considered acceptable to provide flexibility to meet market requirements and in terms of maximising job creation and inward investment. It was also previously accepted that the inclusion of B2 floor space would bring economic benefits and will make the development more attractive to potential occupiers.
- 5.6 This site was allocated for B8 development due to its potential contribution to supporting the distribution and logistics sector. Whilst the inclusion of B2 (general industrial) floor space has the potential in quantitative terms to reduce the amount of floor space given to B8 (storage and distribution) uses, Council officers are of the view that the inclusion of B2 uses would not impair the developments primary function within the distribution and logistics sector.
- 5.7 The overall amount of development now proposed in this current application (225,000m<sup>2</sup>) exceeds that envisaged (90,000m<sup>2</sup>) in the adopted development plan. The submitted Planning Statement explains that this additional floor space is justified by the need to address the specific requirements of a potential occupier. This additional floor space can also be accommodated within the built development zone on the Parameters Plan which was approved as part of the earlier outline application. The Environmental Statement (ES) has also considered and demonstrated that the increase in floor space from 90,000m<sup>2</sup> to 225,000 m<sup>2</sup> can be accommodated on the site without significant adverse environmental effects.
- 5.8 Sunderland City Council has stated in their representation letter that they are substantively concerned as this current application seeks consent for up to

27,000m<sup>2</sup> of B2 floor space which they consider is in conflict with and is a departure from Gateshead's evidenced and adopted development plan's employment policy allocation.

- 5.9 South Tyneside Council has also objected to the application in their representation letter on the grounds that the proposed B2 floor space is contrary to the adopted development. South Tyneside Council has also objected as they consider that this proposed development would have a negative impact on the International Advanced Manufacturing Park (IAMP) to the south east of the site.
- 5.10 The IAMP Area Action Plan (AAP) and supporting documents were submitted to the Secretary of State and Planning Inspectorate on 6 February 2017 for Independent Examination. The Examination Hearing sessions took place in April 2017. The AAP for IAMP was adopted on 30th November 2017. Therefore at the current time IAMP does not benefit from a planning permission, although a planning application (reference : 18/00092/HE4) for the first phase has been submitted to Sunderland City Council and is currently undetermined.
- 5.11 Notwithstanding the above the evidence base supporting development of the IAMP emphasises that the IAMP will deliver additional growth in the automotive/advanced manufacturing sectors. The additional growth cited within the IAMP's evidence base makes clear that the IAMP will bring jobs into the region that would not otherwise be delivered (i.e. could not be delivered on existing sites, including at this site Follingsby South, which serves a role in the logistics/distribution sector rather than automotive/advanced manufacturing). The land allocated for the IAMP is therefore only to be made available for businesses operating in activities directly related to the automotive and advanced manufacturing sectors (as required by policy S2 of the adopted IAMP AAP).
- 5.12 The IAMP evidence also makes clear that any displacement effects of the IAMP (i.e. effect the IAMP might have on attracting existing businesses within the region to relocate there) will be outstripped by the wider economic uplift that the IAMP will support across the region.
- 5.13 Given the differences between Follingsby South and the IAMP in terms of their scale, and targeted business sectors, Council officers are of the opinion that there is no evidence to suggest that the proposed provision of 225,000sqm<sup>2</sup> of B8/B2 floor space at Follingsby South would undermine delivery of IAMP. Council officers are therefore of the view that the development of this site for up to 225,000 m<sup>2</sup> for B8 and B2 uses could complement and support (rather than compete with) development of IAMP.
- 5.14 Council officers accept that the inclusion of some B2 uses as part of the development which has a floor space of up to 225,000m<sup>2</sup> is not in accordance with policy KEA2 of the CSUCP and is therefore a departure to the Council's approved development plan. However the introduction of 27,000m<sup>2</sup> of B2 floor space has already been granted planning permission in the earlier outline application. In addition the ES has assessed and demonstrated that an

increase in floor space from 90,000m<sup>2</sup> to 225,000 m<sup>2</sup> can be accommodated on the site without significant adverse environmental effects. Council officers are therefore of the view that the increase in B8 floor space would still enable the aims and objectives of policy KEA2 to be met and exceeded in response to a specific end occupier requirement.

5.15 A condition (CONDITION 7) has been recommended to ensure that any B2 uses on the site do not exceed more than 27,000m<sup>2</sup> of floor space to ensure the primary function of the site is for B8 storage and distribution uses in line with the aims and objectives of policy KEA2 of the CSUCP. Subject to this condition the proposed development of the site for B8 and B2 uses with a floor space of up to 225,000m<sup>2</sup> is considered to be acceptable.

#### 5.16 LANDSCAPE AND VISUAL IMPACT

5.17 The ES considers the effects of the proposed development on the landscape. There will be a fundamental change to how the site looks changing from the existing agricultural land to an employment development with large scale industrial buildings, infrastructure and parking within the developed area on the Parameters Plan. However the Green Infrastructure area offers landscape and ecological enhancements.

5.18 The ES concludes that the proposed development will alter the local landscape character - however considering the semi-urban and industrial character of the surrounding landscape and the presence of some existing visual barriers in the landscape such as trees and buildings that the proposed development is appropriate to the location. Council officers agree with this conclusion and also consider that the choice of external materials for the buildings and the provision of additional landscaping at the site could help to reduce the visual impact of the development further. The external materials are not known at this outline application stage and will be subject to separate reserved matters applications.

5.19 South Tyneside Council have commented that the development of this site should ensure that there is no adverse impact on the Green Belt so effective screening should protect the purposes of the Green Belt sites in close proximity. Council officers are of the opinion that the landscape and visual impact of the development has been fully considered in the ES submitted with this application. In addition the principle of developing this site has already been accepted through the approval of the earlier outline application (reference : DC/17/01117/OUT). The extent of the built development area and the maximum building heights remain the same as the previously approved development. Council officers are therefore of the view that this current application with an increased internal floor space raises no new landscape or visual issues.

5.20 Sunderland City Council have commented that given this proposed development seeks approval for a much greater quantity of floor space, there would be benefit in providing an indicative layout and elevation drawings to demonstrate how the quantity of floor space could be accommodated within the local landscape. Sunderland City Council have stated that whilst they recognise

that the final details would be given consideration at a reserved matters stage, there is concern that in the absence of these details a full assessment of the proposed scheme upon views from Sunderland City has not been possible.

- 5.21 Given the end occupiers for the proposed buildings are not known at this stage it is not possible to define the layout and footprint of the proposed buildings at this time. However drawings within the submitted Design and Access Statement demonstrate some of the possible site layouts that could come forward at the reserved matters stage. The submitted Parameters Plan also confirms the height and extent of built development proposed at the site. Council officers are therefore of the opinion that sufficient and adequate information has been submitted as part of this application to enable a full assessment of the landscape and visual impact of the development to be undertaken. The submitted parameters plan shows that the additional floor space can be accommodated within the same height and extent of built development parameters approved as part of the earlier outline application (reference : DC/17/001117/OUT). Therefore Council officers of the view that the landscape and visual impact of the development will be no different to the development already granted permission.
- 5.22 **Green Infrastructure Landscaping Scheme**  
Full landscape details for the green infrastructure zone have been provided as part of this current application. The green infrastructure zone includes a mix of SuD's features, space for future improvements to the River Don, landscape planting and habitat creation.
- 5.23 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 outline application.
- 5.24 Comments have been made by the Environment Agency 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. The submitted landscaping drawings for the green infrastructure zone are the same as the landscaping details approved for the earlier reserved matters application (reference : DC/18/00111/REM).
- 5.25 The submitted landscape drawings include a wildlife observation area looking south over the green infrastructure zone. Council officers welcome 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 10 - 11) have been recommended to approve and provide a revised wildlife observation area.
- 5.26 A Landscape Management and Maintenance Plan has also been submitted as part of This application. This is a generic document which Council officers

consider should be revised to reflect the submitted landscaping scheme. Therefore two conditions (CONDITIONS 12 - 13) have therefore been recommended to cover the submission, approval and implementation of a joint landscape and ecology management strategy for each phase of the development.

5.27 A planning condition (CONDITION 14) has also been recommended to require the implementation of the submitted landscaping scheme prior to the first building on the site being occupied or first planting season thereafter.

5.28 Subject to the above planning conditions, the proposed development is considered to be acceptable from both a landscaping and visual 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.

#### 5.29 HERITAGE ISSUES

##### 5.30 Below Ground (Archaeology)

A programme of archaeological investigation work (comprising geophysical survey and trial trenching) has been undertaken together with an archaeological evaluation. The Council's Archaeologist has confirmed that these archaeological investigations did not reveal any significant archaeological remains on the site - therefore no further archaeological investigations are required.

##### 5.31 Above Ground

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

5.32 Bowes Railway and Wardley moated site Scheduled Monuments, the Grade II\* Scots House and a number of Grade II Listed Buildings are located within 2 km of the site. The submitted ES assesses the impact of the construction and operation phases of the development on these designated heritage assets and concludes that the construction phases will have a neutral and negligible impact. The ES also concludes that the impact of the operation phase of the development on these designated heritage assets is neutral. Council officers agree with these conclusions given that all the designated heritage assets are either in areas of modern development or far enough away from the site so that their settings and significance would not be impacted upon by the proposed development.

5.33 The proposed development is therefore considered to be acceptable from a heritage point of view and accords with the aims and objectives of the NPPF, saved policy ENV22 of the UDP and policy CS15 of the CSUCP.

#### 5.34 TRANSPORT ISSUES



- 5.35 The Transport Chapter of the ES assesses the potential effects of the development on the highway network surrounding the site during the construction and operational phases.
- 5.36 **Public right of way**  
There is a public right of way which runs along the western boundary of the site (footpath Felling 22). The proposed development proposes no changes to this existing right of way – it is not to be stopped up or diverted. The right of way will be situated within the green infrastructure buffer along the western edge of the site. The proposed development will therefore not have any impact on this existing right of way or its use.
- 5.37 **Access Arrangements**  
Proposed vehicle access to the site is from Follingsby Lane via six new junctions comprising car and HGV accesses. A maintenance access to the site is also proposed via proposed access 5 off Follingsby Lane. Follingsby Lane is to be widened from 6.3 metres to 7.3 metres all along the site Frontage. The proposals will also provide a shared footway and cycleway along the southern side of Follingsby Lane, together with bus infrastructure improvements. The eastern part of Follingsby Lane operates with a national speed limit, although the western section of Follingsby Lane is subject to a 30 mph speed limit. It is proposed to reduce the speed limit along the eastern section of Follingsby Lane to 40 mph.
- 5.38 South Tyneside Council have raised concerns in their representation letter about the number of access points at the entrance to the development site. South Tyneside Council consider that due to the number of access points and the levels of vehicle activity there will be a heightened risk of collisions between vehicles turning in and out of the development.
- 5.39 Council officers have carefully considered the proposed access arrangements including the number and location of the accesses along Follingsby Lane. Some changes have been made to the location and design of the proposed access points along Follingsby Lane to reduce the potential for conflict and improve highway safety. A framework car park management plan together with indicative car park layout plans have also been submitted which demonstrate that suitable car park management can be put in place to reduce the impact at the access points during peak periods (shift change over). The final details and implementation of the framework car park management plan for each building as well as a servicing management plan for inbound HGV movements will be covered by planning conditions (CONDITIONS 15 - 18). In addition to reduce the potential for conflict further a planning condition (CONDITION 19) has been recommended to limit the access points that HGV's can use. This condition states that HGV's to the site can only use access points 1, 4, 5 and 6. Notwithstanding all of the above the original access arrangements / highway layout has also been independently safety audited - which did not identify any safety problems with the proposed junctions.
- 5.40 **Sustainable Travel**

South Tyneside Council has raised concerns in their representation letter about the accessibility of the Follingsby Lane site to residents of South Tyneside by means of direct public transport services. South Tyneside Council state that there is a need for a joined up approach to assessing IAMP and Follingsby Park South by means of an enhanced public transport service. South Tyneside Council also suggest that consideration should be made to expanding the proposed shared use footways to connect with IAMP, in the next few years.

- 5.41 Council officers agree that the proposed development should have improved access to public transport services. The developer has confirmed that discussions have been held with Go North East to discuss the potential to extend the existing bus route and services along White Rose Way so as to join back onto Follingsby Lane directly north of the development site, where two new bus stops will be provided. Go North East have confirmed that an extension to the route is likely to be appropriate and there may be scope to increase the level of service provided. Whilst the buses using this route do not provide direct access to South Tyneside they do go via the Heworth Interchange which is easily accessible by public transport (bus and Metro) from South Tyneside.
- 5.42 The proposed development therefore will ensure that public transport infrastructure is provided where appropriate including that which will future proof the scheme for potential links to and from IAMP. The final public transport scheme is to be approved and implemented by planning conditions (CONDITIONS 20 - 21) as the exact details will be subject to the occupiers of the buildings on this site and their associated shift patterns – which is not known at this stage.
- 5.43 Council officers have also fully considered the proposed pedestrian and cycle connections to the site, which are considered to be appropriate for the proposed development.
- 5.44 Traffic Generation / Impact  
In assessing the transport implications of the proposed development the Transport Assessment (TA) considers 4 scenarios :
- 1 - generic trip generation with Follingsby Lane open
  - 2 - generic trip generation with Follingsby Lane closed
  - 3 - bespoke trip generation (provided by the potential end occupier) with Follingsby Lane open
  - 4 - bespoke trip generation (provided by the potential end occupier) with Follingsby Lane closed
- 5.45 Highways England have been consulted and have confirmed that they have no objections to the proposed development subject to a number of planning conditions. The planning conditions would require the design and implementation of a junction mitigation strategy at the Follingsby Lane/ Follingsby Ave junction (CONDITIONS 22 - 23) and that each unit on the site has an operational management plan which confirms the shift patterns and traffic generation for the end occupier (CONDITION 24 – 25). Highways

England has requested these conditions to ensure highway safety and the free flow of traffic.

- 5.46 Work undertaken by Highways England in respect of the Whitemare Pool junction demonstrate that the development proposals will increase delays on both the strategic and local roads. This impact is not deemed to be severe.
- 5.47 Capacity of the B1288 - Sunderland City Council have requested in their representation letter that the Transport Assessment (TA) for the development should specifically identify whether the B1288 has sufficient capacity to accommodate such an increase in traffic and suggest any mitigation if necessary. The B1288 provides a link between the A194(M) and the A1 (North). The submitted TA shows that there will be an increase of 18.1% of traffic along this section of the B1288 as a result of the proposed development. This developer has clarified that this 18.1% increase represents an increase of 60 HGV movements across the whole day (Annual Average Daily Traffic) along this section of road and would not have any discernible impact on the capacity of this section of the highway meaning that no mitigation is required.
- 5.48 South Tyneside Council in their representation letter have stated that further information is required in the TA in order for the implications of the development to be understood and that some information appears to be missing. South Tyneside Council would also like more information on the junction improvement strategy for the Follingsby Lane/ Follingsby Avenue junction.
- 5.49 Council officers are of the opinion that adequate information has been submitted in the TA to assess the impacts of the proposed development. All the necessary information is available to view in the various documents that have been submitted including the Transport Assessment and the Transport Chapter of the Environmental Statement.
- 5.50 The ES concludes that the effect both during construction and operation in terms of transport are acceptable and not significant. Council officers are accepting that the proposals are not severe subject to the external highway works detailed below.
- 5.51 Transport Improvements  
In addition to the widening of Follingsby Lane and introduction of shared footway and cycleway, a number of transport changes and improvements are proposed as a result of this development including :

Provision of a new signalised crossing across Follingsby Lane east of access 2

The upgrade and modification of the signal equipment and controllers at the A195 New Road / B1288 Leam Lane / A195 Lingey Lane junction

Improvements to public transport services and infrastructure.

The provision of a new bus stop and layby along the southern side of Follingsby Lane to the east of access 1.

The provision of a new bus stop and layby along the southern side of Follingsby Lane to the east of access 5.

The provision of loading / waiting restriction along both sides of Follingsby Lane

Reduction in the speed limit along Follingsby Lane from 60mph to 40mph.

A signalised junction improvement at Follingsby Lane/ Avenue

- 5.52 Two planning conditions (CONDITIONS 26 - 27) have been recommended to approve the final details of these transport changes and improvements and to ensure that they are delivered at an appropriate stage in the development. The upgrade and modification of the signal equipment at the Lingey Lane junction will however be dealt with via a planning obligation as the developer has agreed to pay the Council £75,000 to undertake these works.
- 5.53 **Internal Site Layout**  
The access within the site, number, location and layout of car parking spaces, and the service yards will all be considered as part of the reserved matters application in the context of the assessments that have been carried out as part of this outline application
- 5.54 Planning conditions (CONDITIONS 28 - 31) are however considered necessary at this outline stage relating to approving and providing cycle parking provision and electric vehicle charging points as part of the development.
- 5.55 **Construction Phase**  
In order to ensure that the impact of the construction phase on the transport network is minimised it is proposed that the construction management plan secured under (CONDITIONS 32-33) will provide details relating to contractor parking, managing deliveries and the transfer of debris on to the highway.
- 5.56 **Travel Plan**  
A Framework Travel Plan has been submitted as part of the planning application. South Tyneside Council has raised some concerns in their representation letter about the submitted Travel Plan and suggest that further information and changes are required. Council officers agree that some changes and improvements are required to this document to make it more appropriate. Two conditions (CONDITIONS 34 – 35) have therefore been recommended to approve and implement a revised Framework Travel and Final Occupier Travel Plans for the development.
- 5.57 Subject to the above transport related planning conditions the proposed development is considered to be acceptable from a transport point of view and

would accord with the aims and objectives of the NPPF and policies CS13 and KEA2 of the CSUCP.

5.58 NOISE

5.59 The ES considers the potential noise impacts resulting from the proposed development.

5.60 Construction Noise

Construction works including site preparation, road widening and the construction of the buildings on the site will generate noise that has the potential to disturb occupiers of houses and commercial properties surrounding the area. The submitted ES states that due to the separation distances from the site to nearby houses the enabling and construction activities will be below the criteria to be significant. The ES states that for the existing industrial units at Follingsby Industrial Park there is the potential for the highways and building construction to approach criteria to be of significant noise levels, when working in close proximity or undertaking concurrent activities.

5.61 The ES therefore proposes careful management of the on site construction activities through the adoption of a construction management plan which will reduce these effects. Planning conditions have therefore been recommended (CONDITIONS 32- 33) to ensure that a construction management plan is approved and implemented on the site in the interests of the amenity of adjacent residential and commercial properties.

5.62 The ES suggests the following construction hours :

7:30am – 6:30pm Monday – Fridays  
7:30am – 1:30pm Saturdays  
No working on Sundays, Bank or Public holidays.

5.63 A planning condition has been recommended (CONDITION 36) which restricts the construction works to these hours, subject to a change to the suggested Saturday working to 8am-2pm instead in the interest of residential amenity.

5.64 Operational Noise

The proposed development may operate 24 hours a day, 7 days a week. A planning condition (CONDITION 37) has therefore been recommended to require that the development when operational does not exceed a specified noise rating at the nearest noise sensitive properties in the interest of residential amenity.

5.65 The ES predicts the change in traffic noise associated with the proposed development and states that the development will be perceptible at two residential properties on Follingsby Lane (Westfields and Strothers Farm House). The ES goes on to state that for 99% of the residential properties assessed the change in road traffic noise due to the development will be below of negligible effect.

- 5.66 The ES explains that based on the results of the assessments, impacts from construction noise and vehicle movements have the potential to increase the noise levels in the area. The ES concludes that these effects will either be temporary in nature, highly localised or limited to a small number of properties.
- 5.67 Council officers agree with the findings and conclusions of the ES. Subject to the recommended planning conditions relating to noise the proposed development is considered to be acceptable from a noise point of view and accords with the aims and objectives of the NPPF, saved policies DC1(h) and DC2 of the UDP and policy CS14 of the CSUCP.
- 5.68 AIR QUALITY
- 5.69 The ES predicts the potential air quality effects associated with the construction phase (dust) and operational phase (vehicle emissions) of the proposed development. A dust management plan is to be prepared for the site to provide measures to ensure dust arising from the construction phases of the development will be controlled, limited and reduced. The ES states that this will result in a negligible impact for dust at nearby properties during the construction phases. The submitted air quality assessment predicts that there will be a negligible impact on vehicle emissions with the proposed development in place.
- 5.70 Council officers agree with these conclusions. Two planning conditions (CONDITIONS 32-33) have been recommended to require a dust management plan as part of the construction management plan to ensure that the construction phases of the development have no significant effects. Subject to these planning conditions the development is considered to be acceptable from an air quality point of view.
- 5.71 LAND CONTAMINATION
- 5.72 Phase 1 and Phase 2 Geo Environmental Assessment Reports have been carried out for the site, which assesses the potential for contamination to be present. These reports conclude that there are no soil contamination issues at the site, no remediation measures are required and assessment of ground gas monitoring results has concluded that no gas protection measures are required. Council officers agree with these findings. A condition is however considered necessary (CONDITION 40) in the event that contamination is found when carrying out the development that was not previously identified.
- 5.73 It is therefore considered that there are no significant ground conditions likely to effect the development or arise as a result of the development. Subject to the above condition, it is considered the proposed development is acceptable from a contaminated land point of view and would accord with the aims and objectives of the NPPF, saved policies DC1(p) and ENV54 of the Council's UDP and policy CS14 of the CSUCP.
- 5.74 THE FORMER LEAMSIDE RAIL LINE

- 5.75 The former Leamside Railway Line runs along the eastern boundary of the site. Policy KEA2 of the CSUCP requires that the development of this site safeguards the Leamside Line for potential future re-opening. The submitted Parameters Plan shows that a green infrastructure buffer ranging from 35 metres to 45 metres along the eastern boundary of the site adjacent to the former Leamside Line. It is therefore considered that the proposed development would not prejudice the potential re-opening of the Leamside Line.
- 5.76 Network Rail has been consulted. Given the Council's aspirations to reopen the currently mothballed Leamside railway line Network Rail has considered the line to be operational and safeguarded for future re-use. On this basis they have stated that they have no objection in principle to the proposed development subject to a number of planning conditions relating to drainage, boundary fencing, site levels, lighting and landscaping adjacent to the line. These issues are already covered by planning conditions for other reasons relating to flood risk, design, ecology and amenity and /or will be subject to separate reserved matters applications.
- 5.77 EXISTING HEDGEROWS AND TREES
- 5.78 An Arboricultural Impact Assessment has been submitted as part of this application which identifies a number of hedgerows and trees on the site. The majority of the hedgerows and a small number of trees will be removed from the site to accommodate the development. Replacement and additional landscaping is proposed as part of the development.
- 5.79 Two planning conditions (CONDITIONS 38 - 39) have been recommended relating to the protection of the trees that are to be retained during construction. Subject to these conditions, the development is considered to be acceptable from a tree/landscaping point of view and accords with the NPPF, saved policy ENV44 of the UDP and policy CS18 of the CSUCP.
- 5.80 FLOOD RISK / DRAINAGE
- 5.81 The vast majority of the site is situated within Flood Zone 1 (lowest risk). There is a small area of the southern part of the site, which runs adjacent to the River Don which is situated within Flood Zones 2 and 3. A Flood Risk Assessment (FRA) and Sustainable Drainage Strategy have been submitted as part of the planning application.
- 5.82 No built development is proposed in flood zones 2 or 3. The FRA concludes that the proposed development is not a significant flood risk, subject to the finished floor levels of the development being raised. It is recommended that the finished floor levels are raised 150mm above surrounding ground levels and that the site has a finished floor level of between 52.5 metres and 55 metres (above AOD). These levels are indicated on the submitted Parameters Plan.
- 5.83 The Sustainable Drainage Strategy sets out the principles for the drainage design. The foul water flows from the development will connect to an existing

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

5.84 Northumbrian Water has stated that they have no objection to the development subject to a planning condition requiring the foul flows to discharge into the existing foul sewer at manhole 0202 and the surface water to discharge directly into the local watercourse via an indirect connection into the surface water sewer close to either manhole 3801 or 3802 (CONDITION 46).

5.85 River Don Feasibility Study  
As part of the work being carried out by the River Don Partnership a River Don Feasibility Study report was commissioned by the Environment Agency (EA) to assess the potential for providing improvements and river restoration along reaches of the River.

5.86 Much of the River Don is considered to be heavily modified and failing and is considered to have potential for improvement. At this current time there are no specific proposals for improving the River Don. The submitted Parameter Plan however includes a 10 metre safeguarded zone adjacent to the River Don. It is therefore considered that the proposed development would not prejudice the future restoration of the River.

5.87 The Environment Agency stated that they have no objection to the proposal subject to a number of planning conditions relating to no buildings being located within flood zones 2 and 3 on the site, the provision of a buffer zone along the River Don and the provision of a river restoration scheme for the River Don. A number of planning conditions (CONDITIONS 41 - 45) have therefore been recommended to address the EA's comments.

5.88 South Tyneside Council have stated that as the development is adjacent to the River Don there is a need to ensure that downstream developments will not suffer increased flood risk as a result of the development. South Tyneside Council go on to state that any increase in flows could impact not only the proposed IAMP development but also Reay Crescent in Boldon. South Tyneside Council have no objections to the development in principle from an environmental protection point of view, provided that Greenfield discharges are maintained and that the treatment of any discharges to the River Don are dealt with appropriately to ensure that there is no deterioration in water quality. South Tyneside Council also comment that any river restoration proposals that are undertaken going forward on the River Don should ensure that there is no increase in downstream flood risk and they should provide appropriate evidence of this at the reserved matters stage.

5.89 The above comments made by South Tyneside Council have been fully considered. The issues relating to the greenfield discharge rates, the treatment of discharges into the River Don to ensure that there is no deterioration in water



quality and the final details of the river restoration proposals can be controlled by planning conditions. Council officers also consider that the issues of flood risk have been fully addressed in the submitted ES ensuring that there will be no adverse impact on IAMP or Reay Crescent.

- 5.90 A number of planning conditions (CONDITIONS 46 – 51) have therefore also been recommended relating to the approval and implementation of the drainage scheme for the site including SuDs features and its maintenance. Subject to these planning conditions the proposed development is considered to be acceptable from a flood risk and drainage point of view and accords with the aims and objectives of the NPPF, saved policy DC1(j) of the UDP and policies CS17 and KEA2 of the CSUCP. In addition the proposed development provides the opportunity to carry out improvements to the River Don.
- 5.91 The ES concludes that the development would not have any significant impacts on water resources in the area and that there are some beneficial impacts associated with the scheme such as the improvements to the river and water quality. Council officers agree with this conclusion.
- 5.92 ECOLOGY
- 5.93 The site is located entirely within a designated Wildlife Corridor. Sections of the Durham Coast Special Area of Conservation (SAC) and Northumbria Coast Special Protection Area (SPA) lie within 9.5km of the development site. Several non-statutory designated nature conservation sites (i.e. Local Wildlife Sites) are located within 2km of the site, including Wardley Colliery LWS (120m northeast) and River Don LWS which forms the southern boundary.
- 5.94 The site comprises a series of arable fields of varying size bound by native hedgerows with occasional hedgerow trees, smaller areas of semi-improved/marshy grassland and two small buildings. The River Don forms the southern boundary of the site which at its eastern end supports a narrow strip of broadleaved woodland.
- 5.95 Several ponds occur within 500m of the site, a number of which have been confirmed as supporting breeding great crested newts (European Protected Species). The River Don supports water vole and occasional commuting otter. Habitats within and adjacent the site also provide opportunities for terrestrial amphibians (incl. common toad), farmland birds, foraging/commuting bats, brown hare, hedgehog and badger.
- 5.96 The site and its setting have been subject to a range of ecological surveys to inform allocation of the site for employment use under policy KEA2 of the CSUCP. In addition a range of surveys have been undertaken to support other planning applications in the local area. Using data gathered from a range of sources including a desk based study, previous ecological survey work and more recent survey work where time constraints have allowed the ES identifies the key ecological constraints as being :

the River Don corridor and its associated water vole population

local great crested newt populations

farmland and woodland edge birds

otter and bats which use the River Don corridor

the presence of the invasive aquatic plant *Crassula* in South Follingsby Farm pond and Himalayan balsam on the River Don which are likely to invade wetlands in the local area.

- 5.97 The proposed development will result in the loss of all arable land and internal hedgerows on the site. These areas will be replaced by the development together with 13.08 hectares of green infrastructure on the eastern, southern and western boundaries of the site.
- 5.98 Mitigation measures are proposed to protect the value and function of the River Don corridor and maintain ecological connectivity with neighbouring habitats/designated sites, including Wardley Colliery LWS. Mitigation measures are also proposed to avoid/minimise adverse impacts on protected/priority species during the construction and operational phases of the development. These proposed mitigation and enhancement measures can be secured through planning conditions (CONDITIONS 52 - 57)
- 5.99 Whilst mitigation measures have been put forward, the reduced width of the southern ecological/landscape buffer is likely to compromise its potential to support birds of open habitats including wading birds. Council officers are of the opinion that this level of impact cannot be mitigated on site alone. It is therefore considered that it is not possible to develop this site with no net loss of biodiversity.
- 5.100 In recognition of this and in accordance with the hierarchy set out in the NPPF, Council officers consider that off-site ecological compensation is therefore required to make the proposed development ecologically acceptable.
- 5.101 After considering options Council officers have identified an off-site ecological solution which involves the creation of 3.5 hectares of wet/marshy grassland at Shibdon Meadow LWS. The costs associated with the above off-site ecological compensatory measures (£58,750) can be secured by a planning obligation. Council officers consider that this would represent an acceptable/proportionate off site ecology scheme. The applicant has agreed to the off-site ecological solution and discussions are currently taking place to progress and complete the planning obligation.
- 5.102 The Local Planning Authority considers that the proposed development will require a Natural England European Protected Species Mitigation Licence in respect of great crested newts, and that the relevant licensing authority is likely to issue such a licence subject to the submission of an acceptable licence application by the applicant and/or their appointed agent.

- 5.103 In respect of discharging its statutory duty with regards to the consideration of species (namely great crested newt) protected under the provisions of the Habitats Directive, and implemented through the Conservation of Habitats and Species Regulations 2017, the Local Planning Authority is satisfied that the proposed development meets the requirements of the three derogation tests:
- a. Imperative reasons of overriding public interest of a social or economic nature or preserving public health and safety. The significant socio economic benefits are outlined in the Socio Economic section of this report.
  - b. No satisfactory alternative. The ES considers alternatives and concludes that the development site is the most suitable and appropriate site to meet the operational and employment land requirements for Gateshead. Council officers agree with these findings.
  - c. Favourable conservation status of the European Protected Species in their natural range. The LPA is satisfied that suitable measures can be imposed that will minimise the impact of the development on individual great crested newts during the site clearance and construction phases of the development, and that the proposed creation of new/replacement breeding and terrestrial habitat, along with measures to improve ecologically connectivity, will result in the conservation status of the local great crested newt population being maintained at or above its current level.
- 5.104 The ES concludes that with the implementation of the proposed mitigation measures (including licenced mitigation in respect of great crested newts) no residual adverse construction effects of above minor adverse significance are anticipated other than on wading birds which will be lost to the development with a moderate adverse effect. The ES also states that a number of potential benefits will be provided as a result of the development including habitat creation and improved ecological connectivity. Council officers agree with these conclusions.
- 5.105 South Tyneside Council has stated that with regards to ecology there is the potential for adverse impacts on the cross boundary green infrastructure and wildlife corridors that runs through this area. The Follingsby Local Wildlife site, River Don East House Local Wildlife Site and Wardley Colliery Local Wildlife Site are all in close proximity to the proposed development. South Tyneside Council comment further by adding that a regionally important population of water vole is present through the River Don and that sufficient mitigation should be put in place to prevent or offset any adverse impact on the Local Wildlife Sites and all protected and priority habitats and species.
- 5.106 The comments made by South Tyneside Council have been fully considered. The submitted ES demonstrates that the proposed development will conserve biodiversity overall and provide opportunities for enhancement of the River Don, water vole and great crested newt. Whilst the development will result in the loss of all arable land at the site this will be replaced by 13.08 hectares of

green infrastructure on the eastern and western boundaries of the site as well as along the River Don. Detailed mitigation measures are also proposed to protect the river corridor and other habitats around the margins and to protect species such as great crested newts, otter, water vole and bats. Council officers are therefore of the opinion that there will be no adverse impact on nearby green infrastructure or wildlife corridors.

5.107 Subject to the above ecology related planning conditions and off-site ecology compensation measures to be secured by a planning obligation, it is considered that the proposed development would not have a detrimental impact on designated sites, protected species, priority habitats, priority species and ecology connectivity. The development should provide opportunities for enhancement of the River Don, water vole and great crested newt. It is therefore considered that the proposal and would will comply with the NPPF, saved policies DC1(d), ENV44, ENV46, ENV47, ENV49 and ENV51 of the UDP and Policy CS18 of the CSUCP.

#### 5.108 SOCIO ECONOMIC ISSUES

5.109 This chapter of the ES assesses the likely socio economic effects of the proposed development both during its construction and operation. During construction the ES states that the development is expected to support 370 construction jobs and 555 spin off jobs each year over the duration of a four year build project.

5.110 The ES estimates that the proposed development during operation is capable of accommodating 3,225 jobs on site. Adjusting for part time workers this is likely to equate to between 3,013 full time equivalent jobs. The proposed development could also generate £4.75 million of additional business rates revenue per year.

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

#### 5.112 CUMULATIVE EFFECTS

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

5.114 The ES identifies cumulative effects in respect of transport, landscape, visual and ecology arising from the development when considered with other developments in the surrounding area.

- 5.115 Sunderland City Council suggest that there are additional projects which should have been taken into account in the assessment of cumulative effects. These are the allocations shown within the recently published Draft Core Strategy and Development Plan (2017-2033) and a development at the Washington Northern Area Playing Fields, which is a sports facility to the south at Stephenson Road (planning application reference : 17/02425/LP3).
- 5.116 The EIA regulations require a description of the likely significant effects of a development on the environment resulting from the cumulation of effects with other existing and / or approved projects. Cumulative assessments normally have regard to schemes which are reasonably foreseeable (usually those under construction or with planning permission). This assessment is also only capable of being carried out based on the information available at the time.
- 5.117 Council officers are therefore of the opinion that there is no requirement to consider the likely cumulative effect of potential site allocations or schemes which have not yet secured planning permission.
- 5.118 The planning application at Washington Northern Area Playing Fields was approved on 4th April 2018 by Sunderland City Council. The development relates to the demolition of the existing changing pavilion, engineering works to re-grade the site and the installation of drainage for the provision of 4 artificial pitches with associated fencing, floodlighting and improvements to the remaining existing natural grass pitches, the erection of a new pavilion building, alterations to the existing access and other associated works.
- 5.119 At the time that the Follingsby Environmental Statement (ES) was submitted (March 2018) the Washington Northern Playing Fields application remained undetermined. In this context it was not reasonably foreseeable that permission would be granted and so was not identified as requiring consideration in the Follingsby (ES).
- 5.120 Notwithstanding the above, considering this application's recent approval the applicant has reviewed the details of the application and concluded that there is no potential for significant environmental effects and therefore no need to provide an addendum to the ES Chapter L on Cumulative Effects.
- 5.121 The ES concludes that none of the identified cumulative effects will be significant and therefore no additional mitigation measures are required. Council officers agree with this assessment and findings.
- 5.122 COMMUNITY INFRASTRUCTURE LEVY
- 5.123 On 1st January 2017 Gateshead Council became a Community Infrastructure Levy (CIL) Charging Authority. This application has been assessed against the Council's CIL charging schedule and the development is not CIL chargeable development as it is not for qualifying retail or housing related development. As such no CIL charge is liable.

## 6.0 CONCLUSION

- 6.1 The site is allocated through policy KEA2 of the CSUCP for employment uses and development of up to 90,000m<sup>2</sup> of floor space has already been considered to be acceptable through the approval of planning permission (reference : DC/17/01117/OUT). The proposed increase in floor space is in direct response to a potential operators requirements and can be accommodated on the site through incorporating mezzanine floors.
- 6.2 The Environmental Information contained with the Environmental Statement (ES submitted with this application has been taken into consideration by the Council in coming to its decision.
- 6.3 A range of mitigation measures have been identified which are capable of being provided through planning conditions and a planning obligation.
- 6.4 The ES concludes that negative residual effects remain for landscape/visual and noise in relation to some properties that are close to the site. The ES also concludes that all other effects are negligible, neutral or beneficial. Council officers agree with these findings and conclusions.
- 6.5 The negative impacts should however be balanced against the significant beneficial socio economic benefits of the development in terms of investment in the area and local employment opportunities and expenditure, as well as the benefits in respect of biodiversity and water quality along the River Don corridor. Overall the effect on the local community is considered to be a positive one.
- 6.6 The inclusion of some B2 uses as part of the development and the amount of floor space proposed (225,000m<sup>2</sup>) is not in accordance with policy KEA2 of the CSUCP and is therefore a departure to the Council's approved development plan. However the impact of introducing B2 uses as part of the development and the amount of floor space proposed has been fully assessed in the submitted ES and has been found to be acceptable.
- 6.7 Therefore taking into account all the relevant material planning considerations, including the environmental information contained with the Environmental Statement, the comments made by consultees and the representations received, it is considered that the proposal is acceptable and accords with the aims and objectives of both national and local planning policies.
- 6.8 It is therefore recommended that planning permission be granted subject to the planning conditions and planning obligation below.

## 7.0 Recommendation:

GRANT SUBJECT TO A SECTION 106 AGREEMENT

- 1) The agreement shall include the following obligations:

- the payment of £58,750 for off site ecology compensation at Shibdon Meadow and the payment of £75,000 for the upgrade and modification of the signal equipment at the Lingey Lane / Leam Lane Junction

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

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

4) And that the conditions shall include:

1

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

Site Location	17072-0010 Rev B
Parameter Plan	17072 0014 Rev C
Green Infrastructure Zone	NT13312-100 Rev B
Green Infrastructure Fencing Plan	NT13312-101 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
Typical Pond Sections	FOL BWB DDG XX DR C 560 S1 P5
Proposed Access Arrangements	2119-1500-P-001 Rev B
Access 1 General	2119-1600-P-001 Rev A
Access 1 Engineering	2119-1600-P-002 Rev A
Access 2 General	2119-1700-P-001 Rev B
Access 2 Engineering	2119-1700-P-002 Rev B
Access 3 General	2119-1800-P-001 Rev B
Access 3 Engineering	2119-1800-P-002 Rev B
Access 4 General	2119-1900-P-001 Rev B
Access 4 Engineering	2119-1900-P-002 Rev B
Access 5 General	2119-2000-P-001 Rev A
Access 5 Engineering	2119-2000-P-002 Rev A
Access 6 General	2119-2100-P-001 Rev A
Access 6 Engineering	2119-2100-P-002 Rev A

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

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

Reason

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

2

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

Reason

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

3

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

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

Reason

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

4

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

Reason

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

5



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

Reason

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

6

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

Reason

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

7

The development hereby approved shall not provide more than 225,000 m<sup>2</sup> gross external floor space and shall only be used/occupied for the following uses and for no other purpose :

- (a) B2 general industry (which shall not exceed more than 27,000m<sup>2</sup> of gross external floor space)
- (b) B8 storage and distribution

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

Reason

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

8

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

Reason

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

9

Each phase of the development shall be implemented in accordance with the site levels approved for that phase at condition 8.

Reason

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

10

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 CS18 and KEA2 of the Core Strategy and Urban Core Plan.

11

The wildlife observation area on the site shall be provided in accordance with the scheme approved under condition 10.

Reason

To improve opportunities for biodiversity in accordance with the NPPF, saved policies ENV46, ENV47 and ENV51 of the Unitary Development Plan and policies CS18 and KEA2 of the Core Strategy and Urban Core Plan.

12

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

- (a) description and evaluation of features to be managed
- (b) ecological trends and constraints on site that influence management

- (c) aims and objectives of the management
- (d) appropriate management options for achieving aims and objectives
- (e) details of initial aftercare
- (f) details of long term maintenance
- (g) a work schedule including annual work plan
- (h) details of the body or organisation responsible for implementation of the plan
- (i) ongoing monitoring and remedial measures

Reason

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

13

Each phase of the development shall be monitored and managed in accordance with the Landscape and Ecology Monitoring and Management Strategy for that phase of the development approved at condition 12.

Reason

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

14

The landscaping scheme for the green infrastructure zone hereby approved as shown on drawing (NT13312-100 Rev B) shall be carried out in accordance with the approved details prior to the first unit on the site being occupied or the first available planting season thereafter.

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.

15

No building hereby approved shall be occupied until a detailed car park management plan (CPMP) for that building has been submitted to and approved in writing by the Local Planning Authority. The CPMP should follow the principles set out in the framework CPMP (reference : 23584/FCPMP) approved as part of this application, providing suitable detail to demonstrate how the use of the final car park zones together with the individual access points will be utilised to minimise the impact on the local highway during the peak periods including shift change over.

Reason

To ensure suitable site access arrangements in the interest of highway safety in accordance with the NPPF and policies CS13 and KEA2 of the Core Strategy and Urban Core Plan.

16

All buildings within the site shall operate in accordance with the Car Park Management Plan approved at condition 15.

Reason

To ensure suitable site access arrangements in the interest of highway safety in accordance with the NPPF and policies CS13 and KEA2 of the Core Strategy and Urban Core Plan.

17

No building hereby approved shall be occupied until a servicing management plan for that building has been submitted to and approved in writing by the Local Planning Authority. The servicing management plan shall provide a strategy on how the use of the servicing areas together with the individual access points will be utilised to manage inbound HGV movements to minimise the impact on the local highway.

Reason

To ensure suitable site access arrangements for HGV's and the free flow of traffic in the interest of highway safety in accordance with the NPPF and policies CS13 and KEA2 of the Core Strategy and Urban Core Plan.

18

All buildings within the site shall operate in accordance with the servicing management plan approved at condition 17.

Reason

To ensure suitable site access arrangements for HGV's and the free flow of traffic in the interest of highway safety in accordance with the NPPF and policies CS13 and KEA2 of the Core Strategy and Urban Core Plan.

19

HGV's shall only use access points 1, 4, 5 and 6 as shown on the approved access drawing (2119-1500-P-001 Rev B).

Reason

In the interest of highway safety and the free flow of traffic on the local highway in accordance with the NPPF and policies CS13 and KEA2 of the Core Strategy and Urban Core Plan for Gateshead and Newcastle upon Tyne.

20

No building hereby approved shall be occupied until a public transport strategy has been submitted to and approved in writing by the Local Planning Authority.

The Public Transport Strategy shall include details of the duration, routing, frequency, and delivery of bus services serving the development together with any review mechanisms as may be appropriate and how these tie in with the shift patterns of the occupier of the building. It should also consider the needs of the other buildings already occupied at the site.

Reason

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

21

The public transport strategy approved at condition 20 shall be provided in accordance with the approved details and approved timetable for implementation and retained thereafter.

Reason

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

22

No development hereby approved shall commence on site until a detailed scheme for the improvement of the Follingsby Lane / Follingsby Avenue junction (as illustrated in principle on Fore drawing 2500-100-P-001 revision D dated 3 April 2018) has been submitted to and approved in writing by the Local Planning Authority.

The proposed works shall be subject to a Stage 2 (detailed design) Road Safety Audit. The Audit shall be carried out in accordance with DMRB HD19/15 and shall be submitted to and approved in writing by the Local Planning Authority.

Reason

In the interest of highway safety and the free flow of traffic on the A194(M) and its junctions in accordance with the NPPF and policies CS13 and KEA2 of the Core Strategy and Urban Core Plan for Gateshead and Newcastle upon Tyne.

23

The Follingsby Lane/ Follingsby Avenue junction improvement scheme approved at condition 22 shall be provided in accordance with the approved details prior to any building on the site being occupied.

The completed works shall be subject to a Stage 3 (completion of construction) Road Safety Audit. The Audit shall be carried out in accordance with DMRB HD19/15 and shall be submitted to and approved in writing by the Local Planning Authority.

Reason

In the interest of highway safety and the free flow of traffic on the A194(M) and its junctions in accordance with the NPPF and policies CS13 and KEA2 of the Core Strategy and Urban Core Plan for Gateshead and Newcastle upon Tyne.

24

No building hereby approved shall be occupied until an Operational Management Plan for that building has been submitted to and approved in writing by the Local Planning Authority. Each Operational Management Plan shall specify the proposed shift patterns and predicted trip generation for the building giving full consideration to the figures within the Transport Assessment which have been assessed and accepted. It shall also consider the trip generation of all buildings already in operation on the site.

Reason

In the interest of highway safety and the free flow of traffic on the A194(M) and its junctions in accordance with the NPPF and policies CS13 and KEA2 of the Core Strategy and Urban Core Plan for Gateshead and Newcastle upon Tyne.

25

All buildings within the site shall operate in accordance with the approved Operational Management Plan approved at condition 24. No deviation shall be made from the approved Operational Management Plans, including the shift patterns, without the prior written approval of the Local Planning Authority.

Reason

In the interest of highway safety and the free flow of traffic on the A194(M) and its junctions in accordance with the NPPF and policies CS13 and KEA2 of the Core Strategy and Urban Core Plan for Gateshead and Newcastle upon Tyne.

26

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

- (a) Widening of Follingsby Lane with associated works including lighting, drainage and signage details
- (b) Site access including details of gradients and visibility
- (c) Shared footway/cycleway detail to tie in with existing infrastructure and site access's
- (d) The provision of a new signalised crossing across Follingsby Lane east of access 2
- (e) The provision of a new bus stop and layby along the southern side of Follingsby Lane east of access 5
- (f) The provision of a new bus stop and layby along the southern side of Follingsby Lane east of access 1
- (g) The provision of loading / waiting restriction along both sides of Follingsby lane
- (h) Reduction in the speed limit along Follingsby Lane from 60mph to 40mph.

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

**Reason**

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

**27**

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

**Reason**

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

**28**

No cycle parking facilities shall be provided on each phase of the development until a scheme for the provision of cycle parking facilities for that phase of the development has been submitted to and approved

in writing by the Local Planning Authority. The cycle parking facilities shall include :

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

Reason

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

29

The cycle parking facilities approved at condition 28 shall be provided on each phase of the development in accordance with the approved details prior to that phase of the development being brought into use and/or the buildings on that phase being occupied and be retained thereafter.

Reason

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

30

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

Reason

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

31

The electric vehicle charging points approved at condition 30 shall be provided on each phase of the development in accordance with the approved details prior to that phase of the development being brought into use and/or the buildings on that phase being occupied and be retained thereafter.

Reason

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

32



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

The CMP shall include :

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

Reason

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

33

Each phase of the development shall be implemented in accordance with Construction Management Plan (CMP) measures approved for that phase of the development at condition 32.

Reason

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

34

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

The revised Framework Travel Plan will include:

- (a) Details to employ or engage a site-wide travel plan coordinator who shall be responsible for the implementation delivery monitoring and promotion of the sustainable transport initiatives set out in the Framework Travel Plan and whose details shall be provided and continue to be provided thereafter to the Local Planning Authority
- (b) Clearly defined objectives and indicators.
- (c) Indicative targets based on trip generation figures.
- (d) Details of proposed measures to address the objectives.

- (e) Detailed timetable for implementing measures, travel surveys and monitoring.
- (f) A summary of costs associated with the measures, monitoring and management of the Travel Plan over its lifetime together with details on how this will be funded.
- (g) Details of the governance that will be in place to ensure measures are implemented effectively.
- (h) Commitment to use the Council's preferred monitoring system

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

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

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

#### Reason

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

#### 35

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

The user specific travel plan shall demonstrate how they will engage with the measures set out in the Framework Travel Plan and accord in full with the details set out in the approved Framework Travel Plan at condition 34.

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

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

#### Reason

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

36

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

Reason

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

37

The operational noise levels from the site at free field locations representing nearby sensitive properties shall not exceed absolute levels of LAeq (1 hour) 45 dB during the daytime hours of 0700 - 2300 and LAeq (5 minute) 40 dB or LAFmax of 55dB (15 minute period) during the night time hours of 2300-0700.

Reason

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

38

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

Reason

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

39

The tree protective fencing for each phase of the development approved at condition 38 must be installed prior to the commencement of development for that phase and thereafter retained intact for the full duration of the construction works on that phase of the development and there shall be no access, storage, ground disturbance or contamination

within the fenced area without the prior written approval of the Local Planning Authority.

Reason

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

40

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

Where required by the Local Authority an investigation and risk assessment must be undertaken, and where remediation is necessary a remediation scheme shall be submitted to and approved in writing by the Local Planning Authority and implemented. Following completion of measures identified in the approved remediation scheme a verification report shall be submitted to and approved in writing by the Local Planning Authority.

Reason

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

41

Any buildings on the site shall only be located within flood zone 1, as defined by drawing number 0014 of the submitted Flood Risk Assessment (dated March 2018) by BWB consultancy.

Reason

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

42

No development shall commence on site until a scheme for the provision of a 10 metre safeguarding zone alongside the River Don (within the application site boundary) and its protection has been submitted to and approved in writing by the Local Planning Authority.

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

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

Reason

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

43

No development shall commence on site until the scheme for the safeguarding of the River Don approved at condition 42 has been provided in accordance with the approved details. Thereafter the River Don safeguarding scheme shall be retained, and maintained in accordance with the details approved at condition 42 unless otherwise approved in writing by the Local planning Authority.

Reason

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

44

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

The river restoration scheme shall include :

- (a) A restoration/mitigation plan including proposals for the River Don
- (b) Details of habitat linkages between the river restoration scheme and the wildlife/ ecology/ SuDS buffer zone features.
- (c) Measures to safeguard/conservate existing ecology
- (d) Demonstration that the river restoration scheme will not compromise the intended hydrological performance of the SuDS scheme serving runoff from the development site.

- (e) A construction management plan including programme schedule, pollution control measures and timetable of works
- (f) A monitoring strategy
- (g) A maintenance and management strategy

**Reason**

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

**45**

The river restoration scheme approved at condition 44 shall be provided in accordance with the approved details and the approved timetable of works, unless otherwise approved in writing by the Local Planning Authority.

Thereafter the river restoration scheme shall be monitored, maintained and managed in accordance with the details approved at condition 44.

**Reason**

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

**46**

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

All phases of the development shall discharge the foul flows to the existing foul sewer at manhole 0202 and discharge the surface water directly to the River Don watercourse via an indirect connection into the surface water sewer close to either manhole 3801 or 3802.

**Reason**

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

**47**

Each phase of the development shall be implemented in accordance with the foul and surface water drainage scheme for that phase of the development and the timetable for implementation approved at condition 46.

Reason

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

48

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

The Drainage Construction Method Statement shall include :

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

Reason

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

49

Each phase of the development shall be implemented in accordance with the Drainage Construction Method Statement for that phase of the development approved at condition 48.

Reason

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

50

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

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

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

**Reason**

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

**51**

The drainage scheme including SUDS features provided for each phase of the development shall be managed and maintained in accordance with the Drainage Management Plan approved at condition 50.

**Reason**

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

**52**

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

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



- (a) details (local and specification) of the protective fencing to be installed on site to avoid impacts on habitats and species
- (b) the timing of works
- (c) proposed working methods
- (d) measures to prevent the spread of invasive species on site
- (e) details of how excavations will be covered during construction
- (f) details of how materials will be safely stored during construction
- (g) the provision of an ecological clerk of works

Reason

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

53

The ecology method statement approved at condition 52 shall be provided for each phase of the development in accordance with the approved details and the approved timetable for implementation and retention.

Reason

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

54

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

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

Reason

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

55

Each phase of the development shall be implemented in accordance with the Ecology Enhancement Plan and timetable for implementation approved for that phase of the development at condition 54.

Reason

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

56

No external lighting shall be provided until details of the number, type, position, design, dimensions and lighting levels of the lighting has been submitted to and approved in writing by the Local Planning Authority.

Reason

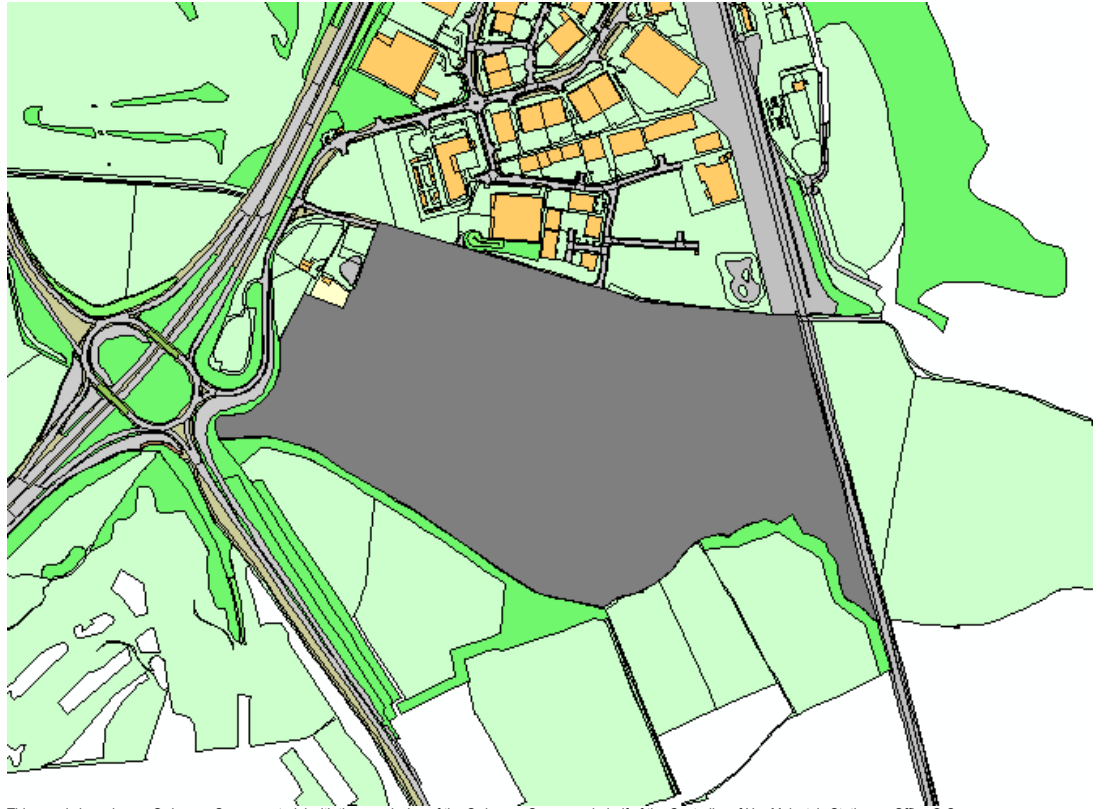
To ensure an appropriate form of development in the interest of good design, residential amenity and ecology to accord with the NPPF, saved policies ENV3, DC2, ENV47 and ENV51 of the Unitary Development Plan and policies CS14, CS15 and CS18 of the Core Strategy and Urban Core Plan.

57

The external lighting at the site shall be implemented in accordance with the external lighting details approved at condition 56.

Reason

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



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# **UPDATE**

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

**TO THE PLANNING AND DEVELOPMENT COMMITTEE ON  
9 May 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/18/00237/OUT</b>
<b>Site:</b>	<b>Follingsby Park South Follingsby Lane Gateshead NE10 8YA</b>
<b>Proposal:</b>	<b>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.</b>
<b>Ward:</b>	<b>Wardley And Leam Lane</b>
<b>Recommendation:</b>	<b>Grant subject to S106</b>
<b>Application Type</b>	<b>Outline Application</b>

**Reason for Minor Update****Condition(s) amended**

Conditions 34 and 35 which relate to the Travel Plans have been amended to read as follows:

**34 Framework Travel Plan**

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

The revised Framework Travel Plan will include:

- (a) Details to employ or engage a site-wide travel plan coordinator who shall be responsible for the implementation delivery monitoring and promotion of the sustainable transport initiatives set out in the Framework Travel Plan and whose details shall be provided and continue to be provided thereafter to the Local Planning Authority
- (b) Clearly defined objectives and indicators.
- (c) Indicative targets based on trip generation figures.
- (d) Details of proposed measures to address the objectives.
- (e) Detailed timetable for implementing measures, travel surveys and monitoring.

- (f) A summary of costs associated with the measures, monitoring and management of the Travel Plan over its lifetime together with details on how this will be funded.**
- (g) Details of the governance that will be in place to ensure measures are implemented effectively.**
- (h) Commitment to use the Council's preferred monitoring system**

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

**The travel plan will be in place for the lifetime of the development unless otherwise agreed in writing by the LPA. The Travel Plan shall be implemented in accordance with the approved details or any changes made under the review process.**

**Reason**

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

**35 End Occupier Travel Plan**

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

**The user specific travel plan shall demonstrate how they will engage with the measures set out in the Framework Travel Plan and accord in full with the details set out in the approved Framework Travel Plan at condition 34.**

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

**Each travel plan shall be in place for the full time the end user occupies either part or all of the buildings hereby approved. The Travel Plan shall be implemented in accordance with the approved details or any changes made under the review process.**

**Reason**

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



**SEE MAIN AGENDA FOR OFFICERS REPORT.**

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REPORT NO 4

**Committee Report**

<b>Application No:</b>	<b>DC/18/00248/HHA</b>
<b>Case Officer</b>	<b>Josh Woollard</b>
<b>Date Application Valid</b>	<b>15 March 2018</b>
<b>Applicant</b>	<b>Mr Jon Hunt</b>
<b>Site:</b>	<b>43 Hillcrest Drive Dunston Hill Gateshead NE11 9QS</b>
<b>Ward:</b>	<b>Dunston Hill And Whickham East</b>
<b>Proposal:</b>	<b>Retrospective rear balcony</b>
<b>Recommendation:</b>	<b>REFUSE</b>
<b>Application Type</b>	<b>Householder Application</b>

**1.0 The Application:**

1.1 DESCRIPTION OF THE SITE

1.2 The application site is a two-storey, detached property with a single storey red-brick rear extension that spans the length of the rear elevation. The site sits at the end of Hillcrest Drive, a street characterised by large, detached residential properties.

1.3 41 Hillcrest Drive lies adjacent to the west, whilst no residential properties lie immediately to the south or east. To the north are residential properties along Hillside which are predominantly two-storey dwellings, with the exception of bungalows at 28 and 30 Hillside. The host property shares a common boundary with 26 and 28 Hillside but has a relatively unobstructed view towards numbers 24, 26, 28 and 30.

1.4 Land levels on the site slope steeply downwards from south to north resulting in the properties along Hillside being set at a significantly lower land level than the host property.

1.5 DESCRIPTION OF THE RETROSPECTIVE APPLICATION

1.6 The balcony, constructed from timber, spans 6.4m across the rear elevation and projects 1.4m. The resultant external floor spaced created is approximately 9msq.

1.7 Due to the steep slope of the rear garden, the balcony is raised off the ground, supported by struts ranging from 1.3m to 2m in height, to sit level with the ground floor of the dwellinghouse.

1.8 Handrails at a height of 1m are proposed.

1.9 PLANNING HISTORY

DC/17/00681/HHA - Single storey rear extension, two storey side extension, rear garden retaining wall, replacement of front tile hanging with cladding, pitched roof over garage and porch – Granted (08.09.2017)

DC/17/01348/HHA - Rear single storey extension, side two storey extension, rear garden retaining wall & replacement of front tile hanging with light grey render. Resubmission of previous application DC/17/00681/HHA Approved 07/09/17. Front cladding changed to grey render – Granted (17.01.2018)

## **2.0 Consultation Responses:**

None received.

## **3.0 Representations:**

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

3.2 One representation has been received from Councillor Peter Maughan asking for this application to be referred to Planning Committee.

3.3 Four objections have been received from residents raising concerns with regard to:

- loss of privacy;
- overbearing;
- overlooking;
- And increased noise.

## **4.0 Policies:**

NPPF National Planning Policy Framework

NPPG National Planning Practice Guidance

CS14 Wellbeing and Health

CS15 Place Making

DC2 Residential Amenity

ENV3 The Built Environment - Character/Design

HAESPD Householder Alterations and Extensions SPD

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

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

## 5.2 RESIDENTIAL AMENITY

5.3 Gateshead Council's HAESPD advises that applications for balconies will be considered with regard to their impact on the privacy of nearby residents. They will not normally be approved if there is significant overlooking of a neighbouring garden/yard or a main living window.

5.4 Whilst there is already a degree of overlooking because of the difference in land levels between the host property and the properties along Hillside, it is considered the projection of the balcony represents an additional and unacceptable increase in the opportunity for overlooking into both the main habitable windows and the gardens of the properties along Hillside.

5.5 Due to the size of the balcony, users could comfortably sit or stand prolonging the periods of time in which the balcony can be used. The handrails of the balcony are located approximately 10m from the common boundary with 26 and 28 Hillside, directly north. The presence of such a large balcony in such proximity and at such a height would have an almost constant overbearing impact on the residential amenity of the occupants below.

5.6 The balcony is considered to be fundamentally contrary to policy DC2 of the UDP, policy CS14 of the CSUCP, and Gateshead Council's HAESPD.

## 5.7 IMPACT ON PROPERTY AND AREA

5.8 Gateshead Council's HAESPD states that new extensions should not dominate an existing building's scale, and should always be subservient to the main building.

5.9 Due to the size and height of the structure as well as its projection from the rear elevation, the balcony is considered to be a significant and excessive addition to the property. It appears incongruous and dominates the rear elevation of the property to the detriment of the property and the wider area.

5.10 As such, the balcony is considered to be contrary to policy ENV3 of the UDP, policy CS15 of the CSUCP, and Gateshead Council's HAESPD.

## 6.0 CONCLUSION

6.1 Taking all the relevant planning policies into account along with all other material planning considerations, it is recommended that planning permission be refused.

## 7.0 Recommendation:

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

1

The balcony, by virtue of its scale, is considered to be detrimental to the residential amenity of the occupants in the properties to the rear. It would cause an unacceptable level of visual intrusion, as well as being overbearing. The development is therefore contrary to the NPPF, policy DC2 of the UDP, policy CS14 of the CSUCP, and the adopted HAESPD.

2

The balcony is a disproportionate addition that does not appear subordinate and dominates the rear elevation of the property to the detriment of the property and the wider area. The balcony therefore fails to respect the scale and design of the house, contrary to policy ENV3 of the UDP, policy CS15 of the CSUCP, and the adopted HAESPD.



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## REPORT OF THE STRATEGIC DIRECTOR COMMUNITIES AND ENVIRONMENT

### TO THE PLANNING AND DEVELOPMENT COMMITTEE ON: 9 May 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/17/00366/HHA	Retrospective replacement fence and gate (amended 13.04.18)	1 Masefield Place, Gateshead,	Granted;	Bridges
DC/17/01122/FUL	Erection of a manufacturing and distribution facility comprising laboratory and production facilities (Use Class B1/B2/B8), service yard and offices, along with associated access, car parking and soft landscaping (amended and additional information received 14/11/17, 21/12/17 and 25/01/18).	Palintest, Eighth Avenue,	Granted;	Lamesley
DC/17/01168/FUL	Proposed erection of 41 dwellings with associated open space, landscaping and infrastructure (amended and additional information received 23/11/17, 19/12/17, 08/01/18, 10/01/18 and 23/01/18).	Land To The East Of Marigold Avenue, Gateshead,	Granted;	Felling

DC/17/01285/OUT	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).	Methodist Chapel, East Street,	Granted;	Winlaton And High Spen
DC/18/00020/LBC	LISTED BUILDING CONSENT: Re-fit of kitchen involving reconfiguration of existing benches, cupboards and sink and installation of new gas cooker with gas supply run internally from boiler; mechanical extraction through roof required and all flashings to match existing roof covering. (Amended 16.04.2018)	GATESHEAD COUNCIL, St Marys Heritage And Visitor Centre,	Granted;	Bridges
DC/18/00023/FUL	Change of use from Care Home (Use Class C2) to seven self-contained flats (Use Class C3) including alterations to fenestration, ventilation and doors.	Clifford House , Lucy Street,	Granted;	Blaydon
DC/18/00039/HHA	Installation of garden fence along eastern bounday	The Gate House , 2 Ivy Lane,	Granted;	Chowdene



DC/18/00064/HHA	Erection of two storey extension and single storey extension to rear of terraced property (as amended 22.03.2018)	8 Woodbine Terrace, Bensham,	Refused;	Bridges
DC/18/00069/LBC	LISTED BUILDING CONSENT: Erection of two storey rear extension, single storey rear extension and internal alterations (as amended 22.03.2018)	8 Woodbine Terrace, Bensham,	Refused;	Bridges
DC/18/00073/HHA	Two storey side and front extension and single storey front and rear extension	Hazeldene , 8 East View,	Granted;	Chopwell And Rowlands Gill
DC/18/00074/HHA	Dormer window to side and rear and porch to front (amended 24.042018)	Sunnydale , Ryton Hall Drive,	Granted;	Ryton Crookhill And Stella
DC/18/00084/FUL	Erection of six storey office block with associated landscaping, access and parking	Site At Junction Of Abbots Hill And Quarryfield Road, Gateshead,	Granted;	Bridges

DC/18/00091/FUL	Conversion of existing house into 2 x 2 bed flats and 1 x 1 bed flat on the first floor above retail unit, demolition of ground storey rear wing to the house including first floor conservatory and erection of new rear wing with flat roof and first floor rear extension, existing commercial space to be sub-divided into three units, retail unit to be retained at the front and two units in the back to be converted into use class B1 office with entrance to be provided at the rear side of the premises.	4 - 6 Coldwell Street, Felling,	Granted;	Felling
DC/18/00094/FUL	Erection of temporary structure for warehouse/dispatch area	Integrated Packaging Ltd Z357 , Dukesway,	Granted;	Lamesley

DC/18/00111/REM	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).	Follingsby Park South, Follingsby Lane,	Granted;	Wardley And Leam Lane
DC/18/00140/FUL	Demolition of former Winlaton Clinic and erection of 4 x 3 bed, 2.5 storey semi-detached dwellings (amended 02/03/18, 22/03/18 and 25/03/18).	Winlaton Clinic , Hanover Drive,	Granted;	Winlaton And High Spen
DC/18/00154/FUL	Installation of two portakabins, one to serve as waiting room, the other as a car sales office (retrospective)	Smileys Car Wash, Former Nobles MOT Centre,	Temporary permission granted;	Felling

DC/18/00152/RGD P	DETERMINATION OF PRIOR APPROVAL: Change of use from office (use class B1(a)) to dwellinghouse (use class C3).	19 Ravensworth Road, Gateshead,	Granted;	Dunston And Teams
DC/18/00155/FUL	Erection of 9.8m tall local extract ventilation stack (LEV) on south wall of building	Tor Coatings Ltd, Portobello Road,	Granted;	Birtley
DC/18/00150/HHA	Conversion of existing garage to a habitable room	5 St Hildas Place, Blaydon,	Granted;	Ryton Crookhill And Stella
DC/18/00153/HHA	Proposed Two Storey Side Extension, Rear Extension and Detached Garage	27 Percy Gardens, Dunston Hill,	Granted;	Dunston Hill And Whickham East
DC/18/00167/FUL	Single storey extensions to front and rear, to facilitate use of the premises as a restaurant (A3 use)	3 Hadrian House, Front Street,	Refused;	Lamesley
DC/18/00212/FUL	Erection of shed to house chickens (retrospective) (amended plan received 18.04.2018)	Yewtree House, 1 Leam Court,	Granted;	Windy Nook And Whitehills
DC/18/00166/HHA	Single storey rear extension (amended 22.03.2018)	20 Silverdale Way, Whickham,	Granted;	Whickham South And Sunniside

DC/18/00202/COU	Change of use from Doctors' Surgery (D1 authorised use) with flat above to form a single house	406 Lobley Hill Road, Gateshead,	Granted;	Lobley Hill And Bensham
DC/18/00175/HHA	Single storey side extension behind garage and porch to front (retrospective)	23 Broadway, Whickham,	Granted;	Whickham South And Sunnyside
DC/18/00179/HHA	Single storey rear extension	3 Ellwood Gardens, Gateshead,	Granted;	Deckham
DC/18/00185/HHA	Single storey front extension	Kepwick, Taylor Avenue,	Granted;	Chopwell And Rowlands Gill
DC/18/00191/FUL	Erection of single storey extension to rear to form cold storage area (as amended 13.04.2018)	18 Talbot Terrace, Birtley,	Granted;	Birtley
DC/18/00194/HHA	Erection of two storey side, single storey front extension and velux window to rear	28 Broom Lane, Whickham,	Granted;	Dunston Hill And Whickham East
DC/18/00206/COU	Change of use from former Haulage Depot to Tyre Fitting and MOT Centre (Retrospective)	Dunston Tyre Centre, Ellison Road,	Granted;	Dunston And Teams
DC/18/00207/HHA	Single storey rear extension (amended 23.03.18)	67 Manor Gardens, Wardley,	Granted;	Wardley And Leam Lane
DC/18/00208/HHA	Single storey side and rear extension	Clovelly , Greenside Road,	Granted;	Crawcrook And Greenside

DC/18/00209/HHA	Single storey rear extension	9 Western Way, Axwell Park,	Granted;	Blaydon
DC/18/00210/HHA	Single storey and first floor extensions to rear, new bay window to front, new juliet balcony to rear and zinc cladding to front, rear and side	14 Shotley Gardens, Low Fell,	Granted;	Low Fell
DC/18/00214/HHA	Two-storey rear extension (amended 12.04.18)	58 Bittern Close, Dunston,	Granted;	Dunston And Teams
DC/18/00222/HHA	Single storey side extension	5 Ravenscar Close, Wickham,	Granted;	Wickham South And Sunnyside
DC/18/00215/ADV	Display of three internally illuminated fascia signs, one non illuminated store entrance sign, one internally illuminated hanging sign, two building mounted vinyls, two 6m high internally illuminated post mounted signs and one illuminated poster sign.	Former Co-op, High Street,	Temporary permission granted;	Lamesley
DC/18/00221/HHA	Demolition of existing rear extension and proposed new single storey rear extension	32 Path Head, Blaydon Burn,	Granted;	Ryton Crookhill And Stella
DC/18/00228/HHA	Two storey side extension	14 Parklands Way, Wardley,	Granted;	Wardley And Leam Lane

DC/18/00229/HHA	Loft conversion, pitched roof to rear extension and garage, and front dormer	65 Marian Drive, Bill Quay,	Granted;	Pelaw And Heworth
DC/18/00231/HHA	Proposed Modular Steel Disabled Entrance Ramp	30 Hepburn Gardens, Nest Estate,	Granted;	Felling
DC/18/00236/ADV	Display of various illuminated and non-illuminated fascia, hanging and vinyl signs, all advertising 'Tapi Carpets' (retrospective)	Unit 4 Team Valley Retail Park , Tenth Avenue West,	Temporary permission granted;	Lamesley
DC/18/00239/FUL	Sculptural installation comprising concrete structures linked by a maritime mooring chain	Baltic Square , South Shore Road,	Granted;	Bridges
DC/18/00241/HHA	Single storey side and rear extension, rear decking area (amended plans received 14.04.18), description amended 16.04.18)	104 Chilside Road, Bog House Estate,	Granted;	Felling
DC/18/00244/ADV	Display of 1 x 48 sheet LED advertisement with changeable content on gable elevation.	592-596 , Durham Road,	Refused;	Low Fell
DC/18/00262/HHA	Proposed two single storey rear extensions, and loft conversion	2 Edington Gardens, Ryton,	Granted;	Crawcrook And Greenside

DC/18/00251/ADV	Display of two non-illuminated fascia signs on front facade of building and one internally illuminated freestanding plinth-mounted sign at entrance, all advertising 'Rust-Oleum, Europe'	Follingsby Park, Follingsby Lane,	Temporary permission granted;	Wardley And Leam Lane
DC/18/00256/HHA	The supply and installation of a modular metal mesh access ramp to allow disabled access to and from domestic property, and new paving to widen pathway	35 The Drive, Whickham,	Granted;	Dunston Hill And Whickham East
DC/18/00258/HHA	Installation of a roof lantern	Glentarne , 327 Saltwell Road,	Granted;	Saltwell
DC/18/00261/HHA	Proposed two storey gable, single storey front & rear extensions (amended plans received 19.04.18)	10 Sherburn Park Drive, Rowlands Gill Central,	Granted;	Chopwell And Rowlands Gill
DC/18/00270/HHA	Single storey rear extension	13 Henderson Gardens, Felling,	Granted;	Pelaw And Heworth
DC/18/00271/COU	Change of use of industrial unit to use class B2/B8	Unit 20 Kingsway Interchange , Eleventh Avenue,	Granted;	Lamesley
DC/18/00286/HHA	Single storey rear extension.	17 Watermill Lane, Felling,	Granted;	Felling
DC/18/00287/HHA	Extension of the ground floor at the front of the building	50 Ventnor Gardens, Low Fell,	Granted;	Saltwell



DC/18/00288/HHA	Single storey rear extension, rear Juliet balcony, pitched roof to front Dormers, and minor external alterations	Kenmuir , Durham Road,	Granted;	Lamesley
DC/18/00300/HHA	Proposed Modular Steel Disabled Entrance Ramp	16 Denton View, Winlaton,	Granted;	Blaydon

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**REPORT TO PLANNING AND  
DEVELOPMENT COMMITTEE**

**09<sup>th</sup> May 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	

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										<p>consent.</p> <p>The building is considered to be unacceptable and therefore the council have issued an enforcement notice requiring the removal of the unauthorised building. No appeal has been received and the notice has taken effect.</p> <p>The new owner of the site has been contacted and works are well underway to tidy the site with the demolition of the breeze block structure taking place in the near future</p>	
3.	Land at Litchfield Lane, Winlaton Gateshead	Winlaton and High Spen	Unsightly Land	25 September 2013	25 September 2013	N	N	31 October 2013	31 December 2013	Complaints have been received regarding the condition of the land which has planning permission for a residential development that has not yet commenced. Despite attempts to resolve the matter amicably a notice has now been issued requiring a scheme of remedial works within a specified timescale. The majority of the steps required by notice were complied with following the issue of Summons'.	
			Unsightly Land	21 <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	

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	(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
									29 <sup>th</sup> Sep 2018	March 2018. 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.	
5.	Tynedale House, Main Street, Crawcrook	Crawcrook and Greenside	Unightly Building	13 <sup>th</sup> January 2017	14 <sup>th</sup> February 2017	Y	N	20 <sup>th</sup> March 2017	15 <sup>th</sup> May 2017	<p>Complaints have been received regarding the appearance of the front elevation of the property which is a former butchers shop.</p> <p>Whilst the site is noted to be under renovation the works have not substantially progress and the matter has become protracted.</p> <p>A Notice has been issued to ensure the façade is brought up to an acceptable standard within a specified period.</p> <p>The majority of the requirements of the notice have been complied with.</p> <p>The owner is now actively marketing the property in the hope the unit will be brought back into use .</p> <p>As the premises has been on the market for some time the Council is now in contact with the agent to monitor the marketing and future occupation of</p>	

Item Number	Site	Ward	Alleged Breach of Planning Control	Date Approval given for Enforcement Action	Date Served	Plan App Rec'd Y/N	Appeal Rec'd Y/N	Date Notice comes into Force	End of Compliance Period	Current Status	Compliance Y/N
										the premises.	
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.	
			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	Officers have significant concerns regarding highway safety, therefore a Temporary Stop Notice was issued requiring the use to cease until the conditions are discharged.  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>A site visit will be undertaken following the expiry of the compliance period to confirm if the Notice has been complied with.</p> <p><b>Following a site visit on 23<sup>rd</sup> April the gates have now been set back as per the requirements of the condition. There is one small outstanding requirement relating to the provision of a turning circle.</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	The land has been covered with a hard standing and is being used for the storage of cars connected to the adjacent car auction	

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										<p>use.</p> <p>The planning application to retain the development ref. DC/17/00156/COU was refused by Planning and Development Committee on</p> <p>An Enforcement Notice has been issued to resolve the issues identified which resulted in the refusal of the application</p> <p>An appeal against the Enforcement Notice has now been received. The Council are awaiting a start date from The Planning Inspectorate The start date is 25.10.17. The appeal is written representations, neighbours have now been notified. The Councils appeal statement was submitted to the inspectorate on the 29.11.17</p> <p><b>The appeal was allowed, please see separate report. Please can this be removed from the report.</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	The land is derelict and complaints have been received regarding its condition on what is a prominent site.	

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										<p>A notice has been issued to require improvements, particularly relating to the boundary treatment.</p> <p>However, the site owners appear to have gone into liquidation which may cause problems in securing compliance with the notice</p> <p>Site visit is to be undertaken following expiry of the compliance period.</p> <p>Barbed wire has been removed from the boundary treatment.</p> <p>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)</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</p>	

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										<p>13<sup>th</sup> December. A letter has been written to the owners. Files are being prepared for prosecution if works are not undertaken by the end of January.</p> <p>A site visit to confirm whether notice has been complied with will be undertaken the week commencing the 5<sup>th</sup> February, in the absence of this being complied with a prosecution file will be prepared.</p> <p><b>Prosecutions files are with legal</b></p>	
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	<p>Despite communication with the developer, pre-commencement conditions have not been discharged and engineering operations and building operations have commenced on site.</p> <p>The Temporary Stop Notice has been issued to allow for full details of the conditions to be submitted and assessed.</p> <p>Correspondence has been sent to the developer asking them to confirm that they will not be recommencing work on site until the issues regarding the conditions have been resolved. A response</p>	

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										<p>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 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>The discharge of condition application was submitted on the 23.03.18 and is currently being assessed.</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	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	

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										<p>outlet, it would also lead to an overconcentration of such uses.</p> <p>An Enforcement Notice has been issued to cease the use of the takeaway and delivery to address the issues identified which resulted in the refusal of the application.</p> <p>An appeal against the Enforcement Notice has now been received. The start date is 20.02.18. The appeal is written representations, neighbours have now been notified.</p> <p><b>See separate planning enforcement appeals report</b></p>	
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</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>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. 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 prosecution file.</p> <p><b>Significant works have been undertaken to remove the fence. Only the posts are now in situ these should be removed as of the 14<sup>th</sup> May 2018</b></p>	
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	<p>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.</p> <p>As there has been no activity on site, the agent has been contacted and the Council is awaiting confirmation of timescales for demolition.</p>	

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										<b>The agent has been contacted again but the Council is still awaiting an update</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	<p>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.</p> <p>The temporary stop notice has been served to allow for these concerns to be fully assessed.</p> <p>The applicant is working with the planning department 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.</p> <p><b>No works were undertaken during the period of the notice, and the planning application has now been submitted. Permission is sought from the Committee to remove this item from the report.</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
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 <b>The caravans have been removed from the site; permission is sought from the Committee to remove this from the report.</b>	
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  <b>A Consultant has been employed by the owner and occupiers of the site to address the issues contained within each of the Notices. The Consultant is currently working with the Council to secure compliance.</b>	

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17.	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 13 to require submission of a vibration monitoring scheme for all restoration activities. This condition has not been discharged	
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	

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										drainage system. This condition has not been discharged	
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	

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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.  <b>Confirmation has been received from the Consultant that the site working hours are now in accordance with the requirements of condition 51.</b>	

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29.	<b>Dynamix Albany Road From Quarryfield Road To South Shore Road Gateshead</b>	<b>Bridges</b>	<b>Unauthorised Development</b>	<b>19<sup>th</sup> April 2018</b>	<b>19<sup>th</sup> April 2018</b>	<b>N</b>	<b>N</b>	<b>19<sup>TH</sup> April 2018</b>	<b>16<sup>th</sup> May 2018</b>	<b>Despite communication with the owner and occupier regarding unauthorised groundworks, further works were being carried out (without permission) which have resulted in an odour issue. A Temporary Stop Notice has been served to ensure that work ceases so the impact of the work can be assessed and the test results of the materials involved are being carefully considered.</b>	

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**REPORT TO PLANNING AND DEVELOPMENT COMMITTEE**

**9<sup>th</sup> May 2018**

**TITLE OF REPORT: Planning Enforcement Appeals**

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

**Purpose of the Report**

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

**New Appeals**

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

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

3. There has been **one** appeal decisions received since the last Committee.

Land adjacent to Wilson's Auctions, Shadon Way, Birtley, DH3 2SW	Without planning permission the change of use of the Land from amenity land to use for the storage of vehicles including the formation of a hard standing and the erection of a paladin fence at an approximate height of 2.4 metres, incorporating gates	Written	Appeal Allowed
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4. Full copies of the Decision letters can be found attached to this report and details of outstanding appeals can be found in **Appendix 2**

## **Recommendations**

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

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**CONTACT: John Bradley extension 3905**

## **APPENDIX 1**

### **FINANCIAL IMPLICATIONS**

Nil

### **RISK MANAGEMENT IMPLICATIONS**

Nil

### **HUMAN RESOURCES IMPLICATIONS**

Nil

### **EQUALITY AND DIVERSITY IMPLICATIONS**

Nil

### **CRIME AND DISORDER IMPLICATIONS**

Nil

### **SUSTAINABILITY IMPLICATIONS**

Nil

### **HUMAN RIGHTS IMPLICATIONS**

The subject matter of the report touches upon two human rights issues:  
the right of an individual to a fair trial and the right to peaceful enjoyment of property

As far as the first issue is concerned the planning enforcement appeal regime is outside of the Council's control being administered by the Planning Inspectorate.

### **WARD IMPLICATIONS –**

Birtley

### **BACKGROUND INFORMATION**

Appeal start letter  
Appeal decision

## Outstanding Enforcement Appeal Cases

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

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## Appeal Decisions

Site visit made on 20 March 2018

**by Roy Merrett BSc(Hons) DipTP MRTPI**

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

**Decision date: 05 April 2018**

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### **Appeal A: APP/H4505/C/17/3183426**

#### **Land adjacent to Wilson's Auctions, Shadon Way, Birtley, DH3 2SW**

- The appeal is made under section 174 of the Town and Country Planning Act 1990 as amended by the Planning and Compensation Act 1991.
- The appeal is made by Mr Nigel Binks, Wilson's Auctions Limited against an enforcement notice issued by Gateshead Council.
- The enforcement notice was issued on 28 July 2017.
- The breach of planning control as alleged in the notice is without planning permission the change of use of the Land from amenity land to use for the storage of vehicles including the formation of a hard standing and the erection of a paladin fence at an approximate height of 2.4 metres, incorporating gates.
- The requirements of the notice are (1) Cease the use of the Land for the storage of vehicles and remove all vehicles from the Land; (2) Remove the hardstanding to a depth of 300mm and replace with 300mm of clean topsoil which meets BS 3882:2015; (3) Level the topsoil so as to match the adjacent contours; (4) Erect a wall or fence not less than 1 metre in height but not greater than 2 metres in height in the locations marked in blue on the attached plan 'EN1'; (5) Replace the gates marked on the plan EN1 as 'gates' with the paladin type fence to match that which is on either side of the gates shown for reference on photograph EN2 and labelled 'fence'. For the avoidance of doubt the wall or fence referred to at step (4) above may include a gate for access to the Land for the purpose of maintaining the land but the gate shall be no higher than the wall or fence in which it is incorporated.
- The period for compliance with the requirements is: Requirement (1) 4 weeks after this notice takes effect; Requirement (2) 10 weeks after this notice takes effect; Requirement (3), (4) and (5) 12 weeks after this notice takes effect.
- The appeal is made on the grounds set out in section 174(2) (a), (f) and (g) of the Town and Country Planning Act 1990 as amended.

**Summary of Decision: The appeal is allowed, the enforcement notice is quashed and planning permission is granted in the terms set out below in the Formal Decision.**

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### **Appeal B: APP/H4505/W/17/3183421**

#### **Scottish Motor Auctions Group, Shadon Way, Portobello, Birtley DH3 2SW**

- 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 Nigel Binks, Wilson's Auctions, against the decision of Gateshead Council.
- The application Ref DC/17/00156/COU, dated 15 February 2017, was refused by notice dated 18 July 2017.
- The development proposed is change of use from unused land to a hardstanding parking area with drive through route and enclosure by means of a new perimeter fence.

**Summary of Decision: The appeal is allowed and planning permission granted in the terms set out below in the Formal Decision.**

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### **Application for costs**

1. An application for costs was made by Mr Nigel Binks, Wilson's Auctions against Gateshead Council. This application is the subject of a separate Decision.

### **Appeal A - ground (a) and Appeal B**

#### ***Preliminary Matter***

2. With regard to Appeal B, I have taken the description of development from the Council's decision notice as agreed on the appeal form.

#### ***Main Issues***

3. The main issues are the effect of the development on i) the living conditions of nearby residents with particular regard to noise and light disturbance, privacy, outlook and daylight and ii) the character and appearance of the surrounding area.

#### ***Reasons***

##### *Living Conditions*

4. The appeal site, which is triangular in shape, separates the southern extent of the Portobello Industrial Estate from the residential properties situated on Fell Close to the west and those on the opposite side of Birtley Lane further to the south.
5. The western boundary of the site adjoins part of the garden of No 29 Fell Close and is also in very close proximity to the rear elevation of that dwelling which contains windows serving habitable rooms. I am in no doubt from the information before me and my visit that, due to proximity, activity associated with the appeal site including the movement and cleaning of vehicles, would have the potential to result in disturbance to residents of No 29.
6. From the lack of technical supporting information provided, I am not persuaded that simply erecting a timber fence along the site boundary would result in an effective acoustic barrier that would help to safeguard the residents of No 29 from noise disturbance. However, I am mindful that it would be possible to use a condition to restrict the time within which sources of noise and disturbance would be allowed to take place within the appeal site. This would prohibit associated vehicle movements at times when background noise levels would be lower and residents might reasonably expect to enjoy the peace and quiet of their homes and gardens during evenings and at certain times of the weekend. It would also serve to eliminate any unpleasant vehicle emission odours associated with the site during these times. However to achieve this I consider it would be necessary to impose a more restrictive condition than that recommended in the Council's officer report.
7. In addition it would appear that the cleaning of vehicles on the site using jet wash hoses, identified as a source of noise nuisance by residents, no longer occurs there. It would be appropriate to impose a condition to prohibit this from taking place on the site going forward.

8. It seems to me that these controls would strike an appropriate balance between the living conditions of residents and recognition of the area immediately to the north as an extensive industrial estate.
9. I have given consideration to concerns raised by residents with regard to the poorer standard of outlook resulting from the vehicle storage use, when compared with the previous open and green appearance of the site. The appellant proposes to erect solid timber screen fencing inside the existing paladin fence to a height of 2 metres. I consider this would be effective in screening the site; alleviating potential disturbance from car headlights and helping to safeguard the privacy of adjoining residents.
10. I note concerns raised by the residents of No 29 Fell Close that this would mean placing a substantial barrier in relatively close proximity to habitable room windows. However a fence of this height is by no means unusual in a domestic environment and would not be significantly taller than the existing timber fence serving that property. Accordingly, despite the proximity of the dwelling, I consider that this would not give rise to an undue sense of enclosure that would cause harm to outlook and daylight resulting in oppressive living conditions for those residents.
11. Taking the above factors into account and the greater degree of separation between the appeal site and residential properties on the opposite side of Birtley Lane, harm to the living conditions of those residents would not be expected.
12. A gate has been constructed within the paladin fence which was ostensibly to allow for an emergency access point between the site and Birtley Lane. However there is agreement between the main parties that there is no need for the gates.
13. Some local residents have expressed concern that this point of access would lead to cars being loaded and unloaded on Birtley Lane, in connection with the site, resulting in disruption to traffic flow, congestion and highway safety issues. Whilst this may occur in any event and I note the Council has not expressed highway safety concerns in this regard, I am sympathetic to the view that if the access point remains it may lead to a greater likelihood of this type of activity occurring with the potential of increased disturbances to local residents. I note that the appellant has no objection to the gates being welded shut in order to secure their permanent closure, and for the above reasons I consider that a condition to secure this outcome would be justified in this case.
14. Accordingly, subject to the identified conditions, I conclude that the development would not result in harm to the living conditions of nearby residents with particular regard to noise and light disturbance, privacy, outlook and daylight. I therefore find no conflict with Policy CS14 of the Core Strategy and Urban Core Plan for Gateshead and Newcastle upon Tyne 2015 (CSUCP) and Saved Policy DC2 of the Gateshead Unitary Development Plan 2010 (UDP) insofar as they seek to protect the living conditions of residents.

#### *Character and Appearance*

15. I have no reason to dispute that prior to the breach of planning control the appeal site would have formed a green buffer and that its character has been

significantly altered following the commencement of its use for intensive storage of vehicles. However it was apparent from my visit that the backdrop of a large industrial building and, despite gaps in planting, the presence of a line of semi-mature trees adjacent to the south-east boundary of the site collectively serve to mitigate the harder visual impact of vehicle storage when viewed from Birtley Lane. I am also mindful that it would be possible to further augment planting and require screen fencing through the use of suitable planning conditions. This would assist in maintaining the distinction between residential and commercial areas.

16. The existing paladin security fence, though relatively tall, comprises a fine transparent mesh, finished in a dark green colouring. Accordingly, these qualities give the fence a recessive scale and appearance which help to assimilate the structure into its surroundings.
17. I therefore conclude that any harm to the character and appearance of the surrounding area resulting from the development could be satisfactorily dealt with through the application of planning conditions. I find no conflict with Policy CS15 of the CSUCP and Saved Policy ENV3 of the UDP insofar as they seek to secure a high standard of design which responds to local character and distinctiveness.

#### *Other Matters*

18. The Council has referred to a previous refusal of planning permission for a car parking area on the site with access from Birtley Lane, dating from 2001. I have been provided with very limited information as to how it was proposed to operate that use. I am also mindful that each proposal must be decided on its individual merits and accordingly it does not simply follow that refusal of planning permission is justified in this case.
19. In terms of concerns raised regarding surface water drainage and the potential for flooding, this matter can be addressed through the imposition of an appropriate condition.
20. Although concern has been raised with regard to the appellant complying with conditions imposed, it would be open to the Council to enforce against any breach in this respect.

#### **Conditions**

21. I have had regard to the conditions that were recommended within the officer report. A condition specifying the plans is necessary to promote certainty. A condition requiring a replacement planting scheme is necessary to safeguard the character and appearance of the area. A condition requiring details of surface water drainage on the site is required in order to secure effective drainage and flood mitigation. Conditions prohibiting the jet washing and valeting of vehicles; restricting the time of movement of vehicles within and between the site; requiring details of boundary fencing and lighting within the site and the permanent closure of the superfluous access gates are required to protect the living conditions of residents.



### **Conclusion**

22. For the reasons given above, and having had regard to all other points raised, I conclude that the appeals should succeed and planning permission be granted.

### **Appeal A - grounds (f) and (g)**

23. Because of my decision to allow the ground (a) appeal subject to conditions, the enforcement notice will be quashed and consequently the appeals on grounds (f) and (g) do not fall to be considered and I need take no further action in this regard.

### **Formal Decisions**

#### *Appeal A*

24. The appeal is allowed, the enforcement notice is quashed and planning permission is granted on the application deemed to have been made under section 177(5) of the Act as amended for the development already carried out, namely the use of the land adjacent to Wilson's Auctions, Shadon Way, Birtley, DH3 2SW as shown on the plan attached to the notice for the storage of vehicles including the formation of a hard standing and the erection of a paladin fence at an approximate height of 2.4 metres, incorporating gates subject to the conditions set out in the schedule below.

#### *Appeal B*

25. The appeal is allowed and planning permission is granted on the application for planning permission for the development already carried out, namely change of use from unused land to a hardstanding parking area with drive through route and enclosure by means of a new perimeter fence at Scottish Motor Auctions Group, Shadon Way, Portobello, Birtley DH3 2SW, in accordance with the terms of the application dated 15 February 2017 and subject to the conditions set out in the schedule below.

*Roy Merrett*

INSPECTOR

### **SCHEDULE OF CONDITIONS**

- 1) The development hereby permitted shall be carried out in accordance with the following approved plans: Site Plan; Existing Layout Plan; Proposed Layout Plan; Site Block Plan; Proposed Elevation at X-X (Birtley Lane).
- 2) There shall be no jet washing or valeting of motor vehicles within the site.
- 3) Movement of vehicles into, out of and within the site shall occur only between the hours of 8am and 5pm on Mondays to Fridays, 9am and 2pm on Saturdays and not at any time on Sundays or Public Holidays.

- 4) Unless within two months of the date of this decision details of a physical barrier to secure compliance with condition 3 including timescale for implementation are submitted in writing to the local planning authority for approval, and unless the approved scheme is implemented in accordance with the agreed timescale, the use of the site hereby approved shall cease until such time as a scheme is approved and implemented.

If no scheme in accordance with this condition is approved within three months of the date of this decision, the use of the site shall cease until such time as a scheme approved by the local planning authority is implemented.

Upon implementation of the approved scheme specified in this condition, that scheme shall thereafter be retained.

In the event of a legal challenge to this decision, or to a decision made pursuant to the procedure set out in this condition, the operation of the time limits specified in this condition will be suspended until that legal challenge has been finally determined.

- 5) Prior to the installation of any external lighting within the site, details of the design, location and height of any lighting columns and the design, level of illumination and extent of light spillage of the lights themselves shall be submitted to and approved in writing by the local planning authority. The lighting shall be implemented in accordance with the approved details and thereafter retained.

- 6) Unless within two months of the date of this decision details of surface water drainage works (including details of oil interceptors) and timescale for implementation are submitted in writing to the local planning authority for approval, and unless the approved scheme is implemented in accordance with the agreed timescale, the use of the site hereby approved shall cease until such time as a scheme is approved and implemented.

If no scheme in accordance with this condition is approved within three months of the date of this decision, the use of the site shall cease until such time as a scheme approved by the local planning authority is implemented.

Upon implementation of the approved scheme specified in this condition, that scheme shall thereafter be retained.

In the event of a legal challenge to this decision, or to a decision made pursuant to the procedure set out in this condition, the operation of the time limits specified in this condition will be suspended until that legal challenge has been finally determined.

- 7) Unless within two months of the date of this decision details of a replacement tree planting scheme along Birtley Lane including numbers, location, size and species and timescale for implementation are submitted in writing to the local planning authority for approval, and unless the approved scheme is implemented in accordance with the agreed timescale, the use of the site hereby approved shall cease until such time as a scheme is approved and implemented.

All planting, comprised in the approved scheme shall be carried out in the first planting and seeding seasons following the approval of details. The local planning authority shall be notified in writing of the date of practical completion of the scheme within seven days of that date. Any trees or

plants which within a period of 5 years of that date are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species.

If no scheme in accordance with this condition is approved within three months of the date of this decision, the use of the site shall cease until such time as a scheme approved by the local planning authority is implemented.

In the event of a legal challenge to this decision, or to a decision made pursuant to the procedure set out in this condition, the operation of the time limits specified in this condition will be suspended until that legal challenge has been finally determined.

- 8) Unless within two months of the date of this decision details of timber boundary fencing including location, appearance and height and timescale for implementation are submitted in writing to the local planning authority for approval, and unless the approved scheme is implemented in accordance with the agreed timescale, the use of the site hereby approved shall cease until such time as a scheme is approved and implemented.

If no scheme in accordance with this condition is approved within three months of the date of this decision, the use of the site shall cease until such time as a scheme approved by the local planning authority is implemented.

Upon implementation of the approved scheme specified in this condition, that scheme shall thereafter be retained.

In the event of a legal challenge to this decision, or to a decision made pursuant to the procedure set out in this condition, the operation of the time limits specified in this condition will be suspended until that legal challenge has been finally determined.

- 9) Unless within two months of the date of this decision details of a scheme for securing the permanent closure of the vehicle access gates in the paladin fence, including timescale for implementation, are submitted in writing to the local planning authority for approval, and unless the approved scheme is implemented in accordance with the agreed timescale, the use of the site hereby approved shall cease until such time as a scheme is approved and implemented.

If no scheme in accordance with this condition is approved within three months of the date of this decision, the use of the site shall cease until such time as a scheme approved by the local planning authority is implemented.

Upon implementation of the approved scheme specified in this condition, that scheme shall thereafter be retained.

In the event of a legal challenge to this decision, or to a decision made pursuant to the procedure set out in this condition, the operation of the time limits specified in this condition will be suspended until that legal challenge has been finally determined.

## **END OF SCHEDULE OF CONDITIONS**

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**TITLE OF REPORT:** Planning Appeals

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

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### **Purpose of the Report**

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

### **New Appeals**

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

### **Appeal Decisions**

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

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

This application was a committee decision refused on 18 July 2017.

Appeal allowed 5 April 2018.

Details of the decisions can be found attached to item 6.

### **Appeal Costs**

4. There has been **one** appeal cost decision:

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

The costs have been refused.

Details of the decision can be found attached to item 6 .

### **Outstanding Appeals**

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

### **Recommendation**

6. It is recommended that the Committee note the report

**Contact: Emma Lucas Ext: 3747**

**FINANCIAL IMPLICATIONS**

Nil

**RISK MANAGEMENT IMPLICATIONS**

Nil

**HUMAN RESOURCES IMPLICATIONS**

Nil

**EQUALITY AND DIVERSITY IMPLICATIONS**

Nil

**CRIME AND DISORDER IMPLICATIONS**

Nil

**SUSTAINABILITY IMPLICATIONS**

Nil

**HUMAN RIGHTS IMPLICATIONS**

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

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

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

**WARD IMPLICATIONS**

Various wards have decisions affecting them in Appendix 3

**BACKGROUND INFORMATION**

Start letters and decision letters from the Planning Inspectorate

**APPENDIX 2**

**OUTSTANDING APPEALS**

<b>Planning Application No</b>	<b>Appeal Site (Ward)</b>	<b>Subject</b>	<b>Appeal Type</b>	<b>Appeal Status</b>
DC/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 Allowed
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



DC/17/00654/HHA	257 Coatsworth Road Bensham Gateshead NE8 4LJ	Rear Extension	Written	Appeal in Progress
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**REPORT TO PLANNING AND DEVELOPMENT COMMITTEE**

9 May 2018

**TITLE OF REPORT:** **Planning Obligations**

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

**Purpose of the Report**

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

**Background**

2. To comply with the report of the District Auditor "Probity in Planning" it was agreed that a progress report should be put before the Committee to enable the provision of planning obligations to be monitored more closely.
3. Since the last Committee meeting there have been no new planning obligations.
4. Since the last Committee there have been no new payments received in respect of planning obligations.
5. Details of all the planning obligations with outstanding covenants on behalf of developers and those currently being monitored, can be found at Appendix 2 on the Planning Obligations report on the online papers for Planning and Development Committee for 9 May 2018.

**Recommendations**

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

Contact: Emma Lucas Ext: 3747

**1. FINANCIAL IMPLICATIONS**

Some Section 106 Agreements require a financial payment when a certain trigger is reached and there is a duty on the Council to utilise the financial payments for the purposes stated and within the timescale stated in the agreement.

**2. RISK MANAGEMENT IMPLICATIONS**

Nil

**3. HUMAN RESOURCES IMPLICATIONS**

Nil

**4. EQUALITY AND DIVERSITY IMPLICATIONS**

Nil

**5. CRIME AND DISORDER IMPLICATIONS**

Nil

**6. SUSTAINABILITY IMPLICATIONS**

Nil

**7. HUMAN RIGHTS IMPLICATIONS**

Nil

**8. WARD IMPLICATIONS**

Monitoring: Various wards

**9. BACKGROUND INFORMATION**

The completed Planning Obligations